STATE OF NORTH DAKOTA

# JOURNAL OF THE HOUSE

of the

# Regular Session

of the

# Twenty-sixth Legislative Assembly

## 1939

**January 3rd to March 3rd, Inclusive**

Held in the State Capitol
Bismarck, North Dakota

OSCAR W. HAGEN, Speaker

MINNIE D. CRAIG, Chief Clerk

BISMARCK TRIBUNE
44627

# HOUSE MEMBERS

| Dist. | County | Name | Address |
|---|---|---|---|
| 1. | Pembina | A. Dalzell | Walhalla |
| | | F. Page | Hamilton |
| | | E. Symington | Neche |
| 2. | Pt. Ward | J. M. Joiner | Berthold |
| 3. | Pt. Walsh | Harry O'Brien | Park River |
| | | Palmer Levin | Park River |
| 4. | Pt. Walsh | Donald K. Dike | Grafton |
| 5. | Pt. Grand Forks | K. L. Boulden | Larimore |
| 6. | Pt. Grand Forks | George Saumur | Grand Forks |
| 7. | Pt. Grand Forks | Targie Trydahl | Thompson |
| 8. | Traill | H. W. McInnes | Kelso |
| | | L. C. Odegard | Buxton |
| | | Alva Wambheim | Hatton |
| 9. | Pt. Cass | A. R. Bergesen | Fargo |
| | | K. A. Fitch | Fargo |
| | | Arthur C. Johnson | Fargo |
| | | W. H. Shure | Fargo |
| | | L. L. Twichell | Fargo |
| 10. | Pt. Cass | Theodore G. Buchholz | Durbin |
| | | Otis Nelson | Mapleton |
| 11. | Pt. Cass | Wesley L. Bolmeier | Erie |
| | | Carl H. Dittmer | Leonard |
| 12. | Pt. Richland | J. D. Holthusen | Tyler |
| | | H. C. Mittag | Hankinson |
| 13. | Sargent | O. C. Anderson* | Rutland |
| | | Mal Gainor | DeLamere |
| 14. | Ransom | J. T. Peterson | Englevale |
| | | H. G. Severson | Fort Ransom |
| 15. | Pt. Barnes | S. Oglesby | Wimbledon |
| 16. | Griggs-Steele | Bjorn Fuglestad | Cooperstown |
| | | Steven C. Nelson | Finley |
| | | W. L. Thompson | Hatton |
| 17. | Nelson | P. K. Holm | Pekin |
| | | A. O. Arneson | McVille |
| 18. | Cavalier | W. M. Crockett | Wales |
| | | Mandus Hultstrand | Milton |
| | | Peter Moe | Osnabrock |
| 19. | Rolette | Carl Anfinson | Mylo |
| | | Jacob Urschel | Rolla |
| 20. | Benson | J. M. Anderson | Minnewaukan |
| | | C. H. Hofstrand | Churchs Ferry |
| 21. | Ramsey | C. O. Arneson | Devils Lake |
| | | E. A. Lunde | Lawton |
| | | Harry Stormon | Devils Lake |
| 22. | Towner | D. S. Blair | Maza |
| | | Lester Keller | Bisbee |
| 23. | Stutsman | G. I. Feton | Jamestown |
| | | Frank Fletcher | Jamestown |
| | | P. G. Westby | Jamestown |
| | | Henry Williams | Jamestown |
| 24. | LaMoure | Algot Johnson | Kulm |
| | | Elliott T. Knutson | LaMoure |
| 25. | Dickey | Carl Nelson | Oakes |
| | | W. R. Singleton | Oakes |
| 26. | Emmons | Joseph Glas | Linton |
| | | Anton Larson | Temvik |
| 27. | Burleigh | Joseph Byrne | Bismarck |
| | | Walter E. Sellens | Bismarck |
| | | J. M. Thompson | Wilton |

| Dist. | County | Name | Address |
|---|---|---|---|
| 28. | Bottineau | W. E. Bingenheimer | Newburg |
| | | Duncan Fraser | Omemee |
| | | Peter Peterson | Antler |
| 29. | Pt. Ward | A. W. Benno | Minot |
| | | Brynhild Haugland | Minot |
| | | H. A. Kluver | Minot |
| | | E. C. Stone | Minot |
| 30. | Morton | Robert T. Gray | Mandan |
| | | Gus A. Schauss | Mandan |
| | | Richard E. Wolf | New Salem |
| 31. | Stark | George P. Braun | Dickinson |
| | | E. D. Culver | Dickinson |
| | | Ignatz Sticka* | New England |
| 32. | Eddy-Foster | A. H. Nystrom | Sheyenne |
| | | A. I. Sharpe | Glenfield |
| 33. | Wells | Leonas Myers | Bowdon |
| | | Calvin Schimke | Harvey |
| 34. | McHenry | L. W. Belzer | Balfour |
| | | Andrew Halvorson | Upham |
| | | Fred T. Schmidt | Anamoose |
| 35. | Kidder-Sheridan | John J. Adam | Anamoose |
| | | John A. Schmidt | McClusky |
| 36. | McIntosh-Logan | John Billigmeier | Fredonia |
| | | Ed Haag | Fredonia |
| | | C. P. Ritter | Burnstad |
| 37. | Pt. Richland | Mrs. Geo. Ista | Walcott |
| | | H. C. Williams | Lidgerwood |
| 38. | Pt. Barnes | John N. McIntyre | Valley City |
| 39. | Billings, Bowman, Golden Valley and Slope | H. W. Brown | Beach |
| | | L. K. Morland | Scranton |
| | | Robert Rotering* | New England |
| 40. | Burke-Divide | J. H. Heckman | Alkabo |
| | | 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 | Olaf Ostgulen | Donnybrook |
| 44. | Mountrail | Joseph N. Mollet | Powers Lake |
| | | Theodore O. Rohde | Van Hook |
| 45. | Williams | Carl Erickson | Springbrook |
| | | William Ireland | Corinth |
| | | Iver Solberg | Ray |
| 46. | McLean | Fred Braun | Turtle Lake |
| | | George H. Lange | Turtle Lake |
| | | R. R. Scholl | Washburn |
| 47. | Grant-Sioux | Ralph G. Beede | Elgin |
| | | Dan Panko | McIntosh, S. D. |
| 48. | Mercer, Oliver and Dunn | Nels P. Jensen | Hazen |
| | | Wm. H. Rettke | Beulah |
| | | Harry Semerad | Dickinson |
| 49. | Adams-Hettinger | Geo. Schwartz | Mott |
| | | S. K. Skartvedt | Mott |

*Deceased.

# SENATE MEMBERS

| Dist. | County | Name | Address |
|---|---|---|---|
| 1. | Pembina | Thomas Whelan | St. Thomas |
| 2. | Pt. Ward | Walter Troxel | Berthold |
| 3. | Pt. Walsh | Ed Lian | Fairdale |
| 4. | Pt. Walsh | Rilie R. Morgan | Grafton |
| 5. | Pt. Grand Forks | Oliver Bilden | Northwood |
| 6. | Pt. Grand Forks | Nick N. Nelson | Emerado |
| 7. | Pt. Grand Forks | J. B. Bridston | Grand Forks |
| 8. | Traill | Henry Leum | Mayville |
| 9. | Pt. Cass | Arthur W. Fowler | Fargo |
| 10. | Pt. Cass | Frank H. Beaton | Fargo |
| 11. | Pt. Cass | Wm. Watt | Leonard |
| 12. | Pt. Richland | Wm. J. Braun | Wahpeton |
| 13. | Sargent | A. N. Lavik | Milnor |
| 14. | Ransom | J. L. Flatt | Sheldon |
| 15. | Pt. Barnes | Fred J. Fredrickson | Valley City |
| 16. | Griggs-Steele | C. P. Dahl | Jessie |
| 17. | Nelson | C. S. Aasen | Aneta |
| 18. | Cavalier | Ed. A. Hill | Wales |
| 19. | Rolette | H. G. Guenther | Rolla |
| 20. | Benson | Gust Tweten | Oberon |
| 21. | Ramsey | G. F. Drew | Devils Lake |
| 22. | Towner | B. W. Lemke | Cando |
| 23. | Stutsman | Ben Gilbertson | Jamestown |
| 24. | LaMoure | M. R. Young | Berlin |
| 25. | Dickey | E. Magoffin | Monango |
| 26. | Emmons | E. H. Brant | Linton |
| 27. | Burleigh | James W. Guthrie | Bismarck |
| 28. | Bottineau | Wm. A. Thatcher | Bottineau |
| 29. | Pt. Ward | J. C. Blaisdell, Jr. | Minot |
| 30. | Morton | Philip W. Blank | Mandan |
| 31. | Stark | M. J. Raschko | Dickinson |
| 32. | Eddy-Foster | Otto Topp | Grace City |
| 33. | Wells | R. M. Streibel | Fessenden |
| 34. | McHenry | Martin Olson | Butte |
| 35. | Kidder-Sheridan | C. C. Morrison | Steele |
| 36. | McIntosh-Logan | Robert Greiser | Wishek |
| 37. | Pt. Richland | Andrew Skarvold | Christine |
| 38. | Pt. Barnes | Fred Aandahl | Litchville |
| 39. | Billings, Bowman, Golden Valley and Slope | Gust Wog | Belfield |
| 40. | Burke-Divide | R. A. Owings | Lignite |
| 41. | McKenzie | Hjalmar Nelson | Schafer |
| 42. | Pierce | F. T. Gronvold | Rugby |
| 43. | Renville | W. J. Trout | Sherwood |
| 44. | Mountrail | Axel Olson | Parshall |
| 45. | Williams | Kristian Holl | Wildrose |
| 46. | McLean | E. C. Stucke | Garrison |
| 47. | Grant-Sioux | William Kamrath | Leith |
| 48. | Mercer, Oliver and Dunn | Gottlieb Isaak | Dodge |
| 49. | Adams-Hettinger | Herman Thorson | Bucyrus |

# OFFICERS AND EMPLOYEES

of the

HOUSE OF REPRESENTATIVES OF NORTH DAKOTA

for the

TWENTY-SIXTH LEGISLATIVE ASSEMBLY

1939

| Position | Name | Home Address |
|---|---|---|
| Chief Clerk | Minnie D. Craig | Esmond |
| First Assistant | Albert Peterson | Washburn |
| Second Assistant | E. O. Waydeman | Anamoose |
| Desk Reporter | Marie Garske | Bismarck |
| Sergeant-at-Arms | Edw. Savre | Cooperstown |
| Assistant Sergeant-at-Arms | C. E. Erickson | Crosby |
| Stenographer | Clara A. Kane | Fargo |
| Stenographer | Marie Tunel | Fargo |
| Stenographer | Pearl Lerfald | Maxbass |
| Stenographer | Evelyn Anderson | Bismarck |
| Stenographer | Corine Emme | Minot |
| Stenographer | Dorothy Witcik | Fargo |
| Stenographer | Adeline Orvik | Northwood |
| Stenographer | Agnes Zeigler | Garrison |
| Stenographer (part time) | Helen Brastrup | Bismarck |
| Bill Clerk | Walter Bubel | Center |
| Bill Room Clerk | Henry O. Lundene | Adams |
| Voucher Clerk | Howard Crockett | Wales |
| Enrolling and Engrossing Clerk | Arnold E. Banse | Perth |
| Assistant Enrolling and Engrossing Clerk | William M. Dohn | Bismarck |
| Calendar Clerk | A. O. Haugerud | Stanley |
| Postmaster | F. J. Haines | Stanley |
| Assistant Postmistress | Viola Erickson | Buxton |
| Page | Kenneth Morgan | Walcott |
| Page | Wesley Belter | Davenport |
| Page | O'Neil Maasjo | Valley City |
| Page | Walter Radke | Heaton |
| Page and Assistant Bill Clerk | Oscar Wahlund | Cogswell |
| Telephone Operator | Elsbeth Godwin | Mandan |
| Cloak Room Attendant | Nellie Larson | Pingree |
| Cloak Room Attendant | Joe Bohn | Verendrye |
| Cloak Room Attendant | Oscar Nelson | Lakota |
| Proofreader | Helmer Twito | Bismarck |
| Assistant Proofreader | Arnold Fuchs | Grand Forks |
| Mailing Clerk | A. R. Powers | Thunder Hawk, S. Dak. |
| Assistant Mailing Clerk | Joe Kratochvil | Lankin |
| Assistant Mailing Clerk | Albert Schmalenberger | Hebron |
| Assistant Mailing Clerk | Kasimir Schmalz | Killdeer |
| Messenger to the Governor | O. T. Haakenson | Bismarck |
| Head Janitor | Gust Edlund | Powers Lake |
| Janitor | Anton Thiel | Kenmare |
| Janitor | Martin Olson | New England |
| Janitor | Philip Himmerick, Sr. | Napoleon |
| Janitor | Steafon Volk | Linton |

OFFICERS AND EMPLOYEES (Continued)

| Position | Name | Home Address |
|---|---|---|
| Janitor (part time) | Jacob G. Kreuger | Kief |
| Janitor (part time) | John J. Dockter | Martin |
| Doorkeeper, Main Door, Outside | Erik Westberg | Douglas |
| Doorkeeper, Main Door, Inside | R. A. Dotzenrod | Wyndmere |
| Doorkeeper, West Side | Nels Quale | Charlson |
| Doorkeeper, West, Upstairs | Dominik Goetz | Sweet Briar |
| Doorkeeper, East, Upstairs | Wm. Holmquist | Reeder |
| Night Watchman | M. J. Burns | Sherwood |
| Committee Clerk | Nick A. Schall | Orrin |
| Clerk, State Affairs | R. H. Haaven | Langdon |
| Clerk | Morris Larson | Heimdahl |
| Clerk | John G. Nelson | Fullerton |
| Clerk | R. C. Stubbs | Center |
| Clerk | Len A. Schneider | Fargo |
| Clerk | B. J. Anderson | Minot |

# MEMBERS OF HOUSE, 1939

| Dist. | NAME | ADDRESS | OCCUPATION | MARRIED or SINGLE | WHERE BORN | WHEN BORN | SESSIONS ATTENDED |
|---|---|---|---|---|---|---|---|
| 1 | Dalzell, Alex | Walhalla | Farmer | Married | North Dakota | 1894 | 1935 to 1939 |
| 1 | Page, Franklin | Hamilton | Farmer, Banker | Married | North Dakota | 1890 | 1935 to 1939 |
| 1 | Symington, Earl D. | Neche | Farmer | Married | North Dakota | 1893 | 1933 to 1939 |
| 2 | Joiner, J. M. | Berthold | Farmer | Married | Florida | 1886 | 1939 |
| 3 | Levin, Palmer | Park River | Farmer | Married | North Dakota | 1893 | 1935 to 1939 |
| 3 | O'Brien, Harry | Park River | Publisher | Married | North Dakota | 1895 | 1935 to 1939 |
| 4 | Dike, Donald K. | Grafton | Farmer | Married | North Dakota | 1890 | 1939 |
| 5 | Boulden, K. L. | Larimore | Farmer | Married | Wisconsin | 1879 | 1939 |
| 6 | Saumur, George H. | Grand Forks | Farmer | Married | North Dakota | 1892 | 1935 to 1939 |
| 7 | Trydahl, Targie | Thompson | Blacksmith | Married | Norway | 1883 | 1937, 1939 |
| 8 | McInnes, H. W. | Kelso | Farmer | Married | North Dakota | 1885 | 1933 to 1939 |
| 8 | Odegard, L. C. | Buxton | Farmer | Married | Iowa | 1877 | 1933 to 1939 |
| 8 | Wambheim, Alva | Hatton | Farmer | Single | North Dakota | 1898 | 1939 |
| 9 | Bergesen, A. R. | Fargo | Lawyer | Married | Illinois | 1890 | 1939 |
| 9 | Fitch, K. A. | Fargo | Insurance Broker | Married | North Dakota | 1899 | 1931, 1933, 1937, 1939 |
| 9 | Johnson, Art C. | Fargo | Contractor | Married | North Dakota | 1891 | 1933, 1937, 1939 |
| 9 | Shure, W. H. | Fargo | Lawyer | Married | Illinois | 1886 | 1937, 1939 |
| 9 | Twichell, L. L. | Fargo | Lawyer | Single | Minnesota | 1872 | 1913 to 1939 |
| 10 | Buchholz, T. G. | Durbin | Farmer | Single | North Dakota | 1881 | 1939 |
| 10 | Nelson, Otis | Mapleton | Farmer | Married | Minnesota | 1886 | 1937, 1939 |
| 11 | Bolmeier, Wesley L. | Erie | Merchant | Married | North Dakota | 1902 | 1939 |
| 11 | Dittmer, Carl H. | Leonard | Farmer | Married | North Dakota | 1889 | 1933 to 1939 |
| 12 | J. D. Holthusen | Tyler | Farmer | Married | North Dakota | 1881 | 1927 to 1939 |
| 12 | Mittag, H. C. | Hankinson | Farmer | Married | North Dakota | 1885 | 1939 |
| 13 | Gainor, Mal | DeLamere | Farmer | Married | Minnesota | 1875 | 1939 |
| 14 | Peterson, J. T. | Englevale | Merchant | Married | Iowa | 1871 | 1939 |
| 11 | Severson, H. G. | Fort Ransom | Farmer | Married | Rhode Island | 1896 | 1937, 1939 |

## MEMBERS OF THE HOUSE, 1939—(Continued)

| Dist. | NAME | ADDRESS | OCCUPATION | MARRIED or SINGLE | WHERE BORN | WHEN BORN | SESSIONS ATTENDED |
|---|---|---|---|---|---|---|---|
| 15 | Oglesby, S. | Wimbledon | Farmer | Married | Canada | 1865 | 1933 to 1939 |
| 16 | Fuglestad, Bjorn | Cooperstown | Farmer | Single | North Dakota | 1894 | 1933, 1939 |
| 16 | Nelson, Steven C. | Finley | Farmer | Married | North Dakota | 1886 | 1939 |
| 16 | Thompson, W. L. | Hatton | Farmer and Merchant | Married | North Dakota | 1889 | 1939 |
| 17 | Holm, P. K. | Pekin | Farmer | Married | Norway | 1875 | 1937, 1939 |
| 17 | Arneson, A. O. | McVille | Medical Doctor | Married | Minnesota | 1879 | 1939 |
| 18 | Crockett, W. M. | Wales | Farmer | Married | North Dakota | 1894 | 1931, 1933, 1935, 1939 |
| 18 | Hultstrand, Mandus | Milton | Farmer | Married | North Dakota | 1885 | 1937, 1939 |
| 18 | Moe, Peter | Osnabrock | Farmer | Married | Norway | 1875 | 1939 |
| 19 | Anfinson, Carl | Mylo | Farmer | Married | North Dakota | 1879 | 1929 to 1939 |
| 19 | Urschel, Jacob | St. John | Farmer | Single | Nebraska | 1887 | 1935 to 1939 |
| 20 | Anderson, J. M. | Minnewaukan | Cafe Owner | Married | Minnesota | 1877 | 1907, 1939 |
| 20 | Hofstrand, C. H. | Churchs Ferry | Veterinarian | Married | North Dakota | 1890 | 1937, 1939 |
| 21 | Arneson, C. O. | Devils Lake | Farmer | Married | Wisconsin | 1888 | 1933, 1939 |
| 21 | Lunde, E. A. | Lawton | Hardware Merchant | Married | Minnesota | 1873 | 1931, 1939 |
| 21 | Stormon, Harry | Devils Lake | Farmer | Married | North Dakota | 1892 | 1939 |
| 22 | Blair, D. S. | Maza | Farmer | Married | Ontario | 1881 | 1937, 1939 |
| 22 | Keller, Lester | Bisbee | Farmer | Married | Ohio | 1886 | 1939 |
| 23 | Feton, G. I. | Jamestown | Lumber Man | Married | Minnesota | 1876 | 1939 |
| 23 | Fletcher, Frank | Jamestown | Farmer | Married | Canada | 1876 | 1939 |
| 23 | Westby, P. G. | Jamestown | Railroad Conductor | Married | Norway | 1889 | 1939 |
| 23 | Williams, Henry | Jamestown | Farmer | Married | Minnesota | 1864 | 1939 |
| 24 | Knutson, Elliott T. | LaMoure | Business Man | Single | North Dakota | 1892 | 1937, 1939 |
| 24 | Johnson, Algot | Kulm | Farmer | Single | North Dakota | 1897 | 1939 |
| 25 | Nelson, Carl | Oakes | Farmer | Married | Sweden | 1885 | 1939 |
| 25 | Singleton, W. R. | Oakes | Farmer | Married | Canada | 1872 | 1939 |
| 26 | Glas, Joseph | Linton | Farmer | Married | Russia | 1878 | 1939 |
| 26 | Larson, Anton | Temvik | Farmer | Married | Norway | 1874 | 1939 |

## MEMBERS OF THE HOUSE, 1939—(Continued)

| Dist. | NAME | ADDRESS | OCCUPATION | MARRIED or SINGLE | WHERE BORN | WHEN BORN | SESSIONS ATTENDED |
|---|---|---|---|---|---|---|---|
| 27 | Byrne, Joseph D. | Bismarck | Insurance | Single | North Dakota | 1914 | 1937, 1939 |
| 27 | Sellens, Walter E. | Bismarck | Farmer | Married | Missouri | 1876 | 1939 |
| 27 | Thompson, J. M. | Wilton | Farmer | Married | Iowa | 1864 | 1925 to 1939 |
| 28 | Peterson, Peter | Antler | Farmer | Married | Minnesota | 1878 | 1933 to 1939 |
| 28 | Bingenheimer, W. E. | Newburg | Farmer | Married | Minnesota | 1885 | 1939 |
| 28 | Fraser, Duncan | Omemee | Farmer | Married | North Dakota | 1890 | 1939 |
| 29 | Benno, W. W. | Minot | Farmer | Married | Minnesota | 1888 | 1937, 1939 |
| 29 | Haugland, Brynhild | Minot | Farmer | Single | North Dakota | 1905 | 1939 |
| 29 | Kluver, H. A. | Minot | Car Dealer | Married | Iowa | 1878 | 1939 |
| 29 | Stone, E. C. | Minot | Doctor | Married | Minnesota | 1875 | 1939 |
| 30 | Gray, Robert T. | Mandan | Railroad Man | Married | Minnesota | 1896 | 1939 |
| 30 | Schauss, Gus A. | Mandan | Farmer | Married | North Dakota | 1891 | 1933 to 1939 |
| 30 | Wolf, Richard E. | New Salem | Farmer | Married | Germany | 1885 | 1939 |
| 31 | Braun, George P. | Dickinson | Farmer | Married | North Dakota | 1907 | 1939 |
| 31 | Culver, E. D. | Dickinson | Farmer | Married | Wisconsin | 1883 | 1939 |
| 31 | Sticka, Ignatz | New England | Farmer | Married | Russia | 1870 | 1933, 1937, 1939 |
| 32 | Nystrom, A. H. | Sheyenne | Farmer | Married | North Dakota | 1898 | 1939 |
| 32 | Sharpe, A. I. | Glenfield | Grain and Lumber Dealer | Married | Norway | 1886 | 1939 |
| 33 | Myers, Leonas | Bowdon | Farmer | Married | Kansas | 1887 | 1935 to 1939 |
| 33 | Schimke, Calvin | Harvey | Farmer | Married | North Dakota | 1899 | 1937, 1939 |
| 34 | Belzer, L. W. | Balfour | Farmer | Married | Iowa | 1894 | 1939 |
| 34 | Halvorson, Andrew | Upham | Farmer | Single | North Dakota | 1903 | 1939 |
| 34 | Schmidt, Fred T. | Anamoose | Farmer | Married | North Dakota | 1902 | 1939 |
| 35 | Adam, John J. | Anamoose | Farmer | Married | Roumania | 1877 | 1935 to 1939 |
| 35 | Schmidt, John A. | McClusky | Farmer | Married | Russia | 1890 | 1939 |
| 36 | Billigmeier, John | Fredonia | Farmer | Married | Russia | 1884 | 1937, 1939 |
| 36 | Haag, Ed. | Fredonia | Farmer | Single | North Dakota | 1901 | 1939 |
| 36 | Ritter, C. P. | Burnstad | Farmer | Married | Russia | 1894 | 1935 to 1939 |

## MEMBERS OF THE HOUSE, 1939—(Continued)

| Dist. | NAME | ADDRESS | OCCUPATION | MARRIED or SINGLE | WHERE BORN | WHEN BORN | SESSIONS ATTENDED |
|---|---|---|---|---|---|---|---|
| 37 | Ista, Mrs. George | Walcott | Farmer's Wife | Married | Minnesota | 1891 | 1939 |
| 37 | Williams, H. C. | Lidgerwood | Farmer | Married | Minnesota | 1876 | 1935 to 1939 |
| 38 | McIntyre, John N. | Valley City | Farmer | Married | Minnesota | 1876 | 1939 |
| 39 | Brown, H. W. | Beach | Farmer | Married | Minnesota | 1879 | 1937, 1939 |
| 39 | Morland, L. K. | Scranton | Farmer | Married | Norway | 1887 | 1937, 1939 |
| 40 | Heckman, J. H. | Alkabo | Farmer | Married | Canada | 1879 | 1939 |
| 40 | McIntee, Ed. | Northgate | Farmer | Married | Minnesota | 1877 | 1937, 1939 |
| 40 | Rait, Robert | Kermit | Farmer | Married | Scotland | 1874 | 1937, 1939 |
| 41 | Anderson, Bernt | Charlson | Farmer | Married | Norway | 1886 | 1937, 1939 |
| 41 | Hagen, Oscar W. | Watford City | Farmer | Married | North Dakota | 1884 | 1937, 1939 |
| 42 | Sand, Paul | Balta | Former Merchant | Married | Minnesota | 1884 | 1935 to 1939 |
| 42 | Tuff, Wm. H. | Barton | Farmer | Married | Canada | 1880 | 1935 to 1939 |
| 43 | Ostgulen, Olaf | Donnybrook | Farmer | Married | Norway | 1879 | 1939 |
| 44 | Mollet, Joseph N. | Powers Lake | Farmer | Married | Missouri | 1884 | 1939 |
| 44 | Rohde, Theodore O. | Van Hook | Farmer | Married | Wisconsin | 1896 | 1939 |
| 45 | Erickson, Carl | Springbrook | Farmer | Married | Iowa | 1870 | 1939 |
| 45 | Ireland, William | Corinth | Farmer | Married | Iowa | 1882 | 1937, 1939 |
| 45 | Solberg, Iver | Ray | Farmer | Married | North Dakota | 1904 | 1937, 1939 |
| 46 | Braun, Fred | Turtle Lake | Farmer | Married | Russia | 1882 | 1939 |
| 46 | Lange, George H. | Turtle Lake | Oil Co. Operator | Married | Minnesota | 1898 | 1939 |
| 46 | Scholl, R. R. | Washburn | Farmer | Married | Iowa | 1891 | 1931, 1933, 1935, 1939 |
| 47 | Beede, Ralph G. | Elgin | Newspaper Man and Lawyer | Married | South Dakota | 1895 | 1939 |
| 47 | Panko, Dan | McIntosh, S. D. | Farmer | Married | Ukrania | 1896 | 1939 |
| 48 | Jenson, Nels P. | Hazen | Farmer | Married | Denmark | 1879 | 1933 to 1939 |
| 48 | Rettke, Wm. | Beulah | Farmer | Married | Germany | 1878 | 1939 |
| 48 | Semerad, Harry | Dickinson | Farmer | Married | North Dakota | 1902 | 1937, 1939 |
| 49 | Schwartz, George | Mott | Farmer | Married | South Dakota | 1884 | 1939 |
| 49 | Skartvedt, S. K. | Mott | Farmer | Married | South Dakota | 1895 | 1939 |

# ERRATA

On the bottom of Page 65, the name "Nick A. Schall, Clerk" should be added.

Line 5, Page 55, insert a line "Robert Rait, Chairman."

Page 175, following "First Reading of Senate Bills," strike out "Mr. Beaton introduced."

Page 234, House Bill 56 should be listed among the bills sent to the Senate for signing.

Page 319, insert among the Bills having their first reading, "House Bill 170," and pick up title, "Introduced by Stone and Anderson of Benson."

Page 328, House Bills 64 and 99 with their titles should be listed in the "Message to the Senate."

Page 383, C. P. Ritter should be signed as "Acting Chairman."

Page 677, 17 lines from the top of the page, following the word "money," add the following words: "by having a safety inspector."

Page 539, line 3, "House Bill 43" should be "Senate Bill 43."

Page 887, "House Bill 341" should be included among the engrossed bills.

Page 886, directly following the report on House Bill 195, insert "K. A. Fitch, Chairman."

Page 952, "Senate Bill 126" should be "Senate Bill 26, rereferred to the Committee on Taxes and Tax Laws."

Page 1001, insert at the 5th line from the top of the page, "Rep. Page moved the adoption of the report of the Committee of the Whole, which motion prevailed."

Pages 1231 to 1232, House Bills 396 to 210, inclusive, were returned "unchanged" instead of "amended" as shown in Journal.

Also Page 1232, House Bill 263 was returned "unchanged."

Page 1359, bottom of the page, "Senate Bill 249" should be "House Bill 249."

Page 1409 all reference to House Concurrent Resolution 229 should be stricken out.

Page 1430, "Senate message to the House," the first three bills and their titles should be Senate Bills 82, 281 and 258.

Page 1478, the last bill should have been "Senate Bill 140" instead of "House Bill 140."

Page 1481, strike out the words in line 3, "For the Speaker to sign."

Page 1400, "Senate Bill 256" came to the House for the Speaker to sign.

Page 1469, between House Bill 194 and House Bill 175, insert "House Bill 105, and its title, which the Speaker has signed."

Page 1561, insert, "Senate Bill 82, and title, which the Speaker has signed."

Buy "Dakota Maid" Flour

# Journal of the House

Twenty-sixth Legislative Assembly

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## FIRST DAY

House of Representatives
Bismarck, North Dakota
January 3, 1939

At the hour of twelve o'clock, Meridian, the third day of January, 1939, being the day and hour designated by law for the convening of the Legislative Assembly of the State of North Dakota, the members-elect of the House of Representatives of the Twenty-Sixth Legislative Assembly, assembled in the House Chamber in the State Capitol Building at Bismarck, North Dakota, and were called to order by Minnie D. Craig, Chief Clerk of the House of Representatives of the Twenty-fifth Legislative Assembly of the State of North Dakota.

The following communication, being the list of the qualified members as certified to by the Secretary of State, was read:

DEPARTMENT OF STATE
Bismarck, North Dakota

January 3, 1939

Clerk of the House of Representatives
Twenty-sixth Legislative Assembly
Bismarck, North Dakota

Dear Madam:

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 House of Representatives of the Twenty-sixth Legislative Assembly of the State of North Dakota.

| Dist. | County | Name | Address |
|---|---|---|---|
| 1. | Pembina | A. Dalzell | Walhalla |
| | | F. Page | Hamilton |
| | | E. Symington | Neche |
| 2. | Pt. Ward | J. M. Joiner | Berthold |
| 3. | Pt. Walsh | Harry O'Brien | Park River |
| | | Palmer Levin | Park River |
| 4. | Pt. Walsh | Donald K. Dike | Grafton |

| Dist. | County | Name | Address |
|---|---|---|---|
| 5. | Pt. Grand Forks | K. L. Boulden | Larimore |
| 6. | Pt. Grand Forks | George Saumur | Grand Forks |
| 7. | Pt. Grand Forks | Targie Trydahl | Thompson |
| 8. | Traill | H. W. McInnes | Kelso |
| | | L. C. Odegard | Buxton |
| | | Alva Wambheim | Hatton |
| 9. | Pt. Cass | A. R. Bergesen | Fargo |
| | | K. A. Fitch | Fargo |
| | | Arthur C. Johnson | Fargo |
| | | W. H. Shure | Fargo |
| | | L. L. Twichell | Fargo |
| 10. | Pt. Cass | Theodore G. Buchholz | Durbin |
| | | Otis Nelson | Mapleton |
| 11. | Pt. Cass | Wesley L. Bolmeier | Erie |
| | | Carl H. Dittmer | Leonard |
| 12. | Pt. Richland | J. D. Holthusen | Tyler |
| | | H. C. Mittag | Hankinson |
| 13. | Sargent | O. C. Anderson* | Rutland |
| | | Mal Gainor | DeLamere |
| 14. | Ransom | J. T. Peterson | Englevale |
| | | H. G. Severson | Fort Ransom |
| 15. | Pt. Barnes | S. Oglesby | Wimbledon |
| 16. | Griggs-Steele | Bjorn Fuglestad | Cooperstown |
| | | Steven C. Nelson | Finley |
| | | W. L. Thompson | Hatton |
| 17. | Nelson | P. K. Holm | Pekin |
| | | A. O. Arneson | McVille |
| 18. | Cavalier | W. M. Crockett | Wales |
| | | Mandus Hultstrand | Milton |
| | | Peter Moe | Osnabrock |
| 19. | Rolette | Carl Anfinson | Mylo |
| | | Jacob Urschel | Rolla |
| 20. | Benson | J. M. Anderson | Minnewaukan |
| | | C. H. Hofstrand | Churchs Ferry |
| 21. | Ramsey | C. O. Arneson | Devils Lake |
| | | E. A. Lunde | Lawton |
| | | Harry Stormon | Devils Lake |
| 22. | Towner | D. S. Blair | Maza |
| | | Lester Keller | Bisbee |
| 23. | Stutsman | G. I. Feton | Jamestown |
| | | Frank Fletcher | Jamestown |
| | | P. G. Westby | Jamestown |
| | | Henry Williams | Jamestown |
| 24. | LaMoure | Algot Johnson | Kulm |
| | | Elliott T. Knutson | LaMoure |
| 25. | Dickey | Carl Nelson | Oakes |
| | | W. R. Singleton | Oakes |
| 26. | Emmons | Joseph Glass | Linton |
| | | Anton Larson | Temvik |
| 27. | Burleigh | Joseph Byrne | Bismarck |
| | | Walter E. Sellens | Bismarck |
| | | J. M. Thompson | Wilton |
| 28. | Bottineau | W. E. Bingenheimer | Newburg |
| | | Duncan Fraser | Omemee |
| | | Peter Peterson | Antler |

*Deceased.

| Dist. | County | Name | Address |
|---|---|---|---|
| 29. | Pt. Ward | A. W. Benno | Minot |
| | | Brynhild Haugland | Minot |
| | | H. A. Kluver | Minot |
| | | E. C. Stone | Minot |
| 30. | Morton | Robert T. Gray | Mandan |
| | | Gus A. Schauss | Mandan |
| | | Richard E. Wolf | New Salem |
| 31. | Stark | George P. Braun | Dickinson |
| | | E. D. Culver | Dickinson |
| | | Ignatz Sticka | New England |
| 32. | Eddy-Foster | A. H. Nystrom | Sheyenne |
| | | A. I. Sharpe | Glenfield |
| 33. | Wells | Leonas Myers | Bowdon |
| | | Calvin Schimke | Harvey |
| 34. | McHenry | L. W. Belzer | Balfour |
| | | Andrew Halvorson | Upham |
| | | Fred T. Schmidt | Anamoose |
| 35. | Kidder-Sheridan | John J. Adam | Anamoose |
| | | John A. Schmidt | McClusky |
| 36. | McIntosh-Logan | John Billigmeier | Fredonia |
| | | Ed Haag | Fredonia |
| | | C. P. Ritter | Burnstad |
| 37. | Pt. Richland | Mrs. Geo. Ista | Walcott |
| | | H. C. Williams | Lidgerwood |
| 38. | Pt. Barnes | John N. McIntyre | Valley City |
| 39. | Billings, Bowman, Golden Valley and Slope | H. W. Brown | Beach |
| | | L. K. Morland | Scranton |
| | | Robert Rotering | New England |
| 40. | Burke-Divide | J. H. Heckman | Alkabo |
| | | 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 | Olaf Ostgulen | Donnybrook |
| 44. | Mountrail | Joseph N. Mollett | Powers Lake |
| | | Theodore O. Rohde | Van Hook |
| 45. | Williams | Carl Erickson | Springbrook |
| | | William Ireland | Corinth |
| | | Iver Solberg | Ray |
| 46. | McLean | Fred Braun | Turtle Lake |
| | | George H. Lange | Turtle Lake |
| | | R. R. Scholl | Washburn |
| 47. | Grant-Sioux | Ralph G. Beede | Elgin |
| | | Dan Panko | McIntosh, S. D. |
| 48. | Mercer, Oliver and Dunn | Nels P. Jensen | Hazen |
| | | Wm. H. Rettke | Beulah |
| | | Harry Semerad | Dickinson |
| 49. | Adams-Hettinger | Geo. Schwartz | Mott |
| | | S. K. Skartvedt | Mott |

In Witness Whereof, I have hereunto set my hand and af-

fixed the Great Seal of the State of North Dakota, this 3rd day of January, A. D., 1939.

JAMES D. GRONNA
Secretary of State

(SEAL)

The further communication from the Secretary of State, as follows, was read:

December 30, 1938

The Clerk of the House of Representatives
Twenty-sixth Legislative Assembly
Bismarck, North Dakota

Dear Madam:

Please be advised that there is on file with this Department, under the dates listed, the following instruments in connection with Legislative Contests:

**Thirty-second Legislative District:**

Carl H. Pewe, Contestant
vs.
A. H. Nystrom and A. I. Sharpe, Contestees

Notice of Contest and Affidavit of Service by Contestant filed December 16, 1938; also, Affidavit of Service, Affidavit of Mailing, and Answer of Contestees filed December 27, 1938.

**Thirty-second Legislative District.**

Philip Allmaras, Contestant
vs.
A. H. Nystrom and A. I. Sharpe, Contestees.

Notice of Contest and Affidavit of Service by Contestant filed December 16, 1938; also, Affidavit of Service, Affidavit of Mailing, and Answer of Contestants filed December 27, 1938.

These instruments will remain on file in this department subject to orders of the House of Representatives.

Yours very truly

JAMES D. GRONNA
Secretary of State

The roll was called, and there were 111 members present, Representative Moe being absent, (Anderson, Sargent, deceased) so a quorum was declared present.

Mr. Schimke moved that the Chief Clerk appoint a committee of three to escort the Chief Justice of the State Supreme Court to the rostrum.

Which motion prevailed.

The Chief Clerk appointed Representatives Schimke, Holthusen and Ireland to escort Chief Justice Nuessle to the rostrum.

The Chief Justice was escorted to the rostrum, and administered the oath of office to the members of the House of Representatives.

Rev. Opie S. Rindahl of Bismarck offered prayer.

The Chief Clerk announced that the first order of business would be the election of a Speaker to preside over the House during the session, and that nominations were now in order.

Representative Anderson of McKenzie, in presenting the name of Oscar W. Hagen, Representative from McKenzie County, spoke as follows:

"I would like to place in nomination for Speaker of this House, a man that is very well known all over the state; to the old members of this House he needs no introduction;

And for the benefit of the new members I wish to state that I have known him for a good many years.

He was born in this state, and has lived here practically all his life; he is a farmer; well educated; fair in all his dealings; and has always fought for the interests of the common people.

He served in this House last session and was re-elected by a big majority again—so he is well thought of by his constituents.

He is well qualified for the job as Presiding officer of this House.

I wish to present to you the name of Oscar Hagen of McKenzie County."

Representative Ireland of Williams County, in presenting the name of Earl D. Symington, Representative from Pembina County, spoke as follows:

"I have in mind the name of a gentleman in this body who is qualified to preside over the deliberations of this body. He has been a member of this House since 1933. This gentleman is a farmer, an ex-service man, a member of the Farmers Union, and if elected I am sure will be honest and fair and will be satisfactory to all the different factions of this House. I don't know this man's politics—I don't believe he has any. I believe he is here to do the best he can for the State of North Dakota, and at this time I wish to place in nomination the name of Earl D. Symington for Speaker of this House."

Representative Anderson of Benson:

"As Representative from Benson County, Twentieth District, I take pleasure in seconding the nomination of Oscar Hagen for Speaker of this House. The end of all government is justice—justice to the individual, justice to the minority, and justice to the majority. Those who are in the majority can force justice for themselves. This is not true of the minority. I have oftentimes found myself with the minority, and I know it is a hard lot. I know also that the reason I have been with the minority is due largely to my faulty ways of thinking. In the event that our Speaker is elected, and our

issue prevails, I can assure you that this man will do justice to all factions, justice to the individual members, and justice to the minority, and therefore hope Mr. Hagen's nomination will prevail."

Representative Myers of Wells County:

"I wish to also endorse the nomination of Oscar Hagen for Speaker. I have known Oscar Hagen for a considerable length of time. I have found him always to be fair-minded, honest, capable, hardworking and conscientious, a man who understands the problems confronting the State of North Dakota at the present time, and one who will be fair in all the decisions resting upon the man who is elected as Speaker of this House, and I take great pleasure in seconding the nomination of Oscar Hagen for Speaker."

Representative Ista of Richland County:

"As Representative from the Thirty-seventh District, Richland County, and the home of Oscar Hagen, and my neighbors are Mr. Hagen's relations, I too take pleasure in saying that I would like to see Oscar Hagen as Speaker of the House."

Representative Beede of Grant and Sioux Counties:

"As a green member from Grant and Sioux I feel highly honored as my first act in this Legislature to rise and second the nomination of Oscar Hagen. The people in my district, like the people in the other districts, are looking with desperate hope to some help from this Legislature. I feel that in Mr. Hagen we have a man who appreciates fully the needs and the problems of this state. I feel that he sympathizes to the utmost with the difficulties of the farmers and the citizens of this state. I feel that he will conduct his office with a great degree of fairness and impartiality so that the best efforts of this body can be directed toward bringing help to our state and the citizens of our state, and I hope that the nomination of Mr. Hagen will prevail."

Representative Oglesby of Barnes County:

"I wish at this time to second the nomination of Mr. Earl Symington. I have sat with him now this will be the fourth session, and I think if ever there was a time in this state when we needed this man it is at this session, and I take great pleasure at this time in seconding the nomination of Earl Symington."

Representative Dike of Walsh County:

"I may be a black sheep in this House. Both of these two men have been of the same political faith as myself. What is wrong with that faith? The leadership which it has had in the last few years. To destroy that leadership and put us on a sound basis again, we have left the choice between one who is still admittedly an adherent of that leadership, and one who is ready to overthrow that leadership. I challenge either of these men to contest that statement. And on that basis I declare that for the best interests of North Dakota

I believe that we should elect as Speaker of this House, Mr. Symington."

Representative Scholl moved that the nominations be closed.

Which motion prevailed.

ROLL CALL

The question being on the election of Speaker, the roll was called and there were 58 votes for Hagen, 52 votes for Symington, 2 passing and 1 absent and not voting.

Those voting for Representative Hagen were:

| Messrs. | Messrs. | Messrs. |
|---|---|---|
| Adam | Hofstrand | Peterson,Bottineau |
| Anderson, Benson | Hultstrand | Rait |
| Anderson,M'K'nzie | Ista | Rettke |
| Anfinson | Jensen | Ritter |
| Beede | Johnson, LaMoure | Rohde |
| Belzer | Joiner | Rotering |
| Billigmeier | Keller | Sand |
| Bingenheimer | Knutson | Schauss |
| Braun, McLean | Lange | Schmidt, McHenry |
| Buchholz | Levin | Schmidt, Sheridan |
| Crockett | McIntee | Schimke |
| Dittmer | McIntyre | Scholl |
| Erickson | Myers | Schwartz |
| Fletcher | Mittag | Semerad |
| Fraser | Mollett | Sticka |
| Glass | Nelson, Dickey | Tuff |
| Gray | Odegard | Urschel |
| Haag | Ostgulen | Williams,Richland |
| Halvorson | Panko | Wolf |
| Heckman | | |

Those voting for Representative Symington were:

| Messrs. | Messrs. | Messrs. |
|---|---|---|
| Arneson, Nelson | Holm | Saumur |
| Arneson, Ramsey | Holthusen | Sellens |
| Benno | Ireland | Severson |
| Bergesen | Johnson, Cass | Sharpe |
| Blair | Kluver | Shure |
| Bolmeier | Larson | Singleton |
| Boulden | Lunde | Skartvedt |
| Braun, Stark | McInnes | Solberg |
| Brown | Moe | Stone |
| Byrne | Morland | Stormon |
| Culver | Nelson, Cass | Thompson, Burl'gh |
| Dalzell | Nelson, Steele | Thompson, Steele |
| Dike | Nystrom | Trydahl |
| Feton | O'Brien | Twichell |
| Fitch | Oglesby | Wambheim |
| Fuglestad | Page | Westby |
| Gainor | Peterson, Ransom | Williams, Stutsm'n |
| Haugland | | |

Passed:

| Messrs. | Messrs. |
|---|---|
| Hagen | Symington |

Absent and not voting:

Anderson—Sargent (Deceased).

So Representative Oscar W. Hagen of McKenzie County was declared elected as Speaker.

Representative Twichell asked for a verification of Roll Call, which request was complied with.

Representative Scholl moved that a committee of three be appointed to escort the Speaker to the rostrum.

Which motion prevailed.

The Chief Clerk appointed Representatives Scholl, O'Brien and Ritter, and the committee escorted Speaker-elect Hagen to the rostrum, where Chief Justice Nuessle administered the oath of office.

Speaker Hagen addressed the assembly as follows:

"Members of this Assembly, and friends: I want to assure you that I appreciate the honor that you have just bestowed upon me, and that I will try to the best of my ability to give you the kind of service that you deserve. I know we have many big problems waiting to be solved. We have hundreds and thousands of people in the state on relief. Our schools are in bad shape. We have a lot of work to do, and it is my sincere hope that we can get together, and I really believe we can. I believe the men and women in this Assembly will get together, that we will get together with our new governor, and all work hand in hand to solve the problems for North Dakota, and I want to again thank you very sincerely for this high honor."

Representatives Nystrom and Sharpe, whose elections are being contested, were administered the oath of office by Chief Justice Nuessle.

The Speaker announced that nominations were in order for the office of Chief Clerk.

Anderson of Benson:

"I take pleasure in placing in nomination a person who has had previous experience in this line of work. The position of Chief Clerk requires technical skill. That person must keep all the records of the actions of this House, must supervise the help, must index the Journal, so I say this work is decidedly technical. The party I am about to name has served six terms as a member of this House, served one term as Speaker, one term as Chief Clerk. She is decidedly fitted for this position, and I take great pleasure at this time in placing in nomination the name of Minnie D. Craig, Chief Clerk. Mrs. Craig comes from the Twentieth Legislative District, Benson County."

Representative Twichell moved that the nominations be closed. Which motion prevailed.

ROLL CALL

The question being on the election of Minnie D. Craig as

Chief Clerk, the roll was called and there were ayes, 110; nays, 0; absent and not voting, 3.

Those voting in the affirmative were:

| Messrs. | Messrs. | Messrs. |
|---|---|---|
| Adam | Hofstrand | Rait |
| Anderson, Benson | Holm | Rettke |
| Anderson,M'K'nzie | Holthusen | Ritter |
| Anfinson | Hultstrand | Rohde |
| Arneson, Nelson | Ireland | Rotering |
| Arneson, Ramsey | Ista | Sand |
| Beede | Jensen | Saumur |
| Belzer | Johnson, Cass | Schmidt, McHenry |
| Benno | Johnson, LaMoure | Schmidt, Sheridan |
| Bergesen | Joiner | Schimke |
| Billigmeier | Keller | Scholl |
| Bingenheimer | Kluver | Schwartz |
| Blair | Knutson | Sellens |
| Bolmeier | Lange | Semerad |
| Boulden | Larson | Severson |
| Braun, McLean | Levin | Sharpe |
| Braun, Stark | Lunde | Shure |
| Brown | McInnes | Singleton |
| Buchholz | McIntee | Skartvedt |
| Byrne | McIntyre | Solberg |
| Culver | Myers | Sticka |
| Dalzell | Mittag | Stone |
| Dike | Moe | Stormon |
| Dittmer | Mollett | Symington |
| Erickson | Morland | Thompson, Burl'gh |
| Feton | Nelson, Cass | Thompson, Steele |
| Fitch | Nelson, Dickey | Trydahl |
| Fletcher | Nelson, Steele | Tuff |
| Fraser | Nystrom | Twichell |
| Fuglestad | O'Brien | Urschel |
| Gainor | Odegard | Wambheim |
| Glass | Oglesby | Westby |
| Gray | Ostgulen | Williams,Richland |
| Haag | Page | Williams, Stutsm'n |
| Halvorson | Panko | Wolf |
| Haugland | Peterson,Bottineau | Mr. Speaker |
| Heckman | Peterson, Ransom | |

Absent and not voting:

| Messrs. | Messrs. |
|---|---|
| Crockett | Schauss |
| Anderson—Sargent (Deceased). | |

So Minnie D. Craig was declared elected as Chief Clerk.

Mrs. Craig addressed the House of Representatives as follows:

"Mr. Speaker, I suppose this is my one chance to make a speech. I feel quite humble. I realize what you have put me into, and I will do the very best I can, and if you don't like what I do you tell me, and I will try to receive it in the spirit in which you tell it to me. I thank you."

The Speaker administered the oath of office to Minnie D. Craig, Chief Clerk.

Representative Knutson of LaMoure:

"I take pleasure at this time in nominating for desk reporter a young lady, a very young lady, that is very well known, a native of Burleigh County, with a lot of experience, and who is well qualified, and she is a farmers daughter, and you will make no mistake in supporting her as desk reporter. I take great pleasure in placing the name of Marie Garske of Bismarck for desk reporter."

Representative Schauss moved that the nominations be closed.

Which motion prevailed.

ROLL CALL

The question being on the nomination of Marie Garske as desk reporter, the roll was called and there were ayes, 107; nays, 0; absent and not voting, 6.

Those voting in the affirmative were:

| Messrs. | Messrs. | Messrs. |
|---|---|---|
| Adam | Holm | Rettke |
| Anderson, Benson | Holthusen | Ritter |
| Anderson,M'K'nzie | Hultstrand | Rohde |
| Anfinson | Ireland | Rotering |
| Arneson, Nelson | Ista | Sand |
| Arneson, Ramsey | Jensen | Saumur |
| Beede | Johnson, Cass | Schauss |
| Belzer | Johnson, LaMoure | Schmidt, McHenry |
| Benno | Joiner | Schmidt, Sheridan |
| Bergesen | Keller | Schimke |
| Billigmeier | Kluver | Scholl |
| Bingenheimer | Knutson | Schwartz |
| Blair | Lange | Sellens |
| Bolmeier | Larson | Semerad |
| Boulden | Levin | Severson |
| Braun, Stark | Lunde | Sharpe |
| Brown | McInnes | Shure |
| Buchholz | McIntee | Singleton |
| Crockett | Myers | Skartvedt |
| Culver | Mittag | Solberg |
| Dalzell | Moe | Sticka |
| Dike | Mollett | Stormon |
| Dittmer | Morland | Symington |
| Erickson | Nelson, Cass | Thompson, Burl'gh |
| Feton | Nelson, Dickey | Thompson, Steele |
| Fitch | Nelson, Steele | Trydahl |
| Fletcher | Nystrom | Tuff |
| Fuglestad | O'Brien | Twichell |
| Gainor | Odegard | Urschel |
| Glass | Oglesby | Wambheim |
| Gray | Ostgulen | Westby |
| Haag | Page | Williams,Richland |

| Messrs. | Messrs. | Messrs. |
|---|---|---|
| Halvorson | Panko | Williams, Stutsm'n |
| Haugland | Peterson, Bottineau | Wolf |
| Heckman | Peterson, Ransom | Mr. Speaker |
| Hofstrand | Rait | |

Absent and not voting:

| Messrs. | Messrs. | Messrs. |
|---|---|---|
| Braun, McLean | Fraser | Stone |
| Byrne | McIntyre | |
| Anderson—Sargent (Deceased). | | |

So Miss Marie Garske was declared elected as Desk Reporter.

The Speaker administered the oath of office to Marie Garske.

Representative Braun, McLean:

"I now nominate for First Assistant Chief Clerk a man well known over the State, Albert Peterson from Washburn. Mr. Peterson has been Superintendent of Schools for six years. He is well qualified, has a good voice, and I am sure that if we elect Mr. Peterson, we will be pleasing everybody."

Mr. Holthusen moved that the nominations be closed.

Which motion was carried.

ROLL CALL

The question being on the nomination of Albert Peterson as First Assistant Chief Clerk, the roll was called and there were ayes, 100; nays, 0; absent and not voting, 13.

Those voting in the affirmative were:

| Messrs. | Messrs. | Messrs. |
|---|---|---|
| Adam | Hultstrand | Ritter |
| Anderson, Benson | Ireland | Rohde |
| Anderson, M'K'nzie | Ista | Rotering |
| Anfinson | Jensen | Sand |
| Arneson, Nelson | Johnson, Cass | Saumur |
| Arneson, Ramsey | Joiner | Schauss |
| Beede | Keller | Schmidt, McHenry |
| Benno | Kluver | Schmidt, Sheridan |
| Bergesen | Knutson | Schimke |
| Billigmeier | Lange | Schwartz |
| Bingenheimer | Larson | Sellens |
| Blair | Levin | Semerad |
| Bolmeier | Lunde | Severson |
| Boulden | McInnes | Sharpe |
| Braun, McLean | McIntee | Shure |
| Buchholz | McIntyre | Singleton |
| Culver | Myers | Skartvedt |
| Dike | Mittag | Solberg |
| Dittmer | Moe | Sticka |
| Erickson | Mollett | Stormon |
| Feton | Morland | Symington |

| Messrs. | Messrs. | Messrs. |
|---|---|---|
| Fitch | Nelson, Dickey | Thompson, Burl'gh |
| Fletcher | Nystrom | Thompson, Steele |
| Fraser | O'Brien | Trydahl |
| Fuglestad | Odegard | Tuff |
| Gainor | Oglesby | Twichell |
| Glass | Ostgulen | Urschel |
| Gray | Page | Wambheim |
| Haag | Panko | Westby |
| Halvorson | Peterson, Bottineau | Williams, Richland |
| Haugland | Peterson, Ransom | Williams, Stutsm'n |
| Hofstrand | Rait | Wolf |
| Holm | Rettke | Mr. Speaker |
| Holthusen | | |

Absent and not voting:

| Messrs. | Messrs. | Messrs. |
|---|---|---|
| Belzer | Crockett | Nelson, Cass |
| Braun, Stark | Dalzell | Nelson, Steele |
| Brown | Heckman | Scholl |
| Byrne | Johnson, LaMoure | Stone |
| Anderson—Sargent (Deceased). | | |

So Albert Peterson was declared elected as First Assistant Chief Clerk, of the House of Representatives.

Representative Holthusen moved that Albert Peterson be administered the oath of office.

A committee from the Senate reported to the House that the Senate was organized and ready for business.

Representative Page moved that the rules of the 25th Legislative Assembly be adopted as temporary rules until such time as the Speaker has appointed a Permanent Rules Committee.

Which motion was seconded and carried.

The Speaker administered the oath of office to Albert Peterson as First Assistant Chief Clerk.

The Speaker announced that nominations were in order for the office of Second Assistant Chief Clerk.

Representative Adam:

"I now wish to nominate as Second Assistant Chief Clerk Ernest Waydeman of McHenry County. He is a good, clean young man, has a good voice, is well educated and qualified for the office. We are proud to nominate him."

Which motion was seconded.

Representative Sand moved that the nominations be closed.

Which motion was carried.

ROLL CALL

The question being on the nomination of Ernest Wayde-

man as Second Assistant Chief Clerk, the roll was called and there were ayes, 101; nays, 0; absent and not voting, 12.

Those voting in the affirmative were:

| Messrs. | Messrs. | Messrs. |
|---|---|---|
| Adam | Heckman | Rettke |
| Anderson, Benson | Hofstrand | Ritter |
| Anderson,M'K'nzie | Holthusen | Rotering |
| Anfinson | Hultstrand | Sand |
| Arneson, Ramsey | Ireland | Saumur |
| Beede | Ista | Schauss |
| Belzer | Johnson, Cass | Schmidt, McHenry |
| Benno | Johnson, LaMoure | Schmidt, Sheridan |
| Bergesen | Joiner | Schimke |
| Billigmeier | Keller | Scholl |
| Bingenheimer | Knutson | Schwartz |
| Blair | Larson | Semerad |
| Bolmeier | Levin | Severson |
| Boulden | Lunde | Sharpe |
| Braun, Stark | McInnes | Shure |
| Brown | McIntee | Singleton |
| Buchholz | McIntyre | Skartvedt |
| Byrne | Myers | Solberg |
| Crockett | Mittag | Sticka |
| Dalzell | Moe | Stormon |
| Dike | Mollett | Symington |
| Dittmer | Morland | Thompson, Burl'gh |
| Erickson | Nelson, Cass | Thompson, Steele |
| Feton | Nelson, Dickey | Trydahl |
| Fitch | Nelson, Steele | Tuff |
| Fletcher | Nystrom | Twichell |
| Fraser | O'Brien | Urschel |
| Fuglestad | Odegard | Wambheim |
| Gainor | Oglesby | Westby |
| Glass | Ostgulen | Williams,Richland |
| Gray | Page | Williams, Stutsm'n |
| Haag | Panko | Wolf |
| Halvorson | Peterson, Ransom | Mr. Speaker |
| Haugland | Rait | |

Absent and not voting:

| Messrs. | Messrs. | Messrs. |
|---|---|---|
| Arneson, Nelson | Jensen | Rohde |
| Braun, McLean | Kluver | Sellens |
| Culver | Lange | Stone |
| Holm | Peterson,Bottineau | |
| Anderson—Sargent | (Deceased). | |

So Ernest Waydeman was declared elected as Second Assistant Chief Clerk.

Representative Adam moved that the Speaker administer the oath of office to Ernest Waydeman as Second Assistant Chief Clerk.

Which motion was seconded and carried and the Speaker administered the oath of office to Ernest Waydeman as Second Assistant Chief Clerk.

Representative Anfinson:

"I want to nominate at this time Edward Savre for Sergeant-at-Arms."

Representative Sand moved that the nominations be now closed.

The motion was carried.

ROLL CALL

The question being on the nomination of Mr. Edward Savre as Sergeant-at-Arms, the roll was called and there were ayes, 106; nays, 1; absent and not voting, 6.

Those voting in the affirmative were:

| Messrs. | Messrs. | Messrs. |
|---|---|---|
| Adam | Ireland | Ritter |
| Anderson, Benson | Ista | Rohde |
| Anderson,M'K'nzie | Jensen | Rotering |
| Anfinson | Johnson, Cass | Sand |
| Arneson, Ramsey | Johnson, LaMoure | Saumur |
| Beede | Joiner | Schauss |
| Bergesen | Keller | Schmidt, McHenry |
| Billigmeier | Kluver | Schmidt, Sheridan |
| Bingenheimer | Knutson | Schimke |
| Blair | Lange | Scholl |
| Bolmeier | Larson | Schwartz |
| Boulden | Levin | Sellens |
| Braun, McLean | Lunde | Semerad |
| Braun, Stark | McInnes | Severson |
| Brown | McIntee | Sharpe |
| Buchholz | McIntyre | Shure |
| Byrne | Myers | Singleton |
| Dalzell | Mittag | Skartvedt |
| Dike | Moe | Solberg |
| Dittmer | Mollett | Sticka |
| Erickson | Morland | Stone |
| Feton | Nelson, Cass | Stormon |
| Fitch | Nelson, Dickey | Symington |
| Fletcher | Nelson, Steele | Thompson, Burl'gh |
| Fraser | Nystrom | Thompson, Steele |
| Gainor | O'Brien | Trydahl |
| Glass | Odegard | Tuff |
| Gray | Oglesby | Twichell |
| Haag | Ostgulen | Urschel |
| Halvorson | Page | Wambheim |
| Haugland | Panko | Westby |
| Heckman | Peterson,Bottineau | Williams,Richland |
| Hofstrand | Peterson, Ransom | Williams,Stutsm'n |
| Holm | Rait | Wolf |
| Holthusen | Rettke | Mr. Speaker |
| Hultstrand | | |

Those voting in the negative were:

Messrs.
Fuglestad

Absent and not voting:

| Messrs. | Messrs. | Messrs. |
|---|---|---|
| Arneson, **Nelson** | **Benno** | **Culver** |
| **Belzer** | **Crockett** | |
| Anderson—Sargent | (Deceased). | |

So Mr. Edward Savre was declared elected Sergeant-at-Arms.

The Speaker administered the oath of office to Mr. Edward Savre as Sergeant-at-Arms.

Representative Scholl:

"I move you now that we select a Special Messenger to the Governor."

Which motion was seconded by Representative Sand.

Representative Scholl:

"I suggest that I being a member of the Republican party, that I withdraw my motion."

Representative Myers:

"I move that the preceding motion be reconsidered."

Which motion was seconded and carried.

Representative Myers:

"I now move that action on the motion to appoint a Special Messenger to the Governor be delayed one legislative day."

Which motion was seconded and carried.

Representative Sand:

"I wish to amend that motion and move that it be made an order of the day."

Which motion was seconded and carried.

The substitute motion of Representative Sand was lost.

The motion by Representative Myers was also lost.

Representative Schauss moved that the Governor select his own Special Messenger from the House of Representatives.

Which motion was seconded and carried.

Representative J. M. Anderson:

"I move that the Speaker now appoint a committee of three to notify the Senate that the House is now organized and ready for business."

Which motion was duly carried, and the Speaker appointed Representatives J. M. Anderson, Schauss and Fitch as a committee of three to notify the Senate that the House was organized and ready for business.

Representative Twichell moved that the chair appoint a committee of three to notify the Governor that the House was ready for business.

The Speaker appointed on that committee Representatives Twichell, Byrne and Jensen.

Representative Sand nominated Walter Bubel of the Forty-eighth District for the office of Bill Clerk.

It was moved and seconded that the nominations for the office of Bill Clerk be closed.

Which motion carried.

The question being on the nomination of Walter Bubel as Bill Clerk, the roll was called and there were ayes, 99; nays, 2; absent and not voting, 11.

ROLL CALL

Those voting in the affirmative were:

| Messrs. | Messrs. | Messrs. |
|---|---|---|
| Adam | Holthusen | Rohde |
| Anderson,M'K'nzie | Hultstrand | Rotering |
| Anfinson | Ireland | Sand |
| Arneson, Nelson | Ista | Saumur |
| Arneson, Ramsey | Jensen | Schmidt, McHenry |
| Beede | Johnson, LaMoure | Schmidt, Sheridan |
| Belzer | Joiner | Schimke |
| Benno | Keller | Scholl |
| Bergesen | Knutson | Schwartz |
| Billigmeier | Lange | Sellens |
| Bingenheimer | Larson | Semerad |
| Blair | Levin | Severson |
| Bolmeier | Lunde | Sharpe |
| Braun, McLean | McInnes | Shure |
| Braun, Stark | McIntee | Singleton |
| Brown | McIntyre | Skartvedt |
| Buchholz | Myers | Solberg |
| Crockett | Mittag | Sticka |
| Culver | Mollett | Stone |
| Dalzell | Morland | Stormon |
| Dike | Nelson, Cass | Symington |
| Erickson | Nelson, Dickey | Thompson, Burl'gh |
| Feton | Nelson, Steele | Thompson, Steele |
| Fletcher | Nystrom | Trydahl |
| Fraser | Odegard | Tuff |
| Gainor | Oglesby | Twichell |
| Glass | Ostgulen | Urschel |
| Gray | Page | Wambheim |
| Haag | Peterson,Bottineau | Westby |
| Halvorson | Peterson, Ransom | Williams,Richland |
| Haugland | Rait | Williams,Stutsm'n |
| Heckman | Rettke | Wolf |
| Hofstrand | Ritter | Mr. Speaker |
| Holm | | |

Those voting in the negative were:

| Messrs. | Messrs. |
|---|---|
| Dittmer | Fuglestad |

Absent and not voting:

| Messrs. | Messrs. | Messrs. |
|---|---|---|
| Anderson, Benson | Johnson, Cass | O'Brien |
| Boulden | Kluver | Panko |
| Byrne | Moe | Schauss |
| Fitch | | |

Anderson—Sargent (Deceased).

So Walter Bubel was declared elected as Bill Clerk.

The Speaker administered the oath of office to Walter Bubel as Bill Clerk.

Representative Ista moved that the arrangement for the services of a Chaplain be turned over to the Ministerial Association of this district.

Which motion was seconded and carried.

Representative Schimke:

"I move that the Speaker appoint a permanent committee of three on employment."

Which motion was seconded and carried.

Representative Twichell:

"The committee appointed to notify the Governor that the House was organized and ready for business has performed its duty, and I move that the committee be discharged."

Which motion was seconded and carried.

Representative Adam moved that the Board of Administration be authorized to furnish supplies and equipment for the legislative session, charging the same to legislative expense.

ROLL CALL

The question being that the Board of Administration be authorized to furnish supplies and equipment for the House to be charged to "Legislative Expense," the roll was called and there were ayes, 109; nays, 0; absent and not voting, 4.

Those voting in the affirmative were:

| Messrs. | Messrs. | Messrs. |
|---|---|---|
| Adam | Hofstrand | Rettke |
| Anderson, Benson | Holm | Ritter |
| Anderson,M'K'nzie | Holthusen | Rohde |
| Anfinson | Hultstrand | Rotering |
| Arneson, Nelson | Ireland | Sand |
| Arneson, Ramsey | Ista | Saumur |
| Beede | Jensen | Schauss |
| Belzer | Johnson, Cass | Schmidt, McHenry |
| Benno | Johnson, LaMoure | Schmidt, Sheridan |

| Messrs. | Messrs. | Messrs. |
|---|---|---|
| Bergesen | Joiner | Schimke |
| Billigmeier | Keller | Scholl |
| Bingenheimer | Knutson | Schwartz |
| Blair | Lange | Sellens |
| Bolmeier | Larson | Semerad |
| Boulden | Levin | Severson |
| Braun, McLean | McInnes | Sharpe |
| Braun, Stark | McIntee | Shure |
| Brown | McIntyre | Singleton |
| Buchholz | Myers | Skartvedt |
| Byrne | Mittag | Solberg |
| Crockett | Moe | Sticka |
| Dalzell | Mollett | Stone |
| Dike | Morland | Stormon |
| Dittmer | Nelson, Cass | Symington |
| Erickson | Nelson, Dickey | Thompson, Burl'gh |
| Feton | Nelson, Steele | Thompson, Steele |
| Fitch | Nystrom | Trydahl |
| Fletcher | O'Brien | Tuff |
| Fraser | Odegard | Twichell |
| Fuglestad | Oglesby | Urschel |
| Gainor | Ostgulen | Wambheim |
| Glass | Page | Westby |
| Gray | Panko | Williams, Richland |
| Haag | Peterson, Bottineau | Williams, Stutsm'n |
| Halvorson | Peterson, Ransom | Wolf |
| Haugland | Rait | Mr. Speaker |
| Heckman | | |

Absent and not voting:

| Messrs. | Messrs. | Messrs. |
|---|---|---|
| Culver | Kluver | Lunde |
| Anderson—Sargent (Deceased). | | |

Representative Schimke:

"I move that the Speaker appoint a committee of three to notify the Board of Administration of the action of the House of Representatives. The motion was carried, and the Speaker appointed on this committee Representative Schimke, Panko, and Dalzell.

Representative Byrne moved that the Speaker appoint a committee of three to meet with a like committee of the Senate on the arranging of the inaugural program.

The motion was seconded and carried.

The Speaker appointed Representatives Byrne, Bernt Anderson, and Hofstrand to meet with a like committee of the Senate on the arrangement of the inaugural program.

Representative Sand:

"I move that the chair appoint a committee of three on Mileage and Per Diem."

The motion was seconded and carried and the Speaker

appointed on this committee Representatives Gainor, of Ward County, Adam, and Saumur.

Representative Schimke:

"I move you now to appoint a temporary committee on Revision and Correction of the Journal."

The motion was seconded and carried and the Speaker appointed Representatives Sand, Symington and Knutson as the temporary committee on Revision and Correction of the Journal.

Representative Ritter moved that the House proceed to draw for seats, and that the ex-Speakers and their delegations have their first choice of seats.

The motion was seconded and carried.

Representative Knutson moved that Representative Sand be given the choice of a seat because of his poor health.

Representative Ritter also moved that the floor leaders and their delegations be given first choice of seats.

The motion was seconded and carried.

Representative Ritter:

"I move that the Speaker appoint a committee of three to meet with a like committee from the Senate to arrange for the printing and distribution of the bills and journals."

The motion was seconded and carried.

Representative Sand moved that the House recess until 1:15 tomorrow.

Which motion prevailed.

## COURTESIES OF THE FLOOR

The courtesies of the floor were extended to the following: Mrs. W. M. Crockett, Wales; Mrs. Mandus Hulstrand, Milton; Mrs. Peter Moe, Osnabrock, and Hannah B. Haaland, Fargo.

MINNIE D. CRAIG
Chief Clerk.

## FIRST DAY AFTER RECESS AND SECOND DAY

House of Representatives,
Bismarck, North Dakota,
January 4, 1939.

The House convened at 1:00 p. m., pursuant to recess, Speaker Hagen presiding.

The Speaker announced the appointment of the Employment Committee. Those appointed on that committee were Representative Rait of Divide, Bernt Anderson of McKenzie County and Levin of Walsh County.

Representative Nelson of Cass moved that the absent members be excused, which motion was seconded and carried.

Representative Anderson of Benson:

"I move that Speaker appoint a committee of three to arrange for the committee rooms, and I ask that the maker of this motion be not placed on that committee."

Which motion was seconded and carried and the Speaker appointed Representative Ritter, Schauss and Thompson of Burleigh County.

Representative Anderson:

"I move that the Speaker appoint a committee of three to arrange with the Northwestern Bell Telephone Company for telephone service for the House, and I again ask that the maker of this motion be not placed on that committee."

Which motion was seconded and carried and the Speaker appointed Representatives Crockett, Myers and Kluver.

Representative Sand moved that the House adjourn, which motion carried and House was adjourned.

### SECOND DAY

House of Representatives,
Bismarck, North Dakota,
January 4, 1939.

The House assembled at 2:00 p. m., pursuant to adjournment, Speaker Hagen presiding.

Prayer was offered by Rev. Opie S. Rindahl.

## ROLL CALL

The roll was called and there were 107 present and six absent.

| Messrs. | Messrs. | Messrs. |
|---|---|---|
| Adam | Hofstrand | Rait |
| Anderson, Benson | Holm | Rettke |
| Anderson,M'K'nzie | Holthusen | Ritter |
| Anfinson | Hultstrand | Rohde |
| Arneson, Nelson | Ireland | Rotering |
| Arneson, Ramsey | Jensen | Sand |
| Beede | Johnson, Cass | Schauss |
| Belzer | Johnson, LaMoure | Schmidt, McHenry |
| Benno | Joiner | Schmidt, Sheridan |
| Billigmeier | Keller | Schimke |
| Bingenheimer | Kluver | Scholl |
| Blair | Knutson | Schwartz |
| Bolmeier | Lange | Sellens |
| Boulden | Larson | Semerad |
| Braun, McLean | Levin | Severson |
| Braun, Stark | Lunde | Sharpe |
| Brown | McInnes | Shure |
| Buchholz | McIntee | Singleton |
| Crockett | McIntyre | Skartvedt |
| Culver | Myers | Solberg |
| Dalzell | Mittag | Sticka |
| Dike | Moe | Stone |
| Dittmer | Mollett | Symington |
| Erickson | Morland | Thompson, Burl'gh |
| Feton | Nelson, Cass | Thompson, Steele |
| Fitch | Nelson, Dickey | Trydahl |
| Fletcher | Nelson, Steele | Tuff |
| Fraser | Nystrom | Twichell |
| Fuglestad | O'Brien | Urschel |
| Gainor | Odegard | Wambheim |
| Glass | Oglesby | Westby |
| Gray | Ostgulen | Williams,Richland |
| Haag | Page | Williams, Stutsm'n |
| Halvorson | Panko | Wolf |
| Haugland | Peterson,Bottineau | Mr. Speaker |
| Heckman | Peterson, Ransom | |

Absent:

| Messrs. | Messrs. | Messrs. |
|---|---|---|
| Bergesen | Ista | Stormon |
| Byrne | Saumur | |

Anderson—Sargent (Deceased).

The Speaker appointed Representatives Ritter, Beede and O'Brien to act with a like committee of the Senate for the arrangement of the printing and distribution of the bills and journals.

Representative Scholl moved that a committee of three be appointed to notify the Senate that the House is now ready

to receive them in joint session, which motion was carried, and the Speaker appointed Representatives Scholl, Twichell and Byrne.

Representative Scholl reported to the House that the committee appointed to notify the Senate that the House was ready to receive them in joint session had so notified the Senate, and moved that the committee be discharged, which motion was carried and the committee was discharged.

Representative Scholl moved that the House recess to the call to order of the Joint Session to reconvene at the close of the Joint Session.

Which motion prevailed.

## JOINT SESSION

Joint Session called to order by Lieutenant-Governor Jack Patterson.

Prayer was offered by Rev. Opie S. Rindahl.

Roll call of the Senate by Secretary of the Senate. All members present except Senators Bilden, Kamrath, Lavik, Morrison and Whelan.

Roll call of the House by Chief Clerk. All members present except Representatives Anderson of Sargent, Ista, Larson, Ritter and Saumur.

Senator Thatcher moved that the President appoint a committee of three to escort the members of the Supreme Court to the rostrum.

Which motion was carried.

The President appointed Senator Thatcher, Representatives Symington and O'Brien.

Representative Hofstrand moved that the President of the Joint Assembly appoint a committee of three to escort the state officials to the rostrum.

Which motion carried, and the following committee was appointed: Representatives Hofstrand and Anderson of Benson and Senator Streibel.

Representative Scholl moved that the President appoint a committee of three to escort Governor Langer to the rostrum.

Which motion carried and the President of the Joint Assembly appointed: Representative Scholl and Senators Wm. J. Braun and M. R. Young.

Senator Guthrie moved that the President of the Joint Assembly appoint a committee of three to escort Governor-elect John Moses to the rostrum.

Which motion prevailed, and the following committee was appointed: Senator Guthrie and Representatives Byrne and Jensen.

The members of the Supreme Court, the state officials, Governor William Langer and Governer-elect John Moses were escorted to the rostrum by the committees appointed for such purpose.

The Joint Session stood while the 164th Infantry Band played "The Star Spangled Banner."

Invocation by Rev. N. E. Elsworth.

Representative Twichell presented the Speaker with the gavel which he had used as Speaker in the 17th Legislative Assembly, with the following remarks:

Mr. President:

"With the Senate and House gathered together in Joint Session, I have a matter, which while not upon any program and within the order of business, I feel can be fittingly taken up here, and ask your indulgence.

"It is the established custom and practice, that the presiding officer of each of these bodies be presented with an official gavel for use in presiding over its deliberations.

"No such presentation has been made to Speaker Hagen.

"I hold in my hand a gavel which above the historic connections of the woods from which it is composed, the warmth of my appreciation of those who in its youth presented it to me, and its associations, is to me my most cherished memento of my activities in government. It is the gavel with which I presided over the House in the 1921 session. I wish it to be presented to Speaker Hagen as his official gavel of this session, with the hope and thought, and with a prayer, that in its use in this House he may be animated and guided by the spirit of comity, fairness between all, and interest in the welfare of every inhabitant of North Dakota, which I sought to have control me when I used it in the 17th legislative session; and that he may secure a better harmony than I was able at that time.

"Political parties, factions and line-ups are necessary to the election of public officials, in legislative deliberations they should be ignored to the fullest extent possible.

"Having heretofore promised an official of the State Historical Society to ultimately see that this gavel was deposited in their archives; I suggest that after its use by our speaker, it be labeled as having been so used by him and myself as speakers of two opposing factions, and given such society; there to remain as an emblem of the burying of many of our differences. It is my personal desire for a maximum accomplishment for the welfare of our people by this session and to that end I will gladly work with our speaker; while not authorized to speak for those others of the minority house faction, I know that this is their desire and purpose.

"Mr. President: I send this gavel up to you and request

that you make actual presentation thereof to Speaker Hagen."

President Patterson in making the actual presentation spoke as follows:

"After what Representative Twichell has said there is little that I could say to impress upon you any further the real sentiment and sincerity of Representative Twichell in giving you this gavel. And I am sure that all the people here, the guests and spectators as well as the members of both Houses and myself have this thought in mind. We realize that we must work out our deliberations in this Legislative Assembly for the best interests of every inhabitant of the State of North Dakota and I know that you will carry out every hope and wish of Mr. Twichell.

I deem it a personal privilege and honor that I may present to you this gavel given from Mr. Twichell into my hands, and I present it with the hope that you use it firmly but with discretion.

Speaker Hagen accepted the gavel and responded with the following words:

"This is a very pleasant surprise to me and when Representative Twichell so kindly presented me with this gavel for use during this Session I knew that I couldn't do anything but use it at the right time. Representative Twichell and myself served on the State Affairs Committee in the last session side by side. In order to be honest I must say that we did not always vote alike but I have never worked with and have never been acquainted with a man for whom I had such high respect and whose judgment was better and whose fairness is so continuously brought to the front.

I appreciate this gift very much and I want to say to Mr. Twichell that nothing that he could have done could have made me happier today. I thank you."

Representative J. M. Anderson remarked as follows:

"I have been profoundly moved by these proceedings that we have just witnessed here. I am not authorized to speak for the majority faction of this House, but as one of the majority faction I want to say that I gladly accept this profference of co-operation during this Session and I give my assurance that I will co-operate with every faction of this House during the session of this Legislature."

President Patterson:

"Members of the 26th Legislative Assembly of the State of North Dakota, distinguished guests, State Officials and the thousands of people throughout the State who are not able to be here with us today:

"We are starting on a new biennium, another milestone, and we feel that it is fitting and proper that we have a resume of the preceding two years. We must know, at least, we think in our minds, that we know what some of the trials and trib-

ulations that the chief executive of the State must face. But I am of the opinion that few, if any, of us realize to what extent the chief executive must listen to his constituents and the problems that he must solve, and in a great many instances the most difficult problems, it seems because of some turn of fate, he must solve alone.

"We know that during the past two years that we have had many new and difficult problems and the chief executive had to solve them. He was offered the advice and counsel of friends and colleagues but in the final analysis he had to use his own good judgment. And I believe that the Retiring Chief Executive has used outstanding good judgment for the benefit of our people during the last two years.

"I assure you, Ladies and Gentlemen, that it is a great pleasure and honor for me to present to you our retiring Governor, Honorable William Langer."

## RETIRING MESSAGE

—of—

## GOVERNOR WILLIAM LANGER

To the Members of the Twenty-sixth Legislative Assembly:

In accordance with the usual custom I present to you now my message as retiring Governor.

Although I have been elected by the people of this state to serve as Governor for two different terms of office, and although this will be the second time I have retired as your Governor, this is the first opportunity that I have had to present to the Legislative Assembly a retiring message.

My administration in both the first term and in this has witnessed a period of national depression, poverty, suffering and distress of our people as heretofore has not been evidenced in over one-half century of our statehood.

These conditions have continued with all of their legislative problems now facing you. We all know that this state during the past six years has not produced even the average normal crops which our fertile and rich soil is capable of producing; and we all know that for such crops as our producers have raised, they have not received during that period of time even the parity price promised by our Federal Government.

It is not an idle statement to say that during this period of time our producers have suffered a loss in crop failures and lack of proper price for the grain they did produce which exceeds in money value over one billion dollars.

I will briefly quote proof of my statement:

Mr. Harry G. Anderson, Extension Economist of the Agricultural College of Fargo, made a special economic study for me in order to give testimony in a rate case.

His figures showed that in 1924 the cash farm income of the North Dakota farmer was approximately $280,000,000 and

that in 1934 this cash farm income of our North Dakota farmer had dropped to something less than $44,000,000 or about 15% of what it was in 1924. This excluded, however, benefit payments from the government to the farmers amounting to approximately $31,500,000. He also showed in this connection that in November, 1936, there were in North Dakota, 327,000 persons on relief in a total population of 680,845; also that the Federal Government in one given year had expended approximately $30,000,000 for relief purposes, about one-half of our people were on relief.

One billion dollars is a large amount of money but it is easily computed when you figure a normal crop and a normal price for our producers. If this state had had through its producers just this normal crop and just this normal price for these six years, it could repay to the Federal Government all the monies of every kind and character that it has paid out for relief, or for highways, or for projects, during this period of six years and would have had left remaining for state purposes enough to pay all outstanding bonds of the state and enough more to completely build the Missouri River Diversion project as now contemplated.

Although in my first administration the ordinary expense of operating our state government was drastically cut in two, and although large amounts of state money were spent for relief purposes to our people in work programs and in relief, the governmental problems of aiding and assisting our people so that they may barely exist and in providing for their children so that they may not starve and be un-educated, has become increasingly a paramount issue for the state and now to you, as a Legislature, to answer.

### Moratoria and Embargo

Both my administrations have witnessed the use of the moratorium, through executive decree, to protect the property of our debtor people. This moratorium has been followed by a legislative moratorium enacted into law. My administration also has witnessed the use of executive authority for embargo purposes when ruinously low prices threatened bankruptcy for our farmers.

My administration has also witnessed the use of executive authority, with the cooperation of the Industrial Commission and the utilization of the facilities of the State Mill, to purchase all light weight wheat when price conditions were such that it was evident that our producers were being systematically robbed and cheated.

The same program was put into effect with reference to durum wheat.

These programs have resulted in the producers of this state receiving at least $25,000,000 more than they would have received otherwise. This is the justification for the use of this executive authority.

### Nullification of the Will of the People

At this point I desire to bring to your attention one particular matter.

It is the nullification of the will of the people and the setting aside of its majority expression at the polls.

This is not with respect to what happened to me while previously your Governor, but what might happen sometime in the future to some other state official.

The principle is involved of removing the choice of the people through means of unjust and illegal performance, initiated and carried on by outside sources and authorities, to thwart the will of the people. Just this was accomplished during my first administration and just this can be done again to over-throw the will of the people so long as the legislature permits the findings of a trial court to execute a sentence which a superior court afterwards finds is both illegal and unjust.

We have our own methods of impeachment or removal provided by the constitution to remove those officials whom the people through the expression of their will do not want to continue to represent them.

### A Splendid People

This state, larger in territorial extent than many foreign countries, possesses a wonderful people imbued with a pioneer spirit of initiative and endeavor and of loyalty.

### Compared to Other States Our Finances Are in Good Condition

In spite of all the above outlined conditions existing during the past six years the financial credit of the State has been held high among the states of our union. Compared to other states we are in splendid condition although we owe some money.

In January, 1933, the bonded indebtedness of this state was $43,562,200. Then North Dakota bonds were rated in the B class. Now in January, 1939, the bonding indebtedness of the state has been reduced to $24,925,000 and the bonds of North Dakota are now rated in the high A class.

The integrity of state funds has been preserved.

### Highway Construction

During the past two years the state has witnessed the greatest improvement in the construction, repair, and maintenance of our highways. During these two years 664 miles of black top new modern highways have been constructed and 6,698 miles of highway have been maintained and kept in repair for all seasons of the year.

The program carried on by State Highway Commissioner, P. H. McGurren, has under contemplation for the year 1939 with Federal aid the additional construction of approximately 350 miles of highway of the modern type. During his past two years the expenditure on our highways for construction and maintenance, excluding county and municipal expenditures, amounts to $12,775,308.46 and of this total approximately $8,134,000 was federal grants.

I have requested Mr. McGurren to file with this message a statement which covers the highway funds, the disbursements made, and the highways constructed during my administration.

### The State Bonding Fund

The state bonding fund was put in force in this state in the year 1917 when I was Attorney General. At that time private bonding companies had in effect an injunctional order which prevented the State Bonding Law from becoming effective, and at that time this State Bonding Law had been resting upon appeal in the Supreme Court of the United States for one year and a half. Then it had to wait approximately another two years if heard in the regular course. Immediately, when I became Attorney General in 1917, I placed this case in the hands of Harry A. Bronson, then my first assistant, to force a speedy hearing. He succeeded in getting the injunction dismissed and the State Bonding Law became effective at once. It has been a source of great convenience in the bonding of our state officials and has produced a large revenue. At the present time, the funds on hand amount to approximately $734,000 with a saving in premiums amounting to $3,150,000.

### Workmen's Compensation Law

The North Dakota Workmen's Compensation Act which compels all employees to contribute to a fund for the protection of injured employees has proven to be a great protection for both employers and employees. Among the states of our Union it is the fourth in the list of States which pay the highest benefits to injured employees and it ranks first of all of the States in having the lowest cost of administration.

Through this act there has been paid to injured workmen or their beneficiaries a total of approximately $8,000,000. The Compensation Bureau which administers this act is solvent with a clear surplus of approximately $500,000 and with reserves set up for claims in the amount of approximately $2,200,000.

In my message to the Legislature in 1937 I urged the adoption of a compensation act for those unemployed. The Legislature adopted such recommendation which became effective in April, 1937, as the Unemployment Division of, and under the jurisdiction of, the Workmen's Compensation Bureau. Through this act there are now 45,000 employees affected and there has been accumulated in the fund, a total of $1,863,000 and commencing this month disbursement begins to those who are unemployed and who are protected by this act.

You are requested to read the report of the Compensation Bureau now placed on your desks.

### Fire and Tornado Fund

I want you to know about the condition and operation of

the State Fire and Tornado Fund. It has accumulated and has in its funds now a surplus of $2,112,733.72.

The use of its funds for investment purposes has been a means of greatly aiding in keeping so many of our country schools open and in paying school teachers their salaries.

During the last two years it has purchased over $2,840,000 of school warrants from school teachers without charging any discount to teachers and instead of taking 7% interest on such warrants as the law provides it has only taken 4% interest. This transaction has saved school teachers over $500,000 in discounts which otherwise they would have paid and has saved School Districts nearly $100,000 in interest. Over 75% of such warrants, so issued and bought, have been paid.

The State Fire and Tornado Fund was created by the 1919 Legislative Assembly. It has been self-sustaining and no appropriation was ever made for it. On December 1, 1938, this department had liquid assets of $2,112,773.72. Of this amount the department had cash on hand in the sum of $496,952.72 and the balance of the surplus was invested in municipal bonds and registered warrants. The department has collected premiums in the sum of $3,578,539.14 of which it still has on hand in the form of a surplus the sum of $2,112,733.72.

Also at the present time over 1,100 municipalities in the state are receiving absolutely free insurance.

### Hail Insurance

You may also desire to be advised about the Hail Insurance Department in the office of the Commissioner of Insurance, Oscar Erickson. Today, it has liquid assets in cash and bonds in amount over $1,000,000. This is an increase of approximately $250,000 during the past two years. It has in surplus and reserve approximately $3,000,000. In 1937 in the fifth and highest district it reduced the rate from eighty cents per acre to sixty-two cents and in 1938 it again reduced the rate from sixty-two cents to fifty-nine cents per acre and during the two years its operating expense was approximately $5,000 less per year than it was in 1936 although it handled nearly four times the business it did in 1936.

### The Bank of North Dakota

During all of the depression that existed the Bank of North Dakota has proven its worth to this State. It has never been closed. When other banks throughout the country were closed by Presidential executive order or failed or went into receivership, the Bank of North Dakota safeguarded public funds and all deposits. No depositor has ever lost any money. My administration closes now with the Bank having no bills payable, no real estate on its books except the Bank building which the State owns, with deposits exceeding $17,000,000 and with undivided profits and reserves set up which exceed $600,000, and this has occurred despite the long continued economic distress. I point out one item of service which the

Bank of North Dakota has performed of great saving. During my administration the Bank has gone into the market and purchased bonds issued by the State which did not mature for many years in the future and which bore interest at rates of 4½% to 5½%. It paid for the bonds out of these profits of the Bank above the par value of such bonds over one million four hundred thousand dollars. These bonds were then turned over to the State Treasurer at par and retired with a saving of interest for the State, which otherwise would have been paid in the amount of over seven million dollars. Thus one million of profits taken from the Bank and seven million of interest saved means eight million dollars which nearly equals the budget board recommended appropriations for the next two years. In addition to that, the Bank of North Dakota is giving its aid to our private banks in this state. It has deposited thousands of dollars in them with a limit of $5,000 in each bank so that each deposit is insured by the Federal Government through its Bank Insurance Department, the F.D.I.C. The able leadership of Frank Vogel has guided the Bank of North Dakota well and safely through all these financial difficulties and has proved a bulwark of strength for the State in financing relief and aid to schools.

**The Mill and Elevator**

The State Mill and Elevator with a flour mill of 4,000 barrels producing capacity per day and a terminal elevator of 2,000,000 bushels capacity has constantly been the subject of attack by milling interests and grain elevator interests doing business in our State but managed by individuals and interests without our State. It started in 1922 with a three million bond issue furnished for the plant construction and one and one-half million bond issue for its operating capital. The original accountants, Bishop Brissman & Co., at the beginning stated that it was not proper accounting to charge this plant each year with interest on these bonds which had been furnished by the State as capital for the institution. This State Mill and Elevator plant has been of great service to the people of this State. It has demonstrated that North Dakota wheat is a premium wheat and is the finest in the United States for making high grade flour. It has compelled foreign milling interests to sell their flour to our people at a much lesser price than it did sell when this mill was not established. This mill plant has compelled the grain trade to pay a premium for high protein in wheat. This mill has demonstrated by thousands of tests that our wheat is of high protein content, is entitled to a premium, and it has forced the grain trade to recognize this value by paying a premium at all stations in North Dakota because the mill itself did pay this premium to our own producers.

The Board of Railroad Commissioners has fought for and secured new and lower freight rates and transit privileges which the producers and mills and feed plants never had had before. It took the lead in giving to the State Mill Plant as well as other mills in the state, the right to have a free transit in handling wheat and flour both in interstate and intrastate commerce. It has secured reduced freight rates which are

now in force for the producers and millers in this state which mean in some instances as much as $45.00 per car less freight.

This State Mill plant which uses a large amount of our native lignite, fought for and secured during my administration reduced rates on lignite screenings which now means every year a saving in freight charges for our state institutions alone of about $50,000 annually.

It has established a federal inspection service of grain for testing the quality of grain so that grain interests outside of this state must recognize this inspection and this testing with the result that all of our producers in this state can easily ascertain at any time whether or not they are being cheated in the grain they are offering in the market for sale.

I want this legislature to know that for seven long years this State Mill fought to have for the mills of North Dakota the right of free transit in handling wheat and manufacturing flour, the same as mills outside of this state have for many years possessed and that in this fight and during my admin-administration I placed on this job to secure this free transit, Harry A. Bronson, former Chief Justice of our Supreme Court, who finally won before the Interstate Commerce Commission the recognition of the right of our State Mill and all other flour mills in this state to have free transit.

The various audits made by the State Board of Auditors disclose what has happened financially to this State Mill. In 1933 the audit of the former Mill Commission up to the time when our Industrial Commission took charge of the State Mill, showed that, up to that time, the operating profit of the State Mill and Elevator, not including interest and depreciation, amounted to approximately $820,000. The audit of Mr. Diehl subsequently on March 16, 1935, disclosed that during my first administration from 1933 including part of the Olson administration up to March 16, 1935, this operating gain had increased approximately $237,000. This made a total operating gain for the State Mill and Elevator up to March 16, 1935, when the Welford and Bonzer administration took charge of this State Mill amounting to approximately $1,057,000,000. The audit of Mr. Diehl at that time also showed on March 16, 1935, that this Mill then had current assets of approximately $1,680,000 which were then sufficient to pay off all the milling bonds issued by the state and to leave a balance on hand of approximately $180,000. At that time on March 16, 1935, when the Bonzer administration took charge, this audit also showed that the fixed assets of this mill were approximately $3,110,000 which amount was then sufficient to pay off all the milling construction bonds that the state had ever issued and leave a balance of approximately $111,000.

When the Bonzer administration ended on Jan. 4, 1937, the audit of Mr. Shirek showed that at that time the State Mill owed approximately $1,123,000 which included at that time $1,150,000 loaned from the Bank of North Dakota. Also this audit on Jan. 4, 1937, showed that the accounts owing to the State Mill had increased during the Bonzer administration

approximately $619,000 and the inventories had increased up to $1,690,000 or approximately $880,000 more than when Bonzer took charge.

This was the situation that existed when Manager Scott took charge of the State Mill in January, 1937. These accounts had to be collected; these inventories had to be liquidated; large amounts had to be paid out to various bakeries and consumers on account of the process taxes. The quality of the flour had to be improved. The mill plant had to return to the use of North Dakota wheat instead of using wheat from Kansas, Washington, and other states. Flour which had been sold and was of poor quality had to be taken back and reconditioned. All of these things Manager Scott had to do as well as assume the losses that continued from each liquidation of these accounts and inventories. Harvey & Castle made an audit of the State Mill and found that there was $400,000 charged to Manager Scott's administration that ought to have been borne by the Bonzer administration. General Manager Scott took over a heavy burden when he assumed the position of Manager of this plant. He has saved the institution from a condition of near bankruptcy to continue to be of service to the people of this state. It has practically broken his health so he was compelled to resign his position through orders of his physician.

**We Have Had Clean Government**

Now, Ladies and Gentlemen of the 26th Legislative Assembly of the State of North Dakota:

Two years ago today, your State Officials took their oaths of office. We have either been true or false to those trusts. If there be any among you who seriously believe that these trusts have been betrayed; if there be any among you who honestly thing that there has been a betrayal of the people's rights, a wrongful taking of money, crookedness, graft or any kindred crime committed by any of those whom the people of North Dakota honored and trusted, I submit that it is your duty to institute the most searching investigation.

Proudly, I proclaim that North Dakota, during the past two years, has had an honest, efficient and economical administration. That, I believe, and that I say. If there be those among you, who think to the contrary, may I not say that not a single voucher, calling for the expenditure of State money, required by law to be submitted to the State Board of Audits, but what bears my signature. Let me make this clear. The Auditing Board met three or four times a month. As chairman of that board, I did not miss a single meeting during the entire two years and aside from the Bank of North Dakota and the Mill and Elevator there is not a warrant for one of these submitted and allowed vouchers that I am not responsible for.

For example, if the State Mill and Elevator purchased fifty thousand bushels of Argentine corn under my administration as is alleged, the falsehood or truth of that statement is easily proven.

There have been allegations of kick-backs and assessments. I ask that if there be an investigation of this matter that it commence with the administration of Honest John Burke up to the present time. I say that never in the history of North Dakota has there been a cleaner administration than during the two years that have just passed and if there be those that think the contrary, now is the time and the place to produce the proof. Speak now or forever hold your peace.

### The Land Department

Ladies and Gentlemen, I desire once more today to do as I did six years ago, as I did at the Special Session in July, 1934, and as I did in my last message, namely call your attention to the unspeakably rotten conditions in the Board of University and School Lands, a department that has been undermanned for years, a department that has been neglected by legislature after legislature and a department with scores of loans past due for five and six years, a department which has loaned money on land eaten up with back taxes for six, seven or eight years, a department, which unless something radical is done will cause the loss of additional millions of dollars to the taxpayers of this State. It will take the utmost harmony and co-operation among you to solve this outstanding problem, which is one that ranks next to relief.

The only recommendation I have which I think ultimately will make the Board of University and School Lands solvent is that legislation be immediately enacted providing that no land owned by the State of North Dakota shall be sold, without the State reserving to itself all oil and mineral rights. There is little question but that valuable oil reservoirs are contained within the boundaries of our State, and still less question but that thousands of acres of school land contain some of these oil reservoirs.

### The Old Age Pension

Very unfortunately, the Old Age Pension Act, initiated and passed by the people of the State, is in controversy before the Supreme Court. I, therefore, in view of the fact that this is pending before another branch of our State Government, very reluctantly am unable to discuss it here today.

My friends, thousands of aged pioneers, those in the cities towns and villages, on the farms, in the hills and hamlets are waiting with pitiful eagerness for the decision of the Supreme Court, and on the action of you members of the 26th Legislative Assembly. God grant that your action may be wise and just in the treatment of these old pioneers.

You will be interested in knowing further the financial status of our State Government. Yes, my friends, we owe some money. We took advantage of the legislation passed two years ago and have outstanding debts. We have constructed five times as many miles of oiled highways as any previous administration and these roads are well built, well travelled and stretch across the State from the Minnesota line to the Montana border and while the Highway Department owed $300,000 when we took office they only now owe approximately $650,000 to the Bank of North Dakota. The

certificates of indebtedness were issued for relief purposes, and did away with the necessity of calling a special session of the Legislature.

**Water Conservation and Missouri River Diversion**

In my message to you at the commencement of my second administration in January, 1937, I recommended action by the Legislature for water conservation in our State. I brought to your attention then our diminishing water supply, the disappearance of our lakes and streams and the lowering of our water levels. I especially mentioned the necessity of establishing a comprehensive State Water Commission to secure needed water supply for our State and attempt the utilization of the waters of the Missouri river.

As there was not any united head or body to handle this problem of proper water conservation, and as heretofore the work had been through various voluntary organizations or local organization concerned with irrigation or water supply, the Legislature and I immediately took steps to see that a real water conservation act was adopted in this State.

I called in Judge H. A. Bronson and requested him to draft an act covering the subject matter and to take charge of it. He proceeded so to do, and with the aid of State Engineer Thomas, Professor Lavine of the State University, C. F. Kelsch, now assistant attorney general, Henry Holt, Representative Hagen, and Senator Cain, a new act creating for the first time in the history of this state a comprehensive State Water Commission with power and authority was drafted and passed by the Legislature.

I appointed on this Water Commission men of different political faith so as to make it truly a nonpartisan and nonpolitical body. The Legislature was able, only, to give to it a limited appropriation. Nevertheless, this Water Commission has done real constructive work. It has received the aid and co-operation of the Federal Government. It has constructed many irrigation projects. It has revived the Missouri River project through a new proposed diversion after the Army Engineers of the Federal Government had refused to consider any such projects as feasible or desirable.

The public now knows of the interest and enthusiasm of our people and of our governmental officials to see that the Missouri River project becomes an established accomplishment in furnishing to our farmers, to our cities, to our lakes and to our streams, both in the East and West sides of our State, that adequate water supply which we must have for this State to become again prosperous. I urge your full support in every way possible for this proposed Missouri River Diversion which now, after hearings held, is in the hands of the U. S. Army Engineers. I ask that you make a thorough study of the report of the State Water Conservation Commission of which I had the honor, during my administration, to be chairman.

**Our District Schools**

Our school districts are in a serious condition and, out of

a total of 2,270, large numbers are insolvent and many more are approaching that condition. The school teachers are underpaid. We pay the lowest school salaries of any State in the Union excepting four Southern states. Tax delinquencies, inability to make a tax levy sufficient for operating expenses, and lack of sufficient support from our State and Federal Government are causes leading our school districts into insolvency. Our State Departments have given most valuable aid, but fundamental conditions, that have given rise to this poverty, must be remedied. I suggest that the State furnish one-third and the Federal Government one-third, of the operating costs of such school districts. When we spend some $23,000,000 in 1937 for luxuries, such as liqueurs, cigarettes, beer, etc., as we did, and only about $10,500,000 for the total costs of maintaining our district schools, there is certainly something wrong with our set-up, which permits impoverishment of necessities and enrichment of luxuries.

### Two Million Dollar Bond Issue to Pay Back Taxes to School Districts and Townships

Perhaps the time is here to give some aid in one particular manner. The State of North Dakota is becoming the owner of a large amount of lands acquired and being acquired through reversion of title by foreclosure proceedings upon loans of University and School Trust Funds or Real Estate Bond loans. On these lands there has accrued and will accrue a large amount of taxes delinquent before the State acquired or acquires title. These taxes which may amount to the total sum of $2,000,000 are owing principally to school districts, townships and counties, largely situated in the Western part of the State where the State has been engaged during the past two years in furnishing relief and in giving to schools to keep them open. I have been opposed to any issue of State Bonds, but here is a situation where, as a matter of business, and sound financing, it may be desirable that the Legislature authorize a bond issue for $2,000,000 for the express and only purpose of paying such taxes and financing the school districts in the territory affected so that schools may be kept open and local government maintained. Such bonds, with an irrepealable tax levy assured, probably can now be marketed under the existing high rating of our State bonds at a low interest rate and sold at a premium of that basis. I do recommend that you give specific attention and consideration to these matters so vital to our common schools in this State.

### Specific Recommendations

Through experiences I have had as Governor in dealing with State matters and our various departments of government, I bring to your attention certain, definite, specific recommendations.

1. I recommend that every District Judge, when he sentences persons to the Penitentiary, be compelled to file a statement of the case and that he be compelled under penalty of not receiving his pay unless he does so, to file recommendations either for or against such persons applying for a pardon or commutation of sentence.

2. I emphatically recommend that no District Judge shall receive a plea of guilty of murder either in the first or second degree, within at least one week after the said crime has been committed; that if the criminal has parents residing in the State, that they be notified before the said plea is taken and that the District Judge appoint an attorney who shall represent said person for at least three days before the plea is received.

3. Knowing the waste of land and destruction of land values by the operation of strip coal mines, I renew the recommendations, that twice previously, I have made, that a tax of not less than 25 cents a ton be levied on all coal mined from strip mines and ten cents a ton on all coal mined in deep mines. Unless this is done, schools and townships where these mines are located will gradually be deprived of any revenue.

4. I recommend one central system of State accounting and uniform county accounting just as I have previously recommended.

5. I recommend an increase in the taxes on all busses and trucks and a decrease on the license fees on old automobiles.

6. I recommend a general increase in teachers salaries and particularly in the salaries of the teaching staff at the Blind School and in the amounts for repairs that are absolutely essential at that institution.

7. I recommend that School Districts should be able to begin with a new slate on July 1, 1939. A special fund should be set up to gradually pay off all of the warrants and the indebtedness that school districts now have. This should not apply to indebtedness for new buildings. A large part of the current expenses for operating school systems should be borne by the Federal Government. The State should set up a commission of three State officials to be known as the State Financing and Re-Organizing Commission. This Commission should be able to employ a State Budget Director. It should also set up a plan for financing School Districts and determine the extent that local districts may go in receiving State aid. This Commission should set a minimum program that the State should follow in regard to finances. They should help solve the school transportation problem, eliminate all small schools not required in the smaller districts and carry out provisions of law or organization of larger school units and finally the Commission should make an attempt to secure Federal Aid for public education in North Dakota.

8. I recommend an appropriation for continuing the maintenance of the State Bureau of Criminal Identification.

9. I recommend a replacement of the laundry equipment in the State Penitentiary.

10. I particularly call the attention of the Legislature to the request made by Dr. F. C. Lorenzen for necessary repairs at the North Dakota State Hospital for the Insane and to the request of Dr. F. W. Deason for adequate fire protection in the buildings and necessary repairs at the State

School for the Feeble-Minded. Also I suggest that the excellent work of Henry G. Owen in remedying conditions at Jamestown be continued.

11. I recommend a very large extension of the Trade School at the State Training School at Mandan; an extension of the Irrigation program there, and the necessity for a separate building for certain inmates. I recommend the purchase of a new boiler at the North Dakota State School of Science and I call to your attention the drastic necessity for increased maintenance at that school. I call to your attention the condition at the North Dakota Tuberculosis Sanatorium. Recommendations there would include the building of a new milk-house and necessary repairs to the old administration building, now used to house employees, but which is a veritable fire-trap. A larger refrigerator is needed and a new ammonia compressor. Remodeling of the old children's building would be necessary for the employees as well as giving better housing conditions. All of these are proposed as P.W.A. grants, the State supplying 55% of the total cost. The State's share of this cost would be $28,422.90. These items, in my opinion, are absolutely essential.

12. I recommend a new building at the North Dakota School of Forestry together with equipment for a new forestry school-room and laboratory and particularly, I recommend the item of $5,000 for equipment.

13. I particularly recommend, in view of the Federal program for normal granaries and the production, handling and storage of grain crops, where grown, that the Industrial Commission be given an appropriation and specific authority to arrange for and to construct one or more terminal grain elevators at strategic points in this state with the co-operation, aid and support of the Federal Government through its various work, aid and assistance programs.

14. I recommend again that you favor a change in the taxes on farm and ranch lands which will equalize the tax burdens. Farm and ranch lands have been paying too high a tax in comparison with what they have produced. The taxes on farm and ranch lands should bear an equitable relation to the income produced.

15. I call your attention to a situation which exists with reference to the interpretation of the definition of beer in the Initiated Beer Act approved by the people September 22, 1933. Section I of this Act reads as follows: "The term beer as used in this Act shall be construed to be of such alcoholic content as is now or may be hereafter defined by the Act of Congress of the United States." When this definition was approved there was a Federal law entitled "An Act to provide revenue by taxation of certain non-intoxicating liquor." This Federal tax applied to all beer, containing one-half of one percent or more of alcohol by volume and not more than 3.2 percent of alcohol by weight.

This Federal statute was repealed by the Act of Congress of August 27, 1935. No new Federal Act was passed to replace it so that we now have the situation where Section 1 of

the Initiated Beer Act of North Dakota no longer contains a definition of alcoholic content for beer. The result is that it is next to impossible to properly interpret what beer is.

Accordingly, I recommend that corrective measures be presented to the Legislature providing for amendment of the Initiated Beer Act and 10145 b 1 Supplement to the 1913 Compiled Laws of North Dakota redefining non-intoxicating beer and malt beverages and the repeal of Section 10105. I believe this is essential to fully protect the future revenues of the State.

16. The effort of the president, Cyril Grace, and faculty of the State Teachers College at Mayville to rectify certain of our economic conditions through the media at their disposal, represents a distinct progressive trend in the field of higher education in North Dakota, and most certainly a step in the right direction. We understand that our teachers, particularly those trained for the rural and small city schools, will enter more aggressively into community activity, from an economic point of view, than heretofore.

It is recommended that the Legislature encourage and foster this program, with sufficient funds to guarantee successful performance.

17. I recommend for your careful study Bill Thatcher's Thirteen Points adopted by the Farmers' Union at their convention at Mandan, North Dakota.

18. I recommend for your careful perusal the platform of the State Federation of Labor, and am pleased that during my administration we have had less labor trouble than any State in the union. I am very thankful for the co-operation I have had from the leaders of the Committee for Industrial Organization and some of the officers of the State Federation of Labor.

19. I specifically recommend against the increase of the gas tax; I recommend that the beer income go into the general fund instead of being used to bolster up the North Dakota bonds. I urge a thorough study of the gas refund problem.

**Recommending Memorializing Congress**

That the W.P.A. be put to work building dams to conserve every drop of water that falls in North Dakota; that the Workers be not driven to the status of Chinese Coolies by using pick and shovel; that they be permitted to use modern machinery; that use of modern machinery in North Dakota will cause the manufacturing of such machinery in the East which will promote employment in the Eastern States.

That Congress be memorialized to enact a law scaling down all Federal debts and that farmers be given a chance to redeem their indebtedness at a scale down proposition.

That a Moratorium be issued stating that all attached deeds that the farmers and home-owners who have lost their homes by tax deed be permitted to redeem from the County on an installment basis and that all penalty and interest be eliminated.

I recommend that the minimum standard of living for the old folks of North Dakota should not be below $40.00 per month.

In conclusion I particularly desire to thank President Franklin D. Roosevelt for his exceptional interest in behalf of the poor people of the State. No President has before visited North Dakota more frequently while President. His interest in our welfare has been genuine. His assistance to cooperative organizations in the marketing of our poultry, grain and produce outstanding. His assistance in the field of legislation looking towards crop insurance without precedent. North Dakota has had a true friend in the White House. I desire to thank him for the many courtesies he extended me personally, and also do I wish to acknowledge obligations to J. F. T. O'Connor, former Comptroller of the Currency, and former Judge L. E. Birdzell, now Chief Counsel of the F.D.I.C.

I would be entirely lacking in the position that I have held if I did not thank John Collier, Superintendent of the Indian Bureau, for his devotion to the Indians on every Indian reservation in North Dakota. Time and again he has cut red tape to rush financial aid to suffering and starving Indians. His administration of the Indian Bureau stands as a monument to what one man can do if he is truly and genuinely interested in his work, and is allowed to continue it unhampered. In all my dealings with Federal officials, his office has been the most outstanding.

To you, as legislators, and to the State and Federal officials, who have co-operated with me during my administration I extend my deep appreciation of your every aid and assistance given to me.

"To you, John Moses, as retiring governor I pledge every assistance possible. I wish for you a very, very happy administration and I call upon your friends here today, those who are the closest to you, to give you every assistance possible because God knows a governor needs it; and I wish you here the best of good luck. Thank you."

WILLIAM LANGER.

Chief Justice W. L. Nuessle administered the oath of office to the state officials.

The oath of office was administered by Chief Justice W. L. Nuessle to Governor-elect John Moses.

President Patterson:

"I think after the splendid message that former Governor Langer has delivered and with the offer of assistance and help that he has given to Governor John Moses, there is not a great deal more that I could add, although I would like to mention that if the start of this administration is the same as the start of every other administration for the past few years, there are as great problems confronting our incoming Governor as were for Governor Langer. I am sure that every man and woman feels the incoming Governor warrants every

bit of your support and co-operation and I am sure that he will be given it. This 26th Legislative Assembly will bear in mind the recommendations that the retiring Governor has made and those that will be made by our new Governor.

"I am happy, Ladies and Gentlemen, to present to you our new Governor, the Honorable John Moses."

**Governor Moses' Message to the 26th Legislative Assembly**

Mr. President, Mr. Speaker, Governor Langer, Honored Guests, Ladies and Gentlemen and Members of the 26th Legislative Assembly of the State of North Dakota:

It has been a great pleasure this afternoon to be here. It has afforded me a great deal of pleasure to listen to the message of Former Governor Langer. The many thoughts expressed in his message will be kept in mind.

It is my constitutional duty as Governor to inform you, by message, of the condition of the state and it is my privilege to recommend, for your consideration, measures which I believe will, if enacted, promote the welfare of our people and our state.

I doubt if ever before a North Dakota Legislature has been confronted with problems as serious as those which will be met by this body during the next sixty days. These problems arise, in part, out of circumstances which we can and must control, if this state is to continue to function as a solvent body politic. We have, each of us, taken a solemn oath to face these problems squarely and to apply ourselves, to the best of our ability, toward a solution which will do credit to us and to the people of the state whom we represent. I have full confidence that the legislature will approach this important and sometimes difficult duty in a spirit of honest tolerance, that it will be fearless in striving for what is right for all the people, and that both factionalism and sectionalism will be absent from your deliberations.

Our state has, today, assumed to a large extent many of the burdens which local governments have been unable to sustain. We have provided state aid for our schools. We have provided state funds for relief, for the care of the blind and for old age assistance. Not only can there be no abandonment of this policy of state responsibility, but to my mind, it must be extended to provide more adequately for the welfare of our people, which, after all, is the chief concern of the state.

You must make provision to carry on the business of the state government, its penal, charitable and educational institutions. You must make appropriations to care for the needy and distressed. You will have before you the problem of finding money to match federal funds for maintenance and improvement of our highway system. If my information is correct, it will also be necessary for you to make deficit appropriations, in order that certain of our

state departments will be able to keep their doors open until July 1. At the same time, we find that that state mill and elevator and the department of state highways are indebted to the Bank of North Dakota in a sum in excess of $1,700,000. These loans must be repaid and they can be paid only out of revenues raised by taxation, excepting only such sums as may be realized by sale of collateral now held by the state mill and elevator.

In short, as I see it, you will be asked to make provisions for current needs which are the greatest in history of the state and you must do it at a time when the state appears least able to carry the burden. We have reached a well-marked cross roads in the progress of North Dakota. Certainly it is time to pause and take stock of our condition before we proceed. We have been accustomed to demand much from our government. Each year we make new demands, but we seldom abandon a governmental service no matter how outmoded it may have become.

In recent years it is apparent that we have not been able to pay out of current revenue for the things we have demanded. We must now choose one of two courses: Either we must limit our demands to fit our income or we must resign ourselves to a tax burden that will permit us to live on a "pay-as-we-go" basis. Either course will involve sacrifices. We must be content to surrender some of the services the state has performed for us or we must dig deeper into our pocketbooks to pay for those services. As the representative of the people, the choice is yours; I hope you will make it with courage and without compromise.

**Financial Condition of the State**

The following statements have been furnished by Mr. John Gray, state treasurer, and reflect the condition of the general fund and the condition of the bonded debt of the state of North Dakota at the close of business December 24, 1938.

Statement of the general fund.

At Close of Business Dec. 24, 1938

| | | |
|---|---|---|
| Cash balance | | $608,048.84 |
| Less—Institutional collections | $250,000 | |
| Federal Funds | 16,500 | |
| Commissioner beer fund | 178,500 | 445,000.00 |
| Available balance, state treasurer's books | | $163,048.84 |
| (This figure will be further reduced by state auditor's warrants outstanding, not presented.) | | |
| Certificates of Indebtedness outstanding: | | |

| Date due | Amount | Accrued Int. 4% to Jan. 1, 1939 |
|---|---|---|
| February 18, 1939 | $343,000.00 | $ |
| April 18, 1939 | 342,000.00 | 8,782.25 |
| July 6, 1939 | 870,000.00 | 16,969.56 |

| | | |
|---|---|---|
| September 19, 1939 | 200,000.00 | 2,257.39 |
| October 24, 1939 | 425,000.00 | 526.00 |
| Total certificates outstanding | $2,180,000.00 | |
| Accrued interest to January 1, 1939 | 28,535.20 | |
| Total | $2,208,535.20 | |
| Less Cash in certificate retirement fund | $144,747.08 | |
| Dec. Tax Coll. | 50,000.00 | $194,747.08 |
| X Estimated | | |
| Net liability account certificates of indebtedness | | $2,013,788.12 |
| General fund deficit | | $1,850,739.28 |
| On Sept. 24, 1938, the deficit was | | 1,133,940.09 |
| Thus in three months it has increased | | 716,799.19 |

or nearly $239,000 per month

**Statement of Bonded Debt**
at the close of business Dec. 24, 1938

| | |
|---|---|
| Obligations Outstanding— | |
| Real Estate Bonds | $19,847,000.00 |
| Mill & Elevator Construction bonds | 2,500,000.00 |
| Capitol Building Certificates | 401,000.00 |
| General Certificates of Indebtedness | 2,180,000.00 |
| Total Bonded Debt | $24,928,000.00 |
| Sinking Fund Assets— | |
| Real Estate Bond Payment Fund | $ 1,217,105.03 |
| Mill & Elevator Const. (After Jan. 1 interest) | 46,494.44 |
| Certificate Retirement Fund (Int. Accd.) | 144,747.08 |
| Total Sinking Fund Assets | $ 1,408,346.55 |
| Net Fund Debt, Dec. 24, 1938 | $23,519,653.45 |
| Note: On July 1, 1938, the last of the Milling Bonds became due in the amount of | $500,000.00 |
| Interest thereon amounted to | 14,375.00 |
| Total | $514,375.00 |
| Cash in Milling Bond Payment Fund was | $346,101.63 |
| The bonds and coupons were paid out of other available funds as provided in the Milling Bond Act, leaving a deficit in the Milling Bond Fund of | $168,273.37 |

This amount is covered by uncollected taxes.

Capitol Building Certificates in amount of $54,000.00 which fell due June 1 and Dec. 1, 1938, were presented for payment and registered for want of funds. (Not paid) These are held by the Bank of North Dakota and they are included in the statement of outstanding obligations above.

**Welfare and Relief**

I again emphasize: The chief concern of the state is the welfare of its people. The federal government, through the Works Progress administration, now is furnishing employment to 15,011 of our people; through the agency of the Farm Security administration, relief in the form of grants is being extended now to 28,950 of our needy farmers, and the es-

timate for January, 1939, is 31,940 families. Through the Social Security act, the federal government, on the basis of need, furnishes one-half of the aid for the aged and blind, up to a maximum of $15,00, and one-third of the aid to dependent children, up to $6.00 for the first and $4.00 for each additional child.

During the past two years, the federal government, through its various agencies, had contributed more than 85 per cent of the money which has gone to provide for the care of needy persons in North Dakota. We have in North Dakota become prone to lay all cares in the lap of the federal government. North Dakota has an attitude of expectation of relief from the federal government. We can not afford to view the future with the same attitude. We must begin to consider our own problems.

The executive director of the state welfare board estimates that with a continuation of federal relief expenditures in North Dakota on the present basis, state appropriations totaling $7,460,000 will be required for relief and public welfare. It will be necessary for the state to provide $2,660,000 to meet the state's share of public assistance payments and child welfare services under the social security programs, and $3,750,000 for general relief for the biennium ending June 30, 1941. The 1937 legislative appropriation for general relief is exhausted and an immediate emergency appropriation of $1,050,000 is needed to enable the public welfare board to make grants in aid to the counties for general relief for the remainder of the current biennium.

Of the total 1937 legislative appropriations of $6,100,000 for relief and public assistance, $3,000,000 was made available from the sales tax and $1,625,000 has been provided by issuance of state certificates of indebtedness. Of the unexpended 1937 appropriation for public assistance, amounting to $1,475,000, it is estimated that $740,000 will be required during the current biennium but there are no visible sources of revenue from which the deficiency can be supplied without legislative action. This should be given immediate consideration to insure uninterrupted payment to the aged, the blind and dependent children.

The total amount requested for relief and welfare is an increase of $360,000 more than the amount provided by the 25th legislative assembly two years ago. Most of this increase is needed because of the financial condition of the counties, which has become increasingly serious, and the necessity for the state to provide a larger proportion of general relief funds. I can not too strongly emphasize the necessity for extending to our old people and others in need and want, all assistance within the power of the state to grant. I know that you will deal justly and fairly with our people.

With reference to the initiated measure providing for old age pensions in the minimum amount of $40 per month, I believe that in view of the present status of that bill, it is improper for me at this time to make any comment or offer any specific recommendations until the final determination has been had from the supreme court.

### State Mill and Elevator

The State Mill and Elevator at Grand Forks was established for the purpose of serving the interests of the people of North Dakota, principally the wheat growers. During the 15 years of its existence, the Mill has had a checkered career. Successive audits have shown operating and actual losses. During recent years, these losses have assumed staggering proportions. On the 16th day of March, 1935, the Mill and Elevator had $659,220.08 in cash. This sum was turned over to the administration which took over its management at that time. Since that date, losses amounting to $2,062,053.04, up to the period ending June 30, 1938, have been sustained.

The figures for the operation of the mill and elevator for the six months period expiring Dec. 31, 1938, are not available. I have, however, requested the board of auditors to see that a complete audit of the mill and elevator is made at the earliest possible date so that such audit may be available to the members of this legislature in ample time to enable you to give to it the consideration which it deserves. I am advised that the mill and elevator was indebted to the Bank of North Dakota in the sum of $470,968.03 on June 30, 1938, and in the sum of $1,136,982.88 on Dec. 31, 1938, supposedly secured by inventories. Whether the collateral for this loan is available, I am unable to say.

The fate and future of the mill and elevator has caused grave concern to the people of this state during the past several years. It is my belief that a complete inventory must be taken and that the exact status of that industry must be determined at the earliest possible moment. The responsibility for the management of this institution is vested in the industrial commission, composed of the governor, the attorney general and the commissioner of agriculture and labor. These men serve as its board of directors. The incoming board of directors should know the exaact status of the mill and elevator; the people of North Dakota are entitled to know the facts about how it has been managed. Grave charges of mismanagement have been made. It is proper and right that the truth or falsity of these charges be definitely established.

I am of the opinion that the management of the mill and elevator must be divorced from partisan politics in order to make this industry serve the state without ever-mounting expense to the taxpayers. To that end, I respectfully recommend that legislation be passed establishing a non-political board of management, to consist of three persons. Such board should act in a supervisory capacity and should direct the general policy of the mill and elevator. It should be the duty of that board to employ a manager, skilled and experienced in his business, and such further employes as are necessary for a businesslike administration of this important state industry.

### Highways

North Dakota has an authorized state highway system comprising 7,322 miles; the total mileage improved and under

state maintenance is 6,500 miles; the total surfaced, including oil surfacing and paving outside of cities and towns, is 1,245 miles. This system must be maintained by the highway department. The only income the department has is derived from a 3-cent gasoline tax and the motor vehicle registration fees. It is estimated that the gross receipts are approximately $5,000,000 annually. Out of the gasoline tax, approximately 34 per cent, or, in round figures, $1,200,000, is refunded to farmers; one-half of the license fee, or approximately $650,000 is allotted to the counties; and one-third of the net income from the gas tax, or approximately $865,000, is also allotted to counties. These allottments to the counties are used for road purposes. This leaves for the use of the state highway department, approximately $2,200,000. It now takes practically all of this money to maintain the roads, leaving little or nothing for road construction.

Up to this time, the federal government has made available large sums of money for construction purposes in North Dakota, without the need of matching funds by the state. Now, however, under the provisions of the Hayden-Cartwright bill passed by Congress in 1938, the state must match federal funds for new construction purposes, the sum of $1,742,327 for 1939, and $1,939,847 for 1940, but before these funds can be used by the state, the state must either put up a like amount, or use 90 per cent of its net receipts from gas tax and motor vehicle fees for highway maintenance and construction purposes; otherwise, the federal funds set aside to North Dakota for 1939 will revert to the secretary of agriculture by the 30th of June, 1939, and will be allocated to other states.

The finances of the state highway department are not in good condition. I am reliably advised that the sum of $600,000 is owing to the Bank of North Dakota for loans made to the highway department for construction purposes. I am also advised that there are other outstanding obligations and indebtedness of the department, the amount of which are not definitely ascertainable.

The proposed highway program for the next four years contemplates the completion of hard-surfacing the primary road system of the state, comprising some 3,500 miles. Economy demands that this program be completed because engineers estimate that there is a saving to the state of over $350,000 per year in the maintenance of hard-surfaced highway as compared to graveled roads. This saving will be lost unless the original program calling for hard-surfacing is completed. To complete it, additional funds must be made available to the state highway department.

This situation presents a problem which you, the members of the legislature, must solve. It is definite and certain that unless the state can match federal funds, the approximately $4,000,000 now available from the United States government will be definitely lost to North Dakota. It should be borne in mind that in addition to the 3-cent state gasoline tax, the people of North Dakota also pay a one-cent federal gasoline tax, levied for the purpose of raising funds for road con-

struction purposes, and that it is thus a large share of our own money which we will be losing if we decide to abandon our road construction program.

North Dakota must face the facts. We are maintaining the largest highway system in point of mileage per car of any state in the union. We charge the lowest motor vehicle registration fee of any state in the union. The gasoline tax paid by the people of this state is lower than that paid by any one of our neighboring states. The percentage of gas tax refunds in North Dakota is abnormally high. I am reliably informed that on $3,340,365 of gasoline taxes collected in the first eleven months of 1938 in North Dakota, $1,136,926, or 34 per cent, was refunded.

Compare this with the figures for the State of South Dakota during the same period: On a total collection of $4,466,000 in gasoline taxes, there was refunded $728,000 or 16.3 per cent. I do not have the figures for the last three months from the State of Montana, but the figures for that state on a yearly basis show collections of $5,424,000 and refunds of $843,000, or a percentage of 15.5 per cent. The State of Minnesota collected $17,337,891 and refunded $2,106,771 during the first ten months of 1938, a percentage of refunds of 12.2 per cent.

Without question, ways and means must be found for tightening up the present system of allowing gasoline tax refunds; I recommend this problem for your earnest consideration. I submit for your consideration an amendment of the present law, providing for the filing of refund claims with the county auditors and for the audit and approval of such claims by the board of county commissioners and the transmittal of approved claims to the highway department for final determination.

While I believe that substantial savings can be effected in the administration of the highway department, nevertheless, such savings in themselves will not be large enough to enable the state to solve its problem without drastic action.

It has been urged that an additional one-cent gasoline tax be levied, calculated to produce $1,200,000 per annum. I am not in favor of such tax unless just refunds are allowed, which would reduce the net revenue to the state considerably. It is likewise urged that the refund to the counties of one-third of the net gasoline tax income and one half of the net income from motor vehicle fees be largely discontinued for the next two or four years, in order to enable the state to match federal funds without additional taxation, and thereby complete the primary system. There are serious and well-founded objections to this procedure. A substantial saving in maintenance costs can be accomplished by a radical reduction of the state highway system so as to maintain only the main traveled highways, resulting in the return to the counties of 2,500 miles of highways or more. It has been urged that there be an increase in motor vehicle registration fees, particularly on buses and trucks, calculated to produce considerable additional revenue.

North Dakota can not hope to maintain its present state

highway system and provide funds for new hard-surface construction without additional tax burdens. We must decide which course to pursue in the interests of our people, taking into consideration the needs of our state, the necessity for progress along sound and economical lines, and likewise taking into consideration the ability of our people to pay. What we do now will in a large measure determine the future of our state highway system.

### Schools and Education

We must recognize the duty which under our American form of government, rests upon the state to protect the inalienable right of every American child to a free public school education. Even under times like these, and with the tremendous burden which rests upon our people, every effort must be made to see that this right is not denied to our children and that North Dakota shall continue to have less illiteracy than any other state in the union.

While consideration of our secondary schools and our institutions of higher learning must be subordinated to the rights of all our children to a common school education, I can not help but call your attention to the deplorable condition of our institutions of higher learning. This has been brought about through the loss to the state of many able instructors who have found it impossible to continue under the low salary scale prevailing in our university and college, and the uncertainty of tenure due to political interference.

We recognize the sovereign right to a free public school but I recommend to your careful study the possibility of effecting savings by making provision for consolidations of school districts, consolidation of schools and similar matters.

### Taxes

The tax problem in North Dakota is merely one phase of our general economic difficulties. There can be no satisfactory solution of our tax question—the question of finding adequate revenues to finance the necessary functions of government—until we have solved the problem of getting North Dakota back on a self-supporting basis. The recent growth of public indebtedness and of tax delinquency is alarming.

The most immediate problem of government in North Dakota today, and the biggest problem which confronts the 26th legislative assembly of this state, is the necessity of obtaining sufficient revenue from appropriate sources to adequately support the necessary functions of state government and of adjusting the functions of local government so that the proper balance between income and outgo will be established. We must determine just what standards of governmental service are necessary for the welfare of the people; we must eliminate those services which are non-essential; we must exercise the greatest of care to avoid waste and extravagance; we must curtail other services wherever possible or feasible.

One of the causes of high taxation is the payment of large amounts of interest on the bonded indebtedness of local sub-

divisions. Our people have been prone to lose sight of the fact that a 20-year bond issue, bearing interest at 5 per cent, would call for taxes of twice the original amount. Many of our local subdivisions must now levy such high property taxes for debt service that they are unable to obtain revenue for operating expenses.

No bond issues should be permitted without a two-thirds affirmative vote of the subdivisions to be bonded. Many of our subdivisions have been careless in the issuance of certificates of indebtedness and registered warrants. The privilege of permitting indebtedness through this medium has been so abused as to require legislative consideration.

The time has also come when the matter of state bonded indebtedness should receive careful consideration. One of the major difficulties in state financing has been the necessity in the past of allocating special taxes and making heavy property levies to pay interest on the public debt. I suggest a comprehensive study of the state's bonded indebtedness with the view to placing it upon a more sound basis so that the indebedness can be retired as rapidly as conditions will permit and the interest burden kept as low as is possible. We can not save money by denying necessary and needed relief. The savings must be found in other places. To put the matter briefly, two paths are open to us:

1. An increase in revenues by levying new taxes or increasing the taxes now existing.

2. By curtailing government activities and by cutting the cost of service.

To me, it appears likely that both methods must be used. No additional revenue can be secured through an increase of taxes on real estate. The farm lands of North Dakota are overburdened with taxes. The present system of assessing lands on their historic value is wrong. They must be assessed on the only true basis, that is, on the basis of what a given piece of land can be expected to produce over a given period of years. A possible new basis for taxation could be provided through a soil survey and land classification.

I do not find an increase in personal property taxes feasible. Rather do I feel that the needs of our people should require a reduction or elimination of personal property taxes upon household property and upon ordinary farm machinery.

The major portion of whatever increase in taxes may be necessary for the purpose of carrying on the ordinary functions of the state government and for the purpose of taking care of the added burden thrust upon us by the economic distress of our people might best be by indirect taxation.

I hereby recommend for your consideration the following possible means of raising additional revenues through both indirect and direct taxation:

1. A reasonable increase of liquor taxes, the proceeds to be "earmarked" for relief purposes.

2. Increased taxation on luxuries such as cigars, cigarettes, tobaccos, cosmetics, jewelry, theater admissions and similar items.

3. A broadening of the income tax base.

With the passage of the laws and amendments at the June primary whereby the regulatory department was abolished and the various departments required to budget, I believe that you may find revenues which can be used for necessary state purposes in some of these formerly unbudgeted departments.

Your attention is called to the question of delinquent taxes. It is estimated that there are approximately $36,000,000 of unpaid and delinquent real estate taxes in North Dakota today. Thousands of home owners are in danger of losing their lands through inability to pay taxes. It is not a good thing to encourage tax dodgers by offering tax settlements, but under conditions such as now face us, it seems necessaary to make an adjustment of this tremendous tax burden. The Saskatchewan plan of tax settlemeits merits your careful study.

**Administration Reform**

In the interest of efficiency and economy in the management of the state's affairs, I respectfully submit for your consideration the following specific recommendations:

That all state employes, not of an executive nature, be placed on a merit system through an adequate and comprehensive civil service act.

That the system of forcing political contributions from state employes be prevented in the future through direct legislation.

Placing the control of the higher educational institutions in the hands of a commission of seven has greatly reduced the duties and functions of the board of administration. I recommend that the board of administration be abolished and the duties of such board be placed in the hands of a board of three elected state officers, with a full time paid secretary as the executive officer of such board.

I recommend for your serious consideration a constitutional amendment providing for establishment of a unicameral legislature to consist of not more than 41 members. In the event that you do not favorably consider such proposal, I recommend that the membership of the legislature be radically reduced to consist of not more than 25 members in the Senate and not more than 51 members in the House; that a separate election district be established for each member of each body and that the members of the legislature be elected on a no-party ballot.

I recommend that all state and county officers be elected for a term of four years. I believe that better and more efficient service can be obtained from state and county officers who are elected for four year terms. Less time will be wasted

in political and campaign activities. The people of the state have ample protection through the use of the recall.

I recommend that this legislature refer to the people by joint resolutions a constitutional amendment providing for alternate forms of county government, that is to say, leaving it up to the people to decide whether they prefer the present commissioner form of county government or the managerial type. I also favor an amendment permitting consolidation of counties and other political subdivisions.

As a further economic measure, I recommend that the consolidated primary ballot be adopted.

A saving, while small in individual cases, yet large in the aggregate, can be effected by elimination of township, school district and village treasurers, leaving to the county treasurer the duties of such officials. I recommend such legislation.

The need of a uniform accounting system has long been imperative. I therefore recommend that you provide for a commission to be appointed by the Governor to arrange a suitable system of accounting, reporting, auditing and budgeting for the various state departments, institutions and political subdivisions. The same to be uniform as to the same type of institution or subdivision, and such accounting system to be approved by the Governor, Tax Commissioner and Board of Auditors.

I recommend that provisions be made for the leasing and sale of all lands owned by the board of university and school lands and the Bank of North Dakota under one agency, to be established in the office of the commioner of university and school lands. I believe that much needless duplication of effort, considerable saving of money and greater efficiency can be obtained thereby.

### Federal Land Bank

There is now no federal loan agency or institution making general farm loans in North Dakota. There is need for adequate loaning facilities for our farmers. I therefore recommend that existing statutes be amended so as to again permit the farmers of North Dakota to qualify for loans through federal loaning agencies, particularly the federal land bank.

### Moratorium

I recommend that the moratorium act of 1935, re-enacted in 1937, again be re-enacted.

### Natural Resources

I call your attention to the need for a development of the natural resources of this state and suggest that legislation beneficial to the development of our natural resources and the establishment of industries in this state receive your favorable consideration.

### Co-operative Organizations

I believe it is the duty of the state government to encourage the development of cooperative marketing methods. I favor the development of the cooperative movement in North Dakota. I favor legislation providing for dissemination of information concerning cooperative methods and cooperative principles. I believe that courses of cooperative economics should be established in our institutions of higher learning.

### Labor Legislation

The safeguard of the state must be thrown about the rights of labor to organize for any lawful purpose. I recommend for your consideration the study of labor relations for the purpose of protecting the right of employer, employe and the public alike, and setting up machinery for the peaceful settlement of labor disputes.

### Audit and Investigation

I point out for your consideration the need for a complete audit and investigation of the state mill and elevator, Bank of North Dakota, hail insurance department, bonding funds, the highway department, the workmen's compensation bureau, state land department and possibly other state departments and institutions, particularly the state hospital at Jamestown.

Charges of inefficiency in operation and corruption in management have been freely made. The people of North Dakota are entitled to know whether these charges are true or false. If they are false, the individuals charged are entitled to vindication. If the charges are true, the people of North Dakota are entitled to have that fact established and the offenders prosecuted. The growing laxity in public morals, the growing disrespect for law, necessitates the return to old standards of right and wrong. Let us bring this out in the clear light of day and let us have it settled once and for all.

### Water Conservation

One of the primary objects of the state is the conservation and development of our natural resources, particularly our water. I favor the objects of the Missouri river diversion project. I favor extension of the water conservation program. The development of our irrigation possibilities is a public necessity. The water commission has done good work. I recommend that it be continued, possibly with a smaller membership, and that adequate funds be provided for its work. It is essential that North Dakota, in cooperation with the federal government, must do all things possible to solve our water problem.

### Federal Government

With the changing conditions, with the imperative need for assistance, the activities of the federal government have become an important part in the economic structure of our

state. It is essential for the welfare of North Dakota that the closest and friendliest cooperation be had with the federal administration in Washington, and I pledge to you my cooperation with the federal administration and with the delegates of North Dakota to Congress, for the purpose of maintaining harmonious relations and promote the welfare of our people.

Ladies and gentlemen of the legislature, I have presented to you a statement of the condition of our state, with certain specific recommendations, based upon the sources of information which have been made available to me. At this time, however, all of the facts are not available. To me, it seems imperative that these facts be brought before us. As governor, I shall direct my attention imediately to a determination of the financial condition of each state department, of state industries and of state trust funds. I shall consider it my duty to give to the legislature any additional information I may receive. I believe that I can, with more clarity and knowledge, present to you from time to time further suggestions and further recommendations for specific legislation. It is my purpose to submit to you recommendations as to changes and amendments in the existing election laws; with reference to the teachers' retirement fund, the liquor control act; the recodification of the laws of our state; the game and fish commission; a land use program and other specific matters which merit your earnest consideration.

You and I were elected to state office for the purpose of working out together a program which will serve the needs of the state and its people in these trying times. As the new governor of North Dakota, I approach my task in a spirit of humility, knowing that I am but one of the instruments for the expression of the will of our people. I approach my task in a spirit of cooperation; it is my earnest desire, and it is my purpose to render such service as I can to the people of our state and to render such services and assistance to you, the members of the legislature, as I can. I know that you come here actuated by the desire to do all that is humanly possible for our people in these times. The task is a big one; let us approach this task, you and I, as servants of the people in the interest of the welfare of the people, and may any spirit of factionalism and sectionalism be forgotten in our untiring effort to keep before us the question of which things will be of greatest value to the greatest number of people of North Dakota.

Benediction by Reverend N. E. Ellsworth.

Senator Watt moved that the Joint Session be now dissolved, which motion carried, and the Joint Session was adjourned.

The House reassembled with Speaker Oscar Hagen presiding.

Representative Scholl moved that the House be on the sixth order of business for hearing of the report of the Committee on Revision and Correction of the Journal which motion was carried.

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

Mr. Speaker:

"Your committee on Revision and Correction of the Journal have carefully examined the Journal of the first day and beg leave to report the following amendments."

Page 3, 48th District, the name "Wm. Rettke" should be written "Wm. H. Rettke."

Page 6, "Representative Dike of Walsh County" should be substituted for "Representative Dike of Grand Forks County."

Page 12, the name "Ernest Weiderman" should be spelled "Ernest Waydeman" and wherever it may appear.

Page 12, Representative "Page" substituted for that of "Schimke."

Page 12, "Gainor" should be "Joiner."

Page 6, "Thirty Second" should read "Thirty Seventh."

Page 15, Representative Boulden should be recorded as voting "aye" instead of being recorded as absent and not voting.

Page 12, Representative Singleton should be recorded as voting "aye".

And when so corrected recommend that the same be approved.

Paul A. Sand, Temporary Chairman.

Elliott Knutson moved that the report be adopted, which motion prevailed and the report was adopted.

Representative Scholl moved that the House recess until 1:00 p. m., tomorrow, which motion prevailed and the House was recessed.

MINNIE D. CRAIG,
Chief Clerk.

## SECOND DAY AFTER RECESS AND THIRD DAY

House of Representatives,
Bismarck, North Dakota,
January 5, 1939.

The House convened at 1:20 P. M., pursuant to recess, Speaker Hagen presiding.

The Speaker announced that the House would be on the third order of business.

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

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

On page 21, line 16, "Representative Anderson" should be changed to "Representative Nelson of Cass."

On page 24, 11 lines from bottom of the page substitute the words "by him" for the words "by he."

And when so corrected recommend that the same be approved.

PAUL A. SAND,
Chairman.

Mr. Symington moved that the report be adopted, which motion prevailed and the report was adopted.

### FIFTH ORDER OF BUSINESS

The Committee on Employment made the following report:

Mr. Speaker: Your Committee on Employment places in nomination the following names for the following positions and recommend that the group be given a collective roll call and the roll call be printed separately in the Journal for each nominee.

F. J. Haines, Postmaster, Stanley.

Viola Erickson, Assistant Postmaster, Buxton.

Kenneth Morgan, Page, Walcott.

Wesley Belter, Page, Davenport.

Nels Quale, Doorkeeper, Charlson.

Pearl Lerfald, Stenographer, Maxbass.

Howard Crockett, Voucher Clerk, Calvin.

Henry Lundene, Bill Room Clerk, Adams.

Max Thiel, Janitor.

Gust Edlund, Janitor, Powers Lake.

Evelyn Anderson, Stenographer, Bismarck.

Mr. Rait accepted an amendment to his motion adopting the name of Nick A. Schall of Orrin to his list as Clerk of Appropriation Committee.

The amendment was adopted.

ROLL CALL

The question being on the election of F. J. Haines as Postmaster, the roll was called and there were ayes, 106; nays, 0; absent and not voting, 7.

Those voting in the affirmative were:

| Messrs. | Messrs. | Messrs. |
|---|---|---|
| Adam | Hofstrand | Rait |
| Anderson, Benson | Holm | Ritter |
| Anderson,M'K'nzie | Holthusen | Rohde |
| Anfinson | Hultstrand | Rotering |
| Arneson, Nelson | Ireland | Sand |
| Arneson, Ramsey | Ista | Saumur |
| Beede | Jensen | Schauss |
| Belzer | Johnson, LaMoure | Schmidt, McHenry |
| Bergesen | Joiner | Schmidt, Sheridan |
| Billigmeier | Keller | Schimke |
| Bingenheimer | Kluver | Scholl |
| Blair | Knutson | Schwartz |
| Bolmeier | Lange | Sellens |
| Boulden | Larson | Semerad |
| Braun, McLean | Lunde | Severson |
| Braun, Stark | McInnes | Sharpe |
| Brown | McIntee | Shure |
| Buchholz | McIntyre | Singleton |
| Byrne | Myers | Skartvedt |
| Crockett | Mittag | Solberg |
| Culver | Moe | Sticka |
| Dalzell | Mollett | Stone |
| Dike | Morland | Stormon |
| Dittmer | Nelson, Cass | Symington |
| Erickson | Nelson, Dickey | Thompson, Burl'gh |
| Feton | Nelson, Steele | Thompson, Steele |
| Fletcher | Nystrom | Trydahl |
| Fraser | O'Brien | Tuff |
| Fuglestad | Odegard | Twichell |
| Gainor | Oglesby | Urschel |
| Glass | Ostgulen | Wambheim |
| Gray | Page | Westby |
| Haag | Panko | Williams, Stutsm'n |
| Halvorson | Peterson,Bottineau | Wolf |
| Haugland | Peterson, Ransom | Mr. Speaker |
| Heckman | | |

Absent and not voting:

| Messrs. | Messrs. | Messrs. |
|---|---|---|
| Benno | Johnson, Cass | Ritter |
| Fitch | Levin | Williams,Richland |

Anderson—Sargent (Deceased).

So F. J. Haines was declared elected.

## ROLL CALL

The question being on the election of Viola Erickson as Assistant Postmistress, the roll was called and there were ayes, 106; nays, 0; absent and not voting, 7.

Those voting in the affirmative were:

| Messrs. | Messrs. | Messrs. |
|---|---|---|
| Adam | Hofstrand | Rait |
| Anderson, Benson | Holm | Rettke |
| Anderson,M'K'nzie | Holthusen | Rohde |
| Anfinson | Hultstrand | Rotering |
| Arneson, Nelson | Ireland | Sand |
| Arneson, Ramsey | Ista | Saumur |
| Beede | Jensen | Schauss |
| Belzer | Johnson, LaMoure | Schmidt, McHenry |
| Bergesen | Joiner | Schmidt, Sheridan |
| Billigmeier | Keller | Schimke |
| Bingenheimer | Kluver | Scholl |
| Blair | Knutson | Schwartz |
| Bolmeier | Lange | Sellens |
| Boulden | Larson | Semerad |
| Braun, McLean | Lunde | Severson |
| Braun, Stark | McInnes | Sharpe |
| Brown | McIntee | Shure |
| Buchholz | McIntyre | Singleton |
| Byrne | Myers | Skartvedt |
| Crockett | Mittag | Solberg |
| Culver | Moe | Sticka |
| Dalzell | Mollett | Stone |
| Dike | Morland | Stormon |
| Dittmer | Nelson, Cass | Symington |
| Erickson | Nelson, Dickey | Thompson, Burl'gh |
| Feton | Nelson, Steele | Thompson, Steele |
| Fletcher | Nystrom | Trydahl |
| Fraser | O'Brien | Tuff |
| Fuglestad | Odegard | Twichell |
| Gainor | Oglesby | Urschel |
| Glass | Ostgulen | Wambheim |
| Gray | Page | Westby |
| Haag | Panko | Williams, Stutsm'n |
| Halvorson | Peterson,Bottineau | Wolf |
| Haugland | Peterson, Ransom | Mr. Speaker |
| Heckman | | |

Absent and not voting:

| Messrs. | Messrs. | Messrs. |
|---|---|---|
| Benno | Johnson, Cass | Ritter |
| Fitch | Levin | Williams,Richland |
| Anderson—Sargent (Deceased). | | |

So Viola Erickson was declared elected.

## ROLL CALL

The question being on the election of Kenneth Morgan as Page, the roll was called and there were ayes, 106; nays, 0; absent and not voting, 7.

Those voting in the affirmative were:

| Messrs. | Messrs. | Messrs. |
|---|---|---|
| Adam | Hofstrand | Rait |
| Anderson, Benson | Holm | Rettke |
| Anderson,M'K'nzie | Holthusen | Rohde |
| Anfinson | Hultstrand | Rotering |
| Arneson, Nelson | Ireland | Sand |
| Arneson, Ramsey | Ista | Saumur |
| Beede | Jensen | Schauss |
| Belzer | Johnson, LaMoure | Schmidt, McHenry |
| Bergesen | Joiner | Schmidt, Sheridan |
| Billigmeier | Keller | Schimke |
| Bingenheimer | Kluver | Scholl |
| Blair | Knutson | Schwartz |
| Bolmeier | Lange | Sellens |
| Boulden | Larson | Semerad |
| Braun, McLean | Lunde | Severson |
| Braun, Stark | McInnes | Sharpe |
| Brown | McIntee | Shure |
| Buchholz | McIntyre | Singleton |
| Byrne | Myers | Skartvedt |
| Crockett | Mittag | Solberg |
| Culver | Moe | Sticka |
| Dalzell | Mollett | Stone |
| Dike | Morland | Stormon |
| Dittmer | Nelson, Cass | Symington |
| Erickson | Nelson, Dickey | Thompson,Burl'gh |
| Feton | Nelson, Steele | Thompson, Steele |
| Fletcher | Nystrom | Trydahl |
| Fraser | O'Brien | Tuff |
| Fuglestad | Odegard | Twichell |
| Gainor | Oglesby | Urschel |
| Glass | Ostgulen | Wambheim |
| Gray | Page | Westby |
| Haag | Panko | Williams,Stutsm'n |
| Halvorson | Peterson,Bottineau | Wolf |
| Haugland | Peterson, Ransom | Mr. Speaker |
| Heckman | | |

Absent and not voting:

| Messrs. | Messrs. | Messrs. |
|---|---|---|
| Benno | Johnson, Cass | Ritter |
| Fitch | Levin | Williams,Richland |
| Anderson—Sargent (Deceased). | | |

So Kenneth Morgan was declared elected.

ROLL CALL

The question being on the election of Wesley Belter as Page, the roll was called and there were ayes, 106; nays, 0; absent and not voting, 7.

Those voting in the affirmative were:

| Messrs. | Messrs. | Messrs. |
|---|---|---|
| Adam | Hofstrand | Rait |
| Anderson, Benson | Holm | Rettke |
| Anderson,M'K'nzie | Holthusen | Rohde |
| Anfinson | Hultstrand | Rotering |

| Messrs. | Messrs. | Messrs. |
|---|---|---|
| Arneson, Nelson | Ireland | Sand |
| Arneson, Ramsey | Ista | Saumur |
| Beede | Jensen | Schauss |
| Belzer | Johnson, LaMoure | Schmidt, McHenry |
| Bergesen | Joiner | Schmidt, Sheridan |
| Billigmeier | Keller | Schimke |
| Bingenheimer | Kluver | Scholl |
| Blair | Knutson | Schwartz |
| Bolmeier | Lange | Sellens |
| Boulden | Larson | Semerad |
| Braun, McLean | Lunde | Severson |
| Braun, Stark | McInnes | Sharpe |
| Brown | McIntee | Shure |
| Buchholz | McIntyre | Singleton |
| Byrne | Myers | Skartvedt |
| Crockett | Mittag | Solberg |
| Culver | Moe | Sticka |
| Dalzell | Mollett | Stone |
| Dike | Morland | Stormon |
| Dittmer | Nelson, Cass | Symington |
| Erickson | Nelson, Dickey | Thompson, Burl'gh |
| Feton | Nelson, Steele | Thompson, Steele |
| Fletcher | Nystrom | Trydahl |
| Fraser | O'Brien | Tuff |
| Fuglestad | Odegard | Twichell |
| Gainor | Oglesby | Urschel |
| Glass | Ostgulen | Wambheim |
| Gray | Page | Westby |
| Haag | Panko | Williams, Stutsm'n |
| Halvorson | Peterson, Bottineau | Wolf |
| Haugland | Peterson, Ransom | Mr. Speaker |
| Heckman | | |

Absent and not voting:

| Messrs. | Messrs. | Messrs. |
|---|---|---|
| Benno | Johnson, Cass | Ritter |
| Fitch | Levin | Williams, Richland |

Anderson—Sargent (Deceased).

So Wesley Belter, Page, was declared elected.

ROLL CALL

The question being on the election of Nels Quale, Doorkeeper, the roll was called and there were ayes, 106; nays, 0; absent and not voting, 7.

Those voting in the affirmative were:

| Messrs. | Messrs. | Messrs. |
|---|---|---|
| Adam | Hofstrand | Rait |
| Anderson, Benson | Holm | Rettke |
| Anderson, M'K'nzie | Holthusen | Rohde |
| Anfinson | Hultstrand | Rotering |
| Arneson, Nelson | Ireland | Sand |
| Arneson, Ramsey | Ista | Saumur |
| Beede | Jensen | Schauss |
| Belzer | Johnson, LaMoure | Schmidt, McHenry |
| Bergesen | Joiner | Schmidt, Sheridan |
| Billigmeier | Keller | Schimke |

| Messrs. | Messrs. | Messrs. |
|---|---|---|
| Bingenheimer | Kluver | Scholl |
| Blair | Knutson | Schwartz |
| Bolmeier | Lange | Sellens |
| Boulden | Larson | Semerad |
| Braun, McLean | Lunde | Severson |
| Braun, Stark | McInnes | Sharpe |
| Brown | McIntee | Shure |
| Buchholz | McIntyre | Singleton |
| Byrne | Myers | Skartvedt |
| Crockett | Mittag | Solberg |
| Culver | Moe | Sticka |
| Dalzell | Mollett | Stone |
| Dike | Morland | Stormon |
| Dittmer | Nelson, Cass | Symington |
| Erickson | Nelson, Dickey | Thompson, Burl'gh |
| Feton | Nelson, Steele | Thompson, Steele |
| Fletcher | Nystrom | Trydahl |
| Fraser | O'Brien | Tuff |
| Fuglestad | Odegard | Twichell |
| Gainor | Oglesby | Urschel |
| Glass | Ostgulen | Wambheim |
| Gray | Page | Westby |
| Haag | Panko | Williams, Stutsm'n |
| Halvorson | Peterson, Bottineau | Wolf |
| Haugland | Peterson, Ransom | Mr. Speaker |
| Heckman | | |

Absent and not voting:

| Messrs. | Messrs. | Messrs. |
|---|---|---|
| Benno | Johnson, Cass | Ritter |
| Fitch | Levin | Williams, Richland |

Anderson—Sargent (Deceased).

So Nels Quale was declared elected.

ROLL CALL

The question being on the election of Pearl Lerfald as Stenographer, the roll was called and there were ayes, 106; nays, 0; absent and not voting, 7.

Those voting in the affirmative were:

| Messrs. | Messrs. | Messrs. |
|---|---|---|
| Adam | Hofstrand | Rait |
| Anderson, Benson | Holm | Rettke |
| Anderson, M'K'nzie | Holthusen | Rohde |
| Anfinson | Hultstrand | Rotering |
| Arneson, Nelson | Ireland | Sand |
| Arneson, Ramsey | Ista | Saumur |
| Beede | Jensen | Schauss |
| Belzer | Johnson, LaMoure | Schmidt, McHenry |
| Bergesen | Joiner | Schmidt, Sheridan |
| Billigmeier | Keller | Schimke |
| Bingenheimer | Kluver | Scholl |
| Blair | Knutson | Schwartz |
| Bolmeier | Lange | Sellens |
| Boulden | Larson | Semerad |
| Braun, McLean | Lunde | Severson |
| Braun, Stark | McInnes | Sharpe |

| Messrs. | Messrs. | Messrs. |
|---|---|---|
| Brown | McIntee | Shure |
| Buchholz | McIntyre | Singleton |
| Byrne | Myers | Skartvedt |
| Crockett | Mittag | Solberg |
| Culver | Moe | Sticka |
| Dalzell | Mollett | Stone |
| Dike | Morland | Stormon |
| Dittmer | Nelson, Cass | Symington |
| Erickson | Nelson, Dickey | Thompson, Burl'gh |
| Feton | Nelson, Steele | Thompson, Steele |
| Fletcher | Nystrom | Trydahl |
| Fraser | O'Brien | Tuff |
| Fuglestad | Odegard | Twichell |
| Gainor | Oglesby | Urschel |
| Glass | Ostgulen | Wambheim |
| Gray | Page | Westby |
| Haag | Panko | Williams, Stutsm'n |
| Halvorson | Peterson, Bottineau | Wolf |
| Haugland | Peterson, Ransom | Mr. Speaker |
| Heckman | | |

Absent and not voting:

| Messrs. | Messrs. | Messrs. |
|---|---|---|
| Benno | Johnson, Cass | Ritter |
| Fitch | Levin | Williams, Richland |

Anderson—Sargent (Deceased).

So Pearl Lerfald was declared elected.

ROLL CALL

The question being on the election of Howard Crockett as Voucher Clerk, the roll was called and there were ayes, 106; nays, 0; absent and not voting, 7.

Those voting in the affirmative were:

| Messrs. | Messrs. | Messrs. |
|---|---|---|
| Adam | Hofstrand | Rait |
| Anderson, Benson | Holm | Rettke |
| Anderson, M'K'nzie | Holthusen | Rohde |
| Anfinson | Hultstrand | Rotering |
| Arneson, Nelson | Ireland | Sand |
| Arneson, Ramsey | Ista | Saumur |
| Beede | Jensen | Schauss |
| Belzer | Johnson, LaMoure | Schmidt, McHenry |
| Bergesen | Joiner | Schmidt, Sheridan |
| Billigmeier | Keller | Schimke |
| Bingenheimer | Kluver | Scholl |
| Blair | Knutson | Schwartz |
| Bolmeier | Lange | Sellens |
| Boulden | Larson | Semerad |
| Braun, McLean | Lunde | Severson |
| Braun, Stark | McInnes | Sharpe |
| Brown | McIntee | Shure |
| Buchholz | McIntyre | Singleton |
| Byrne | Myers | Skartvedt |
| Crockett | Mittag | Solberg |
| Culver | Moe | Sticka |
| Dalzell | Mollett | Stone |

| Messrs. | Messrs. | Messrs. |
|---|---|---|
| Dike | Morland | Stormon |
| Dittmer | Nelson, Cass | Symington |
| Erickson | Nelson, Dickey | Thompson, Burl'gh |
| Feton | Nelson, Steele | Thompson, Steele |
| Fletcher | Nystrom | Trydahl |
| Fraser | O'Brien | Tuff |
| Fuglestad | Odegard | Twichell |
| Gainor | Oglesby | Urschel |
| Glass | Ostgulen | Wambheim |
| Gray | Page | Westby |
| Haag | Panko | Williams, Stutsm'n |
| Halvorson | Peterson, Bottineau | Wolf |
| Haugland | Peterson, Ransom | Mr. Speaker |
| Heckman | | |

Absent and not voting:

| Messrs. | Messrs. | Messrs. |
|---|---|---|
| Benno | Johnson, Cass | Ritter |
| Fitch | Levin | Williams, Richland |
| Anderson—Sargent (Deceased). | | |

So Howard Crockett was declared elected.

## ROLL CALL

The question being on the election of Henry Lundene as Bill Room Clerk, the roll was called and there were ayes, 106; nays, 0; absent and not voting, 7.

Those voting in the affirmative were:

| Messrs. | Messrs. | Messrs. |
|---|---|---|
| Adam | Hofstrand | Rait |
| Anderson, Benson | Holm | Rettke |
| Anderson, M'K'nzie | Holthusen | Rohde |
| Anfinson | Hultstrand | Rotering |
| Arneson, Nelson | Ireland | Sand |
| Arneson, Ramsey | Ista | Saumur |
| Beede | Jensen | Schauss |
| Belzer | Johnson, LaMoure | Schmidt, McHenry |
| Bergesen | Joiner | Schmidt, Sheridan |
| Billigmeier | Keller | Schimke |
| Bingenheimer | Kluver | Scholl |
| Blair | Knutson | Schwartz |
| Bolmeier | Lange | Sellens |
| Boulden | Larson | Semerad |
| Braun, McLean | Lunde | Severson |
| Braun, Stark | McInnes | Sharpe |
| Brown | McIntee | Shure |
| Buchholz | McIntyre | Singleton |
| Byrne | Myers | Skartvedt |
| Crockett | Mittag | Solberg |
| Culver | Moe | Sticka |
| Dalzell | Mollett | Stone |
| Dike | Morland | Stormon |
| Dittmer | Nelson, Cass | Symington |
| Erickson | Nelson, Dickey | Thompson, Burl'gh |
| Feton | Nelson, Steele | Thompson, Steele |
| Fletcher | Nystrom | Trydahl |

| Messrs. | Messrs. | Messrs. |
|---|---|---|
| Fraser | O'Brien | Tuff |
| Fuglestad | Odegard | Twichell |
| Gainor | Oglesby | Urschel |
| Glass | Ostgulen | Wambheim |
| Gray | Page | Westby |
| Haag | Panko | Williams, Stutsm'n |
| Halvorson | Peterson, Bottineau | Wolf |
| Haugland | Peterson, Ransom | Mr. Speaker |
| Heckman | | |

Absent and not voting:

| Messrs. | Messrs. | Messrs. |
|---|---|---|
| Benno | Johnson, Cass | Ritter |
| Fitch | Levin | Williams, Richland |
| Anderson—Sargent (Deceased). | | |

So Henry Lundene was declared elected.

ROLL CALL

The question being on the election of Max Thiel as Janitor, the roll was called and there were ayes, 106; nays, 0; absent and not voting, 7.

Those voting in the affirmative were:

| Messrs. | Messrs. | Messrs. |
|---|---|---|
| Adam | Hofstrand | Rait |
| Anderson, Benson | Holm | Rettke |
| Anderson, M'K'nzie | Holthusen | Rohde |
| Anfinson | Hultstrand | Rotering |
| Arneson, Nelson | Ireland | Sand |
| Arneson, Ramsey | Ista | Saumur |
| Beede | Jensen | Schauss |
| Belzer | Johnson, LaMoure | Schmidt, McHenry |
| Bergesen | Joiner | Schmidt, Sheridan |
| Billigmeier | Keller | Schimke |
| Bingenheimer | Kluver | Scholl |
| Blair | Knutson | Schwartz |
| Bolmeier | Lange | Sellens |
| Boulden | Larson | Semerad |
| Braun, McLean | Lunde | Severson |
| Braun, Stark | McInnes | Sharpe |
| Brown | McIntee | Shure |
| Buchholz | McIntyre | Singleton |
| Byrne | Myers | Skartvedt |
| Crockett | Mittag | Solberg |
| Culver | Moe | Sticka |
| Dalzell | Mollett | Stone |
| Dike | Morland | Stormon |
| Dittmer | Nelson, Cass | Symington |
| Erickson | Nelson, Dickey | Thompson, Burl'gh |
| Feton | Nelson, Steele | Thompson, Steele |
| Fletcher | Nystrom | Trydahl |
| Fraser | O'Brien | Tuff |
| Fuglestad | Odegard | Twichell |
| Gainor | Oglesby | Urschel |
| Glass | Ostgulen | Wambheim |
| Gray | Page | Westby |

| Messrs. | Messrs. | Messrs. |
|---|---|---|
| Haag | Panko | Williams, Stutsm'n |
| Halvorson | Peterson, Bottineau | Wolf |
| Haugland | Peterson, Ransom | Mr. Speaker |
| Heckman | | |

Absent and not voting:

| Messrs. | Messrs. | Messrs. |
|---|---|---|
| Benno | Johnson, Cass | Ritter |
| Fitch | Levin | Williams, Richland |
| Anderson—Sargent (Deceased). | | |

So Max Thiel was declared elected.

ROLL CALL

The question being on the election of Gust Edlund as Janitor, the roll was called and there were ayes, 106; nays, 0; absent and not voting, 7.

Those voting in the affirmative were:

| Messrs. | Messrs. | Messrs. |
|---|---|---|
| Adam | Hofstrand | Rait |
| Anderson, Benson | Holm | Rettke |
| Anderson, M'K'nzie | Holthusen | Rohde |
| Anfinson | Hultstrand | Rotering |
| Arneson, Nelson | Ireland | Sand |
| Arneson, Ramsey | Ista | Saumur |
| Beede | Jensen | Schauss |
| Belzer | Johnson, LaMoure | Schmidt, McHenry |
| Bergesen | Joiner | Schmidt, Sheridan |
| Billigmeier | Keller | Schimke |
| Bingenheimer | Kluver | Scholl |
| Blair | Knutson | Schwartz |
| Bolmeier | Lange | Sellens |
| Boulden | Larson | Semerad |
| Braun, McLean | Lunde | Severson |
| Braun, Stark | McInnes | Sharpe |
| Brown | McIntee | Shure |
| Buchholz | McIntyre | Singleton |
| Byrne | Myers | Skartvedt |
| Crockett | Mittag | Solberg |
| Culver | Moe | Sticka |
| Dalzell | Mollett | Stone |
| Dike | Morland | Stormon |
| Dittmer | Nelson, Cass | Symington |
| Erickson | Nelson, Dickey | Thompson, Burl'gh |
| Feton | Nelson, Steele | Thompson, Steele |
| Fletcher | Nystrom | Trydahl |
| Fraser | O'Brien | Tuff |
| Fuglestad | Odegard | Twichell |
| Gainor | Oglesby | Urschel |
| Glass | Ostgulen | Wambheim |
| Gray | Page | Westby |
| Haag | Panko | Williams, Stutsm'n |
| Halvorson | Peterson, Bottineau | Wolf |
| Haugland | Peterson, Ransom | Mr. Speaker |
| Heckman | | |

Absent and not voting:

| Messrs. | Messrs. | Messrs. |
|---|---|---|
| Benno | Johnson, Cass | Ritter |
| Fitch | Levin | Williams,Richland |

Anderson—Sargent (Deceased).

So Gust Edlund was declared elected.

ROLL CALL

The question being on the election of Evelyn Anderson as Stenographer, the roll was called and there were ayes, 106; nays, 0; absent and not voting, 7.

Those voting in the affirmative were:

| Messrs. | Messrs. | Messrs. |
|---|---|---|
| Adam | Hofstrand | Rait |
| Anderson, Benson | Holm | Rettke |
| Anderson,M'K'nzie | Holthusen | Rohde |
| Anfinson | Hultstrand | Rotering |
| Arneson, Nelson | Ireland | Sand |
| Arneson, Ramsey | Ista | Saumur |
| Beede | Jensen | Schauss |
| Belzer | Johnson, LaMoure | Schmidt, McHenry |
| Bergesen | Joiner | Schmidt, Sheridan |
| Billigmeier | Keller | Schimke |
| Bingenheimer | Kluver | Scholl |
| Blair | Knutson | Schwartz |
| Bolmeier | Lange | Sellens |
| Boulden | Larson | Semerad |
| Braun, McLean | Lunde | Severson |
| Braun, Stark | McInnes | Sharpe |
| Brown | McIntee | Shure |
| Buchholz | McIntyre | Singleton |
| Byrne | Myers | Skartvedt |
| Crockett | Mittag | Solberg |
| Culver | Moe | Sticka |
| Dalzell | Mollett | Stone |
| Dike | Morland | Stormon |
| Dittmer | Nelson, Cass | Symington |
| Erickson | Nelson, Dickey | Thompson, Burl'gh |
| Feton | Nelson, Steele | Thompson, Steele |
| Fletcher | Nystrom | Trydahl |
| Fraser | O'Brien | Tuff |
| Fuglestad | Odegard | Twichell |
| Gainor | Oglesby | Urschel |
| Glass | Ostgulen | Wambheim |
| Gray | Page | Westby |
| Haag | Panko | Williams, Stutsm'n |
| Halvorson | Peterson,Bottineau | Wolf |
| Haugland | Peterson, Ransom | Mr. Speaker |
| Heckman | | |

Absent and not voting:

| Messrs. | Messrs. | Messrs. |
|---|---|---|
| Benno | Johnson, Cass | Ritter |
| Fitch | Levin | Williams,Richland |

Anderson—Sargent (Deceased).

So Evelyn Anderson was declared elected.

## ROLL CALL

The question being on the election of Nick A. Schall as of Appropriations Committee, the roll was called and there were ayes, 106; nays, 0; absent and not voting, 7.

Those voting in the affirmative were:

| Messrs. | Messrs. | Messrs. |
|---|---|---|
| Adam | Hofstrand | Rait |
| Anderson, Benson | Holm | Rettke |
| Anderson,M'K'nzie | Holthusen | Rohde |
| Anfinson | Hultstrand | Rotering |
| Arneson, Nelson | Ireland | Sand |
| Arneson, Ramsey | Ista | Saumur |
| Beede | Jensen | Schauss |
| Belzer | Johnson, LaMoure | Schmidt, McHenry |
| Bergesen | Joiner | Schmidt, Sheridan |
| Billigmeier | Keller | Schimke |
| Bingenheimer | Kluver | Scholl |
| Blair | Knutson | Schwartz |
| Bolmeier | Lange | Sellens |
| Boulden | Larson | Semerad |
| Braun, McLean | Lunde | Severson |
| Braun, Stark | McInnes | Sharpe |
| Brown | McIntee | Shure |
| Buchholz | McIntyre | Singleton |
| Byrne | Myers | Skartvedt |
| Crockett | Mittag | Solberg |
| Culver | Moe | Sticka |
| Dalzell | Mollett | Stone |
| Dike | Morland | Stormon |
| Dittmer | Nelson, Cass | Symington |
| Erickson | Nelson, Dickey | Thompson, Burl'gh |
| Feton | Nelson, Steele | Thompson, Steele |
| Fletcher | Nystrom | Trydahl |
| Fraser | O'Brien | Tuff |
| Fuglestad | Odegard | Twichell |
| Gainor | Oglesby | Urschel |
| Glass | Ostgulen | Wambheim |
| Gray | Page | Westby |
| Haag | Panko | Williams, Stutsm'n |
| Halvorson | Peterson,Bottineau | Wolf |
| Haugland | Peterson, Ransom | Mr. Speaker |
| Heckman | | |

Absent and not voting:

| Messrs. | Messrs. | Messrs. |
|---|---|---|
| Benno | Johnson, Cass | Ritter |
| Fitch | Levin | Williams,Richland |
| Anderson—Sargent (Deceased). | | |

So Nick A. Schall was declared elected.

The Speaker administered the oath of office to F. J. Haines, Postmaster; Viola Erickson, Assistant Postmistress; Kenneth Morgan, Page; Wesley Belter, Page; Nels Quale, Doorkeeper; Howard Crockett, Voucher Clerk; Henry Lundene, Bill Room Clerk; Gust Edlund, Janitor; Evelyn Anderson, Stenographer.

Representative Twichell asked that the House return to the Seventh Order of Business.

Representative Twichell moved that if any of the members of the House feel that they should go home for the next few days to attend to any business that they did not find time to attend to heretofore, they should be allowed to go home provided they return by 2:00 P. M. next Monday.

Representative Anderson of Benson seconded the motion, which motion prevailed.

Representative Scholl moved that the absent members be excused for today, which motion prevailed.

Representative Scholl moved that the House do now adjourn, which motion carried and the House was adjourned.

## THIRD DAY

House of Representatives,
Bismarck, North Dakota,
January 5, 1939

The House assembled at 2:00 P. M., pursuant to adjournment, Speaker Hagen presiding.

Rev. Opie S. Rindahl offered prayer.

The roll was called and all were present except Representatives Culver, Dalzell, Fitch, Johnson of Cass, Larson, Levin, Peterson of Ransom, Ritter, Rohde, Sand, Solberg, and Urschel.

The House reverted to the Fourth Order of Business

## PETITIONS AND COMMUNICATIONS

A communication was read from the office of the Attorney General.

Representative Morland moved that the communication be printed in the Journal.

State of North Dakota
OFFICE OF ATTORNEY GENERAL
Bismarck

January 5, 1939

Mrs. Minnie Craig,
Chief Clerk House of
Representatives,

Bismarck, North Dakota.

Dear Madam:

The letter from Blaine Whipple, State Printer, under date of January 5th, 1939, addressed to you has been referred to this office for attention.

Section 1 of Chapter 186 of the Session Laws of 1937, provides as follows:

"The Secretary of State is hereby directed to present to the Secretary of the Senate and the Clerk of the House of Representatives an official seal at the opening of each legislative session. Four copies of all bills introduced

shall be presented to the desk at the time of introduction and every page of each bill introduced shall be impressed with said seal. The lines shall be numbered and such lines shall not exceed 65 spaces in length."

Under the provisions of the statute quoted, each line of all bills prepared and presented to the Secretary of the Senate and the Clerk of the House, must not exceed 65 spaces in length. It is not necessary, however, that bills be prepared on typewriters equipped with pica type only. The pica type requirement applies to the printed bills only.

For convenience the line of each separate section of every bill shall be numbered beginning with Number 1 for the first line; and every section shall be so numbered, and the numbering must be made when the bills are typed.

Yours very truly,
P. O. SATHRE,
Special Assistant Attorney General

Representative Crockett:

"I move that the House be on the Sixth Order of Business."

Representative Crockett:

"Your committee on telephone service begs to report that we have made arrangements with the Bell Telephone company for telephones to be installed in the Speaker's room, the pay station, and the committee room or messenger room. The charge will be $4.50 per month. The committee plans to place telephones in four committee rooms as soon as the committee rooms are assigned.

ROLL CALL

The question being on the authorization of the installation of telephone service the same to be charged to Legislative expense, the roll was called and there were ayes, 99; nays, 0; absent and not voting, 14.

Those voting in the affirmative were:

| Messrs. | Messrs. | Messrs. |
|---|---|---|
| Adam | Haugland | Panko |
| Anderson, Benson | Heckman | Peterson,Bottineau |
| Anderson,M'K'nzie | Hofstrand | Rait |
| Anfinson | Holm | Rettke |
| Arneson, Nelson | Holthusen | Rotering |
| Arneson, Ramsey | Hultstrand | Saumur |
| Beede | Ireland | Schmidt, McHenry |
| Belzer | Ista | Schmidt, Sheridan |
| Benno | Jensen | Schimke |
| Bergesen | Johnson, LaMoure | Scholl |
| Billigmeier | Joiner | Schwartz |
| Bingenheimer | Keller | Sellens |
| Blair | Knutson | Semerad |
| Bolmeier | Lange | Severson |
| Boulden | Larson | Sharpe |
| Braun, Stark | Lunde | Shure |
| Brown | McInnes | Singleton |
| Buchholz | McIntee | Skartvedt |

| Messrs. | Messrs. | Messrs. |
|---|---|---|
| Byrne | McIntyre | Sticka |
| Crockett | Myers | Stormon |
| Dalzell | Mittag | Symington |
| Dike | Moe | Thompson, Burl'gh |
| Dittmer | Mollett | Thompson, Steele |
| Erickson | Morland | Trydahl |
| Feton | Nelson, Cass | Tuff |
| Fletcher | Nelson, Dickey | Twichell |
| Fraser | Nelson, Steele | Urschel |
| Fuglestad | Nystrom | Wambheim |
| Gainor | O'Brien | Westby |
| Glass | Odegard | Williams, Richland |
| Gray | Oglesby | Williams, Stutsm'n |
| Haag | Ostgulen | Wolf |
| Halvorson | Page | Mr. Speaker |

Absent and not voting:

| Messrs. | Messrs. | Messrs. |
|---|---|---|
| Braun, McLean | Levin | Sand |
| Culver | Peterson, Ransom | Schauss |
| Fitch | Ritter | Solberg |
| Johnson, Cass | Rohde | Stone |
| Kluver | | |

Anderson—Sargent (Deceased).

So the motion was adopted.

Representative Crockett:

"I move at this time that we recess and that all members stay in their seats. Mr. Gilfoy will explain how to use the loud speaking system and I move that we reconvene at the call of the Chair."

Which motion prevailed and the House was recessed.

The House reverted to the Fourth Order of Business.

## PETITIONS AND COMMUNICATIONS

The following communication was read:

State of North Dakota
Office of
THE LIEUTENANT GOVERNOR
Bismarck

January 5, 1939

Honorable Oscar Hagen, Speaker,
House of Representatives,
Twenty-sixth Legislative Assembly,
Bismarck, North Dakota.

My dear Speaker:

I would like to strongly recommend that you set up a permanent committee in the House of Representatives to be known as Public Welfare Committee, as I understand that there is no such committee at present.

Heretofore in the Senate we have had a committee known as Children and Women's Welfare, but we have now arranged

for this committee to be called Public Welfare Committee, to which all questions of public welfare will be referred.

I am sure that you will realize that my recommendation is of sincere interest, as I have been a member of the State Welfare Board for the past two years. I know that we have so many serious problems pertaining to the welfare of the State which I do not feel can be given proper consideration in some other committee, due to the many categories affected in the public welfare.

If there is any doubt in your mind about arranging for this committee, I assure you it will be a pleasure to talk to you personally about the matter.

Will you kindly let me know what you decide to do?

With kindest personal regards.

Yours very truly,
JACK A. PATTERSON,
Lieutenant-Governor

## SEVENTH ORDER OF BUSINESS

Representative Crockett moved that a permanent committee consisting of seventeen members be appointed, this committee to be designated as the "Public Welfare Committee."

Which motion prevailed.

Representative Crockett moved that the communication from Lieutenant-Governor Patterson be printed in the Journal, which motion was carried.

Representative Page:

"I move at this time that the chair appoint a committee of three to arrange for an official photographer for the purpose of photographing the members of the House."

Which motion carried and the Speaker appointed Representatives Page, Ista and Carl Erickson.

The Speaker administered the oath of office to Pearl Lerfald, stenographer.

Representative Scholl moved that the House do now recess until 1:30 P. M., tomorrow, which motion prevailed and the House was recessed.

## COURTESIES OF THE FLOOR

Courtesies of the floor were extended to the following:

Earl Frankhauser, H. A. Waydeman, Henry Kroll, Anamoose; A. L. Lantz, Casselton; C. B. Craven, Carrington; C. O. Carlson, Minot; F. J. Freund, Glenburn; F. S. Brooks, Jamestown; Ralph Keil, Turtle Lake; Dewey Pierce, Fargo; Joe Weeks, Cannonball; J. H. Burns, Surrey; Jay Grontier, Watford City; Herman Rabe, Stark; Mr. Curtis, Jamestown; Mrs. Oscar Hagen, Watford City; Margaret Field, Turtle Lake; Howard Myster, Bismarck; Leonard Anton, Washington, D. C.; Wm. Schantz, Bismarck, and J. O. Peterson, Devils Lake.

MINNIE D. CRAIG,
Chief Clerk.

## THIRD DAY AFTER RECESS AND FOURTH DAY

House of Representatives,
Bismarck, North Dakota,
January 6, 1939.

The House convened at 1:35 P. M., pursuant to recess, Speaker Hagen presiding.

Representative Anderson of Benson requested that the House be on the Third Order of Business.

Representative Anderson moved to amend the motion of Representative Twichell made the previous day to include the following: That any matter of a controversial nature might be reconsidered by a majority vote.

Which motion prevailed.

Representative Rait:

"Mr. Speaker: Your Committee on Employment places in nomination the names of the following for the respective positions and that the names be grouped for the roll call but that they be given individual mention in the Journal."

Representative Rait nominated the following employes:

Clara Kane, Stenographer.

R. A. Dotzenrod, Doorkeeper.

Dan Powers, Chief Mailing Clerk.

Helmer Twito, Proofreader, Leeds.

William Holmquist, Doorkeeper, Reeder.

Oscar Nelson, Cloak Room Attendant, Lakota.

Dominick Goetz, Doorkeeper.

Arnold E. Banse, Engrossing and Enrolling Clerk, Perth.

Steafon Volk, Janitor, Linton.

Max L. Thiel, Janitor, Kenmare.

ROLL CALL

The question being on the election of Employes, the roll

was called and there were ayes, 95; nays, 0; absent and not voting, 18.

Those voting in the affirmative were:

| Messrs. | Messrs. | Messrs. |
|---|---|---|
| Adam | Heckman | Panko |
| Anderson, Benson | Hofstrand | Peterson,Bottineau |
| Anderson,M'K'nzie | Holm | Peterson, Ransom |
| Anfinson | Holthusen | Rait |
| Arneson, Nelson | Hultstrand | Rettke |
| Arneson, Ramsey | Ireland | Ritter |
| Beede | Ista | Rohde |
| Benno | Jensen | Rotering |
| Billigmeier | Johnson, LaMoure | Schmidt, Sheridan |
| Bingenheimer | Joiner | Schimke |
| Blair | Keller | Scholl |
| Bolmeier | Kluver | Schwartz |
| Boulden | Knutson | Sellens |
| Braun, McLean | Lange | Severson |
| Brown | Larson | Sharpe |
| Buchholz | Levin | Shure |
| Byrne | Lunde | Singleton |
| Culver | McInnes | Skartvedt |
| Dalzell | McIntee | Sticka |
| Dike | McIntyre | Stormon |
| Dittmer | Myers | Symington |
| Erickson | Mittag | Thompson, Burl'gh |
| Feton | Mollett | Thompson, Steele |
| Fitch | Morland | Twichell |
| Fletcher | Nelson, Dickey | Urschel |
| Fraser | Nelson, Steele | Wambheim |
| Fuglestad | Nystrom | Westby |
| Gainor | O'Brien | Williams,Richland |
| Glass | Odegard | Williams, Stutsm'n |
| Haag | Oglesby | Wolf |
| Halvorson | Ostgulen | Mr. Speaker |
| Haugland | Page | |

Absent and not voting:

| Messrs. | Messrs. | Messrs. |
|---|---|---|
| Belzer | Moe | Semerad |
| Bergesen | Nelson, Cass | Solberg |
| Braun, Stark | Sand | Stone |
| Crockett | Saumur | Trydahl |
| Gray | Schauss | Tuff |
| Johnson, Cass | Schmidt, McHenry | |
| Anderson—Sargent (Deceased). | | |

So the following employes were declared employed as follows:

Helmer Twito, Proofreader.

Clara Kane, Stenographer.

R. A. Dotzenrod, Doorkeeper.

Dan Powers, Chief Mailing Clerk.

William Holmquist, Doorkeeper.

Oscar Nelson, Cloak Room Attendant.

Dominick Goetz, Doorkeeper.

Arnold E. Banse, Engrossing and Enrolling Clerk.

Steafon Volk, Janitor.

Max L. Thiel, Janitor.

The Speaker administered the oath of office to R. A. Dotzenrod, Dan Powers, William Holmquist, Steafon Volk, Arnold Banse, Oscar Nelson, Helmer Twito, Max L. Thiel and Dominick Goetz.

Representative Adam moved that the House do now adjourn, which motion prevailed and the House was adjourned.

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## FOURTH DAY

House of Representatives,
Bismarck, North Dakota,
January 6, 1939.

The House assembled at 2:00 P. M., pursuant to adjournment, Speaker Hagen presiding.

Rev. Opie Rindahl offered prayer.

The roll was called and all members were present except Representatives Anderson of Sargent, Beede, Belzer, Bergesen, Braun of Stark, Crockett, Fitch, Glass, Gray, Haag, Johnson of Cass, Nelson of Cass, Peterson of Ransom, Saumur, Schmidt of McHenry, Semerad, Stone, Trydahl, Williams of Richland.

So a quorum was declared present.

### THE THIRD ORDER OF BUSINESS

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

Mr. Speaker: Your Committee on Revision and Correction of the Journal have carefully examined the Journal of the 2nd day after recess and 3rd day and recommend that the same be corrected as follows:

The roll call for "Viola Erickson", Assistant Postmistress, Buxton, should appear in the Journal following roll call for F. J. Haines.

The roll call for "Kenneth Morgan," page, Wolcott, should appear in the Journal following roll call for Viola Erickson.

On page 67, "W. A. Scholl" should be "Nick A. Schall."

"Dalzell" is shown absent and not voting whereas he was present and voted "aye", on all roll calls.

Page 68, line 21, strike out the word "Tuesday" and substitute therefor the word "Monday".

On page 58 strike out the roll call on the question of amended motion of Representative Rait and substitute instead of the words on page 59 "So the amendment was

adopted," the following words, "The amendment was adopted".

On page 70, line 14, strike out the words "per day" and insert in lieu thereof the words "per month."

And when so corrected recommend that the same be approved.

PAUL SAND,
Temporary Chairman.

Mr. Knutson moved that the report be adopted, which motion prevailed and the report was adopted.

## PRESENTATION OF PETITIONS AND COMMUNICATIONS

The following communication was read from the desk:

Great Bend, N. D.
January 4, 1939

To the Honorable Governor, and members of the House of Representatives, Bismarck, North Dakota:

Wishing you all God's blessing to rest upon you, in the 1939 Session.

I have lived in North Dakota since 1877, and was a member of the House of Representatives in 1925-1927-1929 and 1931. I would liked to have been with you this Session, and meet my good old and new friends.

I believe you will have some difficult problems to solve. And you will need God's guidance to do justice, in the time in which we are living.

So let us forget to what party we belong, but work together for the best interest of our State.

Your friend,
GEORGE WORNER.

Representative Holthusen moved that the communication be printed in the Journal.

Which motion prevailed.

Representative Sand:

"I move that from now on that unless a division is called for on roll call of the election of employees that a group roll call be given in the Journals."

Which motion prevailed.

Representative Scholl:

"I move at this time that the Speaker appoint a committee of three to investigate the contested election of Representatives Nystrom and Sharpe of the Thirty-second Legislative District of Eddy-Foster Counties."

The motion was seconded and carried, and the Speaker

appointed on that committee Representatives Myers, Adam and McInnes.

Representative Myers requested that the House be on the Seventh Order of Business.

Representative Myers:

"I move that the question of employing a man to operate the loud speaking equipment be referred to the committee on Employment."

Which motion prevailed.

Representative Scholl moved that if there be no further business that the House do now recess until 1:00 P. M. tomorrow, which motion prevailed.

## COURTESIES OF THE FLOOR

Courtesies of the floor were extended to the following:

W. F. Nesmith, Jamestown; Adolph Graf, Stutsman county; Jake Greisen, Maddock; Wayne L. Twito, Leeds; Paul Campbell, Minot; Mrs. Nellie Larson, Stutsman county; Carl H. Mattson, Maddock; Nels Lindaas, Mayville; Martin Amb, Portland; Walter Martin, Fessenden; J. H. Berg, Cooperstown; Irene Inmer, Hurdsfield; Pearl Olson, Bismarck; Mrs. Rait, Kenmare.

MINNIE D. CRAIG,
Chief Clerk.

## FOURTH DAY AFTER RECESS AND FIFTH DAY

House of Representatives,
Bismarck, North Dakota,
January 7, 1939.

The House convened at 1:20 P. M., pursuant to recess, Speaker Hagen presiding.

### FOURTH ORDER OF BUSINESS

### PETITIONS AND COMMUNICATIONS

Message from Governor Langer asking that no appropriation be made for options on sites at the New York World's Fair.

Rep. Scholl moved that the communication be received, which motion was carried.

### SIXTH ORDER OF BUSINESS

### REPORTS OF SELECT COMMITTEES

The Joint Committee upon the form of the Journal and the Daily Calendar, on the number of daily Journals, Calendars and Bills to be printed and on other matters relating to legislative printing, reports as follows:

### SELECT COMMITTEE REPORT

Mr. Speaker. Your committee of three, appointed to confer with a like committee of the Senate on the form of the Journal and the Daily Calendar on the number of daily Journals, Calendars and Bills to be printed and on other matters relating to legislative printing.

Report as follows:

We recommend the printing of four thousand (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 (10) copies of this Journal, and that in addition thereto there be placed on the mailing list all state institutions, public libraries, state historical society, all state's attorneys, county auditors; two (2) copies

to the University Law School, the auditor of each incorporated city, the president of the village council of each incorporated village, any newspaper published in the state, and by request to any high schools, consolidated rural schools, secretary of labor clubs, farmers' clubs, commercial clubs or women's clubs within the state may be placed on the mailing list; that all bills and journals authorized by this resolution be printed, shall be delivered by the printer to the secretary of the Publication and Printing Commission, which shall receipt therefor to the printer.

That there be printed five hundred (500) copies of the House and Senate Bills, unless otherwise ordered, by the House in which a bill is introduced.

That the number of pages in the permanent journals correspond with those of the daily journals.

That five hundred (500) copies of the daily Journals be punched.

That the state printer be authorized to deliver to the mailing clerks request cards for Journals, said cards to be mailed to those people who are entitled to receive the Journals by request.

In the interest of economy we recommend the following changes in the form of the Journals, to-wit:

(1) That date lines occupy one line in the following form: "Bismarck, January——, 1939".

(2) That the roll call list only members absent.

(3) Eliminate the word "Messrs." from all roll calls.

(4) That on all reports and messages the name of the party signing the same and his title be placed on same line.

(5) Eliminate the names of people granted courtesies of the floor.

(6) Eliminate the word "also" where it appears between the titles of bills.

(7) Eliminate the words "very respectfully" from all messages.

(8) Eliminate the title of all bills from committee reports, following the form adopted by the Senate two years ago.

(9) Type matter in Journals to be set solid according to regulations on page 6, section 53 of the printing laws.

(10) That 500 copies of the daily calendar be printed.

(11) That 325 copies of permanent Journal be printed.

In order to comply with Chapter 186 of the Session Laws of 1937, which provides for a daily legislative calendar, your committee, recommends that Melvin P. Johnson be

engaged as Calendar Clerk of the Senate and House at a salary of eight dollars ($8.00) per day and four hundred dollars ($400) for indexing both Senate and House Journals.

Signed:

For the Senate:
C. C. MORRISON
R. R. MORGAN

For the House of Representatives:
HARRY O'BRIEN
RALPH BEEDE.

Representative Twichell moved that the report be accepted and printed in the Journal and made a special order of business for three o'clock next Tuesday, which motion prevailed.

Representative Rait: "Mr. Speaker: Your Committee on Employment submits the following names for the following positions and recommends that their names be grouped for the roll call."

Arnold Fuchs, Proofreader.

O'Neil Maasjo, Page.

C. E. Erickson, Assistant Sergeant-at-Arms.

Mrs. Nellie Larson, Ladies' Cloak Room Attendant.

William M. Dohn, Assistant Proofreader.

J. Krotochvil, Assistant Mailing Clerk.

Albert Schmolenberger, Assistant Mailing Clerk.

Jacob Kreuger, Janitor.

Philip Himmerick, Janitor.

M. J. Burns, Night Watchman.

Kasimir Schmalz, Assistant Mailing Clerk.

Martin Olson, Janitor.

Joe Bohn, Cloak Room Attendant.

E. M. Kerr, Clerk.

Erik Westberg, Doorkeeper.

Elsbeth Godwin, Telephone Attendant.

Marie Tunell, Stenographer.

O. T. Haakinson, Messenger to the Governor.

Representative Crockett moved an amendment to the motion of Representative Rait to the effect that the name of E. M. Kerr be eliminated from the list and that the balance of the list be adopted, which motion prevailed.

## ROLL CALL

The question being on the motion of Representative Rait, as amended, the roll was called and there were ayes, 71; nays, 17; absent and not voting, 24.

Those voting in the affirmative were:

| Messrs. | Messrs. | Messrs. |
|---|---|---|
| Adam | Haugland | Ostgulen |
| Anderson, Benson | Heckman | Page |
| Anderson,M'K'nzie | Holthusen | Peterson,Bottineau |
| Anfinson | Hultstrand | Peterson, Ransom |
| Arneson, Nelson | Ireland | Rait |
| Beede | Ista | Rettke |
| Benno | Jensen | Rohde |
| Billigmeier | Johnson, LaMoure | Rotering |
| Bingenheimer | Joiner | Sand |
| Blair | Keller | Schauss |
| Brown | Knutson | Schmidt, Sheridan |
| Byrne | Larson | Schimke |
| Crockett | Levin | Scholl |
| Culver | McInnes | Schwartz |
| Dalzell | McIntee | Severson |
| Dike | McIntyre | Skartvedt |
| Dittmer | Myers | Solberg |
| Erickson | Mittag | Sticka |
| Fletcher | Moe | Symington |
| Fraser | Mollet | Twichell |
| Fuglestad | Morland | Urschel |
| Gainor | Nelson, Dickey | Williams,Richland |
| Haag | O'Brien | Wolf |
| Halvorson | Odegard | Mr. Speaker |

Those voting in the negative were:

| Messrs. | Messrs. | Messrs. |
|---|---|---|
| Arneson, Ramsey | Kluver | Singleton |
| Bolmeier | Nelson, Steele | Stormon |
| Boulden | Nystrom | Thompson, Steele |
| Buchholz | Oglesby | Tuff |
| Hofstrand | Sellens | Wambheim |
| Holm | Shure | |

Absent and not voting:

| Messrs. | Messrs. | Messrs. |
|---|---|---|
| Belzer | Johnson, Cass | Semerad |
| Bergesen | Lange | Sharpe |
| Braun, McLean | Lunde | Stone |
| Braun, Stark | Nelson, Cass | Thompson, Burl'gh |
| Feton | Panko | Trydahl |
| Fitch | Ritter | Westby |
| Glas | Saumur | Williams, Stutsm'n |
| Gray | Schmidt, McHenry | |
| Anderson—Sargent | (Deceased). | |

So the following employes were declared employed as follows:

Arnold Fuchs, Proofreader.

O'Neil Maasjo, Page.

C. E. Erickson, Assistant Sergeant-at-Arms.

Mrs. Nellie Larson, Ladies' Cloak Room Attendant.

William M. Dohn, Assistant Proofreader.

J. Krotochvil, Assistant Mailing Clerk.

Albert Schmolenberger, Assistant Mailing Clerk.

Jacob Kreuger, Janitor.

Philip Himmerick, Janitor.

M. J. Burns, Night Watchman.

Kasimir Schmalz, Assistant Mailing Clerk.

Martin Olson, Janitor.

Joe Bohn, Cloak Room Attendant.

Erik Westberg, Doorkeeper.

Elsbeth Godwin, Telephone Attendant.

Marie Tunell, Stenographer.

O. T. Haakinson, Messenger to the Governor.

Representative Oglesby: "I wish to explain my vote. Since these are not all needed, I am opposed to electing help here to take care of the cloak rooms when we have our keys for the lockers. I can't understand why we have any need for that kind of employment when we are trying to cut down expenses. For that reason I vote 'no'."

Representative Rettke: "I am voting 'no' on the Ladies' Cloak Room Attendant for the reason that we have just two ladies as members of this House."

Chief Clerk: "How shall I record your vote, Rep. Rettke?"

Rep. Rettke: "I pass."

Rep. Schimke: "I demand to know how Rep. Rettke votes."

Rep. Rettke: "I vote 'aye'."

Rep. Myers moved that the absent members be excused, which motion carried.

The Speaker administered the oath of office to the following:

Arnold Fuchs, O'Neil Maasjo, C. E. Erickson, Mrs. Nellie Larson, Albert Schmolenberger, Philip Kimmerick, M. J. Burns, Kasimir Schmalz, Martin Olson, Joe Bohn, Erick Westberg, Elsbeth Godwin, Marie Tunell, O. T. Haakinson, Clara A. Kane.

Rep. Anderson of Benson moved that the House do now adjourn, which motion prevailed and the House was adjourned.

## FIFTH DAY

House of Representatives,
Bismarck, North Dakota,
January 7, 1939.

The House assembled at 2:00 P. M., pursuant to adjournment, Speaker Hagen presiding.

Prayer was offered by Rev. G. J. Kovitch, Bismarck.

The roll was called, and all members were present except the following:

Anderson of Sargent, Belzer, Bergesen, Braun of McLean, Braun of Stark, Feton, Fitch, Glass, Johnson of Cass, Lange, Lunde, Nelson of Cass, Panko, Peterson of Ransom, Ritter, Saumur, Schmidt of McHenry, Scholl, Semerad, Stone, Thompson of Burleigh, Thompson of Steele, Trydahl, Williams of Stutsman and Wolf.

So a quorum was declared present.

Rep. Byrne moved that William Dohn now take the oath of office, which motion prevailed.

The Speaker administered the oath of office to William Dohn.

### THIRD ORDER OF BUSINESS

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

Mr. Speaker: Your Committee on Revision and Correction of the Journal have carefully examined the Journal of the 3rd day after recess and 4th day and recommend that the same be corrected as follows:

On page 73, following the words "Rep. Rait nominated the following employes", add the following names, "Clara Kane, Stenographer; R. A. Dotzenrod, Doorkeeper; Dan Powers, Chief Mailing Clerk".

On page 74, following the words, "So the following employees were declared employed as follows:", add the following names, "Clara Kane, Stenographer; R. A. Dotzenrod, Doorkeeper; Dan Powers, Chief Mailing Clerk".

On page 75, following the words, "The Speaker administered oath of office to: ", add the name R. A. Dotzenrod, and Dan Powers."

On page 73, bottom of the page strike out "Max L. Thiel, Janitor, Kenmare".

On page 75 three lines from the top strike out "Max L. Thiel, Janitor."

On page 73, four lines from the bottom of the page and on pages 74 and 75 or wherever it may appear in the Journal, correct the spelling of the name "Steve Volk" to read "Steafon Volk."

Page 75, "Williams of Richland was present on roll call."

And when so corrected recommend that the same be approved.

PAUL SAND,
Temporary Chairman.

Mr. Knutson moved that the report be adopted, which motion prevailed and report was adopted.

Rep. Crockett moved that the matter of furnishing forms for the roll call be referred to the committee on printing, which motion prevailed.

Rep. Page: "Mr. Speaker: Mr. O. C. Anderson, who was elected a member of this House from Sargent County, the 13th Legislative District, answered his last roll call on this earth a short time before the Legislature convened for work.

"When I hear the name of Anderson called on the roll of this House and no one answers, it brings back to me sad memories of his untimely passing.

"Personally I do not like having sad memories continually revived. I am sure other members of this House feel the same way.

"Therefore, I move at this time "That the Chief Clerk be instructed to drop the name of O. C. Anderson from the roll call in the future, and that the voting membership be considered as 112 from now until such time as the 13th Legislative District may elect another member."

The motion of Rep. Page was seconded and carried.

Representative O'Brien: Mr. Speaker: "Because the printing commission has requested it, I move that all bills be typed on typewriters equipped with pica type because of the limitation of printing equipment and for the reason that the use of pica type will simplify the printing of the bills.

Which motion prevailed.

Representative Scholl moved that if there be no further business before the House that we recess until 1:00 P. M., Monday, January 9th, which motion prevailed.

## COURTESIES OF THE FLOOR

Courtesy Cards were extended to the following: Chas. Johnson, Fargo; Mrs. W. E. Beemen, Bismarck; E. M. Keer, Bowman; John H. Wishek, Wishek; Mr. and Mrs. E. T. Ellingson, Carpio; Miss Ruth Holland, Carpio; Rev. P. K. Buide, Carpio; Mrs. W. E. Bingenheimer, Newburg; John Conrad, Erie; J. B. McWethy, Fargo; J. M. Cathcart, Fargo; Dorothy Gainor, DeLamere; Lucille Joiner, Underwood; Monica Kelly, Valley City; Adele Zimmerman, Bismarck.

MINNIE D. CRAIG,
Chief Clerk.

## FIFTH DAY AFTER RECESS AND SEVENTH DAY

House of Representatives,
Bismarck, North Dakota,
January 9, 1939.

The House convened at 1:15 P. M., pursuant to recess, Speaker Hagen presiding.

The Speaker announced that the House would be on the Seventh Order of Business and announced the following committee appointments:

### HOUSE STANDING COMMITTEES

AGRICULTURE: Dittmer, (chairman), Anderson of McKenzie, Stormon, Larson, Fletcher, Erickson, Schwartz, Billigmeier, Haugland, Fuglestad, Lange, Singleton, Haag, Dalzell, Heckman, Bingenheimer, Rotering.

APPORTIONMENT: Semerad, (chairman), Scholl, Dalzell, Joiner, Levin, Dike, Boulden, Saumur, Trydahl, Wambheim, Twichell, Buchholz, Dittmer, Mittag, Gainor, Peterson of Ransom, Oglesby, Thompson of Steele, Arneson of Nelson, Crockett, Urschel, Hofstrand, Lunde, Keller, Fletcher, Knutson, Singleton, Larson, Thompson of Burleigh, Fraser, Stone, Schauss, Sticka, Nystrom, Myers, Schmidt of McHenry, Schmidt of Sheridan, Ritter, Ista, McIntyre, Morland, McIntee, Anderson of McKenzie, Sand, Ostgulen, Rohde, Solberg, Panko, Skartvedt.

APPROPRIATIONS: Sand, (chairman), Ritter, Stormon, Adam, Thompson of Burleigh, Anderson of Benson, Symington, Ireland, Wolf, Morland, Buchholz, Trydahl, Odegard, Bergesen, Hultstrand, O'Brien, Urschel, Schimke, Semerad.

BANKS AND BANKING: Schauss, (chairman), Buchholz, Johnson of Cass, Scholl, Blair, Tuff, Dike, Glas, Johnson of LaMoure, Schimke, Kluver, Wolf, Page, Rohde, Oglesby, Knutson, Westby.

CITIES AND MUNICIPAL CORPORATIONS: Fletcher, (chairman), Odegard, Kluver, Lange, Shure, Beede, Stone, Bingenheimer, Haag, Anderson of Benson, O'Brien.

CORPORATIONS OTHER THAN MUNICIPAL: Schimke,

(chairman), Braun of McLean, Boulden, Belzer, Bolmeier, Thompson of Steele, Mittag, Bingenheimer, Oglesby.

COUNTIES: Billigmeier, (chairman), Anfinson, Severson, Heckman, Johnson of Cass, Thompson of Steele, Trydahl, Holm, Johnson of LaMoure.

DELAYED BILLS: Hultstrand, Myers, Anderson of McKenzie, Severson, Hofstrand.

DRAINAGE AND IRRIGATION: Gray, (chairman), Erickson, Nystrom, Panko, Saumur, Mollet, Lunde, Anderson of McKenzie, Belzer, Braun of Stark, Holthusen.

EDUCATION: Hofstrand, (chairman), Schmidt of Sheridan, Solberg, Buchholz, Lunde, Nelson of Dickey, Jensen, Dike, Ostgulen, Moe, Williams of Stutsman, McIntyre, Holm, Keller, Nelson of Steele, Peterson of Bottineau, Williams of Richland.

ELECTIONS AND ELECTION PRIVILEGES: Myers, (chairman), Adam, Feton, Ostgulen, Blair, McIntee, McInnes, Arneson of Ramsey, Shure, Urschel, Arneson of Nelson, Peterson of Bottineau, Scholl, Sticka, Williams of Richland.

ENGROSSMENT AND ENROLLMENT: Ostgulen, (chairman), Rotering, Page, Rohde, Westby, Nelson of Dickey, Solberg, McIntee, Stormon.

FEDERAL RELATIONS: Panko, (chairman), Semerad, Byrne, Anderson of Benson, Heckman, O'Brien, McInnes.

GAME AND FISH: Levin, (chairman), Gray, Thompson of Burleigh, Anfinson, Brown, Dalzell, McIntyre, Halvorson, Gainor.

HIGHWAYS AND BRIDGES: Ritter, (chairman), Fraser, Moe, Keller, Billigmeier, Boulden, Braun of McLean, O'Brien, Beede, Sharpe, Holthusen, Urschel, Morland, Rotering, Skartvedt, Odegard, Crockett.

INSURANCE: Peterson of Bottineau, (chairman), Dittmer, Byrne, Page, Schauss, Fitch, Wolf, Holm, Beede, Stone, Levin, Trydahl, Anfinson, Wambheim, Mollet, Knutson, Schimke.

JUDICIARY: Anderson of Benson, (chairman), Mittag, Larson, Bergesen, Mollet, Bingenheimer, Shure, Tuff, Beede, Nystrom, Rettke, Adam, Nelson of Steele, Keller, Stormon, McIntee, Culver.

LIVESTOCK: Urschel, (chairman), Hofstrand, Larson of Emmons, Braun of McLean, Stormon, Rait, Schwartz, Haag, Fraser, Fugelstad, Nelson of Cass, Halvorson, Johnson of LaMoure, Fletcher, Nelson of Steele, Gainor, Ireland.

MILEAGE AND PER DIEM: Joiner, (chairman), Adam, Saumur.

MILITARY AFFAIRS: Peterson of Bottineau (chairman), Rettke, Dike, Dittmer, Fitch, Ireland, Severson, McInnes, Glas.

MINES AND MINING: Rettke, (chairman), Erickson, Brown, Sand, Thompson of Burleigh, Schmidt of McHenry, Kluver, Glas, Morland.

PUBLIC DEBT: Rait, (chairman), Billigmeier, Benno, Semerad, Dike, Anfinson, Arneson of Nelson, Levin, Glas, Nelson of Cass, Arneson of Ramsey.

PUBLIC HEALTH: Odegard, (chairman), Ista, Lunde, Sticka, Schwartz, Stone, Tuff, Singleton, Schimke.

PUBLIC PRINTING: Beede, (chairman), Hultstrand, Sellens, Knutson, Dittmer, Ritter, O'Brien, McIntyre, Twichell.

PUBLIC SAFETY: Rotering, (chairman), Schmidt of McHenry, Sharpe, Lunde, Ostgulen, Benno, Sticka, Peterson of Ransom, Rettke.

PUBLIC WELFARE: Anderson of McKenzie, (chairman), Beede, Sellens, Rotering, Benno, Rohde, Moe, Rait, McInnes, Schmidt of Sheridan, Solberg, Panko, Ista, Haag, Bergesen, Halvorson, Arneson of Nelson.

RAILROADS: Semerad, (chairman), Tuff, Holthusen, Lange, Brown, Rotering, Nelson of Steele, Gray, Morland, Schmidt of McHenry, Halvorson, Erickson, Bingenheimer.

REVISION AND CORRECTION OF THE JOURNAL: Glas, (chairman), Joiner, Knutson, Feton, Keller, Bolmeier, Symington.

RULES: Hultstrand, (chairman), Belzer, Adam, Holm, Williams of Richland, Twichell, McInnes, Heckman, Halvorson.

SCHOOL AND PUBLIC LANDS: Sticka, (chairman), Schmidt of Sheridan, Sellens, Williams of Richland, Johnson of Cass, Schmidt of McHenry, Williams of Stutsman, Belzer, Bolmeier.

STATE AFFAIRS: Crockett, (chairman), Levin, Byrne, Saumur, Fletcher, Holthusen, Lange, Twichell, Johnson of LaMoure, Wambheim, Fraser, Dalzell, Nystrom, Knutson, Tuff, Williams of Richland, Joiner, Halvorson, Scholl.

TAX AND TAX LAWS: Jensen, (chairman), Myers, Moe, Arneson of Ramsey, Hofstrand, Sharpe, Rohde, Page, Ostgulen, Gray, Schmidt of Sheridan, Rait, Shure, Mollet, Skartvedt, Culver, McIntee.

TEMPERANCE: Williams of Richland, (chairman), Lange, Saumur, Schmidt of Sheridan, Ritter, Peterson of Ransom, Rait, Belzer, Holm, Panko, Schmidt of McHenry, Fitch, Haugland, Semerad, Brown.

WAREHOUSE AND GRAIN GRADING: Adam, (chairman), Wolf, Trydahl, Heckman, Boulden, Buchholz, Oglesby, Fletcher, Bolmeier, Blair, McIntyre, Nelson of Dickey, Bingenheimer, Sharpe, Severson, Gainor, Halvorson.

WAYS AND MEANS: Anfinson, (chairman), Peterson of Bottineau, Symington, Johnson of Cass, Mollet, Williams

of Stutsman, Semerad, Benno, Fitch, Schauss, Shure, Mittag, Schmidt of McHenry, Braun of McLean, Wolf.

JOINT COMMITTEES

JOINT COMMITTEE ON CHARITABLE INSTITUTIONS: Mrs. Ista ,(chairman), Ireland, Buchholz, Stone, Anderson of McKenzie, Wambheim, Peterson of Bottineau.

JOINT COMMITTEE ON EDUCATIONAL INSTITUTIONS: Hofstrand, (chairman), Benno, Myers, Sharpe, Scholl, Culver, Haag.

JOINT COMMITTEE ON INSURANCE: Joiner, (chairman), Westby, Mittag, Ista, McInnes, Knutson, Haugland, Fugelstad, Sellens.

JOINT COMMITTEE ON LABOR: Erickson, (chairman), Gray, Odegard, Solberg, Ritter, Wambheim, Anderson of McKenzie.

JOINT COMMITTEE ON PENAL INSTITUTIONS: Fletcher, (chairman), McIntyre, Nelson of Cass, Gray, Johnson of LaMoure, Bergesen, Brown.

JOINT COMMITTEE ON PUBLIC BUILDINGS: Tuff, (chairman), Fraser, Arneson of Ramsey, Braun of Stark, Dittmer, Benno, Crockett.

JOINT COMMITTEE ON RULES: Hultstrand, (chairman), Singleton, Heckman, Belzer, Feton, Adam, Twichell.

JOINT COMMITTEE ON STATE LIBRARY: Peterson of Bottineau, (chairman), Kluver, Myers, Holthusen, Beede, Bergesen, Schimke.

The Speaker administered the oath of office to Jacob G. Krueger, A. R. Powers, and Joseph Kratochvil.

Mr. Speaker: Your Committee on Employment recommends the following names for the following offices and asks that a collective roll call be given:

Morris Larson, Wells, Clerk; R. H. Haaven, Cavalier, Clerk; Corrine Emme, Ward, Stenographer; John G. Nelson, Dickey, Clerk; A. O. Haugerud, Mountrail, Journal and Calendar Clerk.

ROBERT RAIT,
ANDERSON of McKenzie,
PALMER LEVIN.

ROLL CALL

The question being on the employment of Morris Larson, R. H. Haaven, Corrine Emme, John G. Nelson, A. O. Haugerud, the roll was called and there were ayes, 106; nays, 0; absent and not voting, 6.

Those voting in the affirmative were:

| Messrs. | Messrs. | Messrs. |
|---|---|---|
| Adam | Hofstrand | Rait |
| Anderson, Benson | Holm | Rettke |

| Messrs. | Messrs. | Messrs. |
|---|---|---|
| Anderson,M'K'nzie | Holthusen | Ritter |
| Anfinson | Hultstrand | Rohde |
| Arneson, Nelson | Ireland | Sand |
| Arneson, Ramsey | Ista | Saumur |
| Beede | Jensen | Schmidt, McHenry |
| Belzer | Johnson, Cass | Schmidt, Sheridan |
| Benno | Johnson, LaMoure | Schimke |
| Billigmeier | Joiner | Scholl |
| Bingenheimer | Keller | Schwartz |
| Blair | Kluver | Sellens |
| Bolmeier | Knutson | Semerad |
| Boulden | Larson | Severson |
| Braun, McLean | Lunde | Sharpe |
| Braun, Stark | McInnes | Shure |
| Brown | McIntee | Singleton |
| Buchholz | McIntyre | Skartvedt |
| Byrne | Myers | Solberg |
| Crockett | Mittag | Sticka |
| Culver | Moe | Stone |
| Dalzell | Mollet | Stormon |
| Dike | Morland | Symington |
| Erickson | Nelson, Cass | Thompson, Burl'gh |
| Feton | Nelson, Dickey | Thompson, Steele |
| Fitch | Nelson, Steele | Trydahl |
| Fletcher | Nystrom | Tuff |
| Fraser | O'Brien | Twichell |
| Fuglestad | Odegard | Urschel |
| Gainor | Oglesby | Wambheim |
| Glas | Ostgulen | Westby |
| Gray | Page | Williams,Richland |
| Haag | Panko | Williams,Stutsm'n |
| Halvorson | Peterson,Bottineau | Wolf |
| Haugland | Peterson, Ransom | Mr. Speaker |
| Heckman | | |

Absent and not voting:

| Messrs. | Messrs. | Messrs. |
|---|---|---|
| Bergesen | Lange | Rotering |
| Dittmer | Levin | Schauss |

So the following employees were declared elected:

Morris Larson, Clerk; R. H. Haaven, Clerk; Corrine Emme, Stenographer; John G. Nelson, Clerk; A. O. Haugerud, Journal and Calendar Clerk.

Representative Adam requested that the House be on the Seventh Order of Business.

A resolution from the Lions Club of McClusky was read from the desk at the request of Rep. Adam calling attention to the serious condition of schools.

Rep. Myers moved that at this time the employees just elected who are present be administered the oath of office.

The Speaker administered the oath of office to the following: Morris Larson, Clerk; R. H. Haaven, Clerk; Corrine

Emme, Stenographer; A. O. Haugerud, Journal and Calendar Clerk.

Rep. Anderson of Benson moved that the House do now adjourn, which motion prevailed and the House was adjourned.

## SEVENTH DAY

House of Representatives,
Bismarck, North Dakota,
January 9, 1939.

The House assembled at 2:00 P. M., pursuant to adjournment, Speaker Hagen presiding.

Rev. G. J. Kovitch offered prayer.

The roll was called, and all members were present except Representatives Bergesen, Culver, Dittmer, Rotering, Scholl, Wambheim, Wolf.

## THIRD ORDER OF BUSINESS

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

Mr. Speaker: Your Committee on Revision and Correction of the Journal have carefully examined the Journal of the 4th day after recess and 5th day and recommend that the same be corrected as follows:

On page 81, Krotell, Assistant Mailing Clerk, should be "J. Kratochvil". Make the same correction on page 83.

On page 83, eight lines from bottom of the page, Massjo should be "Maasjo".

On page 83 eighteenth line from the bottom of the page, Roor should be "Room".

Correct the spelling of the names "Glass" to "Glas" and "Mollett" to "Mollet".

And when so corrected recommend that the same be approved.

PAUL SAND,
Temporary Chairman.

Rep. Symington moved that the report be adopted, which motion prevailed and the report was adopted.

## PETITIONS AND COMMUNICATIONS

The Chief Clerk read a telegram from the Board of County Commissioners of Benson County urging passage of a law permitting service by registered mail instead of by sheriff of all notices in tax deed proceedings in order to save expenses.

Communication from Attorney General Alvin C. Strutz was read by the Chief Clerk which was in regard to mileage

incurred by the members of the legislative assembly in going to and from place of meeting which is to be at ten cents per mile regardless of means of travel.

Rep. Moe: "I move that we start firing instead of hiring until such time that we know where we are to get the money to pay them."

Rep. Fitch: "I second the motion."

The Speaker put the motion which was lost.

## REPORT OF SELECT COMMITTEES

Rep. Page: "Mr. Speaker: Your committee appointed to arrange for an official photographer reports that the Butler Studio of Bismarck performed satisfactory service two years ago and will do the work this year at $1.00 per member and will charge $1.00 for each duplicate photograph furnished. The committee recommends the Butler Studio as the official photographer for this Session."

Rep. Myers moved that the report be adopted which motion prevailed.

## FIRST READING OF HOUSE BILLS

Mr. Page introduced:

House Bill No. 1. A Bill for an Act to Repeal Chapter 138 of the Session Laws of the State of North Dakota for the Year 1929 Creating the Office of Grain Storage Commissioner, and Declaring an Emergency.

Was read the first time and referred to the Committee on Warehouse and Grain Grading.

Mr. Nelson of Steele, introduced:

House Bill No. 2. A Bill for an act to Amend and Reenact Section 858 of the Compiled Laws of North Dakota of 1913, Relating to the Eligibility of Candidates in the General Election.

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

Committee on Appropriations introduced:

House Bill No. 3. 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 Livestock.

Committee on Appropriations introduced:

House Bill No. 4. 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 Livestock.

Committee on Appropriations introduced:

House Bill No. 5. 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 Declaring an Emergency.

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

Committee on Appropriations introduced:

House Bill No. 6. 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 Chaper 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 first time and referred to the Committee on Livestock.

Committee on Appropriations introduced:

House Bill No. 7. 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.

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

Committee on Appropriations introduced:

House Bill No. 8. A Bill for an Act Making an Appropriation for the Purpose of Paying Salary, Clerk Hire, and General Expenses of the State Historical Society.

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

Committee on Appropriations introduced:

House Bill No. 9. 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.

Committee on Appropriations introduced:

House Bill No. 10. A Bill for an Act Making an Appropriation for the Purpose of Paying Salary, Clerk Hire, and General Expenses of the Department of Public Health.

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

Committee on Appropriations introduced:

House Bill No. 11. A Bill for an Act Making an Appropriation for the Purpose of Paying Clerkhire and General Expenses of the Public Health Laboratories.

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

Committee on Appropriations introduced:

House Bill No. 12. 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 Public Health.

Committee on Appropriations introduced:

House Bill No. 13. 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 Mines and Mining.

Committee on Appropriations introduced:

House Bill No. 14. 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.

Committee on Appropriations introduced:

House Bill No. 15. 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 Public Welfare.

Committee on Appropriations introduced:

House Bill No. 16. 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 first time and referred to the Committee on Public Welfare.

Committee on Appropriations introduced:

House Bill No. 17. 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 Public Welfare.

Committee on Appropriations introduced:

House Bill No. 18. A Bill for an Act Making an Appropriation for St. John's Orphange of Fargo, North Dakota, Providing the Methods of Expenditures and Audit Thereof; Supervision and Inspection Therefor.

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

Committee on Appropriations introduced:

House Bill No. 19. 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 first time and referred to the Committee on Public Welfare.

Committee on Appropriations introduced:

House Bill No. 20. 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, Providing the Methods of Expenditure and Audit Thereof; Supervision and Inspection Therefor.

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

Committee on Appropriations introduced:

House Bill No. 21. 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 State Affairs.

Committee on Appropriations introduced:

House Bill No. 22. 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 State Affairs.

Committee on Appropriations introduced:

House Bill No. 23. 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.

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

Committee on Appropriations introduced:

House Bill No. 24. 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 Livestock.

Committee on Appropriations introduced:

House Bill No. 25. 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 State Affairs.

Committee on Appropriations introduced:

House Bill No. 26. A Bill for an Act Providing an Appropriation for the Paying of 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.

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

Committee on Appropriations introduced:

House Bill No. 27. 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.

Committee on Appropriations introduced:

House Bill No. 28. 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.

Committee on Appropriations introduced:

House Bill No. 29. A Bill for an Act Making an Appro-

priation for the North Dakota Soldiers' Home at Lisbon, North Dakota; Providing for Reports and Deductions.

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

Committee on Appropriations introduced:

House Bill No. 30. A Bill for an Act Making an Appropriation to Provide Funds for the Arrest and Return of Fugitives from Justice as Provided by Section 11162, Compiled Laws of 1913, as Amended and Re-enacted by Chapter 160, Laws of 1915, the same being Section 11162 of the Supplement to the 1913 Compiled Laws of North Dakota.

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

Committee on Appropriations introduced:

House Bill No. 31. 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 State Affairs.

Committee on Appropriations introduced:

House Bill No. 32. A Bill for an Act Making an Appropriation Into the Administrative Fund for General Administrative and Operative Expenses of the Water Conservation Commission, According to Chapter 255, Session Laws of 1937 and Section 31 Thereof, Providing for Reimbursement and Providng for Validity.

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

Committee on Appropriations introduced:

House Bill No. 33. A Bill for an Act to Provide for the Payment of the Expenses of Auditing and Examining the Affairs of the State Industrial Institutions, and the Special Departments and its Sub-divisions, of the State of North Dakota, Designating and Appropriating the Funds from Which Paid; Providing for the payment of Said Collection Into the Special Fund in the State Treasury; Providing for Repeal of Acts.

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

Committee on Appropriations introduced:

House Bill No. 34. A Bill for an Act Making an Appropriation for Inquest and Burial of Penal Inmates, Headstones for Soldiers and Sailors, Actions to Release Insane, and List of New Taxable Lands.

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

Committee on Appropriations introduced:

House Bill No. 35. 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 State Affairs.

Committee on Appropriations introduced:

House Bill No. 36. 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 State Affairs.

Committee on Appropriations introduced:

House Bill No. 37. A Bill for an Act Making an Appropriation for the State Employment Service Provided for in Section 13 and Section 14b, Chapter 232, Session Laws of 1937, in Co-operation with the Social Security Act of Congress.

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

Committee on Appropriations introduced:

House Bill No. 38. A Bill for an Act Making an Appropriation for Salaries, Operation, Maintenance, General and Miscellaneous Expenses for the State Laboratories Department.

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

Committee on Appropriations introduced:

House Bill No. 39. A Bill for an Act Making an Appropriation to Pay the Expenses and Per Diem of Presidential Electors as Prescribed by Section 1038 of the Compiled Laws of 1913.

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

Committee on Appropriations introduced:

House Bill No. 40. A Bill for an Act Making an Appropriation to Defray Expenses of the Delegates to National Political Conventions as Prescribed by Section 916 of the Compiled Laws of 1913.

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

Committee on Appropriations introduced:

House Bill No. 41. A Bill for an Act Making an Appro-

priation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Expenses of the State Institutions of Higher Learning of the State of North Dakota, and Providing for Offsets for Federal Aid Granted to Said Institutions and the Sub-divisions Thereof.

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

Committee on Appropriations introduced:

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 Workmen's Compensation Bureau.

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

Committee on Appropriations introduced:

House Bill No. 43. 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 Game and Fish.

Committee on Appropriations introduced:

House Bill No. 44. A Bill for an Act Making an Appropriation Out of the Liquor Fund in the State Treasury, for the Operation, Maintenance and Enforcement of the State Liquor Control Act.

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

Committee on Appropriations introduced:

House Bill No. 45. A Bill for an Act Making an Appropriation Out of the Motor Patrol Fund in the State Treasury, for the Operation, Maintenance, Equipment, Supplies, Outfitting of Patrolmen, Travel and Miscellaneous Expenses for the Motor Patrol Branch.

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

Committee on Appropriations introduced:

House Bill No. 46. A Bill for an Act Making an Appropriation Out of the Teachers' Insurance and Retirement Fund in the State Treasury for Operation and Maintenance, Equipment, Supplies, Travel and Miscellaneous Expenses for the Teachers' Insurance and Retirement Fund.

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

Rep. Scholl moved that the House recess until 1.00 P. M. tomorrow, which motion prevailed and the House recessed.

## COURTESIES OF THE FLOOR

Courtesies of the floor were extended to the following:

S. J. Schneider, Fargo; R. C. Richard, Valley City; O. D. Gifford, Minot; F. D. McCartney, Oakes; Jacob G. Krueger, Kief; John Dawson, Mandan; Don Lang, Rudolph Wagner, Goodrich; John Schlag, Christ Roth, Anamoose; Tony Lill, Bremen; Joe Roble, John Gund, Jr., Fred Bentz, Harvey; Jake Stern, Sykeston; Roy Grimms, Hurdsfield; Mrs. A. I. Sharpe, Glenfield; Mrs. R. Rait, Kermit; Mrs. Dave Lordel, Bismarck; Murlai Eddie, Northwood; C. E. Overland, W. E. Block, J. W. Harty, Grand Forks; E. V. Bry, Manvel, and Clifton McIntyre, Grand Forks.

MINNIE D. CRAIG,
Chief Clerk.

## SEVENTH DAY AFTER RECESS AND EIGHTH DAY

House of Representatives,
Bismarck, North Dakota,
January 10, 1939.

The House convened at 1:00 p. m., pursuant to recess, Speaker Hagen presiding.

The Speaker: "The chair at this time is very sorry to announce the death of Rep. Rotering of New England, of the 39th Legislative District, which occurred about noon today".

Rep. Morland: "Mr. Speaker: I am grieved beyond expression at the death of my good friend and colleague, Representative Rotering, from my district. I have known Mr. Rotering for nearly thirty years. He was one of the pioneers of Slope County, an honest, upright man who had the respect of all who knew him. I know that Mr. Rotering was drafted for the office of Representative and that, in fact, he gave his life in the service of the State.

"Therefore I move that the Speaker appoint a committee of six to make the proper and necessary arrangements, and that the House stand recessed for five minutes in his honor".

The motion was seconded and carried.

The Speaker appointed on that committee Representatives: Morland, Brown, Sticka, Schwartz, Braun of Stark and Culver.

The House recessed for five minutes.

The House was called to order at 1:10 p. m., pursuant to a five minute recess in respect to the deceased Rep. Robert Rotering.

The Chair announced that the House would be on the Tenth Order of Business.

### FIRST READING OF HOUSE BILLS

Committee on Taxes and Tax Laws introduced:

House Bill No. 47. A Bill for an Act to Amend and

Re-enact Section 2223 of the Supplement to the Compiled Laws of 1913 as Amended by Chapter 285 of the Session Laws of 1931 Relating to Notice of Expiration of Period of Redemption, the Rights of Certificate Holders, Mortgagees, or Assignees Thereof and Prescribing the Duties of the County Auditor in Connection Therewith.

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

Mr. McIntyre introduced:

House Bill No. 48. A Bill for an Act to Amend and Re-enact Section 6073 of the Supplement to the 1913 Compiled Laws of North Dakota, as Amended by Chapter 159, Session Laws of 1935, Defining Usury.

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

Mr. Page introduced:

House Bill No. 49. A Bill for an Act to Amend Section 837 of the Compiled Laws of North Dakota for the year 1913; and Declaring an Emergency.

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

Rep. Odegard moved that the absent members be excused, which motion was carried and the absent members were excused.

Rep. Joiner moved that the House be on the Fifth Order of Business.

## STANDING COMMITTEE REPORT

### REPORT OF COMMITTEE ON MILEAGE AND PER DIEM

Mr. Speaker: Your Committee on Mileage and Per Diem beg leave to submit the following report on mileage of the members of the House and recommend that the mileage indicated therein be allowed each member; that this report be printed in the Journal, and that the same be immediately certified to the State Auditor by the Chief Clerk of the House.

| District | Name and Address | Car | Rail | TOTAL |
|---|---|---|---|---|
| 1. | Earl D. Symington, Neche | 44 | 708 | 752 |
| | Alex Dalzell, Walhalla | 56 | 708 | 764 |
| | Franklin Page, Hamilton | 708 | | 708 |
| 2. | J. M. Joiner, Berthold | 40 | 380 | 420 |
| 3. | Harry O'Brien, Park River | | 674 | 674 |
| | Palmer Levin, Park River | 14 | 674 | 688 |
| 4. | Donald K. Dike, Grafton | 20 | 632 | 652 |
| 5. | K. L. Boulden, Larimore | 12 | 300 | 624 |
| 6. | Geo. H. Saumur, Grand Forks | 282 | | 564 |
| 7. | Targie Trydahl, Thompson | 259 | | 518 |

| District | Name and Address | Car | Rail | TOTAL |
|---|---|---|---|---|
| 8. | H. W. McInnes, Kelso | 239 | | 478 |
| | L. C. Odegard, Buxton | 12 | 494 | 506 |
| | Alva Wambheim, Hatton | 2 | 262 | 528 |
| 9. | A. R. Bergesen, Fargo | 2 | 388 | 390 |
| | K. A. Fitch, Fargo | 2 | 388 | 390 |
| | Arthur C. Johnson, Fargo | 2 | 388 | 390 |
| | W. H. Shure, Fargo | 2 | 388 | 390 |
| | L. L. Twichell, Fargo | 2 | 388 | 390 |
| 10. | Theodore G. Buchholz, Durbin | 8 | 405 | 413 |
| | Otis Nelson, Mapleton | 8 | 380 | 388 |
| 11. | Wesley Bolmeier, Erie | 2 | 456 | 458 |
| | Carl H. Dittmer, Leonard | 12 | 444 | 456 |
| 12. | J. D. Holthusen, Tyler | 12 | 496 | 508 |
| | H. C. Mittag, Hankinson | 40 | 484 | 524 |
| 13. | Mal Gainor, DeLamere | 16 | 408 | 424 |
| 14. | J. T. Peterson, Englevale | 100 | 280 | 380 |
| | H. G. Severson, Fort Ransom | 40 | 370 | 410 |
| 15. | S. Oglesby, Wimbledon | 135 | | 270 |
| 16. | Bjorn Guglestad, Cooperstown | 364 | | 364 |
| | Steven C. Nelson, Finley | 20 | 558 | 578 |
| | W. L. Thompson, Hatton | 5 | 262 | 534 |
| 17. | A. O. Arneson, McVille | | 588 | 588 |
| | P. K. Holm, Pekin | 7 | 622 | 629 |
| 18. | W. M. Crockett, Wales | 26 | 780 | 806 |
| | Mandus Hultstrand, Fairdale | 20 | 742 | 762 |
| | Peter Moe, Osnabrock | 28 | 718 | 746 |
| 19. | Carl Anfinson, Mylo | 24 | 634 | 658 |
| | Jacob Urschel, Rolla | | 635 | 635 |
| 20. | J. M. Anderson, Minnewaukan | 394 | | 394 |
| | C. H. Hofstrand, Churchs Ferry | 426 | | 426 |
| 21. | C. O. Arneson, Devils Lake | 6 | 480 | 486 |
| | E. A. Lunde, Lawton | 522 | | 522 |
| | Harry Stormon, Devils Lake | | 480 | 480 |
| 22. | D. S. Blair, Maza | 444 | | 444 |
| | Lester Keller, Bisbee | 496 | | 496 |
| 23. | G. I. Feton, Jamestown | 102 | 102 | 204 |
| | Frank Fletcher, Jamestown | 102 | 102 | 204 |
| | P. G. Westby, Jamestown | 204 | | 204 |
| | Henry Williams, Jamestown | 204 | | 204 |
| 24. | Algot Johnson, Kulm | 14 | 240 | 254 |
| | Elliot T. Knutson, LaMoure | 328 | | 328 |
| 25. | Carl Nelson, Oakes | 401 | | 401 |
| | W. R. Singleton, Oakes | | 398 | 398 |
| 26. | Joseph Glas, Linton | 190 | | 190 |
| | Anton Larson, Temvik | 132 | | 132 |
| 27. | W. E. Sellens, Bismarck | 20 | | 20 |
| | Joseph Byrne, Bismarck | 2 | | 2 |
| | J. M. Thompson, Wilton | 54 | | 54 |
| 28. | W. E. Bingenheimer, Newburg | 532 | | 532 |
| | Duncan Fraser, Omemee | 558 | | 558 |
| | Peter Peterson, Antler | 20 | 594 | 614 |
| 29. | A. W. Benno, Minot | 18 | 380 | 398 |
| | Brynhild Haugland, Minot | 10 | 380 | 390 |

| District | Name and Address | Car | Rail | TOTAL |
|---|---|---|---|---|
| | H. A. Kluver, Minot | | 380 | 380 |
| | E. C. Stone, Minot | | 380 | 380 |
| 30. | Robert T. Gray, Mandan | 16 | | 16 |
| | Gus. A. Schauss, Mandan | 34 | | 34 |
| | Richard E. Wolf, New Salem | 70 | | 70 |
| 31. | George P. Braun, Dickinson | 40 | 230 | 270 |
| | E. D. Culver, Dickinson | 24 | 230 | 254 |
| | Ignatz Sticka, New England | 36 | 230 | 266 |
| 32. | A. H. Nystrom, Sheyenne | 18 | 344 | 362 |
| | A. I. Sharpe, Glenfield | 300 | | 300 |
| 33. | Leonas Myers, Bowdon | 18 | 350 | 368 |
| | Calvin Schimke, Harvey | 6 | 490 | 496 |
| 34. | L. W. Belzer, Balfour | 12 | 280 | 292 |
| | Andrew Halvorson, Upham | 354 | | 354 |
| | Fred T. Schmidt, Anamoose | 12 | 280 | 292 |
| 35. | John J. Adam, Anamoose | 16 | 280 | 292 |
| | John A. Schmidt, McClusky | 150 | | 150 |
| 36. | John A. Billigmeier, Fredonia | 24 | 256 | 280 |
| | E. Haag, Fredonia | 260 | | 260 |
| | C. P. Ritter, Burnstad | 196 | | 196 |
| 37. | Mrs. Geo. Ista, Walcott | 432 | | 432 |
| | H. C. Williams, Lidgerwood | 20 | 406 | 426 |
| 38. | John N. McIntyre, Valley City | 300 | | 300 |
| 39. | H. W. Brown, Beach | | 378 | 378 |
| | L. K. Morland, Scranton | 336 | | 336 |
| | Robert Rotering, New England | | 322 | 322 |
| 40. | J. H. Heckman, Alkabo | 2 | 666 | 668 |
| | Ed McIntee, Northgate | | 548 | 548 |
| | Robert Rait, Kermit | 12 | 580 | 592 |
| 41. | Bernt Anderson, Charlson | 234 | 359 | 593 |
| | Oscar Hagen, Watford City | 200 | 325 | 525 |
| 42. | Paul A. Sand, Balta | | 328 | 328 |
| | Wm. H. Tuff, Barton | 266 | 124 | 390 |
| 43. | Olaf Ostgulen, Donnybrook | 450 | | 450 |
| 44. | Joseph N. Mollet, Powers Lake | 262 | 239 | 501 |
| | Theodore O. Rohde, Van Hook | 324 | | 324 |
| 45. | Carl Erickson, Springbrook | 570 | | 570 |
| | William Ireland, Corinth | 570 | | 570 |
| | Iver Solberg, Ray | 534 | | 534 |
| 46. | Fred Braun, Turtle Lake | 150 | | 150 |
| | George H. Lange, Turtle Lake | 138 | | 138 |
| | R. R. Scholl, Washburn, | 90 | | 90 |
| 47. | Ralph G. Beede, Elgin | 168 | | 168 |
| | Dan Panko, McIntosh, S. D. | 160 | | 160 |
| 48. | Nels P. Jensen, Hazen | 120 | | 120 |
| | Wm. Rettke, Beulah | 8 | 160 | 168 |
| | Harry Semerad, Dickinson | 252 | | 252 |
| 49. | Geo. Schwartz, Mott | 262 | | 262 |
| | S. K. Skartvedt, Mott | 4 | 258 | 262 |

J. M. JOINER,
Chairman.
JOHN J. ADAM
GEO. SAUMUR.

The chair announced that the report would be checked and roll call held on the report after it was printed in the Journal.

Rep. Morland moved that the House do now adjourn, which motion was carried and the House stood adjourned.

## EIGHTH DAY

House of Representatives,
Bismarck, North Dakota,
January 10, 1939.

The House assembled at 2:00 p. m., pursuant to adjournment, Speaker Hagen presiding.

Prayer by Rev. G. J. Kovitch, Bismarck.

The roll was called, and all members were present except Representatives Culver and Rotering.

So a quorum was declared present.

## REPORT OF STANDING COMMITTEES

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

Mr. Speaker: Your Committee on Revision and Correction of the Journal have carefully examined the Journal of the 5th day after recess and 7th day and recommend that the same be corrected as follows:

Page 89, 5 lines from the bottom of the page, correct spelling of name "Buchholt" to Buchholz".

And when so corrected recommend that the same be approved.

JOSEPH GLAS,
Chairman.

Rep. Symington moved that the report be adopted, which motion prevailed and the report was adopted.

Rep. O'Brien moved that the report of the Joint Committee on the form of the Journal and the Daily Calendar on the number of daily Journals, Calendars and Bills to be printed and on other matters relating to legislative printing, which was to be taken up as a special order of business at 3:00 p. m. today, be sent back to the standing committee on Printing in order that some revisions in that report may be made, which motion was seconded and carried.

Rep. Scholl moved that the House do now recess until 1:00 p. m. tomorrow.

## COURTESIES OF THE FLOOR

Courtesies of the floor were extended to the following:

A. L. Hirsch, Tuttle; Geo. Dixon, Fargo; G. F. Pearcy, Minot; Art Elsholtz, Fargo; Eli Broten, Rugby; Mr. and Mrs. R. Parkinson, Bismarck; Robert Seebold, Underwood; Anton J. Schmidt, Napoleon; John Marquart, Napoleon;

S. H. Dolbe, Fessenden; Magdalene Goldader, Bismarck; P. J. Salterlie, Rugby; Orville Hago, McHenry; Orvil Olson, McHenry; Perry Benner, Dickinson; John Benner, Mandan; Leonard Patyswald, Hebron; Oscar Nygard, Jamestown; Joe Lefor, Dickinson; Lee Malmis, Fargo; Harold Bangert, Fargo; Jacob Braun, Mercer; John C. Ecker, Underwood; Reuben Slegmier, Beulah.

MINNIE D. CRAIG,
Chief Clerk.

## EIGHTH DAY AFTER RECESS AND NINTH DAY

House of Representatives,
Bismarck, North Dakota,
January 11, 1939.

The House convened at 1:00 P. M., pursuant to recess, Speaker Hagen presiding.

The Chair announced that the House would be on the Fourth Order of Business.

### PETITIONS AND COMMUNICATIONS

The Chief Clerk read a letter from the North Dakota Workmen's Compensation Bureau calling attention to the fact that the employes of the 26th Legislative Assembly must be covered by workmen's compensation insurance which is compulsory under Chapter 162 of the 1919 Session Laws and supplements since.

Rep. Morland moved that the communication be received, that the Speaker refer the same to the proper committee.

The motion was seconded.

Rep. Crockett moved an amendment to Rep. Morland's motion that the Chief Clerk fill out the forms and contact the Workmen's Compensation Bureau and to instruct the bureau to issue insurance properly covering the employes of the House.

The motion was seconded and carried.

### ROLL CALL

The question being on Rep. Morland's motion, as amended, covering the insurance of House employes, the roll was called and there were ayes, 107; nays, 0; absent and not voting, 5.

Those voting in the affirmative were:

| Messrs. | Messrs. | Messrs. |
|---|---|---|
| Adam | Haugland | Panko |
| Anderson, Benson | Heckman | Peterson,Bottineau |
| Anderson,M'K'nzie | Hofstrand | Peterson, Ransom |
| Anfinson | Holm | Rait |

| Messrs. | Messrs. | Messrs. |
|---|---|---|
| Arneson, Nelson | Holthusen | Rettke |
| Arneson, Ramsey | Hultstrand | Rohde |
| Beede | Ireland | Sand |
| Belzer | Ista | Saumur |
| Benno | Jensen | Schmidt, McHenry |
| Bergesen | Johnson, Cass | Schmidt, Sheridan |
| Billigmeier | Johnson, LaMoure | Schimke |
| Bingenheimer | Joiner | Scholl |
| Blair | Keller | Schwartz |
| Bolmeier | Kluver | Semerad |
| Boulden | Knutson | Severson |
| Braun, McLean | Lange | Sharpe |
| Braun, Stark | Larson | Shure |
| Brown | Levin | Singleton |
| Buchholz | Lunde | Skartvedt |
| Byrne | McInnes | Solberg |
| Crockett | McIntee | Sticka |
| Culver | McIntyre | Stone |
| Dalzell | Myers | Stormon |
| Dike | Mittag | Symington |
| Dittmer | Moe | Thompson,Burl'gh |
| Erickson | Mollet | Thompson, Steele |
| Feton | Morland | Trydahl |
| Fitch | Nelson, Cass | Tuff |
| Fletcher | Nelson, Dickey | Urschel |
| Fraser | Nelson, Steele | Wambheim |
| Fuglestad | Nystrom | Westby |
| Gainor | O'Brien | Williams,Richland |
| Glas | Odegard | Williams,Stutsm'n |
| Gray | Oglesby | Wolf |
| Haag | Ostgulen | Mr. Speaker |
| Halvorson | Page | |

Absent and not voting:

| Messrs. | Messrs. | Messrs. |
|---|---|---|
| Ritter | Schauss | Twichell |
| Rotering | Sellens | |

So the motion covering the insurance of House employes was declared passed.

Representative Rait: "Mr. Speaker: Your Committee on Employment submits the following names for the following positions and recommends that their names be grouped for the roll call."

R. C. Stubbs, Committee Clerk.

Walter Radke, Page.

Oscar Wahlund, Page and Assistant Bill Clerk.

Dorothy Witcik, Stenographer.

Adeline Orvik, Stenographer.

ROLL CALL

The question being on the motion of Rep. Rait for the

employment of R. C. Stubbs, Walter Radke, Oscar Wahlund, Dorothy Witcik and Adeline Orvik, the roll was called and there were ayes, 81; nays, 26; absent and not voting, 5.

Those voting in the affirmative were:

| Messrs. | Messrs. | Messrs. |
|---|---|---|
| Adam | Halvorson | Panko |
| Anderson, Benson | Haugland | Peterson,Bottineau |
| Anderson,M'K'nzie | Heckman | Rait |
| Anfinson | Hofstrand | Rettke |
| Beede | Holthusen | Rohde |
| Belzer | Hultstrand | Sand |
| Benno | Ista | Saumur |
| Bergesen | Jensen | Schauss |
| Billigmeier | Johnson, Cass | Schmidt, McHenry |
| Bingenheimer | Johnson, LaMoure | Schmidt, Sheridan |
| Blair | Joiner | Schimke |
| Braun, McLean | Kluver | Scholl |
| Buchholz | Knutson | Schwartz |
| Byrne | Lange | Semerad |
| Crockett | Larson | Sharpe |
| Culver | Levin | Shure |
| Dalzell | McInnes | Singleton |
| Dike | McIntee | Skartvedt |
| Dittmer | McIntyre | Stone |
| Erickson | Myers | Symington |
| Feton | Mittag | Thompson,Burl'gh |
| Fitch | Mollet | Tuff |
| Fletcher | Nelson, Dickey | Urschel |
| Fraser | Nystrom | Wambheim |
| Glas | Odegard | Williams,Richland |
| Gray | Ostgulen | Wolf |
| Haag | Page | Mr. Speaker |

Those voting in the negative were:

| Messrs. | Messrs. | Messrs. |
|---|---|---|
| Arneson, Nelson | Keller | Severson |
| Arneson, Ramsey | Lunde | Solberg |
| Bolmeier | Moe | Sticka |
| Boulden | Morland | Stormon |
| Braun, Stark | Nelson, Cass | Thompson, Steele |
| Fuglestad | Nelson, Steele | Trydahl |
| Gainor | O'Brien | Westby |
| Holm | Oglesby | Williams,Stutsm'n |
| Ireland | Peterson, Ransom | |

Absent and not voting:

| Messrs. | Messrs. | Messrs. |
|---|---|---|
| Ritter | Brown | Twichell |
| Rotering | Sellens | |

So the following were declared employed:

R. C. Stubbs, Committee Clerk.

Walter Radke, Page.

Oscar Wahlund, Page and Assistant Bill Clerk.

Dorothy Witcik, Stenographer.

Adeline Orvik, Stenographer.

Mr. O'Brien: "I move that the Committee on Employment be discharged as it seems to me that we already have enough employees".

The motion was seconded.

Rep. Fitch: "I move that the motion of Rep. O'Brien be laid on the table, for there may be emergencies later on".

Rep. Crockett: "I second the motion".

Which motion prevailed.

Rep. Rait: "Mr. Speaker: Your Committee on Employment recommends that the man now operating the loud speaker equipment be employed for the remainder of the Session. He represents the Mandan Radio Corporation. The cost will be $400.00 for the sixty-day session."

Rep. Westby moved the adoption of the report of the Employment committee. The motion was seconded.

## ROLL CALL

The question being on the employment of the man to run the loud speaker equipment, the roll was called and there were ayes, 85; nays, 23; absent and not voting, 4.

Those voting in the affirmative were:

| Messrs. | Messrs. | Messrs. |
|---|---|---|
| Anderson, Benson | Haugland | Rait |
| Anderson,M'K'nzie | Heckman | Rettke |
| Anfinson | Hofstrand | Ritter |
| Arneson, Nelson | Holm | Sand |
| Arneson, Ramsey | Hultstrand | Saamur |
| Beede | Ista | Schauss |
| Belzer | Jensen | Schmidt, McHenry |
| Benno | Johnson, LaMoure | Schmidt, Sheridan |
| Billigmeier | Joiner | Schimke |
| Bingenheimer | Kluver | Scholl |
| Braun, McLean | Lange | Schwartz |
| Braun, Stark | Larson | Sellens |
| Buchholz | Levin | Semerad |
| Byrne | Lunde | Sharpe |
| Crockett | McInnes | Skartvedt |
| Culver | McIntee | Sticka |
| Dalzell | McIntyre | Stone |
| Dike | Moe | Stormon |
| Dittmer | Mollet | Thompson,Burl'gh |
| Erickson | Morland | Thompson, Steele |
| Feton | Nelson, Cass | Trydahl |
| Fletcher | Nelson, Steele | Tuff |
| Fraser | Nystrom | Urschel |
| Fuglestad | O'Brien | Westby |
| Gainor | Odegard | Williams,Richland |
| Glas | Ostgulen | Williams,Stutsm'n |
| Gray | Panko | Wolf |

| Messrs. | Messrs. | Messrs. |
|---|---|---|
| Haag | Peterson,Bottineau | Mr. Speaker |
| Halvorson | | |

Those voting in the negative were:

| Messrs. | Messrs. | Messrs. |
|---|---|---|
| Bergesen | Johnson, Cass | Rohde |
| Blair | Keller | Severson |
| Bolmeier | Knutson | Shure |
| Boulden | Mittag | Singleton |
| Brown | Nelson, Dickey | Solberg |
| Fitch | Oglesby | Symington |
| Holthusen | Page | Wambheim |
| Ireland | Peterson, Ransom | |

Absent and not voting:

| Messrs. | Messrs. | Messrs. |
|---|---|---|
| Adam | Rotering | Twichell |
| Myers | | |

So the loud speaker operator was declared employed.

Rep. Crockett: "I vote 'aye' on this question not because I need a loud speaker but I am a Scotchman and very sympathetic to those to whom it would be of benefit. Therefore I vote 'aye'."

Rep. Rait: "Jack Smutz worked here in the House as a page for seven days and is no longer working. I wish to make the motion that he be allowed his wages for these seven days of work."

The motion was seconded.

ROLL CALL

The question being on the payment of seven days' salary to Jack Smutz as page, the roll was called and there were ayes, 102; nays, 4; absent and not voting, 6.

Those voting in the affirmative were:

| Messrs. | Messrs. | Messrs. |
|---|---|---|
| Anderson, Benson | Hofstrand | Peterson,Bottineau |
| Anderson,M'K'nzie | Holm | Peterson, Ransom |
| Anfinson | Holthusen | Rait |
| Arneson, Nelson | Hultstrand | Rettke |
| Beede | Ireland | Rohde |
| Belzer | Ista | Sand |
| Benno | Jensen | Saumur |
| Bergesen | Johnson, Cass | Schauss |
| Billigmeier | Johnson, LaMoure | Schmidt, McHenry |
| Bingenheimer | Joiner | Schmidt, Sheridan |
| Blair | Keller | Schimke |
| Bolmeier | Kluver | Scholl |
| Boulden | Knutson | Schwartz |
| Braun, McLean | Lange | Sellens |
| Braun, Stark | Larson | Semerad |
| Brown | Levin | Severson |
| Buchholz | Lunde | Sharpe |

| Messrs. | Messrs. | Messrs. |
|---|---|---|
| Crockett | McInnes | Shure |
| Culver | McIntee | Singleton |
| Dalzell | McIntyre | Skartvedt |
| Dike | Mittag | Solberg |
| Dittmer | Moe | Sticka |
| Erickson | Mollet | Stormon |
| Feton | Morland | Symington |
| Fitch | Nelson, Cass | Thompson,Burl'gh |
| Fletcher | Nelson, Dickey | Trydahl |
| Fraser | Nelson, Steele | Tuff |
| Gainor | Nystrom | Urschel |
| Glas | O'Brien | Wambheim |
| Gray | Odegard | Westby |
| Haag | Oglesby | Williams,Richland |
| Halvorson | Ostgulen | Williams,Stutsm'n |
| Haugland | Page | Wolf |
| Heckman | Panko | Mr. Speaker |

Those voting in the negative were:

| Messrs. | Messrs. | Messrs. |
|---|---|---|
| Arneson, Ramsey | Ritter | Stone |
| Fuglestad | | |

Absent and not voting:

| Messrs. | Messrs. | Messrs. |
|---|---|---|
| Adam | Myers | Thompson, Steele |
| Byrne | Rotering | Twichell |

So the salary of Jack Smutz for seven days' work as page was ordered paid.

Mr. Speaker: "Your committte on Mileage and Per Diem have carefully examined the Report on Mileage and Per Diem as printed in the Journal of the Seventh Day after recess and eighth day and recommend that the following corrections be made:

First District—Earl D. Symington, change the rail mileage of 670 miles to 708 miles and change the total mileage as shown of 714 miles to 752 miles.

First District—F. Page, change the car mileage and total mileage as shown of 670 to 708 miles.

Sixteenth District—Bjorn Fuglestad, change the car mileage of 284 miles to 364 miles, also total mileage of 284 to 364 miles.

Twenty First District—E. A. Lunde, change car mileage as shown of 524 miles to 522 miles; also total miles to 522 miles.

Twenty Fifth District—W. R. Singleton, change rail mileage of 304 miles to 398 miles; also change total to 398 miles.

Twenty-Fifth District—Carl Nelson, change car mileage as shown of 137 miles to 401 miles, also change total to 401 miles.

Thirty Sixth District—John Billigmeier, change the mileage of 206 as shown to 256 miles; and change total mileage to 280 miles.

Thirty Sixth District—E. Haag take out the car mileage of 206 miles as shown, and change the car mileage of 4 miles to 260 miles; also change total miles to 260 miles.

Thirty Sixth District—C. P. Ritter, change the car mileage and total mileage as shown as 140 miles to 196 miles.

Thirty Ninth District—L. K. Morland, change car mileage and total as shown as 392 miles to 336 miles.

Forty Fourth District—Joseph N. Mollet, change the rail mileage as shown of 170 miles to 239 miles; change total mileage of 432 miles to 501 miles.

Forty Sixth District—After the name of George H. Lange, add "Turtle Lake".

J. M. JOINER, Chairman.
JOHN J. ADAM,
GEO. H. SAUMUR.

ROLL CALL

The question being on the corrected report of the Committee on Mileage and Per Diem, the roll was called and there were ayes, 110; nays, 0; absent and not voting, 2.

Those voting in the affirmative were:

| Messrs. | Messrs. | Messrs. |
|---|---|---|
| Adam | Hofstrand | Rait |
| Anderson, Benson | Holm | Rettke |
| Anderson,M'K'nzie | Holthusen | Ritter |
| Anfinson | Hultstrand | Rohde |
| Arneson, Nelson | Ireland | Sand |
| Arneson, Ramsey | Ista | Saumur |
| Beede | Jensen | Schauss |
| Belzer | Johnson, Cass | Schmidt, McHenry |
| Benno | Johnson, LaMoure | Schmidt, Sheridan |
| Bergesen | Joiner | Schimke |
| Billigmeier | Keller | Scholl |
| Bingenheimer | Kluver | Schwartz |
| Blair | Knutson | Sellens |
| Bolmeier | Lange | Semerad |
| Boulden | Larson | Severson |
| Braun, McLean | Levin | Sharpe |
| Braun, Stark | Lunde | Shure |
| Brown | McInnes | Singleton |
| Buchholz | McIntee | Skartvedt |
| Crockett | McIntyre | Solberg |
| Culver | Myers | Sticka |
| Dalzell | Mittag | Stone |
| Dike | Moe | Stormon |
| Dittmer | Mollet | Symington |
| Erickson | Morland | Thompson,Burl'gh |
| Feton | Nelson, Cass | Thompson, Steele |
| Fitch | Nelson, Dickey | Trydahl |

| Messrs. | Messrs. | Messrs. |
|---|---|---|
| **Fletcher** | Nelson, Steele | **Tuff** |
| **Fraser** | Nystrom | **Twichell** |
| **Fuglestad** | O'Brien | **Urschel** |
| **Gainor** | Odegard | **Wambheim** |
| **Glas** | Oglesby | **Westby** |
| **Gray** | Ostgulen | **Williams,Richland** |
| **Haag** | Page | **Williams,Stutsm'n** |
| **Halvorson** | Panko | **Wolf** |
| **Haugland** | Peterson,Bottineau | **Mr. Speaker** |
| **Heckman** | Peterson, Ransom | |

Absent and not voting:

| Messrs. | Messrs. |
|---|---|
| **Byrne** | **Rotering** |

And so the corrected report of the committee on Mileage and Per Diem was declared passed.

Rep. Lange moved that the absent members be excused, which motion prevailed.

Rep. Schauss moved that the House do now adjourn, which motion prevailed and the House was adjourned.

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## NINTH DAY

House of Representatives,
Bismarck, North Dakota,
January 11, 1939.

The House assembled at 2:00 P. M., pursuant to adjournment, Speaker Hagen presiding.

Rev. Wm. A. Lemke, Bismarck, offered prayer.

Rep. Sand: "One of our legislators of this body answered his final roll call to God Almighty, yesterday. We do regret the sudden departure of him who was dear to our hearts.

"Therefore it would be fitting and proper on this roll call when we come to the name of 'Rep. Rotering' that we, out of due respect, do rise in a body and meditate a few moments for the peaceful repose of the soul of Honorable Robert Rotering, New England, Representative of the 39th Legislative District, and that we extend to Mrs. Robert Rotering and family our deepest sympathies in their heart-felt sorrow, and that a copy of the roll call be sent to Mrs. Robert Rotering."

The roll call disclosed all present except Rep. Rotering.

The Speaker sounded the gavel when Rep. Rotering's name was called and the members stood in a body for a moment of silent meditation in memory of the departed member, Rep. Rotering of New England.

### THIRD ORDER OF BUSINESS

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

Mr. Speaker: 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 103, in line 15 from the top, after the words "and, New England," insert the word "of."

On page 107, 33 lines from the top, change the words "and recommend that that same be corrected" to "and recommend that the same be corrected."

And when so corrected recommend that the same be approved.

JOSEPH GLAS,
Chairman.

Rep. Joiner moved that the report be adopted, which motion prevailed and the report was adopted.

## REPORT OF SPECIAL COMMITTEE

Mr. Speaker:

Your Special Committee appointed to make arrangements after the death of Rep. Rotering of District 39, begs to report:

That members of Rep. Rotering's family, consisting of his wife, one son, Robert, and one brother, Edwin Rotering, arrived in Bismarck on the evening of January 10th. After conferring with the family, they informed your committee that they would take the remains home by car on January 11th.

That members of the special committee attended a short funeral service at the Calnan Funeral Home, conducted by Father A. J. Brandner of St. Vincent's Parish, for relatives, members of the Legislature, and friends. We, as your committee, acted as pallbearers and escorted the remains to the hearse at 10:30 A. M. today.

That we ordered a wreath of flowers with a card of sympathy from members of the Twenty-sixth Legislative Assembly, which was delivered and sent with the remains.

That the remains have been taken to his Slope County home. We were informed by the family that they expected to hold the funeral services either Friday or Saturday of this week from the Catholic Church at Amidon, Slope County. Your committee expects to be notified by telephone as to the exact hour and date.

That as soon as we have been notified as to what arrangements have been made, this committee suggests that a joint memorial service be arranged with the Senate and held in the House Chambers and with such procedure as deemed proper and fitting for such a solemn occasion.

L. K. MORLAND
H. W. BROWN
IGNATZ STICKA
GEO. SCHWARTZ
GEO. P. BRAUN
E. D. CULVER.

It was moved, seconded and carried that the report be printed in the Journal.

Rep. Crockett: I move that the Speaker appoint Rep. Morland and Rep. Brown to attend the funeral at Rep. Rotering's home. I think it would be very fitting that his colleagues be there and I further move that the House of Representatives pay the actual expenses. I think it would be a fitting gesture on the part of this House to the family of our departed brother.

## ROLL CALL

The question being on payment of the expenses involved in sending Rep. Morland and Brown to attend the funeral of Rep. Rotering, the roll was called and there were ayes, 107; nays, 0; absent and not voting, 5.

Those voting in the affirmative were:

| Messrs. | Messrs. | Messrs. |
|---|---|---|
| Adam | Heckman | Peterson, Ransom |
| Anderson, Benson | Hofstrand | Rait |
| Anderson,M'K'nzie | Holm | Rettke |
| Anfinson | Holthusen | Ritter |
| Arneson, Nelson | Hultstrand | Rohde |
| Arneson, Ramsey | Ireland | Sand |
| Beede | Ista | Saumur |
| Belzer | Jensen | Schauss |
| Benno | Johnson, Cass | Schmidt, McHenry |
| Bergesen | Johnson, LaMoure | Schmidt, Sheridan |
| Billigmeier | Joiner | Schimke |
| Bingenheimer | Keller | Scholl |
| Blair | Kluver | Schwartz |
| Bolmeier | Knutson | Sellens |
| Boulden | Lange | Semerad |
| Braun, McLean | Larson | Severson |
| Braun, Stark | Levin | Sharpe |
| Brown | Lunde | Shure |
| Buchholz | McInnes | Singleton |
| Crockett | McIntee | Skartvedt |
| Culver | McIntyre | Solberg |
| Dalzell | Mittag | Sticka |
| Dike | Moe | Stone |
| Dittmer | Mollet | Symington |
| Erickson | Morland | Thompson,Burl'gh |
| Feton | Nelson, Cass | Trydahl |
| Fitch | Nelson, Dickey | Tuff |
| Fletcher | Nelson, Steele | Twichell |
| Fraser | Nystrom | Urschel |
| Fuglestad | O'Brien | Wambheim |
| Gainor | Odegard | Westby |
| Glas | Oglesby | Williams,Richland |
| Gray | Ostgulen | Williams,Stutsm'n |
| Haag | Page | Wolf |
| Halvorson | Panko | Mr. Speaker |
| Haugland | Peterson,Bottineau | |

Absent and not voting:

| Messrs. | Messrs. | Messrs. |
|---|---|---|
| Byrne | Rotering | Thompson, Steele |
| Myers | Stormon | |

So the motion to pay the expenses of Rep. Morland and Rep. Brown at the funeral of Rep. Rotering was declared passed.

Rep. Crockett moved that the four remaining members of the committee of six to make the arrangements for the funeral of Rep. Rotering, constitute a special committee to make arrangements for a memorial service for Rep. Rotering.

The motion was seconded and carried.

## COMMITTEE REPORT

Mr. Speaker: Your committee of three, appointed to confer with a like committee of the Senate on the form of the Journal and the Daily Calendar, on the number of daily Journals, calendars and bills to be printed and on other matters relating to legislative printing, reports as follows:

We recommend the printing of four thousand (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 (10) copies of this Journal, and that in addition thereto, there be placed on the mailing list all state institutions, public libraries, state historical society, all state's attorneys, county auditors; two (2) copies to the University Law School, the auditor of each incorporated city, the president of the village council of each incorporated village, any newspaper published in the state, all secretaries of county taxpayers associations, and by request to any high schools, consolidated rural schools, secretary of labor clubs, farmers' clubs, commercial clubs or women's clubs within the state may be placed on the mailing list; that all bills and journals authorized by this resolution to be printed, shall be delivered by the printer to the secretary of the Publication and Printing Commission, who shall receipt therefor to the printer.

That there be printed five hundred (500) copies of the House and Senate Bills, unless otherwise ordered, by the house in which a bill is introduced, except appropriation and tax bills, of which 750 copies shall be printed.

That five hundred (500) copies of the Daily Journal be punched.

That the state printer be authorized to deliver to the mailing clerks request cards for Journals, said cards to be mailed to those people who are entitled to receive the Journals by request, as herein indicated.

In the interest of economy we recommend the following changes in the form of the Journals, to-wit:

(1) That date lines occupy one line in the following form: "Bismarck, January ———, 1939".

(2) That the attendance roll call list only members absent.

(3) Eliminate the word "Messrs". from all roll calls.

(4) That on all reports and messages the name of the party signing the same and his title be placed on the same line.

(5) Eliminate the names of people granted courtesies of the floor.

(6) Eliminate the word "also" where it appears between the titles of bills.

(7) Eliminate the words "very respectfully" from all messages.

(8) Eliminate the title of all bills from committee reports, following the form adopted by the Senate two years ago.

(9) Type matter in Journals to be set solid according to section 53 of the 1913 Compiled Laws.

(10) That 500 copies of the daily calendar be printed.

(11) That 325 copies of the permanent Journals be printed.

Signed:

Senators
C. C. MORRISON
R. R. MORGAN
ROBERT GREISER

Representatives:
C. P. RITTER
HARRY O'BRIEN
RALPH BEEDE.

Representative Ritter moves the adoption of this report. The motion was seconded.

Rep. Twichell: "Mr. Speaker: I move a substitute for Rep. Ritter's motion that we adopt the report of the committee by resolution and roll call, which motion prevailed.

ROLL CALL

The question being on the adoption of the report of the Joint Committee on Printing, the roll was called and there were ayes, 109; nays, 0; absent and not voting, 3.

Those voting in the affirmative were:

| Messrs. | Messrs. | Messrs. |
|---|---|---|
| Adam | Heckman | Rait |
| Anderson, Benson | Hofstrand | Rettke |
| Anderson,M'K'nzie | Holm | Ritter |
| Anfinson | Holthusen | Rohde |
| Arneson, Nelson | Hultstrand | Sand |

| Messrs. | Messrs. | Messrs. |
|---|---|---|
| Arneson, Ramsey | Ireland | Saumur |
| Beede | Ista | Schauss |
| Belzer | Jensen | Schmidt, McHenry |
| Benno | Johnson, LaMoure | Schmidt, Sheridan |
| Bergesen | Joiner | Schimke |
| Billigmeier | Keller | Scholl |
| Bingenheimer | Kluver | Schwartz |
| Blair | Knutson | Sellens |
| Bolmeier | Lange | Semerad |
| Boulden | Larson | Severson |
| Braun, McLean | Levin | Sharpe |
| Braun, Stark | Lunde | Shure |
| Brown | McInnes | Singleton |
| Buchholz | McIntee | Skartvedt |
| Byrne | McIntyre | Solberg |
| Crockett | Myers | Sticka |
| Culver | Mittag | Stone |
| Dalzell | Moe | Stormon |
| Dike | Morland | Symington |
| Dittmer | Nelson, Cass | Thompson,Burl'gh |
| Erickson | Nelson, Dickey | Thompson, Steele |
| Feton | Nelson, Steele | Trydahl |
| Fitch | Nystrom | Tuff |
| Fletcher | O'Brien | Twichell |
| Fraser | Odegard | Urschel |
| Fuglestad | Oglesby | Wambheim |
| Gainor | Ostgulen | Westby |
| Glas | Page | Williams,Richland |
| Gray | Panko | Williams,Stutsm'n |
| Haag | Peterson,Bottineau | Wolf |
| Halvorson | Peterson, Ransom | Mr. Speaker |
| Haugland | | |

Absent and not voting:

| Messrs. | Messrs. | Messrs. |
|---|---|---|
| Johnson, Cass | Mollet | Rotering |

So the motion to adopt the report of the Joint Committee on Printing was declared passed.

## MOTIONS AND RESOLUTIONS

### RESOLUTION "A"

Introduced by Representative Morland

WHEREAS, The Honorable Robert Rotering, a member of this House from the 39th Legislative District, on the morning of January 10th, 1939, passed to the Great Beyond:

BE IT RESOLVED that he be shown by the records of this House as excused for the balance of the session and his name be omitted in reading the roll call; but that his name be continued upon the payroll as a member of this body; that the Chief Clerk be hereby authorized and directed to sign the Legislative payroll for and in the name of said deceased member, and that warrants to be issued in payment of mileage and per diem of said Robert Rotering, our said fellow

member, be made out in the name of his widow, Mrs. Robert Rotering, and that the same be by the House Voucher Clerk forwarded to her at New England, North Dakota.

Rep. Morland moved that Resolution "A" be adopted and printed in the Journal, which motion was seconded.

ROLL CALL

The question being on the adoption of Resolution "A", the roll was called and there were ayes, 105; nays, 0; absent and not voting, 7.

Those voting in the affirmative were:

| Messrs. | Messrs. | Messrs. |
|---|---|---|
| Adam | Halvorson | Rait |
| Anderson, Benson | Haugland | Rettke |
| Anderson,M'K'nzie | Heckman | Ritter |
| Anfinson | Hofstrand | Rohde |
| Arneson, Nelson | Holm | Sand |
| Arneson, Ramsey | Holthusen | Saumur |
| Beede | Hultstrand | Schauss |
| Belzer | Ireland | Schmidt, McHenry |
| Benno | Ista | Schmidt, Sheridan |
| Bergesen | Jensen | Schimke |
| Billigmeier | Johnson, LaMoure | Schwartz |
| Bingenheimer | Joiner | Sellens |
| Blair | Keller | Semerad |
| Bolmeier | Knutson | Severson |
| Boulden | Lange | Sharpe |
| Braun, McLean | Larson | Shure |
| Braun, Stark | Levin | Singleton |
| Brown | Lunde | Skartvedt |
| Buchholz | McInnes | Solberg |
| Byrne | McIntee | Sticka |
| Crockett | McIntyre | Stone |
| Culver | Mittag | Stormon |
| Dalzell | Moe | Symington |
| Dike | Mollet | Thompson, Burl'gh |
| Dittmer | Morland | Thompson, Steele |
| Erickson | Nelson, Cass | Trydahl |
| Feton | Nelson, Dickey | Tuff |
| Fitch | Nelson, Steele | Twichell |
| Fletcher | Nystrom | Urschel |
| Fraser | O'Brien | Wambheim |
| Fuglestad | Odegard | Westby |
| Gainor | Oglesby | Williams,Richland |
| Glas | Ostgulen | Williams,Stutsm'n |
| Gray | Page | Wolf |
| Haag | Panko | Mr. Speaker |

Absent and not voting:

| Messrs. | Messrs. | Messrs. |
|---|---|---|
| Johnson, Cass | Peterson,Bottineau | Rotering |
| Kluver | Peterson, Ransom | Scholl |
| Myers | | |

So Resolution "A" was declared passed.

## TENTH ORDER OF BUSINESS

## FIRST READING OF HOUSE BILLS

Mr. Knutson introduced:

House Bill No. 50. A Bill for an Act Creating the Office of State Liquor Commissioner of the State of North Dakota; Fixing Powers and Compensation and Imposing Duties; Permitting such Commissioner to Engage in the Wholesale Alcoholic Liquor Business in the State of North Dakota; Authorizing the Commissioner to Promulgate Rules and Regulations and do all Acts and Things Necessary in Carrying out the Provisions Hereof; Declaring an Emergency.

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

Messrs. Schauss, Schimke, and Ritter introduced:

House Bill No. 51. A Bill for an Act to Repeal Chapter 217 of the Session Laws of the State of North Dakota for 1935, Relating to the State Planning Board.

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

Messrs. Fitch, Byrne and Anderson of Benson introduced:

House Bill No. 52. A Bill for an Act Prohibiting Elective and Appointive Officers of the State of North Dakota, or any of its Political Subdivisions Including Counties, Cities, Villages, School Districts and Townships From Employing at the State's Expense any Married Women Whose Husbands are Able-Bodied and Engaged in a Gainful Occupation, and Providing a Penalty for Violation Thereof.

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

The Speaker administered the oath of office to Adeline Orvik, Dorothy Witcik, Walter Radke and R. C. Stubbs.

Rep. Crockett moved that the House do now recess until tomorrow at 1:30 p. m., which motion prevailed and the House recessed.

MINNIE D. CRAIG,
Chief Clerk.

## NINTH DAY AFTER RECESS AND TENTH DAY

House of Representatives,
Bismarck, January 12, 1939.

The House convened at 1:35 p. m. pursuant to recess, Speaker Hagen presiding.

Rep Fitch moved that the absent members be excused, which motion was seconded and carried.

Rep. Myers: "It has been called to my attention that no cloak room and toilet facilities have been provided for the lady members of this House. I had supposed that such conveniences had been provided for them. I would like to move that the Board of Administration be authorized and instructed to provide suitable cloak room and toilet facilities for these ladies and that the same be charged to legislative expense."

The motion was seconded and carried.

Rep. Myers: "There are some of the employes in this House who were temporarily employed and had been working and later were put upon the payroll and sworn in. I move that these employes who had been working before they were sworn in be paid from the time that they commenced work.

The motion was seconded.

### ROLL CALL

The question being on the payment of all employes for the time since they commenced work, the roll was called and there were ayes, 102; nays, 4; absent and not voting, 5.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Hofstrand | Peterson,Bottineau |
| Anderson, Benson | Holm | Peterson, Ransom |
| Anderson,M'K'nzie | Holthusen | Rait |
| Anfinson | Hultstrand | Rettke |
| Arneson, Nelson | Ireland | Ritter |
| Beede | Ista | Rohde |
| Belzer | Jensen | Sand |
| Benno | Johnson, Cass | Schauss |
| Billigmeier | Johnson, LaMoure | Schmidt, Sheridan |
| Bingenheimer | Joiner | Schimke |
| Blair | Keller | Scholl |
| Boulden | Kluver | Schwartz |
| Braun, McLean | Lange | Sellens |
| Braun, Stark | Larson | Semerad |
| Brown | Levin | Severson |
| Buchholz | Lunde | Sharpe |
| Byrne | McInnes | Shure |
| Crockett | McIntee | Singleton |
| Culver | McIntyre | Skartvedt |
| Dalzell | Myers | Solberg |

| | | |
|---|---|---|
| Dike | Mittag | Sticka |
| Dittmer | Moe | Stone |
| Erickson | Mollet | Stormon |
| Feton | Morland | Symington |
| Fitch | Nelson, Cass | Thompson, Steele |
| Fletcher | Nelson, Dickey | Trydahl |
| Fraser | Nelson, Steele | Tuff |
| Fuglestad | Nystrom | Urschel |
| Gainor | O'Brien | Wambheim |
| Glas | Odegard | Westby |
| Gray | Oglesby | Williams,Richland |
| Haag | Ostgulen | Williams,Stutsm'n |
| Haugland | Page | Wolf |
| Heckman | Panko | Mr. Speaker |

Those voting in the negative were:

| | | |
|---|---|---|
| Arneson, Ramsey | Halvorson | Schmidt, McHenry |
| Bolmeier | | |

Absent and not voting:

| | | |
|---|---|---|
| Bergesen | Saumur | Twichell |
| Knutson | Thompson,Burl'gh | |

So the employes were ordered paid for the time since they commenced work.

Rep. Scholl moved that the House do now adjourn, which motion prevailed and the House was adjourned.

## TENTH DAY

House of Representatives,
Bismarck, January 12, 1939.

The House assembled at 2:00 p. m., pursuant to adjournment, Speaker Hagen presiding.

Prayer was offered by Rev. Wm. A. Lemke, Bismarck.

The roll call disclosed all members present except Representative Schauss.

Mr. Speaker: Your Committee on Revision and Correction of the Journal have carefully examined the Journal of the 8th day after recess and 9th day and recommend that the same be corrected as follows:

On page 111, third line from the top of the page, the figure "25" should be "26".

On page 111, Rep. Severson is recorded as absent and not voting whereas he was present and voted "no".

On page 112, following Rep. Westby's motion add the following: "The motion was seconded".

On page 115, first line from the top of the page strike out the initial "A".

On page 117, thirteen lines from the top of the page, Rep. Gainor should be "Rep. Joiner".

On page 120, twelve lines from the bottom strike out the word "was".

On page 123, two lines from the bottom of the page, add the following words: "which motion prevailed and the House recessed."

On page 112, on motion of Rep. Rait following "he represents the Mandan Radio Association, Inc." add "the cost will be $400.00 for the sixty-day session."

REP. GLAS, Chairman.

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

## PETITIONS AND COMMUNICATIONS

The Chief Clerk read the following communication from the desk:

Turtle Lake, North Dakota, January 10, 1939.

TO MEMBERS OF THE HOUSE OF REPRESENTATIVES:
Gentlemen:

A neighbor and I listened in on the radio broadcast on Inaugural Day. We heard the speeches and messages delivered by the outgoing Governor, Mr. Langer, and the incoming Governor, Mr. Moses. Mr. Langer stated that the finances of the State were in good shape. Especially so, considering the hard times through which we are passing.

When Mr. Moses talked, he told us that there was a general fund deficit of over one million dollars. Which one of these men told us the truth? We are unable to figure out how there can be such a difference in the statements of the two men.

Yours very truly,
JOHN J. SCHLAFMANN.

Rep. Anderson of Benson: "This is rather an unusual communication and I move that it be printed in the Journal."

The motion was seconded and carried.

## REPORT OF STANDING COMMITTEES

The committee on Rules made the following report:

Mr. Speaker: Your Committee on Rules to whom was referred the matter of Rules for the Twenty-sixth Legislative Assembly beg leave to report that we recommend that the House adopt House Rules of the Twenty-fifth Legislative Assembly with the addition of the Public Welfare Committee.

And when so amended recommend the same do pass.

MANDUS HULTSTRAND, Chairman.

Mandus Hultstrand moved that the report be adopted, which motion prevailed and the report was adopted.

## REPORTS OF SELECT COMMITTEES

Mr. Speaker: Your Committee appointed to make arrangements for Committee Rooms beg leave to make the following report:

Agriculture ..... G-1
Apportionment ..... House Floor
Appropriations ..... Lounge Room
Banks and Banking ..... G-6
Cities and Municipal Corporations ..... Left Balcony, Room 210
Corporations other than Municipal ..... Left Balcony, Room 210
Counties ..... Left Balcony, Room 210
Drainage and Irrigation ..... G-2
Education ..... G-1
Elections and Election Privileges ..... Left Balcony, Room 211
Engrossment and Enrollment .....
Room known as Stenographer Room on Ground Floor
Federal Relations ..... Left Balcony, Room 211
Game and Fish ..... Left Balcony, Room 211
Highways and Bridges ..... G-6
Insurance ..... Right Balcony, Room 209
Judiciary ..... Right Balcony, Room 209
Livestock ..... G-2
Military Affairs ..... Right Balcony, Room 208

Mines and Mining.....Right Balcony, Room 208
Public Debt .....Right Balcony, Room 208
Public Health .....Right Balcony, Room 208
Public Safety .....Hearing Room
Public Welfare .....Right Balcony, Room 208
Railroads .....Hearing Room
School and Public Lands .....Left Balcony, Room 210
State Affairs ..... G-2
Taxes and Tax Laws .....G-1
Temperance .....Hearing Room
Warehouse and Grain Grading .....Right Balcony, Room 209
Ways and Means .....G-6

Mr. Ritter moved that the report be adopted.

Committee:
C. P. RITTER, Chairman.
J. M. THOMPSON
GUS SCHAUSS.

Which motion was seconded and carried, and the report was adopted.

## HOUSE RESOLUTION "B"

Rep. Anderson of Benson

WHEREAS, On page seven (7) of the Message to the Legislative Assembly submitted by Governor Moses, there is printed the following:

"State of the General Fund
at the close of business Dec. 24, 1938.

| | | |
|---|---|---|
| Cash Balance | | $ 608,048.84 |
| Less—Institutional Collections | $250,000 | |
| Federal Funds | 16,500 | |
| Commissioner Beer Fund | 178,500 | 445,000.00 |
| Available balance, State Treasurer's books | | $ 163,048.84 |

(This figure will be further reduced by State Auditor's Warrants outstanding, not presented.)," and,

WHEREAS, on page eight (8) of the said printed Message, there is printed the following:

| | |
|---|---|
| "General Fund deficit | $1,850,739.28 |
| On Sept. 24, 1938, the deficit was | 1,133,940.09 |
| Thus in three months it has increased | 716,799.19 |

or nearly $239,000 per month," and,

WHEREAS, It will thus appear that in the government records as at present constituted, there are two General Funds as of the close of business December 24, 1938; the one containing Net Balance of $163,048.84, the other containing a Deficit of $1,850,739.28, and,

WHEREAS, The report of the State Treasurer, John Omland, setting forth collections and balances for the six months period ending December 31st, 1938, shows no General Fund Deficits; but, on the contrary, shows a Net Balance of $458,996.52 in the General Fund and a net operating balance in all funds, and

WHEREAS, There apparently are no records of accounts in the State Auditor's Office showing a General Fund Deficit, and,

WHEREAS, Statements have been repeatedly made from the public platform and in the public press by persons hold-

ing high positions in the State Government that different departments of State are "insolvent."

NOW, THEREFORE BE IT RESOLVED, That the Speaker appoint a Committee of three to examine the Message of Former Governor William Langer and also the Message of Governor Moses and also to examine the various reports issued by the State Treasurer and to ascertain wherein said conflicting statements and apparent discrepancies relative to the General Fund may be reconciled; and the truth brought to light.

BE IT FURTHER RESOLVED, That the said Committee submit to this House a full and complete report of their findings and also to make recommendations as to how the aforesaid statements may be corrected to the end that the reports from the State Treasurer and the Messages from the Governors may show a true and correct condition of the General Fund as carried on the books of the State Treasurer and State Auditor; and

BE IT ALSO RESOLVED, That the said Committee investigate the departments charged with insolvency making a note of all the assets of such departments together with liabilities. The purpose of such investigation shall be to determine whether or not the charges of insolvency are true or false; and

BE IT ALSO RESOLVED, That the said committee shall submit to this House a brief analysis of the financial report of the State Treasurer, John R. Omland, for the six months period ending December 31st, 1938; and that said analysis shall be made principally to determine the available funds of the State that the members of the Legislative Assembly may know from where the monies are to be obtained, before appropriations are to be made.

Rep. Twichell moved that Resolution "B" be printed in the Journal and made a special order of business for 3:00 P. M., tomorrow.

Rep. Anderson of Benson seconded the motion.

Rep. Morland: "Since Mr. Brown and myself will be absent tomorrow, I move an amendment to Rep. Twichell's motion, that Resolution 'B' be made a special order of business for 3:00 P. M., next Monday."

The motion was seconded and carried.

The Speaker put Rep. Twichell's motion as amended, which motion prevailed.

## FIRST READING OF HOUSE BILLS

Messrs. Fuglestad and Odegard introduced:

House Bill No. 53. A Bill for an Act Amending and Reenacting Section 2 of Chapter 252 of the Session Laws of 1937, Providing for the Allowance of a Portion of the Cost of Planting and Growing Forest Trees as a Bounty Therefor, and Prescribing Duties of the Assessors in Connection therewith; Repealing All Acts in Conflict Therewith; and Declaring an Emergency.

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

Mr. Blair introduced:

House Bill No. 54. A Bill for an Act to Amend and Reenact Section 1, Chapter 8 of the Compiled Laws of North Dakota of 1937; Relating to the Regulation of Roving Grain Buyers.

Was read the first time and referred to the Committee on Warehouse and Grain Grading.

Messrs. Page and Ritter introduced:

House Bill No. 55. A Bill for an Act to Amend Chapter 269 of the Session Laws of the State of North Dakota for the Year 1935.

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

Messrs. Symington and Dalzell introduced:

House Bill No. 56. A Bill for an Act to Amend and Reenact Sections 4262 and 4263 of the Compiled Laws of 1913 as Relating to Irrigation and Conservation of Water, Authorizing Submission to the Voters of Organized Townships the Question of Irrigation and Conservation of Water by Building Dams, Dugouts, Creating Ponds or Reservoirs on Creeks or Coulees, and Other Improvements in Connection Therewith, and Authorizing a Levy Therefor; Declaring an Emergency.

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

Mr. Page introduced:

House Bill No. 57. A Bill for an Act to Amend and Reenact Section 5235a1 of the 1925 Supplement to the Compiled Laws of North Dakota for the Year 1913 and Declaring an Emergency.

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

Messrs. Ista, Williams of Richland, Holthusen and Mittag introduced:

House Bill No. 58. A Bill for an Act Making an Appropriation to the State Historical Society for the Purchase of Materials and Supplies to be Used in the Reconstruction of Fort Abercrombie; and Declaring an Emergency.

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

Messrs. Gray, Wolf and Byrne introduced:

House Bill No. 59. A Bill for an Act Relating to Payment and Collection of Wages for Labor, Excepting Agricultural Labor; Requiring Semi-Monthly Payments; Requiring Written Notice of Terms of Contract of Employment of Posting of Notice; Providing for Separation of Employes From Payroll; Imposing Certain Conditions in the Event of Industrial Disputes; Requiring the Prompt Payments of Wages Conceded to Be Due; Prohibiting Contracts Waiving the Terms of This Act; Making Principal Contractor Liable for Payroll of Sub-Contractor; Placing Responsibility for Enforcement of This Act; Granting the Commissioner of Agriculture and Labor and His Deputy Certain Powers and Imposing Certain Duties; Requiring State's Attorneys to Prosecute Both Civil and Criminal Actions; Generally Providing for the Enforcement of This Act; Requiring Employers to Keep Records; Fixing Penalties for Violation; Permitting Assignment of Claims for Wages to and Imposing Upon Commissioner of Agriculture and Labor and His Deputy the Duty to Prosecute Actions; Fixing Costs be Paid, Charged and Collected; Making an Appropriation Therefor and Providing a Saving Clause.

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

Messrs. Gray, Wolf and Byrne introduced:

House Bill No. 60. A Bill for an Act to Encourage the Making and Maintaining of Agreements Concerning Wages, Hours, and Conditions of Employment Between Employers and Employes by Their Representatives, and the Settlement of Controversies Concerning the Same by Mediation and Voluntary Arbitration; Conferring Powers of Mediation and Arbitration of Such Controversies on the Commissioner of Agriculture and Labor and his Deputy; Providing for an Appropriation; and Declaring an Emergency.

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

The Speaker administered the oath of office to Oscar Wahlund, Page and Asistant Bill Clerk.

Rep. Morland: In view of the memorial service to be held for the late Rep. Rotering at 11:00 A. M., tomorrow, I move that we now recess until 10:45 A. M., tomorrow, which motion prevailed and the House recessed.

MINNIE D. CRAIG, Chief Clerk.

## TENTH DAY AFTER RECESS AND ELEVENTH DAY

House of Representatives,
Bismarck, January 13, 1939.

The House convened at 10:45 A. M., pursuant to recess, Speaker Hagen presiding.

Rep. Morland: "I move that the Chair appoint a committee of three to notify the Senate that we are ready to receive them in Joint Session for memorial services in honor of the late Rep. Robert Rotering.

Which motion prevailed.

The Speaker appointed on that committee Representatives Hulstrand, Page and Anderson of Benson.

Rep. Hulstrand reported that the committee appointed to notify the Senate that the House was ready to receive them in memorial services had performed its duty and asks to be discharged, which motion prevailed.

Rep. Scholl moved that the House do now recess to convene after the Joint Memorial Service, which motion prevailed and the House stood adjourned.

### JOINT MEMORIAL SERVICE

For Robert Rotering, Deceased
January 13th, 11:00 o'clock, A. M.

Lieutenant Governor Jack Patterson - - Presiding
Prayer - - Reverend William A. Lemke, Chaplain
Song, "Prayer Perfect" - Bismarck Women's Chorus
Sermon - - Father Brandner, St. Vincent's Parish
Address - - Oscar W. Hagen, Speaker of the House
Obituary - - - Representative L. K. Morland
Eulogy - - - - Representative J. M. Anderson
Eulogy - - - - - - Senator Gust Wog
Joint Memorial Resolution
Song, "Abide With Me" - Bismarck Women's Chorus
Benediction

Sermon—Father Brandner, St. Vincent's Parish:

The cross that God placed upon all mankind on account of the sin of Adam is this:

"In the sweat of thy brow shalt thou earn thy bread until thou return to the earth out of which thou wast taken, for dust thou art and to dust thou shalt return."

God has decreed that all men must die and usually death comes sooner than we expect. The Day of the Lord will come like a thief in the night when he is least expected. We cannot avoid death. We cannot postpone it. All we can do is to be ready for it at all times. We cannot think that we are young and strong; that we have plans for the future, or that our families cannot spare us. These are all poor excuses which bear no weight with the Great Reaper. If plans for

the future would stay a man's death, then the man to whom we are paying our respect here today would still be among us. If family need would be taken into consideration, then that family would not be grieved today and they would not feel in their hearts an emptiness that will never be filled. Death cares for no one's feelings. Today we are here, tomorrow we are gone. Life is nothing but a gamble. We are continually winning, we are continually losing. If we do not gain back what we have lost, we will probably gain something else in its place. Death takes away from us all that we have. We have no chance to gain any of it back. We lose the use of our bodies, all the things we toiled and labored for, and that which is nearest to heaven on this earth, the company of our friends, the company of our family.

But is this really the end of everything? Does anyone mean to tell me that our friend who has passed beyond us through death will be tenderly laid in the grave and there return to dust and ashes and be no more? To say that or even to think that would be an insult to this man, and an insult to a human being because that would lower him to the level of an animal. When a human being dies, that cannot be the end because he has been created in the image and likeness of God who will not die. He is possessed of an immortal soul and the soul will live on forever, for all eternity.

The dust will return to the earth from which it was taken, but the spirit will pass on to God Who made it, to live on forever. Like a ship it will pass over the water and will cut the water. After it shall have passed, the water will meet again and a calm will come over the surface, but the ship will keep on going like the soul of a man, passing through life and making his mark.

And after a few years he will be more or less entirely forgotten, but like the ship his spirit will pass on, only it will pass on forever. So we all have a common ground of hope. We all have the hope in God who does all things wisely and well even though we cannot understand his actions.

We can still associate with those who have gone on before us by speaking to them across this large span made between us through death. We can speak to them through prayer. So let us not think of the grave but rather let us consider what is now. The body of our beloved Representative will be tenderly laid away in the grave. It will return to dust and to ashes. The soul of this man will have gone on to the judgment seat of God to receive its reward. If we will look through our tears, we will behold the figure of Christ saying to us, "I am the Life and the Resurrection and he that believeth not in Me shall be dead even though he liveth, and he that believeth in Me shall live forever."

Mr. Hagen: "Mr. President, Members of this joint assembly:

"Robert Rotering, our friend and colleague is dead.

His great heart beats no more.

"And, so it is fitting that today we meet in Joint Session to pay a tribute of respect to the memory of our departed member.

"While a new member of this body, already he has formed many solid friendships.

"He was sent here by the people of the 39th Legislative

District because of the fine outstanding record he had made in positions of public trust in his home community.

"Serving for many terms upon the Board of Commissioners of Slope County, his outstanding work and keen judgment was one of the reasons that his county maintained, after even nine successive crop failures, the highest business rating.

"Coming to Slope County as a pioneer homesteader, he succeeded through the years in carving out a fine farm home from her raw prairies.

"Much had been expected of him here.

"The benefits of his wise counsel will be denied us.

"When he walked weakly from this Chamber on Monday and was given assistance to safely reach a doctor, his last words were, "Don't bother about me; I will be all right."

"Like the brave soldier that he was, serving his state in the front line trenches in the battle of economic justice for his people, he did not flinch.

"Little can our words comfort that grief-stricken wife; that family.

"But our deepest sympathy and loyal friendship go out to them.

"The great Master who guides the destinies of us all has called the roll; and Robert Rotering has answered.

"God bless him and keep him forever."

Mr. Morland: "Rep. Robert Rotering of Slope County, 39th District, was born Feb. 8th, 1881, at Waumandee, Buffalo County, Wisconsin. He died here at Bismarck, N. D., on Jan. 10, 1939, cause of his death being heart failure. On June 21, 1911, he was married to Mary Schaffner. To this union seven children were born Esther, Leola, Clifford, Robert, Marian, Florence and Ellen Mae, all living except Clifford, who passed on in 1929. He also leaves to mourn his passing, his wife, four brothers, Lewis of New York City; Frank of Fountain City, Wisconsin; Edwin of New England, N. D. and Alex of Grand Forks, N. D.; two sisters, Mrs. Hulda Oster of Los Angeles, California and Mrs. Esther Haines, Dodge, Wisconsin, many relatives and a host of friends. The deceased was a true and faithful member of the Catholic Church at Amidon, N. D.

"In 1907 he homesteaded in what is now Slope County and the family has made their home there ever since. Mr. Rotering was an able farmer and active in the building of his own community and has served the public in many capacities. At the last election he was elected as a Member of the House of Representatives from the 39th District and has served in the House since it was first called to order on January 3rd until his death. His service here was short, but during this short time he made many friends. He was a man who did his work well and he was honored and respected by all who knew him. In conclusion, let me just add this personal remark: "In the passing of Representative Rotering I have lost a real friend and I will cherish his memory as long as I live."

Rep. J. M. Anderson: "In the death of Representative Rotering, we have witnessed the passing of another pioneer. He homesteaded in southwestern North Dakota, in what was then Billings County, now Slope, in the early part of the

century. He was the head of a large family, the owner of a large farm which he wrested from the wilderness. His home was ideal.

"He was one of those pioneer patriarchs who never hesitated shouldering the burdens of others as well as his own. To him people came with their troubles. He would not hesitate to travel long distances to bring medical assistance to the sick. He would lend his horses and machinery to others to use. He often tendered financial assistance to those who could not repay. Yes, we have witnessed the passing of another pioneer. There are not many left.

"Someone has said:

'Life is a narrow veil between the cold and barren peaks of two eternities. We strive in vain to look beyond the heights. We cry aloud but our only answer is the echo of our bewailing cry. From the voiceless lips of the unreplying dead, there comes not a word but in the night of death, hope sees a star and listening love can hear the rustling of the angels' wings.'

"Let us hope, therefore, that death is not the end but a transition to a better life and that somewhere hereafter we shall all meet again."

## EULOGY OF REPRESENTATIVE ROTERING
By
SENATOR WOG

As a friend and neighbor for more than thirty years, I am very glad to have the opportunity of adding a few words to those which have already been spoken in memory of Representative Rotering.

He homesteaded in Slope County at about the same time that I homesteaded in Billings County and we both lived in the Thirty-ninth Legislative District all these years. When we homesteaded there that part of the country was truly "out west."

Robert Rotering was truly a pioneer of the west. He came there in early manhood and in spite of the adverse conditions, he carved for himself and his family a leading position among the farmers and ranchers of that part of the state. He worked hard and industriously, was active in all township and school district affairs, and took a deep interest in good government and all those things which contributed to the success of his community, his county and his state.

The confidence which the people of the Thirty-ninth District had in him was well displayed by his election to the House of Representatives and should he have lived his experience and knowledge of conditions in that part of the state and of farming and ranching conditions in general, would have made him an outstanding member of the Legislature, and his counsel and advice would have been very valuable in solving the many difficult problems with which we are confronted in this session of the Legislature.

He was a man of good judgment and was successful in his chosen occupation of farming and ranching. He was well beloved by all of his neighbors and friends for miles around.

His memory will live long in the hearts of his many friends and neighbors. What more could be said of any man?

He worked as all of us should work; lived as all should

live; was a fine husband and father; a fine neighbor and an honest, outstanding citizen. All of his friends and neighbors and all of us who knew him well do this day mourn his passing.

JOINT MEMORIAL RESOLUTION "A"
Introduced by Anderson of Benson

WHEREAS, Divine Providence has called from our midst the Honorable Robert Rotering, Representative from the 39th Legislative District; and

WHEREAS, During his brief term of service in this Assembly, we had come to know him as a public spirited citizen, a splendid example of integrity, loyalty and conscientious endeavor; and

WHEREAS, In his passing, the Legislative Assembly of the State of North Dakota has lost a true friend, one who spared no efforts in behalf of the State, his community and his fellowmen;

THEREFORE, BE IT RESOLVED, By the Senate and House of Representatives that we do hereby express our heartfelt appreciation of the loyalty and service of our distinguished citizen and legislative member, Robert Rotering; that we therefore express the keen sorrow we feel because of his passing; and

BE IT FURTHER RESOLVED, By the Senate and House of Representatives of the State of North Dakota of the Twenty-Sixth Legislative Assembly assembled in joint session that upon the dissolution of the joint session and re-convening of both Houses, that they immediately adjourn for this legislative day out of respect for our deceased member and co-worker, Robert Rotering, and to express to his family and relatives our sincere sympathy.

BE IT ALSO RESOLVED, That the Secretary of State be, and he is hereby, directed to forward to the widow of our departed friend a properly enrolled copy of this Joint Resolution.

Representative Anderson of Benson moved the adoption of the resolution.

Senator Hill of Cavalier moved that the Joint Session be dissolved.

Senator Owings seconded the motion, which motion prevailed and the Joint Session was dissolved.

The Speaker called the House to order following recess after the Memorial services.

Rep. Morland moved that the absent members be excused, which motion was seconded. The motion prevailed and the absent members were excused.

Rep. Sand moved that the House do now adjourn, which motion prevailed and the House stood adjourned.

## ELEVENTH DAY

House of Representatives,
Bismarck, January 13, 1939.

The House assembled at 2:00 P. M., pursuant to adjournment, Speaker Hagen presiding.

Prayer was offered by Rev. Wm. Lemke, Bismarck.

The roll was called and all were present except Repre-

sentatives Bergesen, Brown, Crockett, Nystrom, O'Brien, and Page.

**So a quorum was declared present.**

**The chair asked that Rep. Peterson, Blair, Myers, Adam and McInnes be considered present due to the fact that they were acting on a special committee investigating the election contest of Sharpe and Nystrom.**

**The chair asked also that Rep. Morland and Brown be considered present as they were attending the funeral of the late Representative Rotering.**

There being no objection from the floor Reps. Peterson, Blair, Myers, Adam, McInnes, Morland and Brown were **reported on the roll call as being present.**

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

Mr. Speaker: 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:

Page 125, third paragraph, change "Rep. Fitch" to "Rep. Myers."

Page 126, second paragraph from bottom of page, change "Mandan Radio Corporation" to "Mandan Radio Association, Inc."

Page 127, ninth line from bottom should read "Engrossment and Enrollment."

Page 110, three lines from bottom of page, change name "Emilia Orvik" to "Adeline Orvik." Make same change at top of page 111, line 2; top of page 112, line 2.

And when so corrected recommend that the same be approved.

REP. GLAS, Chairman.

Rep. Knutson moved that the report be adopted, which motion prevailed and the report was adopted.

## PETITIONS AND COMMUNICATIONS

The Chief Clerk announced the following communication with the names of twenty signers from Grand Prairie Township, Barnes County, urging the House to go all the way with Gov. John Moses in bringing about lower taxes on farm lands. Also find ways and means by which real estate now owned by the State be sold, and where possible, back to the original owner, so that it will be put on the taxing list of our State.

## FIRST READING OF HOUSE BILLS

The Livestock Committee introduced:

House Bill No. 61. A Bill for an Act Relating to the Application of the Bang's Test in Townships in Counties in North Dakota Under the Direction of the North Dakota Livestock Sanitary Board by Petition of Seventy-five Per Cent of the Freeholders or Livestock Owners in Such Townships, and Declaring an Emergency.

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

The Livestock Committee introduced:

House Bill No. 62. A Bill for an Act to Provide for the Reimbursement of Owners of Cattle Destroyed by Order of the North Dakota Livestock Sanitary Board on Account of

Being Affected with Bang's Disease and to Pay Expenses in Connection Therewith, and Providing for the Creation of a Fund Therefor, and Declaring an Emergency.

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

The chair announced that Rep. Schimke is appointed on the Committee on Highways and Bridges to fill the vacancy caused by the death of Rep. Rotering; Rep. Bergesen's name to be taken from the Committee on Appropriation and placed on the Committee of Banks and Banking; Rep. Johnson of Cass taken from Committee on Banks and Banking and placed on Committee of Appropriations; Rep. Haugland placed on Committee on Public Health.

Rep. Rait: Mr. Speaker. Your Committee on Employment begs leave to submit the following names for employment, Len A. Schneider, Clerk, and Bert Anderson, Clerk; which motion was seconded.

ROLL CALL

The question being on the employment of Len A. Schneider and Bert Anderson, the roll was called and there were ayes, 72; nays, 25; absent and not voting, 14.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Gray | Ostgulen |
| Anderson,M'K'nzie | Haag | Panko |
| Anfinson | Halvorson | Rait |
| Beede | Haugland | Rettke |
| Belzer | Heckman | Ritter |
| Benno | Holthusen | Rohde |
| Billigmeier | Hultstrand | Saumur |
| Bingenheimer | Ista | Schauss |
| Blair | Jensen | Schmidt, McHenry |
| Braun, McLean | Johnson, Cass | Schmidt, Sheridar |
| Braun, Stark | Johnson, LaMoure | Schimke |
| Buchholz | Joiner | Scholl |
| Byrne | Keller | Schwartz |
| Crockett | Kluver | Semerad |
| Culver | Knutson | Shure |
| Dike | Larson | Singleton |
| Dittmer | Levin | Skartvedt |
| Erickson | McIntee | Sticka |
| Feton | McIntyre | Stone |
| Fitch | Mittag | Tuff |
| Fletcher | Mollet | Urschel |
| Fraser | Nelson, Cass | Williams,Richland |
| Gainor | Nelson, Dickey | Wolf |
| Glas | Odegard | Mr. Speaker |

Those voting in the negative were:

| | | |
|---|---|---|
| Arneson, Nelson | Nelson, Steele | Symington |
| Arneson, Ramsey | Oglesby | Thompson,Burl'gh |
| Bolmeier | Page | Thompson, Steele |
| Boulden | Peterson, Ransom | Trydahl |
| Dalzell | Sellens | Twichell |
| Fuglestad | Severson | Wambheim |
| Ireland | Solberg | Westby |
| Lunde | Stormon | Williams,Stutsm'n |
| Moe | | |

Absent and not voting:

| | | |
|---|---|---|
| Anderson, **Benson** | Lange | O'Brien |
| Bergesen | McInnes | Peterson,Bottineau |
| Brown | Myers | Sand |
| Hofstrand | Morland | Sharpe |
| Holm | Nystrom | |

Rotering—Deceased.

So Len A. Schneider and Bert Anderson were declared employed.

Rep. Fitch moved that the Speaker administer the oath of office to the employes.

So the Speaker administered the oath of office to Len A. Schneider.

Rep. Crockett moved that the House do now recess until 1:30 P. M., tomorrow, which motion prevailed and the House recessed.

MINNIE D. CRAIG, Chief Clerk.

## ELEVENTH DAY AFTER RECESS AND TWELFTH DAY

Bismarck, January 14, 1939.

The House convened at 1:35 P. M., pursuant to recess, Speaker Hagen presiding.

Rep. Benno asked that the Speaker administer the oath of office to Bert Anderson, as Clerk.

So the Speaker administered the oath of office to Bert Anderson.

Rep. Anderson: I move that the absent members be excused. Which motion was seconded and carried.

Rep. Schimke moved that the House do now adjourn, which motion prevailed and the House adjourned.

## TWELFTH DAY

Bismarck, January 14, 1939.

The House assembled at 2:00 P. M., pursuant to adjournment, Speaker Hagen presiding.

Rev. William A. Lemke, Bismarck, offered prayer.

The roll call disclosed all members present except Representatives Bergesen, Braun of Stark, Culver, Fitch, Ista, Johnson of Cass, Knutson, Nelson of Cass, O'Brien, Schauss, Scholl and Semerad.

So a quorum was declared present.

### REVISION AND CORRECTION OF THE JOURNAL

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

Mr. Speaker: Your Committee on Revision and Correction of the Journal have carefully examined the Journal of the Tenth Day After Recess and the Eleventh Day and recommend that the same be corrected as follows:

On page 134, line 8 from the bottom, strike out the letter "s" on the word "friends."

On page 135, strike out line number 16 from the top of the page and insert the following: "Like the brave soldier that he was, serving his state in."

On page 137, 21 lines from the bottom of the page insert the following: "Representative Anderson of Benson moved the adoption of the resolution, which motion was adopted by standing vote."

On page 137, line 3 from the bottom, strike out the name "Kluver."

On page 139, line 17 from the top, the figure "73" should be "72," and the figure "24" should be "25." Fuglestad should be recorded as voting "no."

And when so corrected recommend that the same be approved.

REP. GLAS, Chairman.

Rep. Keller moved that the report be adopted, which motion prevailed and the report was adopted.

## PETITIONS AND COMMUNICATIONS

A communication bearing the signatures of eleven persons residing in the County of Cass asked that the members of the House lend their support toward making the Old Age Assistance Act, adopted as an Initiated Amendment, fully operative.

## 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 Senate and House have had under consideration the adoption of joint rules for the Senate and House for this the 26th Legislative Assembly, and do hereby recommend that the joint rules of the 25th Legislative Assembly of the State of North Dakota be adopted as the joint rules of the Senate and House for the 26th Legislative Assembly except that rule 13, page 20, of the joint rules for the 25th Legislative Assembly be amended as follows:

We recommend that only one set of the joint rules be printed in the pamphlet following the list of Joint Committees of the House.

In line 16, change the figures "1939" to 1941," and when so amended, recommend that the same be adopted.

Dated this 13th day of January, 1939.

For the Senate:
C. S. AASEN, Chairman
O. E. BILDEN
FRED G. AANDAHL
MARTIN OLSON.

For the House of Representatives:
MANDUS HULTSTRAND, Chairman
W. R. SINGLETON
J. H. HECKMAN
G. I. FETON
L. W. BELZER
JOHN J. ADAM
L. L. TWICHELL.

The motion was carried and the report adopted.

## REPORT OF STANDING COMMITTEES

The Committee on Irrigation and Drainage made the following report:

Mr. Speaker: Your Committee on Irrigation and Drainage to whom was referred House Bill No. 32, have had the same under consideration and recommend that the same be re-referred to the Committee on Appropriations without any amendments.

R. T. GRAY, Chairman.

Rep. Gray 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. Speaker: Your Committee on Taxes and Tax Laws, to whom was referred House Bill No. 47, has had the same under consideration and recommend that the same be amended as follows:

In line 6 of Section 1 after the word "assignees" insert the word "Occupants" and semi-colon.

In Section 1, page 2 of the printed bill, strike out all of the second line 12 and insert figure 13 and the words "lands are assessed, and to the occupants, if any, and to all mortgagees or assignees."

In line 20 of Section 1 after the word "owner" insert "and the occupant, if any, and to all mortgagees or assignees of mortgagees holding unsatisfied recorded mortgages".

In line 21 of Section 1 strike out the words "such owner" and insert in lieu thereof the words "each of them".

In line 22 of Section 1 after the word "address" insert a semi-colon, strike out the word "and" and add the following: "provided, however, that if such registered letter containing such notice is returned unclaimed within 15 days after the mailing thereof, notice shall be had".

In line 27 of Section 1 strike out the remainder of the line after the word "state", all of lines 28 and 29 and all but the last three words of line 30.

In line 52, page 3 beginning with the word "duplicate" strike out the remainder of the Section.

And when so amended recommend the same do pass.

NELS P. JENSEN, Chairman.

Rep. Jensen 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. Speaker: Your Committee on Irrigation and Drainage, to whom was referred House Bill No. 56, has had the same under consideration and recommend the same do pass.

R. T. GRAY, Chairman.

Rep. Gray moved that the report be adopted, which motion prevailed and the report was adopted.

## FIRST READING OF HOUSE BILLS

Messrs. Benno, Joiner, Nelson of Steele introduced:

House Bill No. 63. A Bill for an Act to Amend and Reenact Section 12 of Chapter 139 of the Session Laws of 1937, Relating to the Revocation of Driver's License by the Highway Commissioner Upon Receiving a Record of Conviction of Certain Crimes by Such Driver, and Permitting the Judge of the Court Where Such Conviction Was Had to File an Order With the Clerk of Court Regulating Times and Occasions When Such Driver May or May not Drive a Motor Vehicle, and Providing that if Such Order is Filed, the Highway Commissioner Shall not Revoke the License of the Person Affected by Such Order.

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

Committee on Taxes and Tax Laws introduced:

House Bill No. 64. A Bill for an Act to Amend and Reenact Sections 1, 2, 3, 4, 5, and 6 of Chapter 266 of the Ses-

sion Laws of 1927, as Amended by Chapter 288 of the Session Laws of 1931, the Same Being an Amendment of Section 2202 of the Supplement to the Compiled Laws of 1913, Relating to Giving Notice of Expiration of Period of Redemption on Property Forfeited to the County at Tax Sale, Issuance of Tax Deeds to County and Sale by County of Property Acquired by Tax Deed; Declaring an Emergency.

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

Rep. Hultstrand introduced:

House Bill No. 65. A Bill for an Act Assenting to the Provisions of the Act of Congress Entitled "AN ACT To Provide that the United States Shall Aid the States in Wildlife-Restoration Projects and for Other Purposes," Approved September 2, 1937.

Was read the first time and referred to the Committee on Game and Fish.

Rep. Crockett moved that the absent members be excused, which motion prevailed and the absent members were excused.

Rep. Crockett moved that the House do now adjourn, which motion prevailed and the House stood adjourned.

MINNIE D. CRAIG, Chief Clerk.

## FOURTEENTH DAY

Bismarck, January 16, 1939

The House assembled at 2:00 P. M., pursuant to adjournment, Speaker Hagen presiding.

Prayer by the Chaplain, Rev. O. O. Andvik, Mandan.

Roll Call: All Representatives present except: Larson, Skartvedt, Adam, Myers, Peterson of Bottineau, Blair and McInnes.

The following members were serving on the Committee on Elections and Election Privileges: Adam, Myers, Peterson of Bottineau, Blair and McInnes.

So a quorum was declared present.

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

Mr. Speaker, 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 141 the Roll Call disclosed Blair and Peterson of Bottineau absent whereas they were present but excused for counting ballots.

On Page 142, Line 8 from the top strike out the words "the following" and insert the letter "a."

On Page 142, Line 15 the word "make" should be "made."

And when so corrected recommend that the same be approved.

REP. GLAS, Chairman.

Rep. Bolmeier moved that the report be adopted, which motion prevailed and the report was adopted.

### SIGNING OF BILLS

The Chief Clerk announced that the Speaker was about to sign Joint Resolution "A" and the Speaker signed the same in the presence of the House.

### MESSAGE TO THE SENATE

House of Representatives,
Bismarck, January 16, 1939.

Mr. President: I have the honor to transmit herewith Joint Memorial Resolution "A" for your signature.

MINNIE D. CRAIG, Chief Clerk.

### PETITIONS AND COMMUNICATIONS

The Chief Clerk read in full a communication from the Farmers Union Lincoln Local of Hebron, North Dakota, calling attention to statements made in the addresses of the outgoing and incoming Governors of the staggering amount of back taxes due the State and the predicament of the Legislature to find ways and means to operate the

business of the State and that the Farmers Union Lincoln Local recommends the repeal of the present laws in reference to our existing tax system and to institute a gross earnings tax, a tax of from 2% to 5% on all transactions with the exception of gasoline, automobile and liquor taxes.

The communication was referred to the Committee on Taxes and Tax Laws.

On Rep. Crockett's motion which was seconded and carried, all future communications not properly addressed to the House will be automatically referred to the proper committee, and reference thereto made in the Journal.

Communications have been referred to the proper committees from the Board of County Commissioners of Mountrail County; Farmers Union Local of Willow Vale Township of Omemme; Morgan Local No. 974, Farmers Educational Co-operative Union, Mayville.

## REPORT OF STANDING COMMITTEES

The Committee on State Affairs made the following report:

Mr. Speaker: Your Committee on State Affairs to whom was referred House Bill No. 49, have had the same under consideration and recommend that the same be indefinitely postponed.

W. M. CROCKETT, Chairman.

J. D. Holthusen moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on State Affairs made the following report:

Mr. Speaker: Your Committee on State Affairs to whom was referred House Bill No. 51, have had the same under consideration and recommend that the same do pass.

W. M. CROCKETT, Chairman.

Mr. Elliot Knutson moved that the report be adopted, which motion prevailed and the report was adopted.

Rep. Morland moved that the Special Committee consisting of Rep. Morland and Rep. Brown appointed to attend the funeral of the late Rep. Rotering have discharged their duties and ask to be discharged, which motion prevailed.

Rep. Jensen moved that House Bill No. 47 be stricken from General Orders and be re-referred to the Committee on Taxes and Tax Laws, which motion prevailed.

Rep. Schimke moved that House Bill No. 68 be withdrawn, which motion prevailed.

## FIRST READING OF HOUSE BILLS

Committee on Game and Fish introduced:

House Bill No. 66. A Bill for an Act Creating a North Dakota Game and Fish Department Under the Control and Supervision of the Game and Fish Commission of North Dakota, Consisting of Six Members, Defining the Powers and Duties of the Commission, Transferring to the Commission Certain Powers and Duties, and Repealing Chapter 130 of the 1929 Session Laws, Chapter 120 of the 1933 Session Laws and All Other Acts and Parts of Acts in Conflict Herewith.

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

Messrs. Fitch and Crockett introduced:

House Bill No. 67. A Bill for an Act to Amend and Reenact Section 1 of That Certain Initiated Measure Initiated and Approved by the People of the State of North Dakota on November 8, 1932, Being an Act Reducing and Fixing the Salaries or Compensation of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Superintendent of Public Instruction, Commissioner of Insurance, Commissioner of Agriculture and Labor, and Each Commissioner of Railroads, to be Elected at the General Election to be Held on November 8, 1932, and All Subsequent Elections, and Reducing and Fixing the Salaries and Compensation of All Appointive State Officials and Members of All Appointive State Boards, Bureaus and Commissions Provided by Law, and Reducing and Fixing the Salaries and Compensation of All Deputies, Assistants, Secretaries, Clerks and Employes of All State Officials, State Boards, Bureaus and Commissions, Defining the Persons and Class of Persons Whose Salaries Are Deduced or Fixed, Specifying the Time When This Act Shall Take Effect, and Repealing All Acts or Parts of Acts so Far as They Shall Conflict Herewith.

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

Messrs. Schauss, Schimke and Ritter introduced:

House Bill No. 69. A Bill for an Act to Repeal Chapter 123 of the Session Laws of the State of North Dakota for 1935, Relating to the County Welfare Board.

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

Messrs. Jensen, Semerad and Lange introduced:

House Bill No. 70. A Bill for an Act Providing for and Permitting the Purchase of Gasoline to be Used Solely for Agricultural and Industrial Purposes Without Payment of Gasoline Tax on Purchase Thereof; Licensing Purchasers and Sellers Thereof; Providing Penalties; Repeal.

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

## SECOND READING OF HOUSE BILLS

House Bill No. 56. A Bill for an Act to Amend and Reenact Sections 4262 and 4263 of the Compiled Laws of 1913 as Relating to Irrigation and Conservation of Water, Authorizing Submission to the Voters of Organized Townships the Question of Irrigation and Conservation of Water by Building Dams, Dugouts, Creating Ponds or Reservoirs on Creeks or Coulees, and Other Improvements in Connection Therewith, and Authorizing a Levy Therefor; 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, 105; nays, 0; absent and not voting, 6.

Those voting in the affirmative were:

| | | |
|---|---|---|
| **Anderson, Benson** | **Heckman** | **Rettke** |
| **Anderson,M'K'nzie** | **Hofstrand** | **Ritter** |
| **Anfinson** | **Holm** | **Rohde** |
| **Arneson, Nelson** | **Holthusen** | **Sand** |

| | | |
|---|---|---|
| Arneson, Ramsey | Hultstrand | Saumur |
| Beede | Ireland | Schauss |
| Belzer | Ista | Schmidt, McHenry |
| Benno | Jensen | Schmidt, Sheridan |
| Bergesen | Johnson, Cass | Schimke |
| Billigmeier | Johnson, LaMoure | Scholl |
| Bingenheimer | Joiner | Schwartz |
| Bolmeier | Keller | Sellens |
| Boulden | Kluver | Semerad |
| Braun, McLean | Knutson | Severson |
| Braun, Stark | Lange | Sharpe |
| Brown | Levin | Shure |
| Buchholz | Lunde | Singleton |
| Byrne | McIntee | Skartvedt |
| Crockett | McIntyre | Solberg |
| Culver | Mittag | Sticka |
| Dalzell | Moe | Stone |
| Dike | Mollet | Stormon |
| Dittmer | Morland | Symington |
| Erickson | Nelson, Cass | Thompson,Burl'gh |
| Feton | Nelson, Dickey | Thompson, Steele |
| Fitch | Nelson, Steele | Trydahl |
| Fletcher | Nystrom | Tuff |
| Fraser | O'Brien | Twichell |
| Fuglestad | Odegard | Urschel |
| Gainor | Oglesby | Wambheim |
| Glas | Ostgulen | Westby |
| Gray | Page | Williams,Richland |
| Haag | Panko | Williams,Stutsm'n |
| Halvorson | Peterson, Ransom | Wolf |
| Haugland | Rait | Mr. Speaker |

Absent and not voting:

| | | |
|---|---|---|
| Adam | Larson | Myers |
| Blair | McInnes | Peterson,Bottineau |

So the bill passed and the title was agreed to and the Emergency Clause carried.

SENATE CHAMBER

Bismarck, January 16, 1939

Mr. Speaker: I have the honor to return Joint Memorial Resolution "A" which the President has signed.

WM. J. LOWE, Secretary.

Rep. Schwartz moved that the absent members be excused, which motion prevailed.

Rep. Twichell moved that the House do now recess until 3:00 P. M., which motion prevailed.

The House convened at 3:00 P. M., pursuant to recess, Speaker Hagen presiding, for the special order of business of considering House Resolution "B."

At the request of Rep. Anderson, House Resolution "B" was read from the desk.

Rep. Anderson: "I now move the adoption of House Resolution 'B'," which motion was seconded.

Rep. Morland: "I move an amendment as follows: On page 129, paragraph 4, after the words 'John R. Omland' the following be inserted, "and from the State Auditor's Office'."

Rep. Anderson seconded the motion, which motion prevailed.

Rep. Twichell: "I move a substitute motion: That this House send out three messengers, one to Berta Baker, State Auditor, or her Deputy; one to John R. Omland, State Treasurer, and one to Ex-Treasurer John Gray, asking them to appear before this body and explain their reports."

Rep. Oglesby seconded the substitute motion of Rep. Twichell.

Rep. Scholl moved that the five members on the Committee on Elections and Election Privileges be invited to the chamber before any further discussion on House Resolution "B," which motion prevailed and the Sergeant-at-Arms and his Assistant left the Chamber to notify the absent committee members and to take charge of the ballots in the hearing room during their absence.

The Sergeant-at-Arms escorted the absent members to the Chamber.

The Speaker put the question before the House which was on the substitute motion of Rep. Twichell. The Chair being in doubt a division was called for, revealing 62 voting "aye"; 46 "nay." So Rep. Twichell's substitute motion prevailed.

Rep. Twichell moved that the Chair appoint three members to escort the State Officials to the House, which motion prevailed and the Speaker appointed on that committee Representatives Dike, Hofstrand and Knutson.

The Speaker on the request of Rep. Myers excused the Committee on Elections and Election Privileges in order that they might resume their work.

Rep. Schimke moved that the House recess to the call of the Chair, which motion prevailed.

The Speaker called the House to order at 3:55 P. M.

Present were Deputy State Auditor, John Lyngstad; Deputy State Treasurer, C. H. Lincoln; and Ex-State Treasurer, John Gray.

At the request of members from the floor Mr. Lyngstad was the first called on to explain reports from his office and to answer questions.

Mr. Lyngstad: Taking the figure at the beginning of the Resolution the state of the General Fund at the close of business December 24, 1938, showing the cash balance of $608,048.84 is correct, except that the State Treasurer's balance is always bigger than the State Auditor's for the reason that we charge the warrants to the fund when we write them and the State Auditor charges them when they are paid so that $100,000 or more of warrants are out in circulation. His estimate of Institutional Collections of $250,000 is correct and represents tuition fees and other fees that they get and which are later apportioned back to the institutions for their use. The Federal Funds of $16,500 consists of money that is furnished by the Federal Government to the State Health Department and set up separately, and also some to other funds. The Beer Fund of $178,500 represents the cash balance in that fund which goes into the General Fund but a couple of days later we transferred $175,000 into the Real Estate Bond Interest Fund provided according to law. The net balance on the Treasurer's books on that date was $163,048.84. I have a statement made up on the last of December which shows an actual cash balance in the General Fund on the last day of the year of $375,292.23.

Rep. Anderson: What are Certificates of Indebtedness?

Mr. Lyngstad: They are an obligation of the State secured by uncollected General Fund Taxes; simply, they are in fact a mortgage on our uncollected taxes. Up to January 1st the General Fund had uncollected taxes due it to the amount of $2,692,276.19. That is the total of uncollected levies from 1932 to 1937, inclusive. Under the 1937 Laws, Chapter 183, we borrowed 75% of this $2,692,000 and we got $2,019,000. The outstanding Certificates of Indebtedness on January 1st were $2,180,000.

So the net amount of Certificates of Indebtedness outstanding on January 1st was $1,940,814.84.

The unpaid appropriations made by the 1937 Legislature on January 1, 1939, was $1,999,383.33 and in the natural order of business most of that will be called for by July 1, 1939. The Institutional Collections on January 1st according to our books was $160,851.46, making the total liability of the General Fund $2,160,234.79. That does not include any money for the State Welfare Fund. The State Welfare Board claims we owe them some $2,000,000. The State Auditor and State Treasurer do not agree with them but the Court has on two occasions ordered us to turn over $625,000 which also accounts for the increase in the deficit in three months of $716,000. Between September and December 30th we had to turn over to the Welfare Board $625,000, by order of the Court, from the General Fund and that was the reason of that large deficit and for the increase in that period of time.

The total deficit on January 1st was $1,784,000. Of course we had the 1938 tax levy which hasn't been touched with an original levy of $1,767,782.00. If this is used as security, we could borrow $1,324,000. We will collect in the ordinary procedure 40% by July 1st and 60% by January 1, 1940.

Rep. Anderson: In what classification of accounts would you carry Certificates of Indebtedness?

Mr. Lyngstad: It is a mortgage on the old taxes. We set them up as a liability of the State. When the old taxes are paid they go into the Certificates of Indebtedness Retirement Fund. We handle them the same as any other bond.

Rep. Anderson: What is the classification that you give the accounts of Certificates of Indebtedness? It is a funded debt, is it not?

Mr. Lyngstad: I consider them as secured indebtedness of the State.

Rep. Anderson: I note that from the way they are carried in the State Treasurer's Report of July 1, 1937, and July 1, 1938. On Page 10 of the Treasurer's report for June 30, 1937, there is a general classification labeled "State Bonded Indebtedness" and that shows all the various bonds that are outstanding including Capitol Building Certificates. Then at the top of Page 12 of this same report there is an item of "Certificate of Indebtedness." I am going back now to where this account of Certificates of Indebtedness first appeared on the books of the accounts of the State on the Treasurer's Report of June 30, 1937.

Rep. Twichell: There are some before that.

Rep. Anderson: The amount listed there shows $900,000 but they are listed as a funded debt. What is a funded debt? A funded debt is a debt obligation that has been given a definite time of maturity and a definite interest.

Mr. Lyngstad: A debt is given a specified date of maturity and a specified rate of interest.

Rep. Morland: Would it mortgage the future wages that you were earning?

Rep. Anderson: Yes, if I had no security.

Rep. Anderson: Are you carrying them as a funded debt?

Mr. Lyngstad: We are, $300,000 or $400,000 are due next February.

Rep. Anderson: On Feb. 18, 1939, they have $300,000 or $400,000 due of Certificates of Indebtedness and the report shows that you have already in that sinking fund $239,000 to meet this obligation and more than a month to meet the rest. Is that right? But you have $239,000 now. So you have $140,000 yet to provide.

Mr. Lyngstad: We are trying our best to meet it.

Rep. Anderson: You spoke about a deficit, Mr. Lyngstad. What are we to understand by a deficit?

Mr. Lyngstad: Appropriations have been made by the Legislature to be paid between now and July 1st, some $2,000,000. When we pay these obligations there will be a deficit.

Rep. Anderson: Deficit against the General Fund?

Mr. Lyngstad: Deficit against the General Fund.

Rep. Anderson: Give us a definition of "Deficit." My understanding of a deficit is when the Auditor has written warrants and there is no money in the fund to meet those warrants.

Mr. Lyngstad: The law does not permit us to draw any warrants if there is no money in the fund. There is only one General Fund. There are $1,700,000 due on 1938 taxes. There are $2,000,000 of unpaid appropriations made by the 1937 Legislature, and probably the six or eight million dollars that is going to be appropriated by this Legislature.

Rep. Anderson: Have you the statement issued by John R. Omland as of December 31st?

Mr. Lyngstad: No, I haven't.

Rep. Anderson: On Mr. Omland's report of December 31st we had $457,996. This is one General Fund. In the other General Fund, which is perhaps a myth, there is shown a deficit of $1,850,000. Such a system of accounting is confusing and wrong and should be corrected.

Mr. Lyngstad: The construction of the deficit in the General Fund is this: That the resources is the cash on hand in the General Fund plus any uncollected taxes that have been levied for the General Fund and the liabilities must be the amount that has been appropriated by the Legislature. One side shows the taxes collected and the other side shows the expenses authorized by the Assembly. If one is shorter than the other there is either a credit balance or a deficit.

Mr. Gray (called to address the House): I am interested in the statement where Mr. Lyngstad said that if all taxes were paid, there would be a balance in the General Fund by July 1st. This according to the figures which have developed in the last year are due according to the facts. Certificates of Indebtedness maturing on February 1st amount to $343,000, those coming due on April 18th amount to $342,000 and those coming due on July 6th amount to $870,000 or a total of $1,555,000 which must be provided for in the next six months. This is the amount

of money owing against those back taxes. The older the taxes get the less is the chance of collecting them. Some of these have been abated through compromises with the County Commissioners. Not all of them have been reported to the Tax Department. I agree with the deficit as shown by Mr. Lyngstad of $1,850,000 and in addition to this, if you please, there is in controversy some $2,000,000 owing to the Welfare Board, which the Courts are ordering us to pay. They claim more than $2,000,000 more than we concede to pay, which brings the total deficit to $3,850,000. The back taxes which we have are mortgaged to pay Certificates of Indebtedness. We have never been able to meet the maturity of these certificates and have been compelled from time to time to issue new ones. The amount had gradually increased until we now owe over $2,000,000. If we collected all of the back taxes and all of the 1938 levy which amounts to $1,757,000 approximately, we would have only enough to pay up what we owe on Certificates and pay up the Welfare Board what it asks between now and July 1st.

Isn't that a deficit? We owe the money and it doesn't make any difference what you label it. We are short the money and it has to be dug up somehow. I want to state that the State Treasurer has never shown the true financial picture of the State. Why? It will show you on one side the collections. It doesn't tell you where they came from. The other side shows the net amount in the till credited to each of these funds on that particular day. Again that does not show the obligations which the State must meet out of it. For instance: The first figures you will find there is about $250,000 or $300,000 of that which is earmarked money and must go into another fund and cannot be used. There were about $200,000 available for general governmental purposes in the General Fund as of January 1st. Against that you have all of these Certificates to pay. All funds in the Treasury are used to pay for emergency appropriations. If we have made a mistake in calling this a deficit, it is the only method that I have ever employed for a good many years and I don't know any better way to do it. When you owe money and haven't got it and borrow to pay, it is a deficit.

Rep. Twichell: In the deficit you haven't figured any deficit in the Welfare Fund. Two years ago we appropriated $2,500,000 to the Welfare Board which was to take care of thirty months up to July 1st. You have $39,000 of this and $167,000 left to carry you (us) until the first of July which the original appropriation was supposed to carry to. You don't figure that as a deficit do you?

Mr. Gray: That doesn't come in.

Rep. Anderson: If we are to consider all the State's liabilities in the picture, what I can't understand is that on Page 8 of Governor Moses' address at the bottom there is this item: "Net Funded Debt, December 24, 1938, $23,500,000." According to the definition that Mr. Gray has given us in defining what a debt is called we have a deficit in the State Treasury of $23,000,000. It doesn't make sense. That is what I objected to. Let us get the funded debt separated from the cash on hand. Mr. Gray's statement at the end of June showed a $8,500,000 balance in all funds of the State. Mr. Omland's statement shows

$6,000,000 on hand. Some bonds have been retired since then but according to Omland there isn't a deficit anywhere. If our books show a debt of $23,000,000, well and good.

Rep. Twichell: Let us see where they disagree.

Mr. Gray: We don't disagree. We owe the bank over a $1,000,000. We owe the bank over $600,000 for the Highway Department and $300,000 other obligations which we can't pay. There is a deficit according to actual figures in the Real Estate Bond Maturity Fund right now.

Rep. Anderson: You spoke about the Highway Department owing the Bank of North Dakota $600,000, which is true and Mr. McGurren told me they didn't owe over $100,000 in addition to the $600,000. Mr. Gray stated that Department was insolvent. That Department operates the shop and office buildings at Dickinson, Williston, Minot, Devils Lake, Grand Forks, Valley City and Bismarck. They have an estimated income for 1939 of $2,500,000. We are talking about their inability to pay the $600,000 that they owe. We are discussing the solvency of that Department. They have an estimated income of over $2,500,000 to meet that $600,000. Are we to consider that Department as insolvent?

Mr. Lincoln (called to address the House): I think Mr. Gray and Mr. Lyngstad have covered the situation very thoroughly.

Rep. Twichell: Have you anything in the records in your office that in any way disagrees with the figures the other gentlemen have given except that you may have a different method of handling them? Are the figures correct?

Mr. Lincoln: The outstanding warrants between the two offices, which Mr. Lyngstad explained, are credited at once whereas in the Auditor's office only once a month.

Rep. Anderson: There doesn't seem to be very much left to discuss on this except to call attention to some items here in the Omland report, cash items which are rather encouraging; $457,000 in the General Fund already referred to; Insurance Fund $255,000; Fire and Tornado Fund, $409,000; Highway Fund $200,000; Equalization Fund, $200,000; Sales Tax, $200,000; Real Estate Bond Fund $1,223,000. And I am advised that this State now has in its Treasury enough to retire bond maturities up to 1944. Is a State than can do that considered broke? We are the only State in the Union that can show such a financial statement to my knowledge. We have an amount in the Treasury of $583,000 to meet interest payments. We can take care of our interest maturities. We have a Welfare Fund of $213,000; a Certificate of Indebtedness Retirement Fund of $239,000 and an Interest and Income School Fund of $928,000.

Let us get out of this idea of being broke when we are not broke. Let us buck up, face the situation like men and show the world what debts we can pay and what we can't pay and not talk about deficits and deficiencies.

Rep. Twichell: If there is nothing further before the House from these three gentlemen, on behalf of the House, I wish to thank them for coming up here to give us this information and I also wish to thank their official superiors. I move that

statements made by these gentlemen be placed in the Journal. Which motion prevailed.

Rep. Crockett moved that the House do now adjourn, which motion prevailed and the House stood adjourned.

MINNIE D. CRAIG, Chief Clerk.

## FIFTEENTH DAY

Bismarck, January 17, 1939.

The House assembled at 2:00 P. M., pursuant to adjournment, Speaker Hagen presiding.

Prayer by Rev. O. O. Andvik, Mandan.

Roll Call: All Representatives present except Adam, Blair, Byrne, Larson, McInnes, Myers, Peterson of Bottineau, Schauss, Shure.

The following members were excused as they were serving on the Committee on Elections and Election Privileges: Adam, Myers, Peterson of Bottineau, Blair, McInnes.

### STANDING COMMITTEE REPORT

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

Mr. Speaker, Your Committee on Revision and Correction of the Journal have carefully examined the Journal of the Fourteenth day and recommend that the same be corrected as follows:

On Page 139 of the Journal of the 13th the names of Adam and Blair are shown in the Roll Call as present and voting "aye," whereas they were absent from the Chamber but considered present, serving on Election Contest Committee. On the same page the names of McInnes, Myers and Peterson of Bottineau are recorded as being absent and not voting, whereas they were present but excused from the House Chamber. They were serving on the Election Contest Committee.

On Page 150, third paragraph from bottom substitute the word "that" for the word "them."

On Page 153, Line 7 from the top strike out the letter "a."

On Page 153, Line 24 from the top after the name Mr. Lincoln insert the following "(called to address the House)."

On Page 153, third paragraph from bottom, third line from bottom, add the word "Indebtedness" after the words "a certificate of."

On Page 151, third paragraph from bottom correct the spelling of "Omland."

And when so corrected recommend that the same be approved.

REP. GLAS, Chairman.

Rep. Lester Keller moved that the report be adopted, which motion prevailed and the report was adopted.

## MESSAGE TO THE SENATE

House of Representatives,
Bismarck, January 17, 1939.

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

House Bill No. 56. A Bill for an Act to Amend and Reenact Sections 4262 and 4263 of the Compiled Laws of 1913 as Relating to Irrigation and Conservation of Water, Authorizing Submission to the Voters of Organized Townships the Question of Irrigation and Conservation of Water by Building Dams, Dugouts, Creating Ponds or Reservoirs on Creeks or Coulees, and Other Improvements in Connection Therewith, and Authorizing a Levy Therefor; Declaring an Emergency.

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

MINNIE D. CRAIG, Chief Clerk.

## REPORT OF STANDING COMMITTEES

The Committee on Public Welfare made the following report:

Mr. Speaker: Your Committee on Public Welfare to whom was referred House Bill No. 15, have had the same under consideration and recommend that the same be also referred to the Committee on Appropriations.

BERNT ANDERSON, Chairman.

Rep. Beede moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Public Welfare made the following report:

Mr. Speaker: Your Committee on Public Welfare to whom was referred House Bill No. 16, have had the same under consideration and recommend that the same be also referred to the Committee on Appropriations.

BERNT ANDERSON, Chairman.

Rep. Beede moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Public Welfare made the following report:

Mr. Speaker: Your Committee on Public Welfare to whom was referred House Bill No. 17, have had the same under consideration and recommend that the same be also referred to the Committee on Appropriations.

BERNT ANDERSON, Chairman.

Rep. Beede moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Public Welfare made the following report:

Mr. Speaker: Your Committee on Public Welfare to whom was referred House Bill No. 18, have had the same under consideration and recommend that the same be also referred to the Committee on Appropriations.

BERNT ANDERSON, Chairman.

Rep. Beede moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Public Welfare made the following report:

Mr. Speaker: Your Committee on Public Welfare to whom was referred House Bill No. 19, have had the same

under consideration and recommend that the same be also referred to the Committee on Appropriations.

BERNT ANDERSON, Chairman.

Rep. Beede moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Public Welfare made the following report:

Mr. Speaker: Your Committee on Public Welfare to whom was referred House Bill No. 20, have had the same under consideration and recommend that the same be also referred to the Committee on Appropriations.

BERNT ANDERSON, Chairman.

Rep. Beede 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. Speaker: Your Committee on Taxes and Tax Laws to whom was referred House Bill No. 45, have had the same under consideration and recommend that the same be re-referred to the Committee on Appropriations without recommendations.

N. P. JENSEN, Chairman.

Rep. Jensen moved that the report be adopted, which motion prevailed and the report was adopted.

REPORT OF JOINT COMMITTEE ON PRINTING

BE IT RESOLVED, That the daily calendar be printed in such form that it may be filed in a loose leaf folder, and

BE IT FURTHER RESOLVED, That Melvin Johnson be employed as assistant calendar clerk for a period of two weeks at a per diem of five dollars.

Signed:

Senators:

C. C. MORRISON
R. R. MORGAN
ROBERT GREISER.

Representatives:

C. P. RITTER
HARRY O'BRIEN
R. G. BEEDE.

Mr. Ritter moved the adoption of the report.

ROLL CALL

The question being on adoption of the report, the roll was called and there were ayes, 89; nays, 12; absent and not voting, 10.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Anderson, Benson | Haugland | Panko |
| Anderson,M'K'nzie | Heckman | Peterson, Ransom |
| Anfinson | Hofstrand | Rait |
| Arneson, Nelson | Holm | Rettke |
| Beede | Holthusen | Ritter |
| Belzer | Hultstrand | Rohde |
| Benno | Ireland | Sand |
| Bergesen | Ista | Saumur |
| Billigmeier | Jensen | Schmidt, McHenry |
| Bingenheimer | Johnson, LaMoure | Schmidt, Sheridan |
| Bolmeier | Joiner | Schimke |
| Boulden | Keller | Scholl |
| Braun, McLean | Kluver | Schwartz |

| | | |
|---|---|---|
| Braun, Stark | Knutson | Sellens |
| Brown | Lange | Semerad |
| Buchholz | Levin | Sharpe |
| Byrne | Lunde | Solberg |
| Culver | McIntee | Sticka |
| Dalzell | McIntyre | Symington |
| Dike | Mittag | Thompson,Burl'gh |
| Dittmer | Mollet | Trydahl |
| Erickson | Morland | Tuff |
| Feton | Nelson, Cass | Urschel |
| Fletcher | Nelson, Dickey | Wambheim |
| Fraser | Nelson, Steele | Westby |
| Gainor | Nystrom | Williams,Richland |
| Glas | O'Brien | Williams,Stutsm'n |
| Gray | Odegard | Wolf |
| Haag | Ostgulen | Mr. Speaker |
| Halvorson | Page | |

Those voting in the negative were:

| | | |
|---|---|---|
| Arneson, Ramsey | Moe | Stone |
| Fitch | Oglesby | Stormon |
| Fuglestad | Severson | Thompson, Steele |
| Johnson, Cass | Skartvedt | Twichell |

Absent and not voting:

| | | |
|---|---|---|
| Adam | McInnes | Schauss |
| Blair | Myers | Shure |
| Crockett | Peterson,Bottineau | Singleton |
| Larson | | |

So the report was adopted.

Rep. Twichell: I desire to explain my vote. I have been unable to get the difference between the temporary and joint Printing Committees. The temporary committee was supplanted by a joint committee which is to reconsider the actions of the temporary committee. I do not know where the authority comes from for hiring. I am going to vote against it. I don't know who has been working for it.

The House reverted to the Fourth Order of Business.

Rep. Morland: Mr. Speaker: We hereby submit an itemized statement of expenses incurred in attending the funeral of Rep. Rotering at Amidon as per motion passed by the House of Representatives on January 11th, as shown on page 118 of the House Journal.

Which report was read from the desk and referred on motion of Rep. Scholl to the Committee on Mileage and Per Diem.

HOUSE CONCURRENT RESOLUTION 80

Introduced by Representative Crockett

WHEREAS, This year, 1939, is the 50th Anniversary of Statehood of the State of North Dakota; and

WHEREAS, It is customary for the various states in the United States of America to observe this period of statehood by issuing a stamp commemorating a 50th Anniversary of statehood; and

WHEREAS, The Pioneer Daughters Chapter of the North Dakota Federation of Women's Clubs brings to our attention this observance; and

WHEREAS, That this request may be placed in permanent historical record in the archives of history as a part of the official record of this Legislative body,

BE IT HEREBY RESOLVED, By the House of Representatives and the Senate concurring of this 26th Legislative Assembly of the State of North Dakota, that approval of this resolution be recorded, and

BE IT FURTHER RESOLVED, That we hereby petition the Postmaster General at Washington, D. C., to bring his influence to bear in uniting with us to bring about the issuance of a stamp commemorating this statehood event.

Moved by Rep. Anderson the adoption of the Resolution and that it be printed in the Journal, which motion prevailed.

## FIRST READING OF HOUSE BILLS

Reps. Schauss and Schimke introduced:

House Bill No. 71. A Bill for an Act Relative to the Manufacture of Spirituous, Vinous, and Other Intoxicating Liquor; Providing for the Issuance of a License Therefore and the Filing of a Bond; Providing for the Payment of a License Fee for Such Manufacture; Providing a Penalty for the Violation of This Act, and Declaring an Emergency.

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

Messrs. Page and Ritter introduced:

House Bill No. 72. A Bill for an Act to Repeal Section 3080a7 of the 1925 Supplement to the Compiled Laws of North Dakota for the Year 1913.

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

Committee on Public Welfare introduced:

House Bill No. 73. A Bill for an Act Validating, Ratifying, and Confirming Warrants Heretofore Issued and Levies Heretofore Made by Boards of County Commissioners in any County of This State for the Purpose of Financing Poor Relief, Under the Conditions Specified in This Act, and Validating All Proceedings Heretofore Taken by Any Board of County Commissioners in Connection With the Issuance of Emergency Poor Fund Warrants and the Making of Emergency Poor Relief Levies Under the Provisions of Chapter 98, Laws of 1933, as Amended by Chapter 120, Laws of 1935, or Under Any Assumed, Implied or Purported Authority of Said Statutes.

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

Committee on Public Welfare introduced:

House Bill No. 74. A Bill for an Act Making a Deficiency Emergency Appropriation for Relief of Destitute and Necessitous Persons of the State of North Dakota for the Months of December, 1938, and January, February, March, April, May, and June, 1939, as Provided by Chapter 214 of the Session Laws of 1937, Declaring an Emergency.

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

Committee on Public Welfare introduced:

House Bill No. 75. A Bill for an Act Providing That Cream Buyers, Creameries, and All Persons and Corporations Engaging in the Business of Buying Farm Produce Shall Keep Accurate Records; Providing for Furnishing of Such Information to, and for the Inspection of Such Records by County Welfare Boards or Their Employes With the

Written Consent of the Seller; Providing for a Penalty and Declaring an Emergency.

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

Rep. Williams of Richland introduced:

House Bill No. 76: A Bill for an Act to Repeal Chapter 183 of the Session Laws of North Dakota for the Year 1937, and Declaring an Emergency.

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

## SECOND READING OF HOUSE BILLS

House Bill No. 51. A Bill for an Act to Repeal Chapter 217 of the Session Laws of the State of North Dakota for 1935, Relating to the State Planning 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, 95; nays, 6; absent and not voting, 10.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Anderson, Benson | Holm | Rohde |
| Anderson,M'K'nzie | Hultstrand | Sand |
| Anfinson | Ireland | Saumur |
| Arneson, Nelson | Ista | Schmidt, McHenry |
| Arneson, Ramsey | Jensen | Schmidt, Sheridan |
| Beede | Jonnson, Cass | Schimke |
| Belzer | Johnson, LaMoure | Scholl |
| Billigmeier | Joiner | Schwartz |
| Bingenheimer | Keller | Sellens |
| Boulden | Knutson | Semerad |
| Braun, McLean | Lange | Severson |
| Braun, Stark | Levin | Sharpe |
| Brown | Lunde | Singleton |
| Buchholz | McIntee | Skartvedt |
| Culver | McIntyre | Solberg |
| Dalzell | Mittag | Sticka |
| Dike | Moe | Stone |
| Dittmer | Mollet | Stormon |
| Erickson | Morland | Symington |
| Feton | Nelson, Cass | Thompson,Burl'gh |
| Fitch | Nelson, Dickey | Thompson, Steele |
| Fletcher | Nelson, Steele | Trydahl |
| Fraser | O'Brien | Tuff |
| Fuglestad | Odegard | Twichell |
| Gainor | Oglesby | Urschel |
| Glas | Ostgulen | Wambheim |
| Gray | Page | Westby |
| Haag | Panko | Williams,Richland |
| Halvorson | Peterson, Ransom | Williams,Stutsm'n |
| Haugland | Rait | Wolf |
| Heckman | Rettke | Mr. Speaker |
| Hofstrand | Ritter | |

Those voting in the negative were:

| | | |
|---|---|---|
| Benno | Bolmeier | Kluver |
| Bergesen | Holthusen | Nystrom |

Absent and not voting:

| | | |
|---|---|---|
| Adam | Larson | Peterson,Bottineau |
| Blair | McInnes | Schauss |
| Byrne | Myers | Shure |
| Crockett | | |

So the bill passed and the title was agreed to.

Mr. Scholl moved that the vote by which House Bill No. 51 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Rep. Lange asked that the House revert to the Seventh Order of Business and moved that the absent members be excused, which motion prevailed.

Rep. Schimke moved that the House do now adjourn, which motion prevailed and the House adjourned.

MINNIE D. CRAIG, Chief Clerk.

## SIXTEENTH DAY

Bismarck, January 18, 1939.

The House assembled at 2:00 P. M., pursuant to adjournment, Speaker Hagen presiding.

Prayer by Rev. O. O. Andvik, Mandan.

Roll Call: All Representatives present except: Adam, Larson, McInnes, Myers and Shure.

The following members were excused as they were serving on the Committee on Elections and Election Privileges: Adam, Myers and McInnes.

### MESSAGE TO THE SENATE

House of Representatives,
Bismarck, January 18, 1939.

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

House Concurrent Resolution No. 80. A Concurrent Resolution Petitioning the Postmaster General at Washington, D. C., to Issue a Stamp Commemorating the 50th Anniversary of the Statehood of the State of North Dakota.

House Bill No. 51. A Bill for an Act to Repeal Chapter 217 of the Session Laws of the State of North Dakota for 1935, Relating to the State Planning Board.

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

MINNIE D. CRAIG, Chief Clerk.

### REPORT OF STANDING COMMITTEES

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

Mr. Speaker: Your Committee on Revision and Correction of the Journal have carefully examined the Journal of the Fifteenth day and recommend that the same be corrected as follows:

Page 159, 4th Line from the top strike out words "above consideration" and insert word "Resolution."

Page 158, 14 lines from bottom of page change "C." to "80."

And when so corrected recommend that the same be approved.

REP. GLAS, Chairman.

Rep. G. I. Feton moved that the report be adopted, which motion prevailed and the report was adopted.

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

Mr. Speaker: Your Committee on Mileage and Per Diem to whom was referred:

Itemized bill presented by Representatives Morland and Brown for expenses to the Rotering Funeral.

Have had the same under consideration and recommend that the same be paid as itemized.

| | |
|---|---|
| Expenses of L. K. Morland: | |
| Meals | $ 2.20 |
| Hotel | 1.00 |
| Total | $ 3.20 |
| Expenses of H. W. Brown: | |
| Meals | $ 1.54 |
| Hotel | 1.00 |
| Total | $ 2.54 |

That the mileage of 10c per mile be allowed to each for the 368 miles travelled by them and that the Chief Clerk be authorized to issue vouchers for the payment of the same.

J. M. JOINER, Chairman.

Rep. Saumur moved that the report be adopted, which motion prevailed and the report was adopted.

## ROLL CALL

The question being on the final passage of the Report, the roll was called and there were ayes, 104; nays, 1; absent and not voting, 6.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Anderson, Benson | Heckman | Rait |
| Anderson,M'K'nzie | Hofstrand | Rettke |
| Anfinson | Holm | Ritter |
| Arneson, Ramsey | Holthusen | Rohde |
| Beede | Hultstrand | Rotering |
| Belzer | Ireland | Sand |
| Benno | Ista | Saumur |
| Bergesen | Jensen | Schauss |
| Billigmeier | Johnson, Cass | Schmidt, McHenry |
| Bingenheimer | Johnson, LaMoure | Schmidt, Sheridan |
| Blair | Joiner | Schimke |
| Bolmeier | Keller | Scholl |
| Boulden | Kluver | Schwartz |
| Braun, McLean | Knutson | Sellens |
| Braun, Stark | Lange | Semerad |
| Brown | Levin | Severson |
| Buchholz | Lunde | Sharpe |
| Byrne | McIntee | Singleton |
| Crockett | McIntyre | Skartvedt |
| Culver | Mittag | Solberg |
| Dalzell | Moe | Sticka |
| Dike | Mollet | Stone |
| Dittmer | Morland | Stormon |
| Erickson | Nelson, Cass | Symington |
| Feton | Nelson, Dickey | Thompson,Burl'gh |
| Fitch | Nelson, Steele | Thompson, Steele |
| Fletcher | Nystrom | Trydahl |
| Fraser | O'Brien | Tuff |
| Fuglestad | Odegard | Twichell |
| Gainor | Oglesby | Wambheim |
| Glas | Ostgulen | Westby |
| Gray | Page | Williams,Richland |
| Haag | Panko | Williams,Stutsm'n |
| Halvorson | Peterson,Bottineau | Wolf |
| Haugland | Peterson, Ransom | Mr. Speaker |

Those voting in the negative were:
Urschel

Absent and not voting:

| | | |
|---|---|---|
| **Adam** | **Larson** | **Myers** |
| **Arneson, Nelson** | **McInnes** | **Shure** |

So the report was adopted.

## MESSAGE TO THE HOUSE

Senate Chamber,
Bismarck, January 18, 1939.

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

Senate Bill No. 27. A Bill for an Act Providing That in Proceedings Taken Under the Provisions of Chapter 266 of the Session Laws of 1927, no Tax Deed Shall Be Issued Prior to October 1, 1939, and the Period of Redemption from Any Tax Sale Made Under the Provisions of Said Chapter is Hereby Extended to October 1, 1939, and Declaring an Emergency.

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

WM. J. LOWE, Secretary.

## REPORT OF STANDING COMMITTEES

The Committee on Public Health made the following report:

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

Section 1, Line 10, strike out all of the Line 10—"Epidemiologist—$4,800.00."

Section 1, Page 2, Line 15, change the figures 3,000.00 to 2,500.00.

Section 1, Page 2, strike out all of Line 16, "Accountant—3,000.00."

Section 1, Page 2, strike out all of Line 21, "Furniture & Fixtures—1,000.00."

Section 1, Page 2, Line 23, Strike out the figures 2,000.00 and insert the figures 1,000.00.

And when so amended recommend the same be referred to the Appropriations Committee.

L. C. ODEGARD, Chairman.

Rep. Stone moved that the report be adopted.

Rep. Twichell moved a substitute motion that House Bill No. 10 be re-referred to the Committee on Appropriations, which motion prevailed.

The Committee on Public Health made the following report:

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

Section 1, strike out all of Line 8, "Salary—Director —$4,000.00."

Section 1, strike out all of Line 12, "Chemist $3,200.00."

Section 1, Line 14 and Line 19, strike out the figures "900.00" and insert in lieu thereof the figures $500.00."

Section 1, Line 20, strike out the figures "1,500.00" and insert in lieu thereof the figures "1,000.00."

Section 1, Line 22, strike out the figures "2,000.00" and insert in lieu thereof the figures "1,000.00."

Section 1, Page 2, Line 26, strike out the figures "$4,500.00" and insert in lieu thereof the figures "4,000.00."

And when so amended be re-referred to Committee on Appropriations.

L. C. ODEGARD, Chairman.

Rep. Haugland moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Public Health made the following report:

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

Section 1, Line 8, strike out the figures "7,200.00" and insert in lieu thereof the figures "4,800.00."

Section 1, strike out all of Line 12, "Consultant, Venereal Disease Nursing 4,200.00."

Section 1, strike out all of Line 13 "Physician, Preschool Conference 3,000.00."

Section 1, strike out all of Line 14, "Dentist 4,000.00."

Section 1, Line 16, strike out the figures "1,100.00" and insert in lieu thereof the figures "800.00."

Section 1, Line 19, strike out the figures "3,000.00" and insert in lieu thereof the figures "2,000.00."

Section 1, Line 21, strike out the figures "10,000.00" and insert in lieu thereof the figures "6,000.00."

Section 1, Line 22, strike out the figures "3,000.00" and insert in lieu thereof the figures "2,500.00."

And when so amended recommend the same be referred to Committee on Appropriations.

L. C. ODEGARD, Chairman.

Rep. Haugland 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. Speaker: Your Committee on Game and Fish to whom was referred House Bill No. 43, have had the same under consideration and recommend that the same be re-referred to the Committee on Appropriations.

PALMER LEVIN, Chairman.

Representative Anfinson 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. Speaker: Your Committee on Taxes and Tax Laws to whom was referred House Bill No. 44, have had the same under consideration and recommend that the same be re-referred to the Committee on Appropriations.

N. P. JENSEN, Chairman.

Rep. Rohde 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. Speaker: Your Committee on Ways and Means to whom was referred House Bill No. 53, have had the same

under consideration and recommend that the same do pass.

CARL ANFINSON, Chairman.

Rep. Benno 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. Speaker: Your Committee on Ways and Means to whom was referred House Bill No. 58, have had the same under consideration and recommend that the same do pass.

CARL ANFINSON, Chairman.

Rep. Fitch 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. Speaker: Your Committee on Taxes and Tax Laws to whom was referred House Bill No. 64, have had the same under consideration and recommend that the same be amended as follows:

In title before "Declaring an Emergency," insert "And Repealing All Acts in Conflict Herewith."

In line 44, strike out "exclusive of" and insert the word "including" and strike out word "personally."

On page 6, following line 19, insert the following: "It shall be the duty of the Register of Deeds and Clerk of Court within 10 days after request by the County Auditor to furnish him with a certified list giving the names, and so far as they appear on the records in the office of the Register of Deeds, and Clerk of Court, the addresses of all persons who appear to be interested as owners, mortgagees, lien holders or otherwise in such real estate which has been sold to the county for taxes as may be specified by the County Auditor in making such request."

On page 12, line 137, correct the spelling of the word "assaiding" to "assailing."

On page 13, line 8, strike out the remainder of the line after word "provided," strike out all of line 9, and strike out in line 10, "vided."

And when so amended recommend the same do pass.

N. P. JENSEN, Chairman.

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

## CONCURRENT RESOLUTION 81

Introduced by Committee on Employment

A Concurrent Resolution Providing and Designating House and Senate Employes and Naming and Fixing Their Salaries; Legislative Assembly.

Be It Resolved by the House of Representatives of the 26th Legislative Assembly of the State of North Dakota and the Senate Concurring:

That for and during this Twenty-sixth Legislative Assembly the following named persons be employed and appointed as officers and employes of the Senate and of the House, and shall be paid the compensation set opposite their respective names:

### HOUSE

| | |
|---|---|
| Minnie D. Craig, Chief Clerk | $8.00 |
| Albert Peterson, First Assistant Chief Clerk | 6.50 |
| E. O. Waydeman, Second Assistant Chief Clerk | 6.50 |

| | |
|---|---|
| Marie Garske, Desk Reporter | 8.00 |
| Edw. Savre, Sergeant-at-Arms | 5.00 |
| C. E. Erickson, Assistant Sergeant-at-Arms | 4.50 |
| Clara A. Kane, Chief Stenographer | 5.00 |
| Marie Tunell, Stenographer | 5.00 |
| Pearl Lerfold, Stenographer | 5.00 |
| Evelyn Anderson, Stenographer | 5.00 |
| Corinne Emme, Stenographer | 5.00 |
| Dorothy Witcik, Stenographer | 5.00 |
| Adeline Orvik, Stenographer | 5.00 |
| Walter Bubel, Bill Clerk | 5.00 |
| Henry O. Lundene, Bill Room Clerk | 4.50 |
| Howard Crockett, Voucher Clerk | 4.50 |
| Arnold E. Banse, Enrolling and Engrossing Clerk | 5.00 |
| A. O. Haugerud, Calendar Clerk | 5.00 |
| F. J. Haines, Postmaster | 4.50 |
| Viola Erickson, Assistant Postmistress | 4.50 |
| Kenneth Morgan, Page | 4.50 |
| Wesley Belter, Page | 4.50 |
| Walter Radke, Page | 4.50 |
| Oscar Wahlund, Page | 4.50 |
| O'Neil Maasjo, Page | 4.50 |
| Elsbeth Godwin, Telephone Attendant | 4.50 |
| Nellie Larson, Cloak Room Attendant | 4.50 |
| Joe Bohn, Cloak Room Attendant | 4.50 |
| Oscar Nelson, Cloak Room Attendant | 4.50 |
| Helmer Twito, Proofreader | 5.00 |
| Arnold Fuchs, Proofreader | 5.00 |
| William M. Dohn, Ass't Enrolling and Engrossing Clerk | 5.00 |
| A. R. Powers, Mailing Clerk | 4.50 |
| Joseph Kratochvil, Assistant Mailing Clerk | 4.50 |
| Albert Schmolenberger, Assistant Mailing Clerk | 4.50 |
| Kasimir Schmalz, Assistant Mailing Clerk | 4.50 |
| O. T. Haakenson, Messenger to Governor | 4.50 |
| Gust Edlund, Head Janitor | 4.50 |
| Max L. Thiel, Janitor | 4.50 |
| Martin Olson, Janitor | 4.50 |
| Philip Himmerick, Janitor | 4.50 |
| Jacob G. Kruger, Janitor | 4.50 |
| Steafon Volk, Janitor | 4.50 |
| Erick Westberg, Doorkeeper | 4.50 |
| R. A. Dotzenrod, Doorkeeper | 4.50 |
| Nels Quale, Doorkeeper | 4.50 |
| William Holmquist, Doorkeeper | 4.50 |
| Dominick Goetz, Doorkeeper | 4.50 |
| M. J. Burns, Night Watchman | 4.50 |
| Nick A. Schall, Clerk, Appropriations Committee | 4.50 |
| R. H. Haaven, Clerk | 4.50 |
| Morris Larson, Clerk | 4.50 |
| John G. Nelson, Clerk | 4.50 |
| R. C. Stubbs, Clerk | 4.50 |
| Ben A. Schneider, Clerk | 4.50 |
| B. J. Anderson, Clerk | 4.50 |

SENATE

| | |
|---|---|
| William J. Lowe, Secretary of Senate | $8.00 |
| A. Z. Nelson, Assistant Secretary of Senate | 6.50 |
| Phil Poppler, Assistant Secretary of Senate | 6.50 |
| Ruth Smith, Desk Reporter | 8.00 |
| Helen Steuart, Bill Clerk | 5.00 |

| | |
|---|---|
| Pearl Shaw, Chief Stenographer | 5.00 |
| June Baribeau, Stenographer | 5.00 |
| Leone Hoff, Stenographer | 5.00 |
| Louise Chase, Stenographer | 5.00 |
| Dorothy Lundy, Stenographer | 5.00 |
| Margaret Kraning, Stenographer | 5.00 |
| Frances Rudel, Stenographer | 5.00 |
| Vernice Wolff, Stenographer | 5.00 |
| Jean Traynor, Stenographer | 5.00 |
| Helen Steinmetz, Stenographer | 5.00 |
| Eleanor Ahlstrom, Clerk, State Affairs | 4.50 |
| Idar Rimestad, Clerk, Judiciary | 4.50 |
| Emil Helberg, Clerk, Appropriations | 4.50 |
| Herbert Roberts, Clerk, Taxes and Tax Laws | 4.50 |
| Eva Goetz, Enrolling and Engrossing Clerk | 5.00 |
| B. Dorthea Tabbert, Ass't Enrl'g and Engrs'g Clerk | 5.00 |
| Emil Strand, Sergeant-at-Arms | 5.00 |
| Joe Fettig, Assistant Sergeant-at-Arms | 4.50 |
| Henry Anderberg, Proofreader | 5.00 |
| Bruce Nelson, Assistant Proofreader | 5.00 |
| Nels Johnson, Postmaster | 5.00 |
| O. J. Harris, Telephone Clerk | 4.50 |
| C. S. Tornbom, Press Room Messenger | 4.50 |
| Clarence Anderson, Page | 4.50 |
| Vernon Otis, Page | 4.50 |
| John Koehn, Page | 4.50 |
| Lloyd Olson, Page | 4.50 |
| J. C. Goll, Bill Room Clerk | 4.50 |
| I. M. Hanson, Assistant Bill Room Clerk | 4.50 |
| Edwin M. Nething, Doorkeeper | 4.50 |
| Charles Walby, Doorkeeper | 4.50 |
| T. O. Thompson, Doorkeeper | 4.50 |
| F. J. Wanner, Doorkeeper | 4.50 |
| Harold Burau, Chart Clerk | 4.50 |
| George Schlafmann, House Messenger | 4.50 |
| Theodore Heinle, Janitor | 4.50 |
| Elmo B. Ressler, Night Watchman | 4.50 |
| Robert Wage, Janitor | 4.50 |
| Gilbert Lee, Janitor | 4.50 |
| E. W. Willoughby, Cloak Room Attendant | 4.50 |
| S. B. Salverson, Chief Mail Room Clerk | 4.50 |
| George Gehringer, Assistant Mail Room Clerk | 4.50 |
| Theodore Thompson, Assistant Mail Room Clerk | 4.50 |
| Chaplain | 3.00 |

That the compensation of each of said employes shall commence from the date upon which said employe was sworn in.

ROLL CALL

The question being on the final passage of the resolution, the roll was called and there were ayes, 106; nays, 0; absent and not voting, 5.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Anderson, Benson | Heckman | Rait |
| Anderson,M'K'nzie | Hofstrand | Rettke |
| Anfinson | Holm | Ritter |
| Arneson, Nelson | Holthusen | Rohde |
| Arneson, Ramsey | Hultstrand | Sand |
| Beede | Ireland | Saumur |

| | | |
|---|---|---|
| Belzer | Ista | Schauss |
| Benno | Jensen | Schmidt, McHenry |
| Bergesen | Johnson, Cass | Schmidt, Sheridan |
| Billigmeier | Johnson, LaMoure | Schimke |
| Bingenheimer | Joiner | Scholl |
| Blair | Keller | Schwartz |
| Bolmeier | Kluver | Sellens |
| Boulden | Knutson | Semerad |
| Braun, McLean | Lange | Severson |
| Braun, Stark | Levin | Sharpe |
| Brown | Lunde | Singleton |
| Buchholz | McIntee | Skartvedt |
| Byrne | McIntyre | Solberg |
| Crockett | Mittag | Sticka |
| Culver | Moe | Stone |
| Dalzell | Mollet | Stormon |
| Dike | Morland | Symington |
| Dittmer | Nelson, Cass | Thompson,Burl'gh |
| Erickson | Nelson, Dickey | Thompson, Steele |
| Feton | Nelson, Steele | Trydahl |
| Fitch | Nystrom | Tuff |
| Fletcher | O'Brien | Twichell |
| Fraser | Odegard | Urschel |
| Fuglestad | Oglesby | Wambheim |
| Gainor | Ostgulen | Westby |
| Glas | Page | Williams,Richland |
| Gray | Panko | Williams,Stutsm'n |
| Haag | Peterson,Bottineau | Wolf |
| Halvorson | Peterson, Ransom | Mr. Speaker |
| Haugland | | |

Absent and not voting:

| | | |
|---|---|---|
| Adam | McInnes | Shure |
| Larson | Myers | |

So Resolution 81 was declared carried.

HOUSE RESOLUTION "C"

Introduced by Representative Page

WHEREAS: That certain initiated measure commonly known and referred to as the Old Age Pension Plan has been sustained as to constitutionality by the Supreme Court of our State; and

WHEREAS: It is the most earnest desire of this Legislative Assembly to comply as fully as possible with the terms of said Act; and

WHEREAS: Owing to the continued drouth, crop failures and other financial reverses suffered by this State, grave doubt exists in the mind of many members of this assembly, and in the minds of many prominent citizens of the State, as to the ability of the State to finance said Act; and

WHEREAS: The Hon. William Langer, former Governor of this State, and one of the proponents of said Act, has repeatedly stated that he would be glad to inform the members of this assembly how the provisions of said measure could be financed;

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

1. That the Speaker instruct the Clerk of this Assembly to address a communication to Mr. Langer, requesting that

he do, with the least possible delay, file with the Clerk a detailed, written plan for financing said Act.

Representative Page moved the adoption of this Resolution.

Rep. Anderson: I move that House Resolution "C" be laid over one legislative day, which motion prevailed.

Rep. Rohde moved that House Resolution "C" be printed in the Journal, which motion prevailed.

## FIRST READING OF HOUSE BILLS

Rep. Moe introduced:

House Bill No. 77. A Bill for an Act to Amend and Reenact Section 967 of the Compiled Laws of North Dakota for 1913, Relating to the Duty of the County Auditor to Provide Uniform Poll Books for the Use of the County and Deliver to the Inspector of the Election Precinct.

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

Rep. Kluver introduced:

House Bill No. 78. A Bill for an Act Declaring to Be Common Nuisances any Building, Place, or Room, Where Intoxicating Liquors Are Sold, Bartered, or Furnished in Violation of Law, and Prescribing Remedies and Penalties for the Prevention of the Same, and Evidence Admissible.

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

Rep. Anderson of McKenzie introduced:

House Bill No. 79. A Bill for an Act Making an Appropriation for the Purpose of Maintaining and Operating the Bridge Across the Yellowstone River in McKenzie County, North Dakota, Declaring an Emergency.

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

## FIRST READING OF SENATE BILLS

Senate Bill No. 27. A Bill for an Act Providing That in Proceedings Taken Under the Provisions of Chapter 266 of the Session Laws of 1927, no Tax Deed Shall Be Issued Prior to October 1, 1939, and the Period of Redemption from Any Tax Sale Made Under the Provisions of Said Chapter is Hereby Extended to October 1, 1939, and Declaring an Emergency.

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

Rep. Lange asked that the House revert to the Seventh Order of Business and moved that the absent members be excused, which motion prevailed.

Rep. Crockett moved that the House do now adjourn, which motion prevailed and the House adjourned.

MINNIE D. CRAIG, Chief Clerk.

## SEVENTEENTH DAY

Bismarck, January 19, 1939.

The House assembled at 2:00 P. M., pursuant to adjournment, Speaker Hagen presiding.

Prayer by Rev. G. Adolph Johns, Bismarck.

Roll Call: All Representatives present except Byrne, Fletcher, Larson, Page, Sand and Shure.

### REPORT OF STANDING COMMITTEES

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

Mr. Speaker: Your Committee on Revision and Correction of the Journal have carefully examined the Journal of the Sixteenth day and find the same correct but recommend that:

On page 68 of the Journal in the paragraph following the Roll Call beginning with the words "The Speaker administered the oath of office to" add the words at the end of the list "Nick A. Schall, Clerk."

On page 123, two paragraphs from the bottom, place the line reading "The Speaker administered the oath of office to Adeline Orvik, Dorothy Witcik, Walter Radke and R. C. Stubbs" so as, to appear on page 116 of the Journal following the Roll Call.

And when so corrected recommend that the same be approved.

REP. GLAS, Chairman.

Rep. Bolmeier moved that the report be adopted, which motion prevailed and the report was adopted.

### PETITIONS AND COMMUNICATIONS

A resolution from the Kindred Rod and Gun Club in regard to the Six Man Game Commission Bill, referred to the Committee on Game and Fish.

A communication from the former Governor, William Langer, stating that he would make a radio address on Monday night in which he would explain how the money may be raised to pay the Old Age Pension enacted by the people at the November election.

### REPORT OF STANDING COMMITTEES

The Committee on State Affairs made the following report:

Mr. Speaker: Your Committee on State Affairs to whom was referred House Bill No. 21, have had the same under consideration and recommend that the same be rereferred to the Committee on Appropriations.

W. M. CROCKETT, Chairman.

Rep. Byrne moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on State Affairs made the following report:

Mr. Speaker: Your Committee on State Affairs to whom was referred House Bill No. 22, have had the same under consideration and recommend that the same be rereferred to the Committee on Appropriations.

W. M. CROCKETT, Chairman.

Rep. Byrne moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on State Affairs made the following report:

Mr. Speaker: Your Committee on State Affairs to whom was referred House Bill No. 23, have had the same under consideration and recommend that the same be rereferred to the Committee on Appropriations.

W. M. CROCKETT, Chairman.

Rep. Byrne moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on State Affairs made the following report:

Mr. Speaker: Your Committee on State Affairs to whom was referred House Bill No. 25, have had the same under consideration and recommend that the same be rereferred to the Committee on Appropriations.

W. M. CROCKETT, Chairman.

Rep. Byrne moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on State Affairs made the following report:

Mr. Speaker: Your Committee on State Affairs to whom was referred House Bill No. 26, have had the same under consideration and recommend that the same be rereferred to the Committee on Appropriations.

W. M. CROCKETT, Chairman.

Rep. Byrne moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on State Affairs made the following report:

Mr. Speaker: Your Committee on State Affairs to whom was referred House Bill No. 31, have had the same under consideration and recommend that the same be rereferred to the Committee on Appropriations.

W. M. CROCKETT, Chairman.

Rep. Byrne moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on State Affairs made the following report:

Mr. Speaker: Your Committee on State Affairs to whom was referred House Bill No. 35, have had the same under consideration and recommend that the same be rereferred to the Committee on Appropriations.

W. M. CROCKETT, Chairman.

Rep. Byrne moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on State Affairs made the following report:

Mr. Speaker: Your Committee on State Affairs to whom was referred House Bill No. 36, have had the same

under consideration and recommend that the same be re-referred to the Committee on Appropriations.

W. M. CROCKETT, Chairman.

Rep. Byrne moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on State Affairs made the following report:

Mr. Speaker: Your Committee on State Affairs to whom was referred House Bill No. 38, have had the same under consideration and recommend that the same be re-referred to the Committee on Appropriations.

W. M. CROCKETT, Chairman.

Rep. Byrne moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Judiciary made the following report:

Mr. Speaker: Your Committee on Judiciary to whom was referred House Bill No. 63, have had the same under consideration and recommend that the same do pass.

J. M. ANDERSON, Chairman.

Rep. Anderson moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Public Welfare made the following report:

Mr. Speaker: Your Committee on Public Welfare to whom was referred House Bill No. 74, have had the same under consideration and recommend that the same be re-referred to the Appropriations Committee with recommendations that the total emergency appropriations be cut to 1,039,-750 and that the 22,000 set up in the emergency budget, for administration State Welfare Board be reduced 14,000.

BERNT ANDERSON, Chairman.

Rep. Beede moved that the report be adopted, which motion prevailed and the report was adopted.

Rep. Twichell: I move that the motion of Rep. Page for the adoption of Resolution "C" be laid on the table for the reason that ex-Governor Langer is going to give an explanation on how the money is going to be raised for the Old Age Pension in a radio address on Monday night.

Which motion was duly seconded and prevailed.

Rep. Benno moved that House Bill No. 58 be re-referred to the Committee on Appropriations, which motion prevailed.

Rep. Williams of Richland: (I want these remarks recorded in the Journal).

Fort Abercrombie is situated in the Southeast corner of the State of North Dakota, and in the Northeast corner of Richland County. It was established in 1858 and was abandoned in 1877. The grounds have been bought and paid for by the citizens of Richland County and deeded to the Historical Society of the State of North Dakota. Much of the material has been donated by farmers and business men. $2,000 is asked for further materials and $40,000 will be paid out to citizens by W.P.A. for employment.

It was a place of entrance into the great northwest for the settlers that came in the early days. It is where they entertained Custer and men before he made his famous march across the State of North Dakota. He stopped at Fort Lincoln and rested his men before he moved into Montana to the little Big Horn, the summer of 1876. He and his men were all massacred June 25, 1876.

It will be an asset to the people of North Dakota and I think the people of North Dakota and the Richland County delegation will appreciate it if the bill goes through.

Rep. Scholl: I move that the Calendar Clerk be instructed to have the daily calendars printed and punched in such a manner as to permit their use in the covers the size of the covers now used for bills.

Which motion prevailed.

## FIRST READING OF HOUSE BILLS

Committee on Livestock introduced:

House Bill No. 82. A Bill for an Act to Amend and Reenact Section 2761 of the Compiled Laws of the State of North Dakota for 1913 as Amended by Chapter 64, Session Laws of 1915, Prohibiting the Sale of Purebred Cattle and Nonregistered Bulls for Any Other Purpose Except Slaughter, Unless Accompanied by a Certificate of Health, and Providing a Penalty Therefor.

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

Rep. E. C. Stone introduced:

### HOUSE CONCURRENT RESOLUTION 83

WHEREAS, President Roosevelt has asked Congress for an extensive appropriation which, if passed, will result in the employment of many additional WPA workers and the expenditure of additional federal funds in the State of North Dakota, and

WHEREAS, there is pending in Congress an Act to curtail WPA activities, which Act, if enacted into law, will result in the discharge of twenty-six hundred WPA employees in the State of North Dakota, and will mean a reduction of one hundred and fifty thousand dollars per month of federal money which would otherwise flow into North Dakota for relief workers, and

WHEREAS, if the President's request for appropriation is denied, and the Act of Congress curtailing WPA activities is passed the people of North Dakota who are in desperate need of federal assistance in maintaining their homes will suffer untold hardship.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NORTH DAKOTA, THE SENATE CONCURRING, that we memorialize Congress to make the full appropriation asked for by President Roosevelt for WPA purposes, and that Congress do not enact into law any Act curtailing WPA activities.

BE IT FURTHER RESOLVED, that the Chief Clerk of the House of Representatives be instructed to forward copies of this Resolution to President Roosevelt, to our Senators and Representatives in Congress, to the Secretary of Agriculture, and to Col. F. C. Harrington, WPA Administrator, Washington, D. C.

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

Rep. E. C. Stone introduced:

House Bill No. 84. A Bill for an Act Providing for the Repeal of Section Eighteen (18) of Chapter 139 of the Session Laws of 1937.

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

Rep. Stone moved that House Concurrent Resolution No. 83 be printed in the Journal, which motion prevailed.

## SECOND READING OF HOUSE BILLS

House Bill No. 53. A Bill for an Act Amending and Reenacting Section 2 of Chapter 252 of the Session Laws of 1937, Providing for the Allowance of a Portion of the Cost of Planting and Growing Forest Trees as a Bounty Therefor, and Prescribing Duties of the Assessors in Connection therewith; 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, 101; nays, 4; absent and not voting, 6.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Haugland | Peterson,Bottineau |
| Anderson, Benson | Heckman | Peterson, Ransom |
| Anderson,M'K'nzie | Hofstrand | Rait |
| Anfinson | Holm | Rettke |
| Arneson, Nelson | Holthusen | Ritter |
| Arneson, Ramsey | Hultstrand | Rohde |
| Beede | Ireland | Saumur |
| Belzer | Ista | Schauss |
| Benno | Jensen | Schmidt, McHenry |
| Bergesen | Johnson, Cass | Schmidt, Sheridan |
| Billigmeier | Johnson, LaMoure | Schimke |
| Bingenheimer | Joiner | Scholl |
| Blair | Keller | Schwartz |
| Bolmeier | Kluver | Sellens |
| Braun, McLean | Knutson | Semerad |
| Braun, Stark | Levin | Severson |
| Brown | Lunde | Sharpe |
| Buchholz | McInnes | Singleton |
| Byrne | McIntee | Skartvedt |
| Crockett | McIntyre | Solberg |
| Culver | Myers | Sticka |
| Dalzell | Mittag | Stone |
| Dike | Moe | Stormon |
| Dittmer | Mollet | Symington |
| Erickson | Morland | Thompson,Burl'gh |
| Feton | Nelson, Cass | Thompson, Steele |
| Fitch | Nelson, Dickey | Tuff |
| Fletcher | Nelson, Steele | Urschel |
| Fraser | Nystrom | Wambheim |
| Fuglestad | O'Brien | Westby |
| Gainor | Odegard | Williams,Richland |
| Glas | Oglesby | Williams,Stutsm'n |
| Gray | Ostgulen | Wolf |
| Halvorson | Panko | |

Those voting in the negative were:

| | | |
|---|---|---|
| Boulden | Twichell | Mr. Speaker |
| Trydahl | | |

Absent and not voting:

| | | |
|---|---|---|
| Haag | Larson | Sand |
| Lange | Page | Shure |

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

GENERAL ORDERS

Rep. Crockett moved that the House resolve itself into a Committee of the Whole for the consideration of general orders; which motion prevailed, and the House resolved itself into a Committee of the Whole.

The Speaker called Rep. Crockett to the chair.

When the committee arose it submitted the following report:

Mr. Speaker: The Committee of the Whole have had under consideration House Bill No. 64.

In title before "Declaring an Emergency," insert "And Repealing All Acts in Conflict Herewith."

In line 44, strike out "exclusive of" and insert the word "including" and strike out word "personally."

On page 6, following line 19, insert the following: "It shall be the duty of the Register of Deeds and Clerk of Court within 10 days after request by the County Auditor to furnish him with a certified list giving the names, and so far as they appear on the records in the office of the Register of Deeds, and Clerk of Court, the addresses of all persons who appear to be interested as owners, mortgagees, lien holders or otherwise in such real estate which has been sold to the county for taxes as may be specified by the County Auditor in making such request."

On page 12, line 137, correct the spelling of the word "assaiding" to "assailing."

On page 13, line 8, strike out the remainder of the line after word "provided," strike out all of line 9, and strike out in line 10, "vided."

And recommend the adoption of the amendments of the Standing Committee.

And the further amendment:

On line 33, page 4, strike out word "October" and insert word "November" and change the dates throughout the bill one month later to correspond.

And when so amended recommend the same do pass.

W. M. CROCKETT, Chairman.

Rep. Jensen moved that the Report of the Committee of the Whole be adopted, which motion prevailed and the report was adopted.

SEVENTH ORDER OF BUSINESS

Rep. Twichell moved that the absent members be excused, which motion prevailed.

Rep. Schauss asked for an extension of time for consideration of House Bills Nos. 48 and 57, which was granted.

Rep. Myers asked for additional time for consideration of House Bill Nos. 2, 29 and 40, which was granted.

Rep. Crockett moved that the Committee on Committee Rooms provide additional committee rooms for the Committees of the House in order that the work may not be delayed, which motion prevailed.

Rep. Schimke moved that the House do now adjourn, which motion prevailed and the House adjourned.

MINNIE D. CRAIG, Chief Clerk.

## EIGHTEENTH DAY

Bismarck, January 20, 1939.

The House assembled at 2:00 P. M., pursuant to recess, Speaker Hagen presiding.

Prayer by Rev. G. Adolph Johns, Bismarck.

Roll Call: All Representatives present except Adam, Larson, McInnes, O'Brien, Page, Schauss.

So a quorum was declared present.

### REPORT OF STANDING COMMITTEE

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

Mr. Speaker: Your Committee on Revision and Correction of the Journal have carefully examined the Journal of the Seventeenth day and recommend that the same be corrected as follows:

On page 174 the name Representative "Bryne" appearing seven times should be Representative "Byrne."

On Page 175 the name Representative "Bryne" appearing two times should be Representative "Byrne."

On Page 177 in the Roll Call the name "Larson" should be omitted.

On page 178, the list of absent and not voting should include the name "Larson."

On page 178 McIntyre is listed as absent. He was present and voted "aye."

And when so corrected recommend that the same be approved.

REP. GLAS, Chairman.

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

### MESSAGE TO THE SENATE

House of Representatives,
Bismarck, January 20, 1939.

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

House Bill No. 53. A Bill for an Act Amending and Reenacting Section 2 of Chapter 252 of the Session Laws of 1937, Providing for the Allowance of a Portion of the Cost of Planting and Growing Forest Trees as a Bounty Therefor, and Prescribing Duties of the Assessors in Connection therewith; Repealing All Acts in Conflict Therewith; and Declaring an Emergency.

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

MINNIE D. CRAIG, Chief Clerk.

## HOUSE COMMITTEE ON ENROLLMENT AND ENGROSSMENT

The Committee on Enrollment and Engrossment made the following report:

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

House Bill No. 64, and find the same correctly engrossed.

OLAF OSTGULEN, Chairman.

Rep. Ostgulen 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. Speaker: Your Committee on State Affairs to whom was referred:

House Bill No. 52, have had the same under consideration and recommend that the same be indefinitely postponed.

W. M. CROCKETT, Chairman.

Rep. Nystrom moved that the report be adopted, which motion was seconded.

Rep. Fitch moved a substitute motion that House Bill No. 52 be placed on the Calendar, which motion was lost.

The question being the original motion of Rep. Nystrom that House Bill No. 52 be indefinitely postponed, the motion prevailed and House Bill No. 52 was indefinitely postponed.

Rep. Anderson 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.

The Committee on Warehouse and Grain Grading made the following report:

Mr. Speaker: Your Committee on Warehouse and Grain Grading to whom was referred:

House Bill No. 1, have had the same under consideration and recommend that the same do pass.

JOHN J. ADAM, Chairman.

Rep. Blair moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Livestock made the following report:

Mr. Speaker: Your Committee on Livestock to whom was referred:

House Bill No. 3, have had the same under consideration and recommend that the same be re-referred to the Committee on Appropriations.

JACOB URSCHEL, Chairman.

Rep. Fletcher moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Livestock made the following report:

Mr. Speaker: Your Committee on Livestock to whom was referred:

House Bill No. 4, have had the same under consideration and recommend that the same be re-referred to the Committee on Appropriations.

JACOB URSCHEL, Chairman.

Rep. Fraser moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Livestock made the following report:

Mr. Speaker: Your Committee on Livestock to whom was referred:

House Bill No. 5, have had the same under consideration and recommend that the same be re-referred to the Committee on Appropriations.

JACOB URSCHEL, Chairman.

Rep. Fraser 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. Speaker: Your Committee on Warehouse and Grain Grading to whom was referred:

House Bill No. 54, have had the same under consideration and recommend that the same do pass.

JOHN J. ADAM, Chairman.

Rep. Boulden moved that the report be adopted, which motion prevailed and the report was adopted.

There being no objection from the floor the name of "Benno" was changed to "Blair" as introducing House Bill No. 54.

The Committee on Mines and Mining made the following report:

Mr. Speaker: Your Committee on Mines and Mining to whom was referred:

House Bill No. 13. 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 be re-referred to Committee on Appropriations with recommendations as follows:

| | | |
|---|---|---|
| 11 | Salary | $3,200.00 |
| 12 | Clerkhire | 1,920.00 |
| 13 | Postage | 300.00 |
| 14 | Office supplies | 200.00 |
| 15 | Furniture and fixtures | 75.00 |
| 16 | Printing | 500.00 |
| 17 | Miscellaneous | 200.00 |
| 18 | Traveling expenses | 1,600.00 |
| 19 | Examining board | 300.00 |
| 20 | Board of auditors | 75.00 |
| | TOTAL | $8,370.00 |

WM. H. RETTKE, Chairman.

Rep. Kluver moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on State Affairs made the following report:

Mr. Speaker: Your Committee on State Affairs to whom was referred House Bill No. 59, have had the same under consideration and recommend that the same be indefinitely postponed.

W. M. CROCKETT, Chairman.

Rep. Alva Wambheim moved that the report be adopted, which motion prevailed and the report was adopted.

Rep. Fitch moved that the vote by which House Bill No. 59 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

The Committee on State Affairs made the following report:

Mr. Speaker: Your Committee on State Affairs to whom

was referred House Bill No. 60, have had the same under consideration and recommend that the same be re-referred to the Committee on Appropriations with unanimous approval for passage.

W. M. CROCKETT, Chairman.

Rep. Joseph Byrne moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Livestock made the following report:

Mr. Speaker: Your Committee on Livestock to whom was referred House Bill No. 61, have had the same under consideration and recommend that the same do pass.

JACOB URSCHEL, Chairman.

Rep. Nelson of Cass moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Livestock made the following report:

Mr. Speaker: Your Committee on Livestock to whom was referred House Bill No. 62, have had the same under consideration and recommend that the same be re-referred to the Committee on Appropriations.

JACOB URSCHEL, Chairman.

Rep. Nelson of Cass moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Public Welfare made the following report:

Mr. Speaker: Your Committee on Public Welfare to whom was referred House Bill No. 75, have had the same under consideration and recommend that the same be indefinitely postponed.

BERNT ANDERSON, Chairman.

Rep. Beede moved that the report be adopted, which motion prevailed and the report was adopted.

Rep. Hultstrand moved that the vote by which House Bill No. 75 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

## REPORTS OF SELECT COMMITTEES

Mr. Speaker: The Committee on Committee Rooms makes the following report:

The following committees have been assigned to Room G. 3:

Committee on Agriculture.

Committee on Drainage and Irrigation.

Committee on Livestock.

C. P. RITTER, Chairman.
J. M. THOMPSON
GUS A. SCHAUSS.

Rep. Ritter moved that the report be adopted, which motion prevailed.

## MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, January 20, 1939.

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

Senate Concurrent Resolution No. 17. A Concurrent Resolution Relating to Fuel Briquettes to be Made from Straw.

Senate Concurrent Resolution No. 18. A Concurrent Resolution Relating to the Townsend Recovery Plan.

Senate Concurrent Resolution No. 20. A Concurrent Reso-

lution Relating to Establishment of Prices on Farm Products Equal to the Cost of Production.

Senate Concurrent Resolution No. 21. A Concurrent Resolution Requesting Congress to Include "Cost of Production" in the Soil Conservation Act, Together With Its Insurance Features.

Senate Concurrent Resolution No. 31. A Concurrent Resolution Relating to Establishment of Work Projects.

Senate Bill No. 14. 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.

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

WM. J. LOWE, Secretary.

## HOUSE RESOLUTION "E"

Introduced by Representative Panko

WHEREAS, recent events have occurred in connection with the State Hospital for the Insane at Jamestown which tend to discredit the administration of the affairs of said institution; and

WHEREAS, it has been charged that the administration of the affairs of that institution have been conducted in an improper, incompetent and inefficient manner; and

WHEREAS, the charges concerning the affairs of said institution have become so prevalent that the Honorable John Moses, as Governor, appointed a special examiner to investigate the conditions at said State Hospital; and

WHEREAS, the welfare of the hundreds of inmates at the said State Hospital is of vital concern to every citizen of the State of North Dakota, and that if the charges made as to the conditions at said State Hospital are true, immediate steps should be taken by this Legislature to correct the evils existing.

NOW, THEREFORE, in order for this House to be appraised of the facts regarding the true situation at the Jamestown Hospital for the Insane so that any evils which may in fact exist can be corrected,

BE IT THEREFORE RESOLVED, that a committee of three members of this House be appointed by the Speaker to inquire into and investigate the facts and conditions surrounding the administration of the affairs at the State Hospital at Jamestown, and that said committee be instructed to report back to this House its findings, and its recommendations as to what action, if any, should be taken in the matter, and what, if any, future legislation should be enacted in connection with said institution.

Rep. Twichell moved that House Resolution "E" be printed in the Journal and that no legislative action be taken until the members have a chance to read it, which motion prevailed.

## FIRST READING OF HOUSE BILLS

Committee on Ways and Means introduced:

House Bill No. 85. A Bill for an Act to Amend and Reenact Section 591 of North Dakota Compiled Laws of 1913, Relative to the Powers of the Board of Railroad Commissioners, and Extending Such Powers to Include Common Carrier Pipe Lines; and Declaring an Emergency.

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

Rep. E. C. Stone introduced:

House Bill No. 86. A Bill for an Act Making it the Duty of State's Attorneys and Their Assistants, Sheriffs, Deputy Sheriffs, Police Officers and All Law Enforcement Officers in the Counties of This State to Whom Information Has Been Furnished of Violation of the Laws of This State to Prosecute the Violators; and Providing a Penalty for Failure to Prosecute by Removal from Office; Declaring an Emergency.

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

Representatives Benno, Fitch and Anderson, introduced:

House Bill No. 87. A Bill for an Act Providing for the Use of Hunting Dogs in the Hunting of Upland and Migratory Game Birds and Prohibiting the Running at Large of Hunting Dogs Afield, and Providing for the Licensing of Hunting Dogs, and Providing the Punishment for Violation of This Act.

Was read the first time and referred to the Committee on Game and Fish.

House Bill No. 63 was read the second time.

Rep. Stone moved that House Bill No. 63 be indefinitely postponed, which motion prevailed.

Rep. Trydahl moved that the vote by which House Bill No. 63 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

House Bill No. 64 was read the second time.

Rep. Bergesen moved that House Bill No. 64 be re-referred to the Committee on Taxes and Tax Laws, which motion prevailed.

The House reverted to the Fifth Order of Business.

## REPORT OF STANDING COMMITTEES

The Committee to Investigate Election Contest made the following report:

Mr. Speaker: Your Committee to Investigate Election Contest to whom was referred:

The Case of:

Carl H. Pewe and
Philip Allmaras,
Contestants;

-vs-

A. H. Nystrom and
A. I. Sharpe,
Contestees.

Your Committee on Investigation beg to report that we have examined all testimony submitted, have made a recount of all ballots cast in the 32nd Legislative District and have found that Carl H. Pewe received 2,229 votes; Philip Allmaras received 2,224 votes; A. H. Nystrom received 2,278 votes and A. I. Sharpe received 2,237 votes.

We therefore, recommend that the Contestees retain their seats and that the Contest be considered closed.

These findings are based upon complete record of proceedings attached.

LEONAS MYERS, Chairman.
H. W. McINNES,
JOHN J. ADAM.

Rep. McInnes moved that the report be adopted, which motion prevailed and the report was adopted.

Rep. Bergesen moved that the report of the Committee on Elections and Election Privileges be printed in the Journal and that the complete report be filed with the Secretary of State to be available to the public, which motion prevailed.

## SEVENTH ORDER OF BUSINESS

Rep. Lange moved that the absent members be excused, which motion prevailed.

Senate Concurrent Resolution No. 17 was read.

Rep. Morland moved the adoption of Senate Concurrent Resolution No. 17, which motion prevailed.

Senate Concurrent Resolution No. 18 was read.

Rep. Morland moved the adoption of Senate Concurrent Resolution No. 18, which motion prevailed.

Senate Concurrent Resolution No. 20 was read.

Rep. Morland moved the adoption of Senate Concurrent Resolution No. 20, which motion prevailed.

Senate Concurrent Resolution No. 21 was read.

Rep. Solberg moved the adoption of Senate Concurrent Resolution No. 21, which motion prevailed.

Senate Concurrent Resolution No. 31 was read.

Rep. Morland moved the adoption of Senate Concurrent Resolution No. 31, which motion prevailed.

## FIRST READING OF SENATE BILLS

Mr. Beaton introduced:

Senate Bill No. 14. 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 Agriculture.

Resolutions were received from the County Commissioners Association of North Dakota in regard to use of the gasoline tax; the Hail Insurance Act; the issuing of Tax Deeds; the use of Federal monies for the construction of Federal and State Highways; the removal of County and State officials; relief needs and methods of administration; State Land Department; revenue from motor license fees and commercial license fees; and the care of insane, feeble-minded and tubercular patients, all of which were referred to the proper committees.

The Speaker announced that Rep. Levin had been placed on the Committee on Agriculture to fill the vacancy caused by the death of Rep. Rotering.

Rep. Anderson moved that the House do now adjourn, which motion prevailed and House adjourned.

MINNIE D. CRAIG, Chief Clerk.

## NINETEENTH DAY

Bismarck, January 21, 1939.

The House assembled at 2:00 p. m., pursuant to adjournment, Speaker Hagen presiding.

Prayer by Rev. G. Adolph Johns, Bismarck.

Roll Call: All Representatives were present except Braun of Stark, Fitch, Larson, Lunde, Nelson of Cass, O'Brien, Ritter, Thompson of Steele, Urschel.

So a quorum was declared present.

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

Mr. Speaker: Your Committee on Revision and Correction of the Journal have carefully examined the Journal of the Eighteenth day and find the same correct.

REP. GLAS, Chairman.

Rep. Symington moved that the report be adopted, which motion prevailed and the report was adopted.

A communication from Mrs. Robert Rotering and children was read and on motion of Rep. Solberg is printed in the Journal herewith:

"Your kind expression of sympathy is deeply appreciated and gratefully acknowledged."

Signed, Mrs. Robert Rotering and children.

### REPORT OF STANDING COMMITTEES

The Committee on Livestock made the following report:

Mr. Speaker: Your Committee on Livestock to whom was referred House Bill No. 6, have had the same under consideration and recommend that the same be re-referred to Committee on Appropriations.

JACOB URSCHEL, Chairman.

Rep. Fuglestad moved that the report be adopted, which motion prevailed and the report was adopted.

### MESSAGES FROM THE SENATE

Senate Chamber,
Bismarck, January 21, 1939.

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

Senate Bill No. 28. A Bill for an Act to Amend and Reenact Paragraph (c) of Subsection (2) of Section 4 of Chapter 196, Laws of 1927, as Amended by Chapter 169, Laws of 1929 and Chapter 195, Laws of 1931, Relating to Bond Issues of Cities to Permit the Issuance of Bonds for the Joint Construction of a Water and Sewer System and Legalizing Elections Heretofore Held to Vote Bonds for Such Purpose, and Declaring an Emergency.

**Senate Bill No. 13. A Bill for an Act to Amend and Re-**

enact Section 4141 of the Compiled Laws of North Dakota for 1913, Relating to the Organization for the Annual or Special Township Meetings.

SENATE CONCURRENT RESOLUTION No. 24

A Concurrent Resolution Urging the Establishment of a Division of Co-operatives in the Department of Agriculture.

SENATE CONCURRENT RESOLUTION No. 12

A Concurrent Resolution Relating to the Research by the Northern Federal Laboratory on Production of Power Alcohol.

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

WM. J. LOWE, Secretary.

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

HOUSE CONCURRENT RESOLUTION NO. "80"

Which the Senate has passed unchanged.

WM. J. LOWE, Secretary.

REPORT OF STANDING COMMITTEES

The committee on Public Welfare made the following report:

Mr. Speaker: Your Committee on Public Welfare to whom was referred House Concurrent Resolution No. 83, have had the same under consideration and recommend that the same do pass.

BERNT ANDERSON, Chairman.

Rep. Rohde moved that the report be adopted, which motion prevailed and the report was adopted.

Rep. Solberg moved that the rules be suspended and that House Concurrent Resolution No. 83 be adopted, which motion prevailed and House Concurrent Resolution No. 83 was adopted.

REPORT OF STANDING COMMITTEES

The Committee on Appropriations made the following report:

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

House Bill No. 74. A Bill for an Act Making a Deficiency Emergency Appropriation for Relief of Destitute and Necessitous Persons of the State of North Dakota for the Months of December, 1938, and January, February, March, April, May, and June, 1939, as Provided by Chapter 214 of the Session Laws of 1937, Declaring an Emergency.

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

On page 3, Section 4, line 8, after the word "January," strike out the comma and insert in lieu thereof the word "and"; after the word "February," strike out the balance of line 8 and part of line 9 up to the figure 1939.

On page 4, Section 5, line 8, after the word "January," strike out the comma and insert in lieu thereof the word "and"; after "February," strike out the words "March, April, May and June."

In line 9, strike out the figures "$1,047,750.00" and insert in lieu thereof the figures "$426,748.00."

In line 11, strike out the period after 1937 and insert in lieu thereof a comma and add "to-wit"; also the following:

1. General Relief Expenditures—

| | | |
|---|---|---|
| a. Direct Assistance Payments | | $330,750.00 |
| b. Sponsorship of Special Relief Activities | | 37,500.00 |
| c. Service Costs for Investigation and Referral of Cases to F.E.R.A. | | 48,000.00 |
| d. Administration of Gen. Relief | | 31,500.00 |
| Sub-Total Item 1 | | $447,750.00 |
| 2. Relief Expenditures— | | |
| a. Sponsorship of Special Relief Activities | $ 8,571.00 | |
| b. Administration: | | |
| 1. Administrative and Supervisory Salaries | 5,143.00 | |
| 2. Travel | 857.00 | |
| 3. Communication: | | |
| Postage | 643.00 | |
| Telegraph and Telephone | 279.00 | |
| 4. Printing | 1,284.00 | |
| 5. Office Supplies | 279.00 | |
| 6. Rental of Equipment | ..... | |
| 7. Other Operating Expense | 342.00 | |
| 8. Purchase of Equipment | 171.00 | |
| 9. P. W. Board Members Expense | 429.00 | |
| Total Administrative Expense | $ 9,427.00 | |
| Sub-Total Item 2 | 17,998.00 | |
| TOTAL EXPENDITURE (Item 1 and Item 2) | | $465,748.00 |
| Balance on Hand | | 39,000.00 |
| NET APPROPRIATION | | $426,748.00 |

And when so amended recommend the same do pass.

PAUL A. SAND, Chairman.

Rep. Earl Symington moved that the report be adopted, which motion prevailed and the report was adopted.

## REPORT OF STANDING COMMITTEES

The committee on livestock made the following report:

Mr. Speaker: Your Committee on livestock to whom was referred House Bill No. 24, have had the same under consideration and recommend that the same be re-referred to Committee on Appropriations.

JACOB URSCHEL, Chairman.

Rep. Nelson of Cass moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Counties made the following report:

Mr. Speaker: Your Committee on Counties to whom was referred:

House Bill No. 77. A Bill for an Act to Amend and Reenact Section 967 of the Compiled Laws of North Dakota for 1913, Relating to the Duty of the County Auditor to Provide Uniform Poll Books for the Use of the County and Deliver to the Inspector of the Election Precinct.

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

Strike out on lines 10 and 11 "he shall also deliver or cause

to be delivered by mail or other reliable method" and insert "in lieu thereof, he shall cause to be delivered by registered mail."

And when so amended recommend the same do pass.

JOHN BILLIGMEIER, Chairman.

Rep. H. G. Severson moved that the report be adopted, which motion prevailed and the report was adopted.

## SEVENTH ORDER OF BUSINESS

Rep. Panko moved that House Resolution "E" be withdrawn.

Rep. Twichell seconded the motion, which motion prevailed, and House Resolution "E" was withdrawn.

## FIRST READING OF HOUSE BILLS

Reps. Levin and O'Brien introduced:

House Bill No. 88. A Bill for an Act Making an Appropriation to Refund Certain Monies Turned Over by the Guaranty Fund Commission to the General Fund of the State Being Dividends Unclaimed by Depositors of Closed Banks.

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

Rep. Shure introduced:

House Bill No. 89. A Bill for an Act Permitting the County Court to Make Decrees of Distribution and Close Estates Without the Payment of Real Estate Taxes Levied Upon Real Property of the Estate.

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

Reps. Bingenheimer and Page introduced:

House Bill No. 90. A Bill for an Act to Repeal Sections 923, 924, 925, 926, 927, and 928 of the Compiled Laws of North Dakota for the Year 1913 and Sections 927a1 and 927a2 of the 1925 Supplement to the Compiled Laws of North Dakota for the Year 1913.

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

Reps. Bingenheimer, Page, Saumur and Wambheim introduced:

### HOUSE CONCURRENT RESOLUTION NO. "91"

A Concurrent Resolution Providing for the Amendment of Section 25 of Article 2 of the Constitution of the State of North Dakota, Relating to the Legislative Power of the State, and the Initiative and Referendum.

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

Reps. Fuglestad, Nelson of Steele, Thompson of Steele introduced:

### HOUSE CONCURRENT RESOLUTION NO. "92"

A Concurrent Resolution Providing for the Amendment of Section 25 of the Constitution of North Dakota as Amended by Article 26, Initiated and Approved by the People November 5, 1918, and Ratified by the Legislative Session of 1919.

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

Rep. Crockett introduced:

House Bill No. 93. A Bill for an Act to Prohibit Certain Conditional Sales or Reservation of Title Agreements; Declaring Them to Be Null and Void and Unenforcible; Repealing All Acts in Conflict, and Declaring an Emergency.

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

Reps. Morland, Ireland, Symington and Brown introduced:
HOUSE CONCURRENT RESOLUTION NO. "94"
Was read the first time and referred to the Committee on Public Welfare.

## SECOND READING OF HOUSE BILLS

House Bill No. 1. A Bill for an Act to Repeal Chapter 138 of the Session Laws of the State of North Dakota for the Year 1929, Creating the Office of Grain Storage Commissioner, 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, 103; nays, 0; absent and not voting, 8.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Heckman | Rait |
| Anderson, Benson | Hofstrand | Rettke |
| Anderson,M'K'nzie | Holm | Ritter |
| Anfinson | Holthusen | Rohde |
| Arneson, Nelson | Hultstrand | Sand |
| Arneson, Ramsey | Ireland | Saumur |
| Beede | Ista | Schauss |
| Belzer | Jensen | Schmidt, McHenry |
| Benno | Johnson, Cass | Schmidt, Sheridan |
| Bergesen | Johnson, LaMoure | Schimke |
| Billigmeier | Joiner | Scholl |
| Bingenheimer | Keller | Schwartz |
| Blair | Kluver | Sellens |
| Bolmeier | Knutson | Semerad |
| Boulden | Lange | Severson |
| Braun, McLean | Levin | Sharpe |
| Braun, Stark | McInnes | Shure |
| Brown | McIntee | Singleton |
| Buchholz | McIntyre | Skartvedt |
| Byrne | Myers | Solberg |
| Crockett | Mittag | Sticka |
| Culver | Moe | Stone |
| Dalzell | Mollet | Stormon |
| Dike | Morland | Symington |
| Dittmer | Nelson, Dickey | Thompson, Burl'gh |
| Erickson | Nelson, Steele | Trydahl |
| Fletcher | Nystrom | Tuff |
| Fraser | Odegard | Twichell |
| Fuglestad | Oglesby | Wambheim |
| Gainor | Ostgulen | Westby |
| Glas | Page | Williams,Richland |
| Gray | Panko | Williams, Stutsm'n |
| Haag | Peterson,Bottineau | Wolf |
| Halvorson | Peterson, Ransom | Mr. Speaker |
| Haugland | | |

Absent and not voting:

| | | |
|---|---|---|
| Feton | Lunde | Thompson, Steele |
| Fitch | Nelson, Cass | Urschel |
| Larson | O'Brien | |

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

Rep. Page 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.

Rep. Adam moved that House Bill No. 54 be re-referred to the Committee on Warehouse and Grain Grading for further consideration, which motion prevailed.

Rep. Joiner moved that House Bill No. 61 be laid over one legislative day, which motion prevailed.

## MESSAGE TO THE SENATE

House of Representatives,
Bismarck, January 21, 1939.

Mr. President: I have the honor to return herewith the following resolutions which the House has adopted.

SENATE CONCURRENT RESOLUTION No. 17

A Concurrent Resolution Relating to Fuel Briquettes to be Made from Straw.

SENATE CONCURRENT RESOLUTION No. 18

A Concurrent Resolution Memorializing the President of the United States and Congress to Pass the "Townsend Recovery Plan" Bill.

SENATE CONCURRENT RESOLUTION No. 20

A Concurrent Resolution Memorializing Congress for Establishment of Prices on Farm Products Equal to the Cost of Production.

SENATE CONCURRENT RESOLUTION No. 21

A Concurrent Resolution Requesting Congress to Include "Cost of Production" in the Soil Conservation Act, Together With Its Insurance Features.

SENATE CONCURRENT RESOLUTION No. 31

A Concurrent Resolution Urging the Congress of the United States to Establish Work Projects for Farmers.

MINNIE D. CRAIG, Chief Clerk.

## FIRST READING OF SENATE BILLS AND MEMORIALS

SENATE CONCURRENT RESOLUTION No. 12

A Concurrent Resolution Relating to the Research by the Northern Federal Laboratory on Production of Power Alcohol.

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

Senate Bill No. 13. A Bill for an Act to Amend and Reenact Section 4141 of the Compiled Laws of North Dakota for 1913, Relating to the Organization for the Annual or Special Township Meetings.

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

SENATE CONCURRENT RESOLUTION No. 24

A Concurrent Resolution Urging the Establishment of a Division of Co-operatives in the Department of Agriculture.

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

Senate Bill No. 28. A Bill for an Act to Amend and Reenact Paragraph (c) of Subsection (2) of Section 4 of Chapter 196, Laws of 1927, as Amended by Chapter 169, Laws of 1929 and Chapter 195, Laws of 1931, Relating to Bond Issues of Cities to Permit the Issuance of Bonds for the Joint Construction of a Water and Sewer System and Legalizing

Elections Heretofore Held to Vote Bonds for Such Purpose, and Declaring an Emergency.

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

Rep. Ritter moved that the absent members be excused, which motion prevailed.

The House reverted to the Tenth Order of Business.

## FIRST READING OF HOUSE BILLS

Reps. Crockett and Schimke introduced:

House Bill No. 95. A Bill for an Act to Make Farming Unlawful in the State of North Dakota by Anyone Other Than an Actual Bona Fide Farmer; Defining a "Bona Fide Farmer"; Providing a Penalty and Declaring an Emergency.

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

Rep. Crockett introduced:

House Bill No. 96. A Bill for an Act to Amend and Reenact Section 4929 of the 1913 Compiled Laws of the State of North Dakota, Relating to Fees Paid by Insurance and Surety Companies:

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

Reps. Twichell and Scholl introduced:

House Bill No. 97. A Bill for an Act Making an Appropriation of $362.00 for the Purpose of Paying the Funeral Expenses of Representative Robert Rotering of Slope County.

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

Reps. Ritter and Schauss introduced:

House Bill No. 98. A Bill for an Act to Repeal Chapter 28 of the 1925 Session Laws, Being Section 1796a5 of the 1925 Supplement, Making an Appropriation for Civil War Veterans; and Declaring an Emergency.

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

Rep. Schimke moved that the House do now adjourn, which motion prevailed and the House adjourned.

MINNIE D. CRAIG, Chief Clerk.

## TWENTY-FIRST DAY

Bismarck, January 23, 1939.

The House assembled at 2:00 P. M., pursuant to adjournment, Speaker Hagen presiding.

Prayer was offered by Rev. Walter E. Vater.

Roll Call: All Representatives present except Larson, Severson, Thompson of Steele, Urschel.

So a quorum was declared present.

Rep. Byrne moved that the rules of the House be suspended and that the Sergeant-at-Arms escort Bernie Bierman, Minnesota University Football Coach, to the rostrum. The Sergeant-at-Arms escorted Bernie Bierman to the rostrum who addressed the House as follows:

"Members of the North Dakota Legislature and other guests: It is a great pleasure and honor to be here. I imagine I occupy rather a unique position in that I represent no particular interests, have no requests to make and no advice to offer. It is a pleasure for me to be here. I hope that you may have the finest success in 1939 and that you get the problems settled to the best interests of everyone in the State."

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

Mr. Speaker: Your Committee on Revision and Correction of the Journal have carefully examined the Journal of the Nineteenth day and recommend that the same be corrected as follows:

Page 189, line 13 from the bottom add to the name Representative Nelson, the two words, "of Cass."

And when so corrected recommend that the same be approved.

ELLIOTT KNUTSON, Acting Chairman.

Representative Bolmeier moved that the report be adopted, which motion prevailed and the report was adopted.

### MESSAGE TO THE SENATE

House of Representatives,
Bismarck, January 23, 1939.

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

House Bill No. 1. A Bill for an Act to Repeal Chapter 138 of the Session Laws of the State of North Dakota for the Year 1929, Creating the Office of Grain Storage Commissioner, and Declaring an Emergency.

House Concurrent Resolution No. 83. A Concurrent Resolution Memorializing Congress to Make Appropriation for

WPA Purposes and That Congress do Not Enact Any Law Curtailing WPA Activities.

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

MINNIE D. CRAIG, Chief Clerk.

PETITIONS AND COMMUNICATIONS

State of North Dakota

OFFICE OF THE GOVERNOR

Bismarck, January 23, 1939.

To the Speaker and Members of the House,
26th Legislative Assembly,
Bismarck, North Dakota.
Gentlemen:

I respectfully submit herewith a Message to the Legislature, and suggest that the same may be read at the opening session of the House this afternoon.

An identical Message has today been submitted to the Senate.

Respectfully submitted,
JOHN MOSES,
Governor.

MESSAGE

Ladies and Gentlemen of the 26th Legislative Assembly:

When I had the honor of addressing the Legislature on the 4th of January, I made reference to the initiated measure providing for old age assistance in the minimum of $40 per month, stating that in view of the fact that such measure was then pending before the Supreme Court of the State, that I did not believe it would be pertinent for me to make any comment or offer any suggestion with reference thereto. Now, however, the Supreme Court has spoken and no doubt remains as to the constitutionality of this act. The so-called $40-a-month old age assistance plan is squarely before us and it becomes our task to work out some solution to the problem. I need not remind the members of these Bodies that I have consistently taken the position that old age legislation is essentially a national and not a state problem. I have said so before and from every platform in North Dakota, and in justice to myself, I feel it necessary to say so again. Only through national legislation, probably through the principles of the Townsend Plan, can the question of old age pensions with its many ramifications be permanently and satisfactorily solved. Only the National Government is able to successfully bear the burden necessary to provide for the safety and the comfort of our old people during their declining years. Only the National Government is in a position to distribute the tax burden incidental to a solution of this problem in such a way that the burden be placed where it can best be borne. During the past three weeks, you, the members of the Legislature, have toiled diligently in a determined effort to solve the problems thrust upon you by the necessity for making provision for the ordinary expenses of government, coupled with the relief needs as presented to you through the budget, and recommendations of the Director of the State Welfare Board, and the needs of our children for a common school education. You are now faced with the further problem arising through

the decision of the Supreme Court, sustaining the constitutionality of the initiated measure.

It is not my purpose to usurp or in any manner attempt to usurp the functions of the legislative assembly; it is not for me to tell you what you must do and what you must not do. May I, however, in all sincerity, point out to you the need for approaching these problems with a full realization of the needs of our people?

GENERAL GOVERNMENTAL FUNCTIONS. May I point out to you that the foremost necessity of the state is to make provision for the orderly functioning of state government? These functions must be carried out; provision must be made to enable the state departments and institutions to carry out their functions. We can not close our penal and charitable institutions; we are not in a position to close the doors of our institutions of higher learning; our citizens are entitled to the services and the protection of government, touching, as it does, the life of every man, woman and child in North Dakota at every hand.

RELIEF. In the budget submitted to you by the Director of the State Welfare Board, provision is made for the payment of not only the state's share of old age assistance, based upon the present Social Security Law, but also for a great many other relief activities. The needs of our children must be recognized through adequate provision for aid to dependent children and through reasonable grants to those who are forced to look to the state for at least a portion of their needs. This budget has been carefully worked out by the Welfare Board and while I expect that the Appropriation Committee of the House and of the Senate, as well as the members of the Legislature in general will carefully scrutinize this budget and the estimates provided, in the interest of the greatest of economy, nevertheless, this budget—ordinary in the terms of the times and conditions which face us—must not be permitted to fail.

SCHOOLS. As I have previously pointed out, the state owes no higher duty than that of seeing that no child in North Dakota is denied the privilege of a common school education. We, as Americans, have recognized that principle before any other nation. It is part and parcel of our American heritage; it is a principle of government to which we must steadfastly cling, even in years like these. Bearing in mind this cardinal principle, I have no doubt that there is room for economies in many ways, perhaps through the consolidation of school districts, and through many other economies, all of which will in the aggregate tend to reduce the ultimate cost of providing education for our children, without material injury to a proper program. And I know from my many contacts with the members of these bodies that you are zealously endeavoring to put into effect such economies, some of which I have previously discussed in my Message to the Legislature.

Let me say again, that the right of our children to a common school education is a sacred right, and we, you and I, are entrusted with the duty of seeing that this right is not denied to the poorest child in the most drouth-stricken county of North Dakota.

OLD AGE ASSISTANCE. In order to adequately make provision for the functions of government, the relief program

as it was presented to you at the outset of this session, and the education of our children, it will be necessary for you to put into effect all possible economies, without injuring or crippling this program.

Coming now to a direct consideration of the difficulties thrust upon the Legislature in an effort to carry out the provisions of the $40-a-month old age assistance plan, it is apparent that radical increases in taxation will be necessary, if you are to carry out these provisions. Let me emphatically warn the members of the Legislature that in searching for additional means of taxation, that no increased tax income should be sought through an increase in the levies on real and personal property. Our real property, in particular, our farm land, is heavily burdened with taxes; millions of acres are now in danger of going to tax deed. Increased taxation here is unthinkable.

For the purpose of finding an avenue of taxation, then, we are confined to the so-called indirect taxes. Many proposals have been laid before you; other proposals will doubtless be made. Let these proposals be definite and certain; let such additional taxation measures as you may arrive at be based upon the ability to pay, with due regard to all of the surrounding circumstances, whether it be in the form of a gross income tax, increased taxes on liquor and luxuries, increased sales tax, if that be possible, transaction tax, or whatever form of taxation may be deemed the least dangerous and the least burdensome to all of our people. The Legislature should be fully informed and if necessary, some money should be spent in order to carefully scrutinize and study every new proposal for new methods of taxation or increases in existing indirect taxes. It goes without saying that it is most unfortunate that the method for raising the money with which to pay the $40-a-month assistance, as interpreted by the Supreme Court, was not provided for in the initiated act itself, denying to the people of our state the right to decide how the additional tax burden was to be provided. Suffice it to say that that task is yours. I know that you will approach that task in an honest effort to find a solution of this perplexing problem which has arisen, within the limited field of taxation that is open to you.

Respectfully submitted,
JOHN MOSES,
Governor.

Rep. Twichell moved that the message from the Governor be printed in the Journal, which motion prevailed.

## MESSAGE TO THE HOUSE

Senate Chamber,
Bismarck, January 23, 1939.

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

Senate Bill No. 26. A Bill for an Act to Impose a Tax on the Storage, Use or Consumption in This State of Tangible Personal Property as Such Terms Are Defined Herein: to Provide Certain Exemptions Therefrom; to Provide for the Collection of Such Tax and the Administration of This Act; to Fix Fines and Penalties for the Violation of the Provisions of This Act and Declaring an Emergency.

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

WM. J. LOWE, Secretary.

COMMITTEE ON ENROLLMENT AND ENGROSSMENT

The Committee on Enrollment and Engrossment made the following report:

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

House Concurrent Resolution No. 80. A Concurrent Resolution Petitioning the Postmaster General at Washington, D. C., to Issue a Stamp Commemorating the 50th Anniversary of the Statehood of the State of North Dakota.

And find the same correctly enrolled.

OLAF OSTGULEN, Chairman.

Rep. Ostgulen 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. Speaker: Your Committee on State Affairs to whom was referred Senate Concurrent Resolution No. 12, have had the same under consideration and recommend that the same do pass.

W. M. CROCKETT, Chairman.

Rep. Palmer Levin moved that the report be adopted, which motion prevailed, and the report was adopted.

The Committee on State Affairs made the following report:

Mr. Speaker: Your Committee on State Affairs to whom was referred Senate Bill No. 13, have had the same under consideration and recommend that the same be indefinitely postponed.

W. M. CROCKETT, Chairman.

Rep. A. Dalzell 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. Speaker: Your Committee on Taxes and Tax Laws to whom was referred Senate Bill No. 27, have had the same under consideration and recommend that the same do pass.

N. P. JENSEN, Chairman.

Rep. Franklin Page 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. Speaker: Your Committee on Taxes and Tax Laws to whom was referred House Bill No. 47, have had the same under consideration and recommend that the same be indefinitely postponed.

N. P. JENSEN, Chairman.

Rep. C. H. Hofstrand moved that the report be adopted, which motion prevailed, and the report was adopted.

Rep. Bergesen moved that House Concurrent Resolution No. 94 be deferred until the House has passed action on House Bill No. 74, which motion prevailed.

Rep. Myers: It has been brought to my attention that due to the fact that some of the stenographers are working on committees or special work we are short of stenographers

in the House. I move that the Committee on Employment be empowered to hire additional stenographers.

Rep. Fitch seconded the motion, which motion prevailed.

## SIGNING OF BILLS

The Chief Clerk announced that the Speaker was about to sign:

House Concurrent Resolution No. 80. A Concurrent Resolution Petitioning the Postmaster General at Washington, D. C., to Issue a Stamp Commemorating the 50th Anniversary of the Statehood of the State of North Dakota.

And the Speaker signed the same in the presence of the House.

## MESSAGE TO THE SENATE

House of Representatives,
Bismarck, January 23, 1939.

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

House Concurrent Resolution No. 80. A Concurrent Resolution Petitioning the Postmaster General at Washington, D. C., to Issue a Stamp Commemorating the 50th Anniversary of the Statehood of the State of North Dakota.

For your signature.

MINNIE D. CRAIG, Chief Clerk.

## FIRST READING OF HOUSE BILLS

Committee on Taxes and Tax Laws introduced:

House Bill No. 99. A Bill for an Act to Authorize County Commissioners to Lease Real Property Acquired by Tax Deed and Not Sold or Leased; to Limit Term of Lease; to Permit Longer Leases to Co-operative Grazing Associations, Soil Conservation Districts, and Individuals; to Limit Expense of Supervising and Collecting Rentals; to Provide That Net Revenue be Distributed to Taxing Districts; to Repeal Any Acts in Conflict; and to Declare an Emergency.

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

Representatives Holm, Nelson of Steele, Jenson and Solberg introduced:

House Bill No. 100. A Bill for an Act to Provide for the Method and Time for Renewing Contracts of Teachers, Principals and Superintendents in the Public Schools and Institutions of Higher Education in the State of North Dakota.

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

Rep. Joiner introduced:

House Bill No. 101. A Bill for an Act to Amend and Reenact Chapter 137, Session Laws of 1931, Relating to Filling of Vacancies of Elective County Officers, Superintendent of Schools and County Commissioners on the No-Party Ballot.

Was read the first time and referred to the Committee on Election and Election Privileges.

Reps. Levin, Ritter and Schimke introduced:

House Bill No. 102. A Bill for an Act Forbidding the Sale of Fermented Malt Beverages in the State of North Dakota Which Are Manufactured With Less Than Eighty Percent (80%) of Barley Malt.

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

Rep. Holthusen introduced:

House Bill No. 103. 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.

Reps. Crockett, Gray, Stormon and Byrne introduced:

House Bill No. 104. A Bill for an Act to Repeal Chapter 162 of the Session Laws of 1933, as Amended by Chapters 186 and 187 of the Session Laws of 1935; to Repeal That Part of Subdivision (c) of Section 25 of Chapter 179 of the Session Laws of 1927, as Amended by Chapter 186 of the Session Laws of 1931, as Amended by Chapter 160 of the Session Laws of 1933, as Amended by Chapter 180 of the Session Laws of 1935, Which Requires an Additional Fee of $25.00 Per Vehicle for Motor Trucks Used in Commerce Freighting; to Amend Chapter 164 of the Session Laws of 1933; as Amended by Chapter 182 of the Session Laws of 1935, by Adding Thereto an Additional Article to be Known as Article VI; and in said Article VI Providing That Every Common Motor Carrier of Property, Every Contract Motor Carrier of Property, and Every Person Engaged in Carrying Property for Hire by Motor Vehicle Upon the Public Highways of This State in Interstate Commerce and Not Otherwise Subject to the Provisions of This Act, Shall Pay to This State a Compensation Tax for the Privilege of Using the Public Highways of This State, and That Said Compensation Tax Shall be Based Upon the Gross Weight of Any Motor Vehicle or Combination of Vehicles, and Defining Gross Weight as Used in This Act, and Fixing a Schedule of Amounts of Compensation Taxes, and Fixing Penalties for Failure to Pay Compensation Taxes, and Providing for the Enforcement of This Act, and Providing Criminal Penalties for the Violation of This Act, and Appropriating the Monies Received as Compensation Taxes.

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

Reps. Ireland, Solberg, Symington, Lange, Haugland, Beede and J. M. Thompson introduced:

House Bill No. 105. A Bill for an Act Creating a Division of Co-operatives in the Department of Agriculture and Labor, and Prescribing Its Functions; Creating and Establishing the Office of Director of Said Division and Prescribing His Duties; and Making an Appropriation Therefor.

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

Reps. Gray and Bergesen introduced:

House Bill No. 106. A Bill for an Act to Amend and Reenact Section 1 of Chapter 128 of the Session Laws of the

State of North Dakota for the Year 1925, Being Section 3163a1 of the Supplement to the 1913 Compiled Laws of the State of North Dakota, Defining a Public Dancing Place.

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

Rep. Knutson introduced:

House Bill No. 107. A Bill for an Act to Amend and Reenact Section 17 of Chapter 148 of Session Laws of 1931 Relating to Hunting Upon the Premises of Another.

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

## SECOND READING OF HOUSE BILL

House Bill No. 61. A Bill for an Act Relating to the Application of the Bang's Test in Townships in Counties in North Dakota Under the Direction of the North Dakota Livestock Sanitary Board by Petition of Seventy-five Per Cent of the Freeholders or Livestock Owners in Such Townships, 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, 85; nays, 21; absent and not voting, 5.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Fuglestad | Oglesby |
| Anderson, Benson | Gainor | Ostgulen |
| Anderson,M'K'nzie | Gray | Page |
| Anfinson | Haag | Panko |
| Arneson, Nelson | Haugland | Peterson,Bottineau |
| Arneson, Ramsey | Heckman | Peterson, Ransom |
| Beede | Hofstrand | Rait |
| Belzer | Holm | Saumur |
| Benno | Holthusen | Schauss |
| Bergesen | Hultstrand | Schmidt, McHenry |
| Billigmeier | Ireland | Schmidt, Sheridan |
| Bingenheimer | Ista | Schimke |
| Blair | Johnson, LaMoure | Scholl |
| Bolmeier | Joiner | Schwartz |
| Boulden | Keller | Sellens |
| Braun, McLean | Kluver | Sharpe |
| Braun, Stark | Lange | Solberg |
| Brown | Lunde | Sticka |
| Buchholz | McInnes | Stormon |
| Byrne | McIntee | Symington |
| Culver | McIntyre | Thompson,Burl'gh |
| Dalzell | Myers | Tuff |
| Dike | Morland | Wambheim |
| Dittmer | Nelson, Cass | Westby |
| Erickson | Nelson, Dickey | Williams,Richland |
| Feton | Nelson, Steele | Williams,Stutsm'n |
| Fitch | Nystrom | Wolf |
| Fletcher | Odegard | Mr. Speaker |
| Fraser | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Crockett | Mittag | Sand |
| Glas | Moe | Semerad |

| | | |
|---|---|---|
| Halvorson | Mollet | Shure |
| Jensen | O'Brien | Singleton |
| Johnson, Cass | Rettke | Skartvedt |
| Knutson | Ritter | Stone |
| Levin | Rohde | Trydahl |

Absent and not voting:

| | | |
|---|---|---|
| Larson | Thompson, Steele | Urschel |
| Severson | Twichell | |

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

Mr. Schimke moved that the vote by which House Bill No. 61 was passed be reconsidered, and the motion to reconsider be laid on the table. Which motion prevailed.

Rep. Ritter: Voting for this bill would put the State to a tremendous expense. Therefore I vote "No."

Rep. Bergesen moved that the title of House Bill No. 61 be amended as follows: After the word "townships," insert the words "Fixing Penalty for Violation."

Rep. Anderson of Benson seconded the motion, which motion prevailed.

## FIRST READING OF SENATE BILLS

Committee on Taxes and Tax Laws introduced:

Senate Bill No. 26. A Bill for an Act to Impose a Tax on the Storage, Use or Consumption in This State of Tangible Personal Property as Such Terms Are Defined Herein: to Provide Certain Exemptions Therefrom; to Provide for the Collection of Such Tax and the Administration of This Act; to Fix Fines and Penalties for the Violation of the Provisions of This Act and Declaring an Emergency.

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

## GENERAL ORDERS

Rep. Fitch moved that the House resolve itself into a Committee of the whole for the consideration of general orders, which motion prevailed, and the House resolved itself into a committee of the whole.

The Speaker called Rep. Fitch to the chair.

When the committee arose it submitted the following report:

Mr. Speaker: The Committee of the Whole have had under consideration House Bill No. 74.

On page 3, Section 4, line 8, after the word "January," strike out the comma and insert in lieu thereof the word "and"; after the word "February," strike out the balance of line 8 and part of line 9 up to the figures 1939.

On page 4, Section 5, line 8, after the word "January," strike out the comma and insert in lieu thereof the word "and"; after "February," strike out the words "March, April, May and June."

In line 9, strike out the figures "$1,047,750.00" and insert in lieu thereof the figures "$426,748.00."

In line 11, strike out the period after 1937 and insert in lieu thereof a comma and add "to-wit"; also the following:

1. General Relief Expenditures—
   a. Direct Assistance Payments.....$330,750.00
   b. Sponsorship of Special Relief Activities ..... 37,500.00

| | | |
|---|---|---|
| c. Service Costs for Investigation and Referral of Cases to F.E.R.A. | | 48,000.00 |
| d. Administration of Gen. Relief | | 31,500.00 |
| Sub-Total Item 1 | | $447,750.00 |
| 2. Relief Expenditures— | | |
| a. Sponsorship of Special Relief Activities | $ 8,571.00 | |
| b. Administration: | | |
| 1. Administrative and Supervisory Salaries | 5,143.00 | |
| 2. Travel | 857.00 | |
| 3. Communication: | | |
| Postage | 643.00 | |
| Telegraph and Telephone | 279.00 | |
| 4. Printing | 1,284.00 | |
| 5. Office Supplies | 279.00 | |
| 6. Rental of Equipment | ..... | |
| 7. Other Operating Expense | 342.00 | |
| 8. Purchase of Equipment | 171.00 | |
| 9. P. W. Board Members Expense | 429.00 | |
| Total Administrative Expense | $ 9,427.00 | |
| Sub-Total Item 2 | 17,998.00 | |
| TOTAL EXPENDITURE (Item 1 and Item 2) | | $465,748.00 |
| Balance on Hand | | 39,000.00 |
| NET APPROPRIATION | | $426,748.00 |

And recommend the adoption of the Standing Committee amendments.

And the further amendments:

In line 4 of the title after the word "January" strike out the comma and insert in lieu thereof the word "and," and strike out the words "March, April, May and June" and the comma following the word "June."

And when so amended recommend the same do pass.

House Bill No. 77.

Strike out on lines 10 and 11 "he shall also deliver or cause to be delivered by mail or other reliable method" and insert "in lieu thereof, he shall cause to be delivered by registered mail."

And recommend the bill for passage as originally printed.

K. A. FITCH, Chairman, Committee of the Whole.

Rep. Schimke moved that the Report of the Committee of the Whole be adopted, which motion prevailed and the report was adopted.

The House reverted to the Tenth Order of Business.

## FIRST READING OF HOUSE BILLS

Rep. Byrne introduced:

House Bill No. 108. A Bill for an Act to Amend and Reenact Section 889 of the Compiled Laws of North Dakota for 1913.

Was read the first time and referred to the Committee on Election and Election Privileges.

Rep. Byrne introduced:

House Bill No. 109. A Bill for an Act to Amend and Reenact Section 890 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, as Amended by Chapter 125 of the Laws of North Dakota for 1929, as Amended by Chapter 110 of the Laws of North Dakota for 1933; and Repealing Chapter 135 of the Laws of North Dakota for 1935, and all Acts and Parts of Acts in Conflict Herewith.

Was read the first time and referred to the Committee on Election and Election Privileges.

Rep. Solberg moved that the absent members be excused, which motion prevailed.

Rep. Levin asked for an extension of time on House Bill No. 65, which request was granted.

WORKS PROGRESS ADMINISTRATION

Hettinger, North Dakota,
January 20, 1939.

Oscar Hagen
Speaker of the House
Bismarck, N. Dak.
Dear Sir:

With the compliments of the Adams County Recreation Unit I hand you by insured parcel post, one Badlands Cedar gavel.

The tree was cut on the Little Missouri, North of Medora. The gavel was turned out by our craft shop foreman, Allen Leer.

The gavel head checked some after it was turned out. I believe the checking is stopped permanently, but in case it continues to check, please let me know.

Sincerely yours,
DON E. DELA, County Leader.

Rep. Solberg moved that the communication be printed in the Journal, which motion prevailed.

The Speaker displayed the new giant-sized gavel with a seven-inch head, a twelve-inch handle and total over-all length of sixteen inches.

The following resolutions have been received and referred to the proper committees:

Farmers Union of Rutland Township in regard to the establishment of folk schools and also that any marketing or production quotas be based not on history of each farm but be pro-rated according to the cultivated acres of the farm and surpluses be stored away by the government or by some organization strong enough to handle the job or store it on the farm.

Farmers Union members of Sargent Local, Sargent County, asking for a one-cent raise in gasoline tax, and that the State refund to the counties one-third of all gas tax monies; and that gas tax be refunded to farmer at time of the sale.

The Farmers Union Local No. 1168 of Bowen Township asking for legislation to prevent price differences at different points in the purchase of cream; the establishment of cost of production for farmers; and the establishment by the Federal Government of an experimental station in North Dakota to find ways and means of utilizing farm products.

Bowen Farmers Union Local asking that funds to be raised to pay for Old Age Assistance hereafter should par-

tially come from tax from the sale of malt, beer, hard liquor and cigarettes.

Sargent Farmers Union Local that the penalty for the crime of stealing and carrying away of poultry be made a grand larceny; that each farm family be allowed a homestead of 160 acres exempt from all taxes and that one per cent sales tax be added to our present sales tax as a replacement tax, in place of taxes not collected on account of homestead exemption.

Rep. Crockett moved that the House do now adjourn, which motion prevailed and the House adjourned.

MINNIE D. CRAIG, Chief Clerk.

## TWENTY-SECOND DAY

Bismarck, January 24, 1939.

The House assembled at 2:00 P. M., pursuant to adjournment, Speaker Hagen presiding.

Prayer was offered by Rev. Walter E. Vater.

Roll Call: All Representatives present except Larson, Odegard, Severson, Urschel.

So a quorum was declared present.

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

Mr. Speaker: Your Committee on Revision and Correction of the Journal have carefully examined the Journal of the Twenty-first day and recommend that the same be corrected as follows:

Page 203, line 13 after word "table" insert "which motion prevailed."

Nineteen lines from top, page 203, after "Anderson," insert words "of Benson."

And when so corrected recommend that the same be approved.

REP. GLAS, Chairman.

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

### HOUSE COMMITTEE ON ENROLLMENT AND ENGROSSMENT

Mr. Speaker: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bills and find the same correctly engrossed:

House Bill No. 61. A Bill for an Act Relating to the Application of the Bang's Test in Townships in Counties in North Dakota Under the Direction of the North Dakota Livestock Sanitary Board by Petition of Seventy-five Per Cent of the Freeholders or Livestock Owners in Such Townships, Fixing Penalty for Violation, and Declaring an Emergency.

House Bill No. 74. A Bill for an Act Making a Deficiency Emergency Appropriation for Relief of Destitute and Necessitous Persons of the State of North Dakota for the Months of December, 1938, and January and February, 1939, as Provided by Chapter 214 of the Session Laws of 1937, Declaring an Emergency.

OLAF OSTGULEN, Chairman.

Rep. Ostgulen moved that the report be adopted, which motion prevailed, and the report was adopted.

### REPORT OF STANDING COMMITTEES

The Committee on Agriculture made the following report:

Mr. Speaker: Your Committee on Agriculture to whom

was referred Senate Concurrent Resolution No. 24, have had the same under consideration and recommend that the same be adopted.

CARL H. DITTMER, Chairman.

Rep. Haugland moved that the report be adopted, which motion prevailed and the report was adopted.

## MESSAGES FROM THE SENATE

Senate Chamber,
Bismarck, January 24, 1939.

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

Senate Bill No. 43. A Bill for an Act to Amend and Reenact Section 3790 of the Compiled Laws of the State of North Dakota for the Year 1913 With Reference to Boards of City Commissioners and Salaries Paid Thereto.

Senate Bill No. 22. A Bill for an Act to Amend and Reenact Chapter 220 of the Session Laws of 1929 Relating to the Distribution of Seeds and Seedlings by the State Forester, and Declaring an Emergency.

Senate Bill No. 34. A Bill for an Act to Amend and Reenact Section 5 and Section 9 of Chapter 4 of the Session Laws of North Dakota for 1935.

Senate Bill No. 23. A Bill for an Act to Amend and Reenact Sections 4535, 4538 and 4539 of Chapter 12 of the Compiled Laws of North Dakota for 1913; Relating to Election and Terms of Directors.

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

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

Senate Concurrent Resolution No. 31. Urging Congress of the United States to Establish Work Projects for Farmers.

Senate Concurrent Resolution No. 20. Memorializing Congress for Establishment of Prices on Farm Products Equal to the Cost of Production.

Senate Concurrent Resolution No. 17. Relating to Fuel Briquettes to Be Made from Straw.

Senate Concurrent Resolution No. 18. Memorializing Congress to Pass the Townsend Recovery Plan.

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

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

House Concurrent Resolution No. 80. A Concurrent Resolution Petitioning the Postmaster General at Washington, D. C., to Issue a Stamp Commemorating the 50th Anniversary of the Statehood of the State of North Dakota.

Which the President has signed.

WM. J. LOWE, Secretary.

## REPORT OF STANDING COMMITTEES

The Committee on Elections and Election Privileges made the following report:

Mr. Speaker: Your Committee on Elections and Election Privileges to whom was referred House Bill No. 40, have had the same under consideration and recommend that the same do pass.

LEONAS MYERS, Chairman.

Rep. Peter Peterson moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Elections and Election Privileges made the following report:

Mr. Speaker: Your Committee on Elections and Election Privileges to whom was referred House Bill No. 39, have had the same under consideration and recommend that the same do pass.

LEONAS MYERS, Chairman.

Mr. Feton 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. Speaker: A Minority of Your Committee on Warehouse and Grain Grading to whom was re-referred House Bill No. 54, a Bill for an Act to Amend and Re-enact Section 1 Chapter 8 of the Compiled Laws of North Dakota of 1937; Relating to the Regulation of Roving Grain Buyers, have had the same under consideration and recommend that the same do pass.

D. S. BLAIR
A. I. SHARPE
K. L. BOULDEN
W. L. BOLMEIER

Rep. Adam moved that the report be adopted, which motion was lost.

The Committee on Warehouse and Grain Grading made the following report:

Mr. Speaker: A Majority of Your Committee on Warehouse and Grain Grading to whom was re-referred House Bill No. 54, a Bill for an Act to Amend and Re-enact Section 1 Chapter 8 of the Compiled Laws of North Dakota of 1937; Relating to the Regulation of Roving Grain Buyers, have had the same under consideration and recommend that the same be indefinitely postponed.

JOHN J. ADAM, Chairman.
W. E. BINGENHEIMER
FRANK FLETCHER
THEODORE G. BUCHHOLZ
J. H. HECKMAN
ANDREW HALVORSON
JOHN H. McINTYRE
CARL NELSON
A. OGLESBY
MAL GAINOR
RICHARD E. WOLF

Rep. Fletcher moved that the report be adopted, which motion prevailed and the report was adopted.

Rep. Schauss moved that the vote by which House Bill No. 54 was indefinitely postponed, be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

The Committee on Elections and Election Privileges made the following report:

Mr. Speaker: A Minority of Your Committee on Elections and Election Privileges to whom was referred House

Bill No. 2, have had the same under consideration and recommend that the same be indefinitely postponed.

JOHN J. ADAM
PETER PETERSON
LEONAS MYERS

Rep. Adam moved that the report be adopted, which motion was lost.

The Committee on Elections and Election Privileges made the following report:

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

In line 2 of Title following the word "Laws" strike out the words "of North Laws."

In line 2 of Title following the word "Dakota" strike out the word "of" and insert in lieu thereof the words "for the year."

In line 1 Section 1 after the word "laws" insert the words "for the year."

C. O. ARNESON
D. S. BLAIR
G. I. FETON
A. O. ARNESON
H. W. McINNES
IGNATZ STICKA
W. H. SHURE

And when so amended recommend the same do pass.

Rep. McInnes moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Elections and Election Privileges made the following report:

Mr. Speaker: Your Committee on Elections and Election Privileges to whom was referred House Concurrent Resolution No. 91, have had the same under consideration and recommend that the same do pass.

LEONAS MYERS, Chairman.

Rep. Arneson of Nelson 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. Speaker: Your Committee on Taxes and Tax Laws to whom was referred House Bill No. 55, have had the same under consideration and recommend that the same be amended as follows:

In line 9 strike out the word "two" and insert the word "three."

And when so amended recommend the same do pass.

N. P. JENSEN, Chairman.

Rep. Hofstrand 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. Speaker: 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.

N. P. JENSEN, Chairman.

Rep. C. O. Arneson 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. Speaker: Your Committee on Taxes and Tax Laws to whom was referred House Bill No. 76, have had the same under consideration and recommend that the same be indefinitely postponed.

N. P. JENSEN, Chairman.

Rep. Rohde moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on State Affairs made the following report:

Mr. Speaker: Your Committee on State Affairs to whom was referred House Bill No. 89, have had the same under consideration and recommend that the same do pass.

W. M. CROCKETT, Chairman.

Rep. Elliott Knutson moved that the report be adopted, which motion prevailed, and the report was adopted.

The Committee on State Affairs made the following report:

Mr. Speaker: Your Committee on State Affairs to whom was referred House Bill No. 98, have had the same under consideration and recommend that the same do pass.

W. M. CROCKETT, Chairman.

Rep. Nystrom moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on State Affairs made the following report:

Mr. Speaker: Your Committee on State Affairs to whom was referred Senate Bill No. 28, have had the same under consideration and recommend that the same do pass.

W. M. CROCKETT, Chairman.

Rep. Saumur moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Printing and Distribution of the Bills and Journals made the following report:

That there be printed six hundred (600) copies of the House Bills, unless otherwise ordered, by the House in which a bill is introduced, except appropriation and tax bills, of which 750 copies shall be printed.

C. P. RITTER, Chairman
HARRY O'BRIEN
RALPH G. BEEDE

ROLL CALL

The question being on the report of the Committee on Printing of Bills the roll was called and there were ayes, 103; nays, 3; absent and not voting, 5.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Heckman | Rait |
| Anderson, Benson | Hofstrand | Rettke |
| Anderson,M'K'nzie | Holm | Ritter |
| Anfinson | Holthusen | Rohde |
| Arneson, Nelson | Ireland | Sand |
| Arneson, Ramsey | Ista | Saumur |
| Beede | Jensen | Schauss |
| Belzer | Johnson, Cass | Schmidt, McHenry |
| Benno | Johnson, LaMoure | Schmidt, Sheridan |
| Bergesen | Joiner | Schimke |

| | | |
|---|---|---|
| Billigmeier | Keller | Scholl |
| Bingenheimer | Kluver | Schwartz |
| Blair | Knutson | Sellens |
| Bolmeier | Levin | Semerad |
| Boulden | Lunde | Sharpe |
| Braun, McLean | McInnes | Shure |
| Braun, Stark | McIntee | Singleton |
| Brown | McIntyre | Skartvedt |
| Buchholz | Myers | Solberg |
| Byrne | Mittag | Sticka |
| Culver | Mollet | Stone |
| Dalzell | Morland | Stormon |
| Dike | Nelson, Cass | Symington |
| Dittmer | Nelson, Dickey | Thompson,Burl'gh |
| Erickson | Nelson, Steele | Thompson, Steele |
| Feton | Nystrom | Trydahl |
| Fitch | O'Brien | Tuff |
| Fletcher | Odegard | Twichell |
| Fraser | Ogiesby | Wambheim |
| Fuglestad | Ostgulen | Westby |
| Gainor | Page | Williams,Richland |
| Glas | Panko | Williams,Stutsm'n |
| Haag | Peterson,Bottineau | Wolf |
| Halvorson | Peterson, Ransom | Mr. Speaker |
| Haugland | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Crockett | Hultstrand | Moe |

Absent and not voting:

| | | |
|---|---|---|
| Gray | Larson | Urschel |
| Lange | Severson | |

So the Report was declared adopted.

Mr. Speaker: Your Committee on Employment wishes to place in nomination the names of Agnes Ziegler and Helen Brastrup as stenographers, and that Anton Thiel be sowrn in as substituting for Max Thiel as janitor.

ROLL CALL

The question being on the election of Agnes Ziegler, Helen Brastrup and Anton Thiel, the roll was called and there were ayes, 92; nays, 14; absent and not voting, 5.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Glas | Page |
| Anderson, Benson | Gray | Panko |
| Anderson,M'K'nzie | Haag | Peterson,Bottineau |
| Anfinson | Halvorson | Rait |
| Arneson, Nelson | Haugland | Rettke |
| Arneson, Ramsey | Heckman | Ritter |
| Beede | Hofstrand | Rohde |
| Belzer | Holthusen | Sand |
| Benno | Hultstrand | Saumur |
| Bergesen | Ista | Schmidt, McHenry |
| Billigmeier | Jensen | Schmidt, Sheridan |
| Bingenheimer | Johnson, Cass | Schimke |
| Blair | Johnson, LaMoure | Scholl |
| Bolmeier | Joiner | Schwartz |
| Boulden | Keller | Sellens |

| | | |
|---|---|---|
| Braun, McLean | Kluver | Semerad |
| Braun, Stark | Knutson | Sharpe |
| Brown | Lange | Shure |
| Buchholz | Levin | Singleton |
| Byrne | Lunde | Skartvedt |
| Crockett | McInnes | Sticka |
| Culver | McIntee | Stormon |
| Dalzell | McIntyre | Thompson,Burl'gh |
| Dike | Myers | Tuff |
| Dittmer | Mittag | Wambheim |
| Erickson | Mollet | Westby |
| Feton | Morland | Williams,Richland |
| Fitch | Nelson, Dickey | Williams,Stutsm'n |
| Fletcher | Nelson, Steele | Wolf |
| Fraser | Nystrom | Mr. Speaker |
| Gainor | Ostgulen | |

Those voting in the negative were:

| | | |
|---|---|---|
| Fuglestad | Oglesby | Symington |
| Holm | Peterson, Ransom | Thompson, Steele |
| Ireland | Schauss | Trydahl |
| Moe | Solberg | Twichell |
| O'Brien | Stone | |

Absent and not voting:

| | | |
|---|---|---|
| Larson | Odegard | Urschel |
| Nelson, Cass | Severson | |

So Agnes Ziegler, Helen Brastrup and Anton Thiel were declared employed.

The Speaker administered the oath of office to Agnes Ziegler and Anton Thiel.

Rep. Jensen requested an extension of time on House Bill No. 50, which request was granted.

Rep. Scholl moved that Ex-Governor Langer's radio speech in regard to certain recommendations in connection with the $40.00 Old Age Pension Plan be printed in the Journal, which motion prevailed.

## LANGER'S RADIO ADDRESS

To the People of North Dakota:

I am happy tonight in the knowledge that in thousands of homes where want, suffering, hunger, desperation and penury reigned, there will be in place thereof, sufficient food, enough clothing, freedom from want, a few necessary luxuries, and above everything else, a feeling of security because of the adoption of this measure.

This feeling of security alone will make happier the lives of thousands of North Dakota people—both young and old—the young because it will guarantee security to their fathers and mothers, while permitting the children to build their own careers—the old because they again will be able to live like human beings should. There is nothing more horrible, terrible or frightful, than to associate with an aged person, who knows he has only a few more months to live, wondering where the next meal is coming from. And rightfully, even the aged Indians from whom we took this country, are protected by this measure—they, too, will have security at last. We have won a great fight in behalf of the common people against greed, grasping greed, selfishness, and almost inhuman ruthlessness. The winning of this fight is all the more

remarkable when one considers that almost without exception, the daily newspapers were opposed to this measure.

Everyone knows there is only one eternal fight—and that fight is between the poor, the defenseless, the needy, on the one hand, and those who often have much, and who instead of giving credit to Almighty God for what they have got, rather bask in the illusive halo of their own vanity, and feel that they have acquired what they have by their own efforts. I found as Governor that few of them follow the rule of "I am my brother's keeper," and that all they live for is profits and more profits, and yet more profits, and that money, the great dollar, is the goal, the false goal for which they strive. This is strange, and is all the more incomprehensible when every intelligent human being who has studied history, knows that just as inevitably as the night follows day, the fortunes are taken away from the descendants, and that it is only three generations from shirt-sleeves to shirt-sleeves.

Repeatedly during the campaign in behalf of this measure, in the five hundred fifty-one places where I spoke urging adoption, I stated I would tell the legislature where the money was coming from. Curiously enough, my opponents stated they were in favor of a two hundred dollar a month pension, but not once did they elucidate and say where that two hundred dollars a month pension was coming from. Some of these men who never lifted a finger before for the Townsend plan, suddenly sponsored it, and they unanimously on the platform opposed the forty dollar a month assistance.

Tonight here in the state in which I was born, and to which my grandfather came as an aged man, broke—and on the soil which made him and my father prosperous, I am glad to advise how this money can be honestly, legally and rapidly secured.

First, may I not state that after consulting with aged people all over the state, that we are almost unanimously opposed to any increase in the sales tax.

Second, that while there are some folks in favor of a transaction tax, the overwhelming number are opposed to any transaction tax for this particular measure.

Third, we are also opposed to any increase in the gasoline tax, even with the refunding of the three cents per gallon to the farmer. As a matter of fact my investigation as governor discloses that the refunds that the State paid to the farmers are not too high as compared to other states. The Federal Government made a lot of fuss about us refunding approximately thirty per cent, while South Dakota refunded only around twenty per cent, but we soon answered that by showing them that in North Dakota we have almost three times as much wheat acreage as they do in South Dakota, and it takes much more gasoline for a farmer to raise an acre of wheat than it does to raise an acre of corn.

Fourth, we are unalterably opposed to any tax which will put a greater burden on the poor people.

Fifth, we are opposed to any new tax on land, business places, or homes in the cities.

Now, folks, may I draw your attention to the fact that this law was carefully drawn, and that is one reason why the Supreme Court of North Dakota rightly sustained it. After I prepared it, I submitted it to Congressman Usher L. Bur-

dick, and Attorneys Henry G. Owen, Francis Murphy and J. K. Murray.

They approved it.

The one great change in this law from any other old age assistance law in any other state, is that no appropriation was provided for in our measure.

This was done deliberately and purposely.

My friends, in spite of what some of the daily newspapers tell you, remember this, that only last June we adopted an amendment to the Constitution providing for a jackpot bill. In other words, every dollar of money, no matter where it comes from, whether from an automobile license, a corporation tax, a soft drink parlor's license, or for paying examiners to examine a bank, every penny of money must be paid into the State Treasury. And the only way to get any money out of the State Treasury is by an appropriation by the legislature. I will repeat this—that every dollar of money must be paid into the State Treasury, and the only way you can get it out is by an appropriation by the legislature.

Had I drawn this bill as was done in Colorado, where the money for the aged comes out of certain funds, then it might happen here as in Colorado, that when these ear-marked funds did not bring in sufficient revenue, the old people instead of getting thirty-five dollars a month get seven dollars, with ensuing want, hunger and suffering. Therefore, we carefully avoided any such situation as arose in Colorado, and we are tonight the one state in America where this care of the aged people must be paid for directly out of the State Treasury, and the one state where the people have overwhelmingly voted and directed their State Legislature to make that appropriation, and the Governor to approve it.

Now, we are told by some newspapers that there is not enough money, and by others that it is not going to take very much money anyhow. Now, I have known Mr. E. A. Willson, Executive Secretary of the Welfare Board, for over twenty years, and when he estimates that there will be eighteen thousand cases, and that it will take a total of $13,680,000.00 to take care of the aged during the next two years, I am entirely willing to take his word for it.

He is an authority. He gets a large salary. He has been at this work for many years, and we have the right to assume that he is correct.

So we will start with the premise, first, that instead of taking care of seven thousand seven hundred aged people, we have to take care of eighteen thousand. As a matter of fact, we have been taking care of nearly ten thousand aged people, but two thousand were shunted into other forms of relief. Of this $13,680,000.00, Mr. Willson says the Federal Government's share is $5,616,000.00, and he is correct, leaving $8,064,000.00 to be raised by the State and Counties.

The Counties' share is $1,210,000.00, leaving $6,854,000.00 to be raised by the State. Well, the State raised $655,553.75 for the aged for the last two years, so our job is simply how to raise $6,198,446.25 in addition to what we raised the last two years to take care of eighteen thousand aged people, and in doing this, we should also consider ways and means to be sure that the counties have sufficient new revenue to pay their share of $1,210,000.00 for the two years. But you want to remember that the counties have been paying approxi-

mately that sum, and that their share under this measure is reduced from twenty-five per cent on seven thousand seven hundred, to fifteen per cent on eighteen thousand, so the counties will have very little more to pay this year than they paid last year.

In behalf of the Counties, I call to your attention what I believe has been a great mistake in taxation, and that is when the railroads by the initiated measure in 1932 were allowed to pay taxes on a valuation reduced from seventy-five per cent to fifty per cent. This law has beggared school districts and some of the best counties in North Dakota. Do you people realize, for example, that the Soo Railroad, in spite of its petition in bankruptcy, has just as many miles of railroad in North Dakota today as it had in 1926, when the Soo Line was estimated at a valuation of over thirty-three million dollars, and paid over seven hundred thousand dollars in taxes? In 1933 it was assessed at twenty-two million dollars, and paid only $349,505.00 in taxes, and by 1937, believe it or not, this railroad that had been assessed at over thirty-three million in 1926, and at over twenty-two million in 1933, was assessed, I know you won't believe it, but it is true, at only $8,600,188.00, and paid only $186,909.00 in taxes.

Likewise the taxes of the Northern Pacific Railroad Company were reduced from $1,497,000.00 in 1926 to $871,000.00 in 1937, with a loss of revenue to the State of over one-half million dollars. In the case of the Great Northern, which has as much mileage as all the other railroads combined in North Dakota, the assessed valuation was kept up fairly well, and they paid only $400,000.00 less. Thus, the initiated measure backed by the North Dakota Taxpayers' Association saved the railroad companies over one million dollars per year, and as the State gets approximately one-eighth of this amount, and the Counties and School Districts get nearly all the remainder, the result can readily be seen. They have lost between five and six million dollars during the last six years, and is one reason why school districts have become insolvent.

I appeal to the legislature to immediately pass an emergency measure putting the railroad companies back to somewhere near the assessed valuation they formerly had. The railroads have had a hard time, and considering this fairly, I do not ask they be put back to the one hundred per cent assessment, but only to seventy-five. It will be a great help to the counties and the school districts.

If the legislature adopts this, it means that at the next State Board of Equalization meeting in August, it will make the levy, and it will then be some months before the State gets the money, so in the meantime, we must look to other sources of income, so that the aged people may get help immediately.

As Governor, I investigated how other states financed relief and care for the aged, and went over to the neighboring state of Montana.

Again I ask that you take up your pencils and put down these figures.

According to the Report of L. M. A. Wass, Administrator, for Montana, for 1937, allocated through the State Treasurer of Montana, were the following:

Distribution of Liquor and Individual

| | |
|---|---|
| Permit Profits | $1,405,000.00 |
| Excise Tax | 375,425.50 |
| Liquor Licenses | 245,450.00 |
| Beer Licenses and Taxes | 554,844.38 |
| Making a Total of | $2,580,719.88 |

Besides this, they made other profits and they had a stock inventory on hand paid for of $856,725.79 on January 1, 1938.

This corresponds with the official publication of the Distilled Spirits Institute, published at Washington, D. C., by A. P. Fenderson, Statistician, which was prepared under the supervision of Leonard V. Harrison, Director of Research, which showed that Montana, after all expenses were paid, had a net profit of $3,230,238.84. The same publication shows that our profit from liquor and beer amounted to only $896,487.00.

So, in 1937, Montana made a net profit in the handling of its liquor and beer of $2,580,719.88, while we in North Dakota with three-tenths more population and over one hundred thirty thousand more people then living in North Dakota, only made a net of $896,487.00. If we had had the same laws that they have in Montana, we would have had $1,684,232.99 more in 1937, or at the same rate in the biennium $3,368,465.76, and as we have three-tenths more population, we would take in $969,071.45 in addition each year, or for the biennium, the sum of $1,548,431.92, making the staggering sum of $4,916,-897.68. This is based upon the assumption that our people would consume the same amount per capita a month, and I suggest we should change our laws to correspond to those of Montana. Now, let us make one thing clear, and that is, that this sum of $4,916,897.68 is in addition to all the taxes on liquor that our counties are now getting, and it will not in any way whatsoever interfere with present finances set up in any county. So, with the one-third million of the increased railroad taxes, plus the liquor money, we will have for the biennium $5,216,897.68.

Now, the Legislature has the power to change these laws, and to make them emergency measures, but it might be that they would be taken into court with resulting delay, and it is therefore for this reason, and because the aged need their money now, and for the further reason that of all the Old Age Assistance measures that I have run across, that I think the one in the State of Connecticut is everlastingly right, that I urge the adoption also of the Connecticut law in order to make money immediately available.

In Connecticut they have for some time had what is known as the Old Age Assistance Tax of Three Dollars per person per year. This tax is simply levied against the town or city, village or township. It is based on the estimated population of any town in accordance with the United States Census, and requires the town to pay it to the State, and the town in turn collects the Three Dollars from all citizens between twenty-one and sixty years of age. This law has a distinct advantage in this, that we are going to face in North Dakota chisellers coming in from outside the State, and claiming that for five years out of the last nine they have been citizens of this State. The adoption of this law eliminates any possibility of this happening in the future, because the law can provide that folks casting absent voters' ballots shall not

obtain assistance unless they have contributed their Three Dollars a year. There are roughly two hundred and fifty thousand people in North Dakota between the ages of twenty-one and sixty, which should make a million and a half for the biennium, or seven hundred fifty thousand a year. What man or woman would refuse to pay Three Dollars a year to have the knowledge, the feeling of security, that when they become sixty-five and are destitute, they will receive Four Hundred and Eighty Dollars a year? Have you heard of any measure that is cheaper?

This Connecticut plan is the foundation of all successful pension plans, whether industrial or state. The Railroad Pension Act, J. C. Penney Pension Plan, pension Plans of Steel Companies, automobile concerns and hundreds of other industrial concerns are based upon partial participation by future recipients of benefits, during their years of employability. Even the United States Government Social Security Program is so constituted. The very fact that those who receive the pension in later years have contributed yearly, gives to these aged people a feeling of pride, a feeling that they themselves have played a part in creating the necessary funds to care for themselves in old age that no other method will do. It takes away from the whole assistance plan, the idea that it is a charity plan, a plan to care for people who were in their younger years failures. In other words, aged people of the future will realize that they themselves did their part individually, to take care of their own old age. And, my friends, to old people with plenty of time for thinking, nothing in life is more injurious to their peace of mind, than the thought that they are the objects of charity, whether that charity comes from members of their own family, from friends, or from the State.

Let us in this manner wipe out forever, the greatest single fear that comes with old age, the fear of destitution and want, the fear that they are objects of charity. Take those who will some day join the ranks of the aged and make them in their younger days partners and contributors to the fund.

This million and a half added to the $5,216,897.68 gives us $6,716,897.68. But that is not all. In 1937 in North Dakota we took in $528,781.70 for beer taxes and license fees. This money was used to pay real estate bond interest. It is no longer needed for that purpose and a law should be passed to turn the beer taxes and fees over to the aged, which would give us for the biennium a sum rather near $1,057,563.40 or a total of $7,774,461.08, or about one million dollars more than Mr. Willson says is needed, and with that one million we could take better care of the blind, the crippled, and those on general relief.

My friends, these figures are unanswerable. The amount of every one of these funds that can be so treated under the law should contain an emergency measure so as to make the money available immediately so as to match the Federal Government's Fifteen Dollars a month.

This Fifteen Dollars a month, I am confident, will shortly be raised to Twenty Dollars by the Federal Government. Senator Lodge's bill to that effect last June 3rd lost by only five votes in the Senate. This bill has been reintroduced by Senator Lodge, and now with President Roosevelt backing it as he is, it will unquestionably become the law, and the

Federal Government will be paying Twenty Dollars a month instead of Fifteen. This will reduce the State's share roughly speaking, according to Mr. Willson's figures, Ninety Thousand Dollars a month, figuring Eighteen Thousand cases at Five Dollars each, or for the biennium the sum of very nearly $2,160,000.00, assuming that the eighteen thousand get the full Forty Dollars a month income.

| | |
|---|---|
| Required funds, Willson's estimate | $8,064,000.00 |
| Less Counties' share | 1,210,000.00 |
| Balance to be raised by state for biennium | $6,854,000.00 |
| My method of raising these funds is: | |
| Increased railroad taxes | 300,000.00 |
| Increased hard liquor tax | 4,916,897.68 |
| Total | $5,216,897.68 |
| $3.00 per citizen | 1,500,000.00 |
| Beer licenses | 1,057,563.40 |
| Total | $7,774,461.08 |

In other words, I am listing possible revenues of $7,774,-461.08 as against a sum needed of $6,854,000.00, or approximately one million more than is needed.

My belief is that our emergency measure, the sales tax, has served a useful purpose, but after all it is a tax on the poor rather than on the wealthy, and I sincerely hope and believe the time is here now when a gross earnings tax should replace it.

I was particularly pleased at the attitude of the legislature on behalf of the Townsend Plan. Fighting Senators in Congress at Washington should get that issue to the foreground as rapidly as possible, because the passage of this Act naturally will solve the Old Age problem. However, that is a national problem and not one that our legislature has anything to do with.

I feel it is the duty, the sworn duty, of the legislature to carry out the will of the people. That will was forcibly expressed when over one hundred fifty thousand voted against seventy-eight thousand on November 8th, in favor of the Forty Dollar a Month Old Age Assistance Act.

Our Committee representing the aged in North Dakota is determined that those in authority carry out the will of the people. On behalf of that Committee representing the aged, I serve notice now on the daily newspapers, who only yesterday advocated that the legislature should throw the measure back into the lap of the people, that by their attitude they are not helping the legislature any.

I have every confidence that this legislature is big enough to carry out this job, and that the Governor of the State will do his sworn duty with the legislature in carrying out the will of the people.

The people are supreme. They have elected a group of public officials to carry out their will. They are depending on those officials, and I simply say in conclusion to those newspapers who are trying to mislead the legislature and the Governor that the fight is on, and that in this fight, the committee representing the aged people of North Dakota are determined to go to the end, no matter how long the

road, how long the fight may be, nor how bitter it may become. This is one of the questions in life that had to be solved, and the people of North Dakota solved it on November 8th.

The Supreme Court is entitled to the whole-hearted thanks of every citizen of the State, for the painstaking care they have taken in analyzing this problem. They did a good job, and surely it will not now be said that this State, which according to Superintendent of Public Instruction, Mr. A. E. Thompson, spending millions a year in luxuries, this state which today is not even taxing some of these luxuries at all, surely this state represented by the legislature will wage an unceasing fight to properly maintain a decent standard of living for folks over sixty-five years of age. The eyes of the aged people, the eyes of the young folks, who have had a heavy burden in supporting some of these aged, are all upon the legislature. Knowing that the citizens of North Dakota never have shirked their duties, I have every confidence that the trust of the people of North Dakota have placed in their legislature will not be betrayed.

Rep. Beede introduced:

House Resolution "D," which was read.

Rep. Beede moved the adoption of the resolution.

The motion was seconded.

Rep. Twichell moved a substitute motion that Resolution "D" be printed in the Journal and action be deferred until a later date.

The Speaker put the substitute motion of Rep. Twichell and declared the motion lost. A Roll Call was demanded.

ROLL CALL

The question being on the substitute motion of Rep. Twichell, the roll was called and there were ayes, 47; nays, 58; absent and not voting, 6.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Arneson, Nelson | Holthusen | Sharpe |
| Arneson, Ramsey | Ireland | Shure |
| Benno | Johnson, Cass | Singleton |
| Bergesen | Lunde | Skartvedt |
| Blair | McInnes | Solberg |
| Bolmeier | Moe | Stone |
| Boulden | Morland | Stormon |
| Brown | Nelson, Cass | Symington |
| Byrne | Nelson, Steele | Thompson, Burl'gh |
| Dalzell | Nystrom | Thompson, Steele |
| Feton | O'Brien | Trydahl |
| Fitch | Oglesby | Twichell |
| Fuglestad | Page | Wambheim |
| Gainor | Peterson, Ransom | Westby |
| Glas | Saumur | Williams, Stutsm'n |
| Holm | Sellens | |

Those voting in the negative were:

| | | |
|---|---|---|
| Adam | Haugland | Panko |
| Anderson, Benson | Heckman | Peterson, Bottineau |
| Anderson, M'K'nzie | Hofstrand | Rait |
| Anfinson | Hultstrand | Rettke |
| Beede | Ista | Ritter |
| Belzer | Jensen | Rohde |
| Billigmeier | Johnson, LaMoure | Sand |
| Bingenheimer | Joiner | Schauss |

| | | |
|---|---|---|
| Braun, McLean | Keller | Schmidt, McHenry |
| Braun, Stark | Knutson | Schmidt, Sheridan |
| Buchholz | Lange | Schimke |
| Crockett | Levin | Scholl |
| Culver | McIntee | Schwartz |
| Dike | McIntyre | Semerad |
| Erickson | Myers | Sticka |
| Fletcher | Mittag | Tuff |
| Fraser | Mollet | Williams,Richland |
| Gray | Nelson, Dickey | Wolf |
| Haag | Ostgulen | Mr. Speaker |
| Halvorson | | |

Absent and not voting:

| | | |
|---|---|---|
| Dittmer | Larson | Severson |
| Kluver | Odegard | Urschel |

So the substitute motion of Rep. Twichell was declared lost.

The House adopted House Resolution "D."

## SIGNING OF BILLS

The Chief Clerk announced that the Speaker was about to sign:

Senate Concurrent Resolution No. 31. Urging Congress of the United States to Establish Work Projects for Farmers.

Senate Concurrent Resolution No. 17. Relating to Fuel Briquettes to Be Made from Straw.

Senate Concurrent Resolution No. 18. Memorializing Congress to Pass the Townsend Recovery Plan.

Senate Concurrent Resolution No. 20. Memorializing Congress for Establishment of Prices on Farm Products Equal to the Cost of Production.

And the Speaker signed the same in the presence of the House.

## FIRST READING OF HOUSE BILLS

Rep. Schmidt of Sheridan introduced:

House Bill No. 110. A Bill for an Act to Amend and Reenact Sub-section 1 of Section 32, Chapter 148, Session Laws of 1931, Relating to Fur-Bearing Animals; and Declaring an Emergency.

Was read the first time and referred to the Committee on Game and Fish.

Rep. Schwartz introduced:

House Bill No. 111. A Bill for an Act to Amend and Reenact Chapter 3 of the Session Laws of 1933; Defining Unfair Discrimination in the Purchase of Certain Farm Products; Prohibiting Such Discrimination; Providing a Penalty Therefor; and Repealing Acts in Conflict Herewith; and Declaring an Emergency.

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

Rep. Williams of Richland introduced:

House Bill No. 112. A Bill for an Act to Amend and Reenact Section 1 of Chapter 125 of the Session Laws of 1933.

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

Reps. Solberg, Ireland, Hultstrand and Rohde introduced:

House Bill No. 113. 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 Public Welfare.

Committee on Public Welfare introduced:

House Concurrent Resolution No. 114.

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

Reps. Gray, Byrne, Stormon and Boulden introduced:

House Bill No. 115. A Bill for an Act Providing for the Regulation and Supervision of the Transportation of Motor Vehicles Over the Public Highways of North Dakota by Motor Propelled Vehicles, and Providing for the Supervision and Enforcement Thereof and Penalties for Violation.

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

Reps. Gray, Byrne and Stormon introduced:

House Bill No. 116. A Bill for an Act to Promote Safety Upon the Public Highways by Prohibiting the Transportation Thereon by the Use of Any Automobile, Motor Truck, Tractor, Semi-Trailer, Trailer, Wagon, Tank-Wagon, Tank-Truck, or Any Combination Thereof, of Any Inflammable or Explosive Liquid in a Quantity of More Than One Thousand Five Hundred Gallons in Any One Load.

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

Reps. Shure, Fitch and Bergesen introduced:

House Bill No. 117. A Bill for an Act to Amend and Reenact Sections 2, 3, and 6 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 County, Etc., Repealing Certain Acts in Conflict With Such Initiated Measure, and Declaring an Emergency.

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

Rep. Bergesen introduced:

House Bill No. 118. A Bill for an Act Amending and Reenacting Section 1 of Chapter 173 of the Session Laws of the State of North Dakota for 1937, Relating to Permitting and Authorizing the Adoption of Civil Service by Cities Having a Population in Excess of 4,000; Providing for Such Adoption by Passage of Ordinance; and Defining the Term Governing Body.

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

Reps. Anderson of Benson and Myers introduced:

House Bill No. 119. A Bill for an Act to Amend and Reenact Section 8 of Chapter 135, Session Laws 1935, Relating to the Election of Party Precinct Committeemen and Providing for the Election of Members to the State Central Committee; for Financial Reports; for the Bonding of Treasurers of Political Parties; for the Election of State Executive Boards and Other Officials of Political Organization, and for the Repeal of All Inconsistent Acts.

Was read the first time and referred to the Committee on Election and Election Privileges.

## MESSAGE TO THE SENATE

House of Representatives,
Bismarck, January 24, 1939.

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

House Bill No. 61. A Bill for an Act Relating to the Application of the Bang's Test in Townships in Counties in North Dakota Under the Direction of the North Dakota Livestock Sanitary Board by Petition of Seventy-five Per Cent of the Freeholders or Livestock Owners in Such Townships, Fixing Penalty for Violation, and Declaring an Emergency.

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

MINNIE D. CRAIG, Chief Clerk.

## SECOND READING OF HOUSE BILLS

House Bill No. 74. A Bill for an Act Making a Deficiency Emergency Appropriation for Relief of Destitute and Necessitous Persons of the State of North Dakota for the Months of December, 1938, and January and February, 1939, as Provided by Chapter 214 of the Session Laws of 1937, 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, 101; nays, 0; absent and not voting, 10.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Heckman | Peterson, Ransom |
| Anderson, Benson | Hofstrand | Rait |
| Anderson,M'K'nzie | Holm | Rettke |
| Anfinson | Holthusen | Ritter |
| Arneson, Nelson | Hultstrand | Rohde |
| Arneson, Ramsey | Ireland | Sand |
| Beede | Ista | Saumur |
| Belzer | Jensen | Schauss |
| Bergesen | Johnson, LaMoure | Schmidt, McHenry |
| Billigmeier | Joiner | Schmidt, Sheridan |
| Bingenheimer | Keller | Schimke |
| Blair | Kluver | Scholl |
| Bolmeier | Knutson | Schwartz |
| Boulden | Lange | Sellens |
| Braun, McLean | Levin | Semerad |
| Braun, Stark | Lunde | Sharpe |
| Brown | McInnes | Shure |
| Buchholz | McIntee | Singleton |
| Byrne | McIntyre | Skartvedt |
| Crockett | Myers | Solberg |
| Culver | Mittag | Sticka |
| Dalzell | Moe | Stormon |
| Dike | Mollett | Symington |
| Dittmer | Morland | Thompson, Burl'gh |
| Erickson | Nelson, Cass | Thompson, Steele |
| Feton | Nelson, Dickey | Trydahl |
| Fletcher | Nelson, Steele | Tuff |
| Fraser | Nystrom | Wambheim |

| | | |
|---|---|---|
| Gainor | O'Brien | Westby |
| Glas | Oglesby | Williams,Richland |
| Gray | Ostgulen | Williams,Stutsm'n |
| Haag | Page | Wolf |
| Halvorson | Panko | Mr. Speaker |
| Haugland | Peterson,Bottineau | |

Absent and not voting:

| | | |
|---|---|---|
| Benno | Larson | Stone |
| Fitch | Odegard | Twichell |
| Fuglestad | Severson | Urschel |
| Johnson, Cass | | |

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

House Bill No. 77. A Bill for an Act to Amend and Reenact Section 967 of the Compiled Laws of North Dakota for 1913, Relating to the Duty of the County Auditor to Provide Uniform Poll Books for the Use of the County and Deliver to the Inspector of the Election Precinct.

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, 101; nays, 0; absent and not voting, 10.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Heckman | Peterson, Ransom |
| Anderson, Benson | Hofstrand | Rait |
| Anderson,M'K'nzie | Holm | Rettke |
| Anfinson | Holthusen | Ritter |
| Arneson, Nelson | Hultstrand | Rohde |
| Arneson, Ramsey | Ireland | Sand |
| Beede | Ista | Saumur |
| Belzer | Jensen | Schmidt, McHenry |
| Billigmeier | Johnson, Cass | Schmidt, Sheridan |
| Bingenheimer | Johnson, LaMoure | Schimke |
| Blair | Joiner | Scholl |
| Bolmeier | Keller | Schwartz |
| Boulden | Kluver | Sellens |
| Braun, McLean | Knutson | Semerad |
| Braun, Stark | Lange | Sharpe |
| Brown | Levin | Shure |
| Buchholz | Lunde | Singleton |
| Byrne | McInnes | Skartvedt |
| Culver | McIntee | Solberg |
| Dalzell | McIntyre | Sticka |
| Dike | Myers | Stormon |
| Dittmer | Mittag | Symington |
| Erickson | Moe | Thompson,Burl'gh |
| Feton | Mollet | Thompson, Steele |
| Fitch | Morland | Trydahl |
| Fletcher | Nelson, Cass | Tuff |
| Fraser | Nelson, Dickey | Twichell |
| Fuglestad | Nelson, Steele | Wambheim |
| Gainor | Nystrom | Westby |
| Glas | Oglesby | Williams,Richland |
| Gray | Ostgulen | Williams,Stutsm'n |
| Haag | Page | Wolf |

| | | |
|---|---|---|
| **Halvorson** | **Panko** | **Mr. Speaker** |
| **Haugland** | **Peterson,Bottineau** | |

Absent and not voting:

| | | |
|---|---|---|
| **Benno** | **O'Brien** | **Severson** |
| **Bergesen** | **Odegard** | **Stone** |
| **Crockett** | **Schauss** | **Urschel** |
| **Larson** | | |

So the bill passed and the title was agreed to.

## MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, January 24, 1939.

Mr. Speaker: I have the honor to return:

House Bill No. 56. A Bill for an Act to Amend and Reenact Sections 4262 and 4263 of the Compiled Laws of 1913 as Relating to Irrigation and Conservation of Water, Authorizing Submission to the Voters of Organized Townships the Question of Irrigation and Conservation of Water by Building Dams, Dugouts, Creating Ponds or Reservoirs on Creeks or Coulees, and Other Improvements in Connection Therewith, and Authorizing a Levy Therefor; Declaring an Emergency.

Which the Senate has amended as follows:

Line 3 Section 1, after the word "ten" strike out the words "legal voters" and insert the words "Free Holders."

In Section 2, line 10, of the printed bill after the word "upon" insert the words "all taxable real property in."

WM. J. LOWE, Secretary.

Rep. Rohde: I move that we do not concur with the amendments of the Senate, which motion was seconded.

Rep. Symington moved a substitute motion that the House do concur in the amendments on House Bill No. 56.

Which substitute motion prevailed.

Rep. Symington: I move that the rules be suspended and that House Bill No. 56 be considered properly engrossed and enrolled and be placed on second reading and final passage.

Which motion prevailed.

House Bill No. 56. A Bill for an Act to Amend and Reenact Sections 4262 and 4263 of the Compiled Laws of 1913 as Relating to Irrigation and Conservation of Water, Authorizing Submission to the Voters of Organized Townships the Question of Irrigation and Conservation of Water by Building Dams, Dugouts, Creating Ponds or Reservoirs on Creeks or Coulees, and Other Improvements in Connection Therewith, and Authorizing a Levy Therefor; Declaring an Emergency.

Was read the second time.

## ROLL CALL

The question being on the final passage of the bill, as amended by the Senate, the roll was called and there were ayes, 100; nays, 4; absent and not voting, 7.

Those voting in the affirmative were:

| | | |
|---|---|---|
| **Adam** | **Halvorson** | **Ostgulen** |
| **Anderson, Benson** | **Haugland** | **Page** |
| **Anderson,M'K'nzie** | **Heckman** | **Panko** |
| **Anfinson** | **Hofstrand** | **Peterson,Bottineau** |

| | | |
|---|---|---|
| Arneson, Nelson | Holm | Peterson, Ransom |
| Arneson, Ramsey | Holthusen | Rait |
| Beede | Hultstrand | Sand |
| Belzer | Ireland | Saumur |
| Bergesen | Ista | Schauss |
| Billigmeier | Jensen | Schmidt, McHenry |
| Bingenheimer | Johnson, Cass | Schmidt, Sheridan |
| Blair | Johnson, LaMoure | Schimke |
| Bolmeier | Joiner | Scholl |
| Boulden | Keller | Schwartz |
| Braun, McLean | Kluver | Sellens |
| Braun, Stark | Knutson | Semerad |
| Brown | Lange | Sharpe |
| Buchholz | Levin | Shure |
| Byrne | Lunde | Singleton |
| Crockett | McInnes | Skartvedt |
| Culver | McIntee | Solberg |
| Dalzell | McIntyre | Sticka |
| Dike | Myers | Stormon |
| Dittmer | Mittag | Symington |
| Erickson | Moe | Thompson, Burl'gh |
| Feton | Mollet | Thompson, Steele |
| Fitch | Morland | Trydahl |
| Fletcher | Nelson, Cass | Tuff |
| Fraser | Nelson, Dickey | Wambheim |
| Fuglestad | Nelson, Steele | Westby |
| Gainor | Nystrom | Williams, Richland |
| Glas | Odegard | Williams, Stutsm'n |
| Gray | Oglesby | Wolf |
| Haag | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Rettke | Twichell | Mr. Speaker |
| Rohde | | |

Absent and not voting:

| | | |
|---|---|---|
| Benno | Ritter | Stone |
| Larson | Severson | Urschel |
| O'Brien | | |

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

Rep. Dalzell moved that the vote by which House Bill No. 56 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Rep. Rettke: This bill disqualifies a certain element and keeps them from voting. They cannot vote in the township in which they live because they do not own a certain amount of property and therefore I vote "No."

## MESSAGE TO THE SENATE

House of Representatives,
Bismarck, January 24, 1939.

Mr. President: I have the honor to inform you that the House has concurred in the Senate amendment to House Bill No. 56.

MINNIE D. CRAIG, Chief Clerk.

## FIRST READING SENATE BILLS

Senate Bill No. 22. A Bill for an Act to Amend and Re-

enact Chapter 220 of the Session Laws of 1929 Relating to the Distribution of Seeds and Seedlings by the State Forester, and Declaring an Emergency.

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

Senate Bill No. 23. A Bill for an Act to Amend and Reenact Sections 4535, 4538 and 4539 of Chapter 12 of the Compiled Laws of North Dakota for 1913; Relating to Election and Terms of Directors.

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

Senate Bill No. 34. A Bill for an Act to Amend and Reenact Section 5 and Section 9 of Chapter 4 of the Session Laws of North Dakota for 1935.

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

Senate Bill No. 43. A Bill for an Act to Amend and Reenact Section 3790 of the Compiled Laws of the State of North Dakota for the Year 1913 With Reference to Boards of City Commissioners and Salaries Paid Thereto.

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

## SECOND READING OF SENATE BILLS

Senate Bill No. 27. A Bill for an Act Providing That in Proceedings Taken Under the Provisions of Chapter 266 of the Session Laws of 1927, no Tax Deed Shall Be Issued Prior to October 1, 1939, and the Period of Redemption from Any Tax Sale Made Under the Provisions of Said Chapter is Hereby Extended to October 1, 1939, 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, 103; nays, 0; absent and not voting, 7; excused, 1.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Haugland | Panko |
| Anderson, Benson | Heckman | Peterson,Bottineau |
| Anderson,M'K'nzie | Hofstrand | Peterson, Ransom |
| Anfinson | Holm | Rait |
| Arneson, Nelson | Holthusen | Rettke |
| Arneson, Ramsey | Ireland | Ritter |
| Beede | Ista | Sand |
| Belzer | Jensen | Saumur |
| Bergesen | Johnson, Cass | Schauss |
| Billigmeier | Johnson, LaMoure | Schmidt, McHenry |
| Bingenheimer | Joiner | Schmidt, Sheridan |
| Blair | Keller | Schimke |
| Bolmeier | Kluver | Scholl |
| Boulden | Knutson | Schwartz |
| Braun, McLean | Lange | Sellens |
| Braun, Stark | Levin | Semerad |
| Brown | Lunde | Sharpe |
| Buchholz | McInnes | Shure |
| Byrne | McIntee | Singleton |
| Crockett | McIntyre | Skartvedt |
| Culver | Myers | Solberg |
| Halvorson | | |

| | | |
|---|---|---|
| Dalzell | Mittag | Sticka |
| Dike | Moe | Stormon |
| Dittmer | Mollet | Symington |
| Erickson | Morland | Thompson, Burl'gh |
| Feton | Nelson, Cass | Thompson, Steele |
| Fitch | Nelson, Dickey | Trydahl |
| Fletcher | Nelson, Steele | Tuff |
| Fraser | Nystrom | Wambheim |
| Fuglestad | O'Brien | Westby |
| Gainor | Odegard | Williams, Richland |
| Glas | Oglesby | Williams, Stutsm'n |
| Gray | Ostgulen | Wolf |
| Haag | Page | Mr. Speaker |

Absent and not voting:

| | | |
|---|---|---|
| Benno | Rohde | Stone |
| Hultstrand | Severson | Urschel |
| Larson | | |

Excused:
Twichell

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

Rep. Morland 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.

Rep. Twichell: I would like to be excused from voting as I am interested in this bill. I am trying to get title to a small wood lot in Cass County.

Senate Concurrent Resolution No. 12 was read the second time.

The House adopted Senate Concurrent Resolution No. 12.

Rep. Lange asked that the House revert to the Seventh Order of Business and moved that the absent members be excused, which motion prevailed.

## REPORT OF STANDING COMMITTEES

The Committee on Public Welfare made the following report:

Mr. Speaker: Your Committee on Public Welfare to whom was referred House Concurrent Resolution No. 94, have had the same under consideration and recommend that the same be adopted.

BERNT ANDERSON, Chairman.

Rep. Fitch moved that the report be adopted, which motion prevailed, and the report was adopted.

Rep. Twichell moved that House Concurrent Resolution No. 94 be printed in the Journal, which motion prevailed.

### HOUSE CONCURRENT RESOLUTION No. 94

Introduced by Reps. Morland, Ireland, Symington and Braun

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 General Relief Emergency for December, 1938, and January and February, 1939.

Be It Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring; That

WHEREAS, the Public Welfare Board of North Dakota,

as created by Chapter 221 of the 1935 Session Laws, is a Department of this State; and

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

WHEREAS, the funds available at this time to the said Public Welfare Board are insufficient to grant adequate general relief to our needy people; and

WHEREAS, there are no funds in the State Treasury that can be appropriated by this Legislative Assembly to meet the existing urgent emergency and be made available to the said Board when most needed. Now,

THEREFORE BE IT RESOLVED, that the Industrial Commission be requested to approve a loan of Four Hundred and Twenty-six Thousand Seven Hundred Forty-eight ($426,748.00) Dollars by the Bank of North Dakota to the Public Welfare Board of North Dakota, the proceeds of said loan to be made available immediately for general relief for the month of December, 1938, and the months of January and February, 1939, and to be reimbursed to the said Bank of North Dakota, with interest, in such manner and out of such monies as this Twenty-Sixth Legislative Assembly may later direct by appropriate enactment.

The Speaker administered the oath of office to Helen Brastrup, stenographer.

The Speaker appointed Representatives Beede, Crockett and Fitch as a committee of three to inquire into and investigate not the finances, but the facts and conditions surrounding the administration of the affairs at the State Hospital at Jamestown, as called for in Resolution "D."

The Chief Clerk acknowledged receipt of the third annual report of the Supervised High School Correspondence Study Project, from T. W. Thordarson, Director.

Rep. Page moved that the House do now adjourn, which motion prevailed and the House adjourned.

MINNIE D. CRAIG, Chief Clerk.

## TWENTY-THIRD DAY

Bismarck, January 25, 1939.

The House assembled at 2:00 P. M., pursuant to adjournment, Speaker Hagen presiding.

Prayer by Rev. Walter E. Vater.

Roll Call: All Representatives were present except Gainor, Jensen, Larson, Urschel.

So a quorum was declared present.

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

Mr. Speaker: Your Committee on Revision and Correction of the Journal have carefully examined the Journal of the Twenty-second day and recommend that the same be corrected as follows:

Page 207, line 5 add the word "Larson." Line 6, Symington, Ritter were present.

Page 210, strike out lines 31 and 32.

Page 212, under Roll Call, ayes should be 92, absent and not voting 5. Rep. Johnson of LaMoure was present and voted aye.

Page 220, strike out line 20. Insert "Rep. Beede introduced House Resolution 'D' which was read."

Page 220, substitute the word "resolution" for the word "report."

Page 222, 10 lines from top of page, "House Concurrent Resolution No. 14." Should be "114."

And when so corrected recommend that the same be approved.

REP. GLAS, Chairman.

Rep. Lester Keller moved that the report be adopted, which motion prevailed and the report was adopted.

### MESSAGE TO THE HOUSE

Senate Chamber,
Bismarck, January 24, 1939.

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

Senate Bill No. 49. A Bill for an Act to Amend and Reenact Chapter 245 of the Session Laws of 1937. An Act to Encourage and Promote the Payment of Taxes by Providing for a Rebate on Prepayments.

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

Senate Concurrent Resolution No. 21. Requesting Congress to Include "Cost of Production" in Soil Conservation Act, Together With Its Insurance Features.

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

WM. J. LOWE, Secretary.

MESSAGE TO THE SENATE

House of Representatives,
Bismarck, January 25, 1939.

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

Senate Bill No. 27. A Bill for an Act Providing That in Proceedings Taken Under the Provisions of Chapter 266 of the Session Laws of 1927, no Tax Deed Shall Be Issued Prior to October 1, 1939, and the Period of Redemption from Any Tax Sale Made Under the Provisions of Said Chapter is Hereby Extended to October 1, 1939, and Declaring an Emergency.

Which the House has passed unchanged.

Senate Bill No. 13. A Bill for an Act to Amend and Reenact Section 4141 of the Compiled Laws of North Dakota for 1913 Relating to the Organization for the Annual or Special Township Meetings.

Which the House has indefinitely postponed.

Senate Concurrent Resolution No. 31. Urging Congress of the United States to Establish Work Projects for Farmers.

Senate Concurrent Resolution No. 17. Relating to Fuel Briquettes to Be Made from Straw.

Senate Concurrent Resolution No. 18. Memorializing Congress to Pass the Townsend Recovery Plan.

Senate Concurrent Resolution No. 20. Memorializing Congress for Establishment of Prices on Farm Products Equal to the Cost of Production.

Which the Speaker has signed.

MINNIE D. CRAIG, Chief Clerk.

COMMITTEE ON ENROLLMENT AND ENGROSSMENT

Mr. Speaker: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bill and find the same correctly enrolled:

House Bill No. 56. A Bill for an Act to Amend and Reenact Sections 4262 and 4263 of the Compiled Laws of 1913 as Relating to Irrigation and Conservation of Water, Authorizing Submission to the Voters of Organized Townships the Question of Irrigation and Conservation of Water by Building Dams, Dugouts, Creating Ponds or Reservoirs on Creeks or Coulees, and Other Improvements in Connection Therewith, and Authorizing a Levy Therefore; Declaring an Emergency.

OLAF OSTGULEN, Chairman.

Rep. Ostgulen 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. Speaker: Your Committee on Appropriations to whom was referred:

House Bill No. 10. A Bill for an Act Making an Appropriation for the Purpose of Paying Salary, Clerk Hire, and General Expenses of the Department of Public Health.

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

Page 1, Section 1, line 3, strike out the figures "$76,780.00" and insert in lieu thereof the figures "$57,420.00."

Strike out all of line 11, "Assistant Epidemiologist—$4,400.00."

Page 2, strike out all of line 14, "Assistant Sanitary Engineer—$3,200.00."

In line 15, strike out the figures "$3,000.00" and insert in lieu thereof the figures "$2,500.00."

Strike out all of line 16, "Accountant—$3,000.00."

In line 17, strike out the figures "$10,800.00," and insert in lieu thereof the figures "$8,640.00."

In line 20, strike out the figures "$2,000.00," and insert in lieu thereof the figures "$1,500.00."

In line 21, strike out the figures "$1,000.00" and insert in lieu thereof the figures "$800.00."

In line 22, strike out the figures "$3,500.00" and insert in lieu thereof the figures "$2,500.00."

In line 23, strike out the figures "$2,000.00" and insert in lieu thereof the figures "$1,000.00."

In line 24, strike out the figures "$10,000.00" and insert in lieu thereof the figures "$7,600.00."

In line 28, strike out the figures "$6,000.00" and insert in lieu thereof the figures "$5,000.00."

In line 31, strike out the figures "$76,780.00" and insert in lieu thereof the figures "$57,420.00."

Re-number beginning with line 12, change to line 11 and continue re-numbering to the bottom of Page 2.

And when so amended, recommend the same do pass.

PAUL A. SAND, Chairman.

Rep. Morland moved that the report be adopted, which motion prevailed, and the report was adopted.

The Committee on Appropriations made the following report:

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

House Bill No. 11. 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:

Page 1, Section 1, line 3 strike out the figures $40,690.00" and insert in lieu thereof the figures "$33,740.00." Strike out all of line 8 "Salary-Director—$4,000.00."

Page 2, in line 12 strike out the figures "$3,200.00" and insert in lieu thereof the figures "$3,000.00."

In line 14 strike out the figures "$900.00" and insert in lieu thereof the figures "$500.00."

In line 19 strike out the figures "$900.00" and insert in lieu thereof the figures $500.00."

In line 21 strike out the figures "$500.00" and insert in lieu thereof the figures $400.00."

In line 22 strike out the figures "$2,000.00" and insert in lieu thereof the figures "$1,200.00."

In line 24 strike out the figures "$1,600.00" and insert in lieu thereof the figures "$1,400.00."

Strike out all of line 25 "Travel Expense—$350.00."

In line 26 strike out the figures "$4,500.00" and insert in lieu thereof the figures "$4,000.00."

In line 28 strike out the figures "$40,690.00" and insert in lieu thereof the figures "$33,740.00."

Re-number beginning with line 9—change to line 8 and continue re-numbering to the bottom of Page 2.

And when so amended recommend the same do pass.

PAUL A. SAND, Chairman.

Rep. Johnson of Cass moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Appropriations made the following report:

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

House Bill No. 12. 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 be amended as follows:

Page 1, Section 1, line 3 strike out the figures "$50,320.00" and insert in lieu thereof the figures "$41,745.00."

In line 8 strike out the figures "$7,200.00" and insert in lieu thereof the figures "$4,800.00."

In line 12 strike out the figures "$4,200.00" and insert in lieu thereof the figures "$3,865.00."

Strike out all of line 14 "Dentist—$4,000.00."

In line 15 strike out the figures "$4,320.00" and insert in lieu thereof the figures "$6,480.00."

In line 16 strike out the figures "$1,100.00" and insert in lieu thereof the figures "$800.00."

In line 18 strike out the figures "$400.00" and insert in lieu thereof the figures "$300.00."

In line 19 strike out the figures "$3,000.00" and insert in lieu thereof the figures "$2,000.00."

In line 20 strike out the figures "$500.00" and insert in lieu thereof the figures "$400.00."

In line 21 strike out the figures "$10,000.00" and insert in lieu thereof the figures "$8,000.00."

In line 22 strike out the figures "$3,000.00" and insert in lieu thereof the figures "$2,500.00."

In line 23 strike out the figures "$50,320.00" and insert in lieu thereof the figures "$41,745.00."

Re-number beginning with line 15—change to line 14 and continue re-numbering to the bottom of Page 2.

And when so amended recommend the same do pass.

PAUL A. SAND, Chairman.

Rep. Ritter moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Highways and Bridges made the following report:

Mr. Speaker: Your Committee on Highways and Bridges to whom was referred:

House Bill No. 79. A Bill for an Act Making an Appropriation for the Purpose of Maintaining and Operating the Bridge Across the Yellowstone River in McKenzie County, North Dakota, Declaring an Emergency.

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

Section 1, strike out all of lines 7 and 8 and insert in lieu thereof the following: "Operation and Maintenance to June 30, 1939—$5,000.00."

Section 1, strike out all of line 9 and insert in lieu thereof the following: "Maintenance, material and labor for replanking, repairing of bridges and approaches—$16,800.00."

And when so amended recommend the same be re-referred to Appropriations Committee.

C. P. RITTER, Chairman.

Rep. Ritter moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Public Welfare made the following report:

Mr. Speaker: Your Committee on Public Welfare to whom was referred House Concurrent Resolution No. 114, have had the same under consideration and recommend that the same be adopted.

BERNT ANDERSON, Chairman.

Rep. Rohde moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Temperance made the following report:

Mr. Speaker: Your Committee on Temperance to whom was referred House Bill No. 78, have had the same under consideration and recommend that the same do pass.

H. C. WILLIAMS, Chairman.

Rep. Harry Semerad moved that the report be adopted, which motion prevailed and the report was adopted.

## SECOND READING OF HOUSE BILLS AND MEMORIALS

Rep. Myers moved that House Bill No. 40 be referred to the Committee on Appropriations, which motion prevailed.

Rep. Ireland moved that House Bill No. 39 be referred to the Committee on Appropriations, which motion was seconded.

Rep. Page moved a substitute motion that Rep. Ireland's motion be laid on the table, which motion was lost.

The Speaker put Rep. Ireland's motion, which motion prevailed and House Bill No. 39 was referred to the Committee on Appropriations.

## SECOND READING OF HOUSE BILLS AND CONCURRENT RESOLUTION

House Bill No. 72. A Bill for an Act to Repeal Section 3080a7 of the 1925 Supplement to 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, 104; nays, 2; absent and not voting, 5.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Heckman | Peterson, Ransom |
| Anderson, Benson | Hofstrand | Rait |
| Anderson, M'K'nzie | Holm | Rettke |
| Anfinson | Hultstrand | Ritter |
| Arneson, Nelson | Ireland | Rohde |
| Arneson, Ramsey | Ista | Sand |
| Beede | Jensen | Saumur |
| Belzer | Johnson, Cass | Schauss |

| | | |
|---|---|---|
| Benno | Johnson, LaMoure | Schmidt, McHenry |
| Bergesen | Joiner | Schmidt, Sheridan |
| Billigmeier | Keller | Schimke |
| Bingenheimer | Kluver | Scholl |
| Blair | Knutson | Schwartz |
| Bolmeier | Lange | Sellens |
| Boulden | Levin | Semerad |
| Braun, McLean | Lunde | Severson |
| Braun, Stark | McInnes | Sharpe |
| Brown | McIntee | Shure |
| Buchholz | McIntyre | Singleton |
| Byrne | Myers | Skartvedt |
| Crockett | Mittag | Solberg |
| Culver | Moe | Sticka |
| Dalzell | Mollet | Stone |
| Dike | Morland | Stormon |
| Dittmer | Nelson, Cass | Symington |
| Erickson | Nelson, Dickey | Thompson, Burl'gh |
| Feton | Nelson, Steele | Thompson, Steele |
| Fletcher | Nystrom | Trydahl |
| Fraser | O'Brien | Tuff |
| Fuglestad | Odegard | Wambheim |
| Glas | Oglesby | Westby |
| Gray | Ostgulen | Williams, Richland |
| Haag | Page | Williams, Stutsm'n |
| Halvorson | Panko | Wolf |
| Haugland | Peterson, Bottineau | |

Those voting in the negative were:

| | |
|---|---|
| Fitch | Holthusen |

Absent and not voting:

| | | |
|---|---|---|
| Gainor | Twichell | Mr. Speaker |
| Larson | Urschel | |

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

Rep. Haag moved that the vote by which House Bill No. 72 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 89. A Bill for an Act Permitting the County Court to Make Decrees of Distribution and Close Estates Without the Payment of Real Estate Taxes Levied Upon Real Property of the Estate.

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, 107; nays, 1; absent and not voting, 3.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Heckman | Rait |
| Anderson, Benson | Hofstrand | Rettke |
| Anderson, M'K'nzie | Holm | Ritter |
| Anfinson | Holthusen | Rohde |
| Arneson, Nelson | Hultstrand | Sand |
| Arneson, Ramsey | Ireland | Saumur |
| Beede | Ista | Schauss |
| Belzer | Jensen | Schmidt, McHenry |

| | | |
|---|---|---|
| Benno | Johnson, Cass | Schmidt, Sheridan |
| Bergesen | Johnson, LaMoure | Schimke |
| Billigmeier | Joiner | Scholl |
| Bingenheimer | Keller | Schwartz |
| Blair | Kluver | Sellens |
| Bolmeier | Knutson | Semerad |
| Boulden | Lange | Severson |
| Braun, McLean | Levin | Sharpe |
| Braun, Stark | Lunde | Shure |
| Brown | McInnes | Singleton |
| Buchholz | McIntee | Skartvedt |
| Byrne | McIntyre | Solberg |
| Crockett | Myers | Sticka |
| Culver | Mittag | Stone |
| Dalzell | Mollet | Stormon |
| Dike | Morland | Symington |
| Dittmer | Nelson, Cass | Thompson, Burl'gh |
| Erickson | Nelson, Dickey | Thompson, Steele |
| Feton | Nelson, Steele | Trydahl |
| Fitch | Nystrom | Tuff |
| Fletcher | O'Brien | Twichell |
| Fraser | Odegard | Wambheim |
| Fuglestad | Oglesby | Westby |
| Glas | Ostgulen | Williams, Richland |
| Gray | Page | Williams, Stutsm'n |
| Haag | Panko | Wolf |
| Halvorson | Peterson, Bottineau | Mr. Speaker |
| Haugland | Peterson, Ransom | |

Those voting in the negative were:
Moe

Absent and not voting:

| | | |
|---|---|---|
| Gainor | Larson | Urschel |

So the bill passed and the title was agreed to.

House Bill No. 98. A Bill for an Act to Repeal Chapter 28 of the 1925 Session Laws, Being Section 1796a5 of the 1925 Supplement, Making an Appropriation for Civil War Veterans; 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, 82; nays, 25; absent and not voting, 4.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Haag | Peterson, Bottineau |
| Anderson, Benson | Halvorson | Peterson, Ransom |
| Anderson, M'K'nzie | Haugland | Rait |
| Anfinson | Heckman | Rettke |
| Arneson, Nelson | Hofstrand | Ritter |
| Arneson, Ramsey | Holm | Rohde |
| Beede | Holthusen | Sand |
| Belzer | Hultstrand | Saumur |
| Benno | Ista | Schauss |
| Bergesen | Jensen | Schmidt, McHenry |
| Billigmeier | Joiner | Schmidt, Sheridan |
| Bingenheimer | Keller | Schimke |
| Bolmeier | Knutson | Scholl |

| | | |
|---|---|---|
| Boulden | Lange | Schwartz |
| Braun, Stark | Levin | Sellens |
| Brown | McIntee | Semerad |
| Buchholz | Myers | Sharpe |
| Byrne | Mittag | Sticka |
| Culver | Mollet | Thompson, Burl'gh |
| Dalzell | Morland | Thompson, Steele |
| Dittmer | Nelson, Dickey | Tuff |
| Erickson | Nelson, Steele | Twichell |
| Feton | Nystrom | Wambheim |
| Fletcher | O'Brien | Williams, Richland |
| Fraser | Odegard | Williams, Stutsm'n |
| Fuglestad | Ostgulen | Wolf |
| Glas | Panko | Mr. Speaker |
| Gray | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Blair | Lunde | Singleton |
| Braun, McLean | McIntyre | Skartvedt |
| Crockett | Moe | Solberg |
| Dike | Nelson, Cass | Stone |
| Fitch | Oglesby | Stormon |
| Ireland | Page | Symington |
| Johnson, Cass | Severson | Trydahl |
| Johnson, LaMoure | Shure | Westby |
| Kluver | | |

Absent and not voting:

| | | |
|---|---|---|
| Gainor | McInnes | Urschel |
| Larson | | |

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

Rep. Arneson of Ramsey moved that the vote by which House Bill No. 98 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Concurrent Resolution No. 91. Providing for the Amendment of Section 25 of Article 2 of the Constitution of the State of North Dakota, Relating to the Legislative Power of the State, and the Initiative and Referendum.

Was read the second time.

ROLL CALL

The question being on the final passage of the Concurrent Resolution, the roll was called and there were ayes, 101; nays, 4; absent and not voting, 6.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Haugland | Peterson, Ransom |
| Anderson, Benson | Heckman | Rait |
| Anderson, M'K'nzie | Hofstrand | Rettke |
| Anfinson | Holm | Ritter |
| Arneson, Nelson | Holthusen | Rohde |
| Arneson, Ramsey | Hultstrand | Sand |
| Beede | Ista | Saumur |
| Benno | Jensen | Schauss |
| Belzer | Johnson, Cass | Schmidt, McHenry |
| Bergesen | Johnson, LaMoure | Schmidt, Sheridan |
| Billigmeier | Keller | Schimke |

| | | |
|---|---|---|
| Bingenheimer | Knutson | Scholl |
| Blair | Lange | Schwartz |
| Bolmeier | Levin | Sellens |
| Boulden | Lunde | Semerad |
| Braun, McLean | McInnes | Severson |
| Braun, Stark | McIntee | Sharpe |
| Brown | McIntyre | Shure |
| Buchholz | Myers | Singleton |
| Crockett | Mittag | Skartvedt |
| Culver | Moe | Sticka |
| Dalzell | Mollet | Stone |
| Dike | Morland | Stormon |
| Dittmer | Nelson, Cass | Symington |
| Erickson | Nelson, Dickey | Thompson, Burl'gh |
| Feton | Nelson, Steele | Thompson, Steele |
| Fitch | Nystrom | Trydahl |
| Fletcher | O'Brien | Tuff |
| Fraser | Odegard | Wambheim |
| Fuglestad | Oglesby | Westby |
| Glas | Ostgulen | Williams, Stutsm'n |
| Gray | Page | Wolf |
| Haag | Panko | Mr. Speaker |
| Halvorson | Peterson, Bottineau | |

Those voting in the negative were:

| | | |
|---|---|---|
| Byrne | Solberg | Twichell |
| Ireland | | |

Absent and not voting:

| | | |
|---|---|---|
| Gainor | Kluver | Urschel |
| Joiner | Larson | Williams, Richland |

So the resolution passed and the title was agreed to.

Rep. Twichell moved that the House do now recess until the call of the Chair to permit the members to attend the Robert Burns Birthday services being held in the Senate Chamber.

Mr. Henry Klein, former member of the House of Representatives of the year 1913, from Stark County, gave the principal address at the birthday services.

The House reconvened at the call of the Chair at 4:10 P. M., Speaker Hagen presiding.

## FIRST READING OF SENATE BILLS

Senate Bill No. 49. A Bill for an Act to Amend and Reenact Chapter 245 of the Session Laws of 1937. An Act to Encourage and Promote the Payment of Taxes by Providing for a Rebate on Prepayments.

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

## SECOND READING OF SENATE BILLS

Senate Bill No. 28. A Bill for an Act to Amend and Reenact Paragraph (c) of Subsection (2) of Section 4 of Chapter 196, Laws of 1927, as Amended by Chapter 169, Laws of 1929 and Chapter 195, Laws of 1931, Relating to Bond Issues of Cities to Permit the Issuance of Bonds for the Joint Construction of a Water and Sewer System and Legalizing Elections Heretofore Held to Vote Bonds for Such Purpose, 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, 100; nays, 3; absent and not voting, 8.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Halvorson | Page |
| Anderson, Benson | Haugland | Panko |
| Anderson,M'K'nzie | Heckman | Peterson, Ransom |
| Anfinson | Hofstrand | Rait |
| Arneson, Nelson | Holm | Rettke |
| Arneson, Ramsey | Holthusen | Ritter |
| Beede | Hultstrand | Sand |
| Belzer | Ireland | Saumur |
| Benno | Ista | Schmidt, McHenry |
| Bergesen | Jensen | Schmidt, Sheridan |
| Billigmeier | Johnson, LaMoure | Schimke |
| Bingenheimer | Joiner | Scholl |
| Blair | Keller | Schwartz |
| Bolmeier | Kluver | Sellens |
| Boulden | Knutson | Semerad |
| Braun, McLean | Lange | Severson |
| Braun, Stark | Levin | Sharpe |
| Brown | Lunde | Shure |
| Buchholz | McIntee | Singleton |
| Byrne | McIntyre | Solberg |
| Crockett | Myers | Sticka |
| Culver | Mittag | Stormon |
| Dalzell | Moe | Symington |
| Dike | Mollet | Thompson,Burl'gh |
| Dittmer | Morland | Thompson, Steele |
| Erickson | Nelson, Cass | Tuff |
| Feton | Nelson, Dickey | Twichell |
| Fitch | Nelson, Steele | Wambheim |
| Fletcher | Nystrom | Westby |
| Fraser | O'Brien | Williams,Richland |
| Fuglestad | Odegard | Williams,Stutsm'n |
| Glas | Oglesby | Wolf |
| Gray | Ostgulen | Mr. Speaker |
| Haag | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Rohde | Schauss | Stone |

Absent and not voting:

| | | |
|---|---|---|
| Gainor | McInnes | Trydahl |
| Johnson, Cass | Peterson,Bottineau | Urschel |
| Larson | Skartvedt | |

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

## MESSAGE TO THE SENATE

House of Representatives,
Bismarck, January 25, 1939.

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

Senate Bill No. 27. A Bill for an Act Providing That in Proceedings Taken Under the Provisions of Chapter 266 of the Session Laws of 1927, no Tax Deed Shall Be Issued

Prior to October 1, 1939, and the Period of Redemption from Any Tax Sale Made Under the Provisions of Said Chapter is Hereby Extended to October 1, 1939, and Declaring an Emergency.

Which the House has passed unchanged.

Senate Bill No. 13. A Bill for an Act to Amend and Reenact Section 4141 of the Compiled Laws of North Dakota for 1913, Relating to the Organization for the Annual or Special Township Meetings.

Which the House has indefinitely postponed.

Senate Concurrent Resolution No. 31. Urging Congress of the United States to Establish Work Projects for Farmers.

Senate Concurrent Resolution No. 17. Relating to Fuel Briquettes to Be Made from Straw.

Senate Concurrent Resolution No. 18. Memorializing Congress to Pass the Townsend Recovery Plan.

Senate Concurrent Resolution No. 20. Memorializing Congress for Establishment of Prices on Farm Products Equal to the Cost of Production.

Which the Speaker has signed.

MINNIE D. CRAIG, Chief Clerk.

Senate Concurrent Resolution No. 24 was read, which Urges the Establishment of a Division of Co-operatives in the Department of Agriculture.

Rep. Rohde moved the adoption of Senate Concurrent Resolution No. 24, which motion prevailed and Senate Concurrent Resolution No. 24 was declared adopted.

The House reverted to the Tenth Order of Business.

## FIRST READING OF HOUSE BILLS

Reps. Belzer, McIntyre and Culver introduced:

House Bill No. 120. A Bill for an Act Establishing Rules and Regulations and Sanitary Conditions for Cream Buying Stations; Sanitary Requirements for Haulers of Cream; Equipment and Care of Equipment; Care of Cream Held in the Station; Care of Cream in Transit; Repealing Acts in Conflict Herewith; Providing Penalties, and Declaring an Emergency.

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

Rep. Dalzell introduced:

House Bill No. 121. A Bill for an Act to Amend and Reenact Article 41, Chapter 38, 1913 Compiled Laws, to Regulate the Licensing, Registration, Sale, Inspection, Sampling and Analysis of Commercial Fertilizers, Superphosphates and Fertilizer Materials in the State of North Dakota, and to Repeal All Laws and Parts of Laws in Conflict Therewith.

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

Reps. Anderson and Byrne introduced:

House Bill No. 122. A Bill for an Act to Exempt From Taxation Farm Lands Owned and Operated by Institutions of Public Charity in the State of North Dakota, When Such Lands Are Used by the Charitable Institution Owning the Same Solely for the Support and Maintenance of Such Institution and Not for Profit.

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

Reps. Schimke, Fitch and Byrne introduced:

House Bill No. 123. A Bill for an Act to Create a State Board of Plumbing for the Regulation of Plumbing in Cities and Villages; for the Licensing and Registration of Plumbers; for the Supervision and Inspecting of Plumbing and the Addition and Enforcement of Minimum Standards of Plumbing.

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

Reps. Adam, and Schmidt of Sheridan, introduced:

House Bill No. 124. A Bill for an Act Providing a Two-Year Period of Redemption Upon All Real Estate Foreclosures; Repealing Laws in Conflict Herewith, and Declaring an Emergency.

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

Rep. Trydahl introduced:

House Bill No. 125. A Bill for an Act Amending and Reenacting Sub-sections 1 and 4, of Section 4, of Chapter 97, of the Session Laws of 1933, as Amended by Chapter 119 of the Session Laws of 1935; Providing the Loss of Residence Upon Moving to Another State, and Declaring an Emergency.

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

The Committee on Agriculture introduced:

House Bill No. 126. A Bill for an Act to Amend and Reenact Section 336, Compiled Laws of 1913, as Amended by Chapter 177, Laws of 1925, Relating to the Leasing and Sale of School and Other Public Lands of the State, and Declaring an Emergency.

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

## GENERAL ORDERS

Rep. Schauss moved that the House resolve itself into a Committee of the Whole for the consideration of general orders; which motion prevailed, and the House resolved itself into a Committee of the Whole.

The Speaker called Rep. Schauss to the chair.

When the committee arose it submitted the following report:

Mr. Speaker: The Committee of the Whole has had under consideration House Bill No. 55.

In line 9 strike out the word "two" and insert the word "three."

And recommend the adoption of the amendments of the Standing Committee.

And when so amended recommend the same do pass.

House Bill No. 2.

In line 2 of Title following the word "Laws" strike out the words "of North Laws."

In line 2 of Title following the word "Dakota" strike out the word "of" and insert in lieu thereof the words "for the year."

In line 1 Section 1 after the word "laws" insert the words "for the year."

And recommend the adoption of the amendments of the Standing Committee.

And when so amended recommend the same do pass.

GUS A. SCHAUSS, Chairman, Committee of the Whole.

Rep. Holthusen moved that the Report of the Committee of the Whole be adopted, which motion prevailed and the report was adopted.

Rep. Beede requested to be excused from serving on the committee investigating affairs at the Jamestown Hospital, since he was a personal friend of the present superintendent of the Hospital. The Speaker excused Rep. Beede and named Rep. Levin in his place.

Rep. Lange moved that the absent members be excused, which motion prevailed.

Extension of time was granted on House Bills Nos. 66, 69 and 71.

Rep. Shure moved that the Speaker arrange with the Senate for a joint memorial service to take place in the House for the late Dr. Sheppard of Fargo.

Rep. Fitch seconded the motion, which motion prevailed.

## SIGNING OF BILLS

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 56. A Bill for an Act to Amend and Reenact Sections 4262 and 4263 of the Compiled Laws of 1913 as Relating to Irrigation and Conservation of Water, Authorizing Submission to the Voters of Organized Townships the Question of Irrigation and Conservation of Water by Building Dams, Dugouts, Creating Ponds or Reservoirs on Creeks or Coulees, and Other Improvements in Connection Therewith, and Authorizing a Levy Therefore; Declaring an Emergency.

Senate Concurrent Resolution No. 21. Requesting Congress to Include "Cost of Production" in Soil Conservation Act, Together With Its Insurance Features.

And the Speaker signed the same in the presence of the House.

Rep. Rohde moved that the House do now adjourn, which motion prevailed and the House adjourned.

MINNIE D. CRAIG, Chief Clerk.

## TWENTY-FOURTH DAY

Bismarck, January 26, 1939.

The House assembled at 2:00 P. M., pursuant to adjournment, Speaker Hagen presiding.

Prayer by Rev. Walter E. Vater.

Roll Call: All Representatives present except Byrne, Crockett, Fitch, Gainor, Larson, Levin, Rohde, Schauss, Schimke, Semerad, Urschel.

So a quorum was declared present.

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

Mr. Speaker: Your Committee on Revision and Correction of the Journal have carefully examined the Journal of the twenty-third day and recommend that the same be corrected as follows:

On page 228, roll call shows Haugland absent and not voting whereas she was present and voted 'aye'.

On page 236, ten lines from the bottom of the page the figure '2' should be '3'.

On page 236, line 11 from the bottom the figure '108' should be '107'.

On page 237, Gainor was shown voting 'aye' whereas he was absent and not voting.

On page 239, line 22 from the bottom strike out the word 'Karl' and insert the word 'Henry'.

On page 240, line 3 from the top the figure '7' should be '8'.

And when so corrected recommend that the same be approved.

REP. GLAS, Chairman.

Rep. J. M. Joiner moved that the report be adopted, which motion prevailed and the report was adopted.

### MESSAGE TO THE HOUSE

Senate Chamber,
Bismarck, January 26, 1939.

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

Senate Bill No. 50. A Bill for an Act to Amend and Reenact Sections 1 and 13 of Chapter 92 of the Session Laws of 1933, Providing for the Consolidation of Counties and Parts of Counties, the Petition Therefor, and the Liabilities and Debts of Counties Affected; and Repealing All Acts in Conflict Herewith.

Senate Bill No. 52. A Bill for an Act to Amend and Reenact Chapter 30 of the Session Laws of North Dakota for

the Year 1937, and Repealing All Acts or Parts of Acts in Conflict Herewith.

Senate Concurrent Resolution No. 42. Re-establishing and Re-habilitating the Foundation Herds of Livestock for the Farmers and Ranchers of the State of North Dakota.

Senate Concurrent Resolution No. 44. Memorializing Congress to Make Credit Immediately Available to Finance Wheat Crop Insurance.

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

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

House Bill No. 51. A Bill for an Act to Repeal Chapter 217 of the Session Laws of the State of North Dakota for 1935, Relating to the State Planning Board.

Which the Senate has passed unchanged.

WM. J. LOWE, Secretary

## HOUSE COMMITTEE ON ENROLLMENT AND ENGROSSMENT

Mr. Speaker: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bills and find the same correctly Engrossed:

House Bill No. 2. A Bill for an Act to Amend and Reenact Section 858 of the Compiled Laws of North Dakota of 1913, Relating to the Eligibility of Candidates in the General Election.

House Bill No. 55. A Bill for an Act to Amend Chapter 269 of the Session Laws of the State of North Dakota for the Year 1935.

OLAF OSTGULEN, Chairman.

Representative Ostgulen moved that the report be adopted, which motion prevailed, and the report was adopted.

## REPORT OF STANDING COMMITTEES

The Committee on Agriculture made the following report:

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

Senate Bill No. 14. 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.

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

CARL H. DITTMER, Chairman.

Rep. Levin moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Agriculture made the following report:

Mr. Speaker: Your Committee on Agriculture to whom was referred Senate Bill No. 22, have had the same under consideration and recommend that the same do pass.

CARL H. DITTMER, Chairman.

Rep. Fuglestad 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. Speaker: Your Committee on Ways and Means to whom was referred:

House Bill No. 67. A Bill for an Act to Amend and Re-

enact Section 1 of That Certain Initiated Measure Initiated and Approved by the People of the State of North Dakota on November 8, 1932, Being an Act Reducing and Fixing the Salaries or Compensation of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Superintendent of Public Instruction, Commissioner of Insurance, Commissioner of Agriculture and Labor, and Each Commissioner of Railroads, to be Elected at the General Election to be Held on November 8, 1932, and All Subsequent Elections, and Reducing and Fixing the Salaries and Compensation of All Appointive State Officials and Members of All Appointive State Boards, Bureaus and Commissions Provided by Law, and Reducing and Fixing the Salaries and Compensation of All Deputies, Assistants, Secretaries, Clerks and Employes of All State Officials, State Boards, Bureaus and Commissions, Defining the Persons and Class of Persons Whose Salaries Are Deduced or Fixed, Specifying the Time When This Act Shall Take Effect, and Repealing All Acts or Parts of Acts so Far as They Shall Conflict Herewith.

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

CARL ANFINSON, Chairman.

Rep. Peterson of Bottineau 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. Speaker: Your Committee on Ways and Means to whom was referred:

House Bill No. 85. A Bill for an Act to Amend and Reenact Section 591 of North Dakota Compiled Laws of 1913, Relative to the Powers of the Board of Railroad Commissioners, and Extending Such Powers to Include Common Carrier Pipe Lines; and Declaring an Emergency.

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

Line 6 after the word "Passengers," insert the following: "or the transportation by pipe line of crude petroleum or gas or other petroleum products."

And when so amended recommend the same do pass.

CARL ANFINSON, Chairman.

Rep. Benno 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. Speaker: Your Committee on Taxes and Tax Laws to whom was referred:

House Bill No. 99. A Bill for an Act to Authorize County Commissioners to Lease Real Property Acquired by Tax Deed and Not Sold or Leased; to Limit Term of Lease; to Permit Longer Leases to Co-operative Grazing Associations, Soil Conservation Districts, and Individuals; to Limit Expense of Supervising and Collecting Rentals; to Provide That Net Revenue be Distributed to Taxing Districts; to Repeal Any Acts in Conflict; and to Declare an Emergency.

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

In line 7, page 2, strike out the word "ten" and insert in lieu thereof the word "five."

In line 9, page 2, after the word "or" add "to any."

And when so amended recommend the same do pass.

N. P. JENSEN, Chairman.

Rep. Leonas Myers moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Agriculture made the following report:

Mr. Speaker: Your Committee on Agriculture to whom was referred House Bill No. 105, have had the same under consideration and recommend that the same be re-referred to the Committee on Appropriations.

CARL H. DITTMER, Chairman.

Rep. Anderson of McKenzie moved that the report be adopted, which motion prevailed and the report was adopted.

## MESSAGE TO THE SENATE

House of Representatives,
Bismarck, January 26, 1939.

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

House Bill No. 72. A Bill for an Act to Repeal Section 3080a7 of the 1925 Supplement to the Compiled Laws of North Dakota for the Year 1913.

House Bill No. 74. A Bill for an Act Making a Deficiency Emergency Appropriation for Relief of Destitute and Necessitous Persons of the State of North Dakota for the Months of December, 1938, and January and February, 1939, as Provided by Chapter 214 of the Session Laws of 1937, Declaring an Emergency.

House Bill No. 77. A Bill for an Act to Amend and Reenact Section 967 of the Compiled Laws of North Dakota for 1913, Relating to the Duty of the County Auditor to Provide Uniform Poll Books for the Use of the County and Deliver to the Inspector of the Election Precinct.

House Bill No. 98. A Bill for an Act to Repeal Chapter 28 of the 1925 Session Laws, Being Section 1796a5 of the 1925 Supplement, Making an Appropriation for Civil War Veterans; and Declaring an Emergency.

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

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

Senate Concurrent Resolution No. 21. A Concurrent Resolution Requesting Congress to Include "Cost of Production" in the Soil Conservation Act, Together With Its Insurance Features.

Which the Speaker has signed.

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

Senate Concurrent Resolution No. 12. Relating to the Research by the Northern Federal Laboratory on Production of Power Alcohol.

Which the House has adopted.

MINNIE D. CRAIG, Chief Clerk.

## FIRST READING OF HOUSE BILLS

Reps. Saumur, Trydahl and Boulden introduced:

House Bill No. 127. A Bill for an Act to Amend and Re-

enact Sections 3610 and 3612 of the Compiled Laws of the State of North Dakota for the Year 1913 Relating to the Election and Appointment of Officers in Cities Under Mayor and Council Form of Government.

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

Reps. Ritter, Schauss and Schimke introduced:

House Bill No. 128. A Bill for an Act to Amend and Re-enact Chapter 123 of the 1935 Session Laws of the State of North Dakota, Being an Act to Amend and Re-enact Section 25 of Chapter 98 of the 1933 Session Laws of the State of North Dakota; Relating to Relief for the Poor; Describing the Establishment of a County Relief Board by the Board of County Commissioners, Constituting the County Commissioners in the Respective Counties to Replace the County Welfare Board; 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 Public Welfare.

Reps. Schauss and Schimke introduced:

House Bill No. 129. A Bill for an Act to Amend and Re-enact Chapter 162 of the 1929 Session Laws of North Dakota, Providing That Attachment Shall Lie as Against Motor Vehicles, in Case of Accidents Occasioned Through the Negligence of the Driver or Owner Thereof, and Making Provision for Execution Against Motor Vehicles Involved in Accidents, Repealing All Acts or Parts of Acts in Conflict Herewith and Declaring it to be an Emergency.

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

The Committee on Agriculture introduced:

House Bill No. 130. A Bill for an Act Providing for the Sale to the Federal Government for Inclusion in Federal Reclamation Projects of Lands, or Other Federal Purposes, Acquired by the State of North Dakota on Foreclosure of Mortgages Given to Secure Repayment of Loans of Permanent School Funds at Less Than the Amount of the State's Investment Therein; and Making an Appropriation to Reimburse the Permanent School Funds for the Difference Between the Price Received on Sale to the Federal Government and the Amount of the State's Investment in Such Lands; and Declaring an Emergency.

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

Reps. Morland, Ritter, Scholl, Ireland and Schauss introduced:

House Bill No. 131. A Bill for an Act Appropriating Money for the School of Mines at the University of North Dakota, to Supplement Works Progress Administration and United States Bureau of Mines Funds for the Investigation and Development of the Lignite Resources Within the Bounds of the State of North Dakota.

Was read the first time and referred to the Committee on Mines and Mining.

The Committee on Agriculture introduced:

House Concurrent Resolution No. 132. A Concurrent Resolution Relating to an Amendment of the Enabling Act of February 22, 1889.

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

Reps. Schimke, Schauss and Ritter introduced:

House Bill No. 133. A Bill for an Act to Provide That Judgments Not Renewed or Extended of Record Within Ten Years Shall be Discharged From the Public Record; and Declaring an Emergency.

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

Rep. Schwartz introduced:

House Bill No. 134. A Bill for an Act Providing for Direct Liability of the Insurer to Persons Entitled to Recover for Death, for Injuries to Persons, or Damages to Property, Caused by the Negligent, Maintenance, Use, or Operation of Motor Vehicles, Limiting the Amount of Liability; Authorizing the Persons Entitled to Recover Such Damages to Join the Insurer in Single Action Against Owner or Operator of Motor Vehicle; Declaring Conditions and Covenants in Liability Contracts or Policies of Insurance, Limiting or Restricting Such Rights, or Which Are Violative of the Provisions of This Act, as Against Public Policy and Void and Providing for Repeal of Inconsistent Acts.

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

## SECOND READING OF HOUSE BILLS

House Bill No. 2. A Bill for an Act to Amend and Reenact Section 858 of the Compiled Laws of North Dakota of 1913, Relating to the Eligibility of Candidates in the General Election.

Was read the second time.

Rep. Adam moved that House Bill No. 2 be indefinitely postponed.

The motion was seconded and the Speaker put the question. The Chair being in doubt a standing vote was taken.

The motion was lost.

## ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 53; nays, 52; absent and not voting, 6.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Arneson, **Nelson** | Ireland | Sharpe |
| Arneson, **Ramsey** | Johnson, **Cass** | Shure |
| Benno | Kluver | Singleton |
| Bergesen | Lunde | Skartvedt |
| Blair | McInnes | Solberg |
| Bolmeier | Moe | Sticka |
| Boulden | Morland | Stone |
| Braun, **Stark** | Nelson, **Cass** | Stormon |
| Brown | Nelson, **Steele** | Symington |
| Byrne | Nystrom | Thompson, Burl'gh |
| Culver | O'Brien | Thompson, Steele |
| Dalzell | Odegard | Trydahl |
| Dike | Oglesby | Twichell |
| Feton | Page | Wambheim |
| Fuglestad | Peterson, **Ransom** | Westby |
| Haugland | Saumur | Williams, Richland |

| | | |
|---|---|---|
| Holm | Sellens | Williams, Stutsm'n |
| Holthusen | Severson | |

Those voting in the negative were:

| | | |
|---|---|---|
| Adam | Heckman | Panko |
| Anderson, Benson | Hofstrand | Peterson, Bottineau |
| Anderson, M'K'nzie | Hultstrand | Rait |
| Anfinson | Ista | Rettke |
| Beede | Jensen | Ritter |
| Belzer | Johnson, LaMoure | Rohde |
| Billigmeier | Joiner | Sand |
| Bingenheimer | Keller | Schauss |
| Braun, McLean | Knutson | Schmidt, McHenry |
| Buchholz | Lange | Schmidt, Sheridan |
| Dittmer | McIntee | Schimke |
| Erickson | McIntyre | Scholl |
| Fletcher | Myers | Schwartz |
| Fraser | Mittag | Semerad |
| Glas | Mollet | Tuff |
| Gray | Nelson, Dickey | Wolf |
| Haag | Ostgulen | Mr. Speaker |
| Halvorson | | |

Absent and not voting:

| | | |
|---|---|---|
| Crockett | Gainor | Levin |
| Fitch | Larson | Urschel |

So the bill was lost for lack of constitutional majority.

House Bill No. 55. A Bill for an Act to Amend Chapter 269 of the Session Laws of the State of North Dakota for the Year 1935.

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, 94; nays, 10; absent and not voting, 7.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Hofstrand | Rettke |
| Anderson, Benson | Holm | Ritter |
| Anderson, M'K'nzie | Ireland | Rohde |
| Anfinson | Ista | Sand |
| Arneson, Nelson | Jensen | Saumur |
| Arneson, Ramsey | Johnson, Cass | Schmidt, McHenry |
| Beede | Johnson, LaMoure | Schmidt, Sheridan |
| Belzer | Joiner | Schimke |
| Benno | Keller | Scholl |
| Bergesen | Kluver | Schwartz |
| Billigmeier | Knutson | Sellens |
| Bingenheimer | Lange | Semerad |
| Blair | Lunde | Severson |
| Braun, McLean | McIntee | Sharpe |
| Braun, Stark | McIntyre | Shure |
| Buchholz | Moe | Singleton |
| Byrne | Myers | Skartvedt |
| Culver | Mollet | Solberg |
| Dalzell | Morland | Sticka |
| Dike | Nelson, Dickey | Stone |
| Dittmer | Nelson, Steele | Stormon |
| Erickson | Nystrom | Symington |

| | | |
|---|---|---|
| Feton | O'Brien | Thompson, Burl'gh |
| Fletcher | Odegard | Thompson, Steele |
| Fraser | Oglesby | Trydahl |
| Fuglestad | Ostgulen | Tuff |
| Glas | Page | Wambheim |
| Gray | Panko | Williams, Richland |
| Haag | Peterson, Bottineau | Williams, Stutsm'n |
| Halvorson | Peterson, Ransom | Wolf |
| Haugland | Rait | Mr. Speaker |
| Heckman | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Bolmeier | McInnes | Schauss |
| Boulden | Mittag | Twichell |
| Brown | Nelson, Cass | Westby |
| Holthusen | | |

Absent and not voting:

| | | |
|---|---|---|
| Crockett | Hultstrand | Levin |
| Fitch | Larson | Urschel |
| Gainor | | |

So the bill passed and the title was agreed to.

House Bill No. 78. A Bill for an Act Declaring to Be Common Nuisances any Building, Place, or Room, Where Intoxicating Liquors Are Sold, Bartered, or Furnished in Violation of Law, and Prescribing Remedies and Penalties for the Prevention of the Same, and Evidence Admissible.

Was read the second time.

Rep. Stone made a substitute motion that House Bill No. 78 be indefinitely postponed, which motion was seconded.

The Speaker put the question and the 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, 86; nays, 19; absent and not voting, 6.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Anderson, Benson | Halvorson | O'Brien |
| Anderson, M'K'nzie | Haugland | Oglesby |
| Anfinson | Heckman | Ostgulen |
| Arneson, Nelson | Hofstrand | Page |
| Arneson, Ramsey | Holm | Panko |
| Beede | Holthusen | Peterson, Ransom |
| Belzer | Hultstrand | Rait |
| Bergesen | Ireland | Rohde |
| Billigmeier | Ista | Saumur |
| Bingenheimer | Jensen | Schmidt, McHenry |
| Blair | Johnson, Cass | Scholl |
| Bolmeier | Johnson, LaMoure | Schwartz |
| Braun, McLean | Joiner | Sellens |
| Braun, Stark | Keller | Semerad |
| Brown | Kluver | Severson |
| Buchholz | Knutson | Sharpe |
| Byrne | Lange | Skartvedt |
| Culver | Lunde | Solberg |
| Dalzell | McIntee | Stormon |
| Dike | McIntyre | Symington |
| Dittmer | Myers | Thompson, Burl'gh |
| Erickson | Mittag | Thompson, Steele |

| | | |
|---|---|---|
| Feton | Moe | Trydahl |
| Fletcher | Mollet | Westby |
| Fraser | Morland | Williams,Richland |
| Fuglestad | Nelson, Cass | Williams,Stutsm'n |
| Glas | Nelson, Dickey | Wolf |
| Gray | Nelson, Steele | Mr. Speaker |
| Haag | Nystrom | |

Those voting in the negative were:

| | | |
|---|---|---|
| Adam | Ritter | Singleton |
| Benno | Sand | Sticka |
| Boulden | Schauss | Stone |
| McInnes | Schmidt, Sheridan | Tuff |
| Odegard | Schimke | Twichell |
| Peterson,Bottineau | Shure | Wambheim |
| Rettke | | |

Absent and not voting:

| | | |
|---|---|---|
| Crockett | Gainor | Levin |
| Fitch | Larson | Urschel |

So the bill passed and the title was agreed to.

Rep. Byrne requested that the House be on the Tenth Order of Business and asked that House Concurrent Resolution No. 135 be read from the desk, which request was granted and the resolution was read from the desk: A Concurrent Resolution petitioning the United States Secretary of Agriculture to favorably interpret, or the Congress of the United States to amend the Soil Conservation and Domestic Allotment Act, to permit the State to participate in soil conservation payments on State Land.

Rep. Twichell moved that the rules be suspended and that House Concurrent Resolution No. 135 be considered at this time, which motion was seconded and carried.

Rep. Scholl moved the adoption of House Concurrent Resolution No. 135, which motion was seconded and House Concurrent Resolution No. 135 was adopted.

## FIRST READING OF SENATE BILLS

Senate Concurrent Resolution No. 42. Re-establishing and Re-habilitating the Foundation Herds of Livestock for the Farmers and Ranchers of the State of North Dakota.

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

Senate Concurrent Resolution No. 44. Memorializing Congress to Make Credit Immediately Available to Finance Wheat Crop Insurance.

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

Senate Bill No. 50. A Bill for an Act to Amend and Reenact Sections 1 and 13 of Chapter 92 of the Session Laws of 1933, Providing for the Consolidation of Counties and Parts of Counties, the Petition Therefor, and the Liabilities and Debts of Counties Affected; and Repealing All Acts in Conflict Herewith.

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

Senate Bill No. 52. A Bill for an Act to Amend and Reenact Chapter 30 of the Session Laws of North Dakota for

the Year 1937, 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.

## GENERAL ORDERS

Rep. Jensen moved that the House resolve itself into a committee of the whole for the consideration of general orders; which motion prevailed, and the House resolved itself into a committee of the whole.

The Speaker called Rep. Jensen to the chair.

When the committee arose it submitted the following report:

Mr. Speaker: The committee of the whole have had under consideration House Bill No. 10.

Page 1, Section 1, line 3, strike out the figures "$76,780.00" and insert in lieu thereof the figures "$57,420.00."

Strike out all of line 11, "Assistant Epidemiologist—$4,400.00."

Page 2, strike out all of line 14, "Assistant Sanitary Engineer—$3,200.00."

In line 15, strike out the figures "$3,000.00" and insert in lieu thereof the figures "$2,500.00."

Strike out all of line 16, "Accountant—$3,000.00."

In line 17, strike out the figures "$10,800.00," and insert in lieu thereof the figures "$8,640.00."

In line 20, strike out the figures "$2,000.00," and insert in lieu thereof the figures "$1,500.00."

In line 21, strike out the figures "$1,000.00" and insert in lieu thereof the figures "$800.00."

In line 22, strike out the figures "$3,500.00" and insert in lieu thereof the figures "$2,500.00."

In line 23, strike out the figures "$2,000.00" and insert in lieu thereof the figures "$1,000.00."

In line 24, strike out the figures "$10,000.00" and insert in lieu thereof the figures "$7,600.00."

In line 28, strike out the figures "$6,000.00" and insert in lieu thereof the figures "$5,000.00."

In line 31, strike out the figures "$76,780.00" and insert in lieu thereof the figures "$57,420.00."

Re-number beginning with line 12, change to line 11 and continue re-numbering to the bottom of Page 2.

And recommend the adoption of the amendments of the Standing Committee.

And when so amended recommend the same do pass.

House Bill No. 11.

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

Page 1, Section 1, line 3 strike out the figures "$40,690.00" and insert in lieu thereof the figures "$33,740.00." Strike out all of line 8 "Salary-Director—$4,000.00."

Page 2, in line 12 strike out the figures "$3,200.00" and insert in lieu thereof the figures "$3,000.00."

In line 14 strike out the figures "$900.00" and insert in lieu thereof the figures "$500.00."

In line 19 strike out the figures "$900.00" and insert in lieu thereof the figures "$500.00."

In line 21 strike out the figures "$500.00" and insert in lieu thereof the figures "$400.00."

In line 22 strike out the figures "$2,000.00" and insert in lieu thereof the figures "$1,200.00."

In line 24 strike out the figures "$1,600.00" and insert in lieu thereof the figures "$1,400.00."

Strike out all of line 25 "Travel Expense—$350.00."

In line 26 strike out the figures "$4,500.00" and insert in lieu thereof the figures "$4,000.00."

In line 28 strike out the figures "$40,690.00" and insert in lieu thereof the figures "$33,740.00."

Re-number beginning with line 9—change to line 8 and continue re-numbering to the bottom of Page 2.

And recommend the adoption of the amendments of the Standing Committee.

And when so amended recommend the same do pass.

House Bill No. 12.

Page 1, Section 1, line 3 strike out the figures "$50,320.00" and insert in lieu thereof the figures "$41,745.00."

In line 8 strike out the figures "$7,200.00" and insert in lieu thereof the figures "$4,800.00."

In line 12 strike out the figures "$4,200.00" and insert in lieu thereof the figures "$3,865.00."

Strike out all of line 14 "Dentist—$4,000.00."

In line 15 strike out the figures "$4,320.00" and insert in lieu thereof the figures "$6,480.00."

In line 16 strike out the figures "$1,100.00" and insert in lieu thereof the figures "$800.00."

In line 18 strike out the figures "$400.00" and insert in lieu thereof the figures "$300.00."

In line 19 strike out the figures "$3,000.00" and insert in lieu thereof the figures "$2,000.00."

In line 20 strike out the figures "$500.00" and insert in lieu thereof the figures "$400.00."

In line 21 strike out the figures "$10,000.00" and insert in lieu thereof the figures "$8,000.00."

In line 22 strike out the figures "$3,000.00" and insert in lieu thereof the figures "$2,500.00."

In line 23 strike out the figures "$50,320.00" and insert in lieu thereof the figures "$41,745.00."

Re-number beginning with line 15—change to line 14 and continue re-numbering to the bottom of Page 2.

And recommend the adoption of the amendment of the Standing Committee.

And when so amended recommend the same do pass.

N. P. JENSEN, Chairman of Committee of the Whole.

Rep. Holthusen moved the adoption of the report of the Committee of the Whole, which motion prevailed, and the report was adopted.

The Speaker appointed Rep. Haugland to take the place of the deceased Robert Rotering on the Committee on Public Welfare.

Rep. Ritter moved that the absent members be excused, which motion prevailed.

An extension of time was granted on House Bill No. 84 and 70.

Petitions were received from sixty-one signers from Valley City relative to the use of hunting dogs; from the County Commissioners from McKenzie County asking that appropriation be continued for the use of the Missouri river bridge for public traffic, and also a petition urging support of the work being done by the State Water Conservation Commission and an appropriation for the biennium in the amount of $285,000; also from the Bluebird Farmers Union Local at Jud as being against the increasing of the sales tax and gasoline tax for tractor consumption, all of which were referred to proper committees.

Rep. Byrne moved that the House do now adjourn, which motion prevailed and the House adjourned.

MINNIE D. CRAIG, Chief Clerk.

## TWENTY-FIFTH DAY

Bismarck, January 27, 1939.

The House assembled at 2:00 P. M., pursuant to adjournment, Speaker Hagen presiding.

Prayer by Rev. Floyd E. Logee, Bismarck.

Roll Call: All Representatives present except Crockett, Fitch, Larson, Levin, Saumur, Schauss, Twichell, Urschel.

So a quorum was declared present.

Representatives Levin, Crockett and Fitch were acting on special House Committee.

### MESSAGE TO THE SENATE

House of Representatives,
Bismarck, January 27, 1939.

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

Senate Bill No. 28. A Bill for an Act to Amend and Reenact Paragraph (c) of Subsection (2) of Section 4 of Chapter 196, Laws of 1927, as Amended by Chapter 169, Laws of 1929 and Chapter 195, Laws of 1931, Relating to Bond Issues of Cities to Permit the Issuance of Bonds for the Joint Construction of a Water and Sewer System and Legalizing Elections Heretofore Held to Vote Bonds for Such Purpose, and Declaring an Emergency.

Which the House has passed unchanged.

Senate Concurrent Resolution No. 24. Urging the Establishment of a Division of Co-operatives in the Department of Agriculture.

Which the House adopted.

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

House Concurrent Resolution No. 91. Providing for the Amendment of Section 25 of Article 2 of the Constitution of the State of North Dakota, Relating to the Legislative Power of the State, and the Initiative and Referendum.

House Concurrent Resolution No. 135.

House Concurrent Resolution No. 114.

House Bill No. 89. A Bill for an Act Permitting the County Court to Make Decrees of Distribution and Close Estates Without the Payment of Real Estate Taxes Levied Upon Real Property of the Estate.

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

MINNIE D. CRAIG, Chief Clerk.

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

Mr. Speaker: 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 245, in the list of absent members the name "Fitch" should be included.

On page 251, remove lines "21, 22, 23, 24, 25" from the top and insert before Roll Call on page 250.

On page 256, insert before the Chief Clerk's name the following: "Rep. Byrne moved that the House do now adjourn which motion prevailed and the House adjourned."

And when so corrected recommend that the same be approved.

REP. GLAS, Chairman.

Rep. Symington moved that the report be adopted, which motion prevailed and the report was adopted.

## MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, January 27, 1939.

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

Senate Bill No. 27. A Bill for an Act Providing That in Proceedings Taken Under the Provisions of Chapter 266 of the Session Laws of 1927, no Tax Deed Shall Be Issued Prior to October 1, 1939, and the Period of Redemption from Any Tax Sale Made Under the Provisions of Said Chapter is Hereby Extended to October 1, 1939, and Declaring an Emergency.

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

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

Senate Bill No. 53. A Bill for an Act to Repeal Section 1796a5 of the Supplement to the Compiled Laws of 1913, Relating to the Appropriation for the Annual Encampment of the Grand Army of the Republic.

Senate Bill No. 39. A Bill for an Act to Repeal Chapter 168 of the Session Laws of the State of North Dakota for 1927, as Amended by Chapter 151 of the Session Laws of North Dakota for 1929, Relating to the Investment of Funds of County Mutual Insurance Companies, and Prescribing the Character of the Investment.

Senate Bill No. 35. A Bill for an Act to Amend and Reenact Sections 859 and 860 of the Compiled Laws for the Year 1913, Relating to the Form of Party Primary Election Ballots and the Manner of Voting the Same.

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

Mr. Speaker: I have the honor to return:

House Bill No. 56. A Bill for an Act to Amend and Reenact Sections 4262 and 4263 of the Compiled Laws of 1913 as Relating to Irrigation and Conservation of Water, Authorizing Submission to the Voters of Organized Townships the Question of Irrigation and Conservation of Water by Building Dams, Dugouts, Creating Ponds or Reservoirs on Creeks or Coulees, and Other Improvements in Connection There-

with, and Authorizing a Levy Therefore; Declaring an Emergency.

Which the President has signed.

WM. J. LOWE, Secretary.

## HOUSE COMMITTEE ON ENROLLMENT AND ENGROSSMENT

Mr. Speaker: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bills and find the same correctly Engrossed:

House Bill No. 10. A Bill for an Act Making an Appropriation for the Purpose of Paying Salary, Clerk Hire, and General Expenses of the Department of Public Health.

House Bill No. 11. A Bill for an Act Making an Appropriation for the Purpose of Paying Salary, Clerkhire and General Expenses of the Public Health Laboratories.

House Bill No. 12. A Bill for an Act Making an Appropriation for the Purpose of Paying Salaries, Clerkhire and General Expenses of the Division of Child Hygiene.

OLAF OSTGULEN, Chairman.

Rep. Ostgulen moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bill and find the same correctly Enrolled:

House Bill No. 51. A Bill for an Act to Repeal Chapter 217 of the Session Laws of the State of North Dakota for 1935, Relating to the State Planning Board.

OLAF OSTGULEN, Chairman.

Rep. Ostgulen moved that the report be adopted, which motion prevailed, and the report was adopted.

## REPORT OF STANDING COMMITTEE

The Committee on Taxes and Tax Laws made the following report:

Mr. Speaker: Your Committee on Taxes and Tax Laws to whom was referred:

House Bill No. 64. A Bill for an Act to Amend and Reenact Sections 1, 2, 3, 4, 5, and 6 of Chapter 266 of the Session Laws of 1927, as Amended by Chapter 288 of the Session Laws of 1931, the Same Being an Amendment of Section 2202 of the Supplement to the Compiled Laws of 1913, Relating to Giving Notice of Expiration of Period of Redemption on Property Forfeited to the County at Tax Sale, Issuance of Tax Deeds to County and Sale by County of Property Acquired by Tax Deed; Declaring an Emergency.

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

Strike out everything after "A Bill" and insert the following:

For an Act to Amend and re-enact Sections 1, 2, 3, 4, 5, 6, 7, and 8 of Chapter 266 of the Session Laws of 1927 as Amended by Chapter 288 of the Sessions Laws of 1931, the Same Being an Amendment of Section 2202 of the Supplement to the Compiled Laws of 1913, Relating to Giving Notice of Expiration of Period of Redemption on Property Forfeited to the County at Tax Sale, Issuance of Tax Deeds to County and Sale by County of Property Acquired by Tax Deed; Declaring an Emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. Amendment.) That Section 2202 of the Supplement to the Compiled Laws of 1913 as Amended by Chapter 266 of the Session Laws of 1927 as Amended by Chapter 288 of the Session Laws of 1931, be Amended and re-enacted to read as follows:

Section 2202. NOTICE OF EXPIRATION OF PERIOD OF REDEMPTION UPON LANDS FORFEITED TO THE COUNTY AT TAX SALES. ISSUANCE OF TAX DEED TO COUNTY. SALE OF PROPERTY ACQUIRED BY THE COUNTY THROUGH TAX DEED.) All pieces or parcels of real property bid in for the County under the provisions of this Chapter and not redeemed or assigned within three (3) years from the date of the certificate of sale or subsequent tax sale certificate, shall upon the giving of the required notice of expiration of period of redemption become the absolute property in fee of the county and the county auditor shall issue a tax deed therefor to the county in the same manner as to individual purchasers.

(2) Upon issuance of tax deed to the county, such county acquires title to the property included in the tax deed free from all incumberances. Upon obtaining tax deed to any real estate, the Board of County Commissioners shall, by general resolution, provide for the cancellation of all general taxes and all special assessment taxes of record which are then due or delinquent except such as were included in the notice of expiration of period of redemption. The assessment made on any real estate acquired by the county through tax deed in the year in which the county takes title, shall be abated and cancelled. So long as the county retains title to any real estate acquired by tax deed, such real estate shall be exempt from all general property taxes and all special assessment taxes.

After the county has disposed of any such real estate acquired through tax deed, such property shall cease to be tax exempt and shall be subject to all general taxes and to all installments of special assessment taxes coming due after such date. After notice of expiration of period of redemption is given, a redemption of real estate taxes may be made at any time up to October first following the date of the notice of expiration of the period of redemption on any one or more parcels of real estate described in said notice; provided, the redemptioner shall pay the cost of service of the notice of expiration of period of redemption.

(3) NOTICE OF EXPIRATION OF PERIOD OF REDEMPTION AND MANNER OF SERVICE.) It shall be the duty of the county auditor on or before the first day of June of each year to give notice of the expiration of the period of redemption

as to all tracts of real estate on which the period of redemption has expired. Such notice shall be given:

First: to the record title owner

Second: To the person in possession thereof.

Third: Such notice shall also be given to mortgagees, lien holders and other persons interested therein as may appear from the records of the Register of Deeds and Clerk of the District Court of said county.

Notice of expiration of period of redemption shall be served by registered mail as hereinafter specified and in the manner prescribed. Such notice may contain any number of parcels of real estate which stand in the name of the same record title owner, shall contain the information indicated in the following form and may be substantially in the following form:

NOTICE OF EXPIRATION OF PERIOD OF REDEMPTION

To_____, the record title owner of the real estate hereinafter described, and to all mortgagees, lien holders, or other persons interested in said real estate, and to the person in possession thereof:

I, _____ County Auditor of _____ County, North Dakota, hereby give notice that the real estate hereinafter described was at the tax sale held in this county on the_____ day of_____19___, offered for sale for delinquent taxes against it and was sold to said county, and that redemption has not been made therefrom and that the same is still the property of such county, and unless redemption is made from such tax sale on or before the first day of October after the date of this notice appearing above my signature, tax deed will be issued to the county granting to it and vesting in it absolute title in fee to said property and foreclosing all rights of redemption, and any and all other rights of the owner and of all mortgagees and lien holders and other persons interested therein as may appear from the records of the Register of Deeds and Clerk of the District Court of said county. There is given herewith the description of such parcels of real estate, and set opposite each description is the amount which will be required upon the date of the expiration of the period of redemption to redeem such real estate from such tax sale exclusive of the cost of serving this notice upon the owner and the person in possession thereof. (Description of real estate and amounts required for redemption to be inserted.)

Given under my hand and the seal of the county auditor of_____County, North Dakota, This___day of___, 19___

_____
County Auditor of_____
County, North Dakota.

(a) SERVICE UPON MORTGAGEES AND OTHER LIEN HOLDERS.

Notice shall be sent by registered mail to the owner and to the occupant or tenant in possession, if any, and also to each mortgagee, lien holder or other person interested therein as may appear from the records of the

year, give notice of the expiration of the period of redemption by publication as to all tracts of real estate on which the period of redemption will expire on the following October first.

(5) NOTICE BY PUBLICATION, FORM AND MANNER OF PUBLICATION. The County Auditor shall prepare under his hand and official seal a notice containing the information indicated in the following form and which may be in substantially the following form:

NOTICE OF EXPIRATION OF THE PERIOD OF REDEMPTION ON LAND SOLD TO THE COUNTY AT TAX SALE

I,_____, County Auditor of_____County, North Dakota, do hereby give notice that the parcels of real estate hereinafter described were sold for taxes at the annual tax sale of this county on December_____, 19___, and that at said sale said parcels of real estate were sold to this county, and that such sales have not been redeemed from and they are still the property of this county, and that unless redemption shall be made from such tax sale on or before October first from and after the date of such notice, the same will become the absolute property in fee of this county and the former owners thereof and all lien holders and other persons interested therein will be forever foreclosed and debarred of any and all rights of redemption or other rights in or to such real estate. Following is a list of the real estate sold at such tax sale on which the period of redemption has expired. Opposite each description of real estate appears the name of the record title owner thereof as it appears by the records in the office of the Register of Deeds of such county and also opposite each tract appears the amount which will be required to redeem from the effects of such tax sale at the expiration of the period of redemption, including the amount for which the said land was sold, interest and penalty thereon, subsequent delinquent taxes prior to those of the year 19___, and penalties and interest thereon.

(Here insert description of real estate, names of owners and amounts due.)

Given under my hand and the seal of the County Auditor _____County, This __Day of _____19___.

_____

County Auditor of_____
County, North Dakota

Such notice shall be published once in the official paper of the county in which such real estate is situated, the date of such publication to be not later than August first prior to the expiration of the period of redemption. The amounts stated in such notice shall include a charge of fifty cents for each parcel of real estate described therein to reimburse the county in part for the expense of such publication and for the mailing of such notice hereinbefore provided for. There may be included in a single published notice any number of parcels of real estate. The caption of said notice shall be in bold face type, but only one head-

ing shall be necessary for the entire list.

SECTION 2, AMENDMENT.) That Subdivision 6 of Section 1, of Chapter 266, of the 1927 Session Laws of the State of North Dakota, as amended by Chapter 288 of the Session laws of 1931 be amended and re-enacted to read as follows:

(6) SALE OF PROPERTY ACQUIRED BY COUNTY THROUGH TAX DEED.) Property so acquired by tax deed shall, under the direction of the board of county commissioners be sold at public or private sale, notice of which shall be given by posting at the front door of the court house thirty (30) days prior to the sale, a description of the parcels to be sold and if the assessed value of such property exceeds $100.00 by publishing a notice of such sale in the official newspaper of the county, giving a description of the parcels to be sold, such notice to be published once not less than ten (10) days prior to the date of the sale. The description of all parcels of real estate to be sold at such sale shall be included in a single notice.

Before publishing such notice the board of county commissioners shall appraise each lot or parcel of land and fix a tentative minimum sales price thereon. Such minimum sales price shall be sufficient to cover all general taxes, special assessments, penalties, interest and costs which were charged against the property and which were delinquent at the time notice of the expiration of period of redemption was issued plus cost of service of such notice; provided if the fair cash value of the property is less than the aggregate of such general taxes, special assessments, penalties, interest and costs the board shall fix a fair and equitable minimum sales price. The board shall thereupon set a date for hearing objections to the minimum sales price thus determined and the county auditor shall, at least ten (10) days previous to such hearing, mail to the auditor of any city, or the clerk of any village, or of any township board where such lots or tracts of land are located, a notice in writing that at the time and place mentioned therein objections to the minimum price fixed by the board, and specified in such notice, will be heard. At such hearing any member of the governing body of any such city, village or township or any representative thereof, shall be heard with reference to the fair value of such lot or parcel of land, and the board shall thereupon make such modifications and changes in the sales price of such property as it shall deem to be fair and just. The governing body of any such city, village or township may, if dissatisfied with the action of the board, appeal therefrom within ten (10) days after such hearing and determination to the district court and the perfecting of such appeal shall conform to the procedure prescribed by Sections 3298 and 3299 of the Compiled Laws of 1913, or acts amendatory thereof, except that no bond shall be required to perfect such appeal. All such

lots or tracts of land are located, a notice in writing that at the time and place mentioned therein objections to the minimum price fixed by the board, and specified in such notice, will be heard. At such hearing any member of the governing body of any such city, village or township or any representative thereof, shall be heard with reference to the fair value of such lot or parcel of land, and the board shall thereupon make such modifications and changes in the sales price of such property as it shall deem to be fair and just. The governing body of any such city, village or township may, if dissatisfied with the action of the board, appeal therefrom within ten (10) days after such hearing and determination to the district court and the perfecting of such appeal shall conform to the procedure prescribed by Sections 3298 and 3299 of the Compiled Laws of 1913, or acts amendatory thereof, except that no bond shall be required to perfect such appeal. All such determinations of value which in the opinion of any governing body are too low shall be combined in one appeal and shall be heard de novo by the court without a jury.

The board of county commissioners may fix the minimum sales price at an amount sufficient to cover all general taxes, special assessment taxes, penalties, interest and costs which were a charge against the property and which were delinquent at the time notice of expiration of period of redemption was issued plus cost of service of said notice; provided, such amount shall not exceed the fair cash value of the property. The foregoing provision is intended to cover those cases where general taxes were struck off to the county and special assessment taxes were struck off to the city and were not included in the tax forfeiture proceedings of the county.

None of the foregoing provisions is intended to limit the minimum price which the board of county commissioners is required to fix, at less than their determination of the fair cash value of the tax title which the county is empowered to give.

Such sale shall take place at the county seat on the third Tuesday of November in each year and shall continue from day to day until completed.

Each parcel shall be sold to the highest bidder therefor but not for a sum less than the minimum sales price finally fixed by the board of county commissioners unless the governing body of the city, village or township where such property is located, by resolution, consents to an amount less than such minimum price.

Such sale may be either for cash or for one-fourth of the purchase price in cash and the balance in equal annual payments not to exceed a period of ten years; provided, however, that any purchaser may at any time within said ten year period pay any or all unpaid installments.

If the sale is for part cash, the purchaser shall forthwith pay the amount of the first installment of the bid to the county treasurer.

Whereupon the purchaser shall be given a contract for deed, setting forth the terms of the said sale executed in the name of the county by the chairman of the board of county commissioners and the county auditor.

Such contract shall be in the usual form and shall give the county the right, upon failure to comply with all the terms and conditions of the said contract by the purchaser, to cancel the said contract in manner and form now provided for by law between private individuals. Upon the execution and delivery of the said contract the real estate described therein shall be placed upon the assessment roll and be subject to assessment and taxation the same as though a deed had been issued therefor.

Such unpaid balance of purchase price shall draw interest at the rate of five per cent per annum upon all unpaid balances. Upon the payment of the balance due upon the said contract the county shall execute and deliver to the purchaser a deed conveying all right, title and interest, in and to such property.

If the sale is for cash the purchaser shall forthwith pay the amount so bid, to the county treasurer.

Upon complying with such requirements, the purchaser shall be given a deed executed in the name of the county by the chairman of the board of county commissioners and the county auditor, conveying all rights, title and interest in and to such property acquired by the county through the tax proceedings, which deed may be substantially in the following form:

TAX DEED

This Indenture, made this ___day of _____, 19___, between the County of _____North Dakota, party of the first part, acting by and through the chairman of its board of county commissioners and its county auditor, and _____, party of the second part, witnesseth:

That, Whereas, the real property hereinafter described did revert to and become the property of said county on account of the nonpayment of taxes assessed and levied against the same for the years _____ and _____, and the said taxes, interest and penalties aggregating in the sum of _____Dollars, and

Whereas, in conformity with law the said property was duly offered for sale pursuant to law on the_____ day of _____, 19___, and at said sale said second party became the purchaser of the whole thereof for the sum of _____Dollars,

Now, therefore, the said County as party of the first part, in consideration of the premises and in pursuance of the statutes in such case made and provided, does hereby grant, bargain, sell and convey to the said second party, his heirs and assigns, that certain real property situated in the said County of _____, North Dakota, more particularly described as follows, to-wit:

To Have and to Hold, said mentioned tract___ or parcel___ of land, with the appurtenances thereunto belonging to the said party of the second part_____heirs, and assigns, forever, in as full and ample manner as the

to me personally known to be the chairman of the board of county commissioners and the auditor, respectively, of the said county and each acknowledged to me that he executed the foregoing deed on behalf of the said county.

_____

Notary Public for_____County, N. D.

My Commission expires_____

Whenever in any action at law or in equity, the validity of any such tax deed is questioned, upon the pleadings or otherwise, such action shall not proceed until the party assailing such deed shall within such time as the Court shall deem reasonable deposit in Court for the benefit of the party claiming thereunder, an amount equal to the sum paid by said party to the county for the purchase of the property covered by the tax deed together with costs and disbursements of the action then incurred by the party claiming under such deed.

SECTION 3. AMENDMENT.) That Subdivision 7 and 8 of Chapter 266 of the Session Laws of 1927 be amended and re-enacted to read as follows:

(7) The proceeds of such sale shall be paid into the county treasury, and the amount due the state or any city, township, incorporated village, school district or other taxing district, from the taxes for which the same was sold, or a just proportion thereof which may be determined by the levy for the years' taxes for which the certificate was issued, be apportioned and placed to the credit of the state, city, township, incorporated village, school district, or other taxing district entitled thereto. After general property taxes and hail insurance taxes, including penalty and interest thereon have been satisfied, the balance or a sufficient portion thereof to satisfy special assessments shall be placed to the credit of the proper taxing district. If the balance is insufficient to satisfy all installments of special assessment taxes delinquent at time of issuance of notice of expiration of period of redemption, there shall be apportioned to each such fund such proportion of the balance as such item is of the total of all such delinquent installments of special assessments. If there is any remainder it shall go into the general fund of the county.

(8) In case no bids are received on any parcel of real property or in case all bids are rejected and such property is retained by the county, the county shall not be liable to any city or subdivision for any special assessment taxes levied on such property. Any parcels of real estate not disposed of at the November sale hereinbefore provided for may be sold at any subsequent time by the County Auditor provided that no such sale shall be made at a price less than the minimum sales price theretofore fixed by the Board of County Comissioners prior to the November sale. Any parcels of real estate not disposed of at the November sale or not disposed of subsequently thereto, shall be revalued and shall again be offered for sale

at the regular November sale in the following year.

SECTION 4.) Provided, however, that this Act shall not affect proceedings commenced under existing laws, except that the time for the expiration of the period of redemption and the time fixed in this Act for sale, by the county, of land acquired by it under tax deed proceedings, shall be applicable to such pending proceedings.

SECTION 5.) All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SECTION 6.) This Act is hereby declared an emergency measure, and shall be in full force and effect from its passage and approval.

And recommend the adoption of the Standing Committee amendments; and the further amendments:

On page 263, line 26, strike out the words "of service."

On page 261, line 51, strike out the words "has expired" and insert in lieu thereof the words "will expire on October 1st, following."

On page 266, line 19, strike out the "s" on the word "assessments" so that it will read "assessment."

And when so amended, recommend the same do pass.

JOE D. BYRNE, Chairman, Committee of the Whole.

Rep. Anderson of Benson moved that the report of the Committee of the Whole be adopted, which motion prevailed.

Rep. Twichell moved that an extension of time of five days be given for the introduction of appropriation bills and other bills, which motion prevailed.

## MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, January 28, 1939.

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

Senate Concurrent Resolution No. 12. Relating to the Research by the Northern Federal Laboratory on Production of Power Alcohol.

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

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

Senate Bill No. 47. 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-fifth 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.

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

House Bill No. 51. A Bill for an Act to Repeal Chapter 217 of the Session Laws of the State of North Dakota for 1935, Relating to the State Planning Board.

Which the President has signed.

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

House Bill No. 53. A Bill for an Act Amending and Reenacting Section 2 of Chapter 252 of the Session Laws of 1937, Providing for the Allowance of a Portion of the Cost of Planting and Growing Forest Trees as a Bounty There-

for, and Prescribing Duties of the Assessors in Connection therewith; Repealing All Acts in Conflict Therewith; and Declaring an Emergency.

House Bill No. 1. A Bill for an Act to Repeal Chapter 138 of the Session Laws of the State of North Dakota for the Year 1929, Creating the Office of Grain Storage Commissioner, and Declaring an Emergency.

House Concurrent Resolution No. 135. Relating to Sending Money to Washington for the Use of the Bank of North Dakota.

Which the Senate has passed unchanged.

WM. J. LOWE, Secretary.

Rep. Byrne moved that the absent members be excused, which motion prevailed.

Rep. Rohde moved that the House do now adjourn, which motion prevailed and the House adjourned.

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## TWENTY-SIXTH DAY

Bismarck, January 28, 1939.

The House assembled at 2:00 P. M., pursuant to adjournment, Speaker Hagen presiding.

Prayer by Rev. Floyd E. Logee.

Roll call: All Representatives present except Bergesen, Bingenheimer, Crockett, Fitch, Johnson of Cass, Johnson of LaMoure, Larson, Nelson of Cass, Nelson of Steele, Peterson of Bottineau, Saumur, Semerad, Sharpe, Thompson of Steele, Twichell, Urschel, Wambheim.

So a quorum was declared present.

Representatives Crockett and Fitch were serving on the special investigating committee.

### REPORT OF STANDING COMMITTEES

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

Mr. Speaker: 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:

On page 271, the roll lists Fuglestad as voting "no" whereas he voted "aye."

On page 271, line 8 from the top, change the roll call total to read as follows: "Ayes, 101" and "Nays, 0."

And when so corrected recommend that the same be approved.

REP. GLAS, Chairman.

Rep. Bolmeier moved that the report be adopted, which motion prevailed and the report was adopted.

### MESSAGE TO THE SENATE

House of Representatives,
Bismarck, January 28, 1939.

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

Senate Bill No. 14. A Bill for an Act Authoriizng the County Commissioners, in an Emergency, to Destroy Noxious Weeds on Private Property at the Expense of the County; Declaring an Emergency.

Which the House has indefinitely postponed.

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

House Bill No. 55. A Bill for an Act to Amend Chapter 269 of the Session Laws of the State of North Dakota for the Year 1935.

House Bill No. 78. A Bill for an Act Declaring to Be Common Nuisances any Building, Place, or Room, Where Intoxicating Liquors Are Sold, Bartered, or Furnished in Violation of Law, and Prescribing Remedies and Penalties for the Prevention of the Same, and Evidence Admissible.

House Concurrent Resolution No. 94. 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 General Relief Emergency for December, 1938, and January and February, 1939.

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

MINNIE D. CRAIG, Chief Clerk.

## REPORT OF COMMITTEE ON ENROLLMENT AND ENGROSSMENT

Mr. Speaker: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bills and find the same correctly engrossed:

House Bill No. 85. A Bill for an Act to Amend and Reenact Section 591 of North Dakota Compiled Laws of 1913, Relative to the Powers of the Board of Railroad Commissioners, and Extending Such Powers to Include Common Carrier Pipe Lines; and Declaring an Emergency.

House Bill No. 99. A Bill for an Act to Authorize County Commissioners to Lease Real Property Acquired by Tax Deed and Not Sold or Leased; to Limit Term of Lease; to Permit Longer Leases to Co-operative Grazing Associations, Soil Conservation Districts, and Individuals; to Limit Expense of Supervising and Collecting Rentals; to Provide That Net Revenue be Distributed to Taxing Districts; to Repeal Any Acts in Conflict; and to Declare an Emergency.

OLAF OSTGULEN, Chairman.

Rep. Ostgulen moved that the report be adopted, which motion prevailed, and the report was adopted.

## REPORT OF STANDING COMMITTEES

Mr. Speaker: Your Committee on Agriculture to whom was referred Senate Concurrent Resolution No. 44, have had the same under consideration and recommend that the same be adopted.

CARL H. DITTMER, Chairman.

Rep. Lange moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Agriculture to whom was referred Senate Concurrent Resolution No. 42, have had the same under consideration and recommend that the same be adopted.

CARL H. DITTMER, Chairman.

Rep. Haugland 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. Speaker: Your Committee on Taxes and Tax Laws to whom was referred:

Senate Bill No. 49. A Bill for an Act to Amend and Re-enact Chapter 245 of the Session Laws of 1937. An Act to Encourage and Promote the Payment of Taxes by Providing for a Rebate on Prepayments.

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

In title, after "Pre-payments," insert "; Declaring an Emergency."

In line 4, strike out the words "and personal."

After line 14, in a new paragraph, add the following: "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.

N. P. JENSEN, Chairman.

Rep. W. H. Shure 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. Speaker: Your Committee on Banks and Banking to whom was referred House Bill No. 57, have had the same under consideration and recommend that the same do pass.

GUS A. SCHAUSS, Chairman.

Rep. Blair moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Agriculture made the following report:

Mr. Speaker: Your Committee on Agriculture to whom was referred House Bill No. 121, have had the same under consideration and recommend that the same do pass.

CARL H. DITTMER, Chairman.

Rep. Fuglestad moved that the report be adopted, which motion prevailed and the report was adopted.

## REPORT OF STANDING COMMITTEE

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

House Bill No. 36. 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.

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

Page 1, Section 1, in line 3, strike out the figures "$24,430.00" and insert in lieu thereof the figures "$17,500.00."

Page 2, Section 1, in line 14, strike out the figures "$1,850.00" and insert in lieu thereof the figures "$1,720.00."

Section 1, in line 15, strike out the figures "$750.00" and insert in lieu thereof the figures "$650.00."

Section 1, in line 16, strike out the figures "$800.00" and insert in lieu thereof the figures "$700.00."

Section 1, in line 17, strike out the figures "$1,000.00" and insert in lieu thereof the figures "$900.00."

Section 1, in line 19, strike out the figures "$2,000.00" and insert in lieu thereof the figures "$1,500.00."

Section 1, in line 23, strike out the words "and Topographic Mapping" and also the figures "$13,000.00" and insert in lieu thereof the figure "$7,000.00."

Section 1, in line 24, strike out the figures "$24,430.00" and insert in lieu thereof the figures "$17,500.00."

And when so amended, recommend the same do pass.

PAUL A. SAND, Chairman.

Rep. Thompson moved that the report be adopted, which motion prevailed and the report was adopted.

House Resolution "G," a resolution in regard to the vote in the National Assembly concerning the appropriation for WPA was read.

Rep. Scholl moved that House Resolution "G" be adopted, which motion prevailed and the House adopted House Resolution "G."

Rep. Scholl moved that House Resolution "G" be printed in the Journal, which motion prevailed.

## HOUSE RESOLUTION "G"

Introduced by Representative Stone

WHEREAS, The Honorable Franklin D. Roosevelt, President of the United States, requested of Congress an appropriation in the amount of eight hundred seventy-five million dollars for relief for the needy and jobless through the Works Progress Administration; and

WHEREAS, Progressive minded citizens and leaders in business, labor and agriculture are supporting the President in this matter and have stated that it would be very unwise at this time to seriously curtail the works program throughout the Nation; and

WHEREAS, This Legislative Assembly does believe and has gone on record in the proper resolutions asking that our Representatives in Washington, do support the President in this matter; and

WHEREAS, News reports indicate that the efforts of our President to aid the needy and jobless were frustrated, when in the United States Senate, by a majority of one vote, a slash of one hundred fifty million dollars was made; and

WHEREAS, Representative William Lemke from North Dakota did vote against the wishes of the majority of the people of the State of North Dakota in an endeavor to obstruct the passage of said measure by the House of Representatives in Congress; and

WHEREAS, the Junior Senator from North Dakota, Gerald P. Nye,

did vote against the President and against the wishes of the majority of the people of North Dakota as expressed in our Resolution, and by his vote did defeat the high purpose of the President,

NOW, THEREFORE, BE IT RESOLVED, That this House of Representatives

of the State of North Dakota do hereby severely criticize and condemn the actions of Representative William Lemke and Senator Gerald P. Nye as being detrimental to the best interests of the people of North Dakota.

## SIGNING OF BILLS

The Chief Clerk announced that the Speaker was about to sign:

Senate Concurrent Resolution No. 12. Relating to the Research by the Northern Federal Laboratory on Production of Power Alcohol.

And the Speaker signed the same in the presence of the House.

## MESSAGE TO THE SENATE

House of Representatives,
Bismarck, January 28, 1939.

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

Senate Concurrent Resolution No. 12. Relating to the Research by the Northern Federal Laboratory on Production of Power Alcohol.

Which the Speaker has signed.

MINNIE D. CRAIG, Chief Clerk.

## REPORT OF STANDING COMMITTEE

The Committee on Enrollment and Engrossment respectfully reports that:

House Bill No. 51. A Bill for an Act to Repeal Chapter 217 of the Session Laws of the State of North Dakota for 1935, Relating to the State Planning Board.

Was delivered to the Governor for his approval at the hour of 2:45 o'clock, January 28, 1939.

OLAF OSTGULEN, Chairman.

## SECOND READING OF HOUSE BILLS

House Bill No. 85. A Bill for an Act to Amend and Reenact Section 591 of North Dakota Compiled Laws of 1913, Relative to the Powers of the Board of Railroad Commissioners, and Extending Such Powers to Include Common Carrier Pipe Lines; 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, 89; nays, 0; absent and not voting, 22.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Heckman | Panko |
| Anderson, Benson | Hofstrand | Peterson, Ransom |
| Anderson,M'K'nzie | Holm | Rait |
| Anfinson | Holthusen | Rettke |
| Arneson, Nelson | Hultstrand | Ritter |
| Beede | Ireland | Rohde |
| Belzer | Ista | Sand |
| Benno | Jensen | Schauss |
| Billigmeier | Johnson, LaMoure | Schmidt, McHenry |
| Blair | Joiner | Schmidt, Sheridan |
| Bolmeier | Keller | Scholl |
| Boulden | Kluver | Schwartz |
| Braun, McLean | Knutson | Sellens |
| Braun, Stark | Lange | Semerad |
| Brown | Lunde | Severson |
| Buchholz | McInnes | Shure |
| Culver | McIntee | Singleton |
| Dalzell | McIntyre | Skartvedt |
| Dike | Myers | Solberg |
| Dittmer | Mittag | Sticka |
| Erickson | Moe | Stone |
| Feton | Mollet | Stormon |
| Fletcher | Morland | Trydahl |

| | | |
|---|---|---|
| Fraser | Nelson, Dickey | Tuff |
| Gainor | Nystrom | Twichell |
| Glas | O'Brien | Williams, Richland |
| Gray | Odegard | Williams, Stutsm'n |
| Haag | Oglesby | Wolf |
| Halvorson | Ostgulen | Mr. Speaker |
| Haugland | Page | |

Absent and not voting:

| | | |
|---|---|---|
| Arneson, Ramsey | Larson | Sharpe |
| Bergesen | Levin | Symington |
| Bingenheimer | Nelson, Cass | Thompson, Burl'gh |
| Byrne | Nelson, Steele | Thompson, Steele |
| Crockett | Peterson, Bottineau | Urschel |
| Fitch | Saumur | Wambheim |
| Fuglestad | Schimke | Westby |
| Johnson, Cass | | |

So the bill passed and the title was agreed to.

Emergency declared carried.

House Bill No. 99. A Bill for an Act to Authorize County Commissioners to Lease Real Property Acquired by Tax Deed and Not Sold or Leased; to Limit Term of Lease; to Permit Longer Leases to Co-operative Grazing Associations, Soil Conservation Districts, and Individuals; to Limit Expense of Supervising and Collecting Rentals; to Provide That Net Revenue be Distributed to Taxing Districts; to Repeal Any Acts in Conflict; and to Declare an Emergency.

Was read the second time.

Rep. Morland asked for unanimous consent to amend House Bill No. 99, which consent was granted.

Rep. Morland moved the following amendment: On page 3 of the printed bill, line 9, strike out the word "State" and the "comma" following, which motion prevailed.

Rep. Morland moved that the rules be suspended and that House Bill No. 99 be considered properly re-engrossed, placed on second reading and final passage, which motion prevailed.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were ayes, 87; nays, 4; absent and not voting, 20.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Haugland | Peterson, Ransom |
| Anderson, Benson | Heckman | Rait |
| Anderson, M'K'nzie | Holthusen | Rettke |
| Anfinson | Hultstrand | Ritter |
| Arneson, Nelson | Ireland | Rohde |
| Arneson, Ramsey | Ista | Sand |
| Beede | Jensen | Schauss |
| Benno | Johnson, LaMoure | Schmidt, Sheridan |
| Billigmeier | Joiner | Schimke |
| Blair | Keller | Scholl |
| Bolmeier | Kluver | Schwartz |
| Boulden | Knutson | Sellens |
| Braun, McLean | Lange | Semerad |
| Braun, Stark | Lunde | Severson |
| Brown | McInnes | Shure |
| Buchholz | McIntee | Singleton |
| Byrne | McIntyre | Skartvedt |

| | | |
|---|---|---|
| Culver | Myers | Solberg |
| Dalzell | Mittag | Sticka |
| Dike | Moe | Stone |
| Dittmer | Mollet | Stormon |
| Erickson | Morland | Symington |
| Feton | Nelson, Dickey | Trydahl |
| Fletcher | Nystrom | Tuff |
| Fraser | O'Brien | Westby |
| Gainor | Odegard | Williams,Richland |
| Glas | Oglesby | Williams, Stutsm'n |
| Gray | Ostgulen | Wolf |
| Haag | Panko | Mr. Speaker |

Those voting in the negative were:

| | | |
|---|---|---|
| Belzer | Hofstrand | Schmidt, McHenry |
| Halvorson | | |

Absent and not voting:

| | | |
|---|---|---|
| Bergesen | Larson | Sharpe |
| Bingenheimer | Levin | Thompson, Burl'gh |
| Crockett | Nelson, Cass | Thompson, Steele |
| Fitch | Nelson, Steele | Twichell |
| Fuglestad | Page | Urschel |
| Holm | Peterson,Bottineau | Wambheim |
| Johnson, Cass | Saumur | |

So the bill passed and the title was agreed to.

Emergency declared carried.

Mr. Beede moved that the vote by which House Bill No. 99 was passed be reconsidered and the motion to reconsider be laid on the table. Which motion prevailed.

Rep. Byrne asked an extension of time on all bills that have been introduced and are now in the State Affairs Committee, which request was granted.

An extension of time was granted on House Bill No. 82.

Rep. Jensen moved that the rules be suspended and that House Bill No. 64 be considered properly re-engrossed, placed on second reading and final passage at this time, which motion prevailed.

House Bill No. 64. A Bill for an Act to Amend and Reenact Sections 1, 2, 3, 4, 5, and 6 of Chapter 266 of the Session Laws of 1927, as Amended by Chapter 288 of the Session Laws of 1931, the Same Being an Amendment of Section 2202 of the Supplement to the Compiled Laws of 1913, Relating to Giving Notice of Expiration of Period of Redemption on Property Forfeited to the County at Tax Sale, Issuance of Tax Deeds to County and Sale by County of Property Acquired by Tax Deed; 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, 87; nays, 2; pass, 1; absent and not voting, 21.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Haugland | Panko |
| Anderson, Benson | Heckman | Peterson, Ransom |
| Anderson,M'K'nzie | Hofstrand | Rait |
| Anfinson | Holm | Ritter |
| Arneson, Nelson | Holthusen | Rohde |

| | | |
|---|---|---|
| Arneson, **Ramsey** | Hultstrand | **Sand** |
| **Beede** | **Ireland** | **Schauss** |
| **Belzer** | **Jensen** | Schmidt, McHenry |
| Benno | Johnson, LaMoure | Schmidt, Sheridan |
| Billigmeier | Joiner | Schimke |
| Blair | Keller | Schwartz |
| Bolmeier | Knutson | Sellens |
| Boulden | Lange | Semerad |
| Braun, **McLean** | Lunde | Severson |
| Brown | McInnes | Shure |
| Buchholz | McIntee | Skartvedt |
| Culver | McIntyre | Solberg |
| Dalzell | Myers | Sticka |
| Dike | Mittag | Stone |
| Dittmer | Moe | Stormon |
| Erickson | Mollet | Symington |
| Feton | Morland | Thompson, Burl'gh |
| Fletcher | Nelson, Dickey | **Trydahl** |
| Fraser | Nystrom | Tuff |
| Gainor | O'Brien | Westby |
| Glas | Odegard | Williams, Stutsm'n |
| Gray | Oglesby | Williams, Richland |
| Haag | Ostgulen | Wolf |
| Halvorson | Page | Mr. Speaker |

Those voting in the negative were:

| | |
|---|---|
| Kluver | Rettke |

Absent and not voting:

| | | |
|---|---|---|
| Bergesen | Ista | Saumur |
| Bingenheimer | Johnson, Cass | Scholl |
| Braun, **Stark** | Larson | Sharpe |
| Byrne | Levin | Singleton |
| Crockett | Nelson, Cass | Thompson, Steele |
| Fitch | Nelson, Steele | Urschel |
| Fuglestad | Peterson, Bottineau | Wambheim |

Passed:

Twichell

So the bill passed and the title was agreed to.

Emergency declared carried.

Mr. Myers moved that the vote by which House Bill No. 64 was passed be reconsidered and the motion to reconsider be laid on the table. Which motion prevailed.

Rep. Rettke: "It is a disadvantage to the farmer who depends on stock. Therefore, I vote 'no'."

Rep. Kluver: "In view of the fact that the bill contains contradictions and provisions impossible of enforcement, I vote 'no'."

## MESSAGES FROM THE SENATE

Senate Chamber,
Bismarck, January 28, 1939.

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

Senate Concurrent Resolution No. 24. Urging the Establishment of a Division of Co-operatives in the Department of Agriculture.

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

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

Senate Bill No. 28. A Bill for an Act to Amend and Reenact Paragraph (c) of Subsection (2) of Section 4, of Chapter 196, Laws of 1927, as Amended by Chapter 169, Laws of 1929, and Chapter 195, Laws of 1931, Relating to Bond Issues of Cities to Permit the Issuance of Bonds for the Joint Construction of a Water and Sewer System and Legalizing Elections Heretofore Held to Vote Bonds for Such Purpose, and Declarng and Emergency.

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

WM. J. LOWE, Secretary.

## FIRST READING OF SENATE BILLS

Senate Bill No. 47. 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-fifth 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.

## SIGNING OF BILLS

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 28. A Bill for an Act to Amend and Reenact Paragraph (c) of Subsection (2) of Section 4, of Chapter 196, Laws of 1927, as Amended by Chapter 169, Laws of 1929, and Chapter 195, Laws of 1931, Relating to Bond Issues of Cities to Permit the Issuance of Bonds for the Joint Construction of a Water and Sewer System and Legalizing Elections Heretofore Held to Vote Bonds for Such Purpose, and Declarng and Emergency.

Senate Concurrent Resolution No. 24. Urging the Establishment of a Division of Co-operatives in the Department of Agriculture.

And the Speaker signed the same in the presence of the House.

A communication from Ralph K. Welch, Secretary of the McKenzie County Agricultural Planning Commission stating that fourteen farmers attending a meeting there would like to have the Soil Conservation District Law amended to permit Soil Conservation Service to provide grass seed, trees and use of machinery to co-operating farmers in the regularly established soil conservation districts in North Dakota.

Rep. Lange moved that the absent members be excused, which motion prevailed.

Rep. Ostgulen moved that the House do now adjourn, which motion prevailed and the House was adjourned.

MINNIE D. CRAIG, Chief Clerk.

## TWENTY-EIGHTH DAY

Bismarck, January 30, 1939.

The House assembled at 2:00 P. M., pursuant to adjournment, Speaker Hagen presiding.

Prayer by Rev. Floyd E. Logee.

Roll call: All Representatives present except Crockett, Fitch, Larson, Levin, Mittag, Page, Wambheim.

So a quorum was declared present.

Reps. Crockett, Fitch and Levin were serving on the special investigating committee.

### REPORT OF STANDING COMMITTEES

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

Mr. Speaker: Your Committee on Revision and Correction of the Journal have carefully examined the Journal of the Twenty-fifth Day After Recess and Twenty-sixth Day and recommend that the same be corrected as follows:

On page 293, on roll call, in line 2, strike out figure "5" and insert figure "4."

On page 293, on roll call, in line 3, strike out figures "19" and insert "20."

On page 294, Sharpe was listed as voting "nay," whereas he was absent and not voting.

And when so corrected recommend that the same be approved.

REP. GLAS, Chairman.

Rep. Joiner moved that the report be adopted, which motion prevailed, and the report was adopted.

State of North Dakota
OFFICE OF THE GOVERNOR
Bismarck

January 30, 1939.

To the Speaker and Members of the
House of Representatives
26th Legislative Assembly
Bismarck, North Dakota

Gentlemen:

For the information of the House, I respectfully submit herewith a copy of the report of Special State Examiner Clyde Duffy, being the result of his examination of the State Hospital for the Insane at Jamestown.

In view of the fact that your body has taken cognizance of the existing situation at the Hospital, I feel it my duty to

lay this report before you for your consideration. I may say that a copy of the report has been delivered to the Chairman of the House Investigating Committee, Representative Levin.

Respectfully submitted,
JOHN MOSES, Governor.

JM:B

Rep. Byrne moved that the report to the Governor relative to the examination made at the State Hospital at Jamestown be printed in the Journal, which motion prevailed.

TO THE HONORABLE JOHN MOSES,
GOVERNOR OF NORTH DAKOTA.

I hereby submit the following findings and conclusions as a result of my examination of the State Hospital for the Insane at Jamestown, North Dakota, pursuant to your direction and my appointment as Special State Examiner. In this connection I examined the records of the institution and received such data on finances through Anthony Herold, who was making an examination for the State Examiner. I took testimony of approximately twenty-five witnesses and interviewed many others. The testimony was taken and transcribed by Miss Eveleen Verret and is herewith returned. I also visited the kitchen, dining room and many of the wards ,and talked with a number of patients.

In order to report on the present conditions a certain historical review must be made. In June, 1937, certain charges appeared to have been presented to the Governor with reference to the administration of Dr. J. D. Carr, then Superintendent. Governor Langer suspended Dr. Carr and appointed Henry G. Owen to take charge of the institution. The minutes of a special meeting of the Board of Administration held at the State Hospital on June 16th, 1937, recites:

> "The reason for calling said special meeting is that the Board has been presented with a document signed by the Governor, William Langer, appointing Mr. Henry G. Owen as directing head of said State Hospital for the Insane during the investigation of said State institution in regard to certain happenings supposed to have taken place there and the Board think it best also that the said Henry G. Owen act as such directing head during such investigation do hereby and now appoint said Henry G. Owen the directing head of said State institution in the place and stead of Dr. J. D. Carr until such time as all matters in controversy shall be adjusted and settled."

On July 7th, 1937, the Board of Administration accepted the resignation of Dr. Carr and at the same meeting it was voted that Mr. Owen be permitted to move into the new ward building and to employ such help as is necessary in that building with wages consistent with those paid to other employees in like capacities.

Mr. Owen continued as acting director during July, August, September and October, 1937. During that time he discharged approximately three-fourths of the two hundred and fifty employees then at the institution. According to the evidence of those who have been connected with the institution for long periods of time this wholesale firing was not justified by a lack of competency on the part of the employees. It was generally agreed that some of the employees who were

discharged should have been removed from the payroll but that a great many of those who were discharged were among the most faithful and efficient employees of the institution. Certain of the methods employed in discharging these employees have had a rather disturbing effect since. Frank Yeiter was brought in as an undercover man at $10.00 per day apparently for the purpose of securing evidence against employees as a basis for their discharge. Fred L. Anderson, a former convict in the State Penitentiary, was also brought in as a special investigator. Subsequently Mr. Anderson remained at the institution to fingerprint the inmates and Mr. Yeiter continued at the institution in various capacities. It also appears that various employees were called upon to furnish information detrimental to fellow employees and in some cases when they failed to do so they themselves were discharged. The result of having employees spy upon one another has tended to create suspicion and ill will.

In addition to replacing the employees who were discharged about seventy-five additional employees were hired. Some of this increase was necessitated by the completion of the new ward building. Some of it appears to have been necessitated by the fact that the new employees were wholly inexperienced and in some instances two men were required to do the work which one experienced man had theretofore performed. In other cases there seems to have been sufficient political pressure to secure the creation of jobs to take care of deserving applicants.

The system of employment was almost exclusively political. Applicants were required to make out written applications accompanied by proof of possession of a membership card in the Nonpartisan League for which card each applicant paid $1.00. The application must be approved by the County Executive Committee of the League. It was then referred to and approved by the State Executive Committee and then the applicant was entitled to a job. That this method had official sanction is shown by copies of two letters written by R. A. Kinzer to applicants for jobs, which copies were attached to a letter written by Mr. Kinzer to Henry Owen, the Acting Director. In one letter Mr. Kinzer writes:

> "You are living in Stutsman County and I am not authorized to O. K. an application for a position of anyone living in another County than that of Barnes. If Stutsman County Nonpartisan League Committee is willing to endorse you it is agreeable with me."

In the other, Mr. Kinzer writes:

> "I remember your application for a position at the State Asylum about four years ago. This application has not been renewed by the present Nonpartisan League Executive Committee of Barnes County. There has not been any indication that you appreciated your endorsement. We made a fight in the County for our political organization and you would not even so much as donate one cent towards defraying any of the campaign expenses nor have I any indication that you gave one cent to the State committee. Candidly I cannot see what use you are to the organization and I am not, under the circum-

stances, particularly interested whether you keep this position or not."

One of the conditions at the State Hospital emphasized by Mr. Owen in his report to the Governor was the presence of vermin at the State Hospital. After conferring with certain men who appear to have been somewhat interested in securing the job of exterminating the vermin Mr. Owen apparently came to the conclusion that about $15,000.00 should be spent in that work. Bids were called for and three bids were received, varying in amount from $7,930.00 to $14,945.70. Mrs. Ulsrud, as Chairman of the Board of Administration, conferred with J. A. Munro, State Entomologist, and after making a brief survey, Professor Munro, on July 31st, 1937, advised against a wholesale fumigation and suggested that the campaign be limited to certain quarters. In closing his letter Professor Munro said:

> "I was pleased to note the clean and sanitary conditions which for the most part prevailed. It is to be expected that a large institution such as the State Hospital at Jamestown is confronted with serious problems one of which, the insect problem, is of great importance. By reason of the fact that insects can be directly injurious and annoying and in addition serve as disseminators of disease they justify constant vigilance and the application of sound measures for their control."

It appears that under his direction the necessary extermination program was carried out at an expenditure of approximately $300.00. The Board of Administration rejected all of the bids which had been submitted.

On October 25th, 1937, the Board voted that the services of Mr. Owen be dispensed with and that Dr. F. C. Lorenzen be appointed Superintendent. Mrs. Ulsrud, Mr. Hagan and Mr. Harris voted aye. Mr. Kinzer voted no and Mr. Thompson passed. On October 26th the Board appointed a matron for the Hospital, her duties to begin November 1st.

It appears that Dr. Lorenzen was to a large extent actually employed by the Governor and that the Board ratified his selection as they had previously explicitly done so in connection with the appointment of Mr. Owen. According to Dr. Lorenzen the Governor told him that he was to run the institution and that no politics were to be connected with it. Dr. Lorenzen apparently took this enunciation seriously. He called a meeting of employees and advised them that the purge was over and there would be no politics in the administration of the affairs of the institution.

On January 1st, 1938, C. A. Miller became Secretary-Treasurer of the State Hospital. He was not selected by Dr. Lorenzen. The minutes of the Board of Administration are entirely silent as to his appointment by the Board. Hearsay is that he was named by the Governor.

The selection of the matron appears not to have been altogether wise. Apparently questions of jurisdiction and conflicts of authority have arisen on previous occasions when matrons were selected by the Board in control of the Hospital. By reason of those conflicts the right of the Board to select a matron appears to have been eliminated in 1927. The appointment of a matron in 1937 resulted in a renewal

of these conflicts. The matron came in conflict with the cook, she came in conflict with the supervisors of the wards and she came in conflict with other departmental heads. In addition, she seems to have created certain ill will among some of the employees toward the Superintendent by the method she pursued in securing subscriptions to a fund to purchase the wife of the Superintendent a fur coat as a Christmas present. Here she seems to have applied the same sort of pressure as was placed upon the employees in the collection of political assessments. Naturally that resulted in resentment. Apparently the Superintendent was unaware of this situation. Some of the employees criticized him for permitting his wife to accept the present under any circumstances, others felt that he had been placed in an unfortunate position and that he had done properly in permitting his wife to accept the present and in then giving individual gifts to all of the employees.

While the records of the Board of Administration is silent on the subject, Mr. Miller appears to have been given considerable power with reference to the administration of the Hospital and the hiring and firing of help but Dr. Lorenzen does not appear to have been advised of this fact. Accordingly there arose a conflict between the Superintendent and the Secretary-Treasurer over their respective powers and there appears to have also occurred a conflict between the matron and the Secretary-Treasurer. The matron was discharged by or at the insistence of Mr. Miller but the conflicts between Dr. Lorenzen and the Secretary-Treasurer did not cease. Dr. Lorenzen assumed that Mr. Miller was merely taking the place of J. S. Larson, the previous Secretary-Treasurer, who had kept the books of the institution. Mr. Miller did not keep the books but brought with him F. D. Riley as bookkeeper. Dr. Lorenzen appears to have deemed two men unnecessary and attempted to discharge Mr. Miller. Mr. Miller carried the matter to the Governor. The minutes of the Board of Administration show that on March 1st, 1938, a meeting was held in Governor Langer's office with all members present and Dr. Lorenzen and Mr. Miller also present. At that time the Board of Administration adopted the following resolution:

> "Under the authority vested in the Board of Administration in Article 1A, Chapter 5, Section 283b1, Supplement to the Compiled Laws of North Dakota, giving the Board of Administration general supervision and administration of all State penal and charitable institutions of the State, drastic action is needed so as to have funds appropriated by the Legislature for the biennium for the operation of the State Hospital for Insane at Jamestown; therefore, I move that the buying of all supplies as provided by laws and regulations of the Board of Administration for the State Hospital for Insane, must be bought or approved by the Secretary-Treasurer of the institution, who also will attend to the hiring and discharging of all help employed at the State Hospital for Insane, exclusive of technical employees. This includes the attendants of the wards, but in the final disposition of this help the cooperation of the Superintendent should be sought; laundrymen, cooks,

farm and kitchen help, plumbers, carpenters, dairymen, electricians, bakers, painters, firemen; or any other additional employees in or outside of the institution."

The conflicts did not cease. At Mr. Miller's suggestion certain employees made it their business to contact as many employees as possible and to secure from them affidavits against Dr. Lorenzen. A delegation of employees was sent to Bismarck to secure the removal of the Superintendent. The minutes of the Board of Administration under date of April 12, 1938, shows that written charges against Dr. Lorenzen signed by C. W. Shortridge, Laveta Stevens, Marie Lester and C. B. Zimmerman, who signed themselves as Committee for Prosecution, had been presented to the Board and that the committee had appointed Rev. Strutz to be chairman of the delegation and to represent them before the Board. The minutes recite that Dr. Lorenzen was handed a copy of the charges, that Rev. Strutz was called for consultation with the Board, that Judge Elsworth was also permitted to address the Board and that then the matter was laid over until April 18th, at which time the committee was to be heard. The minutes are silent as to any further action in this matter. Apparently Rev. Strutz, Judge Elsworth and R. Rockwood were leaders in the movement against Dr. Lorenzen. It may be noted that they also were active in promoting the political functions of the State Hospital which will be referred to hereafter. About this time a meeting of the employees of the State Hospital was held in the basement of the Moline Cafe in Jamestown. At this meeting it appears that speeches against Dr. Lorenzen were made by Mr. Rockwood, Rev. Strutz, Elwood Eck, Frank Vogel and Ted Carlson. The invitations to this meeting appear to have been issued by Mr. Miller and distributed by the supervisors of the men's ward and women's ward.

The conflict of authority between the Superintendent and the Secretary-Treasurer was manifested in many ways. The Superintendent discharged Frank Yeiter before Mr. Miller came. Shortly after Mr. Miller came he re-employed Mr. Yeiter. The Superintendent attempted to discharge one of the supervisors. Mr. Miller advised the supervisor to stay on the job. The Superintendent ordered the purchase of special foods for some of the sick patients. The Secretary-Treasurer refused to order them on the theory that they were too expensive. The Superintendent ordered various drugs. The Secretary-Treasurer refused for weeks at a time to order them. There followed a grave decline in the morale and discipline of employees.

While the resolution above quoted left the control of the technical help with the Superintendent the Board of Administration later seems to have taken control there. A Dr. Peterson was employed by Dr. Lorenzen as one of the physicians at the Hospital. Certain conflicts appear to have arisen between him and the Superintendent. I was informed that Dr. Peterson expected to supplant Dr. Lorenzen. Other difficulties arose with which it appears unnecessary to deal with in this report. However, on August 25th, 1937, it was voted by the Board of Administration that "Dr. Peterson is recognized as the Hospital surgeon." This was after he had been discharged by the Superintendent.

On January 10th, 1939, came the appointment of Roy Frazier as Secretary-Treasurer to be thereafter known as Steward-Business Manager. A copy of the minutes of that meeting are attached hereto.

## POLITICAL ACTIVITIES

As heretofore noted the hiring of employees was upon a political basis. There are some instances where employees were hired without political recommendations but they were in special instances where special services were required or an emergency existed. The general rule was otherwise.

The employees were subjected to continuous political pressure and repeated political assessments and the employees' security in his position apparently depended upon political pull.

On witness testified:

> "It seems like the fellows that had the political pull didn't have to worry any. The whole thing was in politics. It didn't seem to make any difference if you did your work or not. Some of them didn't make any bones about it. They said they didn't have anything to worry about." (1)

With reference to the political assessments, I quote some of the testimony:

"Q. I believe that during the political campaigns there have been collections made here from the employees for the Nonpartisan League. As I understand it they used the envelope system and passed them out through the supervisors to the employees and the employees put the cash in those envelopes and left the envelopes with the cash and their names on their envelopes in the business office?

"A. That's right.

"Q. You, as supervisor, distributed those envelopes to the employees under your charge?

"A. Yes.

"Q. And at whose direction was that done?

"A. Both Mr. Miller and Dr. Lorenzen. First it was Dr. Lorenzen and then Mr. Miller. In fact, Dr. Lorenzen handed me the list of names, the payroll, and the amount to be received and sent to the office. He gave me strict orders to get it started right away. The last two times Mr. Miller and the first time Dr. Lorenzen. * * * It cost me $45.00 one month.

"Q. What do you know about the assessment that is in prospect now?

"A. Someone approached me and I told him to see Mr. Frazier. Mr. Frazier sent word down that he would like to see me but I never went up.

"Q. You weren't forced to make these collections under Carr?

"A. Never.

"Q. Do you know Mr. Rockwood?

"A. Yes, very, very well.

"Q. Where does he get the prestige that seems to have enabled him to have a rather active part in the affairs of the Hospital?

"A. He had a few scared up here into buying gas. You either had to buy gas from him or you would get fired.

"Q. He had some position with the Game and Fish Commission that gave him certain connections with the Governor's cottage at Spiritwood Lake and by reason of that fact that he looked after the Governor's cottage he was reputed to have some political strength and was much listened to and conferred with by the employees?

"A. He had a key and could walk anywhere through the institution." (2)

Another witness testified:

"Q. You know something about the political activities here at the Hospital?

"A. Yes, I do.

"Q. Tell us what you know about that.

"A. They (naming eleven employees) held many secret meetings in regard to the political affiliations of different members. They were apparently the ringleaders of the political movement at the State Hospital. When the questionnaires were distributed among the employees approximately 110 of the original 250 printed were returned to the Secretary of this political organization. Employees who had not signed and returned them were called on the carpet and asked why they had not filled in these forms and returned them to the secretary.

"Q. In that connection were there any intimations that those who did not join the club or show their proper political affiliations might lose their jobs?

"A. There was. I might add that the people who had not filled out these forms and did not join this clique were termed 'rats'.

"Q. Did these men that were active in this political organization ever attempt to influence the officers of the Hospital to discharge any of those so-called 'rats'?

"A. They did.

"Q. Did they have a list of 'rats' they wanted fired?

"A. They did.

"Q. Do you know about how many were on the list?

"A. They didn't show me the list but they said there were about 35 or 40 on the list.

"Q. Do you know whether this activity on the part of these politicians and their efforts to have some of the other employees fired had any effect upon the morale of the employees?

"A. It did.

"Q. There arose a feeling of insecurity and uncertainty as to where they stood?

"A. That's correct.

"Q. You think that affected their work at the Hospital?

"A. It naturally did. They were kept in a continual uproar.

"Q. In connection with the political activities, there was a system of envelope collections for political purposes?

"A. There was.

"Q. Tell us how that was handled.
"A. Mr. Miller gave the envelopes to the supervisors and the supervisors had them distributed among employees.
"Q. As I understand, the envelopes had the names of the different employees on them and the employees were supposed to put a certain amount of cash in there and leave them in the business office?
"A. Correct." (3)

The collections were turned over to W. E. Hoopes, Chairman of the Nonpartisan League Executive Committee. I attach to the report the itemized lists of the assessments paid by the employees and receipted for by Mr. Hoopes, aggregating $930.75 for 1938. In addition, there is evidence of contributions made direct to various County committees and there is evidence that the employees were practically required to join the numerous political organizations including the Young Nonpartisans League, the Hill Club Nonpartisan League, the Women's Federation of Nonpartisan Clubs, Langer for Senator Club and some others. Collections seemed to have been taken with remarkable regularity. One employee drawing $63.00 a month told me that he contributed $60.00 in one year.

There is evidence that the president of the Nonpartisan League club at the Hospital was away from his work at the Hospital almost entirely during the month of October and that during November and the first sixteen days of December, when he was discharged by Dr. Lorenzen, he had actually put in only three days work at the Hospital. There is evidence that other employees of the Hospital were given leaves of absence from time to time to go out and do political work in their respective home communities. An interesting contrast is the letter written by Mr. Miller to Mr. Riley under date of November 4th, 1938, advising him not to let Mr. Eckroth have a vacation at that time. It was testified that Mr. Miller

> "had been informed that Mr. Eckroth, a protege of Wm. Godwin, would in a roundabout way do the administration harm. * * * Political activities were encouraged if the employees were right and discouraged if the employees were wrong." (4)

The political pressure upon the employees indicated by the letter from Mr. Kinzer, heretofore quoted, is shown by additional correspondence taken from the files of the State Hospital. Upon the letterhead of The Bank of North Dakota under date of November 14, 1938, appears the following letter:

"Mr. Charles Miller
State Hospital
Jamestown, North Dakota

(5) Friend Charlie:

A young man was here by the name of C. L. Madsen, 805 Second Avenue South, Jamestown, North Dakota. He desires to work in the Dairy Division, and has had excellent experience in dairy farming. I spoke to Oscar Erickson concerning the man you now have, and he said while he recommended this man he knew that this party would be willing to take any other position open.

I am also told that Chester Green and his wife were actively against us in the last campaign. If so they should be sent back to farm in McLean County without a question.

Will you kindly advise me on these matters.

Yours very truly,
F. A. VOGEL,
Manager."

On the letterhead of the Department of Insurance, Oscar E. Erickson, Commissioner, writes to Mr. Miller on February 21st, 1938, asking him to check up on one of the employees to see whether he had made his proper political contribution. Mr. Miller replies:

"I will look into this deal and see that he gets his contribution into the County that he comes from or else!"

In writing to Governor Langer asking for a job at the State Hospital one of the men who later secured employment gives as his qualification

"I was elected secretary of the precinct meeting here Saturday."

This letter was referred by the Governor to the Chairman of the Board of Administration and by her referred to the Secretary-Treasurer of the Hospital. Mr. Miller writes the applicant that an employee had been discharged but

"He was immediately replaced by a man from Dickey County who was very evidently entitled to consideration."

He adds, however,

"You have been recommended by the Governor and Mrs. Ulsrud and I will be very glad to take some action in regard to your case just as soon as I have the opportunity to do so."

## INTERFERENCE WITH ADMINISTRATION

Aside from instances already related there are many instances of interference with the operation of the Hospital by members of the Board of Administration, including suggestions regarding the employment of help.

In a letter to Mr. Miller under date of March 4, 1938, Mr. Kinzer writes:

"I mentioned to you about * * * an attendant working at the State Hospital. If you should see fit to have him discharged and later could take on another attendant for the women's wards we have an applicant * * * for the position."

We have the following testimony from Mr. Riley:

"Q. What do you know about Dr. Lorenzen firing Mr. Yeiter?

"A. Dr. Lorenzen called me into his office on the 16th day of December, 1938, and he said 'Riley, has this man been on the job lately?' I said, 'Not very much of the time.' * * * He said, 'What about this man Byrnes?' I said, 'He, neither, has been on the job very much. In fact, he spent practically the entire month of October campaigning and we thought that after the election was over he would surely go back to work but he has continuously made himself

conspicuous by sitting on one of the seats near the front entrance.' Doctor said, 'Well, we might as well let him go, too.' * * * Someone informed Mrs. Miller, who was in her quarters at the time that this action had been taken. She immediately called Mrs. Ulsrud at Bismarck who informed her that the entire Board of Administration would arrive at the Hospital in less than two hours and stop this wholesale discharge of employees * * * This man Byrnes would be sent out with a detail of patients and some of his political friends would come along and tell him that they needed him and he would leave his detail without any charge over them whatsoever, go to his room, change his clothes, and go out campaigning for the ticket.

"Q. Did any member of the Board call up in regard to the firing of Mr. Yeiter?

"A. Math Dahl called up but he wasn't a member of the Board at that time * * * He asked for me and made the statement that he wanted Frank Yeiter and John Byrnes immediately re-instated on the payroll and if this was not done he would personally see to it that Dr. Lorenzen and myself would go down the hill." (5)

It may be stated that Mr. Yeiter is still on the hill. While an action of some nature was brought in Court against him he has secured a continuance of that action and has stated on numerous occasions that he was going to have his job back as soon as Dr. Lorenzen was out of the way. On the witness stand Mr. Yeiter testified that he was going to stay on the hill until the deal was cleaned up although he said he did not have a promise of a job. It is also interesting to note that the testimony shows Mr. Yeiter to have borrowed money from a patient at the Hospital and to have pledged a rifle as security for the loan. Mr. Yeiter admitted that he had called the wife of the Superintendent a "damn liar" and the testimony generally indicates that there was reasonable grounds for his discharge. Almost every employee, regardless of political affiliations, testified that Mr. Yeiter was an agitator and his return to employment in the Hospital will be followed by unrest among the employees. If he and Mr. Byrnes return those who were by them denoted as 'rats' during the campaign will feel that the threats previously made by those gentlemen to get their jobs will in all probability be carried out.

During the time that Mr. Owen was in charge of the Hospital a daughter and son-in-law of Mrs. Ulsrud was employed there. It would appear from the testimony that some friction developed because of the impression of employees that they had special consideration on account of their connections. Eventually Mr. Owen fired them and there has been a suggestion of some disagreement between Mr. Owen and Mrs. Ulsrud as a result thereof. Later Mrs. Ulsrud appears to have made rather emphatic efforts to secure employment at the Hospital for another daughter and son-in-law. Mr. Riley gave the report of a conversation between Mrs. Ulsrud and Mr. Miller as related to him by them, as follows:

"Q. And what took place as he (Mr. Miller) told it to you?

"A. That Mrs. Ulsrud would stand back of him on any move that he might make, if he would only put Jimmie Brastrup and his wife, her daughter, to work here at the Hospital.

"Q. Did he agree to do it?

"A. Apparently so for the day he left the Trinity Hospital at Jamestown for Rochester he called me to his room and made this statement, 'Fred, I don't like to do this but I'm forced into it. If you can see your way clear put Jimmie and Helen on the payroll at the earliest possible moment. * * *

"Q. Did Mrs. Ulsrud ever talk with you about putting them on the payroll * * * and what conversation did you and she have with reference to this?

"A. She said she had made the agreement with Mr. Miller to have Mr. Brastrup and his wife put on the payroll and could see no reason why I should not follow his orders * * *.

"Q. Was she asking that she be put on extra or that she be given the position of some employee?

"A. She was asking that her daughter be given the position now occupied by Mary Jackwitz." (6).

At one time an itch had developed upon the untidy wards. At a doctors staff meeting it was decided that a nurse should be sent there to take care of the patients and it was decided that a nurse from the operating room could best be spared for the job. She was notified but failed to show up for work. Shortly thereafter the Superintendent was called into conference by Mrs. Ulsrud with the nurse in order to thresh out the matter and it appears that Mrs. Ulsrud at that time sided with the nurse, backed her up in refusing to obey the order, and that the nurse did not obey the order of transfer.

Numerous instances of similar natures appear to have occurred. One witness testified that the employees at the Hospital kept a procession of delegations going out to Bismarck to confer with the members of the Board of Administration with reference to the operations of the Hospital and were continuously coming back with reports that the orders of the Superintendent had been overruled.

It appears that even the patients sensed the fact that those presumably in authority at the Hospital no longer had real authority. One employee testified:

"Q. Do you know whether the patients have sensed this feeling of unrest among the employees?

"A. In my place I cut out of the newspapers everything about the institution so that they don't get a chance to read about it. After Owen was here for a while one patient says to another patient. 'We don't need to take anything any more. They are all going to get fired.' * * * That feeling would have been all the way through the place but we had to guard against it." (7)

## FINANCIAL

Attention has been called by Mr. Frazier to the fact that the 1937 appropriation for salaries and wages during the

biennium from July 1, 1937, to June 30, 1939, had been practically exhausted during the first eighteen months. That statement is correct. The final figure as found by the auditor for the State Examiner shows the conditions to be a little worse than given by Mr. Frazier. This was due to the fact that there was paid under direction of the Board of Administration and without going through the regular payroll the sum of $799.98 as salary for Mr. Owen. This amount, added to the payroll as shown at the Hospital, makes the total expenditure $371,763.11. The appropriation as fixed by the Legislature was $371,800.00, hence there is only $36.89 left for the next six months period.

More than seventy-five per cent. of the entire appropriation for maintenance had been expended before January 1, 1939. The total expenditures for eighteen months on account of maintenance of the institution aggregated $908,393.73. The total appropriation for the biennium was $1,108,800.00. If twenty-five per cent. of this is to be deducted for the last six months period this would have left the amount properly expendable during the first eighteen months at $831,600.00. The expenditures actually made exceed that amount by $76,-793.73. The appropriation does not represent State funds. It represents the estimated income of the Hospital either from County care or the small appropriation by the State for the care of patients which the Legislature based upon a charge of $24.00 per month per patient. The actual cost during the past eighteen months has been $27.14 per month per patient.

A statement of the maintenance expenses from July 1, 1937, to June 30, 1938, as prepared by the examiner is attached to this report. It will be observed that the total disbursements for the year amounted to $699,742.53 which is considerably above one-half of the appropriation for the biennium. As shown, the balance to the credit of the institution on June 30, 1938, was $192,310.26. Of course, additional monies are credited from time to time as they are paid by the various Counties. Hence, there are ample funds to the credit of the Hospital to continue operations although the expenditures have been exceeding income. This results from the fact that during Dr. Carr's administration the expenses of administration were kept below the income, resulting in the creation of a reserve balance on January 27, 1937, of $495,166.64, as shown by the examiner's report of that date. This reserve balance is being depleted.

It will be noted that the disbursements are kept under headings quite dissimilar from the headings in the appropriation Act. For instance, in the appropriation all salaries are lumped together. The records of the institution distributes the salaries between administration, instruction and supervision, operating physical plant, clothing cost, kitchen expenses and welfare of inmates. It would seem advisable that the appropriation should be made in uniformity with the actual system used or that the bookkeeping should conform to the appropriation so that it would be possible to determine to what extent the actual disbursements correspond with the appropriation.

There are various reasons for the unusual increase of expenses during the past eighteen months. The 1937 investi-

gation cost a considerable amount. The following items may be noted:

| | |
|---|---|
| Paid Henry G. Owen, Acting Director and Attorney | $ 2,040.29 |
| Paid Fred L. Anderson, Special In-vesti gator and finger printing | 1,362.60 |
| Frank Yeiter, Special Investigator and various services | 480.00 |
| The Adjutant General for inspection services of First Lieutenant from July 27 to November 29 and detail of eight men one day | 723.55 |
| Special dental services | 5,378.20 |
| Taking pictures of the institution | 402.50 |
| TOTAL | $10,387.14 |

There were numerous other expenses incident to the investigation which are included in the general maintenance of the institution and have not been segregated.

The miscellaneous administrative expenses which in previous years amounted to approximately $300 jumped to $2,673.47 for the year commencing July 1, 1937.

The salary of the Secretary-Treasurer was increased from $166 per month to $250 per month. This was done over the protests of J. S. Larson, the then Secretary-Treasurer, and would appear to have been made without regard to the initiated measure reducing salaries. Mr. Larson seemed to be under the impression that the raise was made in anticipation of his removal and the appointment of a successor. When Mr. Miller succeeded to the office he employed a bookkeeper at a salary of $125 a month to do the book work formerly done by the Secretary-Treasurer, hence there resulted an additional payroll increase of approximately $2,500 annually.

The addition of seventy-five new employees necessarily resulted in a large increase in the payroll. Prior to July, 1937, the payroll had averaged a little more than $15,000.00 per month. This increased to $21,570.95 in October and continued at substantially that figure until November, 1938, when the payroll was reduced to $19,856.69. A copy of the expenditures for payroll and other items is hereto attached.

## CARE OF PATIENTS

Numerous reports have come to me regarding the abuse of patients, lack of care and poor food. My investigation leads me to the conclusion that these reports are highly exaggerated. It is true that inmates are sometimes slapped and sometimes beaten but the evidence of the employes is almost unanimously to the effect that physical punishment is never resorted to except in cases of necessity. In many instances patients are very unruly. If not kept under restraint they are likely to attack their attendants and such attacks are not infrequent. It then becomes necessary for the attendant to defend himself and in doing so both the attendant and the patient may be injured. The testimony of older employees is that the attendants who maintain strict discipline and who occasionally slap a patient is less likely to have serious trouble than one who permits the patient to have his own way until a clash is inevitable.

Occasionally an attendant loses his head and punishes a patient more severely than is justified. When such things occur the attendant is fired if the matter comes to the attention of the Superintendent. Such attendants were fired by Dr. Carr and they have been fired by Mr. Miller. These are the exceptions rather than the rule. Generally speaking, there seems to be an almost family feeling between the older attendants and the patients in their charge.

There is evidence tending to show that the patients did not receive all the care which they might have gotten. It was not a case of intentional abuse but a matter of inexperience and lack of fitness on the part of the attendants. One witness testified:

> "The old system was good. The patient had treatment just like he should have. The new employees didn't know how to treat patients. They called them bad names, cussed and swore at them. The patients were disturbed. Some said they would run away and some did run away. Some of them cried when the old attendants left." (22)

One of the witnesses testified regarding the new employees:

> "Some have been conscientious and some haven't. I think perhaps some haven't the ability to grasp it." (23).

Another witness said:

> "They mean well but some of them will never learn. I have been working with a few who will never learn. Why they are here I don't know." (24).

Similar testimony appears again and again. The result of the inexperience or lack of qualifications on the part of the attendants apparently result in the patients being disturbed, as that term is used again and again by the witnesses. The term "disturbed" apparently is used to indicate a more evident condition of the insanity, extending all the way from restlessness to extreme violence. Unquestionably such condition retards the improvement of those whose condition can be improved and makes life more trying for the others as well as for the attendants. Such inexperience or incapacity apparently accounts for the escape of the patient who got away this winter and froze his feet walking into Jamestown.

The physical property appears to be in good condition and to be kept up well. The kitchen, dining rooms and wards are very clean. Some repairs are desirable, but the outstanding improvement relates to the kitchen ceiling. Cooking is done by steam, which condenses on the ceiling and causes the paint to peal off. Perhaps a canopy over the cooking equipment would help.

The reports regarding lack of food also appears to be exaggerated but there appears to be some foundation for these reports. The evidence of many of the employees was to the effect that for several months following January 1, 1938, the food furnished to the patients was not good. It was not unwholesome but a diet of mush made from pearl barley served six times a week undoubtedly became monotonous. The evidence is that since Mr. Riley became acting Secretary-

Treasurer and had charge of the purchase of food and since a change was made in the head cook in the kitchen, the food for the patients has improved and is now satisfactory. I went to the kitchen and procured copies of the menus for the employees and for the patients during the current week and for the coming week. These are attached to the report and indicate that the food now being furnished is satisfactory.

It is probable that Mr. Miller, realizing that the expenditures of the institution were overrunning the income and the legislative appropriation, decided to cut down. Apparently he was trying to offset the increase in the payroll by reduction in the food costs and in other expenditures. This no doubt accounts for his refusal to purchase the foods and medicines ordered by the Superintendent.

## IRREGULARITIES

Certain practices at the institution are not to be commended. This is particularly true with reference to the carrying of cash items. For instance, at one time James Brastrup cashed a check with Mr. Miller in the amount of $85.00, the money being taken from the institution funds. Apparently it was understood that the check was not good because the check was placed in the safe and was not cleared in the usual manner. That check was carried as cash item for nine months and was finally paid through the purchase by the institution of certain cattle from Mr. Brastrup's father and the deduction of the check from the proceeds of such sale.

Another item now carried as cash items represents an advance of $20 made in September, 1938, to Dr. Peterson for a trip to Rochester. It is said that this advance was made at the direction of Mr. Miller. Whether it represents a loan which Dr. Peterson should repay or whether it represents an expense item which should have been paid by the institution in the regular way I am unable to determine. In either event, it clearly was an improper method of handling the funds.

Evidence was presented tending to show that the repairs on a private car amounting to $92.37 was paid for by warrant No. 154509 on Sept. 7, 1937.

There was evidence by a former employee to the effect that the salesman for a certain company had told him it would be all right to buy his particular product "because they were kicking in with five per cent. to the Nonpartisan League fund or something of that nature." The purchase was made but the witness did not know whether the kick-in had actually been made.

The matter of the disappearance of some morphine from the Hospital was brought to my attention. I investigated this matter to some extent but since the parties involved are no longer connected with the State Hospital I feel that it is unnecessary to go into details. The matter was investigated by the Federal authorities and further investigation would serve no useful purpose.

Various reports came to me and some evidence was adduced tending to show other irregularities, particularly the misappropriation of some property and materials of the Hospital. I have not gone into that in any detail. Nothing can be

done about what already has happened. A repetition can be curtailed by giving ample authority to the head of the institution and by the hiring of employees on the basis of merit, rather than upon the basis of politics. Of course, there will always be a certain amount of chiseling at any public institution where three hundred are employed.

## THE SUPERINTENDENT

Dr. Lorenzen was a country practitioner, having been at Elgin, North Dakota, for many years. He had no institutional training and he had not specialized in psychiatry. Obviously all that was known at the time of his selection. The members of the Board of Administration have suggested the advisability of securing a trained psychiatrist and that thought has been emphasized by various persons with whom I have conferred. Whether the superintendent is professionally qualified, whether a psychiatrist could accomplish more and whether a psychiatrist can be obtained at the salary authorized are matters upon which I am wholly unqualified to speak.

The evidence shows, however, that Dr. Lorenzen has done the best that he could, that he has been faithful in visiting the Wards and inquiring into the welfare of the patients. Some of the employees do not like him but they appear to agree that he has improved during the last few months. It is altogether probable that since he has been in sole charge of the institution his work has improved over that which was possible for him to perform during the time that the institution was in constant turmoil from divided authority. Unquestionably, after a year and a half institutional experience he is an abler man than he was at the time of his appointment.

## MEAT BUYING

During Mr. Owen's administration the practice was inaugurated of buying cattle locally for beef instead of purchasing the beef on contract after bids had been received. The contract system had been followed for many years. As time went on it appears that more and more of the cattle were sold to the institution by one man. This was explained to me by the acting Secretary-Treasurer on the basis that the supply of cattle in the Jamestown vicinity was not large and that few individual farmers offered their cattle for sale at the institution. The prices paid for these cattle appears to have been running approximately 4¾c per pound during recent months and substantially the same price appears to have been paid for the cattle from the various sellers. However, the purchase of large quantities from one man without bids has resulted in local criticism. During December those purchases appear to have aggregated approximately $1700. The Secretary-Treasurer, including Mr. Larson, Mr. Miller and Mr. Riley appear to all agree that this method of purchasing meat has been cheaper than the contract system. To what extent this is correct I am unable to determine. Apparently the prices paid have been reasonable. There are, however, some advantages in receiving bids and buying on contract to obviate claims of partiality.

## GENERAL CONDITIONS

To show the general conditions at the institution and the opinion of the employees I briefly summarize some of the more pertinent testimony.

Dealing with the wholesale dismissals in 1937 one witness testified:

> "I think that was the rottenest thing ever pulled up here. There were some employees dismissed for incompetency but in the majority of cases there was no reason for it. The new employees had to learn. Some never will learn. I had four new fellows to work with and it made it pretty darned mean." (8)

Another witness testified:

> "Prior to 1937 the ship seemed to be more or less on an even keel. Everything seemed to be going along very nicely. When Mr. Owen came here it seemed to be sort of a rough sea after the first thirty days. There were apparently a few dismissals that were justified but there were an awful lot of good institutional help that were discharged. The new men had to develop over a period of time. They were inexperienced when they came here. Institutional help is not born, they must develop." (9).

This witness explained the situation at the Hospital as well as it is possible to do so, in these words:

> "I wouldn't want to say anything against Mr. Miller. Usually a business manager is a political appointment and naturally wherever possible he is going to favor political appointments. Whereas with a Superintendent he will hire if they are qualified for the work they are required to do. In my opinion, we have had stewards years ago and it never seemed to work. There always seemed to be some friction between the Superintendent and the steward. The law was definitely defined giving each one different authority. However, they seemed to overlap. It always appeared that the steward at least took a little more authority than the Superintendent had and consequently there was a little friction. * * * I would like to say this: I think that the Superinendent should be invested with all the authority to operate and run this institution and he would be directly responsible to the Board of Administration. No Superintendent can operate or run an institution physically and economically with political or outside influence." (10)

Continuing, this witness said:

> "Things aren't going as good as they used to in the past. There is too much agitation. I don't believe the fault is that of the Superintendent. I look at it this way: myself and probably some of the other fellows are probably not qualified to see if he is a good Superintendent. So far as I know Dr. Lorenzen attends to his work very thoroughly. I have seen no evidence of him playing favorites. In fact, he hasn't had much to say up here. Practically all the unrest up here has been caused by the activities of what may be called this group of agitators. They have the

backing of outside political influence or else they are running an awful good bluff." (11)

Another witness, speaking of one of the so-called agitators, said:

"He made a lot of trouble tattling. I have talked to him about people and he would tell me "Yes, they are not right in politics and they are going to get it." He has told me that about different people. Some of the finest fellows on the hill. He put them on the spot and I guess they got fired. * * * These ringleaders if they saw Dr. Lorenzen visiting or talking with some of the other employees they would immediately take it that that employee was on Lorenzen's side and they would bring pressure to bear on Miller to see that that employee was fired." (12)

One of the leaders of the political organization at the Hospital testified:

"I went to Bismarck to see the Governor and the Board of Administration when Mr. Owen was still here as a committee of fourteen. We wanted to have Mr. Owen to stay here as Secretary and Treasurer because we knew they would have Dr. Lorenzen for Superintendent. We knew they were going to leave Larson go. There was a delegation at the time Dr. Lorenzen canned Mr. Miller. We went up to see that Mr. Miller should stay. About fifteen of us went * * * One of the purposes of our club was to investigate the standing of the employees to see whether they were good Leaguers or not. There was an understanding among the employees that it was a good thing to be a member of that club if they wanted to stay on the job. The idea was that the County Executive Committee would take care of the others— This last fifteen months I have worked here has been a terrible strain. We all know that Dr. Lorenzen and Mr. Miller didn't get along very good and it affected all the employees. You know yourself that a person under strain and should do his work can't do it right. I think it was political pressure that caused all that trouble." (13)

Another witness, referring to Mr. Yeiter, testified that:

"He has made the statement around here that he will be back to work in a few days. He figures that he has sufficient political prestige that he can get back even though the Doctor does fire him. * * * The ringleaders formed a club. They got out an application blank which the employees were supposed to sign specifying their qualifications for membership in this Nonpartisan organization. If they didn't show sufficient performance in the past they were not admitted to membership. It was a general understanding that those who got into that organization were more likely to stay on their jobs than those who couldn't pass inspection * * * The pressure was put on by Frank Vogel and Red Myers * * * This group of agitators were watching to see where you visited and where you did business down town and if you didn't do it

with what they called their political friends they criticized you. Political activities up here have been detrimental to the efficient running of the Hospital and the care of the patients. They can use The Bank of North Dakota and other places for that political stuff and leave this place alone and Grafton * * * All that the employees want is a place to settle down so they can really work. The way it has been it has been just impossible to do the work you should do and do it right. The majority of employees, both those that have carried over from Carr's day and those who have come in since, would like to work on the job and feel secure in that job. * * * Most of the new employees, even though they didn't know anything about the work when they came here, would conscientiously try to do it if they had a chance."

"Mrs. Ulsrud protested the firing of her daughter and son-in-law by Mr. Owen. She made trips in the middle of the night out here."

" The patients have sensed the fact that there has been dissension. They are smart that way. They get a big kick out of it. Some of them get the impression that they don't have to take orders from the attendants. Some of them are establishing home rule here." (14)

The incident regarding the firing of Mr. Miller as related by Dr. Lorenzen is that after firing Mr. Miller for his failure to do the bookkeeping work

"I called up the Governor and said 'I got rid of our Secretary.' He said, 'All right, fine.' He goes to Bismarck and they put him back there."

With reference to the giving of the power of hiring and firing to the business manager Dr. Lorenzen says that it resulted in lack of cooperation among the attendants and physicians on the staff. Insubordination. The attendants did not feel that they had to take orders from the Doctors.

"It is absolutely impracticable to give the Secretary-Treasurer or business manager the power of hiring and firing all the help. He never sees the nurses and attendants on the ward. He does not know the kind of work they are capable of doing. He would not be able to measure their capability because he does not see them." (15)

Discussing the political appointment of employees one witness said:

"The result of that was that each one that came up here felt that he had a special political pull from his County, especially for the first half dozen or so from each County. They would be here a short time and would see the bright spots and easy jobs and then figure that because he had political pull he should get it. That was what caused the first trouble among the help. It got so there were so many at the office that instead of coming they would write him a letter. Every morning he would have a bunch of letters on his desk for certain jobs in different wards. There weren't enough good jobs for everybody. The ones

> who weren't getting them liked to get a bunch in their room and decide what action to take. They would send one or two back to a County chairman, get the committee to come here or write here and put on a little pressure and see if they could get that job. ** * That kept on until Dr. Lorenzen came. He was received very nicely and things seems to be settling down and going pretty good for a couple of weeks. Of course, when he came here he let it be known right away that the political purge would have to be over so far as he was concerned, that people had to do their work in the Hospital from then on. * * * That went all right for about three weeks, then there seemed to be a certain bunch who seemed to think the Doctor liked some of the rest of us better than he liked them. * * * Then he was no good after that. The bunch got together and were going down to Bismarck. There were a few things they wanted and weren't getting. And there were a few attendants up here with political influence, they thought. They were sore and a bunch of 25 or 30 started for Bismarck to get some pressure put on the Doctor to eliminate that." (16)

Discussing the matter of divided authority, one witness said:

> "It seems to me to be unjust. Mr. Miller came in January and was here almost a year. I really never have had a good conversation with Mr. Miller. He didn't know me from anyone out in the street. He never had been in my ward. He couldn't even find my ward. Dr. Lorenzen made the ward regularly two or three times a week and he knows what we are doing. What we are not doing he knows, too. I think he should do the firing." (17)

One of the employees who was given credit for being quite active in the political circles of the institution in describing the conflict between Dr. Lorenzen and Mr. Miller said:

> "The employees were called in at that time and they should have been left out of it. We were called on to take sides. It was no affair of ours. * * * Lorenzen hired a lawyer that time and Miller said he was going to hire one, too, so the employees helped him." (18)

Another witness expressed this opinion:

> "You can't run an institution by two different factions and you can't serve two different bosses in one institution . . . In the first place, there is too much help here. In my opinion, they have that help here because they have someone there who doesn't know anything about it and he has to have someone who does know something to help him along. Different people have charge of it who don't know anything about it. This is no small thing here." (19).

A similar thought was expressed by one of the women in these words:

> "It has caused factionalism by the employees. This group for the Doctor and the other group is for the manager . . . They got to quarreling with one another. In the Wards maybe the charge wants her as-

> sistant to do this or that and she is almost afraid to ask her. We hated to make an issue of anything that really should be made an issue of. We were afraid to stir it up because we didn't know where the consequences would stop. I think that divided authority is the poorest thing that has ever happened in this place. It has made for more trouble." (20).

A delightfully frank review of the political situation was given by one of the men rather active with the last organization. He said the qualifications to be admitted to membership in the club were how long you had belonged to the League, what you had done for the League and if we can depend on you for the coming election. They had cards printed. All those whose names were called were given a card at a cost of a dollar.

> "We didn't pass on all of them. Some of them weren't good Leaguers and we couldn't pass them. If they hadn't been good Leaguers we wouldn't take them in." (21).

Membership in this organization was supposed to be useful in retaining your jobs. "If we had won out one hundred per cent, we would be sitting pretty. It wouldn't go so big for them that couldn't qualify."

## SUMMARY AND CONCLUSION

The Board of Administration has declared that there has been "a noticeable lack of harmony, disturbances, and internal non-co-operation at the State Hospital for the Insane at Jamestown." This statement is correct.

Roy Frazier, designated by the Board as Steward-Business Manager of the Hospital, has declared that during the first eighteen months of the biennium there has been expended $370,963 out of the $371,800 appropriated by the 1937 legislature for administrative expenses at the Hospital. That is a slight understatement.

The common talk at Jamestown is that the conditions at the Hospital have been deplorable. That also is correct to a large extent.

The pertinent questions to be answered are: First, who is responsible for these conditions; second, what is the solution.

The answer to the first question is that the responsibility rests squarely upon the Board of Administration, or more properly speaking upon a majority of the members of the Board. The Board has acted ultra vires, contrary to the legislative mandates, against sound business principles and without due regard to the welfare of the patients at the Hospital. I realize that such an indictment should not be lightly made; but the evidence adduced upon this investigation makes that conclusion necessary.

## ULTRA VIRES ACTS

Section 1755 Compiled Laws for 1913 provided that the Board having control of the Hospital should appoint a superintendent, a matron and a steward. This section was amended in 1919 (See Sec. 1755 Supplement) by eliminating the steward. It was further amended by Chapter 166 Laws of 1927 by eliminating the matron. The amendment of 1931 (Chap-

ter 264) did not affect the officers to be appointed. As the law now stands only the superintendent and his assistants are rated as officers. Under Section 1757 Compiled Laws, the superintendent has power to appoint and discharge all other employes.

These sections were adopted when the Hospital had a separate Board. Subsequently the control of various institutions, including the Hospital, was placed under the Board of Control. Section 244 Compiled Laws vests the powers of the several Boards of Trustees in the Board of Control. Section 269 Compiled Laws provides that the head of each institution shall appoint all of the assistants and employes of such institution.

In 1919 the Board of Administration was created. Section 283b5 provides that such Board shall succeed to the powers of the Board of Control.

It seems clear, therefore, that the Board of Administration has no power to appoint a secretary-treasurer, a steward, a business manager, or any other employes of the Hospital, aside from the Superintendent. The appointment of such employes is vested exclusively in the superintendent.

It has been suggested that by virtue of the general power of supervision given the Board of Administration, it has power to appoint any and all employees and to limit the power of the superintendent as it may see fit. There are several answers to such claim. In the first place, the statute expressly provides that the Board of Administration succeeds to the powers of the Board of Control and since the former Board was expressly limited in the power of appointment, the same limitation would naturally apply to its successor. In the second place, the Board of Control was given almost the identical general powers (see Sec. 243 Compiled Laws) and since it is clear that in that instance the general powers so granted were not deemed inconsistent with the limitations contained in Section 269, there is no reason to suppose any inconsistency now exists. Finally, the fact that Section 1755 was amended in 1919 and 1927 and the powers of apointment at the Hospital expressly curtailed shows a conclusive legislative intent to make that limitation effective upon the Board of Administration.

If these conclusions are correct, it necessarily follows that the actions of the Board of Administration were ultra vires when it appointed a matron in 1937, and when it appointed Roy Frazier as steward-business manager this month. Again the Board acted without authority when it attempted to confer upon Mr. Miller the power to hire and discharge employees of the Hospital and when it recently attempted to confer similar authority upon Mr. Frazier. The attempts were in direct conflict with Section 869 and 1757 Compiled Laws, which gave that power to the superintendent. While the Board has general supervision of state institutions, it does not have power to nullify legislative acts.

## ACTS IN DISREGARD OF LEGISLATIVE MANDATES

Section 268 Compiled Laws forbids political activities by employees of the several state institutions. This section has been flagrantly disregarded and it is clear that such disregard was encouraged by members of the Board of Administration.

In this connection, the following conclusions are fully established by sworn testimony and written records.

First, in hiring employees following the 1937 purge the chief requirement for qualifications was the endorsement of proper political committees.

Second, employees were required to contribute substantial amounts to political campaign funds.

Third, a political organization was effected at the Hospital during 1938. Questionnaires printed at the Hospital printing plant were distributed among the employees asking them to specify whether they had been members of the Nonpartisan League, what work they had done for the organization, and whether they pledged continued loyalty. A committee passed on the qualifications of those seeking admission and it was freely stated that those who could not qualify would soon be fired.

Fourth, employees of the Hospital were required to do political work, including the collection of assessments; it being understood that failure to do so meant loss of employment.

Fifth, employees were given leaves of absence from the Hospital with full pay to go out and do political work and were furnished with state cars; while at least one employee who was considered adverse was refused a vacation prior to election to prevent any activity on his part.

Sixth, a group of active politicians among the employees held frequent caucuses and meetings, investigated the political affiliations of associates, denominated as "rats" those who were not considered good administration supporters, and marked for firing those who were so designated.

Seventh, dances were given at the Hospital to raise funds for political purposes. Political meetings were held at the Hospital, addressed by candidates for state office and other politicians, with lunches served by the Hospital.

Eighth, loyalty and service to the political fortunes of the administration were considered the prime requirement to hold a job and various employes not in sympathy with the administration made contributions and did political work for that party to hold their jobs.

Section 269, Compiled Laws, made it a misdemeanor for members of the Board of Control to exert any influence upon the managing officers of state institutions in the selection of employees. I am not prepared to say that this section is applicable to members of the Board of Administration in so far as its criminal features are concerned. However, the legislative intent that these state institutions should be divorced from politics, nepotism and pressure influence is indisputable.

This legislative policy has been utterly disregarded. The evidence shows that certain members of the Board of Administration sent people to the State Hospital with recommendations which amounted practically to directions that they be put to work; that one of the members of the Board exerted every effort to secure the hiring of several relatives; that members of the Board have intervened to prevent the discharge of employees and have threatened the dismissal of the officers making such dismissals; and that

the Board has continually intervened in the hiring and firing of employees largely upon a personal or political basis.

Chapter 52, Laws of 1937, contains the appropriation for the State Hospital during the biennium from July 1, 1937, to June 30, 1939. The only appropriation of State funds is in the amount of $140,000.00 for additional buildings and equipment. However, the Act sets up an estimated expenditure under nineteen headings aggregating $371,800.00 for salaries and wages, and $737,000.00 for operating expenses, making a total of $1,108,600.00, which is offset by the estimated income from the Counties and a small State appropriation for the maintenance of the insane at large.

Whether the estimated expense to be offset by the estimated income is to be treated the same as an ordinary legislative appropriation is a question of some doubt. Accordingly I express no opinion upon whether the statutory limitation of 75% of an appropriation to be expended during the first eighteen months of the biennium is applicable or not. However, it does appear that some attention should be given by the Board of Administration to the legislative estimate as set forth in the appropriation Act. This has not been given. All but $36.89 of the estimated expenditures for salaries and wages had been dispersed by January 1st. At the present rate the salaries and wages for the remaining six months of the biennium will aggregate approximately $115,000.00, which means a deficit of that amount on July 1st, next.

An increase of 33 1/3% in the expenditures for administrative expenses appears to have been unwarranted.

The total expenditures of the hospital for maintenance during the first eighteen months of the biennium amounted to $908,393.73. This is more than 75% of the total legislative estimate for maintenance. However, during Dr. Carr's administration it appears that a reserve of approximately $450,000.00 had been built up through savings on maintenance expenses and that at the present rate of expenditures there will be on July 1st, a substantial deficit as far as the last legislative appropriation is concerned, but that deficit will not exhaust the reserve previously built up. It will, however, reduce that reserve about $100,000.00.

The reasons for this extraordinary expense during the past eighteen months are obvious. A large amount of money was expended in connection with the 1937 investigation of the Hospital. The payroll for the period was increased by approximately One Hundred Thousand Dollars. In addition about Sixteen Thousand Dollars were spent on very proper repairs. It may be said that some of these repairs were provided for by a legislative appropriation in 1933, but the item was vetoed by the Governor. The Board of Administration had felt that it could not do this work without a legislative appropriation, but following the 1937 investigation, during which the lack of these repairs was severely criticized, the Attorney General ruled that the repairs could be made without an appropriation and could be charged to maintenance of inmates.

The responsibility for these expenditures rests directly upon the Board of Administration. The payroll increases were expressly approved by the Board and all expenditures are reported to the Board.

## DISREGARD OF BUSINESS PRINCIPLES

The setup for the State Hospital attempted by the Board of Administration violates sound business principles. The attempt to have two bosses at the same institution was bound to fail just as it did fail. It was bound to produce a lack of harmony, disorganization and irresponsibility and it did produce all of those results. The failure of the Board of Administration to back up the superintendent was fatal to discipline. If the superintndent was incompetent he should have been removed and a competent man placed in charge but the Board should have given its co-operation to the superintendent it placed in charge of the institution rather than encourage disloyalty and disregard of instructions by employees.

If the statute so permitted there might be some justification for appointing a business manager with power to hire and fire the farm and other outside employees. The wisdom of such a setup is doubtful, but at least it is debatable. However, giving the business manager the power to hire and fire the attendants in the various wards was wholly indefensible. As witness after witness testified, the business manager never came upon the wards, had no idea as to the work required nor of the capabilities of the employees nor of the manner in which they were performing their tasks. The superintendent goes through the wards every day and necessarily knows not only what the attendants should do but what they are doing. On different occasions the Superintendents, or his assistants, have given orders to attendants which they have disregarded because they knew that they could not be discharged by the superintendent. This was particularly true of the attendants who secured their positions through political influence and who felt that such influence would protect them in their positions regardless of their neglect of orders.

Again, there has been a lack of sound business principles in permitting and encouraging dissension among the employees and in the encouragement of employees to take sides in matters of administrative policy. The entire record is replete with circumstances showing the detrimental effect upon the morale and discipline of the employees through the dissension between the officers and the actions of the Board of Administration.

While a large amount of money was expended in connection with the 1937 investigation, no permanent benefit appears to have been derived therefrom, aside from the benefit accruing to politicians desiring to place employees on the payroll. Practically every recommendation made by Mr. Owen had been effectively disregarded. Whether the Board was unwise in making the investigation or unwise in disregarding the recommendations may be subject to debate.

One of the difficulties appears to have been that not even the Board assumed final authority, but other officials and political committees exercised a controlling influence, and assumed the right to dictate to the Board as well as to the institutional officers.

## DISREGARD OF PATIENTS' WELFARE

The evidence shows that, upon the whole, the employees at

the State Hospital prior to July, 1937, were competent and while, in some instances, their discharge was no doubt justified on sound principles, the wholesale discharges were upon the basis of politics. Worse still, employees were practically forced to present detrimental evidence against other employees to hold their positions and those who failed to do so were, in several instances, discharged. The employees hired to replace those who had been discharged were untrained. While the majority of them were no doubt honest and sincere, and by this time have learned something about their duties, the fact is that for a considerable period it was impossible for them to render equivalent service in the care of patients.

Furthermore, the dissension over the management of the Hospital in which the employees were encouraged to participate, the political activities resulting in factions and groups, the spying of certain employees upon the others to secure their discharge for political or other reasons and the general turmoil in the institution have given many employees a feeling of insecurity. As various employees stated, they felt that they did not know from day to day whether they would have their jobs the next day. This feeling of insecurity and unrest necessarily had a detrimental effect upon the efficiency of those employees and the services rendered by them.

Some latitude may be given to political appointments and political assessments, but when a Hospital for the care of the insane is made a hot bed of political activities it is carrying the subject beyond all reason. Employees at the Hospital, of every political faction, were agreed that political activities at the Hospital were detrimental to the proper care of patients and the proper maintenance of that institution. That institution should be maintained for the care of its patients and not as a refuge for political workers.

The inefficiency of the present setup may be illustrated in various ways. For instance, the business manager assigned various apartments to employees of the institutions leaving insufficient room for the assistant physicians and they found it necessary to live in town. Thereby, those physicians were not available for call in emergency cases. Again, the apartments given to the physicians did not contain telephones and, again, there was a possibility of serious delay if they were needed in the wards. In an effort to counterbalance the excessive payroll the business manager cut down on the drugs and supplies which the superintendents considered essential for the patients and also eliminated various food items which appeared somewhat expensive but which the superintendent thought needed for certain patients.

In this connection it should be said that the evidence indicates that Mr. Miller was a conscientious official and was trying to do the best he could considering the unsatisfactory setup and the political pressure which was constantly being placed upon him. However, neither Mr. Miller nor any other business agent could be reasonably expected to understand the proper care and treatment of insane patients. That is the job of a physician.

## SOLUTION

The solution for the principal difficulties at the Hospital

is simple. It requires the elimination of politics from the management and operation of the institution. Employees must be hired and fired upon the basis of their efficiency and not upon the basis of their political influence. Those who are now performing their functions faithfully and capably should be assured of the permanency of their positions. Any whose only qualification is that of political influence should be discharged.

Second, the Superintendent, whether he be the present Superintendent or another, must be given the right to run that institution. He must have the right to hire and fire the attendants and others taking care of the sick patients. He must not be subject to political pressure. His actions should be backed up by the Board of Administration so that his authority at the institution shall be recognized.

Unless the Board of Administration is willing to do those two things, namely: to take politics out of the institution and to give the Superintendent sufficient authority, there is no possibility of making the State Hospital an efficient institution.

Various matters in connection with the operation of the Hospital and the care of the patients have been discussed herein, which will require consideration by those charged with the management of that institution. The correction of the main problem as heretofore outlined is the first necessity and any other corrections which may be required can then be worked out.

I may say that I have had the entire cooperation of the officers and employees of the State Hospital and all the records of the institution have been at my disposal. The members and secretary of the Board of Administration have likewise been courteous. I have also had the friendly cooperation of Mr. Frazier. At my request he did not demand possession of the books and records during my examination, and thus avoided a conflict of authority. That conflict, however, appears inevitable under the present setup. Accordingly, I deem it proper to submit this report as soon as possible. For that reason, I have not gone into the farming operations or other matters, which appeared to be of secondary importance.

Dated this 27th day of January, 1939.

Respectfully submitted,
CLYDE M. DUFFY,
Special State Examiner.

STATE HOSPITAL FOR THE INSANE
JAMESTOWN, NORTH DAKOTA
JANUARY 11, 1939

DISBURSEMENTS FROM JULY 1, 1937, TO JUNE 30, 1938

| | | |
|---|---|---|
| ADMINISTRATION: | | |
| Salaries of Executive Officers | $ 8,981.18 | |
| Salaries, Assistant Physicians | 15,437.47 | |
| Salaries, Clerks and Stenographers | 5,364.40 | |
| Stationery, Print. & Office Supplies | 1,665.90 | |
| Postage, Telegraph & Telephones | 2,574.64 | |
| Travel Expense | 509.55 | |
| Misc. Administration Expense | 2,673.47 | $ 38,206.61 |

| | | |
|---|---|---|
| INSTRUCTION, SUPERVISION & GUARDS: | | |
| O. T. Salaries, (Men) | $ 2,185.00 | |
| O. T. Salaries, (Women) | 1,437.25 | |
| Shoe Repair Shop | 478.95 | |
| Clothing | 169.98 | |
| General Supplies | 485.07 | |
| Print Shop | 481.28 | |
| Yarns and Materials | 302.23 | |
| Return of Escaped Patients | 107.06 | |
| Salaries of Attendants | 137,628.93 | $143,275.75 |
| OPERATING PHYSICAL PLANT: | | |
| Wages, Drivers—Mail & Truck | $ 2,061.67 | |
| Autos, and Mail Truck | 5,425.78 | |
| Farm Wages | 4,978.38 | |
| Softening and Filtration Plant Supplies | 12,595.49 | |
| Wages at Filtration Plant | 2,034.32 | |
| Farm Machinery and Repairs | 3,060.79 | |
| Farm-Trucks and Tractors | 1,160.08 | |
| Wages, Engineers, Firemen, Plumbers, Carpenters, Etc. | 32,275.69 | |
| Farm-Hay, Feed and Crops | 10,915.96 | |
| Farm, Repairs to Farm Buildings | 103.31 | |
| Dairy Barn and Piggery, Supplies and Repairs | 1,931.56 | |
| Dairy Barn and Piggery, Wages | 2,793.65 | |
| Dairy Barn and Piggery, Feed | 786.42 | |
| Garden Wages | 2,137.95 | |
| Garden, Supplies and Repairs | 1,652.34 | |
| Repairs, Paints, Oils, Glass and Painter's Supplies | 6,760.43 | |
| Repairs, Electrical Supplies & Repairs | 13,422.44 | |
| Repairs-Engine Room Supplies & Repairs | 1,813.62 | |
| Repairs-Sewer and Plumbing Material | 9,759.77 | |
| Repairs-Lumber, Plaster, Cement, Repairs to Buildings, Etc. | 31,072.52 | |
| Repairs-Blacksmith Shop Supplies | 1,391.17 | |
| Fuel Cost | 26,282.72 | |
| Fuel (Freight) | 28,191.18 | |
| Greenhouse and Lawnman's Wages | 2,070.54 | |
| Greenhouse & Ground Maintenance | 4,586.51 | $209,264.29 |
| CLOTHING COST: | | |
| Shoes | $ 2,944.21 | |
| Salary of Dressmakers | 1,883.40 | |
| Readymade Clothing | 9,854.27 | |
| Cloth and Material | 8,374.73 | $ 23,956.61 |
| PROVISIONS, KITCHEN AND H. H. SUPPLIES: | | |
| Meats | 27,051.02 | |
| Foods | 62,829.81 | |
| Bakery, Flour | 13,999.58 | |
| Butter | 19,132.37 | |
| Bakery Supplies | 1,417.38 | |
| Bakery, Yeast | 1,095.11 | |

| | | |
|---|---|---|
| Wages, Storekeeper, Cook, Baker, Butcher, and Dining Help (Room) | 17,541.49 | |
| Dining Room and Kitchen Supplies | 9,470.58 | |
| Butcher Supplies | 147.72 | |
| Furniture and Furnishings | 5,691.99 | |
| Beds and Bedding | 10,608.23 | |
| Soaps and Cleaners | 1,852.45 | |
| Laundry Wages | 7,561.10 | |
| Laundry Supplies | 3,205.36 | |
| Misc. H. H. and Janitor Supplies | 6,422.30 | $188,026.49 |
| INMATES HEALTH, WELFARE AND AMUSEMENTS: | | |
| X-Ray Department | $ 1,412.75 | |
| Drugs and Medical Attention | 13,431.13 | |
| Dental Supplies | 6,744.83 | |
| Religious Services | 482.50 | |
| Patients Welfare | 2,417.54 | |
| Patients Wages | 1,798.00 | |
| Beautician and Barber, Wages | 2,569.74 | |
| Beautician and Barber, Supplies | 768.27 | |
| Tobacco | 4,605.21 | $ 34,229.97 |
| DISBURSEMENTS: (Continued) | | |
| Insurance | | $ 5,276.34 |
| Interest and Income | | 38.72 |
| Purchase of Land | | 4,803.75 |
| New Building-Laundry | | 28,000.00 |
| Equipment Laundry | | 21,995.00 |
| Institutional Collections | | 3,569.00 |
| TOTAL MAINTENANCE | | $699,742.53 |
| Ending Balance | | $192,310.26 |
| | | $892,052.79 |

## MESSAGES FROM THE SENATE

Senate Chamber,
Bismarck, January 30, 1939.

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

Senate Bill No. 61. A Bill for an Act to Regulate the Sale of Heating Oil and Diesel Fuel; to Provide Specifications Therefor, and for Inspection Thereof; to Provide for Inspection Fees, the Collection and Disposition Thereof; to Define the Duties of the State Food Commissioner and Chemist as Regards Such Inspection and Providing Penalties for Violation of the Act.

Senate Concurrent Resolution No. 64. A Concurrent Resolution Memorializing the Congress of the United States to Provide Funds for the Payment of a Proportion of the Outstanding Indebtedness of the Taxing District, in Which the Federal Government Has Made or Will Make Land Purchases.

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

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

House Concurrent Resolution No. 114. Relating to Employment of Women in Paid Work.

Which the Senate has passed unchanged.

WM. J. LOWE, Secretary.

## HOUSE COMMITTEE ON ENROLLMENT AND ENGROSSMENT

Mr. Speaker: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bills and find the same correctly Enrolled:

House Bill No. 1. A Bill for an Act to Repeal Chapter 138 of the Session Laws of the State of North Dakota for the Year 1929, Creating the Office of Grain Storage Commissioner, and Declaring an Emergency.

House Resolution "D".

Also House Resolution "F".

OLAF OSTGULEN, Chairman.

Representative Ostgulen moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bill and find the same correctly Enrolled:

House Resolution "G," a resolution in regard to the vote in the National Assembly concerning the appropriation for WPA was read.

OLAF OSTGULEN, Chairman.

Representative Ostgulen moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bills and find the same correctly Engrossed:

House Bill No. 99. A Bill for an Act to Authorize County Commissioners to Lease Real Property Acquired by Tax Deed and Not Sold or Leased; to Limit Term of Lease; to Permit Longer Leases to Co-operative Grazing Associations, Soil Conservation Districts, and Individuals; to Limit Expense of Supervising and Collecting Rentals; to Provide That Net Revenue be Distributed to Taxing Districts; to Repeal Any Acts in Conflict; and to Declare an Emergency.

House Bill No. 64. A Bill for an Act to Amend and Reenact Section 1, 2, 3, 4, 5, 6, 7, and 8 of Chapter 266 of the Session Laws of 1937 as Amended by Chapter 288 of the Session Laws of 1931, the Same Being an Amendment of Section 2202 of the Supplement to the Compiled Laws of 1913, Relating to Giving Notice of Expiration of Period of Redemption on Property Forfeited to the County at Tax Sale, Issuance of Tax Deeds to County and Sale by County of Property Acquired by Tax Deed; Declaring an Emergency.

OLAF OSTGULEN, Chairman.

Representative Ostgulen moved that the report be adopted, which motion prevailed, and the report was adopted.

## MESSAGE TO THE SENATE

House of Representatives,
Bismarck, January 30, 1939.

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

House Bill No. 1. A Bill for an Act to Repeal Chapter 138 of the Session Laws of the State of North Dakota for the Year 1929, Creating the Office of Grain Storage Commissioner, and Declaring an Emergency.

For your signature.

Mr. President: I have the honor to return:

Senate Concurrent Resolution No. 44. A Concurrent Resolution Memorializing Congress to Make Credit Immediately Available to Finance Wheat Crop Insurance.

Senate Concurrent Resolution No. 42. A Concurrent Resolution for Re-establishing and Rehabilitating the Foundation Herds of Livestock for the Farmers and Ranchers of the State of North Dakota.

Which the house has adopted.

Senate Bill No. 22. A Bill for an Act to Amend and Reenact Chapter 220 of the Session Laws of 1929 Relating to the Distribution of Seeds and Seedlings by the State Forester, and Declaring an Emergency.

Which the House has passed unchanged.

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

Senate Concurrent Resolution No. 24. Urging the Establishment of a Division of Co-operatives in the Department of Agriculture.

Senate Bill No. 28. A Bill for an Act to Amend and Reenact Paragraph (c) of Subsection (2) of Section 4 of Chapter 196, Laws of 1927, as Amended by Chapter 169, Laws of 1929 and Chapter 195, Laws of 1931, Relating to Bond Issues of Cities to Permit the Issuance of Bonds for the Joint Construction of a Water and Sewer System and Legalizing Elections Heretofore Held to Vote Bonds for Such Purpose, and Declaring an Emergency.

Which the Speaker has signed.

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

House Bill No. 10. A Bill for an Act Making an Appropriation for the Purpose of Paying Salary, Clerk Hire, and General Expenses of the Department of Public Health.

House Bill No. 11. A Bill for an Act Making an Appropriation for the Purpose of Paying Clerkhire and General Expenses of the Public Health Laboratories.

House Bill No. 12. A Bill for an Act Making an Appropriation for the Purpose of Paying Salaries, Clerkhire and General Expenses of the Division of Child Hygiene.

House Bill No. 85. A Bill for an Act to Amend and Reenact Section 591 of North Dakota Compiled Laws of 1913, Relative to the Powers of the Board of Railroad Commissioners, and Extending Such Powers to Include Common Carrier Pipe Lines; and Declaring an Emergency.

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

MINNIE D. CRAIG, Chief Clerk.

## REPORTS OF STANDING COMMITTEES

The Committee on Election and Election Privileges made the following report:

Mr. Speaker: Your Committee on Election and Election Privileges to whom was referred:

Senate Bill No. 23. A Bill for an Act to Amend and Re-enact Sections 4535, 4538 and 4539 of Chapter 12 of the Compiled Laws of North Dakota for 1913; Relating to Election and Terms of Directors.

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

LEONAS MYERS, Chairman.

Rep. McInnes moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Election and Election Privileges made the following report:

Mr. Speaker: Your Committee on Election and Election Privileges to whom was referred:

Senate Bill No. 35. A Bill for an Act to Amend and Re-enact Sections 859 and 860 of the Compiled Laws for the Year 1913, Relating to the Form of Party Primary Election Ballots and the Manner of Voting the Same.

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

Between lines Forty-six and Forty-seven insert "Precinct Committee man" re-number balance to correspond.

On page three, line Fifty-four, after the period following the word "on" strike out the balance of the section.

And when so amended recommend the same do pass.

LEONAS MYERS, Chairman.

Rep. Arneson of Nelson moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: 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.

PAUL A. SAND, Chairman.

Rep. Ireland moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: 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.

PAUL A. SAND, Chairman.

Rep. Thompson of Burleigh moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: 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.

PAUL A. SAND, Chairman.

Rep. Trydahl moved that the report be adopted, which prevailed and the report was adopted.

Mr. Speaker: Your Committee on Appropriations to whom was referred House Bill No. 29 have had the same under consideration and recommend that the same do pass.

PAUL A. SAND, Chairman.

Rep. Symington moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Appropriations to whom was referred House Bill No. 34 have had the same under consideration and recommend that the same do pass.

PAUL A. SAND, Chairman.

Rep. Trydahl moved that the report be adopted, which motion prevailed and the report was adopted.

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

House Bill No. 35. 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.

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

PAUL A. SAND, Chairman.

Rep. Symington moved that the report be adopted, which motion prevailed and the report was adopted.

Rep. Schauss moved that the vote by which House Bill No. 35 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

## REPORT OF STANDING COMMITTEE

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

House Bill No. 39. A Bill for an Act Making an Appropriation to Pay the Expenses and Per Diem of Presidential Electors as Prescribed by Section 1038 of the Compiled Laws of 1913.

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

Page 1, Section 1, in line 3, strike out the figures "$300.00" and insert in lieu thereof the figures "$200.00."

And when so amended recommend the same do pass.

PAUL A. SAND, Chairman.

Representative Semerad moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: A majority of your Committee on Banks and Banking to whom was referred:

House Bill No. 48. A Bill for an Act to Amend and Reenact Section 6073 of the Supplement to the 1913 Compiled Laws of North Dakota, as Amended by Chapter 159, Session Laws of 1935, Defining Usury.

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

CALVIN SCHIMKE
ALGOT JOHNSON
ELLIOTT T. KNUTSON
WM. H. TUFF
THEODORE G. BUCHHOLZ
GUS A. SCHAUSS
T. O. ROHDE
JOSEPH GLAS
R. R. SCHOLL
GUS A. SCHAUSS, Chairman.

Mr. Speaker: A minority of your Committee on Banks and Banking to whom was referred:

House Bill No. 48. A Bill for an Act to Amend and Reenact Section 6073 of the Supplement to the 1913 Compiled Laws of North Dakota, as Amended by Chapter 159, Session Laws of 1935, Defining Usury.

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

DONALD K. DIKE
FRANKLIN PAGE
P. G. WESTBY
H. A. KLUVER
D. S. BLAIR
RICHARD E. WOLF
S. OGLESBY
A. R. BERGESEN
GUS A. SCHAUSS, Chairman.

Rep. Schimke moved that the report of the majority be adopted, which motion prevailed and the majority report was adopted.

The Committee on Elections and Elections Privileges made the following report:

Mr. Speaker: Your Committee on Elections and Election Privileges to whom was referred:

House Bill No. 101. A Bill for an Act to Amend and Reenact Chapter 137, Session Laws of 1931, Relating to Filling of Vacancies of Elective County Officers, Superintendent of Schools and County Commissioners on the No-Party Ballot.

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

LEONAS MYERS, Chairman.

Rep. Ostgulen moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Elections and Election Privileges made the following report:

Mr. Speaker: Your Committee on Elections and Election Privileges to whom was referred:

House Bill No. 108. A Bill for an Act to Amend and Reenact Section 889 of the Compiled Laws of North Dakota for 1913.

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

LEONAS MYERS, Chairman.

Rep. Shure moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Elections and Election Privileges made the following report:

Mr. Speaker: Your Committee on Elections and Election Privileges to whom was referred:

House Bill No. 119. A Bill for an Act to Amend and Reenact Section 8 of Chapter 135, Session Laws 1935, Relating to the Election of Party Precinct Committeemen and Providing for the Election of Members to the State Central Committee; for Financial Reports; for the Bonding of Treasurers of Political Parties; for the Election of State Executive Boards and Other Officials of Political Organization, and for the Repeal of All Inconsistent Acts.

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

LEONAS MYERS, Chairman.

Rep. Peterson of Bottineau moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Elections and Election Privileges made the following report:

Mr. Speaker: Your Committee on Elections and Election Privileges to whom was referred:

House Bill No. 109. A Bill for an Act to Amend and Reenact Section 890 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, as Amended by Chapter 125 of the Laws of North Dakota for 1929, as Amended by Chapter 110 of the Laws of North Dakota for 1933; and Repealing Chapter 135 of the Laws of North Dakota for 1935, and All Acts and Parts of Acts in Conflict Herewith.

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

LEONAS MYERS, Chairman.

Rep. Shure moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Elections and Election Privileges made the following report:

Mr. Speaker: Your Committee on Elections and Election Privileges to whom was referred:

House Bill No. 127. A Bill for an Act to Amend and Reenact Sections 3610 and 3612 of the Compiled Laws of the State of North Dakota for the Year 1913 Relating to the Election and Appointment of Officers in Cities Under Mayor and Council Form of Government.

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

LEONAS MYERS, Chairman.

Rep. Peterson of Bottineau moved that the report be adopted, which motion prevailed and the report was adopted.

## MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, January 30, 1939.

Mr. Speaker: The Senate requests the return of:

House Bill No. 53. A Bill for an Act Amending and Reenacting Section 2 of Chapter 252 of the Session Laws of 1937, Providing for the Allowance of a Portion of the Cost of Planting and Growing Forest Trees as a Bounty Therefor, and Prescribing Duties of the Assessors in Connection therewith; Repealing All Acts in Conflict Therewith; and Declaring an Emergency.

WM. J. LOWE, Secretary.

Rep. Twichell moved that the request of the Senate for the return of House Bill No. 53 be granted, which motion prevailed.

## SIGNING OF BILLS

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 1. A Bill for an Act to Repeal Chapter 138 of the Session Laws of the State of North Dakota for the Year 1929, Creating the Office of Grain Storage Commissioner, and Declaring an Emergency.

House Resolution No. "G."

House Resolution No. "F."

House Resolution "D."

And the Speaker signed the same in the presence of the House.

## FIRST READING OF HOUSE BILLS

Introduced by Rep. Gray:

House Bill No. 165. A Bill for an Act Providing for the Appointment, by the Board of County Commissioners of Any County, of a Special Collector of Personal Property Taxes; Providing for the Bonding of Such Collector; Prescribing His Duties. Authority and Compensation; and Declaring an Emergency.

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

Introduced by Reps. Gray and Schauss:

House Bill No. 166. A Bill for an Act to Amend and Re-enact Section 9007 of the 1913 Compiled Laws Relating to the Criminal Jurisdiction of Justices of the Peace, and Providing that Such Jurisdiction Extend to Misdemeanors, and 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.

Introduced by Rep. Schauss:

House Bill No. 167. A Bill for an Act to Amend and Re-enact Section 13 of Chapter 145 of the Session Laws of 1937, and Declaring an Emergency.

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

Introduced by Reps. Heckman, Rait, Anderson of Benson, Brown, McIntee and Joiner:

House Bill No. 168. A Bill for an Act to Amend and Re-enact Section 4656 of the Compiled Laws of 1913, Relative to the Maintenance of Railroad Stations and Station Agents.

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

Introduced by Reps. Solberg, Ireland, Rait, Hultstrand, Morland and Heckman:

House Bill No. 169. A Bill for an Act to Amend and Re-enact Section 2078 of the Supplement to the Compiled Laws of 1913 as Amended by Chapter 230 Session Laws of 1929, Relating to Exemption from Taxation.

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

Introduced by Reps. Stone and Anderson:

House Bill No. 170. A Bill for an Act to Amend and Re-enact Sub Section 8 of Section 2078 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, Relating to the Exemption of Public Hospitals from Taxation.

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

## MESSAGE TO THE SENATE

House of Representatives,
Bismarck, January 30, 1939.

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

House Bill No. 53. A Bill for an Act Amending and Reenacting Section 2 of Chapter 252 of the Session Laws of

1937, Providing for the Allowance of a Portion of the Cost of Planting and Growing Forest Trees as a Bounty Therefor, and Prescribing Duties of the Assessors in Connection therewith; Repealing All Acts in Conflict Therewith; and Declaring an Emergency.

Which was requested.

MINNIE D. CRAIG, Chief Clerk.

## SECOND READING OF HOUSE BILLS

House Bill No. 57. A Bill for an Act to Amend and Reenact Section 5235a1 of the 1925 Supplement to the Compiled Laws of North Dakota for the Year 1913 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, 62; nays, 43; absent and not voting, 6.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Arneson, Nelson | Holm | Saumur |
| Benno | Holthusen | Schauss |
| Bergesen | Ireland | Sellens |
| Blair | Jensen | Semerad |
| Bolmeier | Johnson, Cass | Severson |
| Boulden | Kluver | Sharpe |
| Braun, McLean | Lange | Shure |
| Braun, Stark | Lunde | Singleton |
| Brown | McInnes | Skartvedt |
| Byrne | Moe | Solberg |
| Culver | Morland | Stone |
| Dalzell | Nelson, Cass | Stormon |
| Dike | Nelson, Steele | Symington |
| Dittmer | Nystrom | Thompson,Burl'gh |
| Feton | O'Brien | Thompson, Steele |
| Fletcher | Oglesby | Trydahl |
| Fuglestad | Page | Twichell |
| Gainor | Panko | Westby |
| Gray | Peterson, Ransom | Williams,Stutsm'n |
| Haugland | Rettke | Wolf |
| Hofstrand | Ritter | |

Those voting in the negative were:

| | | |
|---|---|---|
| Adam | Heckman | Peterson,Bottineau |
| Anderson, Benson | Hultstrand | Rait |
| Anderson,M'K'nzie | Ista | Rohde |
| Anfinson | Johnson, LaMoure | Sand |
| Arneson, Ramsey | Joiner | Schmidt, McHenry |
| Beede | Keller | Schmidt, Sheridan |
| Belzer | Knutson | Schimke |
| Billigmeier | McIntee | Scholl |
| Bingenheimer | McIntyre | Schwartz |
| Buchholz | Myers | Sticka |
| Erickson | Mollet | Tuff |
| Fraser | Nelson, Dickey | Urschel |
| Glas | Odegard | Williams,Richland |
| Haag | Ostgulen | Mr. Speaker |
| Halvorson | | |

Absent and not voting:

| | | |
|---|---|---|
| Crockett | Larson | Mittag |
| Fitch | Levin | Wambheim |

So the bill passed and the title was agreed to.

Emergency declared lost.

Rep. Twichell moved that the vote by which House Bill No. 57 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 121. A Bill for an Act to Amend and Reenact Article 41, Chapter 38, 1913 Compiled Laws, to Regulate the Licensing, Registration, Sale, Inspection, Sampling and Analysis of Commercial Fertilizers, Superphosphates and Fertilizer Materials in the State of North Dakota, and to Repeal All Laws and Parts of Laws in Conflict Therewith.

Was read the second time.

Rep. Stone moved that House Bill No. 121 be indefinitely postponed, which motion prevailed.

## MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, January 30, 1939.

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

House Bill No. 1. A Bill for an Act to Repeal Chapter 138 of the Session Laws of the State of North Dakota for the Year 1929, Creating the Office of Grain Storage Commissioner, and Declaring an Emergency.

Which the President has signed.

House Bill No. 53. A Bill for an Act Amending and Reenacting Section 2 of Chapter 252 of the Session Laws of 1937, Providing for the Allowance of a Portion of the Cost of Planting and Growing Forest Trees as a Bounty Therefor, and Prescribing Duties of the Assessors in Connection therewith; Repealing All Acts in Conflict Therewith; and Declaring an Emergency.

Which the Senate has amended as follows:

In line 15 after the word "trees" strike out the period and insert a semi-colon and add the following "provided, further, that whoever is entitled to receive a bounty under existing law shall continue to receive such bounty notwithstanding the provisions of this Act."

WM. J. LOWE, Secretary.

Rep. Twichell moved that the House concur in the Senate amendments on House Bill No. 53, which motion prevailed.

Rep. Twichell moved that the rules be suspended and that House Bill No. 53 be considered properly re-engrossed and placed on final passage at this time, which motion prevailed.

## SECOND READING OF HOUSE BILLS

House Bill No. 53. A Bill for an Act Amending and Reenacting Section 2 of Chapter 252 of the Session Laws of 1937, Providing for the Allowance of a Portion of the Cost of Planting and Growing Forest Trees as a Bounty Therefor, and Prescribing Duties of the Assessors in Connection therewith; 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, by Senate, the roll was called and there were ayes, 105; nays, 0; absent and not voting, 6.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Heckman | Rait |
| Anderson, Benson | Hofstrand | Rettke |
| Anderson,M'K'nzie | Holm | Ritter |
| Anfinson | Holthusen | Rohde |
| Arneson, Nelson | Hultstrand | Sand |
| Arneson, Ramsey | Ireland | Saumur |
| Beede | Ista | Schauss |
| Belzer | Jensen | Schmidt, McHenry |
| Benno | Johnson, Cass | Schmidt, Sheridan |
| Bergesen | Johnson, LaMoure | Schimke |
| Billigmeier | Joiner | Scholl |
| Bingenheimer | Keller | Schwartz |
| Blair | Kluver | Sellens |
| Bolmeier | Knutson | Semerad |
| Boulden | Lange | Severson |
| Braun, McLean | Lunde | Sharpe |
| Braun, Stark | McInnes | Shaare |
| Brown | McIntee | Singleton |
| Buchholz | McIntyre | Skartvedt |
| Byrne | Myers | Solberg |
| Culver | Moe | Sticka |
| Dalzell | Mollet | Stone |
| Dike | Morland | Stormon |
| Dittmer | Nelson, Cass | Symington |
| Erickson | Nelson, Dickey | Thompson, Burl'gh |
| Feton | Nelson, Steele | Thompson, Steele |
| Fletcher | Nystrom | Trydahl |
| Fraser | O'Brien | Tuff |
| Fuglestad | Odegard | Twichell |
| Gainor | Oglesby | Urschel |
| Glas | Ostgulen | Westby |
| Gray | Page | Williams,Richland |
| Haag | Panko | Williams, Stutsm'n |
| Halvorson | Peterson,Bottineau | Wolf |
| Haugland | Peterson, Ransom | Mr. Speaker |

Absent and not voting:

| | | |
|---|---|---|
| Crockett | Larson | Mittag |
| Fitch | Levin | Wambheim |

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

FIRST READING OF SENATE BILLS

Senate Bill No. 61. A Bill for an Act to Regulate the Sale of Heating Oil and Diesel Fuel; to Provide Specifications Therefor, and for Inspection Thereof; to Provide for Inspection Fees, the Collection and Disposition Thereof; to Define the Duties of the State Food Commissioner and Chemist as Regards Such Inspection and Providing Penalties for Violation of the Act.

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

Senate Concurrent Resolution No. 64. A Concurrent Resolution Memorializing the Congress of the United States to

Provide Funds for the Payment of a Proportion of the Outstanding Indebtedness of the Taxing District, in Which the Federal Government Has Made or Will Make Land Purchases.

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

## MESSAGE TO THE SENATE

House of Representatives,
Bismarck, January 30, 1939.

Mr. President: I have the honor to inform you that the House has concurred in the Senate amendment to House Bill No. 53.

MINNIE D. CRAIG, Chief Clerk.

## GENERAL ORDERS

Rep. Myers moved that the House resolve itself into a Committee of the Whole for the consideration of General Orders; which motion prevailed, and the House resolved itself into a Committee of the Whole.

The Speaker called Rep. Myers to the chair.

When the Committee arose it submitted the following report:

Mr. Speaker: The Committee of the Whole have had under consideration:

Senate Bill No. 49.

In title, after "Pre-payments," insert "; Declaring an Emergency."

In line 4, strike out the words "and personal."

After line 14, in a new paragraph, add the following: "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 recommend the adoption of the amendments of the Standing Committee.

And when so amended recommend the same do pass.

House Bill No. 36.

Page 1, Section 1, in line 3, strike out the figures "$24,430.00" and insert in lieu thereof the figures "$17,500.00."

Page 2, Section 1, in line 14, strike out the figures "$1,850.00" and insert in lieu thereof the figures "$1,720.00."

Section 1, in line 15, strike out the figures "$750.00" and insert in lieu thereof the figures "$650.00."

Section 1, in line 16, strike out the figures "$800.00" and insert in lieu thereof the figures "$700.00."

Section 1, in line 17, strike out the figures "$1,000.00" and insert in lieu thereof the figures "$900.00."

Section 1, in line 19, strike out the figures "$2,000.00" and insert in lieu thereof the figures "$1,500.00."

Section 1, in line 23, strike out the words "and Topographic Mapping" and also the figures "$13,000.00" and insert in lieu thereof the figures "$7,000.00."

Section 1, in line 24, strike out the figures "$24,430.00" and insert in lieu thereof the figures "$17,500.00."

And recommend the adoption of the amendments of the Standing Committee.

And the further amendments:

On page 2, line 15, strike out the words "New Ford."

On page 2, line 19, strike out the words "by N. H. Darton."

And when so amended recommend the same do pass.

LEONAS MYERS, Chairman, Committee of the Whole.

Rep. Anderson of Benson moved that the report of the Committee of the Whole be adopted, which motion prevailed.

## HOUSE COMMITTEE ON ENROLLMENT AND ENGROSSMENT

The Committee on Enrollment and Engrossment respectfully reports that:

House Bill No. 1. A Bill for an Act to Repeal Chapter 138 of the Session Laws of the State of North Dakota for the Year 1929, Creating the Office of Grain Storage Commissioner, and Declaring an Emergency.

Was delivered to the Governor for his approval at the hour of 3:15 P. M. o'clock, January 30, 1939.

OLAF OSTGULEN, Chairman.

The Speaker announced the receipt of a brand new gavel from Harry F. Anderson of Arnegard, McKenzie County. The gavel is made of Bad Lands Cedar, new style, streamlined.

Rep. Anderson of Benson moved that the presentation of this gavel by Mr. Harry Anderson of Arnegard be recognized in the Journal, which motion prevailed.

An extension of time was granted on House Bill Nos. 87, 88 and House Concurrent Resolution No. 92.

Rep. Solberg moved that the absent members be excused, which motion prevailed.

Rep. Schmidt of Kidder-Sheridan moved that the House do now adjourn, which motion prevailed and the House adjourned.

MINNIE D. CRAIG, Chief Clerk.

## TWENTY-NINTH DAY

Bismarck, January 31, 1939.

The House assembled at 2:00 P. M., pursuant to adjournment, Speaker Hagen presiding.

Prayer was offered by Rev. Ellis L. Jackson, Bismarck.

Roll Call: All Representatives present except Crockett, Fitch, Larson, Levin, Mittag, Ritter, Sand.

So a quorum was declared present.

Representatives Crockett, Fitch and Levin were serving on a special investigating committee.

### STANDING COMMITTEE REPORT

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

Mr. Speaker: Your Committee on Revision and Correction of the Journal have carefully examined the Journal of the Twenty-eighth day and find the same correct.

And recommend that the same be approved.

REP. GLAS, Chairman.

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

### SIGNING OF BILLS

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 53. A Bill for an Act Amending and Reenacting Section 2 of Chapter 252 of the Session Laws of 1937, Providing for the Allowance of a Portion of the Cost of Planting and Growing Forest Trees as a Bounty Therefor, and Prescribing Duties of the Assessors in Connection therewith; Repealing All Acts in Conflict Therewith; and Declaring an Emergency.

House Concurrent Resolution No. 135. Relating to Sending Money to Washington for the Use of the Bank of North Dakota.

House Concurrent Resolution No. 114. Relating to Employment of Women in Paid Work.

And the Speaker signed the same in the presence of the House.

### MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, January 31, 1939.

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

House Bill No. 72. A Bill for an Act to Repeal Section 3080a7 of the 1925 Supplement to the Compiled Laws of North Dakota for the Year 1913.

Which the Senate has indefinitely postponed.

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

Senate Bill No. 66. A Bill for an Act to Repeal Section 17, Chapter 27, of the Session Laws of 1929 Relating to the Standing Appropriation for the Supreme Court Commissioner.

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

WM. J. LOWE, Secretary.

A communication was read from the Roosevelt Public School, Dickinson, stating that it was the unanimous desire of the members of the Roosevelt Parent Teachers Association to have a major portion of the sales tax money placed in the school fund.

## HOUSE COMMITTEE ON ENROLLMENT AND ENGROSSMENT

Mr. Speaker: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bill and find the same correctly engrossed:

House Bill No. 36. 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.

OLAF OSTGULEN, Chairman.

Rep. Ostgulen moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following and find the same correctly enrolled:

House Bill No. 53. A Bill for an Act Amending and Reenacting Section 2 of Chapter 252 of the Session Laws of 1937, Providing for the Allowance of a Portion of the Cost of Planting and Growing Forest Trees as a Bounty Therefor, and Prescribing Duties of the Assessors in Connection therewith; Repealing All Acts in Conflict Therewith; and Declaring an Emergency.

House Concurrent Resolution No. 114. Relating to Employment of Women in Paid Work.

House Concurrent Resolution No. 135. Relating to Sending Money to Washington for the Use of the Bank of North Dakota.

OLAF OSTGULEN, Chairman.

Rep. Ostgulen moved that the report be adopted, which motion prevailed, and the report was adopted.

## REPORT OF STANDING COMMITTEES

The Committee on Taxes and Tax Laws made the following report:

Mr. Speaker: Your Committee on Taxes and Tax Laws to whom was referred:

House Bill No. 50. A Bill for an Act Creating the Office of State Liquor Commissioner of the State of North Dakota; Fixing Powers and Compensation and Imposing Duties; Permitting such Commissioner to Engage in the Wholesale Alcoholic Liquor Business in the State of North Dakota; Authorizing the Commissioner to Promulgate Rules and Regulations and do all Acts and Things Necessary in Carrying out the Provisions Hereof; Declaring an Emergency.

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

N. P. JENSEN, Chairman.

Rep. Skartvedt moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Judiciary made the following report:

Mr. Speaker: Your Committee on Judiciary to whom was referred House Bill No. 73.

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

J. M. ANDERSON, Chairman.

Rep. Anderson moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Agriculture made the following report:

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

House Bill No. 120. A Bill for an Act Establishing Rules and Regulations and Sanitary Conditions for Cream Buying Stations; Sanitary Requirements for Haulers of Cream; Equipment and Care of Equipment; Care of Cream Held in the Station; Care of Cream in Transit; Repealing Acts in Conflict Herewith; Providing Penalties, and Declaring an Emergency.

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

On page 2, section 2, strike out all of line Nine following the word "times." Strike out line ten, eleven, twelve and thirteen, up to the word "kept" and insert in lieu thereof the following: "Any door or other opening between a cream station room and any other room used for the storing or handling oil of any kind, hides, furs, meats, fruits, vegetables, grain, poultry, or other dust or odor producing articles must be tightly fitted and kept closed at all times.

Strike out all of Section 5.

Renumber Sections 6, 7 and 8.

And when so amended recommend the same do pass.

CARL H. DITTMER, Chairman.

Rep. Lange moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Judiciary made the following report:

Mr. Speaker: Your Committee on Judiciary to whom was referred:

House Bill No. 125. A Bill for an Act Amending and Reenacting Sub-sections 1 and 4, of Section 4, of Chapter 97, of the Session Laws of 1933, as Amended by Chapter 119 of the Session Laws of 1935; Providing the Loss of Residence Upon Moving to Another State, and Declaring an Emergency.

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

On page two (2) of the printed bill, after the word "elsewhere" in line fourteen (14), insert the following paragraph: "PROVIDED FURTHER, That should a husband desert his wife within one year after such marriage, in such case the wife may reacquire such residence as she had in this State at the time of her marriage."

And when so amended recommend the same do pass.

J. M. ANDERSON, Chairman.

Rep. Anderson moved that the report be adopted, which motion prevailed and the report was adopted.

## MESSAGE TO THE SENATE

House of Representatives,
Bismarck, January 31, 1939.

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

House Concurrent Resolution No. 135. Relating to Sending Money to Washington for the Use of the Bank of North Dakota.

House Concurrent Resolution No. 114. Relating to Employment of Women in Paid Work.

House Bill No. 53. A Bill for an Act Amending and Reenacting Section 2 of Chapter 252 of the Session Laws of 1937, Providing for the Allowance of a Portion of the Cost of Planting and Growing Forest Trees as a Bounty Therefor, and Prescribing Duties of the Assessors in Connec tion therewith; Repealing All Acts in Conflict Therewith; and Declaring an Emergency.

For your signature.

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

House Bill No. 57. A Bill for an Act to Amend and Reenact Section 5235a1 of the 1925 Supplement to theCompiled Laws of North Dakota for the Year 1913 and Declaring an Emergency.

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

MINNIE D. CRAIG, Chief Clerk.

Rep. Trydahl moved that the vote by which Senate Bill No. 23 was indefinitely postponed be reconsidered and referred back to the Committee on Elections and Election Privileges, which motion prevailed.

Reps. Williams of Richland, Symington, Odegard and Hultstrand introduced:

House Resolution "H." Memorializing Congress and the President to Take Immediate Steps in Lifting the Present Unjust and Unfair Embargo on Goods for Loyalist Spain.

Was read from the desk.

Rep. Symington moved that House Resolution "H" be referred to the proper committee, which motion prevailed and the Speaker referred it to the Committee on State Affairs.

Rep. Dittmer moved that action taken on House Bill No. 121 be reconsidered and that House Bill No. 121 be re-referred back to the Committee on Agriculture, which motion prevailed.

## FIRST READING OF HOUSE BILLS

Reps. Bingenheimer, Byrne and Lange introduced:

House Bill No. 171. A Bill for an Act Providing for the Testing of Gasoline, Kerosene and Other Petroleum Products Used for Fuel and Power Purposes and Purchased for Resale; Repealing All Acts and Parts of Acts in Conflict Herewith; Providing a Penalty; Declaring an Emergency.

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

Reps. Byrne and Schimke introduced:

House Bill No. 172. A Bill for an Act to Amend and Reenact Sections 5, 6, 7, 8 and 9 of Chapter 91 of the 1935 Session Laws of 1935, Relating to an Act Creating the State Athletic Commission, Prescribing Its Powers and Duties,

Providing Penalties for Violations and Repealing All Acts or Parts of Acts in Conflict Therewith; and Providing an Appropriation Therefor.

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

Reps. Boulden, Thompson of Burleigh, and Gray introduced:

House Bill No. 173. A Bill for an Act Creating Local Boards of "Carpenter Examiners," Defining the Terms "Contracting Carpenters" and "Carpenters," Providing for Appointment of Members of Such Boards, Providing for Holding of Examinations and the Issuing of Licenses and Prohibiting Unlicensed Persons From Engaging in the Business of Carpentry in Designated Cities; Providing for Fees and Disposition of Funds and Providing for Penalties for Violation of This Act.

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

Reps. Peterson and Fraser introduced:

House Bill No. 174. A Bill for an Act to Amend and Reenact Section 686 of the Compiled Laws of North Dakota for 1913, as Amended by Section 686 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, Being an Act Providing for Petitioning the Governor to Remove Certain Public Officials; Providing the Procedure Therefor; Requiring a Petition by Qualified Electors, and Prescribing the Procedure Thereon; Further Providing for the Attorney General and Appointed Attorneys to Prosecute Such Proceedings.

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

The Committee on Taxes and Tax Laws introduced:

House Bill No. 175. A Bill for an Act to Provide Revenue by Means of a Transaction Tax Upon Sales of Certain Alcoholic Beverages by Licensed Wholesale Liquor Dealers; Authorizing the State Treasurer to Prescribe Rules and Regulations for the Collection Thereof; Prescribing the Method of Payment of the Tax to, and Collections by, the State Treasurer, and Providing Penalty.

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

Reps. Bergesen and Shure introduced:

House Bill No. 176. A Bill for an Act to Amend and Reenact Section 34, Chapter 94, Session Laws of 1931, Pertaining to Examination of Building and Loan Associations.

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

## SECOND READING OF HOUSE BILLS

House Bill No. 25. 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, 104; nays, 1; absent and not voting, 6.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Heckman | Rait |

| | | |
|---|---|---|
| Anderson, Benson | Hofstrand | Rettke |
| Anderson,M'K'nzie | Holm | Ritter |
| Anfinson | Holthusen | Rohde |
| Arneson, Nelson | Hultstrand | Sand |
| Arneson, Ramsey | Ireland | Saumur |
| Beede | Ista | Schmidt, Sheridan |
| Belzer | Jensen | Schimke |
| Benno | Johnson, Cass | Scholl |
| Bergesen | Johnson, LaMoure | Schwartz |
| Billigmeier | Joiner | Sellens |
| Bingenheimer | Keller | Semerad |
| Blair | Kluver | Severson |
| Bolmeier | Knutson | Sharpe |
| Boulden | Lange | Shure |
| Braun, McLean | Lunde | Singleton |
| Braun, Stark | McInnes | Skartvedt |
| Brown | McIntee | Solberg |
| Buchholz | McIntyre | Sticka |
| Byrne | Moe | Stone |
| Culver | Myers | Stormon |
| Dalzell | Mollet | Symington |
| Dike | Morland | Thompson, Burl'gh |
| Dittmer | Nelson, Cass | Thompson, Steele |
| Erickson | Nelson, Dickey | Trydahl |
| Feton | Nelson, Steele | Tuff |
| Fletcher | Nystrom | Twichell |
| Fraser | O'Brien | Urschel |
| Fuglestad | Odegard | Wambheim |
| Gainor | Oglesby | Westby |
| Glas | Ostgulen | Williams,Richland |
| Gray | Page | Williams, Stutsm'n |
| Haag | Panko | Wolf |
| Halvorson | Peterson,Bottineau | Mr. Speaker |
| Haugland | Peterson, Ransom | |

Those voting in the negative were:
Schmidt, McHenry

Absent and not voting:

| | | |
|---|---|---|
| Crockett | Larson | Mittag |
| Fitch | Levin | Schauss |

So the bill passed and the title was agreed to.

House Bill No. 27. 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, 105; nays, 0; absent and not voting, 6.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Heckman | Rait |
| Anderson, Benson | Hofstrand | Rettke |
| Anderson,M'K'nzie | Holm | Ritter |
| Anfinson | Holthusen | Rohde |
| Arneson, Nelson | Hultstrand | Sand |
| Arneson, Ramsey | Ireland | Saumur |
| Beede | Ista | Schmidt, McHenry |

| | | |
|---|---|---|
| Belzer | Jensen | Schmidt, Sheridan |
| Benno | Johnson, Cass | Schimke |
| Bergesen | Johnson, LaMoure | Scholl |
| Billigmeier | Joiner | Schwartz |
| Bingenheimer | Keller | Sellens |
| Blair | Kluver | Semerad |
| Bolmeier | Knutson | Severson |
| Boulden | Lange | Sharpe |
| Braun, McLean | Lunde | Shure |
| Braun, Stark | McInnes | Singleton |
| Brown | McIntee | Skartvedt |
| Buchholz | McIntyre | Solberg |
| Byrne | Myers | Sticka |
| Culver | Moe | Stone |
| Dalzell | Mollet | Stormon |
| Dike | Morland | Symington |
| Dittmer | Nelson, Cass | Thompson, Burl'gh |
| Erickson | Nelson, Dickey | Thompson, Steele |
| Feton | Nelson, Steele | Trydahl |
| Fletcher | Nystrom | Tuff |
| Fraser | O'Brien | Twichell |
| Fuglestad | Odegard | Urschel |
| Gainor | Oglesby | Wambheim |
| Glas | Ostgulen | Westby |
| Gray | Page | Williams, Richland |
| Haag | Panko | Williams, Stutsm'n |
| Halvorson | Peterson, Bottineau | Wolf |
| Haugland | Peterson, Ransom | Mr. Speaker |

Absent and not voting:

| | | |
|---|---|---|
| Crockett | Larson | Mittag |
| Fitch | Levin | Schauss |

So the bill passed and the title was agreed to.

House Bill No. 29. A Bill for an Act Making an Appropriation for the North Dakota Soldiers' Home at Lisbon, North Dakota; Providing for Reports and Deductions.

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, 101; nays, 4; absent and not voting, 6.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Wolf | Peterson, Ransom |
| Anderson, Benson | Mr. Speaker | Rait |
| Anderson, M'K'nzie | Heckman | Rettke |
| Anfinson | Hofstrand | Ritter |
| Arneson, Nelson | Holm | Rohde |
| Arneson, Ramsey | Holthusen | Sand |
| Beede | Hultstrand | Saumur |
| Belzer | Ireland | Schmidt, McHenry |
| Benno | Ista | Schmidt, Sheridan |
| Bergesen | Jensen | Schimke |
| Billigmeier | Johnson, Cass | Scholl |
| Bingenheimer | Joiner | Schwartz |
| Blair | Keller | Sellens |
| Bolmeier | Kluver | Semerad |
| Boulden | Knutson | Severson |
| Braun, McLean | Lange | Sharpe |

| | | |
|---|---|---|
| Braun, Stark | Lunde | Shure |
| Brown | McIntee | Singleton |
| Buchholz | McIntee | Skartvedt |
| Byrne | McIntyre | Solberg |
| Culver | Myers | Sticka |
| Dalzell | Moe | Stone |
| Dike | Mollet | Stormon |
| Dittmer | Morland | Symington |
| Erickson | Nelson, Cass | Thompson,Burl'gh |
| Feton | Nelson, Dickey | Thompson, Steele |
| Fletcher | Nelson, Steele | Trydahl |
| Fraser | Nystrom | Twichell |
| Gainor | O'Brien | Urschel |
| Glas | Oglesby | Wambheim |
| Gray | Ostgulen | Westby |
| Haag | Page | Williams,Richland |
| Halvorson | Panko | Williams,Stutsm'n |
| Haugland | Peterson,Bottineau | |

Those voting in the negative were:

| | | |
|---|---|---|
| Fuglestad | Odegard | Tuff |
| Johnson, LaMoure | | |

Absent and not voting:

| | | |
|---|---|---|
| Crockett | Larson | Mittag |
| Fitch | Levin | Schauss |

So the bill passed and the title was agreed to.

House Bill No. 30. A Bill for an Act Making an Appropriation to Provide Funds for the Arrest and Return of Fugitives from Justice as Provided by Section 11162, Compiled Laws of 1913, as Amended and Re-enacted by Chapter 160, Laws of 1915, the same being Section 11162 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, the roll was called and there were ayes, 104; nays, 0; absent and not voting, 7.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Hofstrand | Rettke |
| Anderson, Benson | Holm | Ritter |
| Anderson,M'K'nzie | Holthusen | Rohde |
| Anfinson | Hultstrand | Sand |
| Arneson, Nelson | Ireland | Saumur |
| Arneson, Ramsey | Ista | Schmidt, McHenry |
| Beede | Jensen | Schmidt, Sheridan |
| Belzer | Johnson, Cass | Schimke |
| Benno | Johnson, LaMoure | Scholl |
| Bergesen | Joiner | Schwartz |
| Billigmeier | Keller | Sellens |
| Bingenheimer | Kluver | Semerad |
| Blair | Knutson | Severson |
| Bolmeier | Lange | Sharpe |
| Boulden | Lunde | Shure |
| Braun, McLean | McInnes | Singleton |
| Brown | McIntee | Skartvedt |
| Buchholz | McIntyre | Solberg |
| Byrne | Myers | Sticka |

| | | |
|---|---|---|
| Culver | Moe | Stone |
| Dalzell | Mollet | Stormon |
| Dike | Morland | Symington |
| Dittmer | Nelson, Cass | Thompson, Burl'gh |
| Erickson | Nelson, Dickey | Thompson, Steele |
| Feton | Nelson, Steele | Trydahl |
| Fletcher | Nystrom | Tuff |
| Fraser | O'Brien | Twichell |
| Fuglestad | Odegard | Urschel |
| Gainor | Oglesby | Wambheim |
| Glas | Ostgulen | Westby |
| Gray | Page | Williams, Richland |
| Haag | Panko | Williams, Stutsm'n |
| Halvorson | Peterson, Bottineau | Wolf |
| Haugland | Peterson, Ransom | Mr. Speaker |
| Heckman | Rait | |

Absent and not voting:

| | | |
|---|---|---|
| Braun, Stark | Larson | Mittag |
| Crockett | Levin | Schauss |
| Fitch | | |

So the bill passed and the title was agreed to.

House Bill No. 34. A Bill for an Act Making an Appropriation for Inquest and Burial of Penal Inmates, Headstones for Soldiers and Sailors, Actions to Release Insane, and List of New Taxable Lands.

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, 104; nays, 0; absent and not voting, 7.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Hofstrand | Rettke |
| Anderson, Benson | Holm | Ritter |
| Anderson, M'K'nzie | Holthusen | Rohde |
| Anfinson | Hultstrand | Sand |
| Arneson, Nelson | Ireland | Saumur |
| Arneson, Ramsey | Ista | Schmidt, McHenry |
| Beede | Jensen | Schmidt, Sheridan |
| Belzer | Johnson, Cass | Schimke |
| Benno | Johnson, LaMoure | Scholl |
| Billigmeier | Joiner | Schwartz |
| Bingenheimer | Keller | Sellens |
| Blair | Kluver | Semerad |
| Bolmeier | Knutson | Severson |
| Boulden | Lange | Sharpe |
| Braun, McLean | Lunde | Shure |
| Braun, Stark | McInnes | Singleton |
| Brown | McInnes | Skartvedt |
| Buchholz | McIntyre | Solberg |
| Byrne | Myers | Sticka |
| Culver | Moe | Stone |
| Dalzell | Mollet | Stormon |
| Dike | Morland | Symington |
| Dittmer | Nelson, Cass | Thompson, Burl'gh |
| Erickson | Nelson, Dickey | Thompson, Steele |
| Feton | Nelson, Steele | Trydahl |

| | | |
|---|---|---|
| Fletcher | Nystrom | Tuff |
| Fraser | O'Brien | Twichell |
| Fuglestad | Odegard | Urschel |
| Gainor | Oglesby | Wambheim |
| Glas | Ostgulen | Westby |
| Gray | Page | Williams,Richland |
| Haag | Panko | Williams,Stutsm'n |
| Halvorson | Peterson,Bottineau | Wolf |
| Haugland | Peterson, Ransom | Mr. Speaker |
| Heckman | Rait | |

Absent and not voting:

| | | |
|---|---|---|
| Bergesen | Larson | Mittag |
| Crockett | Levin | Schauss |
| Fitch | | |

So the bill passed and the title was agreed to.

House Bill No. 48. A Bill for an Act to Amend and Reenact Section 6073 of the Supplement to the 1913 Compiled Laws of North Dakota, as Amended by Chapter 159, Session Laws of 1935, Defining Usury.

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, 59; nays, 43; absent and not voting, 9.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Ireland | Rait |
| Anderson, Benson | Ista | Rettke |
| Anderson,M'K'nzie | Jensen | Ritter |
| Anfinson | Johnson, LaMoure | Rohde |
| Beede | Joiner | Sand |
| Belzer | Keller | Schauss |
| Billigmeier | Knutson | Schmidt, Sheridan |
| Braun, Stark | Lange | Schimke |
| Brown | McIntee | Scholl |
| Buchholz | McIntyre | Schwartz |
| Erickson | Myers | Semerad |
| Fletcher | Mittag | Solberg |
| Fraser | Moe | Sticka |
| Fuglestad | Mollett | Stone |
| Glas | Morland | Tuff |
| Gray | Nelson, Dickey | Urschel |
| Haag | Odegard | Williams,Richland |
| Halvorson | Ostgulen | Wolf |
| Heckman | Panko | Mr. Speaker |
| Hultstrand | Peterson,Bottineau | |

Those voting in the negative were:

| | | |
|---|---|---|
| Arneson, Nelson | Holm | Sharpe |
| Arneson, Ramsey | Holthusen | Shure |
| Benno | Johnson, Cass | Singleton |
| Bergesen | Kluver | Skartvedt |
| Blair | Lunde | Stormon |
| Bolmeier | McInnes | Symington |
| Boulden | Nelson, Cass | Thompson, Burl'gh |
| Braun, McLean | Nelson, Steele | Thompson, Steele |
| Culver | O'Brien | Trydahl |

| | | |
|---|---|---|
| Dalzell | Oglesby | Twichell |
| Dike | Page | Wambheim |
| Dittmer | Peterson, Ransom | Westby |
| Feton | Saumur | Williams, Stutsm'n |
| Gainor | Sellens | |
| Haugland | Severson | |

Absent and not voting:

| | | |
|---|---|---|
| Bingenheimer | Fitch | Levin |
| Byrne | Hofstrand | Nystrom |
| Crockett | Larson | Schmidt, McHenry |

So the bill passed and the title was agreed to.

Rep. Schauss moved that the vote by which House Bill No. 48 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

House Bill No. 101. A Bill for an Act to Amend and Reenact Chapter 137, Session Laws of 1931, Relating to Filling of Vacancies of Elective County Officers, Superintendent of Schools and County Commissioners on the No-Party Ballot.

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, 102; nays, 0; absent and not voting, 9.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Holthusen | Ritter |
| Anderson, Benson | Hultstrand | Rohde |
| Anderson, M'K'nzie | Ireland | Sand |
| Anfinson | Ista | Saumur |
| Arneson, Nelson | Jensen | Schauss |
| Arneson, Ramsey | Jonnson, Cass | Schmidt, McHenry |
| Beede | Johnson, LaMoure | Schmidt, Sheridan |
| Belzer | Joiner | Schimke |
| Bergesen | Keller | Scholl |
| Billigmeier | Kluver | Schwartz |
| Bingenheimer | Knutson | Sellens |
| Blair | Lange | Semerad |
| Bolmeier | Lunde | Severson |
| Boulden | McIntee | Sharpe |
| Braun, McLean | McIntyre | Shure |
| Braun, Stark | Myers | Singleton |
| Brown | Mittag | Skartvedt |
| Buchholz | Moe | Solberg |
| Culver | Mollet | Sticka |
| Dalzell | Morland | Stone |
| Dike | Nelson, Cass | Stormon |
| Feton | Nelson, Dickey | Symington |
| Fletcher | Nelson, Steele | Thompson, Burl'gh |
| Fraser | Nystrom | Thompson, Steele |
| Fuglestad | O'Brien | Trydahl |
| Gainor | Odegard | Tuff |
| Glas | Oglesby | Twichell |
| Gray | Ostgulen | Urschel |
| Haag | Page | Wambheim |
| Halvorson | Panko | Westby |
| Haugland | Peterson, Bottineau | Williams, Richland |

| | | |
|---|---|---|
| Heckman | Peterson, Ransom | Williams,Stutsm'n |
| Hofstrand | Rait | Wolf |
| Holm | Rettke | Mr. Speaker |

Absent and not voting:

| | | |
|---|---|---|
| Benno | Dittmer | Larson |
| Byrne | Erickson | Levin |
| Crockett | Fitch | McInnes |

So the bill passed and the title was agreed to.

Rep. Anderson of Benson moved that House Bill No. 119 be re-referred to the Committee on Elections and Election Privileges for the purpose of further amendment, which motion prevailed.

House Bill No. 36. 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, 23; nays, 81; absent and not voting, 7.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Anderson,M'K'nzie | Mittag | Schauss |
| Anfinson | Morland | Severson |
| Brown | O'Brien | Symington |
| Buchholz | Odegard | Thompson,Burl'gh |
| Halvorson | Page | Trydahl |
| Holthusen | Ritter | Wolf |
| Hultstrand | Sand | Mr. Speaker |
| Myers | Saumur | |

Those voting in the negative were:

| | | |
|---|---|---|
| Adam | Heckman | Peterson, Ransom |
| Anderson, Benson | Hofstrand | Rait |
| Arneson, Nelson | Holm | Rettke |
| Arneson, Ramsey | Ireland | Rohde |
| Beede | Ista | Schmidt, McHenry |
| Belzer | Jensen | Schmidt, Sheridan |
| Benno | Johnson, Cass | Schimke |
| Bergesen | Johnson, LaMoure | Scholl |
| Billigmeier | Joiner | Schwartz |
| Bingenheimer | Keller | Sellens |
| Blair | Kluver | Semerad |
| Bolmeier | Knutson | Sharpe |
| Braun, McLean | Lange | Shure |
| Braun, Stark | Lunde | Singleton |
| Culver | McInnes | Skartvedt |
| Dalzell | McIntee | Solberg |
| Dike | McIntyre | Sticka |
| Dittmer | Moe | Stone |
| Erickson | Mollet | Stormon |
| Feton | Nelson, Cass | Thompson, Steele |
| Fletcher | Nelson, Dickey | Tuff |
| Fraser | Nelson, Steele | Twichell |
| Gainor | Nystrom | Urschel |
| Glas | Oglesby | Wambheim |
| Gray | Ostgulen | Westby |

| | | |
|---|---|---|
| Haag | Panko | Williams,Richland |
| Haugland | Peterson,Bottineau | Williams,Stutsm'n |

Absent and not voting:

| | | |
|---|---|---|
| Boulden | Fitch | Larson |
| Byrne | Fuglestad | Levin |
| Crockett | | |

So the bill was declared lost.

## FIRST READING OF SENATE BILLS

Senate Bill No. 66. A Bill for an Act to Repeal Section 17, Chapter 27, of the Session Laws of 1929 Relating to the Standing Appropriation for the Supreme Court Commissioner.

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

## FIRST READING OF HOUSE BILLS

Reps. Byrne, Trydahl and Gray introduced:

House Bill No. 177. A Bill for an Act to Create a North Dakota Board of Examiners in Watchmaking, and to Regulate Watchmaking and to Provide for Issuance of Certificates to and Registration of Persons Engaging in Watchmaking and for Examination of Applicants for Such Certificates; Providing for Regulations for Indenturing and Training of and Issuing Certificates of Registration to Apprentice Watchmakers; for the Protection of the Public From Fraud Practiced by Unscrupulous and Irresponsible Persons Through Misrepresentation and Other Unconscionable Artifices, and for the Protection of the Public Safety; Providing for the Enforcement of the Provisions of this Act and for Punishment for the Violation Thereof.

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

## SECOND READING OF SENATE BILLS

Senate Bill No. 49. A Bill for an Act to Amend and Reenact Chapter 245 of the Session Laws of 1937. An Act to Encourage and Promote the Payment of Taxes by Providing for a Rebate on Prepayments.

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, 88; nays, 16; absent and not voting, 7.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Holm | Rettke |
| Anderson, Benson | Holthusen | Rohde |
| Anfinson | Ireland | Sand |
| Arneson, Nelson | Ista | Saumur |
| Arneson, Ramsey | Jensen | Schmidt, McHenry |
| Beede | Johnson, Cass | Schmidt, Sheridan |
| Belzer | Johnson, LaMoure | Schimke |
| Benno | Joiner | Scholl |
| Bergesen | Kluver | Schwartz |
| Billigmeier | Knutson | Sellens |
| Blair | Lange | Semerad |
| Bolmeier | Lunde | Sharpe |

| | | |
|---|---|---|
| Braun, McLean | McInnes | Shure |
| Braun, Stark | McIntee | Singleton |
| Brown | McIntyre | Skartvedt |
| Buchholz | Myers | Solberg |
| Culver | Mittag | Sticka |
| Dittmer | Moe | Stone |
| Feton | Mollet | Stormon |
| Fletcher | Morland | Symington |
| Fraser | Nelson, Cass | Thompson, Steele |
| Fuglestad | Nelson, Dickey | Trydahl |
| Gainor | Nelson, Steele | Tuff |
| Glas | Nystrom | Twichell |
| Gray | Ogiesby | Urschel |
| Haag | Ostgulen | Westby |
| Halvorson | Panko | Williams,Richland |
| Haugland | Peterson, Ransom | Williams,Stutsm'n |
| Heckman | Rait | Wolf |
| Hofstrand | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Anderson,M'K'nzie | Hultstrand | Peterson,Bottineau |
| Bingenheimer | Keller | Severson |
| Boulden | O'Brien | Thompson,Burl'gh |
| Dalzell | Odegard | Wambheim |
| Dike | Page | Mr. Speaker |
| Erickson | | |

Absent and not voting:

| | | |
|---|---|---|
| Byrne | Larson | Ritter |
| Crockett | Levin | Schauss |
| Fitch | | |

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

## GENERAL ORDERS

Rep. Shure moved that the House resolve itself into a Committee of the Whole for the consideration of General Orders, which motion prevailed, and the House resolved itself into a Committee of the Whole.

The Speaker called Rep. Shure to the chair.

When the committee arose it submitted the following report:

Mr. Speaker: The Committee of the Whole have had under consideration House Bill No. 39.

Page 1, Section 1, in line 3, strike out the figures "$300.00" and insert in lieu thereof the figures "$200.00."

And recommend the adoption of the amendments of the Standing Committee.

And when so amended recommend the same do pass.

Senate Bill No. 35.

Between lines Forty-six and Forty-seven insert "Precinct Committeeman," renumber balance to correspond.

On page three, line Fifty-four, after the period following the word "on" strike out the balance of the section.

And recommend the Committee of the Whole refer Senate Bill No. 35 back to the House without any recommendation.

W. H. SHURE, Chairman Committee of the Whole.

Rep. Anderson of Benson moved the adoption of the report of the Committee of the Whole, which motion prevailed.

Rep. Trydahl moved that Senate Bill No. 35 be re-referred to the Committee on Elections and Election Privileges, which motion prevailed.

REPORT OF STANDING COMMITTEE

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

House Bill No. 111. A Bill for an Act to Amend and Reenact Chapter 3 of the Session Laws of 1933; Defining Unfair Discrimination in the Purchase of Certain Farm Products; Prohibiting Such Discrimination; Providing a Penalty Therefor; and Repealing Acts in Conflict Herewith; and Declaring an Emergency.

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

On page 4, section 7, line 3 strike out "$500.00" and insert in lieu thereof "$50.00."

On page 4, section 7, line 4 strike out "$1,000.00" and insert in lieu thereof "$500.00."

And when so amended recommend the same do pass.

CARL H. DITTMER, Chairman.

Rep. Haugland moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Agriculture to whom was referred House Bill No. 126.

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

CARL H. DITTMER, Chairman.

Rep. Dalzell moved that the report be adopted, which motion prevailed and the report was adopted.

An extension of time was granted on House Bill No. 118.

Rep. Lange moved that the absent members be excused, which motion prevailed.

Rep. Schimke moved that the House do now adjourn, which motion prevailed and the House adjourned.

MINNIE D. CRAIG, Chief Clerk.

## THIRTIETH DAY

Bismarck, February 1, 1939.

The House assembled at 2:00 P. M., pursuant to adjournment, Speaker Hagen presiding.

Prayer by Rev. Ellis L. Jackson, Bismarck.

Roll Call: All Representatives present except Crockett, Culver, Fitch, Larson, Levin, Twichell.

So a quorum was declared present.

Representatives Crockett, Fitch and Levin were serving on a special investigating committee.

### REPORT OF STANDING COMMITTEE

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

Mr. Speaker: 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 351 strike out line 7 and insert "the bill was declared lost."

And when so corrected recommend that the same be approved.

REP. GLAS, Chairman.

Rep. Symington moved that the report be adopted, which motion prevailed and the report was adopted.

### HOUSE COMMITTEE ON ENROLLMENT AND ENGROSSMENT

Mr. Speaker: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bills and find the same correctly Engrossed:

House Bill No. 39. A Bill for an Act Making an Appropriation to Pay the Expenses and Per Diem of Presidential Electors as Prescribed by Section 1038 of the Compiled Laws of 1913.

OLAF OSTGULEN, Chairman.

Rep. Ostgulen moved that the report be adopted, which motion prevailed, and the report was adopted.

### REPORT OF STANDING COMMITTEES

Mr. Speaker: Your Committee on Public Welfare to whom was referred:

House Bill No. 113. 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 Per-

sons According to the Preference of Such Persons, Repealing Acts or Parts of Acts in Conflict Herewith and Declaring an Emergency.

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 Requiring Boards of County Commissioners or Any Other Public Boards Administering Poor Relief to Give Equal Consideration to Legally Licensed Practitioners of Medicine, Osteopathy, Chiropractic, Dentistry, Optometry, and Any Other Legally Licensed Practitioner, 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.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. In all cases in which the Board of County Commissioners or any other public board administering poor relief and receiving any portion of its funds from the State, are required by law to provide the assistance of a physician or other health service to indigent persons, such assistance shall be furnished by any legally licensed practitioner of medicine, Osteopathy, chiropractic, dentistry, optometry, or any other legally licensed practitioner in the State of North Dakota as may be requested by such indigent persons, provided that any such practitioner shall furnish such assistance within a reasonable distance of said indigent persons as determined by said board.

SECTION 2. Hospitalization shall also be furnished such indigent persons if, in the discretion of his practitioner, hospitalization is necessary.

SECTION 3. REPEAL.) All Acts or parts of Acts in conflict herewith are hereby repealed.

SECTION 4. 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.

BERNT ANDERSON, Chairman.

Rep. Beede moved that the report be adopted, which motion prevailed, and the report was adopted.

## MESSAGE TO THE HOUSE

Senate Chamber,
Bismarck, February 1, 1939.

Mr. Speaker: I have the honor to transmit:

Senate Bill No. 55. A Bill for an Act to Amend and Reenact Chapter 195, Session Laws of 1935 as Amended Relating to Funding and Refunding Existing Indebtedness of Municipalities, Validating Proceedings Thereunder, and Declaring an Emergency.

Senate Bill No. 60. A Bill for an Act to Amend and Reenact Section 9, of Chapter 213, of the 1935 Session Laws, Providing That State and Municipal Officers and Employees Shall Not Lose Pay While on Duty, and Including Therein Members of the Officers Reserve Corps of the United States and Repealing All Acts or Parts of Acts in Conflict Therewith, and Declaring an Emergency.

Senate Bill No. 76. A Bill for an Act to Amend and Reenact Section 2 and Section 25 of Chapter 249 of the Session Laws of North Dakota for 1937, Relating to the Levying and Imposing of a Retail Sales Tax and the Disposition of the Funds Collected Therefrom.

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

Mr. Speaker: I have the honor to return:

House Concurrent Resolution No. 83. A Concurrent Resolution Memorializing Congress to Make Appropriation for WPA Purposes and That Congress do Not Enact Any Law Curtailing WPA Activities.

Which the Senate has passed unchanged.

Mr. Speaker: I have the honor to return:

House Bill No. 53. A Bill for an Act Amending and Reenacting Section 2 of Chapter 252 of the Session Laws of 1937, Providing for the Allowance of a Portion of the Cost of Planting and Growing Forest Trees as a Bounty Therefor, and Prescribing Duties of the Assessors in Connection therewith; Repealing All Acts in Conflict Therewith; and Declaring an Emergency.

House Concurrent Resolution No. 135. Relating to Sending Money to Washington for the Use of the Bank of North Dakota.

House Concurrent Resolution No. 114. Relating to Employment of Women in Paid Work.

Which the President has signed.

Mr. Speaker: I have the honor to transmit:

Senate Concurrent Resolution No. 44. Memorializing Congress to Make Credit Immediately Available to Finance Wheat Crop Insurance.

Senate Concurrent Resolution No. 42. Re-establishing and Re-habilitating the Foundation Herds of Livestock for the Farmers and Ranchers of the State of North Dakota.

Senate Bill No. 22. A Bill for an Act to Amend and Reenact Chapter 220 of the Session Laws of 1929 Relating to the Distribution of Seeds and Seedlings by the State Forester, and Declaring an Emergency.

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

WM. J. LOWE, Secretary.

## REPORT OF STANDING COMMITTEES

Mr. Speaker: Your Committee on Agriculture to whom was referred House Bill No. 130.

Have had the same under consideration and recommend that the same be re-referred to the Committee on Appropriations.

CARL H. DITTMER, Chairman.

Rep. Dalzell moved that the report be adopted, which motion prevailed and the report was adopted.

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

House Concurrent Resolution No. 132. A Concurrent Resolution Relating to an Amendment of the Enabling Act of February 22, 1889.

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

On page 2, line 36 insert after the word "only" the words "to the United States Government."

And when so amended recommend the same be adopted.

CARL H. DITTMER, Chairman.

Rep. Dalzell moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Federal Relations made the following report:

Mr. Speaker: Your Committee on Federal Relations to whom was referred House Bill No. 142.

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

DAN PANKO, Chairman.

Rep. Anderson of Benson moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Federal Relations made the following report:

Mr. Speaker: Your Committee on Federal Relations to whom was referred House Bill No. 147.

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

DAN PANKO, Chairman.

Rep. Anderson of Benson moved that the report be adopted, which motion prevailed and the report was adopted.

Rep. Trydahl moved that the vote by which House Bill No. 127 was indefinitely postponed be reconsidered, which motion was lost.

Rep. Morland moved that the vote by which House Bill No. 36 was lost be reconsidered, which motion prevailed.

Rep. Morland moved that House Bill No. 36 be re-referred to the Committee on Appropriations, which motion prevailed.

Rep. Jensen moved that Senate Bill No. 52 be transferred from the Committee on Taxes and Tax Laws to the Committee on Agriculture, which motion prevailed.

## SIGNING OF BILLS

The Chief Clerk announced that the Speaker was about to sign.

Senate Concurrent Resolution No. 44. Memorializing Congress to Make Credit Immediately Available to Finance Wheat Crop Insurance.

Senate Concurrent Resolution No. 42. Re-establishing and Re-habilitating the Foundation Herds of Livestock for the Farmers and Ranchers of the State of North Dakota.

Senate Bill No. 22. A Bill for an Act to Amend and Reenact Chapter 220 of the Session Laws of 1929 Relating to the Distribution of Seeds and Seedlings by the State Forester, and Declaring an Emergency.

And the Speaker signed the same in the presence of the House.

## REPORT OF STANDING COMMITTEE

The Committee on Enrollment and Engrossment respectfully reports that:

House Bill No. 53. A Bill for an Act Amending and Reenacting Section 2 of Chapter 252 of the Session Laws of 1937, Providing for the Allowance of a Portion of the Cost of Planting and Growing Forest Trees as a Bounty There-

for, and Prescribing Duties of the Assessors in Connection therewith; Repealing All Acts in Conflict Therewith; and Declaring an Emergency.

Was delivered to the Governor for his approval at the hour of 2:30 o'clock, Feb. 1, 1939.

OLAF OSTGULEN, Chairman.

## FIRST READING OF HOUSE BILLS

Reps. Ritter, Schimke and Schauss introduced:

House Bill No. 178. A Bill for an Act Authorizing and Empowering Cities and Villages to Control, Regulate and License Public Card Tables; Prohibiting Certain Card Games; Providing Penalties for Violation; Repealing Acts in Conflict Herewith; Providing for the Distribution of Revenue; Repealing Acts or Parts of Acts in Conflict; Saving Clause and Declaring an Emergency.

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

## HOUSE CONCURRENT RESOLUTION No. 179

Introduced by Representative McInnes.

Authorizing and directing the Governor, Tax Commissioner and Attorney General to ascertain what provision has been made by the Federal Government for making payments in lieu of taxes on lands acquired in this state by various departments, bureaus and agencies of the government and authorizing and directing the Governor, Attorney General and Tax Commissioner to file with the Secretary of State proposals or commitments submitted by such departments, bureaus or agencies with reference thereto.

WHEREAS, the Biological Survey Bureau of the United States Department of Agriculture has acquired large tracts of rich meadow land in several counties, particularly in the Mouse River Valley, for the purpose of impounding waters thereon and creating nesting places and refuges for waterfowl and aquatic birds, and

WHEREAS, the Farm Security Administration of the Department of Agriculture has acquired large tracts of land in several western counties for the purpose of removing submarginal lands from cultivation and to restore the range and to institute and create thereon controlled grazing, and

WHEREAS, the Farm Security Administration has also acquired, and is now acquiring, lands in various counties of this state for the rehabilitation and resettlement of needy and stranded farm families, and

WHEREAS, lands thus acquired became exempt from taxation when the title thereto vests in the government, and

WHEREAS, representatives of the various federal agencies acquiring lands in this state represent that the federal government will make certain payments in lieu of taxes to the state, and to the local sub-divisions effected, in order that the tax burden ordinarily carried by such lands may not be unfairly shifted to the taxpayers whose lands are not purchased, and

WHEREAS, it is desirable that the state, for the protection of our people, arrive at a definite understanding with the federal government concerning such payments in lieu of taxes, and that the various agencies of the government, engaged in such land acquisition programs, be requested to submit to the state definite proposals or commitments in re-

gard to such payments, and the procedure required for securing them, in order that the people of this state may, if found necessary, call upon the Congress to sustain such commitments in the event that the federal agencies now concerned, or their successors, should, in the future, determine upon a change of policy; Now Therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVS OF THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the Governor, the Attorney General and the State Tax Commissioner be and they are hereby, authorized and directed to ascertain and determine what arrangements, if any, have been made by the federal government, or by the departments, bureaus and agencies thereof acquiring lands in North Dakota, for making payments in lieu of taxes to the state and to the local sub-divisions where such lands are situated, and that the Governor, Attorney General and the State Tax Commissioner obtain, and file in the office of the Secretary of State such proposals or commitments submitted by such departments, bureaus and agencies concerning such payments, including the procedure required for securing the same.

Was read the first time and referred to the Committee on Federal Relations.

Rep. Scholl moved that House Concurrent Resolution No. 179 be printed in the Journal, which motion prevailed.

Rep. Morland moved that all house concurrent resolutions introduced hereafter be printed in the Journal, which motion prevailed.

Rep. Singleton introduced:

House Bill No. 180. A Bill for an Act to Repeal Chapter Four of the Session Laws of 1935.

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

Rep. Stone introduced:

House Bill No. 181. A Bill for an Act to Repeal Section 2173 of the Compiled Laws of North Dakota for 1913; Being an Act Authorizing the County Commissioners to Contract With the Sheriff for the Collection of Delinquent Personal Property Taxes for Additional Compensation.

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

Reps. Benno and Anderson of Benson introduced:

House Bill No. 182. A Bill for an Act Making it a Misdemeanor for any Person to Hunt Game of any Kind at Night With the Aid of a Spot Light or Any Other Kind of Artificial Light.

Was read the first time and referred to the Committee on Game and Fish.

Rep. Leonas Myers introduced:

House Bill No. 183. A Bill for an Act Creating a Tax on Money, Credits, Claims and Demands for Money, Annuities, Securities and Stocks; Providing for the Listing and Assessing Thereof; Excepting the Money and Credits of Incorporated Banks, Otherwise Taxed; and Providing a Penalty for the Failure to Properly List the Same Under Oath; Further Providing for the Review and Equaliziation Thereof.

and the Computation of Taxes Thereon; 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.

Committee on Public Welfare introduced:

House Bill No. 184. A Bill for an Act Relating to Vital Statistics Records of Illegitimate Children, and to Provide for the Making of a New Certificate for a Child Legitimatized by Marriage of Parents and for a Child Legitimatized by Adoption.

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

The Committee on Taxes and Tax Laws introduced:

House Bill No. 185. A Bill for an Act Relating to the Issuance of Tax Sale Certificates; the Payment of Subsequent Taxes; the Issuance of Subsequent Tax Sale Certificates; Amending and Re-enacting Section 2192, as Amended by Chapter 298, Session Laws of 1931, of the Supplement to the Compiled Laws of 1913; and to Make the Records of the County Auditor Evidence of the Rights of the County; and Dispensing With the Necessity of Issuing Tax Sale Certificates and Subsequent Tax Sale Certificates to the Counties; 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:

House Bill No. 186. A Bill for an Act Providing for the Resale of Lands Acquired by the State on Foreclosure of Mortgages Given to Secure Loans of Permanent School Funds, or by Deed Given in Lieu of Foreclosure; Giving a Preference to Mortgagors Whose Lands Are Resold or to Their Heirs; Providing for the Terms and Conditions of Resale; and Declaring an Emergency.

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

The Committee on Irrigation and Drainage introduced:

House Bill No. 187. A Bill for an Act to Empower the State Industrial Commission to Enter Into Obligations, Trust Agreements or Trust Indentures With Any State Department, Commission, Bureau or Agency, or With Any Municipal Corporation; for the Benefit, Convenience and Protection of Purchasers, Owners or Holders of Bonds or Other Securities Issued by Such State Agency, Commission or Bureau; or Issued by a Municipal Corporation; Empowering the State Industrial Commission to Authorize the Manager of the Bank of North Dakota to Enter Into Such Obligation, Trust Agreement or Trust Indenture; Defining the Term "Municipal Corporation," and Declaring an Emergency.

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

Reps. Knutson and Adam introduced:

House Bill No. 188. A Bill for an Act Amending in Part Chapter 5, of the 1937 Session Laws; Transferring the Licensing and Regulating of Poultry Buyers to the Dairy Division of the Department of Agriculture and Labor; Defining Dealers; Providing for a License; Establishing Powers and Duties of Dairy Commissioner; Providing for a Penalty; and Declaring an Emergency.

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

HOUSE RESOLUTION No. I
Introduced by Mal. Gainor
A RESOLUTION

WHEREAS, Divine Providence has called the Honorable O. C. Anderson of the 13th Legislative District, which district he has served for fourteen years; and

WHEREAS, He was duly elected by his constituents; and

WHEREAS, He was duly certified by the Secretary of State as a member of the 26th Legislative assembly;

BE IT RESOLVED that he be shown by the records of this House as excused for the session and his name be omitted in reading the roll call; but that his name be continued upon the payroll as a member of this body; that the Chief Clerk be hereby authorized and directed to sign the Legislative payroll for and in the name of said deceased member, and that warrants to be issued in payment of per diem of said O. C. Anderson, our said fellow Legislator, be made out in the name of his widow, Mrs. O. C. Anderson, and that the same be by the House Voucher Clerk forwarded to her at Rutland, North Dakota.

Rep. Gainor moved the adoption of House Resolution No. I, which motion was seconded.

ROLL CALL

The question being on the adoption of House Resolution "I," the roll was called and there were ayes, 102; nays, 1; absent and not voting, 8.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Holthusen | Rettke |
| Anderson, Benson | Hultstrand | Ritter |
| Anderson,M'K'nzie | Ireland | Rohde |
| Anfinson | Ista | Sand |
| Arneson, Nelson | Jensen | Saumur |
| Arneson, Ramsey | Johnson, Cass | Schauss |
| Beede | Johnson, LaMoure | Schmidt, Sheridan |
| Benno | Joiner | Schimke |
| Bergesen | Keller | Scholl |
| Billigmeier | Kluver | Schwartz |
| Bingenheimer | Knutson | Sellens |
| Blair | Lange | Semerad |
| Bolmeier | Lunde | Severson |
| Boulden | McInnes | Sharpe |
| Braun, McLean | McIntee | Shure |
| Braun, Stark | McIntyre | Singleton |
| Brown | Myers | Skartvedt |
| Buchholz | Mittag | Solberg |
| Byrne | Moe | Sticka |
| Dike | Mollet | Stone |
| Dittmer | Morland | Stormon |
| Erickson | Nelson, Cass | Symington |
| Feton | Nelson, Dickey | Thompson,Burl'gh |
| Fletcher | Nelson, Steele | Thompson, Steele |
| Fraser | Nystrom | Trydahl |
| Fuglestad | O'Brien | Tuff |
| Gainor | Odegard | Twichell |
| Glas | Oglesby | Urschel |

| | | |
|---|---|---|
| Gray | Ostgulen | Wambheim |
| Haag | Page | Westby |
| Halvorson | Panko | Williams,Richland |
| Haugland | Peterson,Bottineau | Williams,Stutsm'n |
| Heckman | Peterson, Ransom | Wolf |
| Hofstrand | Rait | Mr. Speaker |

Those voting in the negative were:
Holm

Absent and not voting:

| | | |
|---|---|---|
| Belzer | Dalzell | Levin |
| Crockett | Fitch | Schmidt, McHenry |
| Culver | Larson | |

So Resolution "I" was declared adopted.

Rep. Knutson moved that House Bill No. 188 be withdrawn for correction, which motion prevailed.

Rep. Twichell asked unanimous consent to amend the title of House Bill No. 73, which was granted.

Rep. Twichell moved that the title be amended as follows:

In line 1 of the title of the printed bill after the word "warrant" insert the following "and other instruments of obligations evidencing indebtedness, or evidencing or representing the borrowing of money, or evidencing or representing a charge, lien or encumbrance on the specific revenues of any county."

Which motion prevailed.

Rep. Twichell moved that the rules be suspended and that House Bill No. 73 be considered properly re-engrossed, placed on second reading and final passage, which motion prevailed.

## SECOND READING OF HOUSE BILLS

House Bill No. 73. A Bill for an Act Validating, Ratifying and Confirming Warrants, and Other Instruments or Obligations Evidencing or Representing Indebtedness, or Evidencing or Representing the Borrowing of Money, or Evidencing or Representing a Charge, Lien or Encumbrance on Specific Revenues of Any County Heretofore Issued and Levies Heretofore Made by Boards of County Commissioners in any County of This State for the Purpose of Financing Poor Relief, Under the Conditions Specified in This Act, and Validating All Proceedings Heretofore Taken by Any Board of County Commissioners in Connection With the Issuance of Emergency Poor Fund Warrants and the Making of Emergency Poor Relief Levies Under the Provisions of Chapter 98, Laws of 1933, as Amended by Chapter 120, Laws of 1935, or Under Any Assumed, Implied or Purported Authority of Said 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, 103; nays, 1; absent and not voting, 7.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Holm | Rettke |
| Anderson, Benson | Holthusen | Ritter |
| Anderson,M'K'nzie | Hultstrand | Rohde |
| Anfinson | Ireland | Sand |

| | | |
|---|---|---|
| Arneson, Nelson | Ista | Saumur |
| Arneson, Ramsey | Jensen | Schauss |
| Beede | Johnson, Cass | Schmidt, McHenry |
| Belzer | Johnson, LaMoure | Schmidt, Sheridan |
| Benno | Joiner | Schimke |
| Bergesen | Keller | Scholl |
| Billigmeier | Kluver | Schwartz |
| Bingenheimer | Knutson | Sellens |
| Blair | Lange | Semerad |
| Bolmeier | Lunde | Severson |
| Boulden | McInnes | Sharpe |
| Braun, McLean | McIntee | Shure |
| Braun, Stark | McIntyre | Singleton |
| Brown | Myers | Skartvedt |
| Buchholz | Mittag | Solberg |
| Byrne | Mollet | Sticka |
| Dalzell | Morland | Stone |
| Dike | Nelson, Cass | Stormon |
| Dittmer | Nelson, Dickey | Thompson,Burl'gh |
| Erickson | Nelson, Steele | Thompson, Steele |
| Feton | Nystrom | Trydahl |
| Fletcher | O'Brien | Tuff |
| Fraser | Odegard | Twichell |
| Gainor | Oglesby | Urschel |
| Glas | Ostgulen | Wambheim |
| Gray | Page | Westby |
| Haag | Panko | Williams,Richland |
| Halvorson | Peterson,Bottineau | Williams,Stutsm'n |
| Haugland | Peterson, Ransom | Wolf |
| Heckman | Rait | Mr. Speaker |
| Hofstrand | | |

Those voting in the negative were:
Symington

Absent and not voting:

| | | |
|---|---|---|
| Crockett | Fuglestad | Levin |
| Culver | Larson | Moe |
| Fitch | | |

So the bill passed and the title was agreed to and the Emergency Clause declared carried.

House Bill No. 39. A Bill for an Act Making an Appropriation to Pay the Expenses and Per Diem of Presidential Electors as Prescribed by Section 1038 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, 101; nays, 1; absent and not voting, 9.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Holthusen | Rohde |
| Anderson, Benson | Hultstrand | Sand |
| Anderson,M'K'nzie | Ireland | Saumur |
| Anfinson | Ista | Schauss |
| Arneson, Nelson | Jensen | Schmidt, McHenry |
| Arneson, Ramsey | Johnson, Cass | Schmidt, Sheridan |
| Beede | Johnson, LaMoure | Schimke |

| | | |
|---|---|---|
| Belzer | Joiner | Scholl |
| Bergesen | Keller | Schwartz |
| Billigmeier | Kluver | Sellens |
| Bingenheimer | Knutson | Semerad |
| Blair | Lange | Severson |
| Bolmeier | Lunde | Sharpe |
| Boulden | McInnes | Shure |
| Braun, McLean | McIntee | Singleton |
| Braun, Stark | McIntyre | Skartvedt |
| Brown | Myers | Solberg |
| Buchholz | Mittag | Sticka |
| Byrne | Mollet | Stone |
| Dalzell | Morland | Stormon |
| Dike | Nelson, Cass | Symington |
| Dittmer | Nelson, Dickey | Thompson,Burl'gh |
| Erickson | Nystrom | Thompson, Steele |
| Feton | O'Brien | Trydahl |
| Fletcher | Odegard | Tuff |
| Fraser | Oglesby | Twichell |
| Gainor | Ostgulen | Urschel |
| Glas | Page | Wambheim |
| Gray | Panko | Westby |
| Haag | Peterson,Bottineau | Williams,Richland |
| Haugland | Peterson, Ransom | Williams,Stutsm'n |
| Heckman | Rait | Wolf |
| Hofstrand | Rettke | Mr. Speaker |
| Holm | Ritter | |

Those voting in the negative were:
Halvorson

Absent and not voting:

| | | |
|---|---|---|
| Benno | Fitch | Levin |
| Crockett | Fuglestad | Moe |
| Culver | Larson | Nelson, Steele |

So the bill passed and the title was agreed to.

House Bill No. 126. A Bill for an Act to Amend and Reenact Section 336, Compiled Laws of 1913, as Amended by Chapter 177, Laws of 1925, Relating to the Leasing and Sale of School and Other Public Lands of the State, 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, 85; nays, 16; absent and not voting, 10.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Holm | Sand |
| Anderson, Benson | Holthusen | Saumur |
| Anderson,M'K'nzie | Ireland | Schauss |
| Anfinson | Ista | Schmidt, Sheridan |
| Arneson, Nelson | Jensen | Schimke |
| Arneson, Ramsey | Joiner | Scholl |
| Beede | Keller | Schwartz |
| Bergesen | Lange | Sellens |
| Billigmeier | Lunde | Semerad |
| Blair | McInnes | Severson |
| Bolmeier | McIntee | Shure |

| | | |
|---|---|---|
| Boulden | Myers | Singleton |
| Braun, McLean | Mittag | Skartvedt |
| Braun, Stark | Mollet | Solberg |
| Brown | Morland | Stick**a** |
| Buchholz | Nelson, Cass | Stone |
| Byrne | Nelson, Dickey | Stormon |
| Dalzell | Nystrom | Symington |
| Dittmer | O'Brien | Thompson,Burl'gh |
| Erickson | Odegard | Trydahl |
| Feton | Oglesby | Tuff |
| Fletcher | Ostgulen | Twichell |
| Gainor | Page | Urschel |
| Glas | Panko | Westby |
| Gray | Peterson, Ransom | Williams,Richland |
| Haag | Rait | Williams,Stutsm'n |
| Haugland | Rettke | Wolf |
| Heckman | Ritter | Mr. Speaker |
| Hofstrand | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Belzer | Johnson, LaMoure | Schmidt, McHenry |
| Bingenheimer | Knutson | Rohde |
| Dike | Moe | Sharpe |
| Fraser | Nelson, Steele | Thompson, Steele |
| Halvorson | Peterson,Bottineau | Wambheim |
| Hultstrand | | |

Absent and not voting:

| | | |
|---|---|---|
| Benno | Fuglestad | Larson |
| Crockett | Johnson, Cass | Levin |
| Culver | Kluver | McIntyre |
| Fitch | | |

So the bill passed and the title was agreed to and the Emergency Clause declared carried.

## FIRST READING OF SENATE BILLS

Senate Bill No. 55. A Bill for an Act to Amend and Reenact Chapter 195, Session Laws of 1935 as Amended Relating to Funding and Refunding Existing Indebtedness of Municipalities, Validating Proceedings Thereunder, and Declaring an Emergency.

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

Senate Bill No. 60. A Bill for an Act to Amend and Reenact Section 9, of Chapter 213, of the 1935 Session Laws, Providing That State and Municipal Officers and Employees Shall Not Lose Pay While on Duty, and Including Therein Members of the Officers Reserve Corps of the United States and 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 State Affairs.

Senate Bill No. 76. A Bill for an Act to Amend and Reenact Section 2 and Section 25 of Chapter 249 of the Session Laws of North Dakota for 1937, Relating to the Levying and Imposing of a Retail Sales Tax and the Disposition of the Funds Collected Therefrom.

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

## FIRST READING OF HOUSE BILLS

Reps. Bergesen and Williams of Richland introduced:

House Bill No. 189. A Bill for an Act Declaring it Unlawful to Drink or to Permit Drinking of Beer or Intoxicating liquors in a Public Place, 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 Temperance.

Reps. Ritter, Schauss and Schimke introduced:

House Bill No. 190. A Bill for an Act to License Certain Types of Coin Operated Devices, Including Automatic Coin Operated Vending and Amusement Machines With Premium Features, Coin Operated Skill Machines; Trade Machines, and Other Machines; Designating Penalties for the Violation of the Provisions of This Act; Defining Certain Types of Coin Operated, Skill, Trade and Other Machines; Providing for the Licensing and Distribution of the Fees Derived Therefrom, the Application for Licenses Therefor; Repealing 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.

Rep. McIntyre, (by request), introduced:

House Bill No. 191. A Bill for an Act to Amend and Reenact Chapter 267 of the Session Laws of North Dakota of 1935, Relating to the Custodian and Guide of the State Capitol Building and Grounds, and Describing the Powers, Duties, Compensation; Making an Appropriation, and Declaring an Emergency.

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

Reps. Ritter, Morland, Schauss, Page, Johnson of Cass, and Solberg introduced:

House Bill No. 192. A Bill for an Act to Amend and Reenact Section 1828 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, as Amended by Chapter 241 of the Session Laws of the State of North Dakota for the Year 1933, Relating to the Use of Native Lignite Coal in State and County Institutions and Schools, and to Provide for the Use of Native North Dakota Lignite Coal, North Dakota Native Natural Gas, and Native Oil as Fuel in Such Institutions and Schools; Defining North Dakota Native Gas and North Dakota Native Oil; 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 Ways and Means.

Reps. Schauss, Odegard, Williams of Richland introduced:

House Bill No. 193. A Bill for an Act to Amend and Reenact Section 869 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 and Election Privileges.

Rep. Knutson requested that the House be on the Seventh Order of Business.

Rep. Knutson moved the re-introduction of House Bill No. 188 on which the name of Adam was added as co-introducer with Rep. Knutson.

## MESSAGE TO THE SENATE

House of Representatives,
Bismarck, February 1, 1939.

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

House Bill No. 48. A Bill for an Act to Amend and Reenact Section 6073 of the Supplement to the 1913 Compiled Laws of North Dakota, as Amended by Chapter 159, Session Laws of 1935, Defining Usury.

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

MINNIE D. CRAIG, Chief Clerk.

## GENERAL ORDERS

Rep. Schauss moved that the House resolve itself into a Committee of the Whole for the consideration of general orders; which motion prevailed, and the House resolved itself into a Committee of the Whole.

The Speaker called Rep. Schauss to the chair.

When the committee arose it submitted the following report:

Mr. Speaker: The Committee of the Whole have had under consideration House Bill No. 120.

On page 2, section 2, strike out all of line Nine following the word "times." Strike out line ten, eleven, twelve and thirteen, up to the word "kept" and insert in lieu thereof the following: "Any door or other opening between a cream station room and any other room used for the storing or handling oil of any kind, hides, furs, meats, fruits, vegetables, grain, poultry, or other dust or odor producing articles must be tightly fitted and kept closed at all times.

Strike out all of Section 5.

Renumber Sections 6, 7 and 8.

And recommend the same for indefinite postponement.

House Bill No. 125.

On page two (2) of the printed bill, after the word "elsewhere" in line fourteen (14), insert the following paragraph: "PROVIDED FURTHER, That should a husband desert his wife within one year after such marriage, in such case the wife may reacquire such residence as she had in this State at the time of her marriage."

And recommend the adoption of the amendments of the Standing Committee.

And the further amendment:

In line 1 of the title of the printed bill following the words "sub-sections 1," strike out the word "and" and insert in lieu thereof the following "of chapter 97 of Session Laws of 1933, and sub-section."

And when so amended recommend the same do pass.

House Bill No. 111.

On page 4, section 7, line 3 strike out "$500.00" and insert in lieu thereof "$50.00."

On page 4, section 7, line 4 strike out "$1,000.00" and insert in lieu thereof "$500.00."

And recommend the adoption of the amendments of the Standing Committee.

And when so amended recommend the same do pass.

GUS A. SCHAUSS, Chairman, Committee of the Whole.

Rep. Nelson of Cass moved the adoption of the report of the Committee of the Whole, which motion prevailed.

Rep. Hofstrand requested an extension of time be granted on House Bill No. 100.

Rep. Scholl moved that the House do now recess until 1:00 P. M. tomorrow, which motion prevailed, and the House recessed.

MINNIE D. CRAIG, Chief Clerk.

## THIRTIETH DAY AFTER RECESS AND THIRTY-FIRST DAY

Bismarck, February 2, 1939.

The House convened at 1:00 P. M., pursuant to recess, Speaker Hagen presiding.

The Speaker announced that the House would be on the Tenth Order of Business.

### FIRST READING OF HOUSE BILLS

Reps. Jensen and Page introduced:

House Bill No. 194. 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, 1938. Permitting Payments in Ten 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 first time and referred to the Committee on Taxes and Tax Laws.

Reps. Johnson of Cass, Nelson of Dickey, and Mittag introduced:

House Bill No. 195. A Bill for an Act Providing that the State Board of Higher Education Created and Established by an Initiated Act Submitted to the Electors and Approved June 28, A. D. 1938, Shall be and Hereby is Vested With all the Rights, Powers, Duties, Obligations and Perogatives Heretofore Vested in the Board of Administration, as to Vocational Education, Vocational Rehabilitation, and of the Extension Division of the North Dakota Agricultural College.

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

Reps. Anderson of Benson, Adam and Joiner introduced:

House Bill No. 196. A Bill for an Act Declaring a Suspension of Highway, Road and Bridge Construction until July 1, 1941; Limiting Expenditures for Maintenance During Said Period; Providing Exceptions to Such Suspension in Cases Where Contracts are in Force at the time of the Passage and Approval of This Act, and in the Case of Federal Grants; and Prohibiting the Levying of Taxes by Counties and Townships for Highway, Road and Bridge Construction During the Said Period of Suspension; and Providing that any Balance of all Funds Arising From the Proceeds of Motor Vehicle Registration Fees and Licenses and Motor Fuel Taxes Remaining Unexpended and Alloted to or Retained by any

County or by the State Shall be Paid into the General Funds of the County and of the State.

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

## HOUSE COMMITTEE ON ENROLLMENT AND ENGROSSMENT

Mr. Speaker: Your Committeement on Enrollment and Engrossment respectfully report that they have examined the following bills and find the same correctly Enrolled:

House Concurrent Resolution No. 83. Memorializing Congress to Make Appropriation for WPA Purposes and That Congress Do Not Enact Any Law Curtailing WPA Activities.

House Concurrent Resolution I.

OLAF OSTGULEN, Chairman.

Representative Ostgulen moved that the report be adopted, which motion prevailed, and the report was adopted.

## REPORT OF STANDING COMMITTEE

The Committee on Enrollment and Engrossment respectfully reports that:

House Concurrent Resolution No. 114. Relating to Employment of Women in Paid Work.

House Concurrent Resolution No. 135. Relating to Sending Money to Washington for the Use of the Bank of North Dakota.

Were delivered to the Secretary of State for his approval at the hour of 2:35 P. M. o'clock, February 1, 1939.

OLAF OSTGULEN, Chairman.

## SIGNING OF BILLS

The Chief Clerk announced that the Speaker was about to sign:

House Resolution No. I.

House Concurrent Resolution No. 83. Memorializing Congress to Make Appropriation for WPA Purposes and That Congress Do Not Enact Any Law Curtailing WPA Activities.

And the Speaker signed the same in the presence of the House.

## FIRST READING OF HOUSE BILLS

Reps. Schmidt of McHenry and Sticka introduced:

House Bill No. 197. A Bill for an Act Creating the North Dakota Traffic Safety Department, Providing for the Appointment of a Superintendent of Highway Safety and Highway Safety Police, Prescribing Their Duties and Compensation, Providing the Appropriation for the Expense Thereof, Providing for Penalties for Violation of This Act, Abolishing the Present Division of Highway Safety and Police Patrol, Transferring the Driver's License Bureau, and for Repeal of all Conflicting Acts.

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

## HOUSE COMMITTEE ON ENROLLMENT AND ENGROSSMENT

Mr. Speaker: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bills and find the same correctly engrossed:

House Bill No. 125. A Bill for an Act Amending and Re-

enacting Sub-section 1 of Chapter 97 of the Session Laws of 1933 and Sub-section 4 of Section 4 of Chapter 97 of the Session Laws of 1933, as Amended by Chapter 119 of the Session Laws of 1935; Providing the Loss of Residence Upon Moving to Another State and Declaring an Emergency.

House Bill No. 73. A Bill for an Act Validating, Ratifying and Confirming Warrants, and Other Instruments or Obligations Evidencing or Representing Indebtedness, or Evidencing or Representing the Borrowing of Money, or Evidencing or Representing a Charge, Lien or Encumbrance on Specific Revenues of Any County Heretofore Issued and Levies Heretofore Made by Boards of County Commissioners in any County of This State for the Purpose of Financing Poor Relief, Under the Conditions Specified in This Act, and Validating All Proceedings Heretofore Taken by Any Board of County Commissioners in Connection With the Issuance of Emergency Poor Fund Warrants and the Making of Emergency Poor Relief Levies Under the Provisions of Chapter 98, Laws of 1933, as Amended by Chapter 120, Laws of 1935, or Under Any Assumed, Implied or Purported Authority of Said Statutes.

House Bill No. 111. A Bill for an Act to Amend and Reenact Chapter 3 of the Session Laws of 1933; Defining Unfair Discrimination in the Purchase of Certain Farm Products; Prohibiting Such Discrimination; Providing a Penalty Therefor; and Repealing Acts in Conflict Herewith; and Declaring an Emergency.

OLAF OSTGULEN, Chairman.

Rep. Ostgulen moved that the report be adopted, which motion prevailed, and the report was adopted.

## REPORT OF STANDING COMMITTEE

Mr. Speaker: Your Committee on Counties to whom was referred:

Senate Bill No. 50. A Bill for an Act to Amend and Reenact Sections 1 and 13 of Chapter 92 of the Session Laws of 1933, Providing for the Consolidation of Counties and Parts of Counties, the Petition Therefor, and the Liabilities and Debts of Counties Affected; and Repealing All Acts in Conflict Herewith.

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

In Section 1 on line 4 strike out the figures "20%" and insert in lieu thereof "30."

And when so amended recommend the same do pass.

JOHN BILLIGMEIER, Chairman.

Rep. Targie Trydahl 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. Speaker: Your Committee on Taxes and Tax Laws to whom was referred Senate Concurrent Resolution No. 64, have had the same under consideration and recommend that the same be adopted.

N. P. JENSEN, Chairman.

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

The Committee on Judiciary made the following report:

Mr. Speaker: Your Committee on Judiciary to whom was referred:

House Bill No. 124. A Bill for an Act Providing a Two-Year Period of Redemption Upon All Real Estate Foreclosures; Repealing Laws in Conflict Herewith, and Declaring an Emergency.

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

J. M. ANDERSON, Chairman.

Rep. Anderson of Benson moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Public Welfare to whom was referred House Bill No. 152, have had the same under consideration and recommend that the same do pass.

BERNT ANDERSON, Chairman.

Rep. Bergesen moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Public Welfare to whom was referred House Bill No. 153, have had the same under consideration and recommend that the same do pass.

BERNT ANDERSON, Chairman.

Rep. Rohde 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. Speaker: Your Committee on Taxes and Tax Laws to whom was referred:

House Bill No. 165. A Bill for an Act Providing for the Appointment, by the Board of County Commissioners of Any County, of a Special Collector of Personal Property Taxes; Providing for the Bonding of Such Collector; Prescribing His Duties. Authority and Compensation; and Declaring an Emergency.

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

N. P. JENSEN, Chairman.

Rep. Arneson of Ramsey moved that the report be adopted, which motion prevailed and the report was adopted.

Rep. Scholl moved that the vote by which House Bill No. 120 was indefinitely postponed be reconsidered, which motion prevailed.

Rep. Scholl moved that House Bill No. 120 be re-referred to the Committee on Agriculture, which motion prevailed.

Rep. Knutson moved that the vote by which House Bill No. 50 was indefinitely postponed be reconsidered, which motion prevailed.

Rep. Knutson moved that House Bill No. 50 be re-referred to the Committee on State Affairs, which motion prevailed.

Rep. Gray requested an extension of time on House Bill No. 65, which request was granted.

Rep. Anfinson requested an extension of time on House Bill No. 117, which request was granted.

Rep. Anderson of Benson moved that the vote by which House Bill No. 124 was indefinitely postponed be reconsidered, which motion prevailed.

Rep. Anderson of Benson moved that House Bill No. 124 be re-referred to the Judiciary Committee, which motion prevailed.

## REPORT OF STANDING COMMITTEE

The Committee on Enrollment and Engrossment respectfully reports that:

House Resolution "I."

Was delivered to the Secretary of State at the hour of 1:30 o'clock, February 2, 1939.

OLAF OSTGULEN, Chairman.

Communications were received from eighty-four citizens of Traill County supporting House Bill No. 87 pertaining to the use of hunting dogs; from the Farmers Union Local No. 600 of Watford City favoring the sale of gasoline for agricultural purposes without payment of gas tax which amount would be deducted at the time of purchase, also favoring the amendment of our laws so that tractor fuels of grade and quality equal to that sold in the State of Montana may be sold in North Dakota. A communication from Congressman William Lemke acknowledging receipt of House Concurrent Resolution No. 80 petitioning the Postmaster General to issue a stamp commemorating the fiftieth anniversary of statehood was read.

## FIRST READING OF HOUSE BILLS

Reps. Ritter, Billigmeier and Haag introduced:

House Bill No. 198. A Bill for an Act Imposing a Tax Upon Theatre and Entertainment Tickets to be Applied to the Old Age Assistance Fund; to Provide for the Collection of Such Tax; Requiring Reports; Naming Exemptions; Establishing a Lien for the Payment of Such Tax; Fixing Fines and Penalties for Violations; Repealing Laws in Conflict Herewith and Declaring an Emergency.

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

Reps. Bergesen and Gray introduced:

House Bill No. 199. A Bill for an Act Providing for the Establishment and Government of a Correctional Institution, to be Known as the North Dakota State Farm, Providing for the Commitment and Transfer of Prisoners Thereto, and Their Care and Supervision Therein; Making an Appropriation for the Establishment and Maintenance of Said Institution; Repealing All Acts or Parts of Acts in Conflict Herewith.

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

Rep. Lange moved that the absent members be excused, which motion prevailed.

Rep. Anderson of Benson moved that the House do now adjourn, which motion prevailed.

## THIRTY-FIRST DAY

Bismarck, February 2, 1939.

The House assembled at 2:00 P. M., pursuant to adjournment, Speaker Hagen presiding.

Prayer by Rev. E. L. Jackson, Bismarck.

Roll Call: All Representatives present except Fuglestad, Larson, Ritter, Sand, Twichell.

So a quorum was declared present.

## STANDING COMMITTEE REPORT

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

Mr. Speaker: Your Committee on Revision and Correction of the Journal have carefully examined the Journal of the Thirtieth day and recommend that the same be corrected as follows:

Page 369, 5th line, insert "Rep. Hofstrand requested." Strike out the word "was" and insert the word "be" in the same line.

Page 369, insert under line four "Rep. Nelson of Cass moved the adoption of the report of the Committee of the Whole, which motion prevailed."

On page 340 insert following House Concurrent Resolution 114 the following:

House Concurrent Resolution No. 135. A Concurrent Resolution Petitioning the United States Secretary of Agriculture to Favorably Interpret, or the Congress of the United States to Amend the Soil Conservation and Domestic Allotment Act.

On page 338, insert between second and third paragraphs from the bottom of the page the following:

## REPORT OF STANDING COMMITTEE

The Committee on Enrollment and Engrossment respectfully reports that House Bill No. 1 was delivered to the Governor for his approval at the hour of 3:15 P. M., Jan. 30, 1939.

OLAF OSTGULEN, Chairman.

Representative Ostgulen moved that the report be adopted, which motion prevailed, and the report was adopted.

On page 368, 5 paragraphs from the bottom, the paragraph should read as follows: "In line 1 of the title of the printed bill following the words 'sub-section 1' strike out the word 'and' and insert in lieu thereof the following 'of Chapter 97 of the Session Laws of 1933, and sub-section'."

And when so corrected recommend that the same be approved.

REP. GLAS, Chairman.

Rep. Knutson moved that the report be adopted, which motion prevailed and the report was adopted.

## MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, February 2, 1939.

Mr. Speaker: I have the honor to transmit:

Senate Concurrent Resolution No. 67. A Concurrent Resolution Requesting Congress to Enact Legislation Permitting Payment of Seed Loans Bushel for Bushel.

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

WM. J. LOWE, Secretary.

## MESSAGE TO THE SENATE

House of Representatives,
Bismarck, February 2, 1939.

Mr. President: I have the honor to transmit:

House Bill No. 25. A Bill for an Act Making an Appro-

priation for the Purpose of Refunding Money Erroneously Paid Into or Credited to the General Fund.

House Bill No. 27. 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.

House Bill No. 29. A Bill for an Act Making an Appropriation for the North Dakota Soldiers' Home at Lisbon, North Dakota; Providing for Reports and Deductions.

House Bill No. 30. A Bill for an Act Making an Appropriation to Provide Funds for the Arrest and Return of Fugitives from Justice as Provided by Section 11162, Compiled Laws of 1913, as Amended and Re-enacted by Chapter 160, Laws of 1915, the same being Section 11162 of the Supplement to the 1913 Compiled Laws of North Dakota.

House Bill No. 34. A Bill for an Act Making an Appropriation for Inquest and Burial of Penal Inmates, Headstones for Soldiers and Sailors, Actions to Release Insane, and List of New Taxable Lands.

House Bill No. 101. A Bill for an Act to Amend and Reenact Chapter 137, Session Laws of 1931, Relating to Filling of Vacancies of Elective County Officers, Superintendent of Schools and County Commissioners on the No-Party Ballot.

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

Mr. President: I have the honor to return:

Senate Bill No. 49. A Bill for an Act to Amend and Reenact Chapter 245 of the Session Laws of 1937. An Act to Encourage and Promote the Payment of Taxes by Providing for a Rebate on Prepayments.

Which the House has amended.

Mr. President: I have the honor to return:

Senate Concurrent Resolution No. 42. Re-establishing and Rehabilitating the Foundation Herds of Livestock for the Farmers and Ranchers of the State of North Dakota.

Senate Concurrent Resolution No. 44. Memorializing Congress to Make Credit Immediately Available to Finance Wheat Crop Insurance.

Senate Bill No. 22. A Bill for an Act to Amend and Reenact Chapter 220 of the Session Laws of 1929 Relating to the Distribution of Seeds and Seedlings by the State Forester, and Declaring an Emergency.

Which the Speaker has signed.

Mr. President: I have the honor to transmit:

House Concurrent Resolution No. 83. Memorializing Congress to Make Appropriation for WPA Purposes and That Congress Do Not Enact Any Law Curtailing WPA Activities.

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

MINNIE D. CRAIG, Chief Clerk.

## FIRST READING OF HOUSE BILLS

Rep. Olaf Ostgulen introduced:

House Bill No. 200. A Bill for an Act to Amend and Reenact Chapter 59 of the Laws of North Dakota for 1917, as Amended by Chapter 220, Laws of 1919, as Amended by Chapter 298 of the Laws of 1923 (Being Section 2122A of

the 1925 Supplement) as Amended by That Initiated Measure Reducing Assessed Valuation Approved by the People on June 29, 1932; Classifying Property for Purposes of Assessment; Repealing Acts in Conflict Herewith; Saving Clause, and Declaring an Emergency.

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

Rep. Stone introduced:

House Bill No. 201. A Bill for an Act to Amend Section 2, Chapter 4 of the 1937 Session Laws of North Dakota to Establish a Sub-grade of Grade Two Cream; to Establish Equitable Deferentials Between Sub-grade and Grade Two Cream, and Declaring an Emergency.

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

The Delayed Bills Committee introduced:

House Bill No. 202. A Bill for an Act Authorizing and Directing the State Board of Administration, or Its Successor in Authority, to Engage in the Manufacture of Shoes and Other Leather Goods at the State Training School for Use at State Institutions; Making an Appropriation and Declaring an Emergency.

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

The Delayed Bills Committee introduced:

House Bill No. 203. A Bill for an Act Authorizing the State Board of Administration to Engage in the Tanning of Hides at the State Penitentiary, to be Used in the Manufacture of Shoes and Leather Goods for Consumption at State Institutions; Making an Appropriation Therefor and Declaring an Emergency.

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

State of North Dakota
OFFICE OF THE GOVERNOR
Bismarck, January 28, 1939.

To the House of Representatives of the
State of North Dakota:

This is to notify you that I have to-day approved and filed with the Secretary of State:

House Bill No. 51. A Bill for an Act to Repeal Chapter 217 of the Session Laws of the State of North Dakota for 1935, Relating to the State Planning Board.

Sincerely,
JOHN MOSES, Governor.

State of North Dakota
OFFICE OF THE GOVERNOR
Bismarck, January 30, 1939.

To the House of Representatives of the
State of North Dakota:

This is to notify you that I have to-day approved and filed with the Secretary of State:

House Bill No. 56. A Bill for an Act to Amend and Reenact Sections 4262 and 4263 of the Compiled Laws of 1913 as Relating to Irrigation and Conservation of Water, Authorizing Submission to the Voters of Organized Townships the Question of Irrigation and Conservation of Water by Build-

ing Dams, Dugouts, Creating Ponds or Reservoirs on Creeks or Coulees, and Other Improvements in Connection Therewith, and Authorizing a Levy Therefore; Declaring an Emergency.

Sincerely,
JOHN MOSES, Governor.

State of North Dakota
OFFICE OF THE GOVERNOR
Bismarck, February 1, 1939.

To the House of Representatives of the
State of North Dakota:

This is to notify you that I have to-day approved and filed with the Secretary of State:

House Bill No. 1. A Bill for an Act to Repeal Chapter 138 of the Session Laws of the State of North Dakota for the Year 1929, Creating the Office of Grain Storage Commissioner, and Declaring an Emergency.

Sincerely,
JOHN MOSES, Governor.

## SECOND READING OF HOUSE BILLS

House Bill No. 125. A Bill for an Act Amending and Reenacting Sub-sections 1 and 4, of Section 4, of Chapter 97, of the Session Laws of 1933, as Amended by Chapter 119 of the Session Laws of 1935; Providing the Loss of Residence Upon Moving to Another State, 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, 107; nays, 0; absent and not voting, 4.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Heckman | Rait |
| Anderson, Benson | Hofstrand | Rettke |
| Anderson,M'K'nzie | Holm | Ritter |
| Anfinson | Holthusen | Rohde |
| Arneson, Nelson | Huitstrand | Sand |
| Arneson, Ramsey | Ireland | Saumur |
| Beede | Ista | Schmidt, McHenry |
| Belzer | Jensen | Schmidt, Sheridan |
| Benno | Johnson, Cass | Schimke |
| Bergesen | Johnson, LaMoure | Scholl |
| Billigmeier | Joiner | Schwartz |
| Bingenheimer | Keller | Sellens |
| Blair | Kluver | Semerad |
| Bolmeier | Lange | Severson |
| Boulden | Levin | Sharpe |
| Braun, McLean | Lunde | Shure |
| Braun, Stark | McInnes | Singleton |
| Brown | McIntee | Skartvedt |
| Buchholz | McIntyre | Solberg |
| Byrne | Myers | Sticka |
| Crockett | Mittag | Stone |
| Culver | Mollet | Stormon |
| Dalzell | Moe | Symington |
| Dike | Morland | Thompson,Burl'gh |
| Dittmer | Nelson, Cass | Thompson, Steele |

| | | |
|---|---|---|
| Erickson | Nelson, Dickey | Trydahl |
| Feton | Nelson, Steele | Tuff |
| Fitch | Nystrom | Twichell |
| Fletcher | O'Brien | Urschel |
| Fraser | Odegard | Wambheim |
| Gainor | Oglesby | Westby |
| Glas | Ostgulen | Williams,Richland |
| Gray | Page | Williams,Stutsm'n |
| Haag | Panko | Wolf |
| Halvorson | Peterson,Bottineau | Mr. Speaker |
| Haugland | Peterson, Ransom | |

Absent and not voting:

| | | |
|---|---|---|
| Fuglestad | Larson | Schauss |
| Knutson | | |

So the bill passed and the title was agreed to.

Emergency Clause declared carried.

House Bill No. 111. A Bill for an Act to Amend and Reenact Chapter 3 of the Session Laws of 1933; Defining Unfair Discrimination in the Purchase of Certain Farm Products; Prohibiting Such Discrimination; Providing a Penalty Therefor; and 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, as amended, the roll was called and there were ayes, 102; nays, 4; absent and not voting, 5.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Heckman | Peterson, Ransom |
| Anderson, Benson | Hofstrand | Rait |
| Anderson,M'K'nzie | Holm | Rettke |
| Anfinson | Holthusen | Rohde |
| Arneson, Nelson | Hultstrand | Saumur |
| Arneson, Ramsey | Ireland | Schauss |
| Beede | Ista | Schmidt, McHenry |
| Belzer | Jensen | Schmidt, Sheridan |
| Bergesen | Johnson, Cass | Schimke |
| Billigmeier | Johnson, LaMoure | Scholl |
| Bingenheimer | Joiner | Schwartz |
| Bolmeier | Keller | Sellens |
| Boulden | Lange | Semerad |
| Braun, McLean | Levin | Severson |
| Braun, Stark | Lunde | Sharpe |
| Brown | McInnes | Shure |
| Buchholz | McIntee | Singleton |
| Byrne | McIntyre | Skartvedt |
| Crockett | Myers | Solberg |
| Culver | Mittag | Sticka |
| Dalzell | Mollet | Stone |
| Dike | Moe | Stormon |
| Dittmer | Morland | Symington |
| Erickson | Nelson, Cass | Thompson, Steele |
| Feton | Nelson, Dickey | Trydahl |
| Fitch | Nelson, Steele | Tuff |
| Fletcher | Nystrom | Twichell |
| Fraser | O'Brien | Urschel |
| Gainor | Odegard | Wambheim |

| | | |
|---|---|---|
| Glas | Oglesby | Westby |
| Gray | Ostgulen | Williams,Richland |
| Haag | Page | Williams,Stutsm'n |
| Halvorson | Panko | Wolf |
| Haugland | Peterson,Bottineau | Mr. Speaker |

Those voting in the negative were:

| | | |
|---|---|---|
| Benno | Kluver | Thompson,Burl'gh |
| Blair | | |

Absent and not voting:

| | | |
|---|---|---|
| Fuglestad | Larson | Sand |
| Knutson | Ritter | |

So the bill passed and the title was agreed to and the Emergency Clause declared carried.

Rep. Lange moved that the vote by which House Bill No. 111 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Rep. Anderson of Benson asked unanimous consent to amend House Bill No. 142, which consent was granted and the following amendment was moved and seconded:

Correct the spelling of the word "competitive" appearing on the original bill in line 16, section 1, and in lines 15 and 16, section 2.

Rep. Beede moved that the rules be suspended and that House Bill No. 142 be considered properly re-engrossed, placed on second reading and final passage, which motion prevailed.

House Bill No. 142. A Bill for an Act Authorizing the State and Counties to Exchange Tracts of State and County Lands Within Indian Reservations of This State, for Tracts of Lands Owned by the United States Government, Providing for Appraisals, Execution of Conveyances, 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, 105; nays, 1; absent and not voting, 5.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Heckman | Rait |
| Anderson, Benson | Hofstrand | Rettke |
| Anderson,M'K'nzie | Holm | Ritter |
| Anfinson | Holthusen | Rohde |
| Arneson, Nelson | Hultstrand | Saumur |
| Arneson, Ramsey | Ireland | Schauss |
| Beede | Ista | Schmidt, McHenry |
| Belzer | Jensen | Schmidt, Sheridan |
| Benno | Johnson, Cass | Schimke |
| Bergesen | Johnson, LaMoure | Scholl |
| Billigmeier | Joiner | Schwartz |
| Bingenheimer | Keller | Sellens |
| Blair | Kluver | Semerad |
| Bolmeier | Levin | Severson |
| Boulden | Lunde | Sharpe |
| Braun, McLean | McInnes | Shure |
| Braun, Stark | McIntee | Singleton |
| Brown | McIntyre | Skartvedt |
| Buchholz | Myers | Solberg |

| | | |
|---|---|---|
| Byrne | Mittag | Sticka |
| Crockett | Mollet | Stone |
| Culver | Moe | Stormon |
| Dalzell | Morland | Symington |
| Dike | Nelson, Cass | Thompson,Burl'gh |
| Dittmer | Nelson, Dickey | Thompson, Steele |
| Feton | Nelson, Steele | Trydahl |
| Fitch | Nystrom | Tuff |
| Fletcher | O'Brien | Twichell |
| Fraser | Odegard | Urschel |
| Gainor | Oglesby | Wambheim |
| Glas | Ostgulen | Westby |
| Gray | Page | Williams,Richland |
| Haag | Panko | Williams,Stutsm'n |
| Halvorson | Peterson,Bottineau | Wolf |
| Haugland | Peterson, Ransom | Mr. Speaker |

Those voting in the negative were:
Lange

Absent and not voting:

| | | |
|---|---|---|
| Erickson | Knutson | Sand |
| Fuglestad | Larson | |

So the bill passed and the title was agreed to.

Rep. Byrne requested unanimous consent to amend House Bill No. 147, which request was granted and the following amendment was moved and seconded:

In line 1 of the printed bill preceding the word "Exclusive" insert the words "Section 1."

Rep. O'Brien moved that the rules be suspended and that House Bill No. 147 be considered properly re-engrossed, placed on second reading and final passage, which motion prevailed.

House Bill No. 147. A Bill for an Act Ceding to the United States Exclusive Jurisdiction Over Certain Lands in Burleigh County Which are Parts of the Fort Lincoln Military Reservation.

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, 106; nays, 0; absent and not voting, 5.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Heckman | Peterson, Ransom |
| Anderson, Benson | Hofstrand | Rait |
| Anderson,M'K'nzie | Holm | Rettke |
| Anfinson | Holthusen | Ritter |
| Arneson, Nelson | Hultstrand | Rohde |
| Arneson, Ramsey | Ireland | Schauss |
| Beede | Ista | Schmidt, McHenry |
| Belzer | Jensen | Schmidt, Sheridan |
| Benno | Johnson, Cass | Schimke |
| Bergesen | Johnson, LaMoure | Scholl |
| Billigmeier | Joiner | Schwartz |
| Bingenheimer | Keller | Sellens |
| Blair | Kluver | Semerad |
| Bolmeier | Lange | Severson |
| Boulden | Levin | Sharpe |

| | | |
|---|---|---|
| Braun, McLean | Lunde | Shure |
| Braun, Stark | McInnes | Singleton |
| Brown | McIntee | Skartvedt |
| Buchholz | McIntyre | Solberg |
| Byrne | Myers | Sticka |
| Crockett | Mittag | Stone |
| Culver | Mollet | Stormon |
| Dalzell | Moe | Symington |
| Dike | Morland | Thompson,Burl'gh |
| Dittmer | Nelson, Cass | Thompson, Steele |
| Erickson | Nelson, Dickey | Trydahl |
| Feton | Nelson, Steele | Tuff |
| Fitch | Nystrom | Twichell |
| Fletcher | O'Brien | Urschel |
| Fraser | Odegard | Wambheim |
| Gainor | Oglesby | Westby |
| Glas | Ostgulen | Williams,Richland |
| Gray | Page | Williams,Stutsm'n |
| Haag | Panko | Wolf |
| Halvorson | Peterson,Bottineau | Mr. Speaker |
| Haugland | | |

Absent and not voting:

| | | |
|---|---|---|
| Fuglestad | Larson | Saumur |
| Knutson | Sand | |

So the bill passed and the title was agreed to.

Senate Concurrent Resolution No. 67, requesting Congress to enact legislation permitting payment of seed loans bushel for bushel, was read.

Rep. Twichell moved that Senate Concurrent Resolution No. 67 be referred to the proper committee, which motion prevailed.

The Speaker referred Senate Concurrent Resolution No. 67 to the Committee on Agriculture.

The House reverted to the Fifth Order of Business.

The Committee on Judiciary made the following report:

Mr. Speaker: Your Committee on Judiciary to whom was referred:

House Bill No. 133. A Bill for an Act to Provide That Judgments Not Renewed or Extended of Record Within Ten Years Shall be Discharged From the Public Record; and Declaring an Emergency.

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

J. M. ANDERSON, Chairman.

Rep. Keller moved that the report be adopted, which motion prevailed and the report was adopted.

## GENERAL ORDERS

Rep. Page moved that the House resolve itself into a Committee of the Whole for the consideration of general orders; which motion prevailed, and the House resolved itself into a Committee of the Whole.

The Speaker called Rep. Page to the chair.

When the Committee arose it submitted the following report:

Mr. Speaker: The Committee of the Whole have had under consideration:

House Bill No. 113.

For an Act Requiring Boards of County Commissioners or Any Other Public Boards Administering Poor Relief to Give Equal Consideration to Legally Licensed Practitioners of Medicine, Osteopathy, Chiropractic, Dentistry, Optometry, and Any Other Legally Licensed Practitioner, 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.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. In all cases in which the Board of County Commissioners or any other public board administering poor relief and receiving any portion of its funds from the State, are required by law to provide the assistance of a physician or other health service to indigent persons, such assistance shall be furnished by any legally licensed practitioner of medicine, Osteopathy, chiropractic, dentistry, optometry, or any other legally licensed practitioner in the State of North Dakota as may be requested by such indigent persons, provided that any such practitioner shall furnish such assistance within a reasonable distance of said indigent persons as determined by said board.

SECTION 2. Hospitalization shall also be furnished such indigent persons if, in the discretion of his practitioner, hospitalization is necessary.

SECTION 3. REPEAL.) All Acts or parts of Acts in conflict herewith are hereby repealed.

SECTION 4. 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 recommend the same be re-referred to the Committee on Public Welfare.

House Concurrent Resolution No. 132.

On page 2, line 36 insert after the word "only" the words "to the United States Government."

And recommend the adoption of the amendments of the Standing Committee.

And when so amended recommend the same do pass.

FRANKLIN PAGE,
Chairman of the Committee of the Whole.

Rep. Crockett moved that the report of the Committee of the Whole be adopted, which motion prevailed.

Rep. Lange moved that the House do now recess until 1:30 P. M., tomorrow, which motion prevailed and the House stood recessed.

MINNIE D. CRAIG, Chief Clerk.

## THIRTY-FIRST DAY AFTER RECESS AND THIRTY-SECOND DAY

Bismarck, February 3, 1939.

The House convened at 1:30 P. M., pursuant to recess, Speaker Hagen presiding.

State of North Dakota
OFFICE OF THE GOVERNOR

Bismarck, February 2, 1939.

To the House of Representatives of the
State of North Dakota:

This is to notify you that I have to-day approved and filed with the Secretary of State:

House Bill No. 53. A Bill for an Act Amending and Reenacting Section 2, of Chapter 252, of the Session Laws of 1937, Providing for the Allowance of a Portion of the Cost of Planting and Growing Forest Trees as a Bounty Therefor, and Prescribing Duties of the Assessors in Connection Therewith; Repealing All Acts in Conflict Therewith; and Declaring an Emergency.

JOHN MOSES, Governor.

The Speaker announced that the House would be on the Fifth Order of Business.

### HOUSE COMMITTEE ON ENROLLMENT AND ENGROSSMENT

Mr. Speaker: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bills and find the same correctly engrossed:

House Bill No. 142. A Bill for an Act Authorizing the State and Counties to Exchange Tracts of State and County Lands Within Indian Reservations of This State, for Tracts of Lands Owned by the United States Government, Providing for Appraisals, Execution of Conveyances, and Repealing All Acts or Parts of Acts in Conflict Therewith.

House Bill No. 147. A Bill for an Act Ceding to the United State Exclusive Jurisdiction Over Certain Lands in Burleigh County Which are Parts of the Fort Lincoln Military Reservation.

House Concurrent Resolution No. 132. A Concurrent Resolution Relating to the Enabling Act of February 22, 1889.

OLAF OSTGULEN, Chairman.

Rep. Ostgulen moved that the report be adopted, which motion prevailed, and the report was adopted.

## REPORTS OF STANDING COMMITTEES

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

House Bill No. 90. A Bill for an Act to Repeal Sections 923, 924, 925, 926, 927, and 928 of the Compiled Laws of North Dakota for the Year 1913 and Sections 927a1 and 927a2 of the 1925 Supplement to the Compiled Laws of North Dakota for the Year 1913.

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

W. M. CROCKETT, Chairman.

Rep. Alva Wambheim moved that the report be adopted, which motion prevailed and the report was adopted.

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

House Bill No. 102. A Bill for an Act Forbidding the Sale of Fermented Malt Beverages in the State of North Dakota Which Are Manufactured With Less Than Eighty Percent (80%) of Barley Malt.

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

In the heading of the bill, strike out the words and figures "eighty per cent (80%)," and insert in lieu thereof the words and figures "sixty-six and two-thirds per cent (66 2/3%)."

Strike out all of Section 5.

And when so amended recommend the same do pass.

W. M. CROCKETT, Chairman.

Rep. Palmer Levin moved that the report be adopted, which motion prevailed and the report was adopted.

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

House Bill No. 103. 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.

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

In Section 1, line 30 strike out the words "sufficient to cover" and insert in lieu thereof the words "recovery of."

In Section 1, line 38 after the word and figure "effective." and before the word "all" insert the following words "vending, service and merchandising machines shall only be permitted in public building upon payment of an adequate compensation for such privileges."

And when so amended recommend the same do pass.

W. M. CROCKETT, Chairman.

Rep. Eliott T. Knutson moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on State Affairs to whom

was referred House Bill No. 106, have had the same under consideration and recommend that the same do pass.

W. M. CROCKETT, Chairman.

Rep. Duncan Fraser moved that the report be adopted, which motion prevailed and the report was adopted.

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

House Bill No. 112. A Bill for an Act to Amend and Re-enact Section 1 of Chapter 125 of the Session Laws of 1933.

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

W. M. CROCKETT, Chairman.

Rep. Byrne moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on State Affairs to whom was referred House Bill No. 148, have had the same under consideration and recommend that the same do pass.

W. M. CROCKETT, Chairman.

Rep. Frank Fletcher moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on State Affairs to whom was referred House Bill No. 161, have had the same under consideration and recommend that the same be re-referred to the Committee on Appropriations with the approval of this committee for its passage.

W. M. CROCKETT, Chairman.

Rep. Joseph Byrne moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Public Welfare made the following report:

Mr. Speaker: Your Committee on Public Welfare to whom was referred:

House Bill No. 128. A Bill for an Act to Amend and Re-enact Chapter 123 of the 1935 Session Laws of the State of North Dakota, Being an Act to Amend and Re-enact Section 25 of Chapter 98 of the 1933 Session Laws of the State of North Dakota; Relating to Relief for the Poor; Describing the Establishment of a County Relief Board by the Board of County Commissioners, Constituting the County Commissioners in the Respective Counties to Replace the County Welfare Board; Repealing All Acts and Parts of Acts in Conflict Herewith; and Declaring an Emergency.

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

BERNT ANDERSON Chairman.

Rep. Benno moved that the report be adopted, which motion prevailed and the report was adopted.

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

Senate Concurrent Resolution No. 67. A Concurrent Resolution Requesting Congress to Enact Legislation Permitting Payment of Seed Loans Bushel for Bushel.

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

CARL H. DITTMER, Chairman.

Rep. Haugland moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Education to whom was referred:

House Bill No. 100. A Bill for an Act to Provide for the Method and Time for Renewing Contracts of Teachers, Principals and Superintendents in the Public Schools and Institutions of Higher Education in the State of North Dakota.

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

On pages 2 and 3, strike out all of Section 4 and insert the following: "Sec. 4. The teacher shall on or before the first day of May notify the school board, board of education, or state board of higher education, as the case may be, as to the acceptance or rejection of the offer. Failure on the part of the teacher to so notify the school board, board of education, or the state board of higher education shall be considered a rejection of the offer." On page 3, strike out all of Section 6. On line 55, page 3, strike out after "SEC." the number "7" and insert in lieu thereof the number "6." On line 59, page 4, strike out after "SEC." the number "8" and insert the number "7."

And when so amended no recommendation as to passage is made.

C. H. HOFSTRAND, Chairman.

Rep. Schmidt (Sheridan) moved that the report be adopted, which motion prevailed and the report was adopted.

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

House Bill No. 120. A Bill for an Act Establishing Rules and Regulations and Sanitary Conditions for Cream Buying Stations; Sanitary Requirements for Haulers of Cream; Equipment and Care of Equipment; Care of Cream Held in the Station; Care of Cream in Transit; Repealing Acts in Conflict Herewith; Providing Penalties, and Declaring an Emergency.

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

On page 2, section 2, line 9, after the word "times" strike out the balance of the line, also strike out lines 10, 11, 12, and line 13 to and including the word "kept." Also strike out lines 17, 18, 19, and 20.

Then renumber the lines in Section 2.

On page 4, section 5, strike out all of section 5.

Then renumber sections.

And when so amended recommend the same do pass.

CARL H. DITTMER, Chairman.

Rep. Haugland moved that the report be adopted, which motion prevailed and the report was adopted.

The Speaker announced that the House would be on the Tenth Order of Business.

## FIRST READING OF HOUSE BILLS

The Committee on Taxes and Tax Laws introduced:

House Bill No. 204. A Bill for an Act to Provide for Better Control and Regulation of the Sale of Alcohol, Alcoholic Beverages and Intoxicating Liquors Within the State of North Dakota; to License the Importation Thereof; to Provide for the Issuance and Cancellation of Importers' Licenses and Set

the Fees Therefor; Provide for the Disposition of Said Fees; to Provide Penalties and Declaring an Emergency.

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

Reps. Schauss and Blair introduced:

House Bill No. 205. A Bill for an Act to Amend and Re-enact Section 2 of That Certain Initiated Law Entitled, "An Act Declaring Mortgages on Growing and Unharvested Crops to Be Against the Public Policy of the State, and Abolishing the Same," Approved and Adopted by the Electors at the June 29, 1932, Primary Election; as Amended by Chapter 150 of the Session Laws of North Dakota for the Year 1933, Repealing All Acts or Parts of Acts in Conflict and Declaring an Emergency.

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

Rep. Lunde introduced:

House Bill No. 206. A Bill for an Act to Amend and Re-enact Section 1, of Chapter 246, of the Session Laws of 1931, Relating to the Establishment and Maintenance in Certain High Schools of This State of a Department of Junior College Work and Providing for Supervision Thereof and for Maintenance of Instruction by Tuition Fees.

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

Rep. Schauss introduced:

House Bill No. 207. A Bill for an Act to Amend and Re-enact Section 3756a5, of the 1925 Supplement to the Compiled Laws of the State of North Dakota for the Year 1913, Relating to Changes in Zoning Districts.

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

Rep. Schauss introduced:

House Bill No. 208. A Bill for an Act to Amend and Re-enact Section 1151 of the Compiled Laws of North Dakota for 1913, as Amended and Re-enacted by Chapter 237, of the Session Laws of 1927, and as Amended and Re-enacted by Chapter 219 of the Session Laws of 1937, Relating to the Election and Qualification of Officers of Common School Districts; Amending and Re-enacting Section 1248 of the Compiled Laws of North Dakota for 1913, Relating to the Organization of the Boards of Special School Districts; Amending and Re-enacting Section 1220, of the Compiled Laws of North Dakota for 1913, Requiring County Treasurer to Keep Accounts With Separate School Districts; Providing That the County Treasurer Shall Be Treasurer of the Common and Special School Districts in His County; Repealing Section 1254 of the Compiled Laws of North Dakota for 1913, and Section 1172, of the Compiled Laws of 1913, as Amended and Re-enacted by Chapter 241, of the Session Laws of 1927, and as Amended and Re-enacted by Chapter 226, of the Session Laws of 1933, and All Laws or Parts of Laws in Conflict Therewith.

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

Reps. Lange and Wolf introduced:

House Bill No. 209. A Bill for an Act to Regulate the

Employment of Teachers in the State Institutions of Higher Learning, and to Name the Conditions Under Which They May Hold Their Positions or May Be Discharged.

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

Rep. Morland moved that the absent members be excused, which motion prevailed.

Rep. Morland moved that the House do now adjourn, which motion prevailed, and the House adjourned.

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## THIRTY-SECOND DAY

Bismarck, February 3, 1939.

The House assembled at 2:00 P. M., pursuant to adjournment, Speaker Hagen presiding.

Prayer was offered by Rev. E. L. Jackson, Bismarck.

Roll call: All Representatives present except Fuglestad, Ista, Larson, Levin, Sand, Urschel.

So a quorum was declared present.

## MESSAGE TO THE SENATE

House of Representatives,
Bismarck, February 3, 1939.

Mr. President: I have the honor to transmit:

House Bill No. 39. A Bill for an Act Making an Appropriation to Pay the Expenses and Per Diem of Presidential Electors as Prescribed by Section 1038 of the Compiled Laws of 1913.

House Bill No. 73. A Bill for an Act Validating, Ratifying and Confirming Warrants, and Other Instruments or Obligations Evidencing or Representing Indebtedness, or Evidencing or Representing the Borrowing of Money, or Evidencing or Representing a Charge, Lien or Encumbrance on Specific Revenues of Any County Heretofore Issued and Levies Heretofore Made by Boards of County Commissioners in any County of This State for the Purpose of Financing Poor Relief, Under the Conditions Specified in This Act, and Validating All Proceedings Heretofore Taken by Any Board of County Commissioners in Connection With the Issuance of Emergency Poor Fund Warrants and the Making of Emergency Poor Relief Levies Under the Provisions of Chapter 98, Laws of 1933, as Amended by Chapter 120, Laws of 1935, or Under Any Assumed, Implied or Purported Authority of Said Statutes.

House Bill No. 111. A Bill for an Act to Amend and Reenact Chapter 3 of the Session Laws of 1933; Defining Unfair Discrimination in the Purchase of Certain Farm Products; Prohibiting Such Discrimination; Providing a Penalty Therefor; and Repealing Acts in Conflict Herewith; and Declaring an Emergency.

House Bill No. 126. A Bill for an Act to Amend and Reenact Section 336, Compiled Laws of 1913, as Amended by Chapter 177, Laws of 1925, Relating to the Leasing and Sale of School and Other Public Lands of the State, and Declaring an Emergency.

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

MINNIE D. CRAIG, Chief Clerk.

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

Mr. Speaker: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the Thirtieth Day After Recess and Thirty-first Day and recommends that the same be corrected as follows:

On page 371, in the first line, after the word "day," insert the words "after recess."

On page 375, on roll call, the second line from the bottom, Mr. Westby was listed as "absent," whereas he was "present."

And when so corrected recommend that the same be approved.

REP. GLAS, Chairman.

Rep. Bolmeier moved that the report be adopted, which motion prevailed, and the report was adopted.

Rep. Solberg moved that the communication from United States Rep. William Lemke be printed in the Journal, which motion prevailed.

CONGRESS OF THE UNITED STATES
House of Representatives
Washington, D. C.

January 30, 1939.

Minnie D. Craig,
Chief Clerk of the House,
Bismarck, N. Dak.
Dear Madame Craig:

Received House Concurrent Resolution No. 80, petitioning the Postmaster General, James A. Farley, Washington, D. C., to bring his influence to bear in uniting with us to bring about the issuance of a stamp commemorating the fiftieth anniversary of statehood.

I am this day writing to the Postmaster General urging that this petition be granted by him.

WM. LEMKE.

## REPORTS OF STANDING COMMITTEES

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

House Bill No. 136. A Bill for an Act to Curb the Theft of Livestock by Truck by Requiring Livestock Truckers to Have With the Load, Display Upon Demand of Proper Officer and File With the Sheriff of the County and the First Recipient of Such Livestock From the Trucker, a Certificate Giving Information Relative to Such Livestock.

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

CARL H. DITTMER,

Rep. Schwartz moved that the report be adopted, which motion prevailed, and the report was adopted.

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

House Bill No. 141. A Bill for an Act Appropriating money To Be Expended by the Commissioner of Agriculture and Labor in the Interest of Securing the Enactment by Congress of Measures Establishing Parity Prices for Farm Products.

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

CARL H. DITTMER,

Rep. Haugland 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. Speaker: Your Committee on Taxes and Tax Laws to whom was referred House Bill No. 175, have had the same under consideration and recommend that the same do pass.

N. P. JENSEN, Chairman.

Rep. Hofstrand moved that the report be adopted, which motion prevailed, and the report was adopted.

## MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, February 3, 1939.

Mr. Speaker: I have the honor to transmit:

Senate Bill No. 69. A Bill for an Act to Amend and Reenact Section 4924, Compiled Laws of North Dakota for the Year 1913, as Amended by Chapter 79 of the Session Laws of 1921, Relating to the Taxation of Insurance Companies.

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

Mr. Speaker: I have the honor to return:

House Bill No. 89. A Bill for an Act Permitting the County Court to Make Decrees of Distribution and Close Estates Without the Payment of Real Estate Taxes Levied Upon Real Property of the Estate.

Which the Senate has indefinitely postponed.

Mr. Speaker: I have the honor to return:

House Concurrent Resolution No. 83. Memorializing Congress to Make Appropriation for WPA Purposes and That Congress Do Not Enact Any Law Curtailing WPA Activities.

Which the President has signed.

WM. J. LOWE, Secretary.

## FIRST READING OF HOUSE BILLS

Reps. Bergesen and Shure introduced:

House Bill No. 210. A Bill for an Act to Amend and Reenact Section 14, of Chapter 94, Session Laws of 1931, Providing for Investment in Shares of Building and Loan Associations by Fiduciaries, Trusts, Insurance Companies, and Banks.

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

Rep. Bergesen introduced:

House Bill No. 211. A Bill for an Act to Amend and Reenact Section 45 of Chapter 94 of the Session Laws of 1931 Relating to Building and Loan Associations and Making Provision for Appointment of Federal Savings and Loan Insurance Corporation as Receiver or Co-receiver of Associations in Liquidation Which Are Insured by Said Insurance Corporation.

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

Reps. Schauss, Schimke, and Ritter introduced:

House Bill No. 212. A Bill for an Act to Amend and Reenact Subdivision (b) of Section 3 of Chapter 221 of the

1935 Session Laws Relating to State Board of Public Welfare.

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

Reps. Schauss, Schimke and Ritter introduced:

House Bill No. 213. A Bill for an Act Directing and Requiring the Industrial Commission to Sell at Public Auction, All State, Industry, Institution, Bureau or Department Owned Automobiles Now Used or Heretofore Used for Transporting or Conveying Any Official, Officer, or Any Institution, Board, Bureau, Industry, Commission or Department Head or Employee; Directing the Attorney General to Institute the Necessary Proceedings for Securing Possession of Any Such Automobiles; Directing the Manner and Terms of Sale; Making Disposition of the Receipts Thereof, and Making it Unlawful for Any Official, Officer, or Any Institution, Board, Bureau, Industry, Commission or Department Head or Employee to Purchase Any New or Other Automobile or Automobiles Out of State or Other Public Funds; Fixing a Penalty for Violation Hereof, and Repealing All Acts in Conflict Herewith.

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

Rep. Rettke introduced:

House Bill No. 214. A Bill for an Act to Amend and Reenact Paragraph (c), Section 2 and Section 10 of Chapter 232, Session Laws of North Dakota for 1937, Defining the Term Bureau, Created in the Office of the Commissioner of Agriculture and Labor; a Division to be Known as the Unemployment Compensation Division, and Providing for the Administrative Organization Thereof; and Declaring an Emergency.

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

Reps. Knutson and Adam introduced:

House Bill No. 215. A Bill for an Act for the Regulation of Roving Handlers of Dairy Products; Establishing a Place of Business Within the State; Providing for a License; Act to be Enforced by State Dairy Commissioner; Penalties for Violation; and Declaring an Emergency.

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

Myers and Jensen introduced:

House Bill No. 216. A Bill for an Act to Amend and Reenact Section 8175 of the Compiled Laws of the State of North Dakota for 1913 Relating to Actions Against the State of North Dakota.

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

## SECOND READING OF HOUSE BILLS

House Bill No. 152. A Bill for an Act Amending and Reenacting Section 4446 of the Compiled Laws of North Dakota for 1913, as Amended by Chapter 151 of the Session Laws of 1923 Relating to the Adoption of Minor Children.

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, 104; nays, 2; absent and not voting, 5.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Heckman | Rettke |
| Anderson, Benson | Hofstrand | Ritter |
| Anderson,M'K'nzie | Holm | Rohde |
| Anfinson | Holthusen | Saumur |
| Arneson, Nelson | Ireland | Schauss |
| Arneson, Ramsey | Jensen | Schmidt, McHenry |
| Beede | Johnson, LaMoure | Schmidt, Sheridan |
| Belzer | Joiner | Schimke |
| Benno | Keller | Scholl |
| Bergesen | Kluver | Schwartz |
| Billigmeier | Knutson | Sellens |
| Bingenheimer | Lange | Semerad |
| Blair | Levin | Severson |
| Bolmeier | Lunde | Sharpe |
| Boulden | McInnes | Shure |
| Braun, McLean | McIntee | Singleton |
| Braun, Stark | McIntyre | Skartvedt |
| Brown | Myers | Solberg |
| Buchholz | Mittag | Sticka |
| Byrne | Mollet | Stone |
| Culver | Moe | Stormon |
| Dalzell | Morland | Symington |
| Dike | Nelson, Cass | Thompson,Burl'gh |
| Dittmer | Nelson, Dickey | Thompson, Steele |
| Erickson | Nelson, Steele | Trydahl |
| Feton | Nystrom | Tuff |
| Fitch | O'Brien | Twichell |
| Fletcher | Odegard | Urschel |
| Fraser | Oglesby | Wambheim |
| Gainor | Ostgulen | Westby |
| Glas | Page | Williams,Richland |
| Gray | Panko | Williams,Stutsm'n |
| Haag | Peterson,Bottineau | Wolf |
| Halvorson | Peterson, Ransom | Mr. Speaker |
| Haugland | Rait | |

Those voting in the negative were:

| | |
|---|---|
| Crockett | Hultstrand |

Absent and not voting:

| | | |
|---|---|---|
| Fuglestad | Johnson, Cass | Sand |
| Ista | Larson | |

So the bill passed and the title was agreed to.

## REPORT OF STANDING COMMITTEE

The Committee on Enrollment and Engrossment respectfully reports that:

House Concurrent Resolution No. 83. A Concurrent Resolution to Make the Full Appropriation Asked for by President Roosevelt for WPA Purposes.

Was delivered to the Secretary of State at the hour of 2:25o'clock P. M., February 3, 1939.

OLAF OSTGULEN, Chairman.

Rep. Beede asked unanimous consent to amend House Bill No. 153, which request was granted and Rep. Beede moved the following amendment, which motion was seconded.

In line 6, of the title of the printed bill, after the word "inquiry," strike out the colon and the remainder of line 6 and all of line 7.

Strike out all of Section 2.

Which motion prevailed.

Rep. Beede moved that the rules be suspended and House Bill No. 153 be considered properly re-engrossed, placed on second reading and final passage, which motion prevailed.

## SECOND READING OF HOUSE BILLS

House Bill No. 153. A Bill for an Act Amending and Reenacting Chapter 123 of the Session Laws of 1931, Authorizing the Juvenile Court to Commit to the Institution for the Feeble Minded Any Dependent, Neglected or Delinquent Child Who is Feeble Minded or Whose Mental Condition is Found a Subject for Inquiry.

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, 106; nays, 0; absent and not voting, 5.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Heckman | Rait |
| Anderson, Benson | Hofstrand | Rettke |
| Anderson,M'K'nzie | Holm | Ritter |
| Anfinson | Holthusen | Rohde |
| Arneson, Nelson | Hultstrand | Saumur |
| Arneson, Ramsey | Ireland | Schauss |
| Beede | Jensen | Schmidt, McHenry |
| Belzer | Johnson, LaMoure | Schmidt, Sheridan |
| Benno | Joiner | Schimke |
| Bergesen | Keller | Scholl |
| Billigmeier | Kluver | Schwartz |
| Bingenheimer | Knutson | Sellens |
| Blair | Lange | Semerad |
| Bolmeier | Levin | Severson |
| Boulden | Lunde | Sharpe |
| Braun, McLean | McInnes | Shure |
| Braun, Stark | McIntee | Singleton |
| Brown | McIntyre | Skartvedt |
| Buchholz | Myers | Solberg |
| Byrne | Mittag | Sticka |
| Crockett | Mollet | Stone |
| Culver | Moe | Stormon |
| Dalzell | Morland | Symington |
| Dike | Nelson, Cass | Thompson,Burl'gh |
| Dittmer | Nelson, Dickey | Thompson, Steele |
| Erickson | Nelson, Steele | Trydahl |
| Feton | Nystrom | Tuff |
| Fitch | O'Brien | Twichell |
| Fletcher | Odegard | Urschel |
| Fraser | Oglesby | Wambheim |
| Gainor | Ostgulen | Westby |
| Glas | Page | Williams,Richland |
| Gray | Panko | Williams,Stutsm'n |
| Haag | Peterson,Bottineau | Wolf |
| Halvorson | Peterson, Ransom | Mr. Speaker |
| Haugland | | |

Absent and not voting:

| | | |
|---|---|---|
| **Fuglestad** | **Johnson, Cass** | **Sand** |
| **Ista** | **Larson** | |

So the bill passed and the title was agreed to.

Rep. Twichell asked that the House be on the Seventh Order of Business and moved that House Rule No. 25 be amended so that the figures "35th" appear in lieu of the figures "25th," and the figures "40th" appear in lieu of the figures "35th," which motion prevailed.

The House reverted to the Tenth Order of Business.

## FIRST READING OF SENATE BILLS

Senate Bill No. 69. A Bill for an Act to Amend and Reenact Section 4924, Compiled Laws of North Dakota for the Year 1913, as Amended by Chapter 79 of the Session Laws of 1921, Relating to the Taxation of Insurance Companies.

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

House Concurrent Resolution No. 132. A Concurrent Resolution Relating to the Enabling Act of February 22, 1889.

Was read the second time.

Rep. Morland moved the adoption of House Concurrent Resolution No. 132, which motion prevailed.

Rep. Morland moved that the vote by which House Concurrent Resolution No. 132 was adopted be reconsidered, and the motion to reconsider be laid on the table, which motion prevailed.

## FIRST READING OF HOUSE BILLS

Rep. Byrne introduced:

House Bill No. 217. A Bill for an Act to Facilitate the Co-operation of This State With Other Units of Government and to Establish an Unpaid Commission for That Purpose, and Declaring an Emergency.

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

## GENERAL ORDERS

Rep. Crockett moved that the House resolve itself into a Committee of the Whole for the consideration of General Orders, which motion prevailed, and the House resolved itself into a Committee of the Whole.

The Speaker called Rep. Crockett to the chair.

When the committee arose it submitted the following report:

Mr. Speaker: The Committee of the Whole have had under consideration Senate Bill No. 50.

In Section 1, on line 4, strike out the figures "20%" and insert in lieu thereof "30."

And recommend the adoption of the amendments of the Standing Committee.

And the further amendments to the amendment of the Standing Committee:

In Section 1, line 4, strike out the word "twenty" and insert in lieu thereof the word "thirty," and strike out the figures "20%" and insert in lieu thereof the figures "30%."

And when so amended recommend the same do pass.
W. M. CROCKETT, Chm., Committee of the Whole.

Rep. Anderson of Benson moved the adoption of the report of the Committee of the Whole, which motion prevailed.

## FIRST READING OF HOUSE BILLS

Reps. Schauss, Schimke, Ritter, and Fitch introduced:

House Bill No. 218. A Bill for an Act to Provide for the Regulation and Licensing of Horse Racing in the State of North Dakota; to Legalize and Permit the Parimutuel or Certificate Method of Wagering on the Results of Horse Races at Licensed Racing Meetings in Said State for the Purpose of Assisting in Raising Funds for the Promotion of the Agricultural, Livestock and Fair Exposition Conducted by the State and Counties of North Dakota, and Authorizing Such Fairs and Exposition to Permit the Wagering Upon the Results of Horse Races Through the Pari-Mutuel or Certificate Method; and to Render Inapplicable Certain Acts in Conflict Hereof, and Declaring an Emergency.

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

A communication was received from fifty-five sportsmen of Minot protesting against the passage of a law permitting the use of hunting dogs.

Rep. O'Brien moved that the Speaker appoint a committee of three to meet with a like committee of the Senate to arrange a memorial service program in honor of deceased members of past legislative assemblies to be held on February 22nd, which motion prevailed, and the Speaker appointed Representatives O'Brien, Anderson of Benson, and Beede on that committee.

Rep. Crockett moved that the House do now recess until 1:30 P. M., tomorrow, which motion prevailed, and the House recessed.

MINNIE D. CRAIG, Chief Clerk.

## THIRTY-SECOND DAY AFTER RECESS AND THIRTY-THIRD DAY

Bismarck, February 4, 1939.

The House convened at 1:30 P. M., pursuant to recess, Speaker Hagen presiding.

The Speaker announced that the House would be on the Tenth Order of Business.

### FIRST READING OF HOUSE BILLS

Rep. Mittag introduced:

House Bill No. 219. A Bill for an Act Requiring That All Babies Born in Hospitals Be Fingerprinted at Time of Birth, and Babies Born at Other Places to Be Fingerprinted Within One Year After Date of Birth, and Providing for the Filing of Such Fingerprints in the Office of the Clerk of the District Court of the County in Which the Birth Takes Place; Further Providing for the Fingerprinting of the Mothers; Penalty for Violation; 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.

Rep. Mittag introduced:

House Bill No. 220. A Bill for an Act to Amend and Reenact Section 438 of the Compiled Laws of North Dakota for the Year 1913, Relating to the Registration of Births; 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 State Affairs.

Rep. Panko introduced:

House Bill No. 221. A Bill for an Act Providing for a Bounty for Rattle Snakes; Prescribing the Method of Payment; Prescribing the Penalty for Violation; Duties of County and State Officers; and Declaring an Emergency.

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

Rep. Fitch introduced:

House Bill No. 222. A Bill for an Act Relating to the Manner in Which Taxes Raised for Road and Bridge Purposes in Counties Having a Population of More Than Forty Thousand Shall Be Expended, 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 Highways and Bridges.

## REPORTS OF STANDING COMMITTEES

Mr. Speaker: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bill and find the same correctly engrossed.

House Bill No. 153.

OLAF OSTGULEN, Chairman.

Rep. Ostgulen moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Appropriations to whom was referred House Bill No. 28, have had the same under consideration and recommend that the same be amended as follows:

Page 1, Section 1, in line 3, strike out the figures "$95,000.00" and insert in lieu thereof the figures "$85,000.00."

And when so amended recommend the same do pass.

C. P. RITTER, Chairman.

Rep. Trydahl moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Appropriations to whom was referred House Bill No. 36, have had the same under consideration and recommend that the same be amended as follows:

Page 1, Section 1, in line 3, strike out the figures "$24,430.00" and insert in lieu thereof the figures "$12,530.00."

Page 2, Section 1, line 12, strike out the figures "$2,750.00" and insert in lieu thereof the figures "$2,250.00."

Page 2, Section 1, in line 14, strike out the figures $1,850.00" and insert in lieu thereof the figures "$1,300.00."

Page 2, Section 1, strike out all of line 15, "One New Ford Panel Truck, $750.00."

Page 2, Section 1, in line 16, strike out the figures "$800.00" and insert in lieu thereof the figures "$400.00."

Page 2, Section 1, in line 17, strike out the figures "$1,000.00" and insert in lieu thereof the figures "$500.00."

Page 2, Section 1, strike out all of line 19, "St. Topographic Map by N. H. Darton, $2,000.00."

Page 2, Section 1, in line 20, strike out the figures "$400.00" and insert in lieu thereof the figures "$200.00."

Page 2, Section 1, in line 23, strike out the words "and Topographic Mapping" and the figures "$13,000.00" and insert in lieu thereof the figures "$6,000.00."

Page 2, Section 1, in line 24, strike out the figures "$24,430.00" and insert in lieu thereof the figures "$12,530.00."

Re-number beginning with line 16, change the line to 15 and continue re-numbering to bottom of page.

And when so amended recommend the same do pass.

C. P. RITTER, Chairman.

Rep. Morland 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. Speaker: Your Committee on Taxes and Tax Laws to whom was referred House Bill No. 70, have had the same under consideration and recommend that the same be amended as follows:

Strike out everything after "A Bill" and insert the following:

For an Act Permitting the Purchase of Gasoline to be Used Solely for Agricultural and Industrial Purposes Without the Payment of a Gasoline Tax on the Purchase Price Thereof; Licensing Purchasers and Sellers; Providing Penalties; Repealing Chapter 189 of the Session Laws of North Dakota for 1931; and Declaring an Emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. DEFINITIONS.) When used in this Act unless otherwise defined by the context;

(1) Persons or companies shall include every individual, partnership, society, incorporated association, joint stock company, corporations, trustees, executors, and administrators.

(2) Tax exempt gasoline shall mean such gasoline sold in this State to be used solely for Agricultural and industrial purposes without the payment of a tax, except such tax as may be required by a General Sales Tax Law.

SECTION 2. LICENSED DEALERS.) Gasoline may be sold for Agricultural or Industrial purposes in the State of North Dakota by licensed dealers as herein prescribed without the payment of the gasoline tax.

SECTION 3. LICENSE HOW PROCURED.) Any person desiring to purchase Tax Exempt gasoline may procure a license so to do by applying to the State Auditor and by paying a fee of One Dollar ($1.00).

The applicant shall state in his application for license, which shall be filed in the office of the State Auditor, his name, occupation, residence and Post Office address; a description of the machinery or implement wherein the tax exempt gasoline is to be used; the rated horse-power, if an engine or tractor; the year purchased and the total probable amount of tax exempt gasoline to be used during the year together with the legal descripiton of the land owned or operated by the applicant; the make and year of manufacture and rated horse-power of each automobile and gasoline truck owned or operated by said applicant.

If the State Auditor is satisfied that the application is made in good faith and for the purposes herein stated, the State Auditor shall issue to said applicant, a license to purchase tax exempt gasoline for the calendar year, which license shall expire on the 31st day of December of the year in which the license is issued unless revoked as herein provided. The license shall be in book form containing the license number, name and address of the licensee and providing space to be filled in by the dealer for the date of purchase, from whom and the number of gallons purchased.

Prior to the expiration of said license, the licensee shall file with the State Auditor, under oath, a statement of the amount of tax exempt gasoline purchased, the

date of purchase, the price paid and the dealer's receipt shall be attached to the affidavit together with a detailed statement of all other gasoline purchased during the said period covered by the license which is subject to a gasoline tax and delivered in bulk by the dealer to the place of residence of said purchaser.

Any person desiring to sell tax exempt gasoline in the State of North Dakota shall procure a license so to do by making application to the State Auditor. The application shall be made on a form approved by the State Auditor stating the name and location of the station to be licensed.

If the State Auditor is satisfied that the applicant is a resident of the State of North Dakota, he may issue to said applicant a license to sell tax exempt gasoline as herein provided from a station designated in said license upon the payment of a fee of Two Dollars ($2.00) for each station so licensed. A separate license shall be secured for each station where tax exempt gasoline is sold.

Delivery of tax exempt gasoline shall be made only from a duly licensed station and to a person permitted to buy tax exempt gasoline as provided in this act.

SECTION 4. RECEIPTS HOW ISSUED.) The dealer shall issue receipts in triplicate for each sale of tax exempt gasoline, which receipt shall be in the form and colors prescribed by the State Auditor and shall show the date, name, residence, and license number of the dealer and the purchaser, and the number of gallons sold; Each receipt shall be signed by the purchaser.

Two of such triplicate receipts shall be retained by the licensed seller and one shall be delivered to the licensed purchaser. One of said receipts shall be delivered to the dealer importing gasoline into the State of North Dakota and originally liable for the payment of the gasoline tax. The original of such receipts shall be accepted by the State Auditor in lieu of the payment by the dealer importing gasoline into the State of North Dakota of the gasoline tax provided by law to the extent of the number of gallons of gasoline shown on said receipts as having been sold for agricultural and industrial purposes to a licensed purchaser thereof.

SECTION 5. THE STATE AUDITOR MAY REFUSE OR CANCEL LICENSE FOR CAUSE.) The State Auditor in his discretion may refuse to issue a license or may revoke the same if the purchaser or seller named in said license has knowingly failed to comply with the provisions of this Act.

SECTION 6. MONEY DEPOSITED IN STATE TREASURY.) All fees received by the State Auditor as herein provided shall be paid into the State Treasury.

SECTION 7. EXEMPTIONS DEFINED.) Nothing in this Act shall be construed as exempting any gasoline used as motor fuel in propelling any gasoline truck or

engine to be operating in whole or in part upon any public highway in the State or to exempt gasoline used for purposes not solely agricultural or industrial from the payment of the tax upon gasoline as herein provided.

SECTION 8. RULES AND REGULATIONS.) The State Auditor shall have the power to formulate rules and regulations for the administration of this Act and it is hereby made the duty of all State's Attorneys and Peace Officers to enforce the provisions hereof.

SECTION 9. REFUND.) All purchasers of tax exempt gasoline purchased prior to the passage and approval of this Act shall be entitled to the refund as provided by Chapter 189 of the Session Laws of North Dakota for the year 1931.

SECTION 10. PENALTY.) Any person violating any of the provisions of this Act, shall upon conviction thereof be guilty of a misdemeanor and their license shall be revoked.

SECTION 11. REPEAL.) All Acts or parts of Acts in conflict herewith are hereby repealed.

SECTION 12. 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.

N. P. JENSEN, Chairman.

Rep. Rohde moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Game and Fish to whom was referred House Bill No. 65, have had the same under consideration and recommend that the same do pass.

REP. LEVIN, Chairman.

Rep. Dalzell moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: 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 do pass.

REP. LEVIN, Chairman.

Rep. Anfinson moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Game and Fish to whom was referred House Bill No. 110, have had the same under consideration and recommend that the same do pass.

REP. LEVIN, Chairman.

Rep. Anfinson moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Game and Fish to whom was referred House Bill No. 149, have had the same under consideration and recommend that the same be re-referred to the Committee on Appropriations.

REP. LEVIN, Chairman.

Rep. Gainor 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. Speaker: Your Committee on Taxes and Tax Laws to whom was referred House Bill No. 159, have had the same under consideration and recommend that the same be indefinitely postponed.

REP. N. P. JENSEN, Chairman.

Rep. Gray moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Game and Fish to whom was referred House Bill No. 182, have had the same under consideration and recommend that the same do pass.

REP. LEVIN, Chairman.

Rep. Halvorson 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. Speaker: Your Committee on Taxes and Tax Laws to whom was referred House Bill No. 190., have had the same under consideration and recommend that the same be re-referred to the Committee on Ways and Means.

REP. N. P. JENSEN, Chairman.

Rep. Page 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. Speaker: Your Committee on Taxes and Tax Laws to whom was referred House Bill No. 194, have had the same under consideration and recommend that the same be amended as follows:

In line 3, page 1, change the word "may" to "shall."

In line 6, page 1, after the word "in" add the words "cash, or in," and in line 7 after the word "installments" strike out the "period" and insert instead a "comma" and cross out the capital "W" on "With" and insert a small "w."

And when so amended recommend the same do pass.

REP. N. P. JENSEN, Chairman.

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

Mr. Speaker: Your Committee on Agriculture to whom was referred House Bill No. 201, have had the same under consideration and recommend that the same be indefinitely postponed.

REP. CARL H. DITTMER, Chairman.

Rep. Haugland moved that the report be adopted, which motion prevailed and the report was adopted.

Rep. Jensen moved that House Bill No. 175 be taken off the calendar and re-referred to the Committee on Taxes and Tax Laws, which motion prevailed.

Rep. Crockett moved that the vote by which House Bill No. 128 was indefinitely postponed be reconsidered and House Bill No. 128 be re-referred to the Committee on State Affairs, which motion prevailed.

Rep. Crockett moved that the absent members be excused, which motion prevailed.

Rep. Crockett moved that the House do now adjourn, which motion prevailed and the House adjourned.

## THIRTY-THIRD DAY

Bismarck, February 4, 1939.

The House assembled at 2:00 P. M., pursuant to adjournment, Speaker Hagen presiding.

Prayer by Rev. A. R. Henry, Mandan.

Roll Call: All Representatives present except Fuglestad, Ista, Larson, Nelson of Cass, Sand.

So a quorum was declared present.

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

Mr. Speaker: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the 31st day after recess and 32nd day and find the same correct.

REP. GLAS, Chairman.

Rep. Keller moved that the report be adopted, which motion prevailed and the report was adopted.

## MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, February 4, 1939.

Mr. Speaker: I have the honor to transmit:

Senate Bill No. 40. 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.

Senate Bill No. 51. A Bill for an Act Providing for the Redemption of Real Estate Forfeited to the County for Delinquent Taxes by Former Owners, Prescribing the Conditions Therefor, Providing for the Repurchase of Real Estate Forfeited to the County for Delinquent Taxes on Contract for Deed, Prescribing the Terms Therefor, and Declaring an Emergency.

Senate Bill No. 11. A Bill for an Act Prohibiting any Person Who Was a Candidate for Nomination for Office at a Primary Election and Who Was Defeated for Said Office, From Being a Candidate for the Same Office at the Ensuing General Election.

Senate Bill No. 37. A Bill for an Act to Create and Establish the State Board of Finance and Administration, Defining its Powers, Duties and Obligations, Fixing the Terms and Compensation of the Members of Said Board, Providing an Appropriation, Repealing All Acts or Parts of Acts in Conflict With This Act, and Declaring an Emergency.

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

Mr. Speaker: I have the honor to return:

House Bill No. 64. A Bill for an Act to Amend and Reenact Sections 1, 2, 3, 4, 5, 6, 7, and 8, of Chapter 266 of the Session Laws of 1927 as Amended by Chapter 288 of the Session Laws of 1931, the Same Being an Amendment of Section 2202 of the Supplement to the Compiled Laws of 1913, Relating to Giving Notice of Expiration of Period of Redemption on Property Forfeited to the County at Tax Sale, Issuance of Tax Deeds to County and Sale by County of Property Acquired by Tax Deed; Declaring an Emergency.

House Bill No. 77. A Bill for an Act to Amend and Reenact Section 967 of the Compiled Laws of North Dakota for 1913, Relating to the Duty of the County Auditor to Provide Uniform Poll Books for the Use of the County and Deliver to the Inspector of the Election Precinct.

Which the Senate has passed unchanged.

WM. J. LOWE, Secretary.

## REPORT OF STANDING COMMITTEES

Mr. Speaker: Your Committee on Insurance to whom was referred Senate Bill No. 39, have had the same under consideration and recommend that the same do pass.

REP. PETER PETERSON, Chairman.

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

Mr. Speaker: Your Committee on Agriculture to whom was referred House Bill No. 121, have had the same under consideration and recommend that the same be amended as follows:

On page 3, section 4, line 46 of the original bill which is page 6, line 46a of the printed bill after the word 'registration' insert the words 'the sum of.' On line 47 after the figures '$20.00' insert a period and strike out the remainder of the line to and including the period after the word 'be.'

On page 6, section 11, line 15 of the original bill which is section 11, page 15, line 15 of the printed bill insert a period after the word 'treasury' and strike out the remainder of the line and all of the line 16.

On page 9, section 19, of the original bill which is section 19, page 21, of the printed bill strike out everything after the words 'section 19,' and insert in lieu thereof the following: DISPOSITION OF FUNDS.) The Commissioner shall deposit all funds collected from the sale of tax tags or stamps and from registration and license fees in the State Treasury.

And when so amended recommend the same do pass.

REP. CARL H. DITTMER, Chairman.

Rep. Alex Dalzell moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Insurance to whom was referred House Bill No. 138, have had the same under consideration and recommend that the same be indefinitely postponed.

PETER PETERSON, Chairman.

Rep. Fitch moved that the report be adopted, which motion prevailed and the report was adopted.

Rep. Blair moved that the vote by which House Bill No. 138 was indefinitely postponed be reconsidered and the

motion to reconsider be laid on the table, which motion was lost.

Mr. Speaker: Your Committee on State Affairs to whom was referred House Bill No. 164, have had the same under consideration and recommend that the same be indefinitely postponed.

W. M. CROCKETT, Chairman.

Rep. Williams of Richland moved that the report be adopted, which motion prevailed, and the report was adopted.

Rep. Johnson of Cass moved that the vote by which House Bill No. 164 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on State Affairs to whom was referred House Bill No. 173, have had the same under consideration and recommend that the same be indefinitely postponed.

W. M. CROCKETT, Chairman.

Rep. Palmer Levin moved that the report be adopted, which motion prevailed, and the report was adopted.

Rep. Twichell moved that the vote by which House Bill No. 173 was indefinitely postponed be reconsidered, and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on State Affairs to whom was referred House Bill No. 122, have had the same under consideration and recommend that the same be indefinitely postponed.

W. M. CROCKETT, Chairman.

Rep. L. L. Twichell moved that the report be adopted, which motion prevailed, and the report was adopted.

Rep. Dalzell 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.

Mr. Speaker: Your Committee on State Affairs to whom was referred House Bill No. 86, have had the same under consideration and recommend that the same be indefinitely postponed.

W. M. CROCKETT, Chairman.

Rep. A. H. Nystrom moved that the report be adopted, which motion prevailed, and the report was adopted.

Rep. Twichell moved that the vote by which House Bill No. 86 was indefinitely postponed be reconsidered, and the motion to reconsider be laid upon the table, which motion prevailed.

Mr. Speaker: Your Committee on State Affairs to whom was referred House Bill No. 123, have had the same under consideration and recommend that the same be indefinitely postponed.

W. M. CROCKETT, Chairman.

Rep. J. D. Holthusen moved that the report be adopted, which motion prevailed and the report was adopted.

Rep. Trydahl moved that the vote by which House Bill No. 123 was indefinitely postponed be reconsidered, and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on State Affairs to whom was referred House Bill No. 156, have had the same under consideration and recommend that the same be indefinitely postponed.

W. M. CROCKETT, Chairman.

Rep. Dalzell moved that the report be adopted, which motion prevailed and the report was adopted.

Rep. Fitch moved that the vote by which House Bill No. 156 was indefinitely postponed be reconsidered, and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on State Affairs to whom was referred House Bill No. 137, have had the same under consideration and recommend that the same be indefinitely postponed.

W. M. CROCKETT, Chairman.

Rep. Alva Wambheim moved that the report be adopted.

Rep. Solberg moved a substitute motion that House Bill No. 137 be re-referred to the Committee on Appropriations, which motion was lost.

The question being on the adoption of the report of the State Affairs Committee for indefinite postponement of House Bill No. 137, the motion prevailed.

Rep. Wambheim moved that the vote by which House Bill No. 137, was indefinitely postponed be reconsidered, and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on State Affairs to whom was referred House Bill No. 129, have had the same under consideration and recommend that the same be indefinitely postponed.

W. M. CROCKETT, Chairman.

Rep. J. M. Joiner moved that the report be adopted, which motion prevailed and the report was adopted.

Rep. Twichell moved that the vote by which House Bill No. 129 was indefinitely postponed be reconsidered, and the motion to reconsider be laid on the table, which motion prevailed.

## FIRST READING OF HOUSE BILLS

The Committee on Insurance introduced:

House Bill No. 223. A Bill for an Act to Amend and Reenact Section 4847 of the Civil Code of the Compiled Laws of North Dakota for 1913.

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

## HOUSE CONCURRENT RESOLUTION No. 224

Introduced by Representatives Crockett, Byrne and Fitch.

WHEREAS it has in the past been the custom to make available to the members of the Third House the Memorial Hall of the State Capitol Building to be used for their various entertainments during the duration of the legislative assembly, and

WHEREAS it would be of benefit to the House of Representatives and to the Senate, as well as to the members of the Third House, to

have this hall used by the Third House for such purposes,

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, that the Memorial Hall of the State Capitol Building be made available to the members of the Third House for entertainments as above referred to.

Rep. Fitch moved the adoption of House Concurrent Resolution No. 224, which motion was carried.

Reps. Anderson of Benson, Anfinson, Beede, Panko, Ireland and Byrne introduced:

House Concurrent Resolution No. 225.

Was read the first time and referred to the Committee on Federal Relations.

Reps. Bergesen, Byrne, Boulden, Sand, Schauss and Levin introduced:

House Bill No. 226. A Bill for an Act Requiring Applicants who Seek to Practice Medicine, Osteopathy, Chiropractic, or to Diagnose Disease or Ailment of the Human Body and to Apply Any Therapeutic Agent as Remedy for a Fee, to Take an Examination in the Basic Sciences, Providing for a Basic Science Board of Examiners, and Prescribing Their Duties.

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

Rep. Wolf introduced:

House Bill No. 227. A Bill for an Act to Repeal Section 4799 of the 1925 Supplement to the Compiled Laws of North Dakota for the Year 1913, Relating to Free Passes by Common Carriers.

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

## MESSAGE TO THE SENATE

House of Representatives,
Bismarck, February 4, 1939.

Mr. President: I have the honor to transmit:
House Bill No. 125.
House Concurrent Resolution No. 132.
House Bill No. 142.
House Bill No. 147.
Which the House has passed and your favorable consideration is requested.

Mr. President: I have the honor to return:
Senate Concurrent Resolution No. 64.
Which the House has adopted.

MINNIE D. CRAIG, Chief Clerk.

## SECOND READING OF HOUSE BILLS

House Bill No. 106. A Bill for an Act to Amend and Reenact Section 1 of Chapter 128 of the Session Laws of the State of North Dakota for the Year 1925, Being Section 3163a1 of the Supplement to the 1913 Compiled Laws of the State of North Dakota, Defining a Public Dancing Place.

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, 72; nays, 29; absent and not voting, 10.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Anderson, Benson | Keller | Schimke |
| Anfinson | Kluver | Scholl |
| Arneson, Nelson | Knutson | Sellens |
| Arneson, Ramsey | Lange | Semerad |
| Bergesen | Levin | Severson |
| Blair | Lunde | Sharpe |
| Bolmeier | McInnes | Shure |
| Brown | Myers | Singleton |
| Buchholz | Mittag | Skartvedt |
| Culver | Mollet | Solberg |
| Dalzell | Moe | Stormon |
| Dike | Morland | Symington |
| Feton | Nelson, Dickey | Thompson,Burl'gh |
| Fitch | Nelson, Steele | Thompson, Steele |
| Gainor | Nystrom | Trydahl |
| Gray | Oglesby | Tuff |
| Haugland | Ostgulen | Twichell |
| Hofstrand | Page | Urschel |
| Holm | Peterson,Bottineau | Wambheim |
| Holthusen | Peterson, Ransom | Westby |
| Ireland | Ritter | Williams,Richland |
| Jensen | Rohde | Williams,Stutsm'n |
| Johnson, Cass | Saumur | Wolf |
| Johnson, LaMoure | Schauss | Mr. Speaker |

Those voting in the negative were:

| | | |
|---|---|---|
| Adam | Fraser | Odegard |
| Anderson,M'K'nzie | Glas | Panko |
| Beede | Haag | Rait |
| Belzer | Halvorson | Rettke |
| Benno | Heckman | Schmidt, McHenry |
| Billigmeier | Hultstrand | Schmidt, Sheridan |
| Bingenheimer | Joiner | Schwartz |
| Braun, McLean | McIntee | Sticka |
| Braun, Stark | McIntyre | Stone |
| Erickson | O'Brien | |

Absent and not voting:

| | | |
|---|---|---|
| Boulden | Fletcher | Larson |
| Byrne | Fuglestad | Nelson, Cass |
| Crockett | Ista | Sand |
| Dittmer | | |

So the bill passed and the title was agreed to.

Rep. Blair moved that the vote by which House Bill No. 106 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 148. A Bill for an Act to Amend and Reenact Section 10246a1 of the Supplement to the Compiled Laws of North Dakota for 1913, as Amended by Chapter 142 of the Session Laws of North Dakota for 1927, Regulating and Fixing the Hours of Labor of Females and Providing Penalties for 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, 99; nays, 1; absent and not voting, 11.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Hofstrand | Rait |
| Anderson, Benson | Holm | Rettke |
| Anderson,M'K'nzie | Holthusen | Ritter |
| Anfinson | Hultstrand | Rohde |
| Arneson, Nelson | Ireland | Saumur |
| Beede | Jensen | Schauss |
| Belzer | Johnson, Cass | Schmidt, McHenry |
| Benno | Johnson, LaMoure | Schmidt, Sheridan |
| Bergesen | Jointer | Schimke |
| Billigmeier | Keller | Scholl |
| Bingenheimer | Knutson | Schwartz |
| Blair | Lange | Sellens |
| Bolmeier | Levin | Semerad |
| Boulden | Lunde | Sharpe |
| Braun, McLean | McInnes | Shure |
| Braun, Stark | McIntee | Singleton |
| Brown | McIntyre | Skartvedt |
| Buchholz | Myers | Solberg |
| Crockett | Mittag | Sticka |
| Culver | Mollet | Stormon |
| Dalzell | Moe | Symington |
| Dike | Morland | Thompson,Burl'gh |
| Erickson | Nelson, Dickey | Thompson, Steele |
| Feton | Nelson, Steele | Trydahl |
| Fitch | Nystrom | Tuff |
| Fraser | O'Brien | Twichell |
| Gainor | Odegard | Urschel |
| Glas | Oglesby | Wambheim |
| Gray | Ostgulen | Westby |
| Haag | Page | Williams,Richland |
| Halvorson | Panko | Williams,Stutsm'n |
| Haugland | Peterson,Bottineau | Wolf |
| Heckman | Peterson, Ransom | Mr. Speaker |

Those voting in the negative were:

Arneson, Ramsey

Absent and not voting:

| | | |
|---|---|---|
| Byrne | Ista | Sand |
| Dittmer | Kluver | Severson |
| Fletcher | Larson | Stone |
| Fuglestad | Nelson, Cass | |

So the bill passed and the title was agreed to.

Rep. Twichell moved that the vote by which House Bill No. 148 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

The House reverted to the Tenth Order of Business.

FIRST READING OF HOUSE BILLS

Reps. Ritter, Schauss, Schimke and Jointer introduced:

House Bill No. 228. A Bill for an Act to Amend and Reenact Sections 10183 A1, 10183 A2, 10183 A3, 10183 A4, 10183 A5, 10183 A6, 10183 A7, and 10183 A8, of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, Being an Act Relating to the Sale of Cigarettes, and Cigar-

ette Papers and Wrappers and Papers Used and Prepared for the Making of Cigarettes, Providing for Issuing Licenses for the Purpose of Making Sales Thereof at Wholesale, Requiring Wholesalers to be North Dakota Residents, and Requiring the Furnishing of a Bond, and Providing for the Levy, Assessment, Collection and Payment of a Tax Thereon; Providing for the Regulation of the Sales Thereof; Vending Machines; Penalties for the Violation of This Act and Defining the Duties of the Attorney General, State Auditor, and the State Treasurer Imposed Under the Provisions of this Act, and Providing That any Person Violating This Act Shall be Enjoined and That any Building or Premises Made Use of For Purpose of Violation of This Act Shall be Deemed a Nuisance and Abated by Injunction; Requiring That Such Tax be Paid, and the Stamps Affixed Thereto, Prior to the Same Being Wholesaled; 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 State Affairs.

Senate Bill No. 50 was read the second time.

On motion of Rep. Blair Senate Bill No. 50 was re-referred to the Committee on Counties.

The House reverted to the Fifth Order of Business.

## REPORTS OF STANDING COMMITTEES

Mr. Seaker: Your Committee on Elections and Election Privileges to whom was referred House Concurrent Resolution 92, have had the same under consideration and recommend that the same be indefinitely postponed.

Because of the fact subject matter in House Concurrent Resolution No. 92 having been later incorporated into a resolution in the Senate.

LEONAS MYERS, Chairman.

Rep. Peterson of Bottineau moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Elections and Election Privileges to whom was referred Senate Bill No. 23 have had the same under consideration and recommend that the same do pass.

LEONAS MYERS, Chairman.

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

Mr. Speaker: Your Committee on Elections and Election Privileges to whom was referred House Bill No. 174, have had the same under consideration and recommend that the same be amended as follows:

Strike out the word "relation" and insert the word "petition" made of 5% of the qualified electors.

And when so amended, recommend the same do pass.

LEONAS MYERS, Chairman.

Rep. Arneson of Nelson moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Elections and Election Privileges to whom was referred Senate Bill No. 35, have had the same under consideration and recommend that the same be amended as follows:

Between lines 46 and 47 insert "precinct committee-man" and re-number balance to correspond.

On page 3, line 54 after the period following the word "on" strike out the balance of the section.

And when so amended recommend the same do pass.

LEONAS MYERS, Chairman.

Rep. Peterson of Bottineau moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: A Majority of Your Committee on Elections and Election Privileges to whom was referred House Bill No. 193, have had the same under consideration and recommend that the same be indefinitely postponed.

D. S. BLAIR
A. O. ARNESON
C. O. ARNESON
G. I. FETON
H. W. McINNES

Rep. Blair moved that the report be adopted.

Mr. Speaker: A Minority of Your Committee on Elections and Election Privileges to whom was referred House Bill No. 193, have had the same under consideration and recommend that the same do pass.

JOHN J. ADAM
PETER PETERSON
LEONAS MYERS

Rep. Adam moved a substitute motion that the report of the minority be substituted for the report of the majority, which motion prevailed, and House Bill No. 193 was recommended for passage.

## FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

Rep. Twichell moved that House Concurrent Resolution Nos. 229, 230 and 231 be adopted, and also printed in the Journal, which motion prevailed.

Rep. Trydahl moved that House Concurrent Resolution Nos. 229, 230 and 231 be not printed as bills, which motion prevailed.

## HOUSE CONCURRENT RESOLUTION No. 229

Introduced by Representatives Stormon, Morland, Rait, Fraser and O'Brien, and Senators Holl, Guenther, Lavik, Thatcher and Gronvold.

WHEREAS, we have been informed that their Majesties, the King and Queen of the United Kingdom of Great Britain, this summer will honor our country and people with their presence; and,

WHEREAS, there has been established, and is being maintained by the people of the Dominion of Canada and the people of the United States of America, a park situated partly in North Dakota and partly in the Province of Manitoba and known as the International Peace Garden, which park has been established and is being maintained as a constant memorial to the peaceful relations between the United States of America and the Dominion of Canada and the other members of the British Commonwealth of Nations.

Here there are no messengers of death and desolation, no fear of destruction by shot, shell, or poisonous gasses. Trees unselfishly give their shade—flowers their beauty and fragrance to all. Songs of birds, and not the shrieks of shrapnel or boom of cannon, are heard.

THEREFORE, BE IT RESOLVED, BY THE HOUSE OF REPRESENTATIVES, OF THE STATE OF

NORTH DAKOTA, THE SENATE CONCURRING, that we respectfully extend to their Majesties a hearty welcome to our country, and we fervently express the hope that they may find it possible to come to this State and to the Garden which our people and the loyal subjects of their Majesties in Canada have established and dedicated to the principles of freedom, justice, and peace.

Be it further resolved, that a copy of this resolution, duly authenticated by the signatures of the Governor of this State and of the presiding officers of the Senate and the House of Representatives, and with the great seal of the State of North Dakota thereunto attached, be transmitted by the Secretary of State of the State of North Dakota through the proper official channels for presentation to their Majesties, the King and Queen of the United Kingdom of Great Britain.

## HOUSE CONCURRENT RESOLUTION No. 230

Introduced by Representatives Stormon, Morland, Rait, Fraser and O'Brien and Senators Holl, Guenther, Lavik, Thatcher and Gronvold.

SECTION 1. WHEREAS, we have been informed that Their Royal Highnesses, The Crown Prince Olaf, and his wife, the Crown Princess Martha, of the Kingdom of Norway, this summer will honor this State and its people by their presence here;

NOW THEREFORE, Be it Resolved, by the House of Representatives of the State of North Dakota, the Senate Concurring, that we extend to them a hearty welcome on behalf of the State and its people.

We welcome them as a man and a woman who have raised high the standards of public duty and civic virtue, and by their daily lives have set an example, not only for their own people, but for men and women everywhere.

We welcome them as representatives of a country and a people who have demonstrated their devotion to world peace and the principles of national honor and integrity, upon which any real peace must rest. In a world torn with barbaric strife and warfare, it is heartening to be able to view in retrospect the high example set by Norway and Sweden in 1905. They then demonstrated to the world that intelligent and truly civilized nations can settle fairly, effectively, and permanently, and without the sacrifice of national honor, any and all questions that may arise. As the people of Norway and Sweden today point with pride to the dismantled forts and razed fortifications along their common boundary, and rejoice in the fact that today flowers grow where formerly cannon stood, and birds sing where formerly messengers of death stood, ready to bring destruction and woe, so we of North Dakota are proud of the fact that here on our soil, in the heart of the great North American Continent, along our northern border, there lies a garden established and maintained through the voluntary efforts of the peoples of the United States of America, and of the Dominion of Canada, our neighbor to the north, which garden is dedicated to the principles of good faith and justice between nations, and is a pledge of just and lasting peace.

We therefore respectfully invite your Royal Highnesses to visit the International Peace Garden, in this State, as representatives of a country that has adopted as a part of its national creed the observation of "good faith and justice toward all nations," and that has constantly cultivated "peace and harmony with all."

Be it Further Resolved, that a copy of this resolution, duly authenticated by the signatures of the Governor of this State, and the Presiding Officers of the Senate and the House of Representatives, and with the great seal of the State of North Dakota thereunto attached, be transmitted by the Secretary of State of the State of North Dakota through the proper official channels for presentation to their Royal Highnesses, the Crown Prince and Crown Princess of Norway.

HOUSE CONCURRENT RESOLUTION No. 231

Introduced by Representatives Stormon, Morland, Rait, Fraser and O'Brien, and Senators Holl, Guenther, Lavik, Thatcher and Gronvold

WHEREAS, there has been established and is being maintained by the people of the Dominion of Canada and the people of the United States of America, a park known as the International Peace Garden, situated partly in North Dakota and partly in the Province of Manitoba, which park is dedicated to the principles of freedom, justice, and peace, and was established and is being maintained as a constant reminder of, and memorial to, the peaceful relations that so long have existed between the United States of America and the Dominion of Canada and other members of the British Commonwealth of Nations, and is a pledge that those relations shall continue for all time; and

WHEREAS, the government of the United Kingdom of Great Britain, and the Kingdom of Norway,
are dedicated to the same sacred principles of liberty and justice upon which the government of the United States of America rests, and have adopted as a part of their national creed the fundamental policy of our country, originated by George Washington, to "observe good faith and justice toward all Nations" and to "cultivate peace and harmony with all."

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

That we respectfully extend to His Excellency, the President of the United States of America, a hearty invitation to visit the International Peace Garden, and suggest that, if possible, arrangements be made so that the time of his visit Their Majesties, the King and Queen of the United Kingdom of Great Britain, and
Their Royal Highnesses, The Crown Prince and Crown Princess of the Kingdom of Norway, also visit the International Peace Garden, and thereby call again to the attention of all men the immutable principles of freedom and justice to which these nations are dedicated; the inalienable right of each individual to life, liberty and the pursuit of happiness; free government of, by, and for free men; and good faith, justice, and peace among all nations.

BE IT FURTHER RESOLVED, that a copy of this resolution, duly authenticated by the signatures of the Governor of the State of North Dakota, and the presiding officers of the Senate and the House of Representatives, and with the great seal of the State of North Dakota, be transmitted by the Secretary of State of the State of North Dakota through the proper official channels for presentation to His Excellency, the President of the United States of America.

## FIRST READING OF HOUSE BILLS

Rep. Saumur, (by request), introduced:

House Bill No. 232. A Bill for an Act to Provide for the Better Protection of Life and Property Against Injury or Damage Resulting From the Operation of Steam Boilers and Engines or Stationary Internal Combustion Engines by Incompetent Engineers and Others, and to Formulate Rules and Regulations for the Safe Design, Construction, Installation, Repair, Use and Operation of Steam Boilers and Pressure Vessels; to Provide for the Licensing of Engineers, the Appointment of a Chief Examiner, and Appointment of District Examiners, Classifications of Engineers, Application and Examination for License, Revocation of License, Inspection of Steam Boilers and Pressure Vessels, Fees to Be Charged for Inspection, Certification of Inspection, Reports by Insurance Companies, Exemption from Inspection, Penalties, Repeal, Emergency, and Appropriation.

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

Reps. Schmidt of Sheridan and Adam introduced:

House Bill No. 233. A Bill for an Act to Provide Additional Method for the Issuance of Professional Teachers' Certificates. Repealing All Acts or Parts of Acts in Conflict Herewith; Declaring an Emergency.

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

## GENERAL ORDERS

Rep. Schimke moved that the House resolve itself into a Committee of the Whole for the consideration of general orders; whihc motion prevailed, and the House resolved itself into a Committee of the Whole.

The Speaker called Rep. Schimke to the chair.

When the Committee arose it submitted the following report:

Mr. Speaker: The Committee of the Whole have had under consideration:

House Bill No. 102.

In the heading of the bill, strike out the words and figures "eighty per cent (80%)," and insert in lieu thereof the words and figures "sixty-six and two-thirds per cent (66 2/3%)."

Strike out all of Section 5.

And recommend the adoption of the amendments of the Standing Committee.

And the further amendments:

In Section 2, line 3 of the printed bill strike out the words and figures "eighty-per cent (80%)," and insert in lieu

thereof the words and figures "sixty-six and two-thirds per cent (66 2/3%)."

And when so amended recommend the same do pass.

House Bill No. 103.

In Section 1, line 30 strike out the words "sufficient to cover" and insert in lieu thereof the words "recovery of."

In Section 1, line 38 after the word and figure "effective." and before the word "all" insert the following words "vending, service and merchandising machines shall only be permitted in public building upon payment of an adequate compensation for such privilege".

And recommend the adoption of the amendments of the Standing Committee.

And the further amendment to the amendments of the Standing Committee: Capitalize the word "vending" in Section 1, line 38.

And when so amended recommend the same do pass.

House Bill No. 100.

On pages 2 and 3, strike out all of Section 4 and insert the following: "Sec. 4. The teacher shall on or before the first day of May notify the school board, board of education, or State board of higher education, as the case may be, as to the acceptance or rejection of the offer. Failure on the part of the teacher to so notify the school board, board of education, or the state board of higher education shall be considered a rejection of the offer." On page 3, strike out all of Section 6. On line 55, page 3, strike out after "SEC." the number "7" and insert in lieu thereof the number "6." On line 59, page 4, strike out after "SEC." the number "8" and insert the number "7."

And recommend the adoption of the amendments of the Standing Committee.

And when so amended recommend the same do pass.

House Bill No. 120.

On page 2, section 2, line 9, after the word "times" strike out the balance of the line, also strike out lines 10, 11, 12, and line 13, to and including the word "kept." Also strike out lines 17, 18, 19, and 20.

Then renumber the lines in Section 2.

On page 4, section 5, strike out all of section 5.

Then renumber sections.

And recommend the adoption of the amendments of the Standing Committee.

And the further amendments:

On page 2, line 9, after the word "times" strike out all of the balance of line 9 and all of lines 10, 11, 12 and all of line 13 up to the word "cream" and insert the following:

"Any door or other opening between a cream station room and any other room used for the storage or handling of hides, meats, fruits, vegetables, grain, poultry, or other dust or odor producing articles are kept, shall be tightly fitted and kept closed when not in use."

And when so amended recommend the same do pass.

CALVIN SCHIMKE, Chairman, Committee of the Whole.

Rep. Scholl moved the adoption of the Report of Committee of the Whole, which motion prevailed.

## FIRST READING OF SENATE BILLS

Senate Bill No. 37. A Bill for an Act to Create and Establish the State Board of Finance and Administration, Defining its Powers, Duties and Obligations, Fixing the Terms and Compensation of the Members of Said Board, Providing an Appropriation, Repealing All 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 State Affairs.

Senate Bill No. 40. 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.

Senate Bill No. 51. A Bill for an Act Providing for the Redemption of Real Estate Forfeited to the County for Delinquent Taxes by Former Owners, Prescribing the Conditions Therefor, Providing for the Repurchase of Real Estate Forfeited to the County for Delinquent Taxes on Contract for Deed, Prescribing the Terms Therefor, and Declaring an Emergency.

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

Senate Bill No. 11. A Bill for an Act Prohibiting any Person Who Was a Candidate for Nomination for Office at a Primary Election and Who Was Defeated for Said Office, From Being a Candidate for the Same Office at the Ensuing General Election.

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

Rep. Anderson of McKenzie requested an extension of time on House Bill Nos. 139 and 140, which request was granted.

Rep. Schimke moved that the absent members be excused, which motion prevailed.

Rep. Ostgulen moved that the House do now adjourn, which motion prevailed and the House Adjourned.

MINNIE D. CRAIG, Chief Clerk.

## THIRTY-FIFTH DAY

Bismarck, February 6, 1939.

The House assembled at 2:00 P. M., pursuant to adjournment, Speaker Hagen presiding.

Prayer by Rev. A. R. Henry, Mandan.

Roll Call: All Representatives present except Fuglestad, Haugland, Lange, Larson, Sand, Schauss.

So a quorum was declared present.

### MESSAGE TO THE SENATE

House of Representatives,
Bismarck, February 6, 1939.

Mr. President: I have the honor to transmit:

House Bill No. 152. A Bill for an Act Amending and Reenacting Section 4446 of the Compiled Laws of North Dakota for 1913, as Amended by Chapter 151 of the Session Laws of 1923 Relating to the Adoption of Minor Children.

House Concurrent Resolution No. 231. A Concurrent Resolution Extending an Invitation to the President of the United States to Visit the International Peace Gardens.

House Concurrent Resolution No. 230. A Concurrent Resolution Extending an Invitation to the Crown Prince and Crown Princess of Norway to Visit the International Peace Gardens.

House Concurrent Resolution No. 229. A Concurrent Resolution Extending an Invitation to the King and Queen of the United Kingdom of Great Britain and Ireland to Visit the International Peace Gardens.

House Concurrent Resolution No. 224. A Concurrent Resolution Making the Memorial Hall of the State Capitol Building Available to the Members of the "Third House" for Various Entertainments.

House Bill No. 153. A Bill for an Act Amending and Reenacting Chapter 123 of the Session Laws of 1931, Authorizing the Juvenile Court to Commit to the Institution for the Feeble Minded Any Dependent, Neglected or Delinquent Child Who is Feeble Minded or Whose Mental Condition is Found a Subject for Inquiry.

House Bill No. 148. A Bill for an Act to Amend and Reenact Section 10246a1 of the Supplement to the Compiled Laws of North Dakota for 1913, as Amended by Chapter 142 of the Session Laws of North Dakota for 1927, Regulating and Fixing the Hours of Labor of Females and Providing Penalties for Violation Thereof.

House Bill No. 106. A Bill for an Act to Amend and Reenact Section 1 of Chapter 128 of the Session Laws of the

State of North Dakota for the Year 1925, Being Section 3163a1 of the Supplement to the 1913 Compiled Laws of the State of North Dakota, Defining a Public Dancing Place.

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

Mr. President: I have the honor to return:

Senate Concurrent Resolution No. 67.

Which the House has adopted.

MINNIE D. CRAIG, Chief Clerk.

## REPORT OF STANDING COMMITTEE

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

Mr. Speaker: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the Thirty-third Day and recommends that the same be corrected as follows:

On page 413, second line from the top, strike out the word "part" and insert the word "park."

On page 417, line 19 from the top, "Rep. Scheol" should be corrected to "Rep. Scholl."

And when so corrected recommends that the same be approved.

REP. GLAS, Chairman.

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

Rep. O'Brien moved a further amendment to the Journal, to strike out the words "and Ireland" wherever they appear in House Concurrent Resolution No. 229, which motion prevailed.

Rep. Anderson of McKenzie also moved a further amendment to the Journal, that his request for an extension of time as shown on page 418, should be correctly shown as being requested for House Bill Nos. 139 and 140, which motion prevailed.

## PETITIONS AND COMMUNICATIONS

A telegram was received from the President of the North Dakota Congress of Parent Teachers urging the passage of House Bill No. 100.

## HOUSE COMMITTEE ON ENROLLMENT AND ENGROSSMENT

Mr. Speaker: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bills and find the same correctly Enrolled:

House Bill No. 64.

House Bill No. 77.

OLAF OSTGULEN, Chairman.

Rep. Ostgulen 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. Speaker: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bill:

House Bill No. 120, and find the same correctly Engrossed.

OLAF OSTGULEN, Chairman.

Rep. Ostgulen moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bills and find the same correctly Engrossed:

House Bill No. 100.
House Bill No. 102.
House Bill No. 103.

OLAF OSTGULEN, Chairman.

Rep. Ostgulen moved that the report be adopted, which motion prevailed, and the report was adopted.

## REPORT OF STANDING COMMITTEE

Mr. Speaker: Your Committee on Banks and Banking to whom was referred House Bill No. 88, have had the same under consideration and recommend that the same be re-referred to the Appropriation Committee.

GUS A. SCHAUSS, Chairman.

Rep. Bergesen moved that the report be adopted, which motion prevailed, and the report was adopted.

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

REP. SYMINGTON, Acting Chairman.

Rep. Johnson of Cass moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: 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.

REP. SYMINGTON, Acting Chairman.

Rep. Johnson of Cass moved that the report be adopted, which motion prevailed, and the report was adopted.

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

House Bill No. 6, have had the same under consideration and recommend that the same be amended as follows:

Page 1, Section 1, in line 3, strike out the figures "$45,000.-00" and insert in lieu thereof the figures "$40,000.00."

And when so amended recommend the same do pass.

REP. SYMINGTON, Acting Chairman.

Rep. Trydahl moved that the report be adopted, which motion prevailed, and the report was adopted.

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

House Bill No. 7, have had the same under consideration and recommend that the same do pass.

REP. SYMINGTON, Acting Chairman.

Rep. Trydahl moved that the report be adopted, which motion prevailed, and the report was adopted.

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

House Bill No. 14, have had the same under consideration and recommend that the same be indefinitely postponed.

REP. SYMINGTON, Acting Chairman.

Rep. Johnson of Cass moved that the report be adopted, which motion prevailed, and the report was adopted.

Rep. Crockett moved that the vote by which House Bill No. 14 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

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

House Bill No. 16, have had the same under consideration and recommend that the same do pass.

REP. SYMINGTON, Acting Chairman.

Rep. Johnson of Cass moved that the report be adopted, which motion prevailed, and the report was adopted.

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

House Bill No. 17, have had the same under consideration and recommend that the same do pass.

REP. SYMINGTON, Acting Chairman.

Rep. Johnson of Cass moved that the report be adopted, which motion prevailed, and the report was adopted.

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

House Bill No. 18, have had the same under consideration and recommend that the same do pass.

REP. SYMINGTON, Acting Chairman.

Rep. Johnson of Cass moved that the report be adopted, which motion prevailed, and the report was adopted.

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

House Bill No. 19, have had the same under consideration and recommend that the same do pass.

REP. SYMINGTON, Acting Chairman.

Rep. Johnson of Cass moved that the report be adopted, which motion prevailed, and the report was adopted.

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

House Bill No. 20, have had the same under consideration and recommend that the same do pass.

REP. SYMINGTON, Acting Chairman.

Rep. Johnson of Cass moved that the report be adopted, which motion prevailed, and the report was adopted.

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

House Bill No. 21, have had the same under consideration and recommend that the same do pass.

REP. SYMINGTON, Acting Chairman.

Rep. Morland moved that the report be adopted, which motion prevailed, and the report was adopted.

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

House Bill No. 26, have had the same under consideration and recommend that the same be amended as follows:

Page 1, Section 1, in line 3, strike out the figures "$10,610.-00" and insert in lieu thereof the figures "$10,360.00".

Page 2, Section 1, in line 13, strike out the figures "$200.00" and insert in lieu thereof the figures "$150.00."

Page 2, Section 1, in line 16, strike out the figures "$1,200.-00" and insert in lieu thereof the figures "$1,000.00."

Page 2, Section 1, in line 18, strike out the figures "$10,-610.00" and insert in lieu thereof the figures "$10,360.00."

And when so amended recommend the same do pass.

REP. SYMINGTON, Acting Chairman.

Rep. Trydahl moved that the report be adopted, which motion prevailed, and the report was adopted.

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

House Bill No. 40, have had the same under consideration and recommend that the same be indefinitely postponed.

REP. SYMINGTON, Acting Chairman.

Rep. Johnson of Cass moved that the report be adopted, which motion prevailed, and the report was adopted.

Rep. O'Brien moved that the vote by which House Bill No. 40 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

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

House Bill No. 145, have had the same under consideration and recommend that the same be indefinitely postponed.

REP. SYMINGTON, Acting Chairman.

Rep. Trydahl moved that the report be adopted, which motion prevailed, and the report was adopted.

Rep. Mollet moved that the vote by which House Bill No. 145 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

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

House Resolution "H", have had the same under consideration and recommend that the same be adopted.

W. M. CROCKETT, Chairman.

Rep. Johnson of LaMoure moved that the report be adopted, which motion prevailed, and the report was adopted.

Rep. Hultstrand moved that House Resolution "H" be printed in the Journal, which motion prevailed.

## HOUSE RESOLUTION "H"

Introduced by Williams of Richland, Symington, Odegard, and Hultstrand:

WHEREAS, President Franklin Roosevelt in his message to Congress specifically pointed out the unjust and unfair operation of the present Embargo Act which prevents the victims of aggressor nations from obtaining the necessary materials and supplies for proper self-defense; and

WHEREAS, with the lifting of the present embargo Loyalist Spain stands ready to buy for cash and provide necessary transportation for large quantities of agricultural products which now constitute the surplus in our country and aggravates the depression here; and

WHEREAS, such sale of surplus commodities will definitely improve the economic position of our farmers while at the same time it will be of incalculable aid to the cause of democracy in Spain and serve to unite democratic nations against the encroachments of undemocratic and dictatorial forms of government which now seek to displace the form of government which we revere; now,

THEREFORE BE IT RESOLVED, that the House of Representatives of the State of North Dakota hereby memorialize Congress and the President of the United States to take immediate steps in lifting the present unjust and unfair embargo in keeping with the conditions as set forth hereinbefore; and, be it also

RESOLVED, that one copy of this resolution be forwarded to each of the following:

The President of the United States, Franklin D. Roosevelt,
Vice Pres. John Garner, Pres. of the U. S. Senate
The Secretary of State, Cordell Hull
Speaker Bankhead, House of Representatives
Senator Lynn J. Frazier
(SEAL) Senator Gerald P. Nye
Congressman William Lemke
Congressman Usher L. Burdick

## REPORTS OF STANDING COMMITTEES

Mr. Speaker: Your Committee on State Affairs to whom was referred House Bill No. 69, have had the same under consideration and recommend that the same be indefinitely postponed.

W. M. CROCKETT, Chairman.

Rep. Wambheim moved that the report be adopted, which motion prevailed and the report was adopted.

Rep. Hultstrand moved that the vote by which House Bill No. 69 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on State Affairs to whom was referred House Bill No. 71, have had the same under consideration and recommend that the same do pass.

W. M. CROCKETT, Chairman.

Rep. Nystrom moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on State Affairs to whom was referred House Bill No. 95, have had the same under consideration and recommend that the same be amended as follows:

In the title of the bill after the word "penalty" strike out the words "and declaring an emergency." and insert in lieu thereof a period "."

Strike out all of Section 5.

And when so amended recommend the same do pass.

W. M. CROCKETT, Chairman.

Rep. Scholl moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on State Affairs to whom was referred House Bill No. 134, have had the same under consideration and recommend that the same be indefinitely postponed.

W. M. CROCKETT, Chairman.

Rep. Byrne moved that the report be adopted, which motion prevailed and the report was adopted.

Rep. Byrne moved that the vote by which House Bill No.

134 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on State Affairs to whom was referred House Bill No. 163, have had the same under consideration and recommend that the same do pass.

W. M. CROCKETT, Chairman.

Rep. Lange moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on State Affairs to whom was referred House Bill No. 171, have had the same under consideration and recommend that the same do pass.

W. M. CROCKETT, Chairman.

Rep. Joiner moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on State Affairs to whom was referred House Bill No. 172, have had the same under consideration and recommend that the same do pass.

W. M. CROCKETT, Chairman.

Rep. Byrne moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on State Affairs to whom was referred House Bill No. 205, have had the same under consideration and recommend that the same be indefinitely postponed.

W. M. CROCKETT, Chairman.

Rep. Johnson of LaMoure moved that the report be adopted.

Rep. Wambheim moved a substitute motion that House Bill No. 205 be re-referred to the Committee on State Affairs, which motion was lost.

On vote the original motion prevailed and House Bill No. 205 was indefinitely postponed.

Rep. Lange moved that the vote by which House Bill No. 205 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on State Affairs to whom was referred House Bill No. 214, have had the same under consideration and recommend that the same do pass.

W. M. CROCKETT, Chairman.

Rep. Levin 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. Speaker: Your Committee on Taxes and Tax Laws to whom was referred House Bill No. 170, have had the same under consideration and recommend that the same be indefinitely postponed.

N. P. JENSEN, Chairman.

Rep. Shure moved that the report be adopted, which motion prevailed and the report was adopted.

Rep. Byrne moved that the vote by which House Bill No. 170 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. Speaker: Your Committee on Taxes and Tax Laws to whom was referred House Bill No. 185, have had the same

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

In the title before "Declaring an Emergency," insert the following: "Repealing all Acts and Parts of Acts in Conflict Herewith; Saving Clause and." In lines 84 and 85 of Sec. 1, page 5, strike out the words, figures and parenthesis "three-fourths (3/4)" and insert in lieu thereof "one-half (½)." In line 134 of Sec. 1, page 7, strike out the words, figure and parenthesis "nine per cent (9%)" and insert in lieu thereof "six per cent (6%)." In line 4 of Sec. 3, page 9, strike out the words "has paid subsequent taxes" and insert in lieu thereof "became entitled to a subsequent tax sale certificate." In line 13 of Sec. 3, page 9, strike out the words "payment of subsequent taxes" and insert in lieu thereof the words "the right of the county to subsequent tax sale certificates." In line 14 of Sec. 3, page 9, insert the word "in" before the word "lieu." Immediately following Sec. 4, page 10, insert the following: "SEC. 5. All Acts and Parts of Acts in conflict with the provisions of this Act are Hereby Repealed. SEC. 6 SAVING CLAUSE. Should any portion of this Act be declared unconstitutional, it shall not affect the other part or portions thereof." In line 1 of Sec. 5, page 10, strike out the number "5" and insert in lieu thereof the number "7."

And when so amended recommend the same do pass.

N. P. JENSEN, Chairman.

Rep. Mollet 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. Speaker: Your Committee on Taxes and Tax Laws to whom was referred House Bill No. 204, have had the same under consideration and recommend that the same do pass.

N. P. JENSEN, Chairman.

Rep. Rohde moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Judiciary made the following report:

Mr. Speaker: Your Committee on Judiciary to whom was referred Senate Bill No. 66, have had the same under consideration and recommend that the same do pass.

J. M. ANDERSON, Chairman.

Rep. Mittag moved that the report be adopted, which motion prevailed and the report was adopted.

Rep. Scholl moved for reconsideration of all clincher motions made today on appropriation bills reported indefinitely postponed by the Committee on Appropriations, which motion prevailed.

Rep. Jensen moved that House Bill No. 186 be re-referred from the Committee on Taxes and Tax Laws to the Committee on Agriculture, which motion prevailed.

## MESSAGES FROM THE SENATE

Senate Chamber,
Bismarck, February 6, 1939.

Mr. Speaker: I have the honor to transmit:

Senate Bill No. 88.

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

Mr. Speaker: I have the honor to return:
House Bill No. 85.
Which the Senate has passed unchanged.

WM. J. LOWE, Secretary.

## SIGNING OF BILLS

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 77. A Bill for an Act to Amend and Reenact Section 967 of the Compiled Laws of North Dakota for 1913, Relating to the Duty of the County Auditor to Provide Uniform Poll Books for the Use of the County and Deliver to the Inspector of the Election Precinct.

House Bill No. 64. A Bill for an Act to Amend and Reenact Sections 1, 2, 3, 4, 5, 6, 7, and 8, of Chapter 266 of the Session Laws of 1927 as Amended by Chapter 288 of the Session Laws of 1931, the Same Being an Amendment of Section 2202 of the Supplement to the Compiled Laws of 1913, Relating to Giving Notice of Expiration of Period of Redemption on Property Forfeited to the County at Tax Sale, Issuance of Tax Deeds to County and Sale by County of Property Acquired by Tax Deed; Declaring an Emergency.

And the Speaker signed the same in the presence of the House.

## FIRST READING OF HOUSE BILLS

Rep. Shure introduced:

House Bill No. 234. A Bill for an Act to Amend and Reenact 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 Cities and Municipal Corporations.

Rep. Buchholz introduced:

House Bill No. 235. A Bill for an Act Requiring All Receiving Scales Exceeding Twelve Thousand Pounds Capacity Upon Which Grain is Weighed to Be Equipped With a Self-Registering Type Beam Prior to August 1, 1939; Requiring the Operator to Supply the Hauler With an Impressed Scale Ticket; Prescribing a Penalty; and Declaring an Emergency.

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

Reps. H. C. Williams and H. C. Mittag introduced:

House Bill No. 236. A Bill for an Act Authorizing Submission to the Electors of the Counties of the State of North Dakota the Question of Local Option of the Sale of Alcoholic and Intoxicating Beverages and Beer in Cafes, Restaurants and Other Places Where Food is Served to the Public for Consumption on the Premises.

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

Rep. McIntyre introduced:

House Bill No. 237. A Bill for an Act Creating the State Dairy Improvement Commission; Establishing a Tax of 25c Upon Each Thousand Pounds of Butterfat Purchased for Re-sale and/or Manufacture, to Be Expended for Advertis-

ing, Improving and Encouraging the Dairy Industry; Creating the State Dairy Improvement Fund; Providing for Enforcement; Penalties for Violation; and Declaring an Emergency.

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

Reps. H. C. Williams and Ista introduced:

House Bill No. 238. A Bill for an Act Prohibiting Possession, Purchase, Sale and Dispensing of Alcohol and Alcoholic Beverages and Beer, Outside the Limits of Incorporated Cities, Villages and Towns in the State of North Dakota, Prescribing a Penalty for the Violation Thereof.

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

House Bill No. 239 was withdrawn on motion of Rep. Fitch.

Reps. Mollet and Rohde, and Senator Olson of Mountrail introduced:

House Concurrent Resolution No. 240.

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

Reps. Hultstrand, Schauss, Symington and Solberg introduced:

House Bill No. 241. A Bill for an Act Providing for the Election, on the No-Party Ballot, of a State Game and Fish Commissioner; Providing for His Powers, Duties and Salary; Providing for His Removal and Declaring an Emergency.

Was read the first time and referred to the Committee on Game and Fish.

Rep. Bergesen introduced:

House Bill No. 242. A Bill for an Act to Amend and Reenact Section 9873 of the Compiled Laws of the State of North Dakota for the Year 1913 to Define the Crime of Burglary in the Third Degree.

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

Rep. Bergesen introduced:

House Bill No. 243. A Bill for an Act to Amend and Reenact Section 9878 of the Compiled Laws of the State of North Dakota for the Year 1913 Relating to Unlawful Entry.

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

Rep. Semerad introduced:

House Bill No. 244. A Bill for an Act to Amend and Reenact Section 1218 of the Compiled Laws of North Dakota for the Year 1913, as Amended by Section 1218 of the 1925 Supplement to the Compiled Laws of North Dakota for the Year 1913, and Acts Amendatory Thereof, Relating to School District Treasurers Without Annual Settlement, and the Publication Thereof, Repealing All Acts and Parts of Acts in Conflict Herewith.

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

The Committee on Ways and Means introduced:

House Bill No. 245. A Bill for an Act to Repeal Chapter 165 of the Session Laws of the State of North Dakota for

the Year 1937, Relating to the Operation of Motion Picture Theatres, and Declaring an Emergency.

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

Rep. Johnson of Cass introduced:

House Bill No. 246. A Bill for an Act to Amend and Reenact Subdivision (5) of Section 4059 of the Compiled Laws of 1913 as Amended by Chapter 180 of the Session Laws of 1929 Relating to Elections and Powers of Park Commissioners; Repealing All Acts or Parts of Acts in Conflict Herewith.

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

Reps. Schmidt of Sheridan and Mollet introduced:

House Bill No. 247. A Bill for an Act Amending and Reenacting Section 2263 of the Compiled Laws of North Dakota for 1913, as Amended by Section 2263 of the 1925 Supplement to the Laws of the State of North Dakota for the Year 1913, Relating to Voting Upon the Office of County Agent, Providing an Election Therefor, to Have Carried on in the County, County Agent Work; Providing for the Appointment and Selection of Such an Agent, in the Event of the Voters Deciding to Have County Agent Work and to Provide a Levy Therefor; Providing for the Discontinuance of County Agent Work in Any County; and Repealing All Acts and Parts of Acts in Conflict Herewith.

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

Reps. Schimke, Myers, Schauss and Gray introduced:

House Concurrent Resolution No. 248.

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

Reps. Crockett, Scholl, Twichell and Thompson introduced:

House Bill No. 249. A Bill for an Act Relating to the Sale of Cigarettes, Cigarette Papers, and Wrappers, 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 State Affairs.

Rep. Bergesen introduced:

House Bill No. 250. A Bill for an Act Authorizing the Public Welfare Board of North Dakota, With the Approval of the Attorney General, to Enter Into Reciprocal Agreements With Other States Having Like Authority Relative to Residence, Care and Transportation of Indigent Persons; and Declaring an Emergency.

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

Rep. Trydahl introduced:

House Bill No. 251. A Bill for an Act to Amend and Reenact Chapter 9 of the Session Laws of North Dakota of

1933, Relating to Wolf Bounty; and Declaring an Emergency.

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

## MESSAGE TO THE SENATE

House of Representatives,
Bismarck, February 6, 1939.

Mr. President: I have the honor to transmit:

House Bill No. 77. A Bill for an Act to Amend and Reenact Section 967 of the Compiled Laws of North Dakota for 1913, Relating to the Duty of the County Auditor to Provide Uniform Poll Books for the Use of the County and Deliver to the Inspector of the Election Precinct.

House Bill No. 64. A Bill for an Act to Amend and Reenact Sections 1, 2, 3, 4, 5, and 6 of Chapter 266 of the Session Laws of 1927, as Amended by Chapter 288 of the Session Laws of 1931, the Same Being an Amendment of Section 2202 of the Supplement to the Compiled Laws of 1913, Relating to Giving Notice of Expiration of Period of Redemption on Property Forfeited to the County at Tax Sale, Issuance of Tax Deeds to County and Sale by County of Property Acquired by Tax Deed; Declaring an Emergency.

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

MINNIE D. CRAIG, Chief Clerk.

## SECOND READING OF HOUSE BILLS

House Bill No. 65. A Bill for an Act Assenting to the Provisions of the Act of Congress Entitled "AN ACT To Provide that the United States Shall Aid the States in Wildlife-Restoration Projects and for Other Purposes," Approved September 2, 1937.

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, 102; nays, 2; absent and not voting, 7.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Hofstrand | Peterson, Ransom |
| Anderson, Benson | Holm | Rait |
| Anderson,M'K'nzie | Holthusen | Rettke |
| Anfinson | Hultstrand | Ritter |
| Arneson, Nelson | Ireland | Rohde |
| Arneson, Ramsey | Ista | Saumur |
| Beede | Jensen | Schmidt, McHenry |
| Belzer | Johnson, Cass | Schmidt, Sheridan |
| Benno | Johnson, LaMoure | Schimke |
| Bergesen | Joiner | Scholl |
| Billigmeier | Keller | Schwartz |
| Bingenheimer | Kluver | Sellens |
| Blair | Knutson | Semerad |
| Bolmeier | Lange | Severson |
| Boulden | Levin | Sharpe |
| Braun, McLean | Lunde | Shure |
| Braun, Stark | McInnes | Singleton |
| Brown | McIntee | Skartvedt |
| Buchholz | McIntyre | Solberg |

| | | |
|---|---|---|
| Byrne | Myers | Sticka |
| Culver | Mittag | Stone |
| Dalzell | Mollet | Stormon |
| Dike | Moe | Thompson,Burl'gh |
| Dittmer | Morland | Thompson, Steele |
| Erickson | Nelson, Cass | Trydahl |
| Feton | Nelson, Dickey | Tuff |
| Fletcher | Nelson, Steele | Twichell |
| Fraser | Nystrom | Urschel |
| Gainor | O'Brien | Wambheim |
| Glas | Odegard | Westby |
| Gray | Oglesby | Williams,Richland |
| Haag | Ostgulen | Williams,Stutsm'n |
| Halvorson | Panko | Wolf |
| Heckman | Peterson,Bottineau | Mr. Speaker |

Those voting in the negative were:

| | |
|---|---|
| Crockett | Page |

Absent and not voting:

| | | |
|---|---|---|
| Fitch | Larson | Schauss |
| Fuglestad | Sand | Symington |
| Haugland | | |

So the bill passed and the title was agreed to.

House Bill No. 87. A Bill for an Act Providing for the Use of Hunting Dogs in the Hunting of Upland and Migratory Game Birds and Prohibiting the Running at Large of Hunting Dogs Afield, and Providing for the Licensing of Hunting Dogs, and Providing the Punishment for Violation of This Act.

Was read the second time.

Rep. Holm moved that House Bill No. 87 be indefinitely postponed, which motion prevailed.

Rep. Stone moved that the vote by which House Bill No. 87 was indefinitely postponed be reconsidered, and the motion to reconsider be laid on the table, which motion prevailed.

Rep. Crockett asked for unanimous consent to amend House Bill No. 110, which request was granted.

Rep. Crockett moved the following amendment:

In Section 1, line 8, strike out the words "or in any manner" and the comma following.

Which motion prevailed.

Rep. Crockett moved that the rules be suspended and that House Bill No. 110 be considered properly engrossed, placed on second reading and final passage, which motion prevailed.

House Bill No. 110. A Bill for an Act to Amend and Reenact Sub-section 1 of Section 32, Chapter 148, Session Laws of 1931, Relating to Fur-Bearing Animals; 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, 101; nays, 4; absent and not voting, 6.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Hofstrand | Rettke |
| Anderson, Benson | Holm | Ritter |
| Anderson,M'K'nzie | Holthusen | Rohde |
| Anfinson | Hultstrand | Saumur |
| Arneson, Nelson | Ireland | Schauss |
| Arneson, Ramsey | Ista | Schmidt, McHenry |
| Beede | Jensen | Schmidt, Sheridan |
| Belzer | Johnson, Cass | Schimke |
| Benno | Johnson, LaMoure | Scholl |
| Bergesen | Joiner | Schwartz |
| Billigmeier | Keller | Sellens |
| Bingenheimer | Kluver | Semerad |
| Blair | Knutson | Severson |
| Bolmeier | Levin | Sharpe |
| Braun, McLean | Lunde | Shure |
| Braun, Stark | McInnes | Singleton |
| Brown | McIntee | Skartvedt |
| Buchholz | McIntyre | Solberg |
| Byrne | Myers | Sticka |
| Crockett | Mittag | Stormon |
| Culver | Mollet | Symington |
| Dalzell | Morland | Thompson,Burl'gh |
| Dike | Nelson, Cass | Thompson, Steele |
| Erickson | Nelson, Dickey | Trydahl |
| Feton | Nelson, Steele | Tuff |
| Fitch | Nystrom | Twichell |
| Fletcher | O'Brien | Urschel |
| Fraser | Odegard | Wambheim |
| Gainor | Oglesby | Westby |
| Gray | Ostgulen | Williams,Richland |
| Haag | Panko | Williams,Stutsm'n |
| Halvorson | Peterson,Bottineau | Wolf |
| Haugland | Peterson, Ransom | Mr. Speaker |
| Heckman | Rait | |

Those voting in the negative were:

| | | |
|---|---|---|
| Dittmer | Moe | Page |
| Glas | | |

Absent and not voting:

| | | |
|---|---|---|
| Boulden | Lange | Sand |
| Fuglestad | Larson | Stone |

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

House Bill No. 182. A Bill for an Act Making it a Misdemeanor for any Person to Hunt Game of any Kind at Night With the Aid of a Spot Light or Any Other Kind of Artificial Light.

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, 79; nays, 26; absent and not voting, 6.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Anderson, Benson | Heckman | Panko |
| Anderson,M'K'nzie | Hofstrand | Peterson, Ransom |

| | | |
|---|---|---|
| Anfinson | Holm | Rait |
| Arneson, Nelson | Holthusen | Rettke |
| Arneson, Ramsey | Ireland | Rohde |
| Beede | Ista | Saumur |
| Belzer | Johnson, Cass | Schauss |
| Benno | Johnson, LaMoure | Schmidt, McHenry |
| Bergesen | Keller | Schmidt, Sheridan |
| Billigmeier | Kluver | Scholl |
| Blair | Knutson | Schwartz |
| Boulden | Lange | Sellens |
| Braun, McLean | Lunde | Semerad |
| Braun, Stark | McInnes | Severson |
| Brown | McIntee | Shure |
| Buchholz | McIntyre | Singleton |
| Byrne | Myers | Skartvedt |
| Dalzell | Mittag | Solberg |
| Dike | Mollet | Stormon |
| Erickson | Moe | Trydahl |
| Feton | Morland | Twichell |
| Gainor | Nelson, Dickey | Urschel |
| Glas | Nelson, Steele | Westby |
| Gray | O'Brien | Williams,Richland |
| Haag | Odegard | Williams,Stutsm'n |
| Halvorson | Page | Wolf |
| Haugland | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Bingenheimer | Joiner | Sharpe |
| Bolmeier | Levin | Sticka |
| Crockett | Nelson, Cass | Symington |
| Culver | Nystrom | Thompson,Burl'gh |
| Dittmer | Oglesby | Thompson, Steele |
| Fletcher | Ostgulen | Tuff |
| Fraser | Peterson,Bottineau | Wambheim |
| Hultstrand | Ritter | Mr. Speaker |
| Jensen | Schimke | |

Absent and not voting:

| | | |
|---|---|---|
| Adam | Fuglestad | Sand |
| Fitch | Larson | Stone |

So the bill passed and the title was agreed to.

Rep. Crockett: "I would like to explain my vote and have my explanation recorded in the Journal. If I understand this bill correctly, it will stop the game officials from going into these counties that have pheasants, catching these birds at night and then planting them in other parts of the State. It looks to me as though the people in those counties have a monopoly on the game birds and the sportsmen must drive over the State and spend their money down there. Therefore, I vote 'no'."

House Bill No. 193. A Bill for an Act to Amend and Reenact Section 869 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, as

amended, the roll was called and there were ayes, 68; nays, 39; absent and not voting, 4.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Anderson, Benson | Gray | Ostgulen |
| Anderson,M'K'nzie | Haag | Panko |
| Anfinson | Halvorson | Peterson,Bottineau |
| Beede | Heckman | Rait |
| Belzer | Holthusen | Rohde |
| Benno | Hultstrand | Schauss |
| Bergesen | Ista | Schmidt, McHenry |
| Billigmeier | Johnson, Cass | Schmidt, Sheridan |
| Bingenheimer | Johnson, LaMoure | Schimke |
| Braun, McLean | Joiner | Scholl |
| Braun, Stark | Keller | Schwartz |
| Brown | Kluver | Shure |
| Buchholz | Knutson | Skartvedt |
| Byrne | Levin | Sticka |
| Crockett | McIntee | Stone |
| Culver | McIntyre | Trydahl |
| Erickson | Myers | Tuff |
| Feton | Mittag | Urschel |
| Fitch | Mollet | Williams,Richland |
| Fletcher | Moe | Williams,Stutsm'n |
| Fraser | O'Brien | Wolf |
| Gainor | Odegard | Mr. Speaker |
| Glas | Oglesby | |

Those voting in the negative were:

| | | |
|---|---|---|
| Arneson, Nelson | Lange | Sellens |
| Arneson, Ramsey | Lunde | Semerad |
| Blair | McInnes | Severson |
| Bolmeier | Morland | Sharpe |
| Boulden | Nelson, Cass | Singleton |
| Dalzell | Nelson, Dickey | Solberg |
| Dike | Nelson, Steele | Stormon |
| Dittmer | Nystrom | Symington |
| Haugland | Page | Thompson,Burl'gh |
| Hofstrand | Peterson, Ransom | Thompson, Steele |
| Holm | Rettke | Twichell |
| Ireland | Ritter | Wambheim |
| Jensen | Saumur | Westby |

Absent and not voting:

| | | |
|---|---|---|
| Adam | Larson | Sand |
| Fuglestad | | |

So the bill passed and the title was agreed to.

Rep. Williams moved that the vote by which House Bill No. 193 was passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 102. A Bill for an Act Forbidding the Sale of Fermented Malt Beverages in the State of North Dakota Which Are Manufactured With Less Than Sixty-six and Two-thirds Per Cent (66 2/3%) of Barley Malt.

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, 93; nays, 13; absent and not voting, 5.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Anderson, Benson | Haugland | Oglesby |
| Anderson,M'K'nzie | Heckman | Ostgulen |
| Anfinson | Hofstrand | Panko |
| Arneson, Nelson | Holm | Peterson,Bottineau |
| Arneson, Ramsey | Holthusen | Rait |
| Beede | Hultstrand | Rettke |
| Belzer | Ireland | Ritter |
| Benno | Ista | Rohde |
| Bergesen | Jensen | Schauss |
| Billigmeier | Johnson, LaMoure | Schmidt, McHenry |
| Bingenheimer | Joiner | Schmidt, Sheridan |
| Blair | Keller | Schimke |
| Boulden | Kluver | Scholl |
| Braun, McLean | Knutson | Schwartz |
| Braun, Stark | Lange | Semerad |
| Brown | Levin | Severson |
| Buchholz | Lunde | Sharpe |
| Byrne | McInnes | Singleton |
| Crockett | McIntee | Solberg |
| Culver | McIntyre | Sticka |
| Dalzell | Myers | Stormon |
| Dike | Mittag | Symington |
| Erickson | Mollet | Thompson,Burl'gh |
| Feton | Moe | Thompson, Steele |
| Fletcher | Morland | Trydahl |
| Fraser | Nelson, Cass | Tuff |
| Gainor | Nelson, Dickey | Urschel |
| Glas | Nelson, Steele | Westby |
| Gray | Nystrom | Williams,Richland |
| Haag | O'Brien | Wolf |
| Halvorson | Odegard | Mr. Speaker |

Those voting in the negative were:

| | | |
|---|---|---|
| Bolmeier | Peterson, Ransom | Stone |
| Dittmer | Sellens | Twichell |
| Fitch | Shure | Wambheim |
| Johnson, Cass | Skartvedt | Williams,Stutsm'n |
| Page | | |

Absent and not voting:

| | | |
|---|---|---|
| Adam | Larson | Saumur |
| Fuglestad | Sand | |

So the bill passed and the title was agreed to.

Rep. Schimke moved that the vote by which House Bill No. 102 was passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 103. 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, 99; nays, 7; absent and not voting, 5.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Hofstrand | Peterson, Ransom |
| Anderson, Benson | Holm | Rettke |
| Anderson,M'K'nzie | Holthusen | Rohde |
| Anfinson | Hultstrand | Schauss |
| Arneson, Nelson | Ireland | Schmidt, McHenry |
| Arneson, Ramsey | Ista | Schmidt, Sheridan |
| Beede | Jensen | Schimke |
| Belzer | Johnson, Cass | Scholl |
| Benno | Johnson, LaMoure | Schwartz |
| Bergesen | Joiner | Sellens |
| Bingenheimer | Keller | Semerad |
| Blair | Kluver | Severson |
| Bolmeier | Knutson | Sharpe |
| Boulden | Lange | Shure |
| Braun, McLean | Levin | Singleton |
| Braun, Stark | Lunde | Skartvedt |
| Brown | McInnes | Solberg |
| Buchholz | McIntyre | Sticka |
| Crockett | Mittag | Stone |
| Culver | Mollet | Stormon |
| Dalzell | Moe | Symington |
| Dike | Morland | Thompson,Burl'gh |
| Dittmer | Nelson, Cass | Thompson, Steele |
| Erickson | Nelson, Dickey | Trydahl |
| Feton | Nelson, Steele | Tuff |
| Fitch | Nystrom | Twichell |
| Fletcher | O'Brien | Urschel |
| Fraser | Odegard | Wambheim |
| Gainor | Oglesby | Westby |
| Glas | Ostgulen | Williams,Richland |
| Gray | Page | Williams,Stutsm'n |
| Halvorson | Panko | Wolf |
| Haugland | Peterson,Bottineau | Mr. Speaker |

Those voting in the negative were:

| | | |
|---|---|---|
| Billigmeier | McIntee | Rait |
| Haag | Myers | Ritter |
| Heckman | | |

Absent and not voting:

| | | |
|---|---|---|
| Byrne | Larson | Saumur |
| Fuglestad | Sand | |

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

Rep. Arneson of Ramsey moved that the vote by which House Bill No. 103 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 to Provide for the Method and Time for Renewing Contracts of Teachers, Principals and Superintendents in the Public Schools and Institutions of Higher Education in the State of North Dakota.

Was read the second time.

Rep. Crockett moved that House Bill No. 100 be indefinitely postponed, which motion prevailed.

Rep. Schmidt of McHenry moved that the vote by which House Bill No. 100 was indefinitely postponed be reconsidered, and the motion to reconsider be laid on the table, which motion prevailed.

House Bill No. 120. A Bill for an Act Establishing Rules and Regulations and Sanitary Conditions for Cream Buying Stations; Sanitary Requirements for Haulers of Cream; Equipment and Care of Equipment; Care of Cream Held in the Station; Care of Cream in Transit; Repealing Acts in Conflict Herewith; Providing Penalties, and Declaring an Emergency.

Was read the second time.

Rep. Dike moved that House Bill No. 120 be indefinitely postponed.

Rep. Mollet made a substitute motion that House Bill No. 120 be re-referred to the Committee on Agriculture, which motion prevailed.

## REPORT OF STANDING COMMITTEE

Mr. Speaker: Your Committee on State Affairs to whom was referred House Bill No. 128, have had the same under consideration and recommend that the same be amended as follows:

In the heading after the words "A Bill" strike out all words and figures in the entire bill and insert in lieu thereof the words and figures "For an Act to Amend and Re-enact Section 25 of Chapter 97 of the Session Laws of North Dakota for 1933, as Amended and Re-enacted by Chapter 123 of the Session Laws of North Dakota for 1935, Relating to the Relief of the Poor and the Establishment of a County Welfare Board by the Board of County Commissioners, Declaring an Emergency."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) That Section 25 of Chapter 97 of the Session Laws of North Dakota for 1933, as amended and re-enacted by Chapter 123 of the Session Laws of North Dakota for 1935 be and the same is hereby amended and re-enacted to read as follows:

SECTION 25. The Board of County Commissioners shall provide for the establishment of a county welfare board. Such board shall have five, seven or nine members. Not less than one of such members shall be a county commissioner as designated by such board of county commissioners. The remaining members of the welfare board shall be appointed by the board of county commissioners. The members of the county welfare board shall be chosen without regard to political affiliation and upon the basis of their fitness to serve in said capacity by reason of character, experience, and training. There shall be persons of both sexes on the board. The terms of the original members shall be as follows: One shall serve for three years; half of the remaining members shall serve for two years and the other half for one year, respectively. Thereafter all members shall serve for three years or until their successors have been duly qualified.

Each member shall file an oath of office with the county auditor. The members shall serve without compensation but the board of county commissioners may make provision for payment of the actual expenses incurred by the members of the board in the discharge of their duties. It shall be the duty of such county welfare board to supervise and direct all relief and welfare activities conducted by the county and to supervise and administer such relief and welfare activities in the county as may be financed in whole or in part by or with funds allocated or distributed by the public welfare board of North Dakota. It shall also be the duty of such county welfare board to aid and assist in every possible way to coordinate and bring about an efficient operation of all relief and welfare activities within the county by private as well as public organizations engaged in relief and/or welfare work. A member of the county welfare board may be removed without cause by resolution to that effect adopted by the board of county commissioners.

SECTION 2. REPEAL. All Acts and parts of Acts in conflict are hereby repealed.

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.

W. M. CROCKETT, Chairman.

Rep. Twichell moved that the report be adopted, which motion prevailed and the report was adopted.

## MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, February 6, 1939.

Mr. Speaker: I have the honor to transmit:

Senate Concurrent Resolution No. 64.

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

Mr. Speaker: I have the honor to return:

House Bill No. 77. A Bill for an Act to Amend and Reenact Section 967 of the Compiled Laws of North Dakota for 1913, Relating to the Duty of the County Auditor to Provide Uniform Poll Books for the Use of the County and Deliver to the Inspector of the Election Precinct.

House Bill No. 64. A Bill for an Act to Amend and Reenact Sections 1, 2, 3, 4, 5, 6, 7, and 8, of Chapter 266 of the Session Laws of 1927 as Amended by Chapter 288 of the Session Laws of 1931, the Same Being an Amendment of Section 2202 of the Supplement to the Compiled Laws of 1913, Relating to Giving Notice of Expiration of Period of Redemption on Property Forfeited to the County at Tax Sale, Issuance of Tax Deeds to County and Sale by County of Property Acquired by Tax Deed; Declaring an Emergency.

Which the President has signed.

WM. J. LOWE, Secretary.

## FIRST READING OF SENATE BILLS

Senate Bill No. 88. A Bill for an Act Providing for a Recodification and Revision of the Laws of North Dakota; Authorizing the Supreme Court to Create a Code Revision

Commission; Defining Its Powers and Duties; Making an Appropriation Therefor; and Declaring an Emergency.

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

## REPORT OF STANDING COMMITTEE

The Committee on Enrollment and Engrossment respectfully reports that:

House Bill No. 64.

House Bill No. 77.

Were delivered to the Governor for his approval at the hour of 5:00 o'clock, February 6, 1939.

OLAF OSTGULEN, Chairman.

## SECOND READING OF SENATE BILL

Senate Bill No. 23. A Bill for an Act to Amend and Reenact Sections 4535, 4538 and 4539 of Chapter 12 of the Compiled Laws of North Dakota for 1913; Relating to Election and Terms of Directors.

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, 98; nays, 6; absent and not voting, 7.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Anderson, Benson | Hofstrand | Panko |
| Anderson,M'K'nzie | Holm | Peterson,Bottineau |
| Anfinson | Holthusen | Peterson, Ransom |
| Arneson, Nelson | Hultstrand | Rait |
| Arneson, Ramsey | Ireland | Rettke |
| Beede | Ista | Rohde |
| Belzer | Jensen | Saumur |
| Benno | Johnson, Cass | Schauss |
| Bergesen | Johnson, LaMoure | Schmidt, Sheridan |
| Billigmeier | Joiner | Schimke |
| Bingenheimer | Keller | Scholl |
| Blair | Kluver | Schwartz |
| Bolmeier | Knutson | Sellens |
| Boulden | Lange | Semerad |
| Braun, McLean | Levin | Sharpe |
| Braun, Stark | Lunde | Singleton |
| Brown | McInnes | Skartvedt |
| Byrne | McIntee | Solberg |
| Culver | McIntyre | Sticka |
| Dalzell | Myers | Stormon |
| Dike | Mittag | Symington |
| Dittmer | Mollet | Thompson,Burl'gh |
| Erickson | Moe | Thompson, Steele |
| Feton | Morland | Trydahl |
| Fitch | Nelson, Cass | Tuff |
| Fletcher | Nelson, Dickey | Urschel |
| Fraser | Nelson, Steele | Wambheim |
| Gainor | Nystrom | Westby |
| Glas | O'Brien | Williams,Richland |
| Gray | Odegard | Williams,Stutsm'n |
| Haag | Oglesby | Wolf |
| Haugland | Ostgulen | Mr. Speaker |
| Heckman | Page | |

Those voting in the negative were:

| | | |
|---|---|---|
| Buchholz | Halvorson | Shure |
| Crockett | Schmidt, McHenry | Twichell |

Absent and not voting:

| | | |
|---|---|---|
| Adam | Ritter | Severson |
| Fuglestad | Sand | Stone |
| Larson | | |

So the bill passed and the title was agreed to.

Senate Bill No. 39 was read the second time.

Rep. Fitch moved that Senate Bill No. 39 be re-referred to the Committee on Insurance, which motion prevailed.

## FIRST READING OF HOUSE BILLS

Rep. Stone introduced:

House Bill No. 252. A Bill for an Act to Amend and Reenact Section 4688a6 of the Supplement to the 1913 Compiled Laws of North Dakota Requiring Vehicles Carrying School Children, Passengers, or Explosive or Inflammable Liquids for Hire or Other Vehicles, to Stop Before Crossing Railroad Tracks; Declaring an Emergency.

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

Reps. Twichell, Fitch and Bergesen introduced:

House Bill No. 253. A Bill for an Act to Amend and Reenact Section 1 of Chapter 174 of the Session Laws of North Dakota for the Year 1937, Relating to Pensions for Policemen and Dependents in Cities Now or Hereafter Having a Population in Excess of Twenty-five Thousand (25,000) Inhabitants.

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

Reps. Schauss and Schimke introduced:

House Bill No. 254. A Bill for an Act to Amend Section 2 of Chapter 232 of the Session Laws of North Dakota for the Year 1937 to Provide That Subsection (f) Defining "Employer" be Changed to Include Employers of One or More Individuals, 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 State Affairs.

Reps. Fletcher, Schmidt of Sheridan and Anderson of Benson introduced:

House Bill No. 255. A Bill for an Act to Amend and Reenact Subdivision (f) of Section 4609b8; Section 4609b9; and Subdivision (c) of Section 4609b10, as Amended and Reenacted by Chapter 112 of the 1931 Session Laws of the State of North Dakota; of the Supplement to the Compiled Laws of North Dakota of 1913; Relating to Articles of Incorporation, Amendments to Articles of Incorporation, and By-Laws of Co-operative Marketing Associations.

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

Reps. Symington, Schimke, Solberg and Schauss introduced:

House Bill No. 256. A Bill for an Act to Create and Establish the State Insurance Commission, Defining its Powers,

Duties and Obligations, Fixing the Terms and Compensation of the Members of Said Commission, Repealing All 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 Insurance.

## GENERAL ORDERS

Rep. Fitch moved that the House resolve itself into a committee of the whole for the consideration of general orders; which motion prevailed, and the House resolved itself into a committee of the whole.

The Speaker called Rep. Fitch to the chair.

When the committee arose it submitted the following report:

Mr. Speaker: The committee of the whole have had under consideration:

House Bill No. 28.

Page 1, Section 1, in line 3, strike out the figures "$95,000.00" and insert in lieu thereof the figures "$85,000.00."

And recommend the adoption of the amendments of the Standing Committee:

And when so amended recommend the same do pass.

House Bill No. 36.

Page 1, Section 1, in line 3, strike out the figures "$24,430.00" and insert in lieu thereof the figures "$12,530.00."

Page 2, Section 1, line 12, strike out the figures "$2,750.00" and insert in lieu thereof the figures "$2,250.00."

Page 2, Section 1, in line 14, strike out the figures "$1,850.00" and insert in lieu thereof the figures "$1,300.00."

Page 2, Section 1, strike out all of line 15, "One New Ford Panel Truck, $750.00."

Page 2, Section 1, in line 16, strike out the figures "$800.00" and insert in lieu thereof the figures "$400.00."

Page 2, Section 1, in line 17, strike out the figures "$1,000.00" and insert in lieu thereof the figures "$500.00."

Page 2, Section 1, strike out all of line 19, "St. Topographic Map by N. H. Darton, $2,000.00."

Page 2, Section 1, in line 20, strike out the figures "$400.00" and insert in lieu thereof the figures "$200.00."

Page 2, Section 1, in line 23, strike out the words "and Topographic Mapping" and the figures "$13,000.00" and insert in lieu thereof the figures "$6,000.00."

Page 2, Section 1, in line 24, strike out the figures "$24,430.00" and insert in lieu thereof the figures "$12,530.00."

Re-number beginning with line 16, change the line to 15 and continue re-numbering to bottom of page.

And recommend the adoption of the amendments of the Standing Committee.

And when so amended recommend the same do pass.

House Bill No. 70.

Strike out everything after "A Bill" and insert the following:

For an Act Permitting the Purchase of Gasoline to be Used Solely for Agricultural and Industrial Purposes Without the Payment of a Gasoline Tax on the Purchase Price Thereof; Licensing Purchasers and Sellers; Providing Penalties; Repealing Chapter 189 of the Session Laws of North Dakota for 1931; and Declaring an Emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. DEFINITIONS.) When used in this Act unless otherwise defined by the context;

(1) Persons or companies shall include every individual, partnership, society, incorporated association, joint stock company, corporations, trustees, executors, and administrators.

(2) Tax exempt gasoline shall mean such gasoline sold in this State to be used solely for Agricultural and industrial purposes without the payment of a tax, except such tax as may be required by a General Sales Tax Law.

SECTION 2. LICENSED DEALERS.) Gasoline may be sold for Agricultural or Industrial purposes in the State of North Dakota by licensed dealers as herein prescribed without the payment of the gasoline tax.

SECTION 3. LICENSE HOW PROCURED.) Any Person desiring to purchase Tax Exempt gasoline may procure a license so to do by applying to the State Auditor and by paying a fee of One Dollar ($1.00).

The applicant shall state in his application for license, which shall be filed in the office of the State Auditor, his name, occupation, residence and Post Office address; a description of the machinery or implement wherein the tax exempt gasoline is to be used; the rated horse-power, if an engine or tractor; the year purchased and the total probable amount of tax exempt gasoline to be used during the year together with the legal description of the land owned or operated by the applicant; the make and year of manufacture and rated horse-power of each automobile and gasoline truck owned or operated by said applicant.

If the State Auditor is satisfied that the application is made in good faith and for the purposes herein stated, the State Auditor shall issue to said applicant, a license to purchase tax exempt gasoline for the calendar year, which license shall expire on the 31st day of December of the year in which the license is issued unless revoked as herein provided. The license shall be in book form containing the license number, name and address of the licensee and providing space to be filled in by the dealer for the date of purchase, from whom and the number of gallons purchased.

Prior to the expiration of said license, the licensee shall file with the State Auditor, under oath, a statement of the amount of tax exempt gasoline purchased, the date of purchase, the price paid and the dealer's receipt shall be attached to the affidavit together with a detailed statement of all other gasoline purchased during the said period covered by the license which is subject to a gasoline tax and delivered in bulk by the dealer to the place of residence of said purchaser.

Any person desiring to sell tax exempt gasoline in the State of North Dakota shall procure a license so to do

by making application to the State Auditor. The application shall be made on a form approved by the State Auditor stating the name and location of the station to be licensed.

If the State Auditor is satisfied that the applicant is a resident of the State of North Dakota, he may issue to said applicant a license to sell tax exempt gasoline as herein provided from a station designated in said license upon the payment of a fee of Two Dollars ($2.00) for each station so licensed. A separate license shall be secured for each station where tax exempt gasoline is sold.

Delivery of tax exempt gasoline shall be made only from a duly licensed station and to a person permitted to buy tax exempt gasoline as provided in this act.

SECTION 4. RECEIPTS HOW ISSUED.) The dealer shall issue receipts in triplicate for each sale of tax exempt gasoline, which receipt shall be in the form and colors prescribed by the State Auditor and shall show the date, name, residence, and license number of the dealer and the purchaser, and the number of gallons sold; Each receipt shall be signed by the purchaser.

Two of such triplicate receipts shall be retained by the licensed seller and one shall be delivered to the licensed purchaser. One of said receipts shall be delivered to the dealer importing gasoline into the State of North Dakota and originally liable for the payment of the gasoline tax. The original of such receipts shall be accepted by the State Auditor in lieu of the Payment by the dealer importing gasoline into the State of North Dakota of the gasoline tax provided by law to the extent of the number of gallons of gasoline shown on said receipts as having been sold for agricultural and industrial purposes to a licensed purchaser thereof.

SECTION 5. THE STATE AUDITOR MAY REFUSE OR CANCEL LICENSE FOR CAUSE.) The State Auditor in his discretion may refuse to issue a license or may revoke the same if the purchaser or seller named in said license has knowingly failed to comply with the provisions of this Act.

SECTION 6. MONEY DEPOSITED IN STATE TREASURY.) All fees received by the State Auditor as herein provided shall be paid into the State Treasury.

SECTION 7. EXEMPTIONS DEFINED.) Nothing in this Act shall be construed as exempting any gasoline used as motor fuel in propelling any gasoline truck or engine to be operating in whole or in part upon any public highway in the State or to exempt gasoline used for purposes not solely agricultural or industrial from the payment of the tax upon gasoline as herein provided.

SECTION 8. RULES AND REGULATIONS.) The State Auditor shall have the power to formulate rules and

regulations for the administration of this Act and it is hereby made the duty of all State's Attorneys and Peace Officers to enforce the provisions hereof.

SECTION 9. REFUND.) All purchasers of tax exempt gasoline purchased prior to the passage and approval of this Act shall be entitled to the refund as provided by Chapter 189 of the Session Laws of North Dakota for the year 1931.

SECTION 10. PENALTY.) Any person violating any of the provisions of this Act, shall upon conviction thereof be guilty of a misdemeanor and their license shall be revoked.

SECTION 11. REPEAL.) All Acts or parts of Acts in conflict herewith are hereby repealed.

SECTION 12. 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 recommend the adoption of the amendments of the Standing Committee.

And when so amended recommend the same do pass.

House Bill No. 194.

In line 3, page 1, change the word "may"to "shall."

In line 6, page 1, after the word "in" add the words "cash, or in," and in line 7 after the word "installments" strike out the "period" and insert instead a "comma" and cross out the capital "W" on "with" and insert a small "w."

And recommend the adoption of the amendments of the Standing Committee.

And when so amended recommend the same do pass.

House Bill No. 121.

On page 3, section 4, line 46 of the original bill which is page 6, line 46a of the printed bill after the word 'registration' insert the words 'the sum of.' On line 47 after the figures '$20.00' insert a period and strike out the remainder of the line to and including the period after the word 'be.'

On page 6, section 11, line 15 of the original bill which is section 11, page 15, line 15 of the printed bill insert a period after the word 'treasury' and strike out the remainder of the line and all of the line 16.

On page 9, section 19, of the original bill which is section 19, page 21, of the printed bill strike out everything after the words 'section 19,' and insert in lieu thereof the following: DISPOSITION OF FUNDS.) The Commissioner shall deposit all funds collected from the sale of tax tags or stamps and from registration and license fees in the State Treasury.

And recommend the adoption of the amendments of the Standing Committee.

And when so amended recommend the same do pass.

House Bill No. 174.

Strike out the word "relation" and insert the word "petition" made of 5% of the qualified electors.

And recommend the adoption of the amendments of the Standing Committee.

And the further amendments to the amendments of the Standing Committee:

In Section 1, page 2, line 5 of the printed bill strike out the word "relation" and insert in lieu thereof the word "petition."

Also in the same line strike out the word "any" and the dotted line following and insert in lieu thereof the figure and words "5% of the."

And when so amended recommend the same do pass.

Senate Bill No. 35.

Between lines 46 and 47 insert "precinct committee-man" and re-number balance to correspond.

On page 3, line 54 after the period following the word "on" strike out the balance of the section.

And recommend the adoption of the amendments of the Standing Committee.

And when so amended recommend the same do pass.

Rep. K. A. FITCH, Chairman Committee of the Whole.

Rep. Fitch moved the adoption of the report of the Committee of the Whole, which motion prevailed.

Rep. Crockett requested an extension of time on House Bill Nos. 66, 107, 93, which request was granted.

Rep. Ritter requested an extension of time on House Bill No. 104, which request was granted.

Rep. Fletcher moved that House Bill No. 178 be re-referred to the Committee on Ways and Means, which motion prevailed.

Rep. Dittmer requested an extension of time on House Bill No. 158, which request was granted.

Rep. Anderson of Benson moved that the House do now recess until 1:00 P. M. tomorrow, which motion prevailed and the House recessed.

MINNIE D. CRAIG, Chief Clerk.

## THIRTY-FIFTH DAY AFTER RECESS AND THIRTY-SIXTH DAY

Bismarck, February 7, 1939.

The House convened at 1:00 P. M., pursuant to recess, Speaker Hagen presiding.

The Speaker announced that the House would be on the Fifth Order of Business.

### HOUSE COMMITTEE ON ENROLLMENT AND ENGROSSMENT

The Committee on Enrollment and Engrossment made the following report:

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

House Bill No. 28.
House Bill No. 110.
House Bill No. 174.

And find the same correctly engrossed.

OLAF OSTGULEN, Chairman.

Rep. Ostgulen 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. Speaker: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bills:

House Bill No. 121.

And find the same correctly engrossed.

OLAF OSTGULEN, Chairman.

Rep. Ostgulen 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. Speaker: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bills:

House Bill No. 194.
House Bill No. 70.
House Bill No. 36.

And find the same correctly engrossed.

OLAF OSTGULEN, Chairman.

Rep. Ostgulen 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. Speaker: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bills:

House Bill No. 85.

And find the same correctly enrolled.

OLAF OSTGULEN, Chairman.

Rep. Ostgulen moved that the report be adopted, which motion prevailed, and the report was adopted.

REPORTS OF STANDING COMMITTEES

Mr. Speaker: Your Committee on Ways and Means to whom was referred House Bill No. 207, have had the same under consideration and recommend that the same do pass.

CARL ANFINSON, Chairman.

Rep. Benno moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Ways and Means to whom was referred House Bill No. 221, have had the same under consideration and recommend that the same be indefinitely postponed.

CARL ANFINSON, Chairman.

Rep. Fitch moved that the report be adopted, which motion prevailed and the report was adopted.

Rep. Fitch moved that the vote by which House Bill No. 221 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on State Affairs to whom was referred House Bill No. 107, have had the same under consideration and recommend that the same be amended as follows:

Beginning in line 4, Section 1, strike out all of the bill after the word and figures "Section 17" and insert in lieu thereof the following:

"HUNTING PROHIBITED; OFFICIAL POSTING; SIGNS.) It shall be unlawful for any person to enter upon the premises of another for the purpose of hunting or pursuing game or to hunt or pursue game upon the premises of another without having first obtained permission of the person legally entitled to grant the same; provided, that the owner or tenant of said land or premises shall have placed at a point alongside of the public highway or land posted, signs giving notice that no hunting will be permitted on said land or premises, and such signs shall be conspicuously posted at a distance of not more than eighty rods apart, to be readable from the outside of the land.

Provided, further, that the owner of any land may, if he so desires, at least thirty (30) days prior to the opening of the hunting season, make application to the North Dakota Game and Fish Department for signs sufficient to post his land he desires to post, giving his name, postoffice address, and description of land owned and so desired to post, and the North Dakota Game and Fish Department shall forward to him such official signs, printed as follows:

OFFICIAL POSTING
IT IS UNLAWFUL TO ENTER UPON TO HUNT,
OR TO HUNT, UPON THESE PREMISES
NORTH DAKOTA GAME AND FISH DEPARTMENT

It is hereby made the duty of the North Dakota Game and Fish Department to furnish such signs upon application made as above.

If the owner of land desires to post his land in the manner heretofore by law provided, such posting shall have the same force and effect as though official posting signs are used.

And when so amended recommend the same do pass.

W. M. CROCKETT, Chairman.

Rep. Twichell moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on State Affairs to whom was referred House Bill No. 217, have had the same under consideration and recommend that the same do pass.

W. M. CROCKETT, Chairman.

Rep. Dalzell moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on State Affairs to whom was referred Senate Bill No. 60, have had the same under consideration and recommend that the same do pass.

W. M. CROCKETT, Chairman.

Rep. Levin moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on State Affairs to whom was referred House Bill No. 191, have had the same under consideration and recommend that the same be indefinitely postponed.

W. M. CROCKETT, Chairman.

Rep. Saumur moved that the report be adopted, which motion prevailed and the report was adopted.

Rep. Saumur moved that the vote by which House Bill No. 191 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on State Affairs to whom was referred House Bill No. 177, have had the same under consideration and recommend that the same be indefinitely postponed.

W. M. CROCKETT, Chairman.

Rep. Wambheim moved that the report be adopted, which motion prevailed and the report was adopted.

Rep. Skartvedt moved that the vote by which House Bill No. 177 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on Ways and Means to whom was referred House Bill No. 117, have had the same under consideration and recommend that the same be indefinitely postponed.

CARL ANFINSON, Chairman.

Rep. Mollet moved that the report be adopted, which motion prevailed and the report was adopted.

Rep. Mollet moved that the vote by which House Bill No. 117 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. Speaker: Your Committee on Education to whom was referred House Bill No. 195, have had the same under consideration and recommend that the same do pass.

C. H. HOFSTRAND, Chairman.

Rep. Ostgulen moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Education to whom was referred House Bill No. 209, have had the same under consideration and recommend that the same be indefinitely postponed.

C. H. HOFSTRAND, Chairman.

Rep. Dike moved that the report be adopted, which motion prevailed and the report was adopted.

Rep. Stone moved that the vote by which House Bill No. 209 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

## FIRST READING OF HOUSE BILLS

Rep. Ista introduced:

House Bill No. 257. A Bill for an Act to Amend and Reenact Chapter 106 of the 1933 Session Laws, Relating to Marihuana, and Defining Marihuana as a Narcotic and a Habit-forming Drug; Prohibiting the Sale or Gift Thereof; Providing a Penalty for Violation; and Declaring an Emergency.

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

Rep. Semerad introduced:

House Bill No. 258. A Bill for an Act to Amend and Reenact Section 409 of the Compiled Laws of North Dakota for 1913, as Amended by Section 409, of the 1925 Supplement to the Laws of the State of North Dakota, and as Also Further Amended by Chapter 105, of the 1929 Session Laws, and Chapter 113 of the 1935 Session Laws of the State of North Dakota, Relating to the Compensation of the President and Vice President of County Boards of Health, and Superintendent of Health, Mileage and Expenses, 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 State Affairs.

Rep. Gray introduced:

House Bill No. 259. A Bill for an Act Amending Section 7316 of the Compiled Laws of 1913, Relating to the Enforcement of Penalty; Forfeiture and Punishment of Violators of a Statute That Has Been Repealed; and Declaring an Emergency.

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

The Committee on State Affairs introduced:

House Bill No. 260. A Bill for an Act to Create a North Dakota Poultry Improvement Board; to Define Its Powers and Duties; to Provide for Licenses and Fees for Poultry Processers, Packers, Hatching, Baby Chick Jobbers, Record of Performance Breeders and Poultry Feed Manufacturers and Wholesalers, and for the Disposition of the Proceeds Thereof; to Require the Filing of Reports by Carriers and

Shippers of Poultry and Poultry Products, and Fixing Penalties for the Violation Hereof.

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

The Committee on State Affairs introduced:

House Bill No. 261. A Bill for an Act to Provide Revenue for the Enforcement of the North Dakota Food and Drugs Act and the North Dakota Cosmetic Act; to Prevent Adulteration and Misbranding of Foods, Drugs and Cosmetics; to Provide for Registration and Licensing Thereof; and to Provide Penalties for Violation Thereof.

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

The Committee on State Affairs introduced:

House Bill No. 262. A Bill for an Act to Provide Revenue for the Enforcement of the Paint and Varnish Laws of This State; to Prevent Fraud and Deception in the Sale of Paints and Varnishes; to Prevent Adulteration and Misbranding Thereof; to Provide Licensing, Payment and Disposition of License Fees; and to Provide Penalties for Violations Thereof.

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

The Committee on State Affairs introduced:

House Bill No. 263. A Bill for an Act to Amend and Reenact Sections 10169a4, and 10169a5 of the 1925 Supplement to the Compiled Laws of North Dakota, 1913, of the North Dakota Beverage Inspection Act, to Include Alcoholic Beverages, Defining the Beverages Coming Within the Provisions of That Act, and Fixing the License Fee Required to Be Paid, and Declaring an Emergency.

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

Reps. Schauss and Fitch introduced:

House Bill No. 264. A Bill for an Act to Authorize the Commissioner of Agriculture and Labor to Assemble, Publish and Distribute Literature Necessary to Advertise the State, Its Agricultural Resources, Business Opportunities, Educational Facilities and Places of Scenic Interest and to Provide for an Appropriation Therefor.

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

Reps. Moe, Crockett, Hultstrand, Schimke and Fitch introduced:

House Bill No. 265. A Bill for an Act to Encourage the Further Development of Durum Wheat in North Dakota; Providing for Collection and Furnishing of Information Regarding Durum Wheat by the Commissioner of Agriculture and Labor and the North Dakota Durum Wheat Show at Langdon, N. Dak.; Appropriating the Sum of $2,500.00 to the North Dakota Durum Wheat Show at Langdon; Declaring an Emergency.

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

Reps. McIntyre, Belzer, and Johnson of LaMoure introduced:

House Concurrent Resolution No. 266. A Concurrent Resolution Providing for the Amendment of Section 173 of Article 48 of the Constitution of the State of North Dakota, as Amended Through an Initiative Vote in 1933, Shown on Page 494 of the 1935 Session Laws to the State of North Dakota, Relating to the Election and Terms of County Officers, and Consolidating Certain County Offices.

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

Reps. Boulden and Bolmeier introduced:

House Bill No. 267. A Bill for an Act Providing for Serological Test, for Syphilis of All Persons Applying for Marriage Licenses; Prohibiting Marriage of Any Person Afflicted With Syphilis in Communicable Form; Providing for Proofs of Serological Test to Be Required by and Submitted to County Judges Before the Issuance of a Marriage License; Repealing Acts and Parts of Acts Inconsistent With or in Conflict Herewith; Making an Appropriation for the State Health Department to Enable it to Comply With the Provisions Hereof; Providing for the Date Upon Which This Act Shall Take Effect.

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

## SIGNING OF BILLS

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 85. A Bill for an Act to Amend and Reenact Section 591 of North Dakota Compiled Laws of 1913, Relative to the Powers of the Board of Railroad Commissioners, and Extending Such Powers to Include Common Carrier Pipe Lines; and Declaring an Emergency.

House Concurrent Resolution No. 81. A Concurrent Resolution Providing and Designating House and Senate Employes and Naming and Fixing Their Salaries; Legislative Assembly.

Senate Concurrent Resolution No. 64. A Concurrent Resolution Memorializing the Congress of the United States to Provide Funds for the Payment of a Proportion of the Outstanding Indebtedness of the Taxing District, in Which the Federal Government Has Made or Will Make Land Purchases.

And the Speaker signed the same in the presence of the House.

Rep. Rait requested the House be on Seventh Order of Business.

The Employment Committee begs leave to report the resignation of Jacob G. Krueger of Sheridan County as Janitor, and the hiring of John J. Dockter of Martin, in his place.

Rep. Rait moved the adoption of the report.

## ROLL CALL

The question being on the hiring of John J. Dockter as janitor to fill the vacancy left by Jacob G. Krueger, the roll was called and there were ayes, 83; nayes, 11; absent and not voting, 17.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Halvorson | Rettke |
| Anderson, Benson | Haugland | Ritter |
| Anderson,M'K'nzie | Heckman | Rohde |
| Anfinson | Hofstrand | Saumur |
| Arneson, Ramsey | Holthusen | Schmidt, McHenry |
| Beede | Hultstrand | Schmidt, Sheridan |
| Belzer | Jensen | Schimke |
| Benno | Johnson, Cass | Scholl |
| Billigmeier | Johnson, LaMoure | Schwartz |
| Bingenheimer | Keller | Sellens |
| Blair | Kluver | Semerad |
| Bolmeier | Knutson | Sharpe |
| Boulden | Levin | Shure |
| Braun, McLean | Lunde | Singleton |
| Braun, Stark | McIntyre | Skartvedt |
| Brown | Myers | Sticka |
| Buchholz | Mittag | Stone |
| Dalzell | Mollet | Stormon |
| Dike | Moe | Thompson,Burl'gh |
| Dittmer | Nelson, Dickey | Thompson, Steele |
| Erickson | Nelson, Steele | Tuff |
| Feton | Nystrom | Urschel |
| Fletcher | Odegard | Westby |
| Fraser | Oglesby | Williams,Richland |
| Gainor | Ostgulen | Williams,Stutsm'n |
| Glas | Panko | Wolf |
| Gray | Peterson,Bottineau | Mr. Speaker |
| Haag | Rait | |

Those voting in the negative were:

| | | |
|---|---|---|
| Arneson, Nelson | Page | Symington |
| Holm | Peterson, Ransom | Trydahl |
| Ireland | Severson | Wambheim |
| Morland | Solberg | |

Absent and not voting:

| | | |
|---|---|---|
| Bergesen | Ista | Nelson, Cass |
| Byrne | Joiner | O'Brien |
| Crockett | Lange | Sand |
| Culver | Larson | Schauss |
| Fitch | McInnes | Twichell |
| Fuglestad | McIntee | |

So John J. Dockter was declared employed.

Rep. Anderson of Benson moved that Senate Bill No. 88 be re-referred to the Committee on Judiciary, which motion prevailed.

The Speaker administered the oath of office to John J. Dockter.

Rep. Stone: Mr. Speaker: I move that lines 20, 21, 22, 23 and 24 of House Resolution "G," page 291 in the Journal of January 28th, be stricken from the permanent record and the following lines be renumbered; and that the name of Congressman Lemke be stricken out of said Resolution wherever it appears, and that the Chief Clerk of the House be instructed to notify the Honorable William Lemke of this action and present to him the apologies of the House.

Which motion was seconded.

Rep. Dike moved a substitute motion that the name of Gerald P. Nye also be stricken from Resolution "G" and that the entire resolution be stricken from the records.

The question was put on the substitute motion of Rep. Dike, which motion was lost.

The question was put on the original motion of Rep. Stone, which motion prevailed.

Rep. Rohde moved that the absent members be excused, which motion prevailed.

Rep. Rait moved that the House do now adjourn, which motion prevailed and the House adjourned.

## THIRTY-SIXTH DAY

Bismarck, February 7, 1939.

The House assembled at 2:00 P. M., pursuant to adjournment, Speaker Hagen presiding.

Prayer by Rev. A. R. Henry, Mandan.

Roll call: All Representatives present except Boulden, Fuglestad, Gainor, Larson, Nelson of Cass, Ritter, Sand, Schwartz, Stone, Westby, Williams of Stutsman.

So a quorum was declared present.

## REPORT OF STANDING COMMITTEE

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

Mr. Speaker: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the Thirty-fifth Day and recommends that the same be corrected as follows:

Page 420, line 3, after the number "229," insert "and 231."

And when so corrected recommend that the same be approved.

REP. GLAS, Chairman.

Rep. Elliott T. Knutson moved that the report be adopted, which motion prevailed, and the report was adopted.

## MESSAGES TO THE SENATE

House of Representatives,
Bismarck, February 7, 1939.

Mr. President: I have the honor to transmit:

House Concurrent Resolution No. 81. A Concurrent Resolution Providing and Designating House and Senate Employes and Naming and Fixing Their Salaries; Legislative Assembly.

House Bill No. 85. A Bill for an Act to Amend and Reenact Section 591 of North Dakota Compiled Laws of 1913, Relative to the Powers of the Board of Railroad Commissioners, and Extending Such Powers to Include Common Carrier Pipe Lines; and Declaring an Emergency.

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

Mr. President: I have the honor to transmit:

House Bill No. 103. 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.

House Bill No. 193. A Bill for an Act to Amend and Reenact Section 869 of the Compiled Laws of North Dakota for the Year 1913; and Repealing All Acts or Parts of Acts in Conflict Herewith.

House Bill No. 102. A Bill for an Act Forbidding the Sale of Fermented Malt Beverages in the State of North Dakota Which Are Manufactured With Less Than Eighty Percent (80%) of Barley Malt.

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

Mr. Speaker: I have the honor to return:

Senate Concurrent Resolution No. 64. A Concurrent Resolution Memorializing the Congress of the United States to Provide Funds for the Payment of a Proportion of the Outstanding Indebtedness of the Taxing District, in Which the Federal Government Has Made or Will Make Land Purchases.

Which the Speaker has signed.

MINNIE D. CRAIG, Chief Clerk.

## REPORTS OF STANDING COMMITTEES

Mr. Speaker: Your Committee on Agriculture to whom was referred Senate Bill No. 52, have had the same under consideration and recommend that the same be indefinitely postponed.

CARL H. DITTMER, Chairman.

Rep. Billigmeier moved that the report be adopted, which motion prevailed, and the report was adopted.

The Committee on Judiciary made the following report:

Mr. Speaker: Your Committee on Judiciary to whom was referred Senate Bill No. 40, have had the same under consideration and recommend that the same be amended as follows:

In line 201, of the printed bill, after the word "redemption," change the word "of" to "or."

In line 202 of the printed bill, after the word "beyond," strike out balance of the line and insert in lieu thereof "July 1, 1941."

And when so amended, recommend the same do pass.

J. M. ANDERSON, Chairman.

Rep. Tuff moved that the report be adopted, which motion prevailed, and the report was adopted.

The Committee on Judiciary made the following report:

Mr. Speaker: Your Committee on Judiciary to whom was referred House Bill No. 124, have had the same under consideration and recommend that the same be indefinitely postponed.

J. M. ANDERSON, Chairman.

Rep. Rettke moved that the report be adopted, which motion prevailed and the report was adopted.

Rep. Shure moved that the vote by which House Bill No. 124 was indefinitely postponed be reconsidered, and the motion to reconsider be laid on the table, which motion prevailed.

## MESSAGES FROM THE SENATE

Senate Chamber,
Bismarck, February 7, 1939.

Mr. Speaker: I have the honor to transmit:

Senate Bill No. 89. A Bill for an Act to Amend and Reenact Sub-section (a) and Sub-section (f) of Section 5, Section 6 and Section 8 of Chapter 9 of the Session Laws of North Dakota for 1937; Relating to the Organization of Soil Conservation Districts, the Election, Qualification and Tenure of Supervisors Thereof; and Relating to the Adoption and Enforcement of Land-use Regulations, and Declaring an Emergency.

Senate Bill No. 73. A Bill for an Act to Amend and Reenact Section 29 of Chapter 179 of the Session Laws of 1927 as Amended by Chapter 165 of the Session Laws of 1929 and Chapter 186 of the Session Laws of 1931, Relating to When Fees on Motor Vehicles Become Delinquent, Providing Penalties, Providing for the Collection Thereof, and Declaring an Emergency.

Senate Bill No. 90. A Bill for an Act to Amend and Reenact Chapter 166 of the Session Laws of North Dakota for the Year 1937, Relating to the Application to Highway Purposes of All Special Taxes on Motor Vehicle Transportation and Declaring an Emergency.

Senate Bill No. 84. A Bill for an Act to Amend and Reenact Section 42, of Chapter 162, of the Session Laws of 1927, Relating to Restrictions as to Tire Equipment, and Repealing All Acts or Parts of Acts in Conflict Herewith.

Senate Bill No. 48. A Bill for an Act to Amend and Reenact Chapter 240 of the Session Laws of North Dakota for 1937, Providing for an Adjustment of Delinquent Taxes for 1937 and Prior Years, Authorizing Boards of County Commissioners to Make Extension Contracts for the Payment of Delinquent Taxes and for the Cancellation of Such Contracts, Providing for the Suspension of Tax Collection and Tax Deed Laws as to Taxes Affected by Such Contracts, Repealing All Acts and Parts of Acts in Conflict Herewith, and Declaring an Emergency.

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

Mr. Speaker: I have the honor to return:

House Concurrent Resolution No. 229. A Concurrent Resolution Extending an Invitation to the King and Queen of the United Kingdom of Great Britain and Ireland to Visit the International Peace Gardens.

House Concurrent Resolution No. 230. A Concurrent Resolution Extending an Invitation to the Crown Prince and Crown Princess of Norway to Visit the International Peace Gardens.

House Concurrent Resolution No. 231. A Concurrent

Resolution Extending an Invitation to the President of the United States to Visit the International Peace Gardens.

House Concurrent Resolution No. 224. A Concurrent Resolution Making the Memorial Hall of the State Capitol Building Available to the Members of the "Third House" for Various Entertainments.

Which the Senate has passed unchanged.

WM. J. LOWE, Secretary.

## REPORTS OF STANDING COMMITTEES

Mr. Speaker: Your Committee on Railroads to whom was referred House Bill No. 168, have had the same under consideration and recommend that the same be amended as follows:

Section 1, line 11 after the word "more" and before the word "preceding" strike out the words "in the next" and insert in lieu thereof the following: "on an average of the three last" and change the word "year" at the end of line 11 to "years." After the line 13 add the following:

"Provided, further, that in the event the gross revenues do not amount to eight thousand dollars or more annually, based on the average of such revenues for the preceding three year period, the Board of Railroad Commissioners shall exercise its discretion, after giving proper consideration to the public need, convenience and safety, in determining whether or not the permission sought by the railroad shall be granted."

And when so amended recommend the same do pass.

HARRY SEMERAD, Chairman.

Rep. Semerad moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Agriculture to whom was referred House Bill No. 158, have had the same under consideration and recommend that the same do pass.

CARL H. DITTMER, Chairman.

Rep. Haugland moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Agriculture to whom was referred House Bill No. 180, have had the same under consideration and recommend that the same be indefinitely postponed.

CARL H. DITTMER, Chairman.

Rep. Stormon moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Agriculture to whom was referred House Bill No. 188, have had the same under consideration and recommend that the same be indefinitely postponed.

CARL H. DITTMER, Chairman.

Rep. Haag moved that the report be adopted, which motion prevailed and the report was adopted.

Rep. Skartvedt moved that the vote by which House Bill No. 188 was indefinitely postponed be reconsidered and the

motion to reconsider be laid on the table, which motion prevailed.

## FIRST READING OF HOUSE BILLS

Rep. Westby introduced:

House Bill No. 268. A Bill for an Act to Amend and Reenact Section 19 of Chapter 148 of the Session Laws of the State of North Dakota, Relating to Game and Fish, for the Conservation, Protection and Preservation of Wild Birds, Wild Animals and Fish; Providing for Open Seasons for Taking or Killing Certain Game Birds, Game Animals, Furbearing Animals, Fish and Deer; Authorizing the Governor Upon Recommendation of Game and Fish Commissioner to Open, Curtail, or Extend Seasons for Taking or Killing Wild Birds or Animals; Preventing the Killing, Taking or Hunting of Pinnated Grouse, Known as the Wild Prairie Chicken, for a Period of Two Years; Providing a Penalty.

Was read the first time and referred to the Committee on Game and Fish.

Rep. Leonas Myers introduced:

House Bill No. 269. A Bill for an Act to Amend and Reenact Section 6073 of the 1925 Supplement to the 1913 Compiled Laws for the State of North Dakota, as Amended by Chapter 274 of the 1927 Session Laws for North Dakota and as Further Amended by Chapter 140 of the 1933 Session Laws for the State of North Dakota, Prescribing Low Rates of Interest for Any Legal Indebtedness, and Defining Usury, and Which Act is to Further Provide That no Person, Copartnership, Association or Corporation, Shall Directly or Indirectly Take or Receive, or Agree to Take or Receive, More than Six (6%) Per Cent Per Annum, by Way of Interest, or Otherwise, Upon Any Contract, and Providing That Charging More for Goods or Chattles When Sold on Credit or on Deferred Payments Upon Monthly Installment Payments, to Be Deemed Usury Whenever the Total Payments Shall Exceed the Cash Sale Price Plus Six (6%) Per Cent Interest, and Further Providing That the Fixing of a Price, in Making Payments, Where the Merchandise Is to Be Paid for in Monthly Installments Under a Conditional Sales Contract, or Otherwise, Where the Total Amount to Be Paid Thereby Exceeds the Cash Price for Such Property or Merchandise, Plus Six (6%) Per Cent Interest to Be Usury; 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 State Affairs.

Reps. Schauss, Benno and Bergesen introduced:

House Bill No. 270. A Bill for an Act to Create a State Board of Photographic Examiners and to Regulate the Practice of Professional Photography and to Provide for Licensing and Registration of Persons Engaged in the Practice of Professional Photography and to Protect the Public From Fraud Practiced by Unscrupulous and Irresponsible Persons Through Misrepresentation and Other Unconscionable Artifices and the Obtaining of the Possession of Property Without Returning Value Therefor and for the Protection of the Public Health and Safety; Providing for the Enforcement of

the Provisions of This Act and for the Punishment for Violation Thereof.

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

## SECOND READING OF HOUSE BILLS

House Bill No. 15. 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, the roll was called and there were ayes, 103; nays, 1; absent and not voting, 7.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Haugland | Panko |
| Anderson, Benson | Heckman | Peterson, Ransom |
| Anderson,M'K'nzie | Hofstrand | Rait |
| Anfinson | Holm | Rettke |
| Arneson, Nelson | Holthusen | Rohde |
| Arneson, Ramsey | Hultstrand | Saumur |
| Beede | Ireland | Schauss |
| Belzer | Ista | Schmidt, McHenry |
| Benno | Jensen | Schmidt, Sheridan |
| Bergesen | Johnson, Cass | Schimke |
| Billigmeier | Johnson, LaMoure | Scholl |
| Bingenheimer | Joiner | Schwartz |
| Blair | Keller | Sellens |
| Bolmeier | Kluver | Semerad |
| Boulden | Knutson | Sharpe |
| Braun, McLean | Lange | Shure |
| Braun, Stark | Levin | Singleton |
| Brown | Lunde | Skartvedt |
| Buchholz | McInnes | Solberg |
| Byrne | McIntee | Sticka |
| Crockett | McIntyre | Stormon |
| Culver | Myers | Symington |
| Dalzell | Mittag | Thompson,Burl'gh |
| Dike | Mollet | Thompson, Steele |
| Dittmer | Moe | Trydahl |
| Erickson | Morland | Tuff |
| Feton | Nelson, Dickey | Twichell |
| Fitch | Nelson, Steele | Urschel |
| Fletcher | Nystrom | Wambheim |
| Fraser | O'Brien | Westby |
| Gainor | Odegard | Williams,Richland |
| Glas | Oglesby | Williams,Stutsm'n |
| Gray | Ostgulen | Wolf |
| Haag | Page | Mr. Speaker |
| Halvorson | | |

Those voting in the negative were:
Stone

Absent and not voting:

| | | |
|---|---|---|
| Fuglestad | Peterson,Bottineau | Sand |
| Larson | Ritter | Severson |
| Nelson, Cass | | |

So the bill passed and the title was agreed to.

House Bill No. 4. 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, 103; nays, 0; absent and not voting, 8.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Heckman | Peterson, Ransom |
| Anderson, Benson | Hofstrand | Rait |
| Anderson,M'K'nzie | Holm | Rettke |
| Anfinson | Holthusen | Ritter |
| Arneson, Nelson | Hultstrand | Rohde |
| Arneson, Ramsey | Ireland | Schmidt, McHenry |
| Beede | Ista | Schmidt, Sheridan |
| Belzer | Jensen | Schimke |
| Benno | Johnson, Cass | Scholl |
| Bergesen | Johnson, LaMoure | Schwartz |
| Billigmeier | Joiner | Sellens |
| Bingenheimer | Keller | Semerad |
| Blair | Kluver | Severson |
| Bolmeier | Knutson | Sharpe |
| Boulden | Lange | Shure |
| Braun, McLean | Levin | Singleton |
| Braun, Stark | Lunde | Skartvedt |
| Brown | McInnes | Solberg |
| Buchholz | McIntee | Sticka |
| Byrne | McIntyre | Stone |
| Crockett | Myers | Stormon |
| Culver | Mittag | Symington |
| Dalzell | Mollet | Thompson,Burl'gh |
| Dike | Moe | Thompson, Steele |
| Dittmer | Morland | Trydahl |
| Erickson | Nelson, Dickey | Tuff |
| Feton | Nelson, Steele | Twichell |
| Fletcher | Nystrom | Urschel |
| Fraser | O'Brien | Wambheim |
| Gainor | Odegard | Westby |
| Glas | Oglesby | Williams,Richland |
| Gray | Ostgulen | Williams,Stutsm'n |
| Haag | Page | Wolf |
| Halvorson | Panko | Mr. Speaker |
| Haugland | | |

Absent and not voting:

| | | |
|---|---|---|
| Fitch | Nelson, Cass | Saumur |
| Fuglestad | Peterson,Bottineau | Schauss |
| Larson | Sand | |

So the bill passed and the title was agreed to.

House Bill No. 7. 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.

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, 100; nays, 0; absent and not voting, 11.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Heckman | Rettke |
| Anderson, Benson | Holm | Ritter |
| Anderson,M'K'nzie | Holthusen | Rohde |
| Anfinson | Hultstrand | Saumur |
| Arneson, Nelson | Ireland | Schmidt, McHenry |
| Arneson, Ramsey | Ista | Schmidt, Sheridan |
| Beede | Jensen | Schimke |
| Belzer | Johnson, Cass | Scholl |
| Benno | Johnson, LaMoure | Schwartz |
| Bergesen | Joiner | Sellens |
| Billigmeier | Keller | Semerad |
| Bingenheimer | Kluver | Severson |
| Blair | Knutson | Sharpe |
| Bolmeier | Lange | Shure |
| Boulden | Levin | Singleton |
| Braun, McLean | Lunde | Skartvedt |
| Braun, Stark | McInnes | Solberg |
| Brown | McIntee | Sticka |
| Buchholz | McIntyre | Stone |
| Byrne | Myers | Stormon |
| Culver | Mittag | Symington |
| Dalzell | Mollet | Thompson,Burl'gh |
| Dike | Moe | Thompson, Steele |
| Dittmer | Morland | Trydahl |
| Erickson | Nelson, Dickey | Tuff |
| Feton | Nelson, Steele | Twichell |
| Fletcher | Nystrom | Urschel |
| Fraser | O'Brien | Wambheim |
| Gainor | Odegard | Westby |
| Glas | Oglesby | Williams,Richland |
| Gray | Ostgulen | Williams,Stutsm'n |
| Haag | Peterson, Ransom | Wolf |
| Halvorson | Rait | Mr. Speaker |
| Haugland | | |

Absent and not voting:

| | | |
|---|---|---|
| Crockett | Larson | Peterson,Bottineau |
| Fitch | Nelson, Cass | Sand |
| Fuglestad | Page | Schauss |
| Hofstrand | Panko | |

So the bill passed and the title was agreed to.

House Bill No. 16. 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, the roll was called and there were ayes, 94; nays, 1; absent and not voting, 16.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Haugland | Rait |
| Anderson, Benson | Holm | Rettke |
| Anderson,M'K'nzie | Holthusen | Ritter |
| Anfinson | Hultstrand | Rohde |
| Arneson, Nelson | Ireland | Saumur |
| Arneson, Ramsey | Ista | Schmidt, McHenry |
| Beede | Jensen | Schmidt, Sheridan |
| Belzer | Johnson, Cass | Schimke |
| Benno | Johnson, LaMoure | Schwartz |
| Bergesen | Joiner | Sellens |
| Billigmeier | Keller | Semerad |
| Bingenheimer | Kluver | Severson |
| Blair | Knutson | Sharpe |
| Bolmeier | Lange | Shure |
| Boulden | Levin | Singleton |
| Braun, McLean | Lunde | Skartvedt |
| Braun, Stark | McInnes | Solberg |
| Brown | McIntee | Sticka |
| Buchholz | McIntyre | Stormon |
| Byrne | Myers | Symington |
| Culver | Mittag | Thompson,Burl'gh |
| Dalzell | Mollet | Thompson, Steele |
| Dike | Moe | Trydahl |
| Erickson | Nelson, Dickey | Tuff |
| Feton | Nelson, Steele | Twichell |
| Fletcher | Nystrom | Wambheim |
| Fraser | O'Brien | Westby |
| Gainor | Odegard | Williams,Richland |
| Glas | Oglesby | Williams,Stutsm'n |
| Gray | Panko | Wolf |
| Haag | Peterson, Ransom | Mr. Speaker |
| Halvorson | | |

Those voting in the negative were:
Stone

Absent and not voting:

| | | |
|---|---|---|
| Crockett | Larson | Peterson,Bottineau |
| Dittmer | Morland | Sand |
| Fitch | Nelson, Cass | Schauss |
| Fuglestad | Ostgulen | Scholl |
| Heckman | Page | Urschel |
| Hofstrand | | |

So the bill passed and the title was agreed to.

House Bill No. 17. 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, the roll was called and there were ayes, 94; nays, 1; absent and not voting, 16.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Haugland | Rait |
| Anderson, Benson | Hofstrand | Rettke |

| | | |
|---|---|---|
| Anderson,M'K'nzie | Holm | Ritter |
| Anfinson | Holthusen | Rohde |
| Arneson, Nelson | Hultstrand | Saumur |
| Arneson, Ramsey | Ireland | Schmidt, McHenry |
| Beede | Ista | Schmidt, Sheridan |
| Belzer | Jensen | Schimke |
| Benno | Johnson, Cass | Schwartz |
| Bergesen | Johnson, LaMoure | Sellens |
| Billigmeier | Joiner | Semerad |
| Bingenheimer | Keller | Severson |
| Blair | Kluver | Sharpe |
| Bolmeier | Knutson | Shure |
| Boulden | Levin | Singleton |
| Braun, McLean | Lunde | Skartvedt |
| Braun, Stark | McInnes | Solberg |
| Buchholz | McIntee | Sticka |
| Byrne | McIntyre | Stormon |
| Culver | Myers | Symington |
| Dalzell | Mittag | Thompson,Burl'gh |
| Dike | Mollet | Trydahl |
| Dittmer | Moe | Tuff |
| Erickson | Nelson, Dickey | Twichell |
| Feton | Nystrom | Urschel |
| Fletcher | O'Brien | Wambheim |
| Fraser | Odegard | Westby |
| Gainor | Oglesby | Williams,Richland |
| Glas | Page | Williams,Stutsm'n |
| Gray | Panko | Wolf |
| Haag | Peterson, Ransom | Mr. Speaker |
| Halvorson | | |

Those voting in the negative were:
Stone
Absent and not voting:

| | | |
|---|---|---|
| Brown | Larson | Peterson,Bottineau |
| Crockett | Morland | Sand |
| Fitch | Nelson, Cass | Schauss |
| Fuglestad | Nelson, Steele | Scholl |
| Heckman | Ostgulen | Thompson, Steele |
| Lange | | |

So the bill passed and the title was agreed to.

House Bill No. 18. A Bill for an Act Making an Appropriation for St. John's Orphange of Fargo, North Dakota, Providing the Methods of Expenditures and Audit Thereof; Supervision and Inspection 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, 95; nays, 1; absent and not voting, 15.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Haugland | Panko |
| Anderson, Benson | Heckman | Peterson, Ransom |
| Anderson,M'K'nzie | Hofstrand | Rait |
| Anfinson | Holm | Rettke |
| Arneson, Nelson | Holthusen | Ritter |
| Arneson, Ramsey | Hultstrand | Saumur |
| Beede | Ireland | Schmidt, McHenry |

| | | |
|---|---|---|
| Belzer | Ista | Schmidt, Sheridan |
| Benno | Jensen | Schimke |
| Bergesen | Johnson, Cass | Schwartz |
| Billigmeier | Johnson, LaMoure | Sellens |
| Bingenheimer | Joiner | Semerad |
| Blair | Keller | Severson |
| Bolmeier | Kluver | Sharpe |
| Boulden | Knutson | Shure |
| Braun, McLean | Lange | Singleton |
| Braun, Stark | Levin | Skartvedt |
| Brown | Lunde | Solberg |
| Buchholz | McIntee | Sticka |
| Byrne | McIntyre | Stormon |
| Culver | Myers | Symington |
| Dalzell | Mittag | Thompson,Burl'gh |
| Dike | Mollet | Trydahl |
| Dittmer | Moe | Tuff |
| Erickson | Morland | Urschel |
| Feton | Nelson, Dickey | Wambheim |
| Fletcher | Nystrom | Westby |
| Fraser | O'Brien | Williams,Richland |
| Gainor | Odegard | Williams,Stutsm'n |
| Glas | Oglesby | Wolf |
| Gray | Ostgulen | Mr. Speaker |
| Haag | Page | |

Those voting in the negative were:
Stone

Absent and not voting:

| | | |
|---|---|---|
| Crockett | McInnes | Sand |
| Fitch | Nelson, Cass | Schauss |
| Fuglestad | Nelson, Steele | Scholl |
| Halvorson | Peterson,Bottineau | Thompson, Steele |
| Larson | Rohde | Twichell |

So the bill passed and the title was agreed to.

House Bill No. 19. 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, the roll was called and there were ayes, 95; nays, 1; absent and not voting, 15.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Haugland | Peterson, Ransom |
| Anderson, Benson | Heckman | Rait |
| Anderson,M'K'nzie | Hofstrand | Ritter |
| Anfinson | Holm | Rohde |
| Arneson, Nelson | Hultstrand | Saumur |
| Arneson, Ramsey | Ireland | Schmidt, McHenry |
| Beede | Ista | Schmidt, Sheridan |
| Belzer | Jensen | Schimke |
| Benno | Johnson, Cass | Scholl |
| Bergesen | Johnson, LaMoure | Schwartz |
| Billigmeier | Joiner | Sellens |

| | | |
|---|---|---|
| Bingenheimer | Keller | Severson |
| Blair | Kluver | Sharpe |
| Bolmeier | Knutson | Shure |
| Boulden | Lange | Singleton |
| Braun, McLean | Levin | Skartvedt |
| Braun, Stark | McInnes | Solberg |
| Buchholz | McIntee | Sticka |
| Byrne | McIntyre | Stormon |
| Crockett | Myers | Symington |
| Culver | Mollet | Thompson,Burl'gh |
| Dalzell | Moe | Trydahl |
| Dike | Morland | Tuff |
| Dittmer | Nelson, Cass | Twichell |
| Erickson | Nelson, Dickey | Urschel |
| Feton | Nystrom | Wambheim |
| Fletcher | O'Brien | Westby |
| Fraser | Odegard | Williams,Richland |
| Gainor | Oglesby | Williams,Stutsm'n |
| Glas | Ostgulen | Wolf |
| Gray | Page | Mr. Speaker |
| Haag | Panko | |

Those voting in the negative were:
Stone

Absent and not voting:

| | | |
|---|---|---|
| Brown | Larson | Rettke |
| Fitch | Lunde | Sand |
| Fuglestad | Mittag | Schauss |
| Halvorson | Nelson, Steele | Semerad |
| Holthusen | Peterson,Bottineau | Thompson, Steele |

So the bill passed and the title was agreed to.

House Bill No. 20. 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, 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, the roll was called and there were ayes, 94; nays, 3; absent and not voting, 14.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Haag | Peterson, Ransom |
| Anderson, Benson | Haugland | Rait |
| Anderson,M'K'nzie | Heckman | Rettke |
| Anfinson | Hofstrand | Rohde |
| Arneson, Nelson | Holm | Saumur |
| Arneson, Ramsey | Hultstrand | Schauss |
| Beede | Ireland | Schmidt, McHenry |
| Belzer | Jensen | Schmidt, Sheridan |
| Benno | Johnson, Cass | Schimke |
| Bergesen | Johnson, LaMoure | Scholl |
| Billigmeier | Joiner | Schwartz |
| Bingenheimer | Keller | Sellens |
| Blair | Kluver | Severson |

| | | |
|---|---|---|
| Bolmeier | Knutson | Sharpe |
| Boulden | Lange | Shure |
| Braun, McLean | Levin | Singleton |
| Braun, Stark | Lunde | Skartvedt |
| Brown | McIntee | Solberg |
| Buchholz | McIntyre | Sticka |
| Byrne | Myers | Stormon |
| Crockett | Moe | Symington |
| Culver | Morland | Thompson,Burl'gh |
| Dalzell | Nelson, Dickey | Tuff |
| Dike | Nystrom | Twichell |
| Dittmer | O'Brien | Urschel |
| Erickson | Odegard | Wambheim |
| Feton | Oglesby | Westby |
| Fletcher | Ostgulen | Williams,Richland |
| Fraser | Page | Williams,Stutsm'n |
| Gainor | Panko | Wolf |
| Glas | Peterson,Bottineau | Mr. Speaker |
| Gray | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Semerad | Stone | Trydahl |

Absent and not voting:

| | | |
|---|---|---|
| Fitch | Larson | Nelson, Steele |
| Fuglestad | McInnes | Ritter |
| Halvorson | Mittag | Sand |
| Holthusen | Mollet | Thompson, Steele |
| Ista | Nelson, Cass | |

So the bill passed and the title was agreed to.

House Bill No. 21. 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 rol. was called and there were ayes, 101; nays, 1; absent and not voting, 9.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Haugland | Rettke |
| Anderson, Benson | Heckman | Ritter |
| Anderson,M'K'nzie | Hofstrand | Rohde |
| Anfinson | Holm | Saumur |
| Arneson, Nelson | Hultstrand | Schauss |
| Arneson, Ramsey | Ireland | Schmidt, McHenry |
| Beede | Ista | Schmidt, Sheridan |
| Belzer | Jensen | Schimke |
| Benno | Johnson, Cass | Scholl |
| Bergesen | Johnson, LaMoure | Schwartz |
| Billigmeier | Joiner | Sellens |
| Bingenheimer | Keller | Semerad |
| Blair | Kluver | Severson |
| Bolmeier | Knutson | Sharpe |
| Boulden | Lange | Shure |
| Braun, McLean | Levin | Singleton |
| Braun, Stark | Lunde | Skartvedt |

| | | |
|---|---|---|
| Brown | McIntee | Solberg |
| Buchholz | McIntyre | Sticka |
| Byrne | Myers | Stone |
| Crockett | Mittag | Stormon |
| Culver | Mollet | Symington |
| Dalzell | Morland | Thompson,Burl'gh |
| Dike | Nelson, Dickey | Trydahl |
| Dittmer | Nystrom | Tuff |
| Erickson | O'Brien | Twichell |
| Feton | Odegard | Urschel |
| Fitch | Oglesby | Wambheim |
| Fletcher | Ostgulen | Westby |
| Fraser | Page | Williams,Richland |
| Gainor | Panko | Williams,Stutsm'n |
| Glas | Peterson,Bottineau | Wolf |
| Gray | Peterson, Ransom | Mr. Speaker |
| Haag | Rait | |

Those voting in the negative were:
Moe

Absent and not voting:

| | | |
|---|---|---|
| Fuglestad | Larson | Nelson, Steele |
| Halvorson | McInnes | Sand |
| Holthusen | Nelson, Cass | Thompson, Steele |

So the bill passed and the title was agreed to.

House Bill No. 71 was read the second time.

Rep. Knutson moved that House Bill No. 71 be re-referred to the Committee on Taxes and Tax Laws, which motion prevailed.

House Bill No. 163 was read the second time.

Rep. Ritter moved that House Bill No. 163 be re-referred to the Committee on Appropriations, which motion was seconded.

Rep. Stone moved a substitute motion that House Bill No. 163 be indefinitely postponed, which motion was seconded.

The question was put on Rep. Stone's motion, which motion was lost.

The question being put on Rep. Ritter's motion, the motion prevailed, and House Bill No. 163 was referred to the Committee on Appropriations.

Rep. Scholl moved that the House recess for a twenty-minute period, which motion prevailed.

After which recess the Speaker called the House to order and announced that the House would continue to proceed with the Eleventh Order of Business.

## SECOND READING OF HOUSE BILLS

House Bill No. 171. A Bill for an Act Providing for the Testing of Gasoline, Kerosene and Other Petroleum Products Used for Fuel and Power Purposes and Purchased for Resale; Repealing All Acts and Parts of Acts in Conflict Herewith; Providing a Penalty; 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, 98; nays 2; absent and not voting, 11.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Haugland | Rettke |
| Anderson, Benson | Heckman | Rohde |
| Anderson,M'K'nzie | Hofstrand | Saumur |
| Anfinson | Holm | Schauss |
| Arneson, Nelson | Holthusen | Schmidt, McHenry |
| Arneson, Ramsey | Hultstrand | Schmidt, Sheridan |
| Beede | Ireland | Schimke |
| Belzer | Jensen | Scholl |
| Benno | Johnson, LaMoure | Schwartz |
| Bergesen | Joiner | Sellens |
| Billigmeier | Keller | Semerad |
| Bingenheimer | Knutson | Severson |
| Bolmeier | Lange | Sharpe |
| Boulden | Lunde | Shure |
| Braun, McLean | McInnes | Singleton |
| Braun, Stark | McIntee | Skartvedt |
| Brown | McIntyre | Solberg |
| Buchholz | Myers | Sticka |
| Byrne | Mittag | Stone |
| Crockett | Mollet | Stormon |
| Culver | Moe | Symington |
| Dalzell | Morland | Thompson,Burl'gh |
| Dike | Nelson, Dickey | Trydahl |
| Dittmer | Nystrom | Tuff |
| Erickson | O'Brien | Twichell |
| Feton | Odegard | Urschel |
| Fletcher | Oglesby | Wambheim |
| Fraser | Ostgulen | Westby |
| Gainor | Page | Williams,Richland |
| Glas | Panko | Williams,Stutsm'n |
| Gray | Peterson,Bottineau | Wolf |
| Haag | Peterson, Ransom | Mr. Speaker |
| Halvorson | Rait | |

Those voting in the negative were:

| | |
|---|---|
| Blair | Ritter |

Absent and not voting:

| | | |
|---|---|---|
| Fitch | Kluver | Nelson, Steele |
| Fuglestad | Larson | Sand |
| Ista | Levin | Thompson, Steele |
| Johnson, Cass | Nelson, Cass | |

So the bill passed and the title was agreed to.

House Bill No. 172. A Bill for an Act to Amend and Reenact Sections 5, 6, 7, 8 and 9 of Chapter 91 of the 1935 Session Laws of 1935, Relating to an Act Creating the State Athletic Commission, Prescribing Its Powers and Duties, Providing Penalties for Violations and Repealing All Acts or Parts of Acts in Conflict Therewith; and Providing an Appropriation 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, 86; nays, 17; absent and not voting, 8.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Anderson, Benson | Haag | Panko |
| Anderson,M'K'nzie | Halvorson | Rait |
| Anfinson | Haugland | Rettke |
| Arneson, Nelson | Heckman | Ritter |
| Beede | Hofstrand | Saumur |
| Belzer | Holm | Schauss |
| Benno | Holthusen | Schmidt, Sheridan |
| Bergesen | Hultstrand | Schimke |
| Billigmeier | Ireland | Scholl |
| Bingenheimer | Ista | Schwartz |
| Bolmeier | Johnson, Cass | Sellens |
| Boulden | Johnson, LaMoure | Severson |
| Braun, McLean | Joiner | Sharpe |
| Braun, Stark | Kluver | Shure |
| Buchholz | Knutson | Singleton |
| Byrne | Lange | Skartvedt |
| Crockett | Levin | Solberg |
| Culver | Lunde | Sticka |
| Dalzell | McInnes | Symington |
| Dike | McIntee | Thompson,Burl'gh |
| Dittmer | Mittag | Trydahl |
| Erickson | Mollet | Urschel |
| Feton | Morland | Wambheim |
| Fitch | Nelson, Cass | Westby |
| Fletcher | Nelson, Dickey | Williams,Richland |
| Fraser | Nelson, Steele | Williams,Stutsm'n |
| Gainor | Nystrom | Wolf |
| Glas | O'Brien | Mr. Speaker |
| Gray | Page | |

Those voting in the negative were:

| | | |
|---|---|---|
| Arneson, Ramsey | Oglesby | Semerad |
| Blair | Ostgulen | Stone |
| Brown | Peterson,Bottineau | Stormon |
| Keller | Peterson, Ransom | Thompson, Steele |
| Moe | Rohde | Tuff |
| Odegard | Schmidt, McHenry | |

Absent and not voting:

| | | |
|---|---|---|
| Adam | Larson | Sand |
| Fuglestad | McIntyre | Twichell |
| Jensen | Myers | |

So the bill passed and the title was agreed to.

Rep. Schimke moved that the vote by which House Bill No. 172 was passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 204. A Bill for an Act to Provide for Better Control and Regulation of the Sale of Alcohol, Alcoholic Beverages and Intoxicating Liquors Within the State of North Dakota; to License the Importation Thereof; to Provide for the Issuance and Cancellation of Importers' Licenses and Set the Fees Therefor; Provide for the Disposition of Said Fees; to Provide 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, 80; nays, 18; 1 pass; absent and not voting, 12.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Anderson, Benson | Heckman | Panko |
| Anderson,M'K'nzie | Hofstrand | Peterson,Bottineau |
| Anfinson | Holthusen | Rait |
| Arneson, Nelson | Hultstrand | Rettke |
| Arneson, Ramsey | Ireland | Ritter |
| Beede | Ista | Rohde |
| Belzer | Jensen | Schmidt, McHenry |
| Billigmeier | Johnson, LaMoure | Schimke |
| Bingenheimer | Joiner | Scholl |
| Boulden | Keller | Schwartz |
| Braun, McLean | Knutson | Semerad |
| Braun, Stark | Lange | Severson |
| Brown | Levin | Sharpe |
| Byrne | Lunde | Shure |
| Crockett | McInnes | Singleton |
| Culver | McIntee | Skartvedt |
| Dalzell | McIntyre | Sticka |
| Erickson | Mittag | Stormon |
| Feton | Mollet | Symington |
| Fletcher | Moe | Thompson, Steele |
| Fraser | Morland | Tuff |
| Gainor | Nelson, Dickey | Twichell |
| Glas | Nelson, Steele | Urschel |
| Gray | Nystrom | Westby |
| Haag | O'Brien | Williams,Richland |
| Halvorson | Odegard | Wolf |
| Haugland | Page | |

Those voting in the negative were:

| | | |
|---|---|---|
| Adam | Holm | Sellens |
| Benno | Johnson, Cass | Stone |
| Blair | Kluver | Thompson,Burl'gh |
| Dike | Oglesby | Trydahl |
| Dittmer | Peterson, Ransom | Wambheim |
| Fitch | Saumur | Williams,Stutsm'n |

Absent and not voting:

| | | |
|---|---|---|
| Bergesen | Myers | Schauss |
| Buchholz | Nelson, Cass | Schmidt, Sheridan |
| Fuglestad | Ostgulen | Solberg |
| Larson | Sand | Mr. Speaker |

Passed:
Bolmeier

So the bill passed and the title was agreed to and the Emergency Clause declared carried.

Rep. Page moved that the vote by which House Bill No. 204 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 28. 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, as

amended, the roll was called and there were ayes, 95; nays, 8; absent and not voting, 8.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Gray | Peterson,Bottineau |
| Anderson, Benson | Haag | Rait |
| Anderson,M'K'nzie | Halvorson | Rettke |
| Anfinson | Haugland | Ritter |
| Arneson, Nelson | Heckman | Saumur |
| Arneson, Ramsey | Hofstrand | Schauss |
| Beede | Holthusen | Schmidt, McHenry |
| Belzer | Hultstrand | Schimke |
| Benno | Ireland | Scholl |
| Bergesen | Ista | Schwartz |
| Billigmeier | Jensen | Sellens |
| Bingenheimer | Johnson, Cass | Semerad |
| Blair | Johnson, LaMoure | Severson |
| Bolmeier | Joiner | Sharpe |
| Boulden | Keller | Shure |
| Braun, McLean | Knutson | Singleton |
| Braun, Stark | Lange | Skartvedt |
| Brown | Levin | Sticka |
| Buchholz | Lunde | Stormon |
| Byrne | McInnes | Symington |
| Crockett | McIntee | Thompson,Burl'gh |
| Culver | McIntyre | Thompson, Steele |
| Dalzell | Mittag | Trydahl |
| Dike | Morland | Twichell |
| Dittmer | Nelson, Dickey | Urschel |
| Erickson | Nelson, Steele | Wambheim |
| Feton | Nystrom | Westby |
| Fitch | O'Brien | Williams,Richland |
| Fletcher | Odegard | Williams,Stutsm'n |
| Fraser | Oglesby | Wolf |
| Gainor | Page | Mr. Speaker |
| Glas | Panko | |

Those voting in the negative were:

| | | |
|---|---|---|
| Holm | Mollet | Stone |
| Kluver | Peterson, Ransom | Tuff |
| Moe | Rohde | |

Absent and not voting:

| | | |
|---|---|---|
| Fuglestad | Nelson, Cass | Schmidt, Sheridan |
| Larson | Ostgulen | Solberg |
| Myers | Sand | |

So the bill passed and the title was agreed to.

House Bill No. 36. 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, 81; nays 21; absent and not voting, 9.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Glas | Page |
| Anderson, Benson | Gray | Panko |

| | | |
|---|---|---|
| Anderson,M'K'nzie | Haag | Peterson,Bottineau |
| Anfinson | Halvorson | Rait |
| Arneson, Nelson | Haugland | Rettke |
| Beede | Heckman | Ritter |
| Benno | Hofstrand | Rohde |
| Bergesen | Holthusen | Saumur |
| Billigmeier | Hultstrand | Schauss |
| Bingenheimer | Ireland | Schimke |
| Bolmeier | Ista | Scholl |
| Boulden | Jensen | Schwartz |
| Braun, McLean | Johnson, Cass | Sellens |
| Braun, Stark | Johnson, LaMoure | Semerad |
| Brown | Kluver | Singleton |
| Buchholz | Lange | Sticka |
| Byrne | Lunde | Stormon |
| Culver | McInnes | Symington |
| Dalzell | McIntee | Thompson,Burl'gh |
| Dike | McIntyre | Trydahl |
| Dittmer | Mittag | Twichell |
| Erickson | Morland | Urschel |
| Feton | Nelson, Dickey | Wambheim |
| Fitch | Nelson, Steele | Westby |
| Fletcher | Nystrom | Williams,Stutsm'n |
| Fraser | O'Brien | Wolf |
| Gainor | Odegard | Mr. Speaker |

Those voting in the negative were:

| | | |
|---|---|---|
| Arneson, Ramsey | Knutson | Sharpe |
| Belzer | Moe | Shure |
| Blair | Mollet | Skartvedt |
| Crockett | Oglesby | Stone |
| Holm | Peterson, Ransom | Thompson, Steele |
| Joiner | Schmidt, McHenry | Tuff |
| Keller | Severson | Williams,Richland |

Absent and not voting:

| | | |
|---|---|---|
| Fuglestad | Myers | Sand |
| Larson | Nelson, Cass | Schmidt, Sheridan |
| Levin | Ostgulen | Solberg |

So the bill passed and the title was agreed to.

Rep. Saumur moved that the vote by which House Bill No. 36 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Rep. Holm: Mr. Speaker, it seems to me we are passing appropriation bills far above the ability of our State to pay. It seems to me we are losing our heads. Therefore, I vote "no."

House Bill No. 70. A Bill for an Act Providing for and Permitting the Purchase of Gasoline to be Used Solely for Agricultural and Industrial Purposes Without Payment of Gasoline Tax on Purchase Thereof; Licensing Purchasers and Sellers Thereof; Providing Penalties; Repeal.

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, 93; nays, 3; absent and not voting, 15.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Halvorson | Ritter |
| Anderson, Benson | Haugland | Rohde |
| Anderson,M'K'nzie | Heckman | Saumur |
| Anfinson | Hofstrand | Schauss |
| Arneson, Nelson | Holm | Schmidt, McHenry |
| Arneson, Ramsey | Ireland | Schimke |
| Beede | Ista | Scholl |
| Belzer | Jensen | Schwartz |
| Bergesen | Johnson, Cass | Sellens |
| Billigmeier | Johnson, LaMoure | Semerad |
| Bingenheimer | Joiner | Severson |
| Blair | Keller | Sharpe |
| Bolmeier | Lange | Shure |
| Boulden | Levin | Singleton |
| Braun, McLean | Lunde | Skartvedt |
| Braun, Stark | McIntee | Sticka |
| Brown | McIntyre | Stone |
| Buchholz | Mittag | Stormon |
| Byrne | Mollet | Symington |
| Culver | Morland | Thompson,Burl'gh |
| Dalzell | Nelson, Dickey | Thompson, Steele |
| Dittmer | Nelson, Steele | Trydahl |
| Erickson | Nystrom | Tuff |
| Feton | O'Brien | Twichell |
| Fitch | Odegard | Urschel |
| Fletcher | Oglesby | Wambheim |
| Fraser | Page | Westby |
| Gainor | Panko | Williams,Richland |
| Glas | Peterson,Bottineau | Williams,Stutsm'n |
| Gray | Rait | Wolf |
| Haag | Rettke | Mr. Speaker |

Those voting in the negative were:

| | | |
|---|---|---|
| Dike | McInnes | Peterson, Ransom |

Absent and not voting:

| | | |
|---|---|---|
| Benno | Kluver | Nelson, Cass |
| Crockett | Knutson | Ostgulen |
| Fuglestad | Larson | Sand |
| Holthusen | Myers | Schmidt, Sheridan |
| Hultstrand | Moe | Solberg |

So the bill passed and the title was agreed to, and the Emergency Clause was declared carried.

Rep. Lange moved that the vote by which House Bill No. 70 was passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 194. 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, 1938. Permitting Payments in Ten 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, 95; nays, 0; 1 excused; absent and not voting, 15.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Anderson, Benson | Heckman | Rait |
| Anderson,M'K'nzie | Hofstrand | Rettke |
| Arneson, Ramsey | Holm | Ritter |
| Beede | Hultstrand | Rohde |
| Belzer | Ireland | Saumur |
| Benno | Ista | Schauss |
| Bergesen | Jensen | Schmidt, McHenry |
| Billigmeier | Johnson, Cass | Schimke |
| Bingenheimer | Johnson, LaMoure | Schwartz |
| Blair | Joiner | Sellens |
| Bolmeier | Keller | Semerad |
| Boulden | Kluver | Severson |
| Braun, McLean | Lange | Sharpe |
| Braun, Stark | Levin | Shure |
| Brown | Lunde | Singleton |
| Buchholz | McInnes | Skartvedt |
| Byrne | McIntee | Sticka |
| Crockett | McIntyre | Stone |
| Culver | Mittag | Stormon |
| Dalzell | Moe | Symington |
| Dike | Mollet | Thompson,Burl'gh |
| Dittmer | Morland | Thompson, Steele |
| Feton | Nelson, Dickey | Trydahl |
| Fitch | Nelson, Steele | Tuff |
| Fletcher | Nystrom | Urschel |
| Fraser | O'Brien | Wambheim |
| Gainor | Odegard | Westby |
| Glas | Oglesby | Williams,Richland |
| Gray | Page | Williams,Stutsm'n |
| Haag | Panko | Wolf |
| Halvorson | Peterson,Bottineau | Mr. Speaker |
| Haugland | Peterson, Ransom | |

Absent and not voting:

| | | |
|---|---|---|
| Adam | Holthusen | Ostgulen |
| Anfinson | Knutson | Sand |
| Arneson, Nelson | Larson | Schmidt, Sheridan |
| Erickson | Myers | Scholl |
| Fuglestad | Nelson, Cass | Solberg |

Excused:
Twichell

So the bill passed and the title was agreed to.

Emergency declared carried.

Rep. Wambheim moved that the vote by which House Bill No. 194 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Rep. Byrne moved that the House dispense with second reading of House Bill No. 121 as it had already been read in its entirety, which motion was seconded.

Rep. Stone moved a substitute motion that House Bill No. 121 be indefinitely postponed, which motion was seconded.

The question being put on Rep. Stone's motion, the motion was lost.

The question being then put on the motion of Rep. Byrne, the motion prevailed.

House Bill No. 121. A Bill for an Act to Amend and Reenact Article 41, Chapter 38, 1913 Compiled Laws, to Regulate the Licensing, Registration, Sale, Inspection, Sampling and Analysis of Commercial Fertilizers, Superphosphates and Fertilizer Materials in the State of North Dakota, and to Repeal All Laws and Parts of Laws 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, 83; nays, 17; absent and not voting, 11.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Hofstrand | Rohde |
| Anderson, Benson | Holm | Saumur |
| Anderson,M'K'nzie | Hultstrand | Schauss |
| Arneson, Nelson | Ireland | Schimke |
| Beede | Ista | Scholl |
| Belzer | Jensen | Schwartz |
| Benno | Johnson, Cass | Sellens |
| Bergesen | Johnson, LaMoure | Semerad |
| Bolmeier | Joiner | Severson |
| Braun, Stark | Kluver | Sharpe |
| Brown | Levin | Shure |
| Buchholz | Lunde | Singleton |
| Byrne | McInnes | Skartvedt |
| Crockett | McIntee | Sticka |
| Culver | McIntyre | Stormon |
| Dalzell | Mollet | Symington |
| Dike | Morland | Thompson,Burl'gh |
| Dittmer | Nelson, Dickey | Thompson, Steele |
| Erickson | Nelson, Steele | Trydahl |
| Feton | Nystrom | Tuff |
| Fitch | O'Brien | Twichell |
| Fletcher | Odegard | Urschel |
| Gainor | Oglesby | Wambheim |
| Glas | Page | Westby |
| Gray | Peterson, Ransom | Williams,Stutsm'n |
| Halvorson | Rait | Wolf |
| Haugland | Rettke | Mr. Speaker |
| Heckman | Ritter | |

Those voting in the negative were:

| | | |
|---|---|---|
| Anfinson | Haag | Panko |
| Billigmeier | Keller | Peterson,Bottineau |
| Bingenheimer | Knutson | Schmidt, McHenry |
| Blair | Lange | Stone |
| Boulden | Mittag | Williams,Richland |
| Fraser | Moe | |

Absent and not voting:

| | | |
|---|---|---|
| Arneson, Ramsey | Larson | Sand |
| Braun, McLean | Myers | Schmidt, Sheridan |
| Fuglestad | Nelson, Cass | Solberg |
| Holthusen | Ostgulen | |

So the bill passed and the title was agreed to.

Rep. Westby moved that the vote by which House Bill No. 121 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 174. A Bill for an Act to Amend and Reenact Section 686 of the Compiled Laws of North Dakota for 1913, as Amended by Section 686 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, Being an Act Providing for Petitioning the Governor to Remove Certain Public Officials; Providing the Procedure Therefor; Requiring a Petition by Qualified Electors, and Prescribing the Procedure Thereon; Further Providing for the Attorney General and Appointed Attorneys to Prosecute Such Proceedings.

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, 101; nays, 0; absent and not voting, 10.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Halvorson | Rettke |
| Anderson, Benson | Haugland | Ritter |
| Anderson,M'K'nzie | Heckman | Rohde |
| Anfinson | Hofstrand | Saumur |
| Arneson, Nelson | Holm | Schauss |
| Arneson, Ramsey | Hultstrand | Schmidt, McHenry |
| Beede | Ireland | Schmidt, Sheridan |
| Belzer | Johnson, Cass | Schimke |
| Benno | Johnson, LaMoure | Scholl |
| Bergesen | Joiner | Schwartz |
| Billigmeier | Keller | Sellens |
| Bingenheimer | Kluver | Semerad |
| Blair | Knutson | Severson |
| Bolmeier | Lange | Sharpe |
| Boulden | Levin | Shure |
| Braun, McLean | Lunde | Singleton |
| Braun, Stark | McInnes | Skartvedt |
| Brown | McIntee | Solberg |
| Buchholz | McIntyre | Sticka |
| Byrne | Mittag | Stone |
| Crockett | Moe | Stormon |
| Culver | Mollet | Symington |
| Dalzell | Morland | Thompson,Burl'gh |
| Dike | Nelson, Dickey | Thompson, Steele |
| Dittmer | Nystrom | Trydahl |
| Erickson | O'Brien | Tuff |
| Feton | Odegard | Urschel |
| Fitch | Oglesby | Wambheim |
| Fletcher | Ostgulen | Westby |
| Fraser | Page | Williams,Richland |
| Gainor | Panko | Williams,Stutsm'n |
| Glas | Peterson,Bottineau | Wolf |
| Gray | Peterson, Ransom | Mr. Speaker |
| Haag | Rait | |

Absent and not voting:

| | | |
|---|---|---|
| Fuglestad | Larson | Nelson, Steele |
| Holthusen | Myers | Sand |

| | | |
|---|---|---|
| Ista | Nelson, Cass | Twichell |
| Jensen | | |

So the bill passed and the title was agreed to.

Rep. Ireland moved that the vote by which House Bill No. 174 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

The House reverted to the Tenth Order of Business.

## FIRST READING OF HOUSE BILLS

Reps. Schauss, Panko and Wolf introduced:

House Bill No. 271. A Bill for an Act Regulating the Operation of Commercial Motor Vehicles; With Certain Exceptions; and Prohibiting During Certain Periods of Time the Operation Thereof on the Public Highways of This State; Providing a Penalty for the Violation Thereof; and Declaring an Emergency.

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

Rep. Bergesen introduced:

House Bill No. 272. A Bill for an Act to Amend and Reenact Section 160, of the 1925 Supplement to the 1913 Compiled Laws of North Dakota, Relating to the Appointment of Assistant Attorneys General.

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

Reps. Benno, Erickson and Byrne introduced:

House Bill No. 273. A Bill for an Act Providing for the Taking and Killing of Deer, Elk and Antelope Doing Damage to Private Property; Providing License Fees and Empowering the Game and Fish Commissioner to Make and Enforce Rules and Regulations in Connection Therewith.

Was read the first time and referred to the Committee on Game and Fish.

The Committee on Irrigation and Drainage introduced:

House Bill No. 274. 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 Water Sheds, 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, Maintenance and Financing 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; Authorizing

the Commission to Obligate or Pledge Monies Available in Its Operating or Construction Fund to Insure the Payment of Twenty Per Cent of the Par Value of Revenue 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; Validating Proceedings and Acts of the State Water Conservation Commission Done and Performed Under the Provisions of Chapter 255 of the Session Laws of 1937; Repealing Inconsistent Acts, and Declaring an Emergency.

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

Reps. Schimke and Schauss introduced:

House Bill No. 275. A Bill for an Act to Amend and Reenact Chapter 174, of the Session Laws of 1937, Making Provision for Pensions for Disabled and Retired County, Park and City Employes, Exclusive of Firemen, in Cities Now or Hereafter Having a Population in Excess of Two Thousand Five Hundred; and Upon Their Deaths, Their Widows, Children and Dependent Parents; 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 Disbursement of Such Fund.

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

Reps. John J. Adam and Ritter introduced:

House Bill No. 276. A Bill for an Act Providing for Nomination of Employes at the State Hospital for the Insane at Jamestown by the Board of County Commissioners; Defining Qualifications and Powers of Such Employes; Fixing Authority for Recall of Such Employes; 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.

Reps. Schimke, Halvorson, Schauss and Ritter introduced:

House Bill No. 277. A Bill for an Act to Amend Section 10145b1 of the 1925 Supplement to the 1913 Compiled Laws of North Dakota, Defining Intoxicating Liquors, and Excepting Therefrom Certain Fruit Juices, Wine, Beer, Ale and Porter Containing Three and Two-tenths Per Cent (3.2%) of Alcohol or Less by Weight, and Providing That Sixty-six and Two-thirds Per Cent (66 2/3%) or More of the Grain Used in the Manufacture of Such Beer, Ale and Porter Consists of Barley Malt; Repealing All Acts in Conflict Therewith and Section 10105 of the 1913 Compiled Laws of North Dakota, and Acts Amendatory Thereof.

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

Reps. Scholl and Fitch introduced:

House Concurrent Resolution No. 278. Relating to Amendment to Section 176 of the Constitution of the State of North Dakota, Be Agreed to and Submitted to the Qualified Electors of the State for Approval or Rejection, in Accordance With the Provisions of Section 202, as Amended, of the Constitution of the State of North Dakota.

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

The Committee on Highways and Bridges introduced:

House Bill No. 279. A Bill for an Act to Amend and Re-enact Subdivisions (a) and (c) of Section 19 of Chapter 179 of the 1927 Session Laws as Amended by Section 6 of Chapter 160 of the 1933 Session Laws; Subdivision (a) of Section 25 of Chapter 179 of the 1927 Session Laws as Amended and Re-enacted by Section 5 of Chapter 186 of the 1931 Session Laws, and Section 29 of Chapter 179 of the 1927 Session Laws as Amended by Section 10 of Chapter 160 of the 1933 Session Laws; Providing for the Registration of Motor Vehicles, Registration Fees for Motor Vehicles Except Trucks and Busses, and When All Motor Vehicle Fees Shall Become Delinquent, and Penalties Therefor; and Repealing All Acts and Parts of Acts in Conflict Herewith.

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

## REPORT OF STANDING COMMITTEE

Mr. Speaker: Your Committee on State Affairs to whom was referred Senate Bill No. 55, have had the same under consideration and recommend that the same be amended as follows:

On page 1, section 1, line 2 after the figures "1935" insert the words and figures, "as amended by Chapter 176, Session Laws of 1937."

Page 2, section 2, line 17 after the figures "1935" insert the words and figures "as amended by Chapter 176, Session Laws of 1937."

Page 3, section 2, line 53 after the word and figure "issue," insert the following "commencing not later than the third year and thereafter."

Page 4, section 3, line 83 strike out the word "refunding" and insert in lieu thereof the word "funding."

Page 4, section 3, line 85 after the figures "1939" strike out the period and insert in lieu thereof a "comma" and the following words "nor shall it apply where the funding or refunding bonds bear the same or lower rate of interest than the bonds refunded."

Senate Amendments found on Pages 150 and 164 Senate Journal for printed Bill.

And when so amended recommend the same do pass.

W. M. CROCKETT, Chairman.

Rep. Fraser moved that the report be adopted, which motion prevailed and the report was adopted.

## SECOND READING OF SENATE BILLS

Senate Bill No. 66. A Bill for an Act to Repeal Section 17, Chapter 27, of the Session Laws of 1929 Relating to the Standing Appropriation for the Supreme Court 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, 103; nays, 0; absent and not voting, 8.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Heckman | Peterson, Ransom |
| Anderson, Benson | Hofstrand | Rettke |
| Anderson,M'K'nzie | Holm | Ritter |
| Anfinson | Hultstrand | Rohde |
| Arneson, Nelson | Ireland | Saumur |
| Arneson, Ramsey | Ista | Schauss |
| Beede | Jensen | Schmidt, McHenry |
| Belzer | Johnson, Cass | Schmidt, Sheridan |
| Benno | Johnson, LaMoure | Schimke |
| Bergesen | Joiner | Scholl |
| Billigmeier | Keller | Schwartz |
| Bingenheimer | Kluver | Sellens |
| Blair | Knutson | Semerad |
| Bolmeier | Lange | Severson |
| Boulden | Levin | Sharpe |
| Braun, McLean | Lunde | Shure |
| Braun, Stark | McInnes | Singleton |
| Brown | McIntee | Skartvedt |
| Buchholz | McIntyre | Solberg |
| Crockett | Mittag | Sticka |
| Culver | Moe | Stone |
| Dalzell | Mollet | Stormon |
| Dike | Morland | Symington |
| Dittmer | Nelson, Dickey | Thompson,Burl'gh |
| Erickson | Nelson, Steele | Thompson, Steele |
| Feton | Nystrom | Trydahl |
| Fitch | O'Brien | Tuff |
| Fletcher | Odegard | Urschel |
| Fraser | Oglesby | Wambheim |

| | | |
|---|---|---|
| Gainor | Ostgulen | Westby |
| Glas | Page | Williams,Richland |
| Gray | Panko | Williams,Stutsm'n |
| Haag | Peterson,Bottineau | Wolf |
| Halvorson | Rait | Mr. Speaker |
| Haugland | | |

Absent and not voting:

| | | |
|---|---|---|
| Byrne | Larson | Sand |
| Fuglestad | Myers | Twichell |
| Holthusen | Nelson, Cass | |

So the bill passed and the title was agreed to.

Rep. Bergesen asked for unanimous consent of the House to amend Senate Bill No. 35, which request was granted and Rep. Bergesen moved the following amendment:

On page 2, line 26 of the printed bill strike out the word "one" and substitute therefore "_____(the number to be nominated)."

Which motion prevailed.

Rep. Anderson of Benson moved that the rules be suspended and that Senate Bill No. 35 be placed on second reading and final passage as amended, which motion prevailed.

Senate Bill No. 35. A Bill for an Act to Amend and Reenact Sections 859 and 860 of the Compiled Laws for the Year 1913, Relating to the Form of Party Primary Election Ballots and the Manner of Voting the Same.

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, 102; nays, 2; absent and not voting, 7.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Haugland | Rait |
| Anderson, Benson | Heckman | Rettke |
| Anderson,M'K'nzie | Hofstrand | Ritter |
| Anfinson | Holm | Rohde |
| Arneson, Nelson | Hultstrand | Saumur |
| Arneson, Ramsey | Ireland | Schauss |
| Beede | Ista | Schmidt, McHenry |
| Belzer | Jensen | Schmidt, Sheridan |
| Benno | Johnson, Cass | Schimke |
| Bergesen | Johnson, LaMoure | Scholl |
| Billigmeier | Joiner | Schwartz |
| Bingenheimer | Keller | Sellens |
| Blair | Kluver | Semerad |
| Bolmeier | Knutson | Severson |
| Boulden | Lange | Sharpe |
| Braun, McLean | Levin | Shure |
| Braun, Stark | Lunde | Singleton |
| Brown | McInnes | Skartvedt |
| Byrne | McIntee | Solberg |
| Crockett | McIntyre | Sticka |
| Culver | Mittag | Stone |
| Dalzell | Moe | Stormon |
| Dike | Mollet | Thompson,Burl'gh |
| Dittmer | Morland | Thompson, Steele |
| Erickson | Nelson, Dickey | Trydahl |

| | | |
|---|---|---|
| Feton | Nelson, Steele | Tuff |
| Fitch | Nystrom | Twichell |
| Fletcher | O'Brien | Urschel |
| Fraser | Odegard | Wambheim |
| Gainor | Oglesby | Westby |
| Glas | Ostgulen | Williams,Richland |
| Gray | Panko | Williams,Stutsm'n |
| Haag | Peterson,Bottineau | Wolf |
| Halvorson | Peterson, Ransom | Mr. Speaker |

Those voting in the negative were:

| | |
|---|---|
| Buchholz | Page |

Absent and not voting:

| | | |
|---|---|---|
| Fuglestad | Myers | Sand |
| Holthusen | Nelson, Cass | Symington |
| Larson | | |

So the bill passed and the title was agreed to.

Rep. Bolmeier moved that the vote by which Senate Bill No. 35 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

## REPORTS OF STANDING COMMITTEES

Mr. Speaker: Your Committee on Drainage and Irrigation to whom was referred House Bill No. 151, have had the same under consideration and recommend that the same be amended as follows:

Amend the title of the bill by adding after the comma appearing after the word "state" in the last line of the title to the Bill, the following: "Providing for an exchange of such lands for other lands more suitably situated." In Section 2, page 2, line 2 of the original bill strike out the word "usee" insert in leiu thereof the word "used." Amend Section 2 of the printed bill by adding a new paragraph at the end of said Section 2—such paragraph to read as follows: "If it shall be found that the lands described in Section one of this Act may, without additional consideration, be exchanged for a tract of land .of equal size and value within the Lewis and Clark Irrigation District of McKenzie County, which tract of land is more suitably and conveniently located for such irrigation demonstration and experiment farm, then and in that case the lands described in Section one of this Act may be exchanged for such tract of land, and in order to effect such exchange the governor is hereby authorized to execute and deliver for and on behalf of the state the necessary instrument or deed conveying title to the lands mentioned in Section one hereof."

And when so amended be re-referred to the Appropriations Committee.

R. T. GRAY, Chairman.

Rep. Anderson of McKenzie moved that the report be adopted, which motion prevailed and the report was adopted.

## FIRST READING OF SENATE BILLS

Senate Bill No. 48. A Bill for an Act to Amend and Reenact Chapter 240 of the Session Laws of North Dakota for 1937, Providing for an Adjustment of Delinquent Taxes for 1937 and Prior Years, Authorizing Boards of County Com-

missioners to Make Extension Contracts for the Payment of Delinquent Taxes and for the Cancellation of Such Contracts, Providing for the Suspension of Tax Collection and Tax Deed Laws as to Taxes Affected by Such Contracts, 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.

Senate Bill No. 73. A Bill for an Act to Amend and Reenact Section 29 of Chapter 179 of the Session Laws of 1927 as Amended by Chapter 165 of the Session Laws of 1929 and Chapter 186 of the Session Laws of 1931, Relating to When Fees on Motor Vehicles Become Delinquent, Providing Penalties, Providing for the Collection Thereof, and Declaring an Emergency.

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

Senate Bill No. 84. A Bill for an Act to Amend and Reenact Section 42, of Chapter 162, of the Session Laws of 1927, Relating to Restrictions as to Tire Equipment, and Repealing All Acts or Parts of Acts in Conflict Herewith.

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

Senate Bill No. 89. A Bill for an Act to Amend and Reenact Sub-section (a) and Sub-section (f) of Section 5, Section 6 and Section 8 of Chapter 9 of the Session Laws of North Dakota for 1937; Relating to the Organization of Soil Conservation Districts, the Election, Qualification and Tenure of Supervisors Thereof; and Relating to the Adoption and Enforcement of Land-use Regulations, and Declaring an Emergency.

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

Senate Bill No. 90. A Bill for an Act to Amend and Reenact Chapter 166 of the Session Laws of North Dakota for the Year 1937, Relating to 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 Taxes and Tax Laws.

Rep. Byrne moved that House Bill No. 214 be re-referred to the Committee on State Affairs, which motion prevailed.

A resolution was received from the Casselton Commercial Club asking that the "Six-Man Game and Fish Commission Bill" be passed and approved.

Rep. Anderson of McKenzie requested an extension of time on House Bill No. 154, which request was granted.

Rep. Crockett moved that the House recess until 12:30 P. M., tomorrow, which motion prevailed, and the House recessed.

MINNIE D. CRAIG, Chief Clerk.

## THIRTY-SIXTH DAY AFTER RECESS AND THIRTY-SEVENTH DAY

Bismarck, February 8, 1939.

The House assembled at 12:30 P. M., pursuant to recess, Speaker Hagen presiding.

The Speaker announced that the House would be on the Fifteenth Order of Business.

### GENERAL ORDERS

Rep. Jensen moved that the House resolve itself into a Committee of the Whole for the consideration of general orders; which motion prevailed, and the House resolved itself into a Committee of the Whole.

The Speaker called Rep. Jensen to the chair.

When the committee arose it submitted the following report:

Mr. Speaker: The Committee of the Whole have had under consideration:

House Bill No. 6.

Page 1, Section 1 in line 3, strike out the figures "$45,000.00" and insert in lieu thereof the figures "$40,000.00."

And recommend the adoption of the amendments of the Standing Committee.

And when so amended recommend the same do pass.

House Bill No. 26.

Page 1, Section 1, in line 3, strike out the figures "$10,610.00" and insert in lieu thereof the figures "$10,360.00."

Page 2, Section 1, in line 13, strike out the figures "$200.00" and insert in lieu thereof the figures "$150.00."

Page 2, Section 1, in line 16, strike out the figures "$1,200.00" and insert in lieu thereof the figures "$1,000.00."

Page 2, Section 1, in line 18, strike out the figures "$10,610.00" and insert in lieu thereof the figures "$10,360.00."

And recommend the adoption of the amendments of the Standing Committee.

And when so amended recommend the same do pass.

House Bill No. 95.

In the title of the bill after the word "penalty" strike out the words "and declaring an emergency." and insert in lieu thereof a period"."

Strike out all of Section 5.

And recommend the adoption of the amendments of the Standing Committee.

And when so amended recommend the same do pass.

House Bill No. 128.

Referred back to the House without recommendation.

House Bill No. 185.

In the title before "Declaring an Emergency." insert the following: "Repealing all Acts and Parts of Acts in Conflict Herewith; Saving Clause and ." In lines 84 and 85 of Sec. 1, page 5, strike out the words, figures and parenthesis "three-fourths (3/4)" and insert in lieu thereof "one-half (½)." In line 134 of Sec. 1, page 7, strike out the words, figure and parenthesis "nine per cent (9%)" and insert in lieu thereof "six per cent (6%)." In line 4 of Sec. 3, page 9, strike out the words "has paid subsequent taxes" and insert in lieu thereof "became entitled to a subsequent tax sale certificate." In line 13 of Sec. 3, page 9, strike out the words "payment of subsequent taxes" and insert in lieu thereof the words "the right of the county to subsequent tax sale certificates." In line 14 of Sec. 3, page 9, insert the word "in" before the word "lieu." Immediately following Sec. 4, page 10, insert the following: "SEC. 5. All Acts and Parts of Acts in conflict with the provisions of this Act are Hereby Repealed. SEC. 6 SAVING CLAUSE. Should any portion of this Act be declared unconstitutional, it shall not affect the other part or portions thereof." In line 1 of Sec. 5, page 10, strike out the number "5" and insert in lieu thereof the number "7."

And recommend the adoption of the Standing Committee amendments.

And when so amended recommend the same do pass.

N. P. JENSEN, Chm., Committee of the Whole.

Rep. Trydahl moved the adoption of the report of the Committee of the Whole, which motion prevailed.

Rep. Ritter moved that House Bill No. 128 be re-referred to the Committee on Appropriations, which motion prevailed.

Rep. Ritter moved that action taken on House Bill No. 14 be reconsidered, which motion prevailed.

Rep. Ritter moved that House Bill No. 14 be re-referred to the Committee on Appropriations, which motion was seconded.

Rep Trydahl moved a substitute motion that House Bill No. 14 be re-referred to the Committee on Judiciary, which motion prevailed.

Rep. Anderson of Benson moved that Senate Bill No. 40 be taken from General Orders and re-referred to the Committee on Judiciary, which motion prevailed.

Rep. Ista moved that House Bill No. 257 be re-referred from the Committee on State Affairs to the Committee on Public Health, which motion prevailed.

Rep. Anderson of Benson moved that the absent members be excused, which motion prevailed.

Rep. Page moved that the rules be suspended and that the House proceed to the consideration of General Orders for the next calendar date, which motion prevailed.

State of North Dakota
OFFICE OF THE GOVERNOR
Bismarck

February 7, 1939.

To the House of Representatives of the State of North Dakota:

This is to notify you that I have today approved and filed with the Secretary of State:

House Bill No. 64. A Bill for an Act to Amend and Reenact Sections 1, 2, 3, 4, 5, 6, 7, and 8, of Chapter 266 of the Session Laws of 1927 as Amended by Chapter 288 of the Session Laws of 1931, the Same Being an Amendment of Section 2202 of the Supplement to the Compiled Laws of 1913, Relating to Giving Notice of Expiration of Period of Redemption on Property Forfeited to the County at Tax Sale, Issuance of Tax Deeds to County and Sale by County of Property Acquired by Tax Deed; Declaring an Emergency.

Also,

House Bill No. 77. A Bill for an Act to Amend and Reenact Section 967 of the Compiled Laws of North Dakota for 1913, Relating to the Duty of the County Auditor to Provide Uniform Poll Books for the Use of the County and Deliver to the Inspector of the Election Precinct.

JOHN MOSES, Governor.

## GENERAL ORDERS

Rep. Jensen moved that the House resolve itself into a Committee of the Whole for the consideration of General Orders, which motion prevailed, and the House resolved itself into a Committee of the Whole.

The Speaker called Rep. Jensen to the chair.

When the committee arose it submitted the following report:

Mr. Speaker: The Committee of the Whole have had under consideration:

House Bill No. 107.

Beginning in line 4, Section 1, strike out all of the bill after the word and figures "Section 17" and insert in lieu thereof the following:

"HUNTING PROHIBITED; OFFICIAL POSTING; SIGNS). It shall be unlawful for any person to enter upon the premises of another for the purpose of hunting or pursuing game or to hunt or pursue game upon the premises of another without having first obtained permission of the person legally entitled to grant the same; provided, that the owner or tenant of said land or premises shall have placed at a point alongside of the public highway or land posted, signs giving notice that no hunting will be permitted on said land or premises, and such signs shall be conspicuously posted at a distance of not more than eighty rods apart, to be readable from the outside of the land.

Provided, further, that the owner of any land may, if he so desires, at least thirty (30) days prior to the opening of the hunting season, make application to the North Dakota Game and Fish Department for signs sufficient to post his land he desires to post, giving his name, post office address, and description of land owned and so desired to post, and

the North Dakota Game and Fish Department shall forward to him such official signs, printed as follows:

OFFICIAL POSTING
IT IS UNLAWFUL TO ENTER UPON TO HUNT,
OR TO HUNT, UPON THESE PREMISES
NORTH DAKOTA GAME AND FISH DEPARTMENT.

It is hereby made the duty of the North Dakota Game and Fish Department to furnish such signs upon application made as above.

If the owner of land desires to post his land in the manner heretofore by law provided, such posting shall have the same force and effect as though official posting signs are used.

And recommend the adoption of the amendments of the Standing Committee.

And when so amended recommend the same do pass.

House Bill No. 151.

Amend the title of the bill by adding after the comma appearing after the word "state" in the last line of the title to the Bill, the following: "Providing for an exchange of such lands for other lands more suitably situated."

In Section 2, page 2, line 2 of the original bill, strike out the word "usee," insert in lieu thereof the word "used." Amend Section 2 of the printed bill by adding a new paragraph at the end of said Section 2—such paragraph to read as follows: "If it shall be found that the lands described in Section 1 of this Act may, without additional consideration, be exchanged for a tract of land of equal size and value within the Lewis and Clark Irrigation District of McKenzie County, which tract of land is more suitably and conveniently located for such irrigation demonstration and experiment farm, then and in that case the lands described in Section 1 of this Act may be exchanged for such tract of land, and in order to effect such exchange the governor is hereby authorized to execute and deliver for and on behalf of the state the necessary instrument or deed conveying title to the lands mentioned in Section 1 hereof."

And recommend the adoption of the amendments of the Standing Committee.

And when so amended recommend the same do pass.

House Bill No. 168.

Section 1, line 11, after the word "more" and before the word "preceding," strike out the words "in the next" and insert in lieu thereof the following: "on an average of the three last," and change the word "year" at the end of line 11 to "years." After the line 13 add the following:

"Provided, further, that in the event the gross revenues do not amount to eight thousand dollars or more annually, based on the average of such revenues for the preceding three year period, the Board of Railroad Commissioners shall exercise its discretion, after giving proper consideration to the public need, convenience and safety, in determining whether or not the permission sought by the railroad shall be granted."

And recommend the adoption of the amendments of the Standing Committee.

And when so amended recommend the same do pass.

Senate Bill No. 55.

On page 1, Section 1, line 2, after the figures "1935," insert the words and figures, "as amended by Chapter 176, Session Laws of 1937."

Page 2, Section 2, line 17, after the figures "1935," insert the words and figures "as amended by Chapter 176, Session Laws of 1937."

Page 3, Section 2, line 53, after the word and figure "issue," insert the following, "commencing not later than the third year and thereafter."

Page 4, Section 3, line 83, strike out the word "refunding" and insert in lieu thereof the word "funding."

Page 4, Section 3, line 85, after the figures "1939," strike out the period and insert in lieu thereof a "comma" and the following words, "nor shall it apply where the funding or refunding bonds bear the same or lower rate of interest than the bonds refunded."

Senate Amendments found on Page 150 and 164 Senate Journal for printed Bill.

And recommend the adoption of the amendments of the Standing Committee.

And when so amended recommend the same do pass.

N. P. JENSEN, Chm., Committee of the Whole.

Rep. Scholl moved the adoption of the report of the Committee of the Whole, which motion prevailed.

Rep. Scholl requested that the House be on the Seventh Order of Business which request was granted.

Rep. Scholl moved that action taken on House Bill No. 182 be reconsidered, which motion prevailed.

Rep. Scholl moved that House Bill No. 182 be re-referred to the Committee on Game and Fish, which motion prevailed.

Rep. Scholl moved that the House do now adjourn, which motion prevailed and the House adjourned.

## THIRTY-SEVENTH DAY

Bismarck, February 8, 1939.

The House assembled at 2:00 P. M., pursuant to adjournment, Speaker Hagen presiding.

Prayer by Rev. Father Hildebrand Eickhoff, Mandan.

Roll Call: All Representatives present except Crockett, Fuglestad, Larson, Nelson of Cass, Panko, Rettke, Ritter, Sand, Schimke, Twichell, Urschel.

So a quorum was declared present.

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

Mr. Speaker: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the Thirty-fifth Day After Recess and Thirty-sixth Day and find the same correct.

And recommends that the same be approved.

REP. GLAS, Chairman.

Rep. Symington moved that the report be adopted, which motion prevailed and the report was adopted.

## MESSAGES FROM THE SENATE

Senate Chamber,
Bismarck, February 8, 1939.

Mr. Speaker: I have the honor to return:

House Concurrent Resolution No. 81. A Concurrent Resolution Providing and Designating House and Senate Employes and Naming and Fixing Their Salaries; Legislative Assembly.

Which the President has signed.

Mr. Speaker: I have the honor to transmit:

Senate Bill No. 97. A Bill for an Act to Repeal Subsection 3 of Section 9 of Chapter 249 of the Session Laws of North Dakota for the Year 1937 Requiring Returns of Retail Sales Tax Collections to be Verified by Oath and Declaring an Emergency.

Senate Bill No. 5. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, New Buildings and Equipment for the Tuberculosis Sanatorium at San Haven, North Dakota.

Senate Bill No. 2. 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.

Senate Bill No. 74. A Bill for an Act to Provide for a Civil Service Commission and Providing for the Appointment of an Executive Secretary Thereto; Defining the Power, 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.

Senate Concurrent Resolution No. 106. A Concurrent Resolution Urging Immediate Investigation by Congress of Manufacturers of Farm Implements to Determine Costs of Raw Materials, Manufacture, Distribution, Ultimate Costs to Farmer, Price Spread Between Farmer and Consumer of Farm Products, Determination of Farm Machinery Prohibitions, Prohibitions as to Flax Crops and Importation to Meet the Country's Need, and to Determine if a Trust Exists Exercising Unfair Practices to the Detriment of the Agricultural Commonwealth.

Senate Concurrent Resolution No. 129. A Concurrent Resolution Memorializing Congress to Support the Proposed Legislation Prohibiting Retro-active Federal Taxation of State and Municipal Securities and Employes.

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

Mr. Speaker: I have the honor to return:

House Bill No. 85. A Bill for an Act to Amend and Reenact Section 591 of North Dakota Compiled Laws of 1913, Relative to the Powers of the Board of Railroad Commis-

sioners, and Extending Such Powers to Include Common Carrier Pipe Lines; and Declaring an Emergency.

Which the President has signed.

Mr. Speaker: I have the honor to transmit:

Senate Concurrent Resolution No. 67. A Concurrent Resolution Requesting Congress to Enact Legislation Permitting Payment of Seed Loans Bushel for Bushel.

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

WM. J. LOWE, Secretary.

## HOUSE COMMITTEE ON ENROLLMENT AND ENGROSSMENT

Mr. Speaker: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bills and find the same correctly Enrolled:

House Concurrent Resolution No. 224.
House Concurrent Resolution No. 229.
House Concurrent Resolution No. 230.
House Concurrent Resolution No. 231.
House Resolution "H".

OLAF OSTGULEN, Chairman.

Rep. Ostgulen moved that the report be adopted, which motion prevailed, and the report was adopted.

## MESSAGES TO THE SENATE

House of Representatives,
Bismarck, February 8, 1939.

Mr. President: I have the honor to return:

Senate Bill No. 23. A Bill for an Act to Amend and Reenact Sections 4535, 4538 and 4539 of Chapter 12 of the Compiled Laws of North Dakota for 1913; Relating to

Which the House has passed unchanged.

Mr. President: I have the honor to return:

Senate Bill No. 35. A Bill for an Act to Amend and Reenact Sections 859 and 860 of the Compiled Laws for the Year 1913, Relating to the Form of Party Primary Election Ballots and the Manner of Voting the Same.

Which the House has amended.

Mr. President: I have the honor to transmit:

House Bill No. 36. 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.

House Bill No. 70. A Bill for an Act Providing for and Permitting the Purchase of Gasoline to be Used Solely for Agricultural and Industrial Purposes Without Payment of Gasoline Tax on Purchase Thereof; Licensing Purchasers and Sellers Thereof; Providing Penalties; Repeal.

House Bill No. 121. A Bill for an Act to Amend and Reenact Article 41, Chapter 38, 1913 Compiled Laws, to Regulate the Licensing, Registration, Sale, Inspection, Sampling and Analysis of Commercial Fertilizers, Superphosphates and Fertilizer Materials in the State of North Dakota, and to Repeal All Laws and Parts of Laws in Conflict Therewith.

House Bill No. 171. A Bill for an Act Providing for the Testing of Gasoline, Kerosene and Other Petroleum Products

Used for Fuel and Power Purposes and Purchased for Resale; Repealing All Acts and Parts of Acts in Conflict Herewith; Providing a Penalty; Declaring an Emergency.

House Bill No. 174. A Bill for an Act to Amend and Reenact Section 686 of the Compiled Laws of North Dakota for 1913, as Amended by Section 686 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, Being an Act Providing for Petitioning the Governor to Remove Certain Public Officials; Providing the Procedure Therefor; Requiring a Petition by Qualified Electors, and Prescribing the Procedure Thereon; Further Providing for the Attorney General and Appointed Attorneys to Prosecute Such Proceedings.

House Bill No. 194. 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, 1938. Permitting Payments in Ten Installments. Providing Manner of Payments. Suspending Operation of Law and Collection of Delinquent Taxes. Permitting Suit by Civil Action and Declaring an Emergency.

House Bill No. 65. A Bill for an Act Assenting to the Provisions of the Act of Congress Entitled "AN ACT To Provide that the United States Shall Aid the States in Wildlife-Restoration Projects and for Other Purposes," Approved September 2, 1937.

House Bill No. 204. A Bill for an Act to Provide for Better Control and Regulation of the Sale of Alcohol, Alcoholic Beverages and Intoxicating Liquors Within the State of North Dakota; to License the Importation Thereof; to Provide for the Issuance and Cancellation of Importers' Licenses and Set the Fees Therefor; Provide for the Disposition of Said Fees; to Provide Penalties and Declaring an Emergency.

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

MINNIE D. CRAIG, Chief Clerk.

## REPORTS OF STANDING COMMITTEES

Mr. Speaker: Your Committee on Counties to whom was referred Senate Bill No. 50, have had the same under consideration and recommend that the same be indefinitely postponed.

JOHN BILLIGMEIER, Chairman.

Rep. Heckman moved that the report be adopted.

Rep. Morland moved a substitute motion that Senate Bill No. 50 be re-referred to the Commitee on State Affairs, which motion prevailed.

Mr. Speaker: Your Committee on Livestock to whom was referred House Bill No. 82, have had the same under consideration and recommend that the same do pass.

JACOB URSCHEL, Chairman.

Rep. Fletcher moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Public Welfare to whom was referred House Bill No. 139, have had the same under consideration and recommend that the same be re-referred to the Committee on Appropriations.

BERNT ANDERSON, Chairman.

Rep. Beede moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Public Welfare to whom was referred House Bill No. 140, have had the same under consideration and recommend that the same be rereferred to the Committee on Appropriations.

BERNT ANDERSON, Chairman.

Rp. Beede moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Taxes and Tax Laws to whom was referred House Bill No. 169, have had the same under consideration and recommend that the same be indefinitely postponed.

N. P. JENSEN, Cairman.

Rep. Shure moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Counties to whom was referred House Bill No. 181, have had the same under consideration and recommend that the same do pass.

JOHN BILLIGMEIER, Chairman.

Rep. Holm moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Ways and Means to whom was referred House Bill No. 218, have had the same under consideration and recommend that the same be amended as follows:

Section 5, line 2, after the word "this," strike out the word "all" and insert in lieu thereof the word "act."

Section 6, line 2, after the word "racing" strike out the word "what" and insert in lieu thereof the word "that."

And when so amended recommend the same do pass.

CARL ANFINSON, Chairman.

Rep. Schauss moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on State Affairs to whom was referred House Bill No. 219, have had the same under consideration and recommend that the same be indefinitely postponed.

W. M. CROCKETT, Chairman.

Rep. Knutson moved that the report be adopted, which motion prevailed and the report was adopted.

Rep. Hultstrand moved that the vote by which House Bill No. 219 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on State Affairs to whom was referred House Bill No. 220, have had the same under consideration and recommend that the same be indefinitely postponed.

W. M. CROCKETT, Chairman.

Rep. Knutson moved that the report be adopted, which motion prevailed and the report was adopted.

Rep. Stone moved that the vote by which House Bill No. 220 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on State Affairs to whom

was referred House Bill No. 232, have had the same under consideration and recommend that the same be indefinitely postponed.

W. M. CROCKETT, Chairman.

Rep. Dalzell moved that the report be adopted, which motion prevailed and the report was adopted.

Rep. Lange moved that the vote by which House Bill No. 232 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on Ways and Means to whom was referred House Bill No. 227, have had the same under consideration and recommend that the same be indefinitely postponed.

At the request of the author, Representative Wolf.

CARL ANFINSON, Chairman.

Rep. Benno moved that the report be adopted, which motion prevailed and the report was adopted.

Rep. Dalzell moved that the vote by which House Bill No. 227 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

## SIGNING OF RESOLUTIONS

The Chief Clerk announced that the Speaker was about to sign:

Senate Concurrent Resolution No. 67. A Concurrent Resolution Requesting Congress to Enact Legislation Permitting Payment of Seed Loans Bushel for Bushel.

House Concurrent Resolution No. 231. A Concurrent Resolution Extending an Invitation to the President of the United States to Visit the International Peace Gardens.

House Concurrent Resolution No. 229. A Concurrent Resolution Extending an Invitation to the King and Queen of the United Kingdom of Great Britain and Ireland to Visit the International Peace Gardens.

House Concurrent Resolution No. 230. A Concurrent Resolution Extending an Invitation to the Crown Prince and Crown Princess of Norway to Visit the International Peace Gardens.

House Concurrent Resolution No. 224. A Concurrent Resolution Making the Memorial Hall of the State Capitol Building Available to the Members of the "Third House" for Various Entertainments.

House Resolution "H." Memorializing Congress and the President to Take Immediate Steps in Lifting the Present Unjust and Unfair Embargo on Goods for Loyalist Spain.

And the Speaker signed the same in the presence of the House.

## FIRST READING OF HOUSE BILLS

Rep. Nelson of Dickey introduced:

House Bill No. 280. A Bill for an Act to Create a State Board for the State of North Dakota for the Purpose of Filling All Appointive Positions and Offices, Wherein Such Appointments Have Heretofore Been Made Solely by the Governor; the Board to Consist of the Governor, Attorney General, Commissioner of Agriculture and Labor, Insurance

Commissioner, and Secretary of State; Providing That All Appointments Herein Described and Heretofore Made by the Governor Shall Be Void Unless Approved by Such Board Within Thirty Days After Effective Date Hereof.

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

Reps. Bergesen, Scholl and Morland introduced:

House Bill No. 281. 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 Co-operation With One or More Contiguous Counties; to Establish and Maintain Full Time Local Health Departments in Co-operation With and Under the Direction of the State Department of Health, Provide for the Appointment of Local Boards of Health, a Full Time 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 Declaring an Emergency.

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

Reps. Moe and Crockett introduced:

House Bill No. 282. A Bill for an Act to Amend and Reenact Chapter 168 of the Session Laws of the State of North Dakota for the Year 1927, as Amended by Chapter 151 of the Session Laws of the State of North Dakota for the Year 1929, Relating to the Investment of Funds of County Mutual Insurance Companies, and Prescribing the Character of Such Investment; Declaring an Emergency.

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

Rep. Fitch (by request) introduced:

House Bill No. 283. A Bill for an Act Relating to the Business of Selling Fresh Meats, Wholesale and Retail, Creating a Board of Meat Cutters' Examiners, Including Slaughter House Workers and Sausage Makers; to Provide for Registration for Meat Cutters and Apprentices; to Provide for Examinations of Applicants for Registration; Providing for Inspections and Adopting Rules and Regulations Relating to Sanitary Condition in the Meat Business.

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

Rep. Semerad introduced:

House Bill No. 284. A Bill for an Act to Amend and Reenact Section 3591a of the 1925 Supplement to the 1913 Compiled Laws of North Dakota, the Same Being Chapter 35 of the Session Laws of 1921, Providing for the Publication of Proceedings of All Meetings by City Councils and City Commissions in an Official Paper to Be Designated by Them.

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

Reps. Anderson of Benson, Crockett, Twichell and O'Brien introduced:

House Bill No. 285. A Bill for an Act to Amend Chapter 138 Session Laws of 1937, State of North Dakota, Relating to Secondary and Feeder Roads by Adding an Additional Section Designated as Section 3, Relating to Designation of a Secondary Highway System and Authorizing the State Highway Commissioner to Designate Highways in Such System.

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

## REPORT OF STANDING COMMITTEE

The Committee on Enrollment and Engrossment respectfully reports that:

House Concurrent Resolution No. 81.

Was delivered to the Secretary of State at the hour of 4:15 o'clock, February 6, 1939.

OLAF OSTGULEN, Chairman.

House Resolution "J" relating to the method of exterminating grasshoppers was read.

Rep. Morland moved that House Resolution "J" be printed in the Journal and referred to the Committee on Agriculture, which motion prevailed.

## HOUSE RESOLUTION "J."

Introduced by Representatives Heckman, Morland, Brown and Rait.

WHEREAS, the people of North Dakota did take an active part and cooperate to the fullest extent in last year's campaign to destroy grasshoppers by the spreading of poison, and

WHEREAS, experience has shown that this method was not effective in the Western part of the State with its high altitude, dry climate and large acreage of idle land, and

WHEREAS, the predominating kind of grasshoppers which infested our state last year were the migratory kind which deposit their eggs in the stubble all over the fields, it is imperative that some kind of control work be carried on not only along the edges of the fields but more or less by cultivating the land both what is cropped as well as all idle crop land, and

WHEREAS, there is a growing feeling in the State that at least some other method be tried to control grasshoppers and other insect pests,

BE IT THEREFORE RESOLVED by the House of Representatives of the State of North Dakota that they earnestly request that a portion of the appropriation for grasshopper control which is allocated to the State of North Dakota be used under the control and direction of the Grasshopper Control Committee of this State in conjunction with the Extension Service to carry on new projects in this State for the control of grasshoppers and other insect pests and that funds be made available in the early spring of 1939.

BE IT FURTHER RESOLVED that we also recommend that the program for propagating wildlife be further encouraged as a permanent help to control grasshoppers and other insect pests.

BE IT FURTHER RESOLVED that copies of this Resolution be sent by the Secretary of State to the Secretary of Agriculture of the United States at Washington, D. C.; to each Member of Congress from this State; to the Director of the County Agricultural Extension Department of the Agricultural College at Fargo, North Dakota and to the Chairman of each Board of County Commissioners in the State of North Dakota.

## FIRST READING OF HOUSE BILLS

Reps. Ritter and Crockett introduced:

House Bill No. 286. A Bill for an Act Amending and Reenacting Section 2 and Section 4 of Chapter 286 of the Session Laws of 1935, Defining the Terms, Employment, Hazardous Employment, Employee, Employer, Partial Disability, Wages, Weekly Wages and Child, and Providing for Disbursement of Workmen's Compensation Fund, and Declaring an Emergency.

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

Reps. Hultstrand, Moe and Crockett introduced:

House Bill No. 287. A Bill for an Act Defining, Licensing, Regulating the Practice of Naturopathy in the State of North Dakota; Creating a Board of Naturopathic Examiners to Examine and License Persons to Practice Naturopathy; Providing for the Enforcement of the Provisions of This Act and Prescribing Penalties for the Violation Thereof.

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

## REPORT OF STANDING COMMITTEE

The Committee on Enrollment and Engrossment respectfully reports that:

House Bill No. 85 was delivered to the Governor for his approval at the hour of 2:45 o'clock, February 8, 1939.

OLAF OSTGULEN, Chairman.

## MESSAGE TO THE SENATE

House of Representatives,
Bismarck, February 8, 1939.

Mr. President: I have the honor to return:

Senate Concurrent Resolution No. 67. A Concurrent Resolution Requesting Congress to Enact Legislation Permitting Payment of Seed Loans Bushel for Bushel.

Which the Speaker has signed:

Mr. President: I have the honor to transmit:

House Concurrent Resolution No. 231. A Concurrent Resolution Extending an Invitation to the President of the United States to Visit the International Peace Gardens.

House Concurrent Resolution No. 229. A Concurrent Resolution Extending an Invitation to the King and Queen of the United Kingdom of Great Britain and Ireland to Visit the International Peace Gardens.

House Concurrent Resolution No. 230. A Concurrent Resolution Extending an Invitation to the Crown Prince and Crown Princess of Norway to Visit the International Peace Gardens.

House Concurrent Resolution No. 224. A Concurrent Resolution Making the Memorial Hall of the State Capitol Building Available to the Members of the "Third House" for Various Entertainments.

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

MINNIE D. CRAIG, Chief Clerk.

House Bill No. 207 was read the second time.

Rep. Fitch asked unanimous consent to amend the original bill, which request was granted.

Rep. Fitch moved the following amendment: In line 23 of the original bill correct the spelling of the word "sufficiency."

Which motion prevailed.

Rep. Fitch moved that the rules be suspended and that House Bill No. 207 be considered properly re-engrossed, placed on second reading and final passage, which motion prevailed.

## SECOND READING OF HOUSE BILLS

House Bill No. 207. A Bill for an Act to Amend and Reenact Section 3756a5, of the 1925 Supplement to the Compiled Laws of the State of North Dakota for the Year 1913, Relating to Changes in Zoning 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, 5; nays, 102; absent and not voting, 4.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Fitch | Schmidt, McHenry | Scholl |
| Haag | Schimke | |

Those voting in the negative were:

| | | |
|---|---|---|
| Adam | Heckman | Peterson,Bottineau |
| Anderson, Benson | Hofstrand | Peterson, Ransom |
| Anderson,M'K'nzie | Holm | Rait |
| Anfinson | Holthusen | Rettke |
| Arneson, Nelson | Hultstrand | Ritter |
| Arneson, Ramsey | Ireland | Rohde |
| Beede | Ista | Saumur |
| Belzer | Jensen | Schauss |
| Benno | Johnson, Cass | Schmidt, Sheridan |
| Bergesen | Johnson, LaMoure | Schwartz |
| Billigmeier | Joiner | Sellens |
| Bingenheimer | Keller | Semerad |
| Blair | Kluver | Severson |
| Bolmeier | Knutson | Sharpe |
| Boulden | Lange | Shure |
| Braun, McLean | Levin | Singleton |
| Braun, Stark | Lunde | Skartvedt |
| Brown | McInnes | Solberg |
| Buchholz | McIntee | Sticka |
| Byrne | McIntyre | Stone |
| Crockett | Myers | Stormon |

| | | |
|---|---|---|
| Culver | Mittag | Symington |
| Dalzell | Moe | Thompson,Burl'gh |
| Dike | Mollet | Thompson, Steele |
| Dittmer | Morland | Trydahl |
| Erickson | Nelson, Dickey | Tuff |
| Feton | Nelson, Steele | Twichell |
| Fletcher | Nystrom | Urschel |
| Fraser | O'Brien | Wambheim |
| Gainor | Odegard | Westby |
| Glas | Oglesby | Williams,Richland |
| Gray | Ostgulen | Williams,Stutsm'n |
| Halvorson | Page | Wolf |
| Haugland | Panko | Mr. Speaker |

Absent and not voting:

| | | |
|---|---|---|
| Fuglestad | Nelson, Cass | Sand |
| Larson | | |

So the bill was declared lost.

Rep. Johnson of Cass moved that the vote by which House Bill No. 207 was lost be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 217. A Bill for an Act to Facilitate the Co-operation of This State With Other Units of Government and to Establish an Unpaid Commission for That Purpose, 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, 26; nays, 77; absent and not voting, 7; 1 passed.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Arneson, Nelson | Holm | Sharpe |
| Benno | Holthusen | Shure |
| Bergesen | McInnes | Singleton |
| Blair | Morland | Skartvedt |
| Brown | Nystrom | Thompson,Burl'gh |
| Byrne | Page | Twichell |
| Crockett | Peterson, Ransom | Urschel |
| Dike | Saumur | Westby |
| Fitch | Sellens | |

Those voting in the negative were:

| | | |
|---|---|---|
| Adam | Hofstrand | Rait |
| Anderson, Benson | Hultstrand | Rettke |
| Anderson,M'K'nzie | Ireland | Ritter |
| Anfinson | Ista | Rohde |
| Arneson, Ramsey | Jensen | Schauss |
| Beede | Johnson, Cass | Schmidt, McHenry |
| Belzer | Johnson, LaMoure | Schmidt, Sheridan |
| Billigmeier | Joiner | Schimke |
| Bingenheimer | Keller | Scholl |
| Bolmeier | Knutson | Schwartz |
| Boulden | Lange | Semerad |
| Braun, McLean | Levin | Severson |
| Braun, Stark | Lunde | Solberg |
| Buchholz | McIntee | Sticka |
| Culver | McIntyre | Stone |

| | | |
|---|---|---|
| Dittmer | Myers | Stormon |
| Erickson | Mittag | Symington |
| Feton | Moe | Thompson, Steele |
| Fletcher | Mollet | Trydahl |
| Fraser | Nelson, Dickey | Tuff |
| Glas | Nelson, Steele | Wambheim |
| Gray | Odegard | Williams,Richland |
| Haag | Oglesby | Williams,Stutsm'n |
| Halvorson | Ostgulen | Wolf |
| Haugland | Panko | Mr. Speaker |
| Heckman | Peterson,Bottineau | |

Absent and not voting:

| | | |
|---|---|---|
| Dalzell | Larson | O'Brien |
| Fuglestad | Nelson, Cass | Sand |
| Kluver | | |

Passed:
Gainor

So the bill was declared lost.

Rep. Knutson moved that the vote by which House Bill No. 217 was lost be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 195. A Bill for an Act Providing that the State Board of Higher Education Created and Established by an Initiated Act Submitted to the Electors and Approved June 28, A. D. 1938, Shall be and Hereby is Vested With all the Rights, Powers, Duties, Obligations and Perogatives Heretofore Vested in the Board of Administration, as to Vocational Education, Vocational Rehabilitation, and of the Extension Division of the North Dakota Agricultural College.

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, 63; absent and not voting, 9; 1 passed.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Arneson, Nelson | Holm | Shure |
| Arneson, Ramsey | Holthusen | Singleton |
| Benno | Johnson, Cass | Skartvedt |
| Bergesen | McInnes | Solberg |
| Blair | Moe | Stormon |
| Bolmeier | Morland | Symington |
| Boulden | Nelson, Steele | Thompson,Burl'gh |
| Byrne | Nystrom | Thompson, Steele |
| Dalzell | Page | Trydahl |
| Dike | Saumur | Wambheim |
| Feton | Sellens | Westby |
| Fitch | Severson | Williams,Stutsm'n |
| Haugland | Sharpe | |

Those voting in the negative were:

| | | |
|---|---|---|
| Adam | Haag | Peterson,Bottineau |
| Anderson, Benson | Halvorson | Peterson, Ransom |
| Anderson,M'K'nzie | Heckman | Rait |
| Anfinson | Hofstrand | Rettke |

| | | |
|---|---|---|
| Beede | Hultstrand | Ritter |
| Belzer | Ista | Rohde |
| Billigmeier | Johnson, LaMoure | Schauss |
| Bingenheimer | Joiner | Schmidt, McHenry |
| Braun, McLean | Keller | Schmidt, Sheridan |
| Braun, Stark | Knutson | Schimke |
| Brown | Levin | Scholl |
| Buchholz | Lunde | Schwartz |
| Crockett | McIntee | Semerad |
| Culver | McIntyre | Sticka |
| Dittmer | Myers | Stone |
| Erickson | Mollet | Tuff |
| Fletcher | Nelson, Dickey | Twichell |
| Fraser | Odegard | Urschel |
| Gainor | Oglesby | Williams,Richland |
| Glas | Ostgulen | Wolf |
| Gray | Panko | Mr. Speaker |

Absent and not voting:

| | | |
|---|---|---|
| Fuglestad | Lange | Nelson, Cass |
| Ireland | Larson | O'Brien |
| Kluver | Mittag | Sand |

Passed:
Jensen

So the bill was declared lost.

House Bill No. 158. A Bill for an Act to Amend and Reenact Chapter 30 of the Session Laws of North Dakota for the Year 1937; Making an Appropriation of One Million Dollars to the State Hail Insurance Department From the State Equalization Fund; 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, 83; nays, 23; absent and not voting, 5.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Haag | Peterson,Bottineau |
| Anderson, Benson | Halvorson | Rait |
| Anderson,M'K'nzie | Haugland | Rettke |
| Anfinson | Heckman | Ritter |
| Beede | Hofstrand | Rohde |
| Belzer | Holthusen | Saumur |
| Benno | Hultstrand | Schauss |
| Bergesen | Ireland | Schmidt, McHenry |
| Billigmeier | Ista | Schmidt, Sheridan |
| Bingenheimer | Jensen | Schimke |
| Boulden | Johnson, LaMoure | Scholl |
| Braun, McLean | Joiner | Schwartz |
| Braun, Stark | Keller | Semerad |
| Brown | Kluver | Severson |
| Byrne | Knutson | Skartvedt |
| Crockett | Lange | Solberg |
| Culver | Levin | Sticka |
| Dalzell | McIntee | Stone |
| Dike | McIntyre | Symington |
| Dittmer | Myers | Trydahl |
| Erickson | Mollet | Tuff |

| | | |
|---|---|---|
| Feton | Morland | Urschel |
| Fitch | Nelson, Dickey | Westby |
| Fletcher | O'Brien | Williams,Richland |
| Fraser | Odegard | Williams,Stutsm'n |
| Gainor | Oglesby | Wolf |
| Glas | Ostgulen | Mr. Speaker |
| Gray | Panko | |

Those voting in the negative were:

| | | |
|---|---|---|
| Arneson, Nelson | McInnes | Shure |
| Arneson, Ramsey | Moe | Singleton |
| Blair | Nelson, Steele | Stormon |
| Bolmeier | Nystrom | Thompson,Burl'gh |
| Buchholz | Page | Thompson, Steele |
| Holm | Peterson, Ransom | Twichell |
| Johnson, Cass | Sellens | Wambheim |
| Lunde | Sharpe | |

Absent and not voting:

| | | |
|---|---|---|
| Fuglestad | Mittag | Sand |
| Larson | Nelson, Cass | |

So the bill passed and the title was agreed to.

Rep. Rohde moved that the vote by which House Bill No. 158 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

The House reverted to the Fifth Order of Business.

## HOUSE COMMITTEE ON ENROLLMENT AND ENGROSSMENT

Mr. Speaker: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bills and find the same correctly Engrossed:

House Bill No. 6.
House Bill No. 26.
House Bill No. 95.

OLAF OSTGULEN, Chairman.

Rep. Ostgulen moved that the report be adopted, which motion prevailed, and the report was adopted.

## REPORTS OF STANDING COMMITTEES

Mr. Speaker: Your Committee on Taxes and Tax Laws to whom was referred House Bill No. 198, have had the same under consideration and recommend that the same be amended as follows:

In section 1, line 3, after the word "match" insert a "comma" and insert the word "dance." In section 1, line 5, after the word "of" strike out the remainder of the line and all of lines 6 and 7 up to and including the word "conditioned" in line 8, and insert in lieu thereof the following: "two cents (2c) on tickets of twenty cents (20c) or less; three cents (3c) on tickets of more than twenty cents (20c) but less than thirty-one cents (31c); four cents (4c) on tickets above thirty cents (30c) but less than fifty cents (50c); all tickets of fifty cents (50c) or more shall be taxed at ten per cent (10%) of their sale price." In section 4, line 31, after the word "all" insert the word "tax." In line 32 after the word "the" strike out the remainder of the line and

all of line 33 up to and including the word "hereunder" and insert the following: "different priced tickets upon which the tax is imposed." In line 40, after the word "number" insert the words "and price." Strike out all of line 41 and line 42 up to and including "($.10)."

And when so amended recommend the same do pass.

N. P. JENSEN, Chairman.

Rep. Arneson (Ramsey) moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Taxes and Tax Laws to whom was referred Senate Bill No. 26, have had the same under consideration and recommend that the same be amended as follows:

In line 92, section 3, sub-division 7, page 5 of the printed bill which is line 95 of the original bill, strike out the words "enters into the processing of or." In section 3, after line 98 of the original bill which is page 5, section 3, line 95 of the printed bill, sub-section "7," add the following: "(8) To industrial materials, supplies and equipment which are directly used or consumed in the actual fabricating, compounding, manufacturing or servicing of tangible personal property intended to be sold ultimately at retail."

"(9) To any person whose total purchases shall be less than $50.00 during any quarter year for which a report is required."

And when so amended recommend the same do pass.

N. P. JENSEN, Chairman.

Rep. Shure 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. Speaker: Your Committee on Taxes and Tax Laws to whom was referred House Bill No. 175, have had the same under consideration and recommend that the same be amended as follows:

In Section 2, after line 6, add the following: "The tax known as excise tax as provided in Section 7 of Chapter 259 of the Session Laws of 1937, known as the Initiated Liquor Control Act, shall not be included as any part of the sale price of merchandise as provided in this section."

Strike out the word "net" wherever it appears in lines 9, 12, and 15 of Section 1, in lines 3 and 4 of Section 2, and in line 9 of Section 3.

And when so amended recommend the same do pass.

N. P. JENSEN, Chairman.

Rep. Hofstrand moved that the report be adopted, which motion prevailed and the report was adopted.

## SECOND READING OF HOUSE BILLS

House Bill No. 6. 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 Chaper 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, In-

clusive 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, 70; nays, 33; absent and not voting, 8.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Heckman | Rait |
| Anderson, Benson | Hofstrand | Rettke |
| Anderson,M'K'nzie | Holthusen | Ritter |
| Anfinson | Hultstrand | Rohde |
| Arneson, Nelson | Ireland | Schauss |
| Beede | Ista | Schmidt, McHenry |
| Belzer | Johnson, LaMoure | Schmidt, Sheridan |
| Benno | Kluver | Schimke |
| Billigmeier | Knutson | Scholl |
| Bingenheimer | Lange | Schwartz |
| Braun, McLean | McInnes | Semerad |
| Braun, Stark | McIntee | Singleton |
| Brown | McIntyre | Solberg |
| Buchholz | Myers | Sticka |
| Culver | Mollet | Thompson,Burl'gh |
| Dike | Morland | Thompson, Steele |
| Erickson | Nelson, Dickey | Trydahl |
| Fletcher | Nelson, Steele | Tuff |
| Fraser | Nystrom | Urschel |
| Gainor | O'Brien | Williams,Richland |
| Glas | Odegard | Williams,Stutsm'n |
| Haag | Ostgulen | Wolf |
| Halvorson | Peterson,Bottineau | Mr. Speaker |
| Haugland | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Arneson, Ramsey | Johnson, Cass | Sellens |
| Bergesen | Joiner | Severson |
| Blair | Keller | Sharpe |
| Bolmeier | Levin | Shure |
| Byrne | Lunde | Skartvedt |
| Crockett | Moe | Stone |
| Dalzell | Oglesby | Stormon |
| Dittmer | Page | Symington |
| Feton | Panko | Twichell |
| Gray | Peterson, Ransom | Wambheim |
| Jensen | Saumur | Westby |

Absent and not voting:

| | | |
|---|---|---|
| Boulden | Holm | Nelson, Cass |
| Fitch | Larson | Sand |
| Fuglestad | Mittag | |

So the bill passed and the title was agreed to, and the Emergency Clause declared carried.

Rep. Schwartz moved that the vote by which House Bill No. 6 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

The House reverted to the Tenth Order of Business.

FIRST READING OF HOUSE BILLS

Rep. Stone introduced:

House Bill No. 288. A Bill for an Act to Amend and Reenact Subdivisions 8 and 10 of Section 2078 of the Supplement to the Compiled Laws of North Dakota for 1913; Relating to Property Exempt From Taxation and Declaring an Emergency.

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

The House proceeded to the Thirteenth Order of Business.

## FIRST READING OF SENATE BILLS

Senate Bill No. 2. 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.

Senate Bill No. 5. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, New Buildings and Equipment for the Tuberculosis Sanatorium at San Haven, North Dakota.

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

Senate Bill No. 97. A Bill for an Act to Repeal Subsection 3 of Section 9 of Chapter 249 of the Session Laws of North Dakota for the Year 1937 Requiring Returns of Retail Sales Tax Collections to be Verified by Oath and Declaring an Emergency.

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

Senate Concurrent Resolution No. 106. A Concurrent Resolution Urging Immediate Investigation by Congress of Manufacturers of Farm Implements to Determine Costs of Raw Materials, Manufacture, Distribution, Ultimate Costs to Farmer, Price Spread Between Farmer and Consumer of Farm Products, Determination of Farm Machinery Prohibitions, Prohibitions as to Flax Crops and Importation to Meet the Country's Need, and to Determine if a Trust Exists Exercising Unfair Practices to the Detriment of the Agricultural Commonwealth.

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

Senate Concurrent Resolution No. 129. A Concurrent Resolution Memorializing Congress to Support the Proposed Legislation Prohibiting Retro-active Federal Taxation of State and Municipal Securities and Employes.

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

Senate Bill No. 74. A Bill for an Act to Provide for a Civil Service Commission and Providing for the Appointment of an Executive Secretary Thereto; Defining the Power, 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 Re-

instatement 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.

## SECOND READING OF SENATE BILL

Senate Bill No. 60. A Bill for an Act to Amend and Reenact Section 9, of Chapter 213, of the 1935 Session Laws, Providing That State and Municipal Officers and Employees Shall Not Lose Pay While on Duty, and Including Therein Members of the Officers Reserve Corps of the United States and 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, 100; nays, 0; absent and not voting, 11.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Heckman | Rettke |
| Anderson, Benson | Hofstrand | Ritter |
| Anderson,M'K'nzie | Holm | Rohde |
| Anfinson | Holthusen | Saumur |
| Arneson, Nelson | Hultstrand | Schauss |
| Arneson, Ramsey | Ireland | Schmidt, McHenry |
| Beede | Ista | Schmidt, Sheridan |
| Belzer | Jensen | Schimke |
| Benno | Johnson, Cass | Scholl |
| Bergesen | Johnson, LaMoure | Schwartz |
| Billigmeier | Joiner | Sellens |
| Bingenheimer | Keller | Semerad |
| Blair | Lange | Severson |
| Bolmeier | Levin | Sharpe |
| Boulden | Lunde | Shure |
| Braun, McLean | McIntee | Singleton |
| Braun, Stark | McIntyre | Skartvedt |
| Brown | Myers | Solberg |
| Buchholz | Mittag | Sticka |
| Crockett | Moe | Stone |
| Cluver | Mollet | Stormon |
| Dalzell | Morland | Symington |
| Dike | Nelson, Dickey | Thompson,Burl'gh |
| Dittmer | Nelson, Steele | Thompson, Steele |
| Erickson | Nystrom | Trydahl |
| Feton | O'Brien | Tuff |
| Fitch | Oglesby | Twichell |
| Fletcher | Ostgulen | Urschel |
| Fraser | Page | Westby |
| Gainor | Panko | Williams,Richland |
| Glas | Peterson,Bottineau | Williams,Stutsm'n |
| Gray | Peterson, Ransom | Wolf |
| Haag | Rait | Mr. Speaker |
| Halvorson | | |

Absent and not voting:

| | | |
|---|---|---|
| Byrne | Knutson | Odegard |

| | | |
|---|---|---|
| Fuglestad | Larson | Sand |
| Haugland | McInnes | Wambheim |
| Kluver | Nelson, Cass | |

So the bill passed and the title was agreed to.

And the Emergency Clause declared carried.

Rep. Crockett moved that the vote by which Senate Bill No. 60 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Rep. Lange moved that the absent members be excused, which motion prevailed.

Rep. Scholl moved that the House do now adjourn, which motion prevailed and the House adjourned.

MINNIE D. CRAIG, Chief Clerk.

## THIRTY-EIGHTH DAY

Bismarck, February 9, 1939.

The House assembled at 2:00 P. M., pursuant to adjournment, Speaker Hagen presiding.

Prayer by Rev. Father Hildebrand Eickhoff, Mandan.

Roll Call: All Representatives present except Fuglestad, Larson, Sand.

So a quorum was declared present.

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

Mr. Speaker: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the thirty-seventh day and recommends that the same be corrected as follows:

Page 493 strike out 18th line from bottom.

And when so corrected recommends that the same be approved.

REP. GLAS, Chairman.

Rep. Joiner moved that the report be adopted, which motion prevailed and the report was adopted.

Rep. Anderson of Benson moved that Rep. Rettke who was recorded absent on roll call for the Thirty-seventh day be recorded as present, which motion prevailed.

A communication was received from Rep. Usher L. Burdick in regard to the vote on the WPA appropriation by Rep. Wm. Lemke and Senator Nye.

A communication was received from Nels N. Thorstad, Werner, asking that the Legislature appropriate money for Old Age Assistance.

### HOUSE COMMITTEE ON ENROLLMENT AND ENGROSSMENT

Mr. Speaker: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bills and find the same correctly engrossed:

House Bill No. 107.

House Bill No. 168.

OLAF OSTGULEN, Chairman.

Rep. Ostgulen moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bills and find the same correctly engrossed.

House Bill No. 185.

OLAF OSTGULEN, Chairman.

Rep. Ostgulen moved that the report be adopted, which motion prevailed, and the report was adopted.

## MESSAGES FROM THE SENATE

Senate Chamber,
Bismarck, February 9, 1939.

Mr. Speaker: I have the honor to return:

House Bill No. 48. A Bill for an Act to Amend and Reenact Section 6073 of the Supplement to the 1913 Compiled Laws of North Dakota, as Amended by Chapter 159, Session Laws of 1935, Defining Usury.

House Bill No. 78. A Bill for an Act Declaring to Be Common Nuisances any Building, Place, or Room, Where Intoxicating Liquors Are Sold, Bartered, or Furnished in Violation of Law, and Prescribing Remedies and Penalties for the Prevention of the Same, and Evidence Admissible.

House Concurrent Resolution No. 94. 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 General Relief Emergency for December, 1938, and January and February, 1939.

Which the Senate has indefinitely postponed.

Mr. Speaker: I have the honor to transmit:

Senate Bill No. 71. A Bill for an Act to Amend and Reenact Section 4 of Chapter 249 of the Session Laws of 1937, Providing for Certain Credits and Exemptions and Providing for Payment of a Sales Tax on Sales of Motor Vehicle Fuels Upon Which Refunds of Special Taxes are Allowed, and Declaring an Emergency.

Senate Bill No. 3. 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.

Senate Bill No. 30. A Bill for an Act to Amend and Reenact Chapter 158, Laws of 1933, Relating to the Foreclosure of Real Estate Mortgages by Advertisement.

Senate Bill No. 126. A Bill for an Act to Amend and Reenact Section 6762, of the Compiled Laws of the State of North Dakota for the Year 1913, as Amended by Chapter 175, Session Laws of 1927, by Chapter 168, of the Session Laws for 1935, Relating to Filing, Renewal and Limitations of Chattel Mortgages, and Providing for the Cancellation and Satisfaction of Same; and Further Providing for the Repeal of All Acts or Parts of Acts in Conflict Herewith.

Senate Bill No. 96. A Bill for an Act to Provide for the Removal of Certain Public Officers in Said Act Enumerated and Establishing the Procedure Therefor and Repealing Sections 685, 686, 688, 689, 690, 691, 692, 693, 694, and 695 of the 1925 Supplement to the Compiled Laws of the State of North Dakota for the Year 1913, Sections 687, 10467, 10468, 10469, 10470, 10471, 10472, 10473, 10474, 10475, 10476, 10477, 10478, 10479, 10480, 10481 and 10482 of the Compiled Laws of the State of North Dakota for the Year 1913, and Chapter 230, of the Session Laws of the State of North Dakota for the Year 1927.

Senate Bill No. 86. A Bill for an Act to Amend and Reenact Section 2588 of the Supplement to the Compiled Laws

of 1913, as Amended by Chapter 251 of the Session Laws of 1929, Relating to the Treatment of Patients at the North Dakota Tuberculosis Sanitarium, and Declaring an Emergency.

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

WM. J. LOWE, Secretary.

## REPORTS OF STANDING COMMITTEES

Mr. Speaker: Your Committee on Ways and Means to whom was referred House Bill No. 245, have had the same under consideration and recommend that the same do pass.

CARL ANFINSON, Chairman.

Rep. Peterson of Bottineau moved that the report be adopted, which motion prevailed, and the report was adopted.

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

Page 1, Section 1, in line 3, strike out the figures "$30,360.00" and insert in lieu thereof the figures "$22,810.00."

Page 1, Section 1, in line 9, strike out the figures "$450.00" and insert in lieu thereof the figures "$400.00."

Page 1, Section 1, in line 10, strike out the figures "$250.00" and insert in lieu thereof the figures "$150.00."

Page 1, Section 1, in line 11, strike out the figures "$250.00" and insert in lieu thereof the figures "$200.00."

Page 1, Section 1, in line 12, strike out the figures "$800.00" and insert in lieu thereof the figures "$300.00."

Page 2, Section 1, in line 13, strike out the figures "$500.00" and insert in lieu thereof the figures "$300.00."

Page 2, Section 1, in line 14, strike out the figures "$16,000.00" and insert in lieu thereof the figures "$12,000.00."

Page 2, Section 1, in line 15, strike out the figures "$800.00" and insert in lieu thereof the words "and Bonds" and the figures "$500.00."

Page 2, Section 1, in line 16, strike out the figures "$850.00" and insert in lieu thereof the figures "$800.00."

Page 2, Section 1, strike out all of line 17.

Page 2, Section 1, in line 18, strike out the figures "$2,000.00" and insert in lieu thereof the figures "$1,200.00."

Page 2, Section 1, in line 19, strike out the figures "$30,360.00" and insert in lieu thereof the figures "$22,810.00."

Re-number beginning with line 17, change to line 16 and continue re-numbering to the bottom of the page.

And when so amended recommend the same do pass.

C. P. RITTER, Acting Chairman.

Rep. Morland moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Taxes and Tax Laws to whom was referred House Bill No. 71, have had the same under consideration and recommend that the same be amended as follows:

On page 1, Section 1, line 5, after the word "treasurer," strike out the remainder of the line. Strike out all of line 6 and line 7 up to the word "its" and insert in lieu thereof the following: "and shall be in full force and effect for a period of one year from and after date of."

And when so amended recommend the same do pass.

N. P. JENSEN, Chairman.

Rep. Ostgulen moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Appropriations to whom was referred House Bill No. 88, have had the same under consideration and recommend that the same be indefinitely postponed.

C. P. RITTER, Acting Chairman.

Rep. Johnson of Cass moved that the report be adopted.

Rep. O'Brien moved a substitute motion that House Bill No. 88 be placed on the calendar, which motion prevailed.

## MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, February 9, 1939.

Mr. Speaker: I have the honor to transmit:

Senate Bill No. 23. A Bill for an Act to Amend and Reenact Sections 4535, 4538 and 4539 of Chapter 12 of the Compiled Laws of North Dakota for 1913; Relating to Election and Terms of Directors.

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

Mr. Speaker: I have the honor to return:

House Concurrent Resolution No. 224. A Concurrent Resolution Making the Memorial Hall of the State Capitol Building Available to the Members of the "Third House" for Various Entertainments.

House Concurrent Resolution No. 229. A Concurrent Resolution Extending an Invitation to the King and Queen of the United Kingdom of Great Britain and Ireland to Visit the International Peace Gardens.

House Concurrent Resolution No. 230. A Concurrent Resolution Extending an Invitation to the Crown Prince and Crown Princess of Norway to Visit the International Peace Gardens.

House Concurrent Resolution No. 231. A Concurrent Resolution Extending an Invitation to the President of the United States to Visit the International Peace Gardens.

Which the President has signed.

WM. J. LOWE, Secretary.

## REPORTS OF STANDING COMMITTEES

Mr. Speaker: Your Committee on Agriculture to whom was referred House Bill No. 120, 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 Establishing Rules and Regulations and Sanitary Conditions for Cream Buying Stations; Sanitary Requirements for Haulers of Cream; Equipment and Care of Equipment; Care of Cream Held in the State; Care of Cream in Transit; Repealing Acts in Conflict Herewith; Providing Penalties; and Declaring an Emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

Section 1. CREAM STATION DEFINED.) For the purpose of this Act a cream station shall be defined as any place or room where cream is purchased from the producer to be later transported to a processing plant.

Section 2. CREAM STATION REQUIREMENTS.) Any room where cream is purchased or concentrated for shipment in any cream buying station shall hereafter be used exclusively for the purchasing, handling and storing of cream. Walls and ceilings shall be tight, so as to exclude dust, and all openings in such stations shall be tightly screened against insects. The floors must be tight, and shall be maintained in a clean and sanitary condition at all times. Any door or other opening between a cream station room and any other room used for the storing or handling of hides, meats, fruits, vegetables, grain, poultry, or oils of any kind, or other dust or odor-producing articles are kept shall be tightly fitted and kept closed when not in use. Cream buying stations must be well-lighted and ventilated, and shall have a floor space of not less than one hundred and twenty (120) square feet.

No hides, furs, live poultry, petroleum products, groceries, or leather goods, or other articles that may cause cream to be contaminated with offensive odors or sediment, may be kept at any time in any cream station in this State.

Section 3. All cans used in the purchase, sale or handling of cream shall be kept thoroughly clean, steamed and free from rust, and from and after the taking effect of this Act, no cream station operator may loan out a marked or identified cream can, and all empty cream cans to be used in connection with the purchase of cream in this State when in the custody of any cream buyer, shall be stacked in the rack inside such cream station, on their sides with the covers off. Cans used for the handling, sale or shipping of cream shall not be used for any other purpose, and all equipment and utensils used in the purchasing or handling of cream shall be kept in a clean and sanitary condition at all times.

All cream buyers in this State shall have at least a five-gallon can filled with fresh, clean water, in which he shall submerge his cream stirrer at all times when it is not in use.

An approved rubber scraper shall be used to scrape cream from stirring rod, can covers, and other equipment.

Nothing but pure, clean water or steam shall be used in any cream station for the purpose of rinsing cream from cream cans in which cream has been delivered to the station by the producer.

Cans containing cream at cream stations must be covered so as to prevent the entrance of rodents, flies, dust or other contaminating substances.

All cream stations shall be equipped with cooling facilities so as to maintain the cream on hand at a low temperature to avoid deterioration.

Section 4. CREAM IN TRANSIT.) Containers of cream in transit, or in the possession of cream buyers, shall not at any time be placed near or adjacent to hides, furs, live poultry, petroleum products, or any other article that may cause cream to be contaminated with offensive odors or sediment.

Section 5. PENALTIES.) Any person violating any of the provisions of this Act, upon conviction thereof shall be fined not to exceed one hundred dollars ($100.00) or by imprisonment in the county jail not to exceed thirty (30) days, or by both such fine and imprisonment.

Section 6. REPEAL.) All Acts or parts of Acts in conflict herewith are hereby expressly repealed.

Section 7. EMERGENCY.) This Act is hereby declared to be an emergency measure, and shall be in full force and effect upon its passage and approval.

And when so amended recommend the same do pass.

CARL H. DITTMER, Chairman.

Rep. Bingenheimer moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Appropriations to whom was referred House Bill No. 157, have had the same under consideration and recommend that the same be indefinitely postponed.

C. P. RITTER, Acting Chairman.

Rep. Johnson of Cass moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Judiciary made the following report:

Mr. Speaker: Your Committee on Judiciary to whom was referred House Bill No. 166, have had the same under consideration and recommend that the same be indefinitely postponed.

J. M. ANDERSON, Chairman.

Rep. Rettke moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Banks and Banking to whom was referred House Bill No. 176, have the same under consideration and recommend that the same do pass.

GUS. A. SCHAUSS, Chairman.

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

## MESSAGES TO THE SENATE

House of Representatives,
Bismarck, February 9, 1939.

Mr. President: I have the honor to return:

Senate Bill No. 52. A Bill for an Act to Amend and Reenact Chapter 30 of the Session Laws of North Dakota for the Year 1937, and Repealing All Acts or Parts of Acts in Conflict Herewith.

Which the House has indefinitely postponed.

Mr. President: I have the honor to return:

Senate Bill No. 60. A Bill for an Act to Amend and Reenact Section 9, of Chapter 213, of the 1935 Session Laws, Providing That State and Municipal Officers and Employees

Shall Not Lose Pay While on Duty, and Including Therein Members of the Officers Reserve Corps of the United States and Repealing All Acts or Parts of Acts in Conflict Therewith, and Declaring an Emergency.

Senate Bill No. 66. A Bill for an Act to Repeal Section 17, Chapter 27, of the Session Laws of 1929 Relating to the Standing Appropriation for the Supreme Court Commissioner.

Which the House has passed unchanged.

Mr. President: I have the honor to transmit:

House Bill No. 4. A Bill for an Act Making an Appropriation for the Glanders and Dourine Indemnity Fund.

House Bill No. 6. 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.

House Bill No. 7. 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.

House Bill No. 15. 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.

House Bill No. 16. 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.

House Bill No. 17. 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.

House Bill No. 18. A Bill for an Act Making an Appropriation for St. John's Orphanage of Fargo, North Dakota, Providing the Mehods of Expenditure and Audit Thereof; Supervision and Inspection Therefor.

House Bill No. 19. 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.

House Bill No. 20. 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, Providing the Methods of Expenditure and Audit Thereof; Supervision and Inspection Therefor.

House Bill No. 21. 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.

House Bill No. 28. 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.

House Bill No. 110. A Bill for an Act to Amend and Reenact Sub-section 1 of Section 32, Chapter 148, Session Laws of 1931, Relating to Fur-Bearing Animals; and Declaring an Emergency.

House Bill No. 158. A Bill for an Act to Amend and Reenact Chapter 30 of the Session Laws of North Dakota for the Year 1937; Making an Appropriation of One Million Dollars to the State Hail Insurance Department From the State Equalization Fund; Repealing all Acts or Parts of Acts in Conflict Herewith.

House Bill No. 172. A Bill for an Act to Amend and Reenact Sections 5, 6, 7, 8 and 9 of Chapter 91 of the 1935 Session Laws of 1935, Relating to an Act Creating the State Athletic Commission, Prescribing Its Powers and Duties, Providing Penalties for Violations and Repealing All Acts or Parts of Acts in Conflict Therewith; and Providing an Appropriation Therefor.

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

MINNIE D. CRAIG, Chief Clerk.

## REPORTS OF STANDING COMMITTEES

Mr. Speaker: Your Committee on Game and Fish to whom was referred House Bill No. 182, have had the same under consideration and recommend that the same be indefinitely postponed.

REP. LEVIN, Chairman.

Rep. Anfinson moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Agriculture to whom was referred House Bill No. 186, have had the same under consideration and recommend that the same do pass.

CARL H. DITTMER, Chairman.

Rep. Haugland moved that the report be adopted, which motion prevailed, and the report was adopted.

## MESSAGE FROM THE GOVERNOR

State of North Dakota
OFFICE OF THE GOVERNOR
Bismarck

February 9, 1939.

To the House of Representatives,
State of North Dakota:

This is to notify you that I have today approved and filed with the Secretary of State:

House Bill No. 85. A Bill for an Act to Amend and Reenact Section 591 of North Dakota Compiled Laws of 1913, Relative to the Powers of the Board of Railroad Commissioners, and Extending Such Powers to Include Common Carrier Pipe Lines; and Declaring an Emergency.

JOHN MOSES, Governor.

## REPORT OF STANDING COMMITTEE

Mr. Speaker: A majority of your Committee on State Affairs to whom was referred House Bill No. 197, have had the same under consideration and recommend that the same be indefinitely postponed.

REP. CROCKETT, Chairman.
REP. SAUMUR
REP. FLETCHER
REP. HOLTHUSEN
REP. TWICHELL
REP. WAMBHEIM
REP. FRASER
REP. DALZELL
REP. NYSTROM
REP. JOINER

Mr. Speaker: A minority of Your Committee on State Affairs to whom was referred House Bill No. 197, have had the same under consideration and recommend that the same do pass.

REP. SCHOLL
REP. LANGE
REP. JOHNSON of LaMoure
REP. TUFF

Rep. Dalzell moved that the report of the majority for indefinite postponement be adopted.

Rep. Scholl moved that the report of the minority be substituted for the report of the majority, which motion was lost.

The question being on the report of the majority for indefinite postponement, the motion prevailed.

Rep. Fitch moved that the vote by which House Bill No. 197 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on State Affairs to whom was referred House Bill No. 199, have had the same under consideration and recommend that the same be re-referred to the Appropriation Committee with recommendation for passage.

W. M. CROCKETT, Chairman.

Rep. Fletcher moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on State Affairs to whom was referred House Bill No. 202, have had the same under consideration and recommend that the same be re-referred to the Committee on Appropriation with no recommendations.

W. M. CROCKETT, Chairman.

Rep. Twichell moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on State Affairs to whom was referred House Bill No. 203, have had the same under consideration and recommend that the same be re-referred to the Committee on Appropriations with no recommendations.

W. M. CROCKETT, Chairman.

Rep. Twichell moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Banks and Banking to whom was referred House Bill No. 210, have had the same

under consideration and recommend that the same do pass.

GUS A. SCHAUSS, Chairman.

Rep. Schimke moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Banks and Banking to whom was referred House Bill No. 211, have had the same under consideration and recommend that the same do pass.

GUS A. SCHAUSS, Chairman.

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

Mr. Speaker: Your Committee on Agriculture to whom was referred House Bill No. 215, have had the same under consideration and recommend that the same be indefinitely postponed.

CARL H. DITTMER, Chairman.

Rep. Dalzell moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on State Affairs to whom was referred House Bill No. 228, have had the same under consideration and recommend that the same be indefinitely postponed.

W. M. CROCKETT, Chairman.

Rep. Holthusen moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Agriculture to whom was referred House Concurrent Resolution No. 240, have had the same under consideration and recommend that the same be adopted.

CARL H. DITTMER, Chairman.

Rep. Anderson of McKenzie moved that the report be adopted, which motion prevailed and the report was adopted.

Rep. Twichell moved the adoption of:

House Concurrent Resolution No. 240. A Resolution Requesting Congress to Enact Legislation to Secure Lost AAA Payments for Mountrail County Farmers Misinformed on Compliance Regulations.

Which motion prevailed, and the House adopted House Concurrent Resolution No. 240.

Mr. Speaker: Your Committee on Game and Fish to whom was referred House Bill No. 241, have had the same under consideration and recommend that the same be rereferred to the Committee on State Affairs.

REP. LEVIN, Chairman.

Rep. Halvorson moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Judiciary made the following report:

Mr. Speaker: Your Committee on Judiciary to whom was referred House Bill No. 242, have had the same under consideration and recommend that the same do pass.

J. M. ANDERSON, Chairman.

Rep. Mittag moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Enrollment and Engrossment respectfully reports that:

House Concurrent Resolution No. 224.

Was delivered to the Secretary of State at the hour of 3:15 o'clock P. M., February 9, 1939.

OLAF OSTGULEN, Chairman.

The Committee on Judiciary made the following report:

Mr. Speaker: Your Committee on Judiciary to whom was referred House Bill No. 243, have had the same under consideration and recommend that the same do pass.

J. M. ANDERSON, Chairman.

Rep. Culver moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Agriculture to whom was referred House Concurrent Resolution No. 248, have had the same under consideration and recommend that the same be adopted.

CARL H. DITTMER, Chairman.

Rep. Haugland moved that the report be adopted, which motion prevailed and the report was adopted.

Rep. Crockett moved the adoption of:

House Concurrent Resolution No. 248. A Concurrent Resolution Memorializing Congress to Enact the Frazier-Lemke Refinancing Act.

Which motion prevailed, and the House adopted House Concurrent Resolution No. 248.

Mr. Speaker: Your Committee on Game and Fish to whom was referred House Bill No. 268, have had the same under consideration and recommend that the same be indefinitely postponed.

PALMER LEVIN, Chairman.

Rep. Gainor moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Taxes and Tax Laws to whom was referred Senate Bill No. 48, have had the same under consideration and recommend that the same be indefinitely postponed for the reason that a similar bill has already passed the House.

N. P. JENSEN, Chairman.

Rep. Hofstrand moved that the report be adopted, which motion prevailed and the report was adopted.

Rep. Rohde moved that the vote by which Senate Bill No. 48 was indefinitely postponed be reconsidered and the motion prevailed.

Mr. Speaker: Your Committee on Taxes and Tax Laws to whom was referred Senate Bill No. 51, have had the same under consideration and recommend that the same do pass.

N. P. JENSEN, Chairman.

Rep. Rait moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Taxes and Tax Laws to whom was referred Senate Concurrent Resolution No. 129, have had the same under consideration and recommend that the same be not adopted.

N. P. JENSEN, Chairman.

Rep. Rait moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Agriculture to whom was referred Senate Concurrent Resolution No. 106, have had

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

CARL H. DITTMER, Chairman.

Rep. Erickson moved that the report be adopted, which motion prevailed and the report was adopted.

Rep. Rohde moved the adoption of:

Senate Concurrent Resolution No. 106. A Concurrent Resolution Urging Immediate Investigation by Congress of Manufacturers of Farm Implements to Determine Costs of Raw Materials, Manufacture, Distribution, Ultimate Costs to Farmer, Price Spread Between Farmer and Consumer of Farm Products, Determination of Farm Machinery Prohibitions, Prohibitions as to Flax Crops and Importation to Meet the Country's Need, and to Determine if a Trust Exists Exercising Unfair Practices to the Detriment of the Agricultural Commonwealth.

Which motion prevailed, and the House adopted Senate Concurrent Resolution No. 106.

The Committee on Enrollment and Engrossment respectfully reports that:

House Concurrent Resolution No. 229.

House Concurrent Resolution No. 230.

House Concurrent Resolution No. 231.

Were delivered to the Governor for his approval at the hour of 3:00 o'clock P. M., February 9, 1939.

OLAF OSTGULEN, Chairman.

## SIGNING OF BILLS

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 23. A Bill for an Act to Amend and Reenact Sections 4535, 4538 and 4539 of Chapter 12 of the Compiled Laws of North Dakota for 1913; Relating to Election and Terms of Directors.

And the Speaker signed the same in the presence of the House.

## MESSAGE TO THE SENATE

House of Representatives,
Bismarck, February 9, 1939.

Mr. President: I have the honor to return:

Senate Bill No. 23. A Bill for an Act to Amend and Reenact Sections 4535, 4538 and 4539 of Chapter 12 of the Compiled Laws of North Dakota for 1913; Relating to Election and Terms of Directors.

Which the Speaker has signed.

MINNIE D. CRAIG, Chief Clerk.

Rep. Crockett moved that the rules be suspended at this time and that the Chief Clerk be appointed to sign the payroll for Rep. Larson who is ill in a Mandan hospital and has been absent for some time, which motion prevailed.

Rep. Twichell moved for reconsideration of action taken on House Bill No. 195, which motion was lost on standing vote.

Rep. Twichell demanded a roll call.

## ROLL CALL

The question being on reconsideration of House Bill No.

195, the roll was called and there were ayes, 61; nays, 46; absent and not voting 4.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Arneson, Nelson | Holthusen | Saumur |
| Arneson, Ramsey | Hultstrand | Schauss |
| Benno | Ireland | Sellens |
| Bergesen | Johnson, Cass | Severson |
| Blair | Kluver | Sharpe |
| Bolmeier | Levin | Shure |
| Boulden | Lunde | Singleton |
| Brown | McInnes | Skartvedt |
| Byrne | Mittag | Solberg |
| Crockett | Moe | Stone |
| Dalzell | Morland | Stormon |
| Dike | Nelson, Cass | Symington |
| Dittmer | Nelson, Steele | Thompson,Burl'gh |
| Feton | Nystrom | Thompson, Steele |
| Fitch | O'Brien | Trydahl |
| Gainor | Odegard | Twichell |
| Gray | Oglesby | Wambheim |
| Halvorson | Page | Westby |
| Haugland | Peterson, Ransom | Williams,Stutsm'n |
| Hofstrand | Ritter | Wolf |
| Holm | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Adam | Haag | Peterson,Bottineau |
| Anderson, Benson | Heckman | Rait |
| Anderson,M'K'nzie | Ista | Rettke |
| Anfinson | Johnson, LaMoure | Rohde |
| Beede | Joiner | Schmidt, McHenry |
| Belzer | Keller | Schmidt, Sheridan |
| Billigmeier | Knutson | Schimke |
| Bingenheimer | Lange | Scholl |
| Braun, McLean | McIntee | Schwartz |
| Braun, Stark | McIntyre | Semerad |
| Buchholz | Myers | Sticka |
| Culver | Mollet | Tuff |
| Erickson | Nelson, Dickey | Urschel |
| Fletcher | Ostgulen | Williams,Richland |
| Fraser | Panko | Mr. Speaker |
| Glas | | |

Absent and not voting:

| | | |
|---|---|---|
| Fuglestad | Larson | Sand |
| Jensen | | |

House Bill No. 195 was reconsidered.

Rep. Crockett: "Mr. Speaker: I wish to explain my vote and wish to have my explanation recorded in the Journal. I am voting 'aye' on this bill for the reason that I don't feel sure that this money is going to be appropriated for the country boys and girls so that they can take these correspondence courses in their homes and I want to find out for sure."

Rep. Anderson of Benson moved that House Bill No. 195 be re-referred to the proper committee with instructions to ascertain whether or not federal funds will be withdrawn

in the event that House Bill No. 195 should not pass, which motion prevailed.

The Speaker announced the reference of House Bill No. 195 to the Committee on Education.

## MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, February 9, 1939.

Mr. Speaker: I have the honor to inform you that the Senate has re-referred Senate Bill No. 35, which the House has amended to the Committee on Elections for further study as to whether or not the Senate would concur in the House amendments.

Mr. Speaker: I have the honor to inform you that the Senate has re-referred Senate Bill No. 49, which the House has amended to the Committee on Taxes and Tax Laws for further study.

WM. J. LOWE, Secretary.

## FIRST READING OF HOUSE BILLS

Rep. Sellens introduced:

House Bill No. 289. A Bill for an Act Authorizing the State Industrial Commission to Cause to be Purchased by the Bank of North Dakota and Stored at Convenient Market Centers, Feed Grain for Re-sale to Farmers to Enable Them to Retain Needed Livestock; Defining the Terms "Livestock" and "Feed Grain." Authorizing the Bank of North Dakota to Sell Such Grain for Feed in Seasons of Drought or Scarcity: Declaring Such Purchases Investments; Authorizing the State Industrial Commission to Formulate and Establish Rules and Regulations With Reference to the Purchase; Storage and Sale of Such Grains; Directing the Cooperation and Aid of the Board of Railroad Commissioners, Boards of County Commissioners and Extension Department of the State Agricultural College in Carrying Out Such Program and Limiting the Amount of Funds to be Thus Invested.

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

House Bill No. 290 Withdrawn.

Committee on Irrigation and Drainage introduced:

House Bill No. 291. A Bill for an Act Declaring That Revenue Bonds Legally and Validly Issued by the State Water Conservation Commission are Legal and Valid Investments by State Departments, Bureaus, Agencies and Commissions Vested With the Control, Supervision and Investment of Public Funds, and are Legal Investments of State and Municipal Sinking Funds and Funds of Banks, Trust Companies, Insurance Companies, Investment Companies, Building and Loan Associations and of Similar Financial Institutions; and Declaring an Emergency.

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

Rep. Mittag introduced:

House Bill No. 292. A Bill for an Act to Amend and Reenact Sections 2552 and 2553 of the Compiled Laws of the State of North Dakota for the Year 1913, as Amended by Chapter 142 of the 1937 Session Laws for the State of North

Dakota, Relating to the Procedure to be Followed in the Investigation and Committment of Patients to the State Hospital for the Insane, Providing a Hearing Therefore, the Investigation Thereof, Giving Notice to the Immediate Relatives, or the Next Friend of the Person Informed Against, Providing Said Parties With an Opportunity to Appear at Such Insanity Hearings, by Counsel, and Providing for a Judicial Review of the Findings, of County Boards of Insanity; 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 Public Welfare.

Committee on Irrigation and Drainage introduced:

House Bill No. 293. A Bill for an Act to Amend and Reenact Section 8235 of the Compiled Laws of 1913, Relating to Waters Subject to beneficial appropriation and Declaring an Emergency.

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

Committee on Irrigation and Drainage introduced:

House Bill No. 294. A Bill for an Act Authorizing and Empowering the Board of University and School Lands to Pay Benefits in Whole or in Part Apportioned, Levied and Assessed Against State School Land, Under the Jurisdiction and Control of Said Board, by Any Irrigation District in Which Such Lands are Located, for the Cost of Establishing, Constructing and Completing Irrigation Works for the Irrigation of Such State Lands, and other Lands Within Such District, or for the Purchase of Such Irrigation Works; Authorizing the Said Board to Pay Charges for the Operation and Maintenance of Such Irrigation Works and Charges for Water Supplied for the Irrigation of Such State Lands; Authorizing Said Board to Level and Develop Such Land for Irrigation or to Pay the Cost Thereof; Repealing All Acts and Parts of Acts in Conflict With the Provisions of This Act and Declaring an Emergency.

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

Reps. Halvorson, Crockett, Fraser and Lange introduced:

House Bill No. 295. A Bill for an Act Prohibiting Hunters From Using and Driving Motor Cars or Other Motor Vehicles Upon or Across Any Public or Private Land, Field, Meadows or Prairies for the Purpose of Hunting Game Birds Providing a Penalty for Violation Thereof.

Was read the first time and referred to the Committee on Game and Fish.

Reps. Crockett, Williams of Stutsman and Westby introduced:

House Bill No. 296. A Bill for an Act to Amend Subdivision (b) of Section 25 of Chapter 179 of the Session Laws of 1927, as Amended by Chapter 186 of the Session Laws of 1931, as Amended by Chapter 160 of the Session Laws of 1933, as Amended by Chapter 180 of the Session Laws of 1935, by Adding Thereto a Proviso Increasing the Registration Fees for Trucks Propelled by Diesel Engines by Seventy-five Per Cent Over the Registration Fees for Trucks Not So Propelled; and Declaring an Emergency.

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

Reps. Crockett, Williams of Stutsman and Westby introduced:

House Bill No. 297. A Bill for an Act to Require That for Any Motor Vehicle, or Any Combination of Vehicles Operated as One Unit, Propelled by a Diesel Engine, the Registration Fee Shall Be Seventy-five Per Cent More Than for Any Motor Vehicle or Any Combination of Vehicles Operated as One Unit Not So Propelled; and Declaring an Emergency.

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

Rep. Buchholz introduced:

House Bill No. 298. A Bill for an Act Amending and Reenacting Section 368 A4 of the 1925 Supplement to the 1913 Laws to the State of North Dakota, Relating to the Industrial Commission, the Powers Thereof, the Powers and Procedure 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 Highways and Bridges.

Reps. Semerad and Bergesen introduced:

House Bill No. 299. A Bill for an Act to State and Prescribe the Law of the State of North Dakota, Governing Borrowing, Funding and Refunding, by Means of Bond Issues, by Counties, Cities, Villages, Townships, School Districts, Park Districts and Other Municipalities, Validating Certain Procedure Heretofore Taken, 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 Cities and Municipal Corporations.

Rep. Fitch introduced:

House Bill No. 300. A Bill for an Act to Amend and Reenact Section 14, Chapter 309 of the Laws of North Dakota, 1931, Providing for the Furnishing Without Charge of Copies of Public Records; Repealing All Acts in Conflict and Declaring an Emergency.

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

Rep. Bergesen introduced:

House Bill No. 301. A Bill for an Act to Make Uniform the Law on Criminal Indictment and Information; Defining Terms Included in This Act; Providing What an Indictment or Information Must or Need Not Contain; Setting Forth Forms Thereof; Providing for Bills of Particular; in General Covering and Interpreting the Laws Pertaining to Indictments and Informations, and Repealing All Acts or Parts of Acts in Conflict Herewith.

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

The Committee on Highways and Bridges introduced:

House Bill No. 302. A Bill for an Act to Amend Sections 1, 3 and 15 of Chapter 164, and Chapter 164, of the Session Laws of North Dakota for the Year 1933, and Acts Amendatory Thereof and Supplementary Thereto; Providing for

the Transportation of Personal Property for Compensation Over Any Public Highway Within the State by Motor Propelled Vehicles; Providing for a Classification of Agricultural Carrier; and Providing for the Enforcement of the Provisions of This Act, and for Penalties for the Violation Thereof.

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

Rep. Adam introduced:

House Bill No. 303. A Bill for an Act Vesting in the Board of University and School Lands the Authority to Compromise With Dealers Upon Equitable Basis for Lands Purchased From the Board of University and School Lands; Repealing All Parts of Acts in Conflict Herewith and Declaring an Emergency.

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

Rep. Panko introduced:

House Bill No. 304. A Bill for an Act Relating to the Holding of Elections in School Districts on Townships for the Purpose of Building New School Buildings, or for Voting to Bond the School District for the Purpose of Erecting New Buildings, and Declaring an Emergency.

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

Rep. Panko introduced:

House Bill No. 305. A Bill for an Act Providing for Limited Representation in the House of Representatives of North Dakota of the Indians of This State, and the Method of Electing Them; Repealing All Acts and Parts of Acts in Conflict Herewith.

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

Rep. Arneson of Nelson requested permission to withdraw House Bill No. 290.

Rep. Twichell moved that the request be granted, which motion prevailed.

Rep. Benno requested permission to withdraw House Bill No. 273.

Rep. Dike moved that the request be granted, which motion prevailed.

Rep. Scholl moved that the House do now recess for a twenty-minute period, which motion prevailed, and the House stood recessed.

The Speaker called the House to order subsequent to twenty-minute recess taken, and the Speaker announced the House would proceed with the Tenth Order of Business.

## FIRST READING OF HOUSE BILLS

Rep. Knutson introduced:

House Bill No. 306. A Bill for an Act to Amend and Reenact Section 2 of Chapter 5 of the 1937 Session Laws.

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

The Committee on Mines and Mining introduced:

House Bill No. 307. A Bill for an Act to Amend and Reenact Chapter 167 of the 1935 Session Laws, Providing for the Procuring of Coal Mine Licenses From the State Coal

Mine Inspector, the Payment of Moneys Collected Into the General Treasury of the State of North Dakota, and Appropriating Therefrom Moneys to be Paid Into the Coal Mining Safety Fund, Providing for the Keeping and Furnishing by Coal Mine Operators of Such Records and Statistics and the Reporting Thereof to the State Coal Mine Inspector, Giving the State Coal Mine Inspector Power to Revoke Licenses and Enjoin the Operation of Unlicensed Mines, Providing for an Appeal to the District Court From Such Order of Revocation, Providing a Penalty for Failure to Comply With the Law.

Was read the first time and referred to the Committee on Mines and Mining.

Rep. Knutson introduced:

House Bill No. 308. A Bill for an Act to Amend and Re-Enact Certain Initiated Law Adopted by the Voters of the State of North Dakota at the Special Election Held September 22, 1933, as Amended and Re-enacted by Chapter 98 of the Session Laws of the State of North Dakota for the Year 1935, and as Further Amended by Chapter 98 of the Session Laws of the State of North Dakota for the Year of 1937, Defining and Providing for the Manufacture, Sale and Distribution of Beer, Providing Revenue Therefrom, and for the Distribution Thereof, and Licenses Therefor, the Cancellation of Such Licenses, Prohibiting the Transfer of Licenses, Excluding Certain Persons From the Right to Purchase the Same, Assigning to and Requiring the Attorney General to Supervise the Same, to Provide the Issuance of Licenses Hereunder, Defining His Powers and Duties Relating Thereto; 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; Making an Appropriation Therefor; 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 Herewith, and Declaring an Emergency.

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

Rep. H. C. Williams of Richland introduced:

House Bill No. 309. A Bill for an Act to Amend and Reenact Section 8 of Chapter 135 of the 1935 Session Laws of the State of North Dakota, Relating to the Nomination of Candidates for the Offices of Presidential Electors; for the Election of Party Precinct Committeemen; Delegates to the National Party Conventions and National Party Committeemen and National Party Committeewomen; for the Organization of Party County and State Committees, Such Amendment Requiring that in Selecting Proxies, the Same Shall Be Taken From the Precinct, in Which the Committeemen or Committeewomen Were Elected; Repealing All Acts or Parts of Acts in Conflict Herewith.

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

## GENERAL ORDERS

Rep. Anderson of Benson moved that the House resolve itself into a Committee of the Whole for the consideration of General Orders; which motion prevailed, and the House resolved itself into a Committee of the Whole.

The Speaker call Rep. Anderson to the chair.

When the Committee arose it submitted the following report:

Mr. Speaker: The Committee of the Whole have had under consideration:

House Bill No. 218.

Section 5, line 2, after the word "this," strike out the word "all" and insert in lieu thereof the word "act."

Section 6, line 2, after the word "racing" strike out the word "what" and insert in lieu thereof the word "that."

And recommend the adoption of the amendments of the Standing Committee.

And the further amendment to the Standing Committee report that in Section 6, line 2, after the word "racing" and before the word "what" insert the word "than," in lieu of the amendment made on that line by the Standing Committee.

And when so amended recommend the same do pass.

House Bill No. 198.

In section 1, line 3, after the word "match" insert a "comma"' and insert the word "dance." In section 1, line 5, after the word "of" strike out the remainder of the line and all of lines 6 and 7 up to and including the word "conditioned" in line 8, and insert in lieu thereof the following: "two cents (2c) on tickets of twenty cents (20c) or less; three cents (3c) on tickets of more than twenty cents (20c) but less than thirty-one cents (31c); four cents (4c) on tickets above thirty cents (30c) but less than fifty cents (50c); all tickets of fifty cents (50c) or more shall be taxed at ten per cent (10%) of their sale price." In section 4, line 31, after the word "all" insert the word "tax." In line 32 after the word "the" strike out the remainder of the line and all of line 33 up to and including the word "hereunder" and insert the following: "different priced tickets upon which the tax is imposed." In line 40, after the word "number" insert the words "and price." Strike out all of line 41 and line 42 up to and including "($.10)."

And recommend the adoption of the amendments of the Standing Committee. And the further amendment to the report of the Standing Committee after the amendment to be inserted in line 5, strike out the period following the words "sale price" and insert in lieu thereof a "comma."

And when so amended recommend the same do pass.

House Bill No. 175.

In Section 2, after line 6, add the following: "The tax known as excise tax as provided in Section 7 of Chapter 259 of the Session Laws of 1937, known as the Initiated Liquor Control Act, shall not be included as any part of the sale price of merchandise as provided in this section."

Strike out the word "net" wherever it appears in lines 9, 12, and 15 of Section 1, in lines 3 and 4 of Section 2, and in line 9 of Section 3.

And recommend the adoption of the amendments of the Standing Committee.

And when so amended recommend the same do pass.

Senate Bill No. 26.

The Committee of the Whole deferred action one legislative day.

J. M. ANDERSON, Chairman, Committee of the Whole.

Rep. Anderson of Benson moved the adoption of the report of the Committee of the Whole, which motion prevailed.

The House reverted to the Eleventh Order of Business.

## SECOND READING OF HOUSE BILLS

House Bill No. 82. A Bill for an Act to Amend and Reenact Section 2761 of the Compiled Laws of the State of North Dakota for 1913 as Amended by Chapter 64, Session Laws of 1915, Prohibiting the Sale of Purebred Cattle and Nonregistered Bulls for Any Other Purpose Except Slaughter, Unless Accompanied by a Certificate of Health, and Providing a 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, 76; nays, 28; absent and not voting, 7.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Anderson, Benson | Gainor | Peterson, Ransom |
| Anderson,M'K'nzie | Gray | Rait |
| Anfinson | Haugland | Saumur |
| Arneson, Nelson | Hofstrand | Schauss |
| Arneson, Ramsey | Holm | Schmidt, McHenry |
| Beede | Holthusen | Schimke |
| Belzer | Johnson, Cass | Schwartz |
| Benno | Joiner | Sellens |
| Bergesen | Keller | Sharpe |
| Bingenheimer | Lange | Shure |
| Blair | Lunde | Singleton |
| Bolmeier | McInnes | Skartvedt |
| Boulden | McIntyre | Stormon |
| Braun, McLean | Myers | Symington |
| Braun, Stark | Morland | Thompson,Burl'gh |
| Brown | Nelson, Cass | Thompson, Steele |
| Buchholz | Nelson, Dickey | Trydahl |
| Byrne | Nelson, Steele | Twichell |
| Dalzell | Nystrom | Urschel |
| Dike | O'Brien | Wambheim |
| Dittmer | Odegard | Westby |
| Erickson | Oglesby | Williams,Richland |
| Feton | Page | Williams,Stutsm'n |
| Fitch | Panko | Wolf |
| Fletcher | Peterson,Bottineau | Mr. Speaker |
| Fraser | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Adam | Johnson, LaMoure | Ritter |
| Billigmeier | Knutson | Rohde |
| Crockett | Levin | Schmidt, Sheridan |
| Glas | McIntee | Semerad |
| Haag | Mittag | Severson |

| | | |
|---|---|---|
| Halvorson | Moe | Solberg |
| Heckman | Mollet | Sticka |
| Hultstrand | Ostgulen | Stone |
| Ireland | Rettke | Tuff |
| Ista | | |

Absent and not voting:

| | | |
|---|---|---|
| Culver | Kluver | Sand |
| Fuglestad | Larson | Scholl |
| Jensen | | |

So the bill passed and the title was agreed to.

Rep. Arneson of Ramsey moved that the vote by which House Bill No. 82 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 181. A Bill for an Act to Repeal Section 2173 of the Compiled Laws of North Dakota for 1913; Being an Act Authorizing the County Commissioners to Contract With the Sheriff for the Collection of Delinquent Personal Property Taxes for Additional Compensation.

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, 64; nays, 40; absent and not voting, 7.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Gray | Ostgulen |
| Anderson, Benson | Haag | Panko |
| Anderson,M'K'nzie | Haugland | Peterson,Bottineau |
| Anfinson | Heckman | Rait |
| Arneson, Nelson | Hofstrand | Rettke |
| Arneson, Ramsey | Holm | Ritter |
| Beede | Ista | Schmidt, McHenry |
| Belzer | Johnson, LaMoure | Schmidt, Sheridan |
| Benno | Joiner | Schimke |
| Billigmeier | Keller | Schwartz |
| Bingenheimer | Knutson | Semerad |
| Blair | Lange | Severson |
| Boulden | McInnes | Singleton |
| Braun, McLean | McIntee | Sticka |
| Braun, Stark | McIntyre | Stone |
| Brown | Myers | Stormon |
| Buchholz | Mittag | Thompson, Steele |
| Erickson | Morland | Tuff |
| Fletcher | Nelson, Dickey | Urschel |
| Fraser | Nelson, Steele | Wolf |
| Gainor | Odegard | Mr. Speaker |
| Glas | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Bergesen | Kluver | Schauss |
| Bolmeier | Levin | Sellens |
| Crockett | Lunde | Sharpe |
| Culver | Moe | Shure |
| Dalzell | Mollet | Skartvedt |
| Dike | Nelson, Cass | Solberg |
| Dittmer | Nystrom | Symington |
| Feton | O'Brien | Trydahl |

| | | |
|---|---|---|
| Fitch | Oglesby | Twichell |
| Halvorson | Page | Wambheim |
| Holthusen | Peterson, Ransom | Westby |
| Hultstrand | Rohde | Williams,Richland |
| Ireland | Saumur | Williams,Stutsm'n |
| Johnson, Cass | | |

Absent and not voting:

| | | |
|---|---|---|
| Byrne | Larson | Scholl |
| Fuglestad | Sand | Thompson,Burl'gh |
| Jensen | | |

So the bill passed and the title was agreed to.

Rep. Stone moved that the vote by which House Bill No. 181 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Rep. Schimke asked for unanimous consent to amend the title of House Bill No. 26, which consent was granted.

Rep. Page moved the following amendment:

In line 4, of the title strike out the words "and Acts Amendatory thereof" and insert in lieu thereof the words "as amended by Chapter 254, Session Laws of 1937."

Which motion prevailed.

Rep. Morland moved that the rules be suspended and that House Bill No. 26 be considered properly re-engrossed, placed on second reading and final passage, which motion prevailed.

## SECOND READING OF HOUSE BILLS

House Bill No. 26. A Bill for an Act Providing an Appropriation for the Paying of 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.

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, 105; nays, 0; absent and not voting, 6.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Haugland | Peterson,Bottineau |
| Anderson, Benson | Heckman | Peterson, Ransom |
| Anderson,M'K'nzie | Hofstrand | Rait |
| Anfinson | Holm | Rettke |
| Arneson, Nelson | Holthusen | Ritter |
| Arneson, Ramsey | Hultstrand | Saumur |
| Beede | Ireland | Schauss |
| Belzer | Ista | Schmidt, McHenry |
| Benno | Johnson, Cass | Schmidt, Sheridan |
| Bergesen | Johnson, LaMoure | Schimke |
| Billigmeier | Joiner | Schwartz |
| Bingenheimer | Keller | Sellens |
| Blair | Kluver | Semerad |
| Bolmeier | Knutson | Severson |
| Boulden | Lange | Sharpe |
| Braun, McLean | Levin | Shure |
| Braun, Stark | Lunde | Singleton |
| Brown | McInnes | Skartvedt |

| | | |
|---|---|---|
| Buchholz | McIntee | Solberg |
| Byrne | McIntyre | Sticka |
| Crockett | Myers | Stone |
| Culver | Mittag | Stormon |
| Dalzell | Moe | Symington |
| Dike | Mollet | Thompson,Burl'gh |
| Dittmer | Morland | Thompson, Steele |
| Erickson | Nelson, Cass | Trydahl |
| Feton | Nelson, Dickey | Tuff |
| Fitch | Nelson, Steele | Twichell |
| Fletcher | Nystrom | Urschel |
| Fraser | O'Brien | Wambheim |
| Gainor | Odegard | Westby |
| Glas | Oglesby | Williams,Richland |
| Gray | Ostgulen | Williams,Stutsm'n |
| Haag | Page | Wolf |
| Halvorson | Panko | Mr. Speaker |

Absent and not voting:

| | | |
|---|---|---|
| Fuglestad | Larson | Sand |
| Jensen | Rohde | Scholl |

So the bill passed and the title was agreed to.

House Bill No. 95. A Bill for an Act to Make Farming Unlawful in the State of North Dakota by Anyone Other Than an Actual Bona Fide Farmer; Defining a "Bona Fide Farmer"; Providing a 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, 58; nays, 44; absent and not voting, 8.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Anderson, Benson | Heckman | Panko |
| Anderson,M'K'nzie | Hultstrand | Peterson,Bottineau |
| Anfinson | Ireland | Peterson, Ransom |
| Arneson, Nelson | Ista | Rait |
| Beede | Johnson, LaMoure | Rettke |
| Belzer | Keller | Ritter |
| Braun, McLean | Knutson | Rohde |
| Braun, Stark | Lange | Schauss |
| Byrne | McIntee | Schmidt, McHenry |
| Crockett | McIntyre | Schimke |
| Culver | Myers | Schwartz |
| Dalzell | Mittag | Semerad |
| Dittmer | Moe | Solberg |
| Erickson | Mollet | Symington |
| Fitch | Morland | Trydahl |
| Fletcher | Neison, Dickey | Tuff |
| Glas | O'Brien | Williams,Richland |
| Gray | Odegard | Williams,Stutsm'n |
| Haag | Ostgulen | Mr. Speaker |
| Halvorson | Page | |

Those voting in the negative were:

| | | |
|---|---|---|
| Adam | Hofstrand | Severson |
| Arneson, Ramsey | Holm | Sharpe |
| Bergesen | Holthusen | Shure |

| | | |
|---|---|---|
| Billigmeier | Johnson, Cass | Singleton |
| Bingenheimer | Joiner | Skartvedt |
| Blair | Kluver | Sticka |
| Bolmeier | Levin | Stone |
| Boulden | Lunde | Stormon |
| Brown | McInnes | Thompson, Steele |
| Buchholz | Nelson, Cass | Twichell |
| Dike | Nelson, Steele | Urschel |
| Feton | Nystrom | Wambheim |
| Fraser | Oglesby | Westby |
| Gainor | Schmidt, Sheridan | Wolf |
| Haugland | Sellens | |

Absent and not voting:

| | | |
|---|---|---|
| Benno | Larson | Scholl |
| Fuglestad | Sand | Thompson,Burl'gh |
| Jensen | Saumur | |

So the bill passed and the title was agreed to.

Rep. Crockett moved that the vote by which House Bill No. 95 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Rep. Lange moved that the House do now recess until 1:00 P. M. tomorrow, which motion prevailed and the House stood recessed.

MINNIE D. CRAIG, Chief Clerk.

## THIRTY-EIGHTH DAY AFTER RECESS AND THIRTY-NINTH DAY

Bismarck, February 10, 1939.

The House convened at 1:00 P. M., pursuant to recess, Speaker Hagen presiding.

The Speaker announced that the House would be on the Tenth Order of Business.

### FIRST READING OF HOUSE BILLS

Rep. Arneson of Nelson introduced:

House Bill No. 290. A Bill for an Act to Amend and Reenact Section 8 of Chapter 145 of the Session Laws of North Dakota, for the Year 1937, Relating to All Benevolent Corporations, Associations or Societies Operating on Voluntary or Involuntary Assessment or Contribution Plan.

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

Reps. Schimke, Schauss, and Hofstrand introduced:

House Bill No. 310. A Bill for an Act to Amend and Reenact Section 2790a7 and 2790a8 of the 1925 Supplement to the Compiled Laws of the State of North Dakota; Relating to Duties of Bee Inspector and of Owners; Providing for Inspection Fees and the Collection Thereof and Repealing All Acts in Conflict Herewith.

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

The Committee on Irrigation and Drainage introduced:

House Bill No. 311. A Bill for an Act Relating to the Organization of Irrigation Districts, the Powers and Functions of Such Districts, the Establishment and Construction of Irrigation Works Therein and Methods and Procedure for Financing the Cost of Purchasing or Constructing Such Irrigation Works; Amending Section 8247a1 of the Supplement to the Compiled Laws of 1913, as Amended and Reenacted by Section 1 of Chapter 142 of the Session Laws of 1933; Section 8247a2 of the Supplement to the Compiled Laws of 1913; Section 8247a3 of the Supplement to the Compiled Laws of 1913, as Amended and Re-enacted by Section 2 of Chapter 142 of the Session Laws of 1933; Section 8247a4, 8247a5, 8247a6, 8247a7, 8247a8, and 8247a9 of the Supplement to the Compiled Laws of 1913; Section 8247a10 of the Supplement to the Compiled Laws of 1913, as Amended and Re-enacted by Section 3 of Chapter 142 of the Session Laws of 1933 and Amending Sections 8247a11, 8247a12, 8247a13, 8247a14, 8247a15, 8247a16, 8247a17, 8247a18, 8247a19, 8247a20, 8247a21a, 8247a23, 8247a24,

8247a26, 8247a51, 8247a52, 8247a53, 8247a59, 8247a60, 8247a61, 8247a63, 8247a64, 8247a65 and 8247a66 of the Supplement to the Compiled Laws of 1913; Repealing Sections 8247a47, 8247a56, 8247a57 of the Supplement to the Compiled Laws of 1913 and All Acts and Parts of Acts in Conflict With the Provisions of This Act and Declaring an Emergency.

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

Reps. Hultstrand, Crockett, Byrne and Fitch introduced:

House Bill No. 312. A Bill for an Act to Amend and Reenact Section 2373 of the Supplement to the 1913 Compiled Laws of North Dakota Relating to Appointment and Election of Officers Under the Provisions of the Military Code; Declaring an Emergency.

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

Rep. A. O. Arneson of Nelson introduced:

House Bill No. 313. A Bill for an Act to Amend and Reenact Section 12 and Section 13 of Chapter 145 of the Session Laws of 1937, Relating to Benevolent Societies.

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

Rep. Bergesen introduced:

House Bill No. 314. A Bill for an Act to Amend and Reenact Section 6764 of the Compiled Laws of North Dakota for the Year 1913 as Amended by Chapter 175 of the Session Laws of 1927 Relating to the Cancellation and Satisfaction of Chattel Mortgages.

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

Rep. Bergesen introduced:

House Bill No. 315. A Bill for an Act to Amend and Reenact Section 10524 of the Compiled Laws of North Dakota for 1913 Relating to the Commencement of a Criminal Action by the Filing of an Information, the Filing of an Indictment or the Filing of a Complaint, and Prescribing When Such Action Is Commenced.

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

Rep. Arneson of Nelson requested that the House be on the Seventh Order of Business, which request was granted.

Rep. Arneson of Nelson moved that House Bill No. 290 be re-introduced, which motion prevailed.

## SECOND READING OF HOUSE BILLS

House Bill No. 185. A Bill for an Act Relating to the Issuance of Tax Sale Certificates; the Payment of Subsequent Taxes; the Issuance of Subsequent Tax Sale Certificates; Amending and Re-enacting Section 2192, as Amended by Chapter 298, Session Laws of 1931, of the Supplement to the Compiled Laws of 1913; and to Make the Records of the County Auditor Evidence of the Rights of the County; and Dispensing With the Necessity of Issuing Tax Sale Certificates and Subsequent Tax Sale Certificates to the Counties; 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, 96; nays, 0; absent and not voting, 15.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Heckman | Peterson,Bottineau |
| Anderson,M'K'nzie | Holm | Peterson, Ransom |
| Anfinson | Holthusen | Rait |
| Arneson, Nelson | Hultstrand | Rettke |
| Arneson, Ramsey | Ireland | Ritter |
| Beede | Ista | Rohde |
| Belzer | Johnson, Cass | Saumur |
| Bergesen | Johnson, LaMoure | Schauss |
| Billigmeier | Joiner | Schmidt, McHenry |
| Bingenheimer | Keller | Schmidt, Sheridan |
| Blair | Kluver | Schimke |
| Bolmeier | Knutson | Scholl |
| Boulden | Lange | Schwartz |
| Braun, McLean | Levin | Sellens |
| Braun, Stark | Lunde | Semerad |
| Brown | McIntee | Sharpe |
| Buchholz | McIntyre | Shure |
| Byrne | Myers | Singleton |
| Culver | Mittag | Skartvedt |
| Dalzell | Moe | Solberg |
| Dike | Mollet | Stone |
| Erickson | Morland | Stormon |
| Feton | Nelson, Cass | Symington |
| Fitch | Nelson, Dickey | Thompson, Steele |
| Fletcher | Nelson, Steele | Trydahl |
| Fraser | Nystrom | Tuff |
| Gainor | O'Brien | Urschel |
| Glas | Odegard | Wambheim |
| Gray | Oglesby | Williams,Richland |
| Haag | Ostgulen | Williams,Stutsm'n |
| Halvorson | Page | Wolf |
| Haugland | Panko | Mr. Speaker |

Absent and not voting:

| | | |
|---|---|---|
| Anderson, Benson | Hofstrand | Severson |
| Benno | Jensen | Sticka |
| Crockett | Larson | Thompson, Burl'gh |
| Dittmer | McInnes | Twichell |
| Fuglestad | Sand | Westby |

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 Reenact Section 17 of Chapter 148 of Session Laws of 1931 Relating to Hunting Upon the Premises of Another.

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, 82; nays, 16; absent and not voting, 13.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Hofstrand | Panko |
| Anderson,M'K'nzie | Holm | Peterson,Bottineau |
| Anfinson | Holthusen | Rait |

| | | |
|---|---|---|
| Arneson, Nelson | Hultstrand | Rettke |
| Arneson, Ramsey | Ireland | Ritter |
| Beede | Ista | Rohde |
| Belzer | Johnson, LaMoure | Saumur |
| Benno | Joiner | Schmidt, McHenry |
| Bergesen | Knutson | Schmidt, Sheridan |
| Billigmeier | Lange | Scholl |
| Blair | Lunde | Schwartz |
| Boulden | McInnes | Sellens |
| Braun, McLean | McIntee | Semerad |
| Braun, Stark | McIntyre | Sharpe |
| Brown | Myers | Shure |
| Buchholz | Mittag | Singleton |
| Culver | Moe | Skartvedt |
| Erickson | Mollet | Solberg |
| Feton | Morland | Stormon |
| Fitch | Nelson, Cass | Trydahl |
| Fletcher | Nelson, Dickey | Tuff |
| Fraser | Nystrom | Urschel |
| Gainor | O'Brien | Westby |
| Gray | Odegard | Williams, Richland |
| Haag | Oglesby | Williams, Stutsm'n |
| Halvorson | Ostgulen | Wolf |
| Haugland | Page | Mr. Speaker |
| Heckman | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Bingenheimer | Johnson, Cass | Severson |
| Bolmeier | Keller | Stone |
| Dalzell | Kluver | Symington |
| Dike | Nelson, Steele | Thompson, Steele |
| Dittmer | Peterson, Ransom | Wambheim |
| Glas | | |

Absent and not voting:

| | | |
|---|---|---|
| Anderson, Benson | Larson | Schimke |
| Byrne | Levin | Sticka |
| Crockett | Sand | Thompson, Burl'gh |
| Fuglestad | Schauss | Twichell |
| Jensen | | |

So the bill passed and the title was agreed to.

Rep. Knutson moved that the vote by which House Bill No. 107 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 151. A Bill for an Act Providing for the Transfer of Certain School Lands Situated in the Lewis and Clark Irrigation District of McKenzie County, North Dakota, to the State of North Dakota to be Used in Connection With the Experiment Station, Established at Williston, North Dakota, Pursuant to the Provisions of Section 1629 of the Compiled Laws of 1913, for the Purpose of Establishing, Maintaining and Operating Thereon an Irrigation Demonstration and Experiment Farm; Providing for an Appropriation to Reimburse the Permanent School Fund of the State, 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, 97; nays, 1; absent and not voting, 13.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Heckman | Panko |
| Anderson,M'K'nzie | Hofstrand | Peterson,Bottineau |
| Anfinson | Holm | Peterson, Ransom |
| Arneson, Nelson | Holthusen | Rait |
| Arneson, Ramsey | Hultstrand | Rettke |
| Beede | Ireland | Ritter |
| Benno | Ista | Rohde |
| Belzer | Johnson, Cass | Saumur |
| Bergesen | Johnson, LaMoure | Schmidt, McHenry |
| Billigmeier | Joiner | Schmidt, Sheridan |
| Bingenheimer | Keller | Scholl |
| Blair | Kluver | Schwartz |
| Bolmeier | Knutson | Sellens |
| Boulden | Lange | Semerad |
| Braun, McLean | Levin | Severson |
| Braun, Stark | Lunde | Sharpe |
| Brown | McInnes | Shure |
| Buchholz | McIntee | Singleton |
| Culver | McIntyre | Skartvedt |
| Dalzell | Myers | Solberg |
| Dike | Mittag | Stone |
| Dittmer | Moe | Stormon |
| Erickson | Mollet | Symington |
| Feton | Morland | Thompson, Steele |
| Fitch | Nelson, Cass | Tuff |
| Fletcher | Nelson, Dickey | Urschel |
| Fraser | Nelson, Steele | Wambheim |
| Gainor | Nystrom | Westby |
| Glas | Odegard | Williams,Richland |
| Gray | Oglesby | Williams,Stutsm'n |
| Haag | Ostgulen | Wolf |
| Halvorson | Page | Mr. Speaker |
| Haugland | | |

Those voting in the negative were:
Trydahl

Absent and not voting:

| | | |
|---|---|---|
| Anderson, Benson | Larson | Schimke |
| Byrne | O'Brien | Sticka |
| Crockett | Sand | Thompson, Burl'gh |
| Fuglestad | Schauss | Twichell |
| Jensen | | |

So the bill passed and the title was agreed to.

Rep. Shure moved that in view of the fact that the amendments of the Standing Committee had not been included on second reading the vote by which House Bill No. 151 was declared passed be reconsidered and House Bill No. 151 re-referred to the Committee on Appropriations, which motion prevailed.

House Bill No. 168. A Bill for an Act to Amend and Re-enact Section 4656 of the Compiled Laws of 1913, Relative to the Maintenance of Railroad Stations and Station Agents.

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, 74; nays, 29; absent and not voting, 8.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Halvorson | Panko |
| Anderson,M'K'nzie | Haugland | Peterson,Bottineau |
| Anfinson | Heckman | Rait |
| Arneson, Nelson | Hofstrand | Rettke |
| Arneson, Ramsey | Holm | Ritter |
| Beede | Holthusen | Rohde |
| Belzer | Ireland | Saumur |
| Benno | Ista | Schauss |
| Bergesen | Johnson, LaMoure | Schmidt, McHenry |
| Billigmeier | Joiner | Schmidt, Sheridan |
| Bingenheimer | Keller | Schimke |
| Braun, Stark | Knutson | Scholl |
| Brown | Lange | Schwartz |
| Buchholz | Lunde | Semerad |
| Crockett | McInnes | Severson |
| Culver | McIntee | Solberg |
| Erickson | McIntyre | Stormon |
| Feton | Myers | Urschel |
| Fitch | Mittag | Wambheim |
| Fletcher | Mollet | Westby |
| Fraser | Morland | Williams,Richland |
| Gainor | Nelson, Dickey | Williams,Stutsm'n |
| Glas | Nystrom | Wolf |
| Gray | Odegard | Mr. Speaker |
| Haag | Ostgulen | |

Those voting in the negative were:

| | | |
|---|---|---|
| Blair | Levin | Shure |
| Bolmeier | Moe | Singleton |
| Boulden | Nelson, Cass | Skartvedt |
| Braun, McLean | Nelson, Steele | Stone |
| Dalzell | O'Brien | Symington |
| Dike | Oglesby | Thompson,Burl'gh |
| Dittmer | Page | Thompson, Steele |
| Hultstrand | Peterson, Ransom | Trydahl |
| Johnson, Cass | Sellens | Tuff |
| Kluver | Sharpe | |

Absent and not voting:

| | | |
|---|---|---|
| Anderson, Benson | Jensen | Sticka |
| Byrne | Larson | Twichell |
| Fuglestad | Sand | |

So the bill passed and the title was agreed to.

Rep. Rait 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.

The House reverted to te Fifth Order of Business.

## REPORTS OF STANDING COMMITTEES

Mr. Speaker: Your Committee on Appropriations to whom was re-referred House Bill No. 79, have had the same under consideration and recommend that the same be amended as follows:

Section 1, page 1, strike out all of lines 7 and 8 and insert in lieu thereof the following: "Operation and Maintenance to June 30, 1939—$5,000.00."

Section 1, page 2, strike out all of line 9 and insert in lieu thereof the following: "Maintenance, material and labor for replanking, repairing of bridges and approaches—$16,800.00."

Re-number beginning with line 9—change to line 8 and continue re-numbering to the end of Section 1.

And when so amended, recommend the same do pass.

C. P. RITTER, Acting Chairman.

Rep. Adam moved that the report be adopted, which motion prevailed, and the report was adopted.

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

Page 1, Section 1, in line 8a, after the word "thereto," strike out the "period" and insert in lieu thereof a "comma" and add the words "to-wit:" and add the following:

| | |
|---|---|
| Line 9—"Services | $24,000.00" |
| Line 10—"Travel Expense | 12,000.00" |
| Line 11—"Clerkhire (2) | 3,600.00" |
| Line 12—"Printing | 150.00" |
| Line 13—"Postage | 250.00" |
| Line 14—"Indemnity | 15,000.00" |
| Line 15—"Total | $55,000.000" |

Re-number beginning with line 9—change to line 16 and continue re-numbering to bottom of Page 2.

And when so amended recommend the same do pass.

C. P. RITTER, Acting Chairman.

Rep. Trydahl moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bills and find the same correctly Engrossed:

House Bill No. 218.

House Bill No. 198.

House Bill No. 175.

OLAF OSTGULEN, Chairman.

Rep. Ostgulen moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bills and find the same correctly engrossed:

House Bill No. 26.

OLAF OSTGULEN, Chairman.

Rep. Ostgulen moved that the report be adopted, which motion prevailed, and the report was adopted.

Rep. Ritter moved that the action taken on House Bill No. 157 be reconsidered, which motion prevailed.

Rep. Ritter moved that House Bill No. 157 be re-referred to the Committee on Appropriations, which motion prevailed.

Rep. Page moved that the absent members be excused, which motion prevailed.

Rep. Scholl moved that the House do now adjourn, which motion prevailed and the House adjourned.

## THIRTY-NINTH DAY

Bismarck, February 10, 1939.

The House assembled at 2:00 P. M., pursuant to adjournment, Speaker Hagen presiding.

Prayer by Rev. Father Hildebrand Eickhoff, Mandan.

Roll Call: All Representatives present except Anderson of Benson, Byrne, Crockett, Fuglestad, Jensen, Larson, Sand, Schauss, Sticka, and Urschel.

So a quorum was declared present.

### MESSAGE TO THE HOUSE

Senate Chamber,
Bismarck, February 10, 1939.

Mr. Speaker: I have the honor to return:

House Bill No. 74. A Bill for an Act Making a Deficiency Emergency Appropriation for Relief of Destitute and Necessitous Persons of the State of North Dakota for the Months of December, 1938, and January and February, 1939, as Provided by Chapter 214 of the Session Laws of 1937, Declaring an Emergency.

Which the Senate has amended.

Mr. Speaker: I have the honor to transmit:

Senate Bill No. 4. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Items for the Grafton State School at Grafton, North Dakota.

Senate Bill No. 98. A Bill for an Act to Amend and Reenact Sections 506a2, 506a3, 506a4, 506a5, 506a6 as Amended by Chapter 208 of the Session Laws of 1927, 506a7, 506a9 as Amended by Chapter 208 of the Session Laws of 1927, 506a11, 506a12, 506a18, and 506a19 of the 1925 Supplement to the 1913 Compiled Laws of North Dakota, Relating to Creating a Board of Nurse Examiners, Providing for the Appointment of an Inspector of Schools of Nursing, and for the Examination, Registration, Re-registration, and Regulation of Graduated Nurses, and Exempting Practical Nurses from Registration, and Empowering the Board to Prescribe the Minimum Course of Study and Standards for Schools of Nursing, and Prescribing a Penalty for the Violation Thereof. Also, Defining Terms as Used in This Act; Repealing All Acts or Parts of Acts in Conflict Herewith; and Declaring an Emergency.

Senate Bill No. 99. A Bill for an Act to Amend and Reenact Section 2 of Chapter 210 of the Session Laws of 1937, Known as the Aid to the Blind Act, and Providing for Eligibility for Assistance to the Needy Blind, Declaring an Emergency.

Senate Bill No. 103. A Bill for an Act Amending and Reenacting Sections 2 and 11 of Chapter 211 of the Session Laws of 1937 and Validating Payments Heretofore Made to Certain Non-citizen Old Age Assistance Clients, Declaring an Emergency.

Senate Bill No. 100. A Bill for an Act Amending and Reenacting Sections 1 and 9 of Chapter 161 of the Session Laws of 1923, Being Sections 5099b1 and 5099b9 of the 1925 Supplement to the 1913 Compiled Laws of North Dakota; and Declaring an Emergency.

Senate Bill No. 134. A Bill for an Act Permitting the Killing of Dogs, Wolves and Coyotes Kept as Domestic Animals When Caught in the Act of Killing, Chasing, Worrying or Damaging Livestock or Poultry, Providing Owners of Livestock and Poultry Killing Such Animals Shall Not Be Held Civilly Liable, and Declaring an Emergency.

Senate Bill No. 102. A Bill for an Act Granting Certain Powers and Imposing Certain Duties Heretofore Delegated to the Board of Administration, in Connection With Child Welfare Laws of This State, to the Public Welfare Board of North Dakota, Division of Child Welfare; Providing for Cooperation With the Federal Government in Carrying Out Child Welfare Services and Services to Crippled Children and to Receive and Disburse Federal Funds Granted for Such Purposes; Repealing Chapter 150 of the Session Laws of 1923, Being Sections 283b6 and 283b7 of the 1925 Supplement to the 1913 Codes; and Declaring an Emergency.

Senate Bill No. 112. A Bill for an Act to Amend and Reenact Section 1 of Chapter 252 of the Session Laws of North Dakota for the Year 1937, Relating to Bounty for Tree Planting.

Senate Concurrent Resolution No. 135. A Concurrent Resolution Providing for the Amendment of Sections 167, 170, 172 and 173 and the Repeal of Section 171 of the Constitution of North Dakota.

Senate Bill No. 101. A Bill for an Act Amending and Reenacting Sections 1, 6 and 16 of Chapter 209 of the Session Laws of 1937, Being Those Parts of the Aid to Dependent Children Act Defining a Dependent Child; Naming Relatives; Providing the Amount of Assistance; and Method of Disbursement of Aid to Dependent Children Fund; and Declaring an Emergency.

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

WM. J. LOWE, Secretary.

## MESSAGES TO THE SENATE

House of Representatives,
Bismarck, February 10, 1939.

Mr. President: I have the honor to return:

Senate Bill No. 48. A Bill for an Act to Amend and Reenact Chapter 240 of the Session Laws of North Dakota for 1937, Providing for an Adjustment of Delinquent Taxes for 1937 and Prior Years, Authorizing Boards of County Commissioners to Make Extension Contracts for the Payment of Delinquent Taxes and for the Cancellation of Such Contracts, Providing for the Suspension of Tax Collection and Tax Deed Laws as to Taxes Affected by Such Contracts, Repealing All Acts and Parts of Acts in Conflict Herewith, and Declaring an Emergency.

Which the House has indefinitely postponed.

Mr. President: I have the honor to transmit:

House Bill No. 82. A Bill for an Act to Amend and Reenact Section 2761 of the Compiled Laws of the State of North Dakota for 1913 as Amended by Chapter 64, Session Laws of 1915, Prohibiting the Sale of Purebred Cattle and Nonregistered Bulls for Any Other Purpose Except Slaugh-

ter, Unless Accompanied by a Certificate of Health, and Providing a Penalty Therefore.

House Bill No. 95. A Bill for an Act to Make Farming Unlawful in the State of North Dakota by Anyone Other Than an Actual Bona Fide Farmer; Defining a "Bona Fide Farmer"; Providing a Penalty and Declaring an Emergency.

House Bill No. 181. A Bill for an Act to Repeal Section 2173 of the Compiled Laws of North Dakota for 1913; Being an Act Authorizing the County Commissioners to Contract With the Sheriff for the Collection of Delinquent Personal Property Taxes for Additional Compensation.

House Concurrent Resolution No. 240. A Resolution Requesting Congress to Enact Legislation to Secure Lost AAA Payments for Mountrail County Farmers Misinformed on Compliance Regulations.

House Concurrent Resolution No. 248. A Concurrent Resolution Memorializing Congress to Enact the Frazier-Lemke Refinancing Act.

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

MINNIE D. CRAIG, Chief Clerk.

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

Mr. Speaker: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the Thirty-eighth Day and recommends that the same be corrected as follows:

On page 488, after the 26th line from the top of the page insert "House Bill No. 204 and its title."

On page 522, the 15th line from bottom insert "of Richland."

On page 525, line 23, strike out the figures "63" and insert the figures "64."

On page 525, line 24, strike out the figure "8" and insert the figure "7."

On page 526, line 8, strike out the word "Billigmeier" who was present and voted "aye."

On page 513, 8 paragraphs from the bottom, "House Bill No. 195" should read "House Bill No. 197."

And when so corrected recommends that the same be approved.

REP. GLAS, Chairman.

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

Telegrams were received from the following:

From Grand Forks, North Dakota: Hilma A. Hunter, Mr. and Mrs. Gillespie, M. E. Krueger, and Dr. M. O. Hunter asking that House members vote against the compulsory vaccination bill.

## REPORTS OF STANDING COMMITTEES

Mr. Speaker: Your Committee on Appropriations to whom was referred House Bill No. 23, have had the same under consideration and recommend that the same do pass.

C. P. RITTER, Acting Chairman.

Rep. Thompson moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: 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.

C. P. RITTER, Acting Chairman.

Rep. Trydahl moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Appropriations to whom was referred House Bill No. 31, have had the same under consideration and recommend that the same do pass.

C. P. RITTER, Acting Chairman.

Rep. Thompson moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Appropriations to whom was referred House Bill No. 46, have had the same under consideration and recommend that the same do pass.

C. P. RITTER, Acting Chairman.

Rep. Thompson moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Insurance to whom was referred House Bill No. 96, have had the same under consideration and recommend that the same be indefinitely postponed.

PETER PETERSON, Chairman.

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

Rep. Mollet moved that the vote by which House Bill No. 96 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on Public Welfare to whom was referred House Bill No. 154, have had the same under consideration and recommend that the same be indefinitely postponed.

BERNT ANDERSON, Chairman.

Rep. Beede moved that the report be adopted, which motion prevailed and the report was adopted.

Rep. Stone moved that the vote by which House Bill No. 154 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on Insurance to whom was referred House Bill No. 167, have had the same under consideration and recommend that the same be indefinitely postponed.

PETER PETERSON, Chairman.

Rep. Fitch moved that the report be adopted, which motion prevailed and the report was adopted.

Rep. Schimke 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.

Mr. Speaker: Your Committee on Public Welfare to whom was referred House Bill No. 184, have had the same under consideration and recommend that the same be amended as follows:

In Section 2, lines 16 and 18 remove parenthesis marks.

And when so amended recommend the same do pass.

BERNT ANDERSON, Chairman.

Rep. Rohde moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Drainage and Irrigation to whom was referred House Bill No. 187, have had the same under consideration and recommend that the same be re-referred to the Committee on State Affairs.

REP. GRAY, Chairman.

Rep. Mollet moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Education made the following report:

Mr. Speaker: Your Committee on Education to whom was referred House Bill No. 206, have had the same under consideration and recommend that the same be returned without recommendation.

C. H. HOFSTRAND, Chairman.

Rep. Dike moved that the report be adopted, which motion prevailed and the report was adopted.

Rep. Scholl moved that House Bill No. 206 be re-referred to the Committee on State Affairs, which motion prevailed.

The Committee on Education made the following report:

Mr. Speaker: Your Committee on Education to whom was referred House Bill No. 208, have had the same under consideration and recommend that the same be indefinitely postponed.

C. H. HOFSTRAND, Chairman.

Rep. Buchholz moved that the report be adopted, which motion prevailed and the report was adopted.

Rep. Singleton moved that the vote by which House Bill No. 208 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on State Affairs to whom was referred House Bill No. 216, 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 Permitting Actions to Be Brought Against the State Involving Levy and Assessment of Property Made by the State Board of Equalization, or Involving the Refund of Taxes Levied Thereunder, Giving Jurisdiction Thereof to the District Court of Burleigh County, With Right of Appeal to the Supreme Court, Prescribing Procedure to Be Followed; 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. WHEN AND WHERE ACTION MAY BE BROUGHT.) Any person, firm or corporation, whose property is now being, or has been valued and assessed for taxation purposes by the State Board of Equalization under the Constitution or the statutes of this state, or against whom any tax may be levied or assessed by said Board, feeling aggrieved for any reason with the assessment or levy so made may bring an

action for relief, at law or in equity, against the State and any or all of its subdivisions therein interested, in the district court of Burleigh County, North Dakota, and without the necessity of bringing a separate action against each of said subdivisions; provided any such action is brought on or before the date on which the taxes to be collected under the levy and assessment involved become due; and provided, further, that no action shall be brought against the State under this act for refund of taxes already paid unless said taxes, sought to be refunded, were paid under protest in writing before delinquency thereof.

SECTION 2. PROCEDURE.) The district court of Burleigh County, North Dakota, is hereby given jurisdiction over any and all actions hereinbefore provided, whether such actions are brought against the State only or against the State and one or more of its subdivisions jointly. At any time after such action is brought, either before or during trial, the district court of Burleigh County may allow the plaintiff to pay to the State or municipalities interested any part of the taxes involved in the action under such agreement as may be made between the plaintiff or plaintiffs and the attorney general in behalf of all defendants, or under such terms as the court may fix, and such agreement when ratified by the court shall be binding upon all parties to the action. At the time the action is brought, the plaintiff shall be required to file with the clerk of the district court of Burleigh County a bond, running to the State of North Dakota, in such form as may be fixed by said district court of Burleigh County, and in an amount sufficient to cover all anticipated costs of the action, said bond to be approved as to amount and form by the clerk of said court. The decision of the district court in such action shall be subject to appeal to the supreme court in the manner now provided by statute for appeal in civil actions. Providing, that the provisions of Section 2241c of the 1925 Supplement to the Compiled Laws of the State of North Dakota for the year 1913 shall not apply to actions brought under the provisions of this Act.

SECTION 3. REPEAL.) All Acts or parts of Acts in conflict herewith are hereby repealed.

SECTION 4. 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.

W. M. CROCKETT, Chairman.

Rep. Byrne moved that the report be adopted, which motion prevailed and the report was adopted.

## REPORTS OF STANDING COMMITTEES

Mr. Speaker: Your Committee on Insurance to whom was

referred House Bill No. 223, have had the same under consideration and recommend that the same do pass.

PETER PETERSON, Chairman.

Rep. Fitch moved that the report be adopted, which motion prevailed, and the report was adopted.

The Committee on Education made the following report:

Mr. Speaker: Your Committee on Education to whom was referred House Bill No. 233, have had the same under consideration and recommend that the same be amended as follows:

In the title, strike out "Repealing All Acts or Parts of Acts in Conflict Herewith," and strike out all of Section 2.

And when so amended recommend the same do pass.

C. H. HOFSTRAND, Chairman.

Rep. McIntyre moved that the report be adopted, which motion prevailed, and the report was adopted.

The Committee on Education made the following report:

Mr. Speaker: Your Committee on Education to whom was referred House Bill No. 244, have had the same under consideration and recommend that the same do pass.

C. H. HOFSTRAND, Chairman.

Rep. Ostgulen moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on State Affairs to whom was referred House Bill No. 254, have had the same under consideration and recommend that the same be indefinitely postponed.

W. M. CROCKETT, Chairman.

Rep. Dalzell moved that the report be adopted, which motion prevailed, and the report was adopted.

Rep. Blair 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.

Mr. Speaker: Your Committee on State Affairs to whom was referred House Bill No. 265, have had the same under consideration and recommend that the same be re-referred to the Committee on Appropriations with recommendation for passage.

W. M. CROCKETT, Chairman.

Rep. Scholl moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Insurance to whom was referred Senate Bill No. 39, have had the same under consideration and recommend that the same do pass.

PETER PETERSON, Chairman.

Rep. Knutson moved that the report be adopted, which motion prevailed, and the report was adopted.

Rep. Myers moved that action on Senate Bill No. 26 be deferred one legislative day for the purpose of correcting the committee report, which motion prevailed.

## FIRST READING OF HOUSE BILLS

Reps. Tuff and Wolf, (by request), introduced:

House Bill No. 316. A Bill for an Act to Amend and Reenact Subsections 1, 2 and 3 of Section 10, of Chapter 249, of the Session Laws of 1937, Relating to Collection of Sales Tax by Retailers, Providing Compensation for Services of

Collection, and Providing for a Bond to Secure Payment of Such Tax, and Declaring an Emergency.

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

The Committee on Ways and Means introduced:

House Bill No. 317. A Bill for an Act to License Certain Types of Coin Operated Devices, Including Automatic Coin Operated Vending and Amusement Machines With Premium Features, Coin Operated Skill Machines, Trade Machines, and Other Machines; Designating Penalties for the Violation of the Provisions of This Act; Defining Certain Types of Coin Operated, Skill, Trade and Other Machines; Providing for the Licensing and Distribution of the Fees Derived Therefrom, the Application for Licenses Therefor, Repealing All Laws or Parts of Laws in Conflict Herewith; and Declaring an Emergency.

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

Reps. Lunde, Wolf and Panko introduced:

House Bill No. 318. A Bill for an Act to Define, Regulate, License and Tax the Business of Itinerant Merchants; to Provide for the Administration and Enforcement of This Act; to Appropriate the Revenues Derived From License Fees and Taxes; to Require Itinerant Merchants to Obtain and Carry Motor Vehicle Liability and Property Damage Insurance, and Bonds Conditioned to Pay Damages for Civil Liability Incurred and Conditioned to Pay Taxes; to Provide for Exemptions From This Act and to Require Persons Claiming Exemptions to Sign and Swear to Written Statements Supporting Such Claims; to Provide Criminal Penalties and Civil Liabilities for Violations of This Act; to Provide for Restraining by Injunction Violation of This Act; and to Declare an Emergency.

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

Reps. Crockett, Sharpe and Ritter introduced:

House Bill No. 319. A Bill for an Act Declaring the Transmission of Electric Energy Within the State of North Dakota to Be Impressed With a Public Interest Requiring Persons, Firms or Corporations Engaged in the Distribution of Electric Energy in This State Through Transmission Lines, to Place the Same Within a Distance From Travelled Portions of the Public Highways, so as Not to Affect the Safety of the Travelling Public, and Fixing the Effective Date of This Act.

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

## SECOND READING OF HOUSE BILLS

House Bill No. 245. A Bill for an Act to Repeal Chapter 165 of the Session Laws of the State of North Dakota for the Year 1937, Relating to the Operation of Motion Picture Theatres, 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, 86; nays, 7; absent and not voting, 18.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Haugland | Rait |
| Anderson, M'K'nzie | Heckman | Rettke |
| Anfinson | Hofstrand | Ritter |
| Arneson, Nelson | Holm | Schauss |
| Arneson, Ramsey | Hultstrand | Schmidt, McHenry |
| Benno | Ireland | Schmidt, Sheridan |
| Bergesen | Ista | Schimke |
| Billigmeier | Johnson, Cass | Scholl |
| Bingenheimer | Johnson, LaMoure | Schwartz |
| Blair | Joiner | Sellens |
| Bolmeier | Keller | Severson |
| Braun, McLean | Lange | Sharpe |
| Braun, Stark | Levin | Shure |
| Brown | Lunde | Singleton |
| Buchholz | McIntee | Skartvedt |
| Crockett | McIntyre | Solberg |
| Dalzell | Myers | Stone |
| Dike | Mittag | Stormon |
| Dittmer | Moe | Symington |
| Erickson | Morland | Thompson, Burl'gh |
| Feton | Nelson, Cass | Tuff |
| Fitch | Nelson, Dickey | Twichell |
| Fletcher | Nystrom | Urschel |
| Fraser | Odegard | Wambheim |
| Gainor | Oglesby | Westby |
| Glas | Ostgulen | Williams, Richland |
| Gray | Page | Williams, Stutsm'n |
| Haag | Peterson, Bottineau | Wolf |
| Halvorson | Peterson, Ransom | |

Those voting in the negative were:

| | | |
|---|---|---|
| Beede | Panko | Semerad |
| Belzer | Rohde | Mr. Speaker |
| Mollet | | |

Absent and not voting:

| | | |
|---|---|---|
| Anderson, Benson | Jensen | O'Brien |
| Boulden | Kluver | Sand |
| Byrne | Knutson | Saumur |
| Culver | Larson | Sticka |
| Fuglestad | McInnes | Thompson, Steele |
| Holthusen | Nelson, Steele | Trydahl |

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

Speaker Hagen: I vote "no" because I think the bill is entirely to benefit the big motion picture concerns of the East and West.

Rep. Schauss moved that the vote by which House Bill No. 245 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

## MESSAGES TO THE SENATE

House of Representatives,
Bismarck, February 10, 1939.

Mr. President: I have the honor to transmit:

House Bill No. 245. A Bill for an Act to Repeal Chapter 165 of the Session Laws of the State of North Dakota for

the Year 1937, Relating to the Operation of Motion Picture Theatres, and Declaring an Emergency.

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

MINNIE D. CRAIG, Chief Clerk.

## SECOND READING OF HOUSE BILLS

House Bill No. 88. A Bill for an Act Making an Appropriation to Refund Certain Monies Turned Over by the Guaranty Fund Commission to the General Fund of the State Being Dividends Unclaimed by Depositors of Closed Banks.

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, 51; nays, 51; absent and not voting, 9.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Anderson,M'K'nzie | Heckman | Nystrom |
| Anfinson | Hofstrand | O'Brien |
| Arneson, Nelson | Holm | Page |
| Benno | Holthusen | Peterson,Bottineau |
| Bingenheimer | Hultstrand | Rait |
| Bolmeier | Ireland | Ritter |
| Boulden | Ista | Sand |
| Crockett | Kluver | Schauss |
| Culver | Lange | Scholl |
| Dalzell | Levin | Sharpe |
| Dike | McIntee | Singleton |
| Erickson | Myers | Solberg |
| Fitch | Mittag | Tuff |
| Fletcher | Moe | Urschel |
| Fraser | Morland | Westby |
| Halvorson | Nelson, Cass | Williams,Richland |
| Haugland | Nelson, Steele | Mr. Speaker |

Those voting in the negative were:

| | | |
|---|---|---|
| Adam | Haag | Schmidt, McHenry |
| Arneson, Ramsey | Johnson, Cass | Schmidt, Sheridan |
| Beede | Johnson, LaMoure | Schimke |
| Belzer | Joiner | Schwartz |
| Bergesen | Keller | Sellens |
| Billigmeier | Knutson | Semerad |
| Blair | Lunde | Severson |
| Braun, McLean | McIntyre | Shure |
| Braun, Stark | Mollet | Skartvedt |
| Brown | Nelson, Dickey | Stone |
| Buchholz | Oglesby | Stormon |
| Byrne | Ostgulen | Symington |
| Dittmer | Panko | Thompson, Burl'gh |
| Feton | Peterson, Ransom | Thompson, Steele |
| Gainor | Rettke | Twichell |
| Glas | Rohde | Williams, Stutsm'n |
| Gray | Saumur | Wolf |

Absent and not voting:

| | | |
|---|---|---|
| Anderson, Benson | McInnes | Sticka |
| Fuglestad | Larson | Trydahl |
| Jensen | Odegard | Wambheim |

So the bill was declared lost for lack of a constitutional majority.

Rep. Adam moved that the vote by which House Bill No. 88 was lost be reconsidered and the motion to reconsider be laid on the table.

Which motion was lost.

Rep. Oglesby: I wish to explain my vote. I am in sympathy with this payment if we knew where the end is going to be but if there is as much standing out as they claim, I vote "no."

Rep. Rettke: I wish to explain my vote and have the same recorded in the Journal. This man simply directed the outcome of this affair himself. He knew where the State was but the State could not tell where the man was and when he did not leave his address with the State knowing that his money was in that fund he thereby directed the result. Therefore I vote "no."

## SECOND READING OF HOUSE BILLS

House Bill No. 176. A Bill for an Act to Amend and Reenact Section 34, Chapter 94, Session Laws of 1931, Pertaining to Examination of Building and Loan Associations.

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, 49; nays, 49; absent and not voting, 13.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Anfinson | Fitch | O'Brien |
| Arneson, Nelson | Fletcher | Oglesby |
| Arneson, Ramsey | Gainor | Peterson, Ransom |
| Benno | Gray | Sellens |
| Bergesen | Haugland | Severson |
| Blair | Hofstrand | Sharpe |
| Bolmeier | Holm | Shure |
| Boulden | Holthusen | Skartvedt |
| Braun, McLean | Johnson, Cass | Stone |
| Braun, Stark | Kluver | Stormon |
| Brown | Lunde | Symington |
| Byrne | Moe | Thompson,Burl'gh |
| Culver | Morland | Thompson, Steele |
| Dalzell | Nelson, Cass | Twichell |
| Dike | Nelson, Steele | Westby |
| Dittmer | Nystrom | Williams,Stutsm'n |
| Feton | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Adam | Johnson, LaMoure | Rettke |
| Anderson,M'K'nzie | Joiner | Ritter |
| Beede | Keller | Rohde |
| Belzer | Lange | Schmidt, McHenry |
| Billigmeier | Levin | Schmidt, Sheridan |
| Bingenheimer | McIntee | Schimke |
| Buchholz | McIntyre | Scholl |
| Crockett | Myers | Schwartz |
| Erickson | Mittag | Semerad |
| Fraser | Mollet | Singleton |
| Glas | Nelson, Dickey | Solberg |
| Haag | Ostgulen | Tuff |

| | | |
|---|---|---|
| Halvorson | Page | Urschel |
| Heckman | Panko | Williams,Richland |
| Hultstrand | Peterson,Bottineau | Wolf |
| Ireland | Rait | Mr. Speaker |
| Ista | | |

Absent and not voting:

| | | |
|---|---|---|
| Anderson, Benson | McInnes | Schauss |
| Fuglestad | Odegard | Sticka |
| Jensen | Sand | Trydahl |
| Knutson | Saumur | Wambheim |
| Larson | | |

So the bill was declared lost.

House Bill No. 186. A Bill for an Act Providing for the Resale of Lands Acquired by the State on Foreclosure of Mortgages Given to Secure Loans of Permanent School Funds, or by Deed Given in Lieu of Foreclosure; Giving a Preference to Mortgagors Whose Lands Are Resold or to Their Heirs; Providing for the Terms and Conditions of Resale; 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, 101; nays, 0; absent and not voting 10.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Haugland | Peterson, Ransom |
| Anderson,M'K'nzie | Heckman | Rait |
| Anfinson | Hofstrand | Rettke |
| Arneson, Nelson | Holm | Rohde |
| Arneson, Ramsey | Holthusen | Sand |
| Beede | Hultstrand | Saumur |
| Belzer | Ireland | Schauss |
| Benno | Ista | Schmidt, McHenry |
| Bergesen | Johnson, Cass | Schmidt, Sheridan |
| Billigmeier | Johnson, LaMoure | Schimke |
| Bingenheimer | Joiner | Scholl |
| Blair | Keller | Schwartz |
| Bolmeier | Kluver | Sellens |
| Boulden | Knutson | Semerad |
| Braun, McLean | Lange | Severson |
| Braun, Stark | Levin | Sharpe |
| Brown | Lunde | Shure |
| Buchholz | McIntee | Singleton |
| Byrne | McIntyre | Skartvedt |
| Crockett | Myers | Solberg |
| Culver | Mittag | Stone |
| Dalzell | Moe | Stormon |
| Dike | Mollet | Symington |
| Dittmer | Morland | Thompson, Burl'gh |
| Erickson | Nelson, Cass | Thompson, Steele |
| Feton | Nelson, Dickey | Tuff |
| Fitch | Nelson, Steele | Urschel |
| Fletcher | Nystrom | Wambheim |
| Fraser | O'Brien | Westby |
| Gainor | Oglesby | Williams,Richland |
| Glas | Ostgulen | Williams, Stutsm'n |

| | | |
|---|---|---|
| Gray | Page | Wolf |
| Haag | Panko | Mr. Speaker |
| Halvorson | Peterson, Bottineau | |

Absent and not voting:

| | | |
|---|---|---|
| Anderson, Benson | McInnes | Sticka |
| Fuglestad | Odegard | Trydahl |
| Jensen | Ritter | Twichell |
| Larson | | |

So the bill passed and the title was agreed to and the Emergency Clause declared carried.

Rep. Scholl moved that the House do now recess for a twenty-minute period, which motion prevailed.

The House reconvened pursuant to twenty-minute recess taken.

Rep. Schauss moved that House Bill No. 210 be taken from the Calendar and re-referred to the Committee on Banks and Banking, which motion prevailed.

## MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, February 10, 1939.

Mr. Speaker: I have the honor to transmit:

Senate Bill No. 60. A Bill for an Act to Amend and Reenact Section 9, of Chapter 213, of the 1935 Session Laws, Providing That State and Municipal Officers and Employees Shall Not Lose Pay While on Duty, and Including Therein Members of the Officers Reserve Corps of the United States and Repealing All Acts or Parts of Acts in Conflict Therewith, and Declaring an Emergency.

Senate Bill No. 66. A Bill for an Act to Repeal Section 17, Chapter 27, of the Session Laws of 1929 Relating to the Standing Appropriation for the Supreme Court Commissioner.

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

WM. J. LOWE, Secretary.

House Bill No. 211. A Bill for an Act to Amend and Reenact Section 45 of Chapter 94 of the Session Laws of 1931 Relating to Building and Loan Associations and Making Provision for Appointment of Federal Savings and Loan Insurance Corporation as Receiver or Co-receiver of Associations in Liquidation Which Are Insured by Said Insurance Corporation.

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 49; nays, 53; absent and not voting, 8; passed, 1.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Arneson, Nelson | Holm | Schauss |
| Arneson, Ramsey | Holthusen | Sellens |
| Benno | Johnson, Cass | Severson |
| Blair | Kluver | Sharpe |
| Bolmeier | Lunde | Shure |
| Boulden | Moe | Singleton |

| | | |
|---|---|---|
| Brown | Mollet | Skartvedt |
| Culver | Morland | Stone |
| Dalzell | Nelson, Cass | Symington |
| Dike | Nelson, Steele | Thompson, Burl'gh |
| Dittmer | Nystrom | Thompson, Steele |
| Feton | Oglesby | Trydahl |
| Fitch | Page | Twichell |
| Gainor | Ritter | Wambheim |
| Glas | Rohde | Westby |
| Gray | Saumur | Williams, Stutsm'n |
| Haugland | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Adam | Ireland | Peterson, Ransom |
| Anderson, M'K'nzie | Ista | Rait |
| Anfinson | Johnson, LaMoure | Rettke |
| Beede | Joiner | Sand |
| Belzer | Keller | Schmidt, McHenry |
| Bergesen | Knutson | Schmidt, Sheridan |
| Billigmeier | Lange | Schimke |
| Bingenheimer | McInnes | Scholl |
| Braun, McLean | McIntee | Schwartz |
| Braun, Stark | McIntyre | Semerad |
| Buchholz | Myers | Solberg |
| Erickson | Mittag | Stormon |
| Fletcher | Nelson, Dickey | Tuff |
| Fraser | O'Brien | Urschel |
| Haag | Odegard | Williams, Richland |
| Halvorson | Ostgulen | Wolf |
| Heckman | Panko | Mr. Speaker |
| Hultstrand | Peterson, Bottineau | |

Absent and not voting:

| | | |
|---|---|---|
| Anderson, Benson | Fuglestad | Levin |
| Byrne | Jensen | Sticka |
| Crockett | Larson | |

Passed:
Hofstrand
So the bill lost.

Bismarck, February 10, 1939.

The Honorable Sir Ronald Lindsay
Ambassador of Great Britain
3100 Massachusetts Avenue
Washington, D. C.
Dear Sir:

We have the honor to submit herewith to you House Concurrent Resolution No. 229, same being an invitation to their Majesties, the King and Queen of the United Kingdom of Great Britain, to visit the State of North Dakota and the International Peace Garden this summer.

We respectfully request that this invitation be by you properly presented to their Majesties.

Yours very truly,

JAMES D. GRONNA,
Secretary of State.
By_____Deputy.

GAG/de
Encl.

Bismarck, February 10, 1939.

The Honorable Wilhelm Munthe de Morgenstierne
Envoy Extraordinary of Norway
3401 Massachusetts Avenue
Washington, D. C.
Dear Sir:

We have the honor to submit herewith to you House Concurrent Resolution No. 230, same being an invitation to their Royal Highnesses, the Crown Prince and Crown Princess of Norway, to visit the State of North Dakota and the International Peace Garden this summer.

We respectfully request that this invitation be by you properly presented to their Royal Highnesses.

Yours very truly,
JAMES D. GRONNA,
Secretary of State.
By_____Deputy.

GAG/de
Encl.

## SECOND READING OF HOUSE BILLS

House Bill No. 242. A Bill for an Act to Amend and Reenact Section 9873 of the Compiled Laws of the State of North Dakota for the Year 1913 to Define the Crime of Burglary in the Third Degree.

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, 103; nays, 0; absent and not voting, 8.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Hofstrand | Rait |
| Anderson,M'K'nzie | Holm | Rettke |
| Anfinson | Holthusen | Ritter |
| Arneson, Nelson | Hultstrand | Rohde |
| Arneson, Ramsey | Ireland | Sand |
| Beede | Ista | Saumur |
| Belzer | Johnson, Cass | Schauss |
| Benno | Johnson, LaMoure | Schmidt, McHenry |
| Bergesen | Joiner | Schmidt, Sheridan |
| Billigmeier | Keller | Schimke |
| Bingenheimer | Kluver | Schwartz |
| Blair | Knutson | Sellens |
| Bolmeier | Lange | Semerad |
| Boulden | Levin | Severson |
| Braun, McLean | Lunde | Sharpe |
| Braun, Stark | McInnes | Shure |
| Brown | McIntee | Singleton |
| Buchholz | McIntyre | Skartvedt |
| Crockett | Myers | Solberg |
| Culver | Mittag | Stone |
| Dalzell | Moe | Stormon |
| Dike | Mollet | Symington |
| Dittmer | Morland | Thompson, Burl'gh |
| Erickson | Nelson, Cass | Thompson, Steele |
| Feton | Nelson, Dickey | Trydahl |
| Fitch | Nelson, Steele | Tuff |
| Fletcher | Nystrom | Twichell |

| | | |
|---|---|---|
| Fraser | Odegard | Urschel |
| Gainor | Oglesby | Wambheim |
| Glas | Ostgulen | Westby |
| Gray | Page | Williams,Richland |
| Haag | Panko | Williams,Stutsm'n |
| Halvorson | Peterson,Bottineau | Wolf |
| Haugland | Peterson, Ransom | Mr. Speaker |
| Heckman | | |

Absent and not voting:

| | | |
|---|---|---|
| Anderson, Benson | Jensen | Scholl |
| Byrne | Larson | Sticka |
| Fuglestad | O'Brien | |

So the bill passed and the title was agreed to.

House Bill No. 243. A Bill for an Act to Amend and Reenact Section 9878 of the Compiled Laws of the State of North Dakota for the Year 1913 Relating to Unlawful Entry.

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, 106; nays, 0; absent and not voting, 5.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Hofstrand | Rait |
| Anderson,M'K'nzie | Holm | Rettke |
| Anfinson | Holthusen | Ritter |
| Arneson, Nelson | Hultstrand | Rohde |
| Arneson, Ramsey | Ireland | Sand |
| Beede | Ista | Saumur |
| Belzer | Johnson, Cass | Schauss |
| Benno | Johnson, LaMoure | Schmidt, McHenry |
| Bergesen | Joiner | Schmidt, Sheridan |
| Billigmeier | Keller | Schimke |
| Bingenheimer | Kluver | Scholl |
| Blair | Knutson | Schwartz |
| Bolmeier | Lange | Sellens |
| Boulden | Levin | Semerad |
| Braun, McLean | Lunde | Severson |
| Braun, Stark | McInnes | Sharpe |
| Brown | McIntee | Shure |
| Buchholz | McIntyre | Singleton |
| Byrne | Myers | Skartvedt |
| Crockett | Mittag | Solberg |
| Culver | Moe | Stone |
| Dalzell | Mollet | Stormon |
| Dike | Morland | Symington |
| Dittmer | Nelson, Cass | Thompson, Burl'gh |
| Erickson | Nelson, Dickey | Thompson, Steele |
| Feton | Nelson, Steele | Trydahl |
| Fitch | Nystrom | Tuff |
| Fletcher | O'Brien | Twichell |
| Fraser | Odegard | Urschel |
| Gainor | Oglesby | Wambheim |
| Glas | Ostgulen | Westby |
| Gray | Page | Williams,Richland |
| Haag | Panko | Williams,Stutsm'n |

| | | |
|---|---|---|
| Halvorson | Peterson,Bottineau | Wolf |
| Haugland | Peterson, Ransom | Mr. Speaker |
| Heckman | | |

Absent and not voting:

| | | |
|---|---|---|
| Anderson, Benson | Jensen | Sticka |
| Fuglestad | Larson | |

So the bill passed and the title was agreed to.

State of North Dakota
OFFICE OF THE GOVERNOR
Bismarck, February 10, 1939.

To the House of Representatives of the
State of North Dakota:

This is to notify you that I have today approved and filed with the Secretary of State:

House Concurrent Resolution No. 229.

Also,

House Concurrent Resolution No. 230.

Also,

House Concurrent Resolution No. 231.

JOHN MOSES, Governor.

JM:F

## SECOND READING OF HOUSE BILLS

Rep. Oglesby moved that House Bill No. 218 be indefinitely postponed, which motion was lost.

House Bill No. 218. A Bill for an Act to Provide for the Regulation and Licensing of Horse Racing in the State of North Dakota; to Legalize and Permit the Parimutuel or Certificate Method of Wagering on the Results of Horse Races at Licensed Racing Meetings in Said State for the Purpose of Assisting in Raising Funds for the Promotion of the Agricultural, Livestock and Fair Exposition Conducted by the State and Counties of North Dakota, and Authorizing Such Fairs and Exposition to Permit the Wagering Upon the Results of Horse Races Through the Pari-Mutuel or Certificate Method; and to Render Inapplicable Certain Acts in Conflict 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, 46; nays, 54; absent and not voting, 11.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Anderson,M'K'nzie | Hofstrand | Ritter |
| Anfinson | Holthusen | Rohde |
| Arneson, Ramsey | Levin | Sand |
| Belzer | Lunde | Saumur |
| Benno | McIntee | Schauss |
| Billigmeier | Myers | Schmidt, McHenry |
| Byrne | Mittag | Schmidt, Sheridan |
| Culver | Mollet | Schimke |
| Dalzell | Nelson, Dickey | Scholl |
| Erickson | O'Brien | Sharpe |
| Fitch | Page | Singleton |
| Gainor | Panko | Stone |
| Gray | Peterson,Bottineau | Tuff |

| | | |
|---|---|---|
| Haag | Peterson, Ransom | Urschel |
| Halvorson | Rait | Wolf |
| Heckman | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Arneson, Nelson | Holm | Rettke |
| Beede | Ireland | Schwartz |
| Bergesen | Ista | Sellens |
| Bingenheimer | Johnson, Cass | Semerad |
| Blair | Joiner | Severson |
| Bolmeier | Keller | Shure |
| Boulden | Kluver | Skartvedt |
| Braun, McLean | Lange | Solberg |
| Braun, Stark | McInnes | Stormon |
| Brown | McIntyre | Symington |
| Buchholz | Moe | Thompson, Burl'gh |
| Dike | Morland | Thompson, Steele |
| Dittmer | Nelson, Cass | Trydahl |
| Feton | Nelson, Steele | Wambheim |
| Fletcher | Nystrom | Westby |
| Fraser | Odegard | Williams, Richland |
| Glas | Oglesby | Williams, Stutsm'n |
| Haugland | Ostgulen | Mr. Speaker |

Absent and not voting:

| | | |
|---|---|---|
| Adam | Hultstrand | Larson |
| Anderson, Benson | Jensen | Sticka |
| Crockett | Johnson, LaMoure | Twichell |
| Fuglestad | Knutson | |

So the bill lost.

Rep. Williams of Richland moved that the vote by which House Bill No. 218 was lost be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 198 was read the second time.

Rep. Fitch moved that House Bill No. 198 be re-referred to the Committee on Taxes and Tax Laws, which motion prevailed.

House Bill No. 175. A Bill for an Act to Provide Revenue by Means of a Transaction Tax Upon Sales of Certain Alcoholic Beverages by Licensed Wholesale Liquor Dealers; Authorizing the State Treasurer to Prescribe Rules and Regulations for the Collection Thereof; Prescribing the Method of Payment of the Tax to, and Collections by, the State Treasurer, and Providing Penalty.

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, 70; nays, 33; absent and not voting, 8.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Halvorson | Nelson, Dickey |
| Anderson, M'K'nzie | Haugland | Nystrom |
| Anfinson | Heckman | Odegard |
| Arneson, Ramsey | Hofstrand | Ostgulen |
| Beede | Holthusen | Panko |
| Belzer | Hultstrand | Peterson, Bottineau |
| Billigmeier | Ireland | Rait |

| | | |
|---|---|---|
| Bolmeier | Ista | Rettke |
| Braun, McLean | Johnson, LaMoure | Ritter |
| Braun, Stark | Joiner | Rohde |
| Brown | Keller | Schmidt, Sheridan |
| Buchholz | Kluver | Schwartz |
| Crockett | Knutson | Semerad |
| Culver | Lange | Sharpe |
| Dalzell | Levin | Solberg |
| Dike | Lunde | Stormon |
| Erickson | McIntee | Symington |
| Feton | McIntyre | Thompson, Steele |
| Fletcher | Myers | Tuff |
| Fraser | Mittag | Urschel |
| Gainor | Moe | Westby |
| Glas | Mollet | Wolf |
| Gray | Morland | Mr. Speaker |
| Haag | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Arneson, Nelson | McInnes | Severson |
| Benno | Nelson, Cass | Shure |
| Bergesen | Nelson, Steele | Singleton |
| Bingenheimer | O'Brien | Skartvedt |
| Blair | Oglesby | Stone |
| Boulden | Page | Thompson, Burl'gh |
| Byrne | Peterson, Ransom | Trydahl |
| Dittmer | Saumur | Twichell |
| Fitch | Schmidt, McHenry | Wambheim |
| Holm | Scholl | Williams, Richland |
| Johnson, Cass | Sellens | Williams, Stutsm'n |

Absent and not voting:

| | | |
|---|---|---|
| Anderson, Benson | Larson | Schimke |
| Fuglestad | Sand | Sticka |
| Jensen | Schauss | |

So the bill passed and the title was agreed to.

Rep. Crockett: Mr. Speaker: I wish to explain my vote and have my explanation recorded in the Journal. I vote "aye" on this bill for the reason that I know the Taxes and Tax Laws Committee has had many a headache. I don't claim to be an expert. I am willing to take their judgment on this bill.

Rep. Arneson of Ramsey: I vote "aye" because it says right here in the liquor act that a wholesaler has got to put a stamp on it and turn over to the tax collector the name of the party to whom the liquor is sold.

Rep. Holm: I am going to vote "no" for the simple reason that I don't think the bill is going to accomplish what is expected. I believe in putting all the tax on liquor that the traffic can bear. If you want to tax it out of existence, that will be all right. For that reason I vote "no."

The House reverted to the Fifth Order of Business.

## REPORTS OF STANDING COMMITTEES

Mr. Speaker: Your Committee on Cities and Municipal Corporations to whom was referred Senate Bill No. 43, have had the same under consideration and recommend that the same be indefinitely postponed.

FRANK FLETCHER, Chairman.

Rep. Shure moved that the report be adopted, which motion prevailed, and the report was adopted.

Rep. Stone moved that the vote by which House Bill No. 43 was indefinitely postponed be reconsidered, and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on Cities and Municipal Corporations to whom was referred House Bill No. 246, have had the same under consideration and recommend that the same do pass.

FRANK FLETCHER, Chairman.

Rep. Haag moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Cities and Municipal Corporations to whom was referred House Bill No. 234, have had the same under consideration and recommend that the same do pass.

FRANK FLETCHER, Chairman.

Rep. Kluver moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Cities and Municipal 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 line 24 of the printed bill, add to the word "commission" the letters "er" to make it read "commissioner."

In line 41 of the printed bill, add a comma after the word "forms" " , ".

In line 42 of the printed bill, after the word "with," insert the words "or without."

And when so amended recommend the same do pass.

FRANK FLETCHER, Chairman.

Rep. Shure moved that the report be adopted, which motion prevailed, and the report was adopted.

## FIRST READING OF HOUSE BILLS

Rep. Joiner introduced:

House Bill No. 320. A Bill for an Act to Amend and Reenact Section 2 of Chapter 156 of the Session Laws of 1935, Relating to Hail Tax Refund, and Declaring an Emergency.

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

The Committee on Public Welfare introduced:

House Bill No. 321. A Bill for an Act to Amend and Reenact Chapter 5-a of the 1925 Supplement to the 1913 Compiled Laws of North Dakota by Inserting and Adding Thereto Section 10500a6a, providing for Joint and Several Liability by More Than One Possible Father and Declaring an Emergency.

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

Reps. Trydahl and Boulden introduced:

House Bill No. 322. A Bill for an Act to Amend and Reenact Section 1946a1 of the Supplement to the 1913 Compiled Laws of North Dakota Concerning Contracts to Be Advertised.

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

Rep. Crockett (by request) introduced:

House Bill No. 323. A Bill for an Act to Amend and Reenact Section 369 of the Compiled Laws of 1913, as Amended by Chapter 226, Laws of 1915, and by the Initiated Measure on Page 254 of the Session Laws of 1921, Providing for a State Board of Auditors.

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

Rep. Crockett (by request) introduced:

House Bill No. 324. A Bill for an Act to Amend and Reenact Section 2 of Chapter 71 of the Session Laws of North Dakota for 1933, Providing for Membership of the State Banking Board.

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

Rep. Crockett (by request) introduced:

House Bill No. 325. A Bill for an Act to Amend and Reenact Section 375b2 of the 1925 Supplement to the 1913 Compiled Laws, Relating to State Publication and Printing Permission.

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

Rep. Crockett (by request) introduced:

House Bill No. 326. A Bill for an Act to Amend and Reenact Section 710a1 of the 1925 Supplement to the Compiled Codes of North Dakota for 1913, as Amended by Chapter 93 of the Session Laws of 1929, Relating to the State Budget Board.

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

Reps. Fletcher, Fraser and Wambheim introduced:

House Bill No. 327. A Bill for an Act Prescribing the Qualifications of County Coroner.

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

Rep. Gus Schauss introduced:

House Bill No. 328. A Bill for an Act to Amend and Re-enact Section 6 of That Certain Initiated Measure Adopted by the Electors of the State of North Dakota on September 22, 1933, Relating to the Manufacture, Sale and Distribution of Beer, as Amended by Chapter 98 of the Session Laws of North Dakota for the Year 1935, and Chapter 98 of the Session Laws of North Dakota for the Year 1937; 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 State Affairs.

Reps. Panko and Knutson introduced:

House Bill No. 329. A Bill for an Act to Provide for the Protection of Workingmen by Providing One Day of Rest in Each Week, Providing for Emergencies in Which Men May Work More Than Six Days; Providing a Penalty for Violation and Declaring an Emergency.

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

The Judiciary Committee introduced:

House Bill No. 330. A Bill for an Act to Amend and Reenact Section 10727 of the Compiled Laws of North Dakota for 1913, Relative Answer, Motion to Set Aside, Demurrer. Plea. Waiver of Jury.

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

Rep. Ritter introduced:

House Bill No. 331. A Bill for an Act Imposing a Tax Upon Soft Drinks, Providing for Reports by the Vendor, Prescribing Penalties and Providing That the Proceeds of Such Tax Shall Be Paid Into the General Fund of the State, and Declaring an Emergency.

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

Reps. Morland, Brown and Hultstrand introduced:

House Bill No. 332. A Bill for an Act to Extend the Powers of Credit Unions Organized Under Chapter 108 of the 1935 Session Laws, as Amended by Chapter 113 and 114 of the 1937 Session Laws, and Providing for the Creation of a Permanent Fund; Prescribing How Obtainable, Its Limits, Ownership, Uses, to Whom Obtainable and Other Procedure Thereunder.

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

Rep. Bergesen moved that Senate Bill No. 55 be taken off the calendar and re-referred back to its original committee, which motion prevailed, and Senate Bill No. 55 was re-referred to the Committee on State Affairs.

## SECOND READING OF SENATE BILLS

Senate Bill No. 51. A Bill for an Act Providing for the Redemption of Real Estate Forfeited to the County for Delinquent Taxes by Former Owners, Prescribing the Conditions Therefor, Providing for the Repurchase of Real Estate Forfeited to the County for Delinquent Taxes on Contract for Deed, Prescribing the Terms 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, 99; nays, 1; absent and not voting, 11.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Heckman | Peterson,Bottineau |
| Anderson,M'K'nzie | Holm | Peterson, Ransom |
| Anfinson | Holthusen | Rait |
| Arneson, Nelson | Hultstrand | Rettke |
| Arneson, Ramsey | Ireland | Ritter |
| Beede | Ista | Rohde |
| Belzer | Johnson, Cass | Saumur |
| Benno | Johnson, LaMoure | Schmidt, McHenry |
| Bergesen | Joiner | Schmidt, Sheridan |
| Billigmeier | Keller | Scholl |
| Bingenheimer | Kluver | Schwartz |
| Blair | Knutson | Sellens |

| | | |
|---|---|---|
| Bolmeier | Lange | Semerad |
| Braun, McLean | Levin | Severson |
| Braun, Stark | Lunde | Sharpe |
| Brown | McInnes | Shure |
| Buchholz | McIntee | Singleton |
| Crockett | McIntyre | Skartvedt |
| Culver | Myers | Solberg |
| Dalzell | Mittag | Stone |
| Dike | Mollet | Stormon |
| Dittmer | Moe | Symington |
| Erickson | Morland | Thompson,Burl'gh |
| Feton | Nelson, Cass | Thompson, Steele |
| Fitch | Nelson, Dickey | Trydahl |
| Fletcher | Nelson, Steele | Tuff |
| Fraser | Nystrom | Urschel |
| Gainor | O'Brien | Wambheim |
| Glas | Odegard | Westby |
| Gray | Oglesby | Williams,Richland |
| Haag | Ostgulen | Williams,Stutsm'n |
| Halvorson | Page | Wolf |
| Haugland | Panko | Mr. Speaker |

Those voting in the negative were:
Twichell

Absent and not voting:

| | | |
|---|---|---|
| Anderson, Benson | Hofstrand | Schauss |
| Boulden | Jensen | Schimke |
| Byrne | Larson | Sticka |
| Fuglestad | Sand | |

So the bill passed and the title was agreed to and the Emergency Clause declared carried.

## FIRST READING OF SENATE BILLS

Senate Bill No. 71. A Bill for an Act to Amend and Reenact Section 4 of Chapter 249 of the Session Laws of 1937, Providing for Certain Credits and Exemptions and Providing for Payment of a Sales Tax on Sales of Motor Vehicle Fuels Upon Which Refunds of Special Taxes are Allowed, and Declaring an Emergency.

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

Senate Bill No. 86. A Bill for an Act to Amend and Reenact Section 2588 of the Supplement to the Compiled Laws of 1913, as Amended by Chapter 251 of the Session Laws of 1929, Relating to the Treatment of Patients at the North Dakota Tuberculosis Sanitarium, and Declaring an Emergency.

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

Senate Bill No. 30. A Bill for an Act to Amend and Reenact Chapter 158, Laws of 1933, Relating to the Foreclosure of Real Estate Mortgages by Advertisement.

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

Senate Bill No. 3. 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.

Senate Bill No. 126. A Bill for an Act to Amend and Reenact Section 6762, of the Compiled Laws of the State of North Dakota for the Year 1913, as Amended by Chapter 175, Session Laws of 1927, by Chapter 168, of the Session Laws for 1935, Relating to Filing, Renewal and Limitations of Chattel Mortgages, and Providing for the Cancellation and Satisfaction of Same; 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.

Senate Bill No. 96. A Bill for an Act to Provide for the Removal of Certain Public Officers in Said Act Enumerated and Establishing the Procedure Therefor and Repealing Sections 685, 686, 688, 689, 690, 691, 692, 693, 694, and 695 of the 1925 Supplemnet to the Compiled Laws of the State of North Dakota for the Year 1913, Sections 687, 10467, 10468, 10469, 10470, 10471, 10472, 10473, 10474, 10475, 10476, 10477, 10478, 10479, 10480, 10481 and 10482 of the Compiled Laws of the State of North Dakota for the Year 1913, and Chapter 230, of the Session Laws of the State of North Dakota for the Year 1927.

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

Senate Bill No. 4. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, 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.

Rep. Crockett moved that for the time being all action on Senate Bills in General Orders and on Second Readings be dispensed with, which motion prevailed.

Rep. Trydahl moved that House Bill No. 322 be not printed unless it is favorably reported back by the Committee on State Affairs, which motion prevailed.

Rep. Fitch moved that the House recess upon completion of First Reading of Senate Bills until 12:30 P. M., tomorrow, which motion prevailed.

## FIRST READING OF SENATE BILLS

Senate Bill No. 98. A Bill for an Act to Amend and Reenact Sections 506a2, 506a3, 506a4, 506a5, 506a6 as Amended by Chapter 208 of the Session Laws of 1927, 506a7, 506a9 as Amended by Chapter 208 of the Session Laws of 1927, 506a11, 506a12, 506a18, and 506a19 of the 1925 Supplement to the 1913 Compiled Laws of North Dakota, Relating to Creating a Board of Nurse Examiners, Providing for the Appointment of an Inspector of Schools of Nursing, and for the Examination, Registration, Re-registration, and Regulation of Graduated Nurses, and Exempting Practical Nurses from Registration, and Empowering the Board to Prescribe the Minimum Course of Study and Standards for Schools of Nursing, and Prescribing a Penalty for the Violation Thereof. Also, Defining Terms as Used in 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 Public Welfare.

Senate Bill No. 99. A Bill for an Act to Amend and Reenact Section 2 of Chapter 210 of the Session Laws of 1937, Known as the Aid to the Blind Act, and Providing for Eligibility for Assistance to the Needy Blind, Declaring an Emergency.

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

Senate Bill No. 100. A Bill for an Act Amending and Reenacting Sections 1 and 9 of Chapter 161 of the Session Laws of 1923, Being Sections 5099b1 and 5099b9 of the 1925 Supplement to the 1913 Compiled Laws of North Dakota; and Declaring an Emergency.

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

Senate Bill No. 101. A Bill for an Act Amending and Reenacting Sections 1, 6 and 16 of Chapter 209 of the Session Laws of 1937, Being Those Parts of the Aid to Dependent Children Act Defining a Dependent Child; Naming Relatives; Providing the Amount of Assistance; and Method of Disbursement of Aid to Dependent Children Fund; and Declaring an Emergency.

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

Senate Bill No. 102. A Bill for an Act Granting Certain Powers and Imposing Certain Duties Heretofore Delegated to the Board of Administration, in Connection With Child Welfare Laws of This State, to the Public Welfare Board of North Dakota, Division of Child Welfare; Providing for Cooperation With the Federal Government in Carrying Out Child Welfare Services and Services to Crippled Children and to Receive and Disburse Federal Funds Granted for Such Purposes; Repealing Chapter 150 of the Session Laws of 1923, Being Sections 283b6 and 283b7 of the 1925 Supplement to the 1913 Codes; and Declaring an Emergency.

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

Senate Bill No. 103. A Bill for an Act Amending and Reenacting Sections 2 and 11 of Chapter 211 of the Session Laws of 1937 and Validating Payments Heretofore Made to Certain Non-citizen Old Age Assistance Clients, Declaring an Emergency.

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

Senate Bill No. 112. A Bill for an Act to Amend and Reenact Section 1 of Chapter 252 of the Session Laws of North Dakota for the Year 1937, Relating to Bounty for Tree Planting.

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

Senate Bill No. 134. A Bill for an Act Permitting the Killing of Dogs, Wolves and Coyotes Kept as Domestic

Animals When Caught in the Act of Killing, Chasing, Worrying or Damaging Livestock or Poultry, Providing Owners of Livestock and Poultry Killing Such Animals Shall Not Be Held Civilly Liable, and Declaring an Emergency.

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

**Senate Concurrent Resolution No. 135. A Concurrent Resolution Providing for the Amendment of Sections 167, 170, 172 and 173 and the Repeal of Section 171 of the Constitution of North Dakota.**

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

Pursuant to the motion of Rep. Fitch, the House stood recessed until 12:30 P. M., tomorrow.

MINNIE D. CRAIG, Chief Clerk.

## THIRTY-NINTH DAY AFTER RECESS AND FORTIETH DAY

Bismarck, February 11, 1939.

The House convened at 12:30 P. M., pursuant to recess, Speaker Hagen presiding.

Rep. Anderson of McKenzie moved for reconsideration of action taken on House Bill No. 245, which motion prevailed.

The Speaker called Rep. Bergesen to the chair.

Rep. Fitch demanded a roll call.

### ROLL CALL

The question being on reconsideration of House Bill No. 245, the roll was called and there were ayes, 67; nayes, 27; absent and not voting, 17.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Anderson,M'K'nzie | Haugland | Peterson,Bottineau |
| Arneson, Nelson | Heckman | Rait |
| Beede | Hofstrand | Rettke |
| Belzer | Holm | Rohde |
| Bergesen | Hultstrand | Schmidt, McHenry |
| Billigmeier | Ireland | Schmidt, Sheridan |
| Bingenheimer | Ista | Scholl |
| Blair | Jensen | Schwartz |
| Boulden | Kluver | Semerad |
| Braun, McLean | Knutson | Severson |
| Buchholz | Lange | Sharpe |
| Culver | Lunde | Shure |
| Dike | McIntee | Singleton |
| Dittmer | McIntyre | Solberg |
| Erickson | Myers | Stone |
| Feton | Mittag | Tuff |
| Fletcher | Moe | Urschel |
| Fraser | Mollet | Westby |
| Gainor | Nelson, Dickey | Williams,Richland |
| Glas | Odegard | Williams,Stutsm'n |
| Haag | Ostgulen | Mr. Speaker |
| Halvorson | Panko | |

Those voting in the negative were:

| | | |
|---|---|---|
| Anfinson | Johnson, LaMoure | Ritter |
| Arneson, Ramsey | Joiner | Sand |
| Bolmeier | Levin | Schauss |
| Braun, Stark | Morland | Schimke |
| Brown | Nelson, Cass | Sellens |
| Crockett | Nelson, Steele | Skartvedt |
| Dalzell | Nystrom | Thompson, Steele |

| | | |
|---|---|---|
| Fitch | Oglesby | Wambheim |
| Gray | Page | Wolf |
| Holthusen | Peterson, Ransom | |

Absent and not voting:

| | | |
|---|---|---|
| Adam | Keller | Stormon |
| Anderson, Benson | Larson | Symington |
| Benno | McInnes | Thompson, Burl'gh |
| Byrne | O'Brien | Trydahl |
| Fuglestad | Saumur | Twichell |
| Johnson, Cass | Sticka | |

So the motion was declared carried and the vote by which House Bill No. 245 was passed was reconsidered.

Rep. Bergesen: I wish to explain my vote. Because there is such a large percentage of the members of the House who stated that they did not understand on what they were voting I think they should be entitled to reconsideration. Therefore I vote "aye."

The Speaker announced that the House would be on the Fifteenth Order of Business.

## GENERAL ORDERS

Rep. Bergesen moved that the House resolve itself into a Committee of the Whole for the consideration of General Orders; which motion prevailed, and the House resolved itself into a Committee of the Whole.

The Speaker called Rep. Bergesen to the chair.

When the committee arose it submitted the following report:

Mr. Speaker: The Committee of the Whole have had under consideration:

House Bill No. 3.

Page 1, Section 1, in line 3, strike out the figures "$30,360.00" and insert in lieu thereof the figures "$22,810.00."

Page 1, Section 1, in line 9, strike out the figures "$450.00" and insert in lieu thereof the figures "$400.00."

Page 1, Section 1, in line 10, strike out the figures "$250.00" and insert in lieu thereof the figures "$150.00."

Page 1, Section 1, in line 11, strike out the figures "$250.00" and insert in lieu thereof the figures "$200.00."

Page 1, Section 1, in line 12, strike out the figures "$800.00" and insert in lieu thereof the figures "$300.00."

Page 2, Section 1, in line 13, strike out the figures "$500.00" and insert in lieu thereof the figures "$300.00."

Page 2, Section 1, in line 14, strike out the figures "$16,000.00" and insert in lieu thereof the figures "$12,000.00."

Page 2, Section 1 in line 15, strike out the figures "$800.00" and insert in lieu thereof the words "and Bonds" and the figures "$500.00."

Page 2, Section 1, in line 16, strike out the figures "$850.00" and insert in lieu thereof the figures "$800.00."

Page 2, Section 1, strike out all of line 17.

Page 2, Section 1, in line 18, strike out the figures "$2,000.00" and insert in lieu thereof the figures "$1,200.00."

Page 2, Section 1, in line 19, strike out the figures "$30,360.00" and insert in lieu thereof the figures "$22,810.00."

Re-number beginning with line 17, change to line 16 and continue re-numbering to the bottom of the page.

And recommend the adoption of the amendments of the Standing Committee.

And the further amendment to the Standing Committee report to correct the re-numbering of line on page 2 of the printed bill, re-numbering the lines beginning with line "18" changing it to read line "17" and line "19" to "18."

And when so amended recommend the same do pass.

House Bill No. 71.

On page 1, Section 1, line 5, after the word "treasurer," strike out the remainder of the line. Strike out all of line 6 and line 7 up to the word "its" and insert in lieu thereof the following: "and shall be in full force and effect for a period of one year from and after date of."

And recommend the adoption of the amendments of the Standing Committee:

And when so amended recommend the same do pass.

House Bill No. 120.

Strike out everything after the words "A BILL" and insert in lieu thereof, the following:

For an Act Establishing Rules and Regulations and Sanitary Conditions for Cream Buying Stations; Sanitary Requirements for Haulers of Cream; Equipment and Care of Equipment; Care of Cream Held in the State; Care of Cream in Transit; Repealing Acts in Conflict Herewith; Providing Penalties; and Declaring an Emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

Section 1. CREAM STATION DEFINED). For the purpose of this Act a cream station shall be defined as any place or room where cream is purchased from the producer to be later transported to a processing plant.

Section 2. CREAM STATION REQUIREMENTS.) Any room where cream is purchased or concentrated for shipment in any cream buying station shall hereafter be used exclusively for the purchasing, handling and storing of cream. Walls and ceilings shall be tight, so as to exclude dust, and all openings in such stations shall be tightly screened against insects. The floors must be tight, and shall be maintained in a clean and sanitary condition at all times. Any door or other opening between a cream station room and any other room used for the storing or handling of hides, meats, fruits, vegetables, grain, poultry, or oils of any kind, or other dust or odor-producing articles are kept shall be tightly fitted and kept closed when not in use. Cream buying stations must be well-lighted and ventilated, and shall have a floor space of not less than one hundred and twenty (120) square feet.

No hides, furs, live poultry, petroleum products, groceries, or leather goods, or other articles that may cause cream to be contaminated with offensive odors or sediments, may be kept at any time in any cream station in this State.

Section 3. All cans used in the purchase, sale or handling of cream shall be kept thoroughly clean, steamed

and free from rust, and from and after the taking effect of this Act, no cream station operator may loan out a marked or identified cream can, and all empty cream cans to be used in connection with the purchase of cream in this State when in custody of any cream buyer, shall be stacked in the rack inside such cream station, on their sides with the covers off. Cans used for the handling, sale or shipping of cream shall not be used for any other purpose, and all equipment and utensils used in the purchasing or handling of cream shall be kept in a clean and sanitary condition at all times.

All cream buyers in this State shall have at least a five-gallon can filled with fresh, clean water, in which he shall submerge his cream stirrer at all times, when it is not in use.

An approved rubber scraper shall be used to scrape cream from stirring rod, can covers, and other equipment.

Nothing but pure, clean water or steam shall be used in any cream station for the purpose of rinsing cream from cream cans in which cream has been delivered to the station by the producer.

Cans containing cream at cream stations must be covered so as to prevent the entrance of rodents, flies, dust or other contaminating substances.

All cream stations shall be equipped with cooling facilities so as to maintain the cream on hand at a low temperature to avoid deterioration.

Section 4. CREAM IN TRANSIT.) Containers of cream in transit, or in the possession of cream buyers, shall not at any time be placed near or adjacent to hides, furs, live poultry, petroleum products, or any other article that may cause cream to be contaminated with offensive odors or sediment.

Section 5. PENALTIES.) Any person violating any of the provisions of this Act, upon conviction thereof shall be fined not to exceed one hundred dollars ($100.00) or by imprisonment in the county jail not to exceed thirty (30) days, or by both such fine and imprisonment.

Section 6. REPEAL.) All Acts or parts of Acts in conflict herewith are hereby expressly repealed.

Section 7. EMERGENCY.) This Act is hereby declared to be an emergency measure, and shall be in full force and effect upon its passage and approval.

And recommend the adoption of the amendments of the Standing Committee.

And when so amended recommend the same do pass.

Senate Bill No. 26.

In line 92, Section 3, sub-division 7, page 5 of the printed bill which is line 95 of the original bill, strike out the words "enters into the processing of or." In Section 3, after line 98 of the original bill which is page 5, Section 3, line 95 of the printed bill, sub-section "7," add the following: "(8) To in-

dustrial materials, supplies and equipment which are directly used or consumed in the actual fabricating, compounding, manufacturing or servicing of tangible personal property intended to be sold ultimately at retail."

"(9) To any person whose total purchases shall be less than $50.00 during any quarter year for which a report is required."

And recommend the adoption of the amendments of the Standing Committee.

And when so amended recommend the same do pass.

A. R. BERGESEN, Chm., Committee of the Whole.

Rep. Nelson of Cass moved the adoption of the report of the Committee of the Whole, which motion prevailed.

Rep. Jensen moved that the rules be suspended and that House Bill No. 79 be taken up in General Orders at this time, which motion prevailed.

## GENERAL ORDERS

Rep. Bergesen moved that the House resolve itself into a Committee of the Whole for the consideration of General Orders; which motion prevailed, and the House resolved itself into a Committee of the Whole.

The Speaker called Rep. Bergesen to the Chair.

When the Committee arose it submitted the following report:

Mr. Speaker: The Committee of the Whole have had under consideration:

House Bill No. 79.

Section 1, page 1, strike out all of lines 7 and 8 and insert in lieu thereof the following: "Operation and Maintenance to June 30, 1939—$5,000.00."

Section 1, page 2, strike out all of line 9 and insert in lieu thereof the following: "Maintenance, material and labor for replanking, repairing of bridges and approaches—$16,800.00."

Re-number beginning with line 9—change to line 8 and continue re-numbering to the end of Section 1.

And recommend the adoption of the amendments of the Standing Committee.

And the further amendments to the report of the Standing Committee, that in line 9 the word "bridges" should be amended to read "bridge."

In Section 1, line 1, strike out the word "It" and insert in lieu thereof the word "There."

And when so amended recommend the same do pass.

A. R. BERGESEN, Chm., Committee of the Whole.

Rep. Solberg moved the adoption of the report of the Committee of the Whole, which motion prevailed.

Rep. Lange moved the absent members be excused, which motion prevailed.

Rep. Nelson of Cass moved the House do now adjourn, which motion prevailed, and the House adjourned.

## FORTIETH DAY

Bismarck, February 11, 1939.

The House assembled at 2:00 P. M., pursuant to adjournment, Speaker Hagen presiding.

Prayer by Rev. Father Hildebrand Eickhoff.

Roll Call: All Representatives present except Anderson of Benson, Byrne, Fuglestad, Ireland, Larson, Oglesby, Ritter, Sand, Sticka, Twichell.

So a quorum was declared present.

MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, February 11, 1939.

Mr. Speaker: I have the honor to transmit:

Senate Bill No. 143. 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.

Senate Bill No. 145. A Bill for an Act Providing for the Renewal of Mechanics' Liens and for the Cancellation and Discharge Thereof Unless Renewed Within Six Years From the Date of Filing.

Senate Bill No. 147. A Bill for an Act to Amend and Reenact Section 3725 of the 1913 Compiled Laws of the State of North Dakota, Relating to Special Assessments.

Senate Bill No. 131. A Bill for an Act to Amend and Reenact Chapter 151 of the Session Laws of North Dakota for 1935, Providing for Licenses for Reciprocal Fire and Life Insurance Underwriters.

Senate Bill No. 95. A Bill for an Act to Amend and Reenact Section 4914, Compiled Laws of North Dakota for the Year 1913, Relating to the Limit of Risks to Which Insurance Companies Shall Be Exposed.

Senate Bill No. 119. A Bill for an Act to Amend and Reenact Paragraph (c) of Section 7, Chapter 164 of the Session Laws of 1919, the Same Being Paragraph (c) of Section 4881a7 of 1925 Supplement to the 1913 Compiled Laws of North Dakota, Relating to Mutual Insurance Companies.

Senate Bill No. 78. A Bill for an Act Requiring Licenses for the Operation, Maintenance, Opening, and Establishment of Stores in This State, Prescribing the License and Filing Fees to be Paid Therefore, and the Disposition Thereof, and the Powers and Duties of the Tax Commissioner of the State of North Dakota in Connection Therewith, and Prescribing Penalties for the Violation Thereof.

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

WM. J. LOWE, Secretary.

Mr. Speaker: I have the honor to transmit:

Senate Bill No. 130. A Bill for an Act Providing for the Protection of Pre-historic Deposits, Relics, Indian Mounds, Graves, Village Sites and Other Archaeological Material; Providing for Licensing Persons Engaged in Exploring and Excavating for Ancient Ruins and Archaeological Materials, Restricting Such Exploration and Excavation on State-Owned Lands and Requiring That One-Half of Such Materials be Delivered to the State Historical Society and Providing a Penalty for Violation of This Act.

Senate Bill No. 139. A Bill for an Act to Amend and Reenact Subdivision 4 of Section 7426 of the Compiled Laws

of North Dakota for 1913, Relating to Service of Summons on a Domestic Corporation, and Providing for Service by Publication on Any Domestic Corporation, the Charter of Which Has Been Forfeited.

Senate Bill No. 151. A Bill for an Act to Amend and Reenact Section 189b7 of the 1925 Supplement to the Compiled Laws of 1913, as Last Amended by Section 3 of Chapter 137 of the Session Laws of the State of North Dakota for the Year 1933, Relating to State Hail Insurance, Providing for the Levy of a Hail Indemnity Tax, Fixing the Priority of the Lien Therefor; Declaring That Any and All Existing Hail Indemnity Taxes, Which Have Not Heretofore Been Sold to Private Parties, Shall be Liens Subsequent and Inferior to Mortgages, Liens and Judgments Executed Prior to the Levy of Such Hail Indemnity Taxes; and Declaring an Emergency.

Senate Bill No. 133. A Bill for an Act Relating to the Duties of County Auditors and County Treasurers, With Relation to the Levy, Collection and Record of Municipal Bonds Sinking Funds.

Senate Bill No. 82. A Bill for an Act to Amend and Reenact Section Six of Chapter 235 of the Session Laws of the State of North Dakota for the year 1929, Relating to Park District Tax Levies.

Senate Bill No. 127. A Bill for an Act to Amend and Reenact Chapter 216, Session Laws 1923, Constituting Section 950a2 of the 1925 Supplement; and Providing for the Division and Consolidation of Voting Districts.

Senate Bill No. 121. A Bill for an Act to Amend and Reenact Chapter 161, of the Session Laws of 1931, Relating to the Admission of Foreign Mutual Insurance Companies.

Senate Bill No. 120. A Bill for an Act to Amend and Reenact Section 4907, Compiled Laws of the State of North Dakota for 1913, to Make More Certain the Requirement That All Foreign Insurance Companies Have a Capital of Two Hundred and Fifty Thousand Dollars ($250,000.00) as a Condition to Writing Fidelity and Surety Risks in This State.

Senate Concurrent Resolution No. 148. A Concurrent Resolution Providing for the Amendment of Article 33 of the Constitution of North Dakota, Relating to the Recall.

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

Mr. Speaker: I have the honor to return:

House Bill No. 101. A Bill for an Act to Amend and Reenact Chapter 137, Session Laws of 1931, Relating to Filling of Vacancies of Elective County Officers, Superintendent of Schools and County Commissioners on the No-Party Ballot.

House Bill No. 111. A Bill for an Act to Amend and Reenact Chapter 3 of the Session Laws of 1933; Defining Unfair Discrimination in the Purchase of Certain Farm Products; Prohibiting Such Discrimination; Providing a Penalty Therefor; and Repealing Acts in Conflict Herewith; and Declaring an Emergency.

House Bill No. 57. A Bill for an Act to Amend and Re-

enact Section 5235a1 of the 1925 Supplement to the Compiled Laws of North Dakota for the Year 1913 and Declaring an Emergency.

House Bill No. 102. A Bill for an Act Forbidding the Sale of Fermented Malt Beverages in the State of North Dakota Which Are Manufactured With Less Than Eighty Percent (80%) of Barley Malt.

House Bill No. 153. A Bill for an Act Amending and Reenacting Chapter 123 of the Session Laws of 1931, Authorizing the Juvenile Court to Commit to the Institution for the Feeble Minded Any Dependent, Neglected or Delinquent Child Who is Feeble Minded or Whose Mental Condition is Found a Subject for Inquiry.

House Bill No. 125. A Bill for an Act Amending and Reenacting Sub-section 1 of Chapter 97 of the Session Laws of 1933 and Sub-section 4 of Section 4 of Chapter 97 of the Session Laws of 1933, as Amended by Chapter 119 of the Session Laws of 1935; Providing the Loss of Residence Upon Moving to Another State and Declaring an Emergency.

Which the Senate has passed unchanged.

WM. J. LOWE, Secretary.

## MESSAGE TO THE SENATE

House of Representatives,
Bismarck, February 11, 1939.

Mr. President: I have the honor to transmit:

House Bill No. 26. A Bill for an Act Providing an Appropriation for the Paying of 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.

House Bill No. 107. A Bill for an Act to Amend and Reenact Section 17 of Chapter 148 of Session Laws of 1931, Relating to Hunting Upon the Premises of Another.

House Bill No. 168. A Bill for an Act to Amend and Re-enact Section 4656 of the Compiled Laws of 1913, Relative to the Maintenance of Railroad Stations and Station Agents.

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

Mr. President: I have the honor to return:

Senate Concurrent Resolution No. 106. A Concurrent Resolution Urging Immediate Investigation by Congress of Manufacturers of Farm Implements to Determine Costs of Raw Materials, Manufacture, Distribution, Ultimate Costs to Farmer, Price Spread Between Farmer and Consumer of Farm Products, Determination of Farm Machinery Prohibitions, Prohibitions as to Flax Crops and Importation to Meet the Country's Need, and to Determine if a Trust Exists Exercising Unfair Practices to the Detriment of the Agricultural Commonwealth.

Which the House has adopted.

Mr. President: I have the honor to return:

Senate Bill No. 43. A Bill for an Act to Amend and Reenact Section 3790 of the Compiled Laws of the State of North Dakota for the Year 1913 With Reference to Boards of City Commissioners and Salaries Paid Thereto.

Senate Concurrent Resolution No. 129. A Concurrent

Resolution Memorializing Congress to Support the Proposed Legislation Prohibiting Retro-active Federal Taxation of State and Municipal Securities and Employes.

Which the House has indefinitely postponed.

MINNIE D. CRAIG, Chief Clerk.

## REPORT OF STANDING COMMITTEE

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

Mr. Speaker: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the Thirty-eighth day after recess and Thirty-ninth day and recommends that the same be corrected as follows:

On page 527, on roll call, correct totals should be 'ayes 59," "nays 44," "absent and not voting 8."

On page 528, roll call, Nelson of Cass was present and voted "no."

On page 534, roll call, McIntyre voted "aye." Totals should be "ayes 74," "nays 29," "absent and not voting 8."

On page 543, line 16 from bottom, strike out one "l" in the word "travelled."

On page 554, line 8 from bottom, correct spelling of word "alright."

And when so corrected recommend that the same be approved.

REP. GLAS, Chairman.

Rep. Bolmeier moved that the report be adopted, which motion prevailed and the report was adopted.

Rep. Page moved for reconsideration of action taken on House Bill No. 176, which motion prevailed.

Rep. Bergesen moved for reconsideration on action taken on House Bill No. 211, which motion prevailed.

The House reverted to the Fifth Order of Business.

## REPORTS OF STANDING COMMITTEES

The Committee on Taxes and Tax Laws made the following report:

Mr. Speaker: Your Committee on Taxes and Tax Laws to whom was referred House Bill No. 155, have had the same under consideration and recommend that the same be indefinitely postponed.

N. P. JENSEN, Chairman.

Rep. Ostgulen 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. Speaker: Your Committee on Taxes and Tax Laws to whom was referred House Bill No. 198, have had the same under consideration and recommend that the same be amended as follows:

In the title of the re-engrossed bill, insert a "semi-colon" after the word "tickets" and strike out "to be applied to the Old Age Assistance Fund;". In Section 1, line 5, strike out "two cents (2c)" and insert in lieu thereof "one cent (1c)." In line 6, Sec. 1, strike out the words parenthesis and figure "three cents (3c)" and insert in lieu thereof the words and figure "two cents (2c)." In line 7, strike out words, parenthesis and figures "thirty-one cents (31c)" and insert in lieu thereof

"thirty-six cents (36c)" and in the same line, strike out the words, parenthesis and figure "four cents (4c)" and insert in lieu thereof "three cents (3c)." In line 8, strike out words, parenthesis and figure "thirty cents (30c)" and insert in lieu thereof "thirty-five cents (35c)." In line 11 of Section 1, strike out the words, parenthesis and figure "ten cents ($.10)" and in lieu thereof insert "five cents (5c)." In Section 8, line 117, after "penalty.", strike out the remainder of the line and strike out all of lines 118, 119, 120 and 121. In Sec. 9, line 131, after the word "Treasurer" insert a "period" and strike out the remainder of Sec. 9.

And when so amended recommend the same do pass.

N. P. JENSEN, Chairman.

Rep. Myers moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Agriculture to whom was referred House Resolution "J," have had the same under consideration and recommend that the same be adopted.

CARL H. DITTMER, Chairman.

Rep. Billigmeier moved that the report be adopted, which motion prevailed and the report was adopted.

Rep. Schimke moved the adoption of House Resolution "J," which motion prevailed and the House adopted House Resolution "J."

Mr. Speaker: Your Committee on Agriculture to whom was referred House Bill No. 247, have had the same under consideration and recommend that the same be indefinitely postponed.

CARL H. DITTMER, Chairman.

Rep. Stormon moved that the report be adopted, which motion prevailed and the report was adopted.

Rep. Saumur moved that the vote by which House Bill No. 247 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on Highways and Bridges to whom was referred House Bill No. 115, have had the same under consideration and recommend that the same be indefinitely postponed.

C. P. RITTER, Chairman.

Rep. Beede moved that the report be adopted, which motion prevailed and the report was adopted.

Rep. Solberg moved that the vote by which House Bill No. 115 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on Highways and Bridges to whom was referred House Bill No. 116, have had the same under consideration and recommend that the same be indefinitely postponed.

C. P. RITTER, Chairman.

Rep. Beede moved that the report be adopted, which motion prevailed and the report was adopted.

Rep. Twichell moved that the vote by which House Bill No. 116 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on Public Welfare to

whom was referred House Bill No. 250, have had the same under consideration and recommend that the same be amended as follows:

On page 1, section 1, line 10, after the word "relief" insert the following: "or likely to become a public charge."

And when so amended recommend the same do pass.

BERNT ANDERSON, Chairman.

Rep. Bergesen moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Public Welfare to whom was referred:

House Bill No. 113, 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 Authorizing Boards of County Commissioners or Any Other Public Boards Administering Poor Relief in Their Discretion to Give Equal Consideration to Legally Licensed Practitioners of Medicine, Osteopathy, Chiropractic, Dentistry, Optometry, and Any Other Legally Licensed Practitioner in Art, in Treatment of Indigent Persons According to the Preference of Such Persons; and in Their Discretion Furnish Hospitalization; Repealing 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. In all cases in which the Board of County Commissioners or any other public board administering poor relief and receiving any portion of its funds from the State, are required by law to provide the assistance of a physician or other health service to indigent persons, such board or boards are authorized in their discretion to provide that such assistance be furnished by any legally licensed practitioner of medicine, osteopathy, chiropractic, dentistry, optometry, or any other legally licensed practitioner trained in the art of healing of the human body, in the State of North Dakota as may be requested by such indigent persons.

SECTION 2. Hospitalization shall, at the discretion of such board or boards, be furnished such indigent persons if, in the discretion of his practitioner, hospitalization is necessary.

SECTION 3. REPEAL.) All Acts or parts of Acts in conflict herewith are hereby repealed.

SECTION 4. 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.

BERNT ANDERSON, Chairman.

Rep. Sellens 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. Speaker: Your Committee on Taxes and Tax Laws to whom was referred:

House Bill No. 288, have had the same under consideration and recommend that the same be returned without any recommendation whatsoever.

N. P. JENSEN, Chairman.

Rep. Myers moved that the report be adopted.

Rep. Hofstrand moved that House Bill No. 288 be indefinitely postponed, which motion prevailed.

Rep. Stone moved a substitute motion that House Bill No. 288 be placed in General Orders, which motion was lost.

Mr. Speaker: 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:

Strike out everything after "A BILL" and insert the following:

For an Act Making an Appropriation for the State to Pay Seventy-five per cent (75%) of All Costs and Expenses of Maintaining and Providing for Patients at the State Hospital for the Insane, Patients at the Feeble-Minded Institution, and patients at the Tuberculosis Sanatorium, for the biennium Beginning July 1, 1939, and Ending June 30, 1941, Seventy-five Per Cent (75%) of Such Costs of Caring for Such Patients to Be Charged to the State of North Dakota, and the Remaining Twenty-five Per Cent (25%) to Be Charged to the Counties, Now Required by Law to so Provide for Such Patients; 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. SEVENTY-FIVE PER CENT (75%) OF THE COSTS AND EXPENSES OF PROVIDING FOR PATIENTS, AT THE HOSPITAL FOR THE INSANE, PATIENTS AT THE FEEBLE-MINDED INSTITUTION, AND PATIENTS AT THE TUBERCULOSIS SANATORIUM, TO BE CHARGED TO THE STATE DURING THE NEXT BIENNIUM, AND APPROPRIATIONS THEREFORE. There is hereby appropriated out of any monies in the State Treasury, not otherwise appropriated, the amounts hereinafter set forth for the purpose of the State of North Dakota paying seventy-five per cent (75%) of the costs and expenses of caring for and maintaining patients at the State Hospital for the Insane, patients at the Institution for the Feeble-Minded, and patients at the Tuberculosis Sanatorium, such seventy-five per cent (75%) of such expenses to be charged to the State, and to be paid out by the State Treasurer, as such charges accrue, the remaining twenty-five per cent (25%) of caring for such patients to be paid by the resident county, as now provided for by law, the purpose of this appropriation being to provide for the care of such patients, which the counties are now unable to provide funds for, the amounts of such appropriations for said institutions, being as follows, to-wit:

For the State Hospital for the Insane, during the biennium beginning July 1, 1939, and ending June 30, 1941, the sum of Eight Hundred Seventy Thousand Dollars ($870,000.00).

For the Institution for the Feeble-Minded, during the biennium beginning July 1, 1939, and ending June 30, 1941, the sum of Two Hundred Sixteen Thousand Dollars ($216,000.00).

For the Tuberculosis Sanatorium, during the biennium beginning July 1, 1939, and ending June 30, 1941, the sum of Two Hundred Twenty-two Thousand Dollars ($222,000.00).

SECTION 2. REPEAL.) All acts or parts of acts in conflict herewith are hereby repealed, providing that Sections 2568, 2569, and 2570 of the Compiled Laws of North Dakota for 1913 are not to be repealed by this Act, said Act only being for the purpose of assisting the counties in making such payments, required of them, during said biennium, and to provide for such patients during said biennium.

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 be re-referred to the Committee on Appropriations.

N. P. JENSEN, Chairman.

Rep. Skartvedt moved that the report be adopted, which motion prevailed and the report was adopted.

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

House Bill No. 272, have had the same under consideration and recommend that the same be indefinitely postponed.

W. M. CROCKETT, Chairman.

Rep. Knutson moved that the report be adopted, which motion prevailed, and the report was adopted.

Rep. Fitch moved that the vote by which House Bill No. 272 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on Taxes and Tax Laws to whom was referred:

House Concurrent Resolution No. 278, have had the same under consideration and recommend that the same be returned to the floor of the House without any recommendation whatsoever.

N. P. JENSEN, Chairman.

Rep. Culver moved that the report be adopted.

Rep. Scholl moved that House Concurrent Resolution No. 278 be indefinitely postponed for the reason that another resolution covering the same subject and properly drawn would be introduced, which motion prevailed.

Mr. Speaker: Your Committee on Cities and Municipal corporations to whom was referred:

House Bill No. 275, have had the same under consideration and recommend that the same be indefinitely postponed.

FRANK FLETCHER, Chairman.

Rep. Stone moved that the report be adopted, which motion prevailed and the report was adopted.

Rep. Stone moved that the vote by which House Bill No. 275 was indefinitely postponed be reconsidered and the motion be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on Insurance to whom was referred:

House Bill No. 282, have had the same under consideration and recomend that the same be indefinitely postponed.

PETER PETERSON, Chairman.

Rep. Knutson moved that the report be adopted, which motion prevailed, and the report was adopted.

Rep. Shure moved that House Bill No. 284 be re-referred to the Committee on Cities and Municipal Corporations, which motion prevailed.

The Committee on Taxes and Tax Laws made the following report:

Mr. Speaker: 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 indefinitely postponed.

N. P. JENSEN, Chairman.

Rep. Rohde moved that the report be adopted, which motion prevailed, and the report was adopted.

Rep. Rohde moved that the vote by which Senate Bill No. 97 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

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

Senate Bill No. 112, have had the same under consideration and recommend that the same do pass.

CARL H. DITTMER, Chairman.

Rep. Stormon moved that the report be adopted, which motion prevailed, and the report was adopted.

## HOUSE COMMITTEE ON ENROLLMENT AND ENGROSSMENT

Mr. Speaker: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bill and find the same correctly Engrossed:

House Bill No. 79.

OLAF OSTGULEN, Chairman.

Rep. Ostgulen moved that the report be adopted, which motion prevailed, and the report was adopted.

## MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, February 11, 1939.

Mr. Speaker: I have the honor to return:

House Bill No. 245. A Bill for an Act to Repeal Chapter 165 of the Session Laws of the State of North Dakota for the Year 1937, Relating to the Operation of Motion Picture Theatres, and Declaring an Emergency.

Which the Senate has passed unchanged.

WM. J. LOWE, Secretary.

Rep. Bergesen requested that the House be on the Seventh Order of Business, which request was granted.

Rep. Bergesen moved that the Speaker appoint a committee of two to interview the proper authorities to see that a normal temperature is maintained in the House assembly room, which motion prevailed.

The Speaker appointed on that committee Representatives Bergesen and Lange.

Rep. Fitch moved that the Speaker appoint a committee of three to take up a collection for flowers for those members who are ill in the hospital, which motion prevailed and the Speaker appointed on that committee Representatives Fitch, Panko and Johnson of LaMoure.

## SIGNING OF BILLS

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 66. A Bill for an Act to Repeal Section 17, Chapter 27, of the Session Laws of 1929 Relating to the Standing Appropriation for the Supreme Court Commissioner.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 60. A Bill for an Act to Amend and Reenact Section 9, of Chapter 213, of the 1935 Session Laws, Providing That State and Municipal Officers and Employees Shall Not Lose Pay While on Duty, and Including Therein Members of the Officers Reserve Corps of the United States and Repealing All Acts or Parts of Acts in Conflict Therewith, and Declaring an Emergency.

And the Speaker signed the same in the presence of the House.

## MESSAGE TO THE SENATE

House of Representatives,
Bismarck, February 11, 1939.

Mr. President: I have the honor to return:

Senate Bill No. 60. A Bill for an Act to Amend and Reenact Section 9, of Chapter 213, of the 1935 Session Laws, Providing That State and Municipal Officers and Employees Shall Not Lose Pay While on Duty, and Including Therein Members of the Officers Reserve Corps of the United States and Repealing All Acts or Parts of Acts in Conflict Therewith, and Declaring an Emergency.

Senate Bill No. 66. A Bill for an Act to Repeal Section 17, Chapter 27, of the Session Laws of 1929 Relating to the Standing Appropriation for the Supreme Court Commissioner.

Which the Speaker has signed.

MINNIE D. CRAIG, Chief Clerk.

## FIRST READING OF HOUSE BILLS

Rep. Ritter introduced:

House Bill No. 333. A Bill for an Act Imposing a Tax Upon Cigars, Providing for Reports by Vendors, Prescribing Penalties, and Providing That the Proceeds of Such Tax Shall be Paid Into the General Fund of the State and Declaring an Emergency.

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

Reps. Ireland, Solberg and Kluver introduced:

House Bill No. 334. A Bill for an Act to Amend and Reenact Section 686 of the 1925 Supplement to the 1913 Compiled Laws of the State of North Dakota, Relating to Filing

of Complaints for Removal of Public Officials by the Governor; Declaring an Emergency.

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

Reps. Kluver, Moe, Dike, Myers introduced:

House Bill No. 335. A Bill for an Act Requiring the Operators of All Public Dance Places, Road Inns, Liquor Parlors, Including All Places Where Intoxicating Liquors Are Served, Are Permitted to be Consumed, and Including Night Clubs, and Places Where Meals Are Served and Dancing is Permitted, to Obtain a License Therefor, in All Places Outside of Cities and Incorporate Villages; Providing a Penalty for the Violation Thereof; Providing for the Distribution of Revenue Therefrom; Providing for Cancellation of Licenses; and Declaring an Emergency.

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

Reps. Byrne, Crockett, Stone introduced:

House Bill No. 336. A Bill for an Act Requiring Drivers and Operators of School Busses to Equip the Same With Certain Safety Devices, Requiring School Boards to Inspect Such Busses, Providing a Penalty for Failure to Comply and Declaring an Emergency.

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

Rep. Bergesen introduced:

House Bill No. 337. A Bill for an Act Amending and Reenacting Section 4444 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, Relating to the Consent of Parents or Guardians of Children Involved in Adoption Proceedings, Relating to the Giving of Consent Therein by the State Board of Administration, Providing Service of Notice of Such Adoption Proceedings Upon Such Parents, Guardians and or Said Board of Administration, and Providing for Exceptions Thereto; Providing for Method by Which Decrees of Adoption May Be Attacked and Time When Such Proceedings Therefor May be Commenced; Specifying the Procedure by Which Custody of Children Involved in Such Proceedings May be Changed; and Declaring that an Emergency exists.

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

Rep. Schmidt of McHenry introduced:

House Bill No. 338. A Bill for an Act Requiring Insurance Companies, Before Paying any Losses Upon Property, Covered by Fire or Windstorm Insurance Written by Them, to Determine Prior to Paying Such Losses, the taxes owing Upon the Insured and Destroyed Property, Both Real and Personal, and Requiring All Such Delinquent Taxes to be a First and Prior Lien Upon the Destroyed Property of Such Insured, and Requiring the Payment of Such Taxes From Such Insurance, Fixing the Insurer's Liability for Failure to comply therewith, and Providing that Actions May be Brought by the Counties for the Collection of Such Taxes From the Insured; 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.

Reps. Gray and Bergesen introduced:

House Bill No. 339. A Bill for an Act Providing That the State of North Dakota May Enter Into a Compact With Any of the United States for Mutual Helpfulness in Relation to Persons Convicted of Crime or Offenses Who May be on Probation or Parole; Providing Certain Terms Thereof; Saving Clause.

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

Reps. Moe and Lunde introduced:

House Bill No. 340. A Bill for an Act to Amend and Reenact Sections 528 and 536 of Chapter 261 of the Session Laws of the State of North Dakota for the Year 1923.

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

Reps. Schauss, Schimke, Sharpe and Haugland introduced:

House Bill No. 341. A Bill for an Act Assessing and Levying From April 1, 1939, to July 1, 1941, on All Licensed Dealers of Motor Vehicle Fuels, a Special License Tax of One Cent Per Gallon of Motor Vehicle Fuels Used or Sold by Them in Addition to All Other Taxes Now Imposed Upon Them, Appropriating the Proceeds of Such Special Tax to The State Highway Fund for Specific Purposes, Making All Provisions of Initiated Measures Approved July 30, 1926 and Known as the "Motor Vehicle Fuel Tax Law," Other Than Division of Proceeds Between the State and Counties and for Costs of Administration and Collection, Applicable to Said Special License Tax and Declaring an Emergency.

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

Reps. Ireland and Solberg introduced:

House Concurrent Resolution No. 342. A Concurrent Resolution Authorizing the Industrial Commission to Lease the State Mill and Elevator to the Farmers Union Grain Terminal Association.

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

Rep. Schauss introduced:

House Bill No. 343. A Bill for an Act Pertaining to Conditional Sales and Making Uniform the Law Relating Thereto; Repealing All Inconsistent Acts, and Declaring an Emergency.

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

Reps. Skartvedt, Hofstrand and Saumur introduced:

House Bill No. 344. A Bill for an Act Establishing and Creating a Highway Aid Commission of North Dakota; Defining the Powers and Duties of Such Commission; Providing for the Issuance and Sale of State of North Dakota Highway Debentures in Anticipation of the Collection of an Excise Tax Upon Motor Vehicle Fuels and Payable Solely From the State's Share of Such Tax, the Proceeds to Be Used for the Construction, Reconstruction, Maintenance or Repair of the Roads and Highways of the State of North Dakota, or for Refunding Debentures; Prescribing the Terms and Conditions and Regulating the Sale Thereof, and Providing for the Repayment of Both Principal and

Interest of Such Debentures or Refunding Debentures; Fixing Penalties for the Violations of This Act, 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.

Reps. Skartvedt, Hofstrand and Saumur introduced:

House Bill No. 345. A Bill for an Act to Provide for State Highway Treasury Anticipation Debentures, Authorizing the Issuance of Said Debentures of the State of North Dakota in the Principal Sum of Four Million One Hundred Thousand Dollars at Such Times and in Such Amounts Up to the Said Principal Sum, as Shall From Time to Time Be Required for the Purpose Hereinafter Set Forth, Providing for the Sale Thereof for the Use of the State Highway Fund in Matching Federal Highway Grants; Providing for the Sale and Issuance Thereof By a Debenture Board Herein Created; Providing for the Repayment of Both Principal and Interest of Such Debentures; and for the Pledging and Setting Aside of a Sufficient Amount of the Receipts of a Debenture Tax on the Motor Vehicle Fuel Herein Provided for, to Pay the Same From the State Highway Treasury Redemption Fund Herein Created; Providing for the Creation of a Liability Binding the State of North Dakota Not to Reduce the Debenture Tax on Motor Vehicle Fuel Herein Provided in the Amount of One Cent Per Gallon on All Such Motor Fuel Used in Propelling Motor Vehicles Upon the Highways of the State of North Dakota, Until After the Accrual of a Sufficient Amount of Money in Such Highway Treasury Redemption Fund as Will Pay in Full the Principal and Interest of Such Debentures Lawfully Issued Under the Authority Hereof, and Declaring an Emergency.

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

Reps. Johnson of Cass, Trydahl, Williams of Richland and Holthusen introduced:

House Bill No. 346. A Bill for an Act Requiring and Fixing Hours of Labor Per Week of All State, County and Municipal Officers and Employees and Providing for Deduction of Salary and Pay.

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

Rep. Schimke introduced:

House Bill No. 347. A Bill for an Act Regulating the Speed of Trains Operating in the State of North Dakota, Providing That When Any Train Operating in the State of North Dakota is Behind Schedule, Such Train Shall Not Proceed Faster Than Fifty (50) Miles Per Hour, and Providing a Penalty for the Violation Thereof.

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

Rep. Schimke introduced:

House Bill No. 348. A Bill for an Act Regulating the Length of Trains Operating in the State of North Dakota, Providing That no Train Shall Contain More Than Forty Cars, and Limiting the Number of Cars to Be Transported, and Providing a Penalty for the Violation Thereof.

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

Reps. Gray and Bergesen introduced:

House Bill No. 349. A Bill for an Act to Make Uniform the Law on Fresh Pursuit and Authorizing This State to Co-operate With Other States Therein; Providing for Arrests in This State by Officers of Other States, Defining the Terms "Fresh Pursuit," Providing for Certification to Other States; Saving Clause.

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

Rep. Ista introduced:

House Bill No. 350. A Bill for an Act Defining and Relating to Narcotic Drugs and to Make Uniform the Law With Reference Thereto; Prohibiting the Making, Using or Possessing of Narcotic Drugs Except by License; Providing for the Licensing Thereof; Providing for Use by Physicians, Dentists and Veterinarians; Setting Forth Exceptions to the Act; Providing for Records to Be Kept by Authorized Persons; Providing Regulations as to Apothecaries; Defining Common Nuisance in Connection Herewith; Providing for the Disposition of Narcotic Drugs Seized by Authorities; Forbidding the Procuring of Such Drugs by Fraud or Deceit; Placing Certain Burdens of Proof Upon the Defendant; Providing for Co-operation With Other Authorities; Providing Penalties for Violations 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 Public Welfare.

Reps. Brown and Morland introduced:

House Bill No. 351. A Bill for an Act to Amend and Re-enact Sub-section 7 of Section 2346a18 of the Supplement to the Compiled Laws of 1913, as Amended, and Re-enacted by Sub-section 7, of Section 2346a18, of Chapter 283 of the 1931 Session Laws, as Amended by Section 4, of Chapter 271, of the 1935 Session Laws and as Amended by Section 4, of Chapter 241 of the 1937 Session Laws, Relating to the Taxation of the Income of Individuals, Fiduciaries and Corporations and Repealing Section 4, of Chapter 241 of the 1937 Session Laws, and All Other 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.

Reps. Adam and Shure introduced:

House Bill No. 352. A Bill for an Act to Amend and Re-enact Section 4873, of the Compiled Laws of North Dakota for the Year 1913.

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

The Committee on Public Welfare introduced:

House Bill No. 353. A Bill for an Act to Amend and Re-enact Sections 13 and 14, of Chapter 97 of the Session Laws of 1933, as Amended by Chapter 119 of the Session Laws of 1935, Relating to the Administration of County Poor Relief; and Declaring an Emergency.

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

Reps. Ritter, Skartvedt, Anderson of McKenzie, Holthusen and Crockett introduced:

House Bill No. 354. A Bill for an Act for the Regulation of Motor Trucks, Trailers, Semi-Trailers, and Busses, Relative to Size and Weights of Vehicles and Loads, and to the Taxation and Licensing of Such Vehicles in Operation Upon the Highways of This State; and Amending and Re-enacting Sub-sections (c), (e) and (f) of Section 36, of Chapter 162 of the Session Laws of 1927, as Amended by Chapter 185, of the Session Laws of 1935, and Sub-sections (b) of Section 25, of Chapter 179, of the Session Laws of 1927, as Amended by Section 5, of Chapter 186 of the Session Laws of 1931; and Repealing Sub-section (c) of Section 25, of Chapter 179, of the 1927 Session Laws, as Amended by Chapter 180 of the Session Laws of 1935, and Sub-sections (d), (e), and (f), of Section 25, of Chapter 179, of the Session Laws of 1927; and Repealing All Other Acts or Parts of Acts in Conflict Herewith.

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

Rep. Anderson of Benson, (by request), introduced:

House Bill No. 355. A Bill for an Act Providing for Direct Liability of the Insurer to Persons Entitled to Recover for Death, for Injuries to Persons, or Damages to Property, Coused by the Negligent Maintenance, Use or Operation of Motor Vehicles, Limiting the Amount of Liability; Imposing Duty to Disclose Existence of Insurance; Authorizing the Persons Entitled to Recover Such Damages to Join the Insurer in Single Action Against Owner or Operator of Motor Vehicle; Declaring Conditions and Covenants in Liability Contracts or Policies of Insurance, Limiting or Restricting Such Rights, or Which Are Violative of the Provisions of This Act as Against Public Policy and Void and Providing for Repeal of All Acts in Conflict Herewith.

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

Rep. Fitch moved that House Bill No. 74 be returned to the Senate for correction, which motion prevailed.

The House reverted to the Fifth Order of Business.

## REPORTS OF STANDING COMMITTEES

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

House Bill No. 128, have had the same under consideration and recommend that the same be amended as follows:

On page 436, in House Journal in Amended Bill, Section 25, line 3, after the word "five" strike out the following words "seven or nine."

In line 3, after the word and figure "members" strike out the following words "Not less than one of such members shall be a County Commissioner as designated by such board of County Commissioners" and insert in lieu thereof the following "A majority of such Board shall be County Commissioners."

And when so amended recommend the same do pass.

W. M. CROCKETT, Chairman.

Rep. Twichell moved that the report be adopted, which motion prevailed, and the report was adopted.

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

House Bill No. 213, have had the same under consideration and recommend that the same be indefinitely postponed.

W. M. CROCKETT, Chairman.

Rep. Joiner moved that the report be adopted, which motion prevailed, and the report was adopted.

Rep. Bolmeier moved that the vote by which House Bill No. 213 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

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

House Bill No. 252, have had the same under consideration and recommend that the same be amended as follows:

Strike out all of the Bill as introduced after the words "A Bill" and insert in place thereof the following: "For an Act Prescribing Additional Regulations as to the Driving of School Busses; Penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. ADDITIONAL REGULATIONS GOVERNING SCHOOL BUSSES.) That the driver of every school bus operated in the State of North Dakota, shall be and hereby is required upon approach of any railroad grade crossing, to bring the same to a complete stop before reaching the tracks thereof, and to step down and out of such vehicle and proceed to the center of such track and ascertain if any train is approaching. Any failure or neglect so to do shall constitute a misdemeanor and be punishable as such."

And when so amended recommend the same do pass.

W. M. CROCKETT, Chairman.

Rep. Joiner moved that the report be adopted, which motion prevailed, and the report was adopted.

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

House Bill No. 283, have had the same under consideration and recommend that the same be indefinitely postponed.

W. M. CROCKETT, Chairman.

Rep. Twichell moved that the report be adopted, which motion prevailed, and the report was adopted.

Rep. Fitch moved that the vote by which House Bill No. 283 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

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

House Bill No. 206, have had the same under consideration and recommend that the same be indefinitely postponed.

W. M. CROCKETT, Chairman.

Rep. Holthusen moved that the report be adopted, which motion prevailed, and the report was adopted.

Rep. Stone moved that the vote by which House Bill No. 206 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on State Affairs to whom was referred House Bill No. 50, have had the same under con-

sideration 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 Providing for the Exclusive Wholesaling of Liquor by the State of North Dakota, Through the State Industrial Commission; Fixing the Powers of the Industrial Commission Relating Thereto; Authorizing Such Industrial Commission to Engage in the Wholesale Alcoholic Liquor Business in the State of North Dakota, and in Behalf of the State and Authorizing Such Commission to Promulgate Rules and Regulations and to do All Things Necessary in Carrying Out the Provisions Hereof; Authorizing the Commission to Acquire by Lease, Purchase, or Other Lawful Means, Any Real Estate, or Equipment, Necessary to Accomplish the Purpose Hereof, and Empowering Said Commission to Use Any Buildings and Equipment, Now Owned by the State, in Carrying on the Work of Other Departments Thereof; and Not Inconsistent With the Work of Such Other Departments, in Carrying Out the Requirements of Such Wholesaling of Alcoholic Liquors; Prohibiting Other Wholesaling of Other Alcoholic Liquors; Providing the Industrial Commission With Exclusive Powers Therein, Such Act Being for the Purpose of Properly Regulating the Wholesaling of Alcoholic Products, and for the Purpose of Raising Revenues Therefrom; and Providing for Distribution Thereof, Making an Appropriation Therefor, and Providing a Penalty; Saving Clause; 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. THE INDUSTRIAL COMMISSION TO ENGAGE IN THE EXCLUSIVE WHOLESALING OF INTOXICATING LIQUORS.) Immediately upon this Act becoming effective, the State Industrial Commission, for the Purpose of More Properly regulating the selling of alcoholic liquors, and for the further purpose of deriving revenue therefrom, necessary in carrying on the governmental functions of the State, shall engage in the wholesaling of alcoholic liquors, and shall provide all necessary rules and regulations therefor, including the purchasing or leasing of the required building and equipment, and employing the necessary labor, in carrying out the same.

SECTION 2. DUTIES AND POWERS OF INDUSTRIAL COMMISSION IN THE WHOLESALING OF ALCOHOLIC LIQUORS.) The State Industrial Commission, under this Act, shall, in addition to its general powers, have the following additional and specific powers and duties, to-wit:

(1) To Purchase, import, rectify and blend, and possess for the purpose of selling at wholesale, all intoxicating liquors, providing that the purchasing thereof shall be for cash, and further providing no such

purchases shall be made, except upon the unanimous vote of the members of the Commission.

(2) To lease, purchase or provide for the use of, in any other lawful manner, any land, building, equipment, and supplies reasonably necessary to carry out the provisions hereof, including the right to use and employ any buildings and equipment, now owned by the State of North Dakota, when such additional use will not conflict with the uses for which such properties are now provided and used by the State.

(3) To employ such clerical help, and other employees, and to fix their salaries, necessary hereunder.

(4) To sign and execute in the name of the State of North Dakota, any and all contracts or agreements authorized by this Act, and necessary in carrying out these provisions.

(5) To keep a complete record of all proceedings, hereunder, and to have the records pertaining hereto duly preserved, and examined by such Commission, at least once a year.

(6) It shall be unnecessary for the Commission to call for bids, in leasing or purchasing the equipment, required in providing for such wholesaling of liquor, such purchases to be made in the same manner as other supplies and purchases are made for the State.

SECTION 3. COMMISSION TO HAVE POWER TO MAKE RULES AND REGULATIONS, IN WHOLESALING LIQUOR.) The Industrial Commission may make such rules and regulations, not inconsistent with this Act, which may seem, to the members thereof, expedient and necessary for the carrying out of the provisions hereof, and for the administration of the same. The Commission shall regulate the management, equipment and merchandise of the warehouse, in and from which intoxicating liquors shall be transported, kept or sold.

SECTION 4. THE COMMISSION TO REGULATE THE SELLING OF INTOXICATING LIQUORS.) The Industrial Commission shall regulate the selling of intoxicating liquors, to retailers, and shall make such sales to licensed retail dealers, only; such Commission shall determine the classes, variation, and the blends of intoxicating liquors to be so sold at wholesale.

SECTION 5. INDUSTRIAL COMMISSION TO FIX WHOLESALING PRICES.) The Industrial Commission shall fix and determine the wholesale prices for which intoxicating liquors shall be sold to retailers.

SECTION 6. WHOLESALING OF INTOXICATING LIQUORS BY INDUSTRIAL COMMISSION TO BE EXCLUSIVE.) No person,

firm or corporation, after this act becomes effective, shall engage in the wholesaling of intoxicating liquors, such wholesaling of intoxicating liquors to be carried on exclusively by the State of North Dakota, through its Industrial Commission.

SECTION 7. APPROPRIATION.) There is hereby appropriated out of any moneys in the State Treasury, not already otherwise appropriated, the sum of Two Hundred Thousand Dollars ($200,000.00) to be used by the State Industrial Commission in carrying out the provisions hereof.

SECTION 8. DISTRIBUTION OF REVENUE.) All moneys received by the Industrial Commission, by virtue of this Act, shall be paid over to the State Treasurer and credited to the General funds of the State.

SECTION 9. PENALTY.) The selling of intoxicating liquors, at wholesale, by any person, firm, or corporation, other than as is herein provided, is hereby made a misdemeanor, punishable by fine of not more than Five Hundred Dollars ($500.00) or by imprisonment in the County Jail for not to exceed one year, or by both such fine or imprisonment.

SECTION 10. SAVING CLAUSE.) It is hereby declared that if any of the provisions of this Act in any manner contravene or are violative of the Constitution, the remaining provisions shall not be effected by such invalidity, but shall remain in full force and effect.

SECTION 11. REPEALING CLAUSE.) All Acts or parts of Acts in conflict herewith are hereby repealed.

SECTION 12. EMERGENCY.) This Act is hereby declared to be an Emergency measure, and shall be in full force and effect from and after the date of its passage and approval.

And when so amended recommend the same do pass.

W. M. CROCKETT, Chairman.

Rep. Lange moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: A majority of your Committee on State Affairs to whom was referred House Bill No. 241, have had the same under consideration and recommend that the same be indefinitely postponed.

A. DALZELL
ALVA WAMBHEIM
J. D. HOLTHUSEN
A. H. NYSTROM
H. C. WILLIAMS (Richland)
GEORGE SAUMUR
JOS. BYRNE
L. L. TWICHELL
R. R. SCHOLL.

Mr. Speaker: A minority of your Committee on State Affairs to whom was referred House Bill No. 241, have had

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

ALGOT JOHNSON (LaMoure)
D. FRASER
W. H. TUFF
G. H. LANGE
J. M. JOINER
P. LEVIN
A. HALVORSON
E. T. KNUTSON.

Rep. Saumur moved that the report of the majority be adopted.

Rep. Joiner moved that the report of the minority be substituted for the report of the majority, which motion was lost.

The question being on the adoption of the report of the majority that House Bill No. 241 be indefinitely postponed, the motion prevailed.

Rep. Nelson of Cass moved that the vote by which House Bill No. 241 was indefinitely postponed be reconsidered, and the motion to reconsider be laid on the table, which motion prevailed.

## SECOND READING OF HOUSE BILLS

House Bill No. 23. 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.

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, 85; nays, 0; absent and not voting, 26.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Anderson,M'K'nzie | Gray | Ostgulen |
| Anfinson | Haag | Page |
| Arneson, Nelson | Haugland | Panko |
| Arneson, Ramsey | Heckman | Peterson, Ransom |
| Beede | Hofstrand | Rait |
| Belzer | Holm | Rettke |
| Benno | Holthusen | Rohde |
| Bergesen | Ista | Saumur |
| Billigmeier | Jensen | Schauss |
| Blair | Johnson, LaMoure | Schmidt, McHenry |
| Bolmeier | Joiner | Schmidt, Sheridan |
| Boulden | Keller | Scholl |
| Braun, McLean | Kluver | Schwartz |
| Braun, Stark | Knutson | Sellens |
| Brown | Lange | Sharpe |
| Buchholz | Lunde | Shure |
| Byrne | McInnes | Singleton |
| Crockett | McIntee | Solberg |
| Culver | McIntyre | Stone |
| Dalzell | Myers | Thompson, Steele |
| Dike | Mittag | Trydahl |
| Dittmer | Moe | Tuff |
| Erickson | Mollet | Twichell |

| | | |
|---|---|---|
| Feton | Nelson, Cass | Wambheim |
| Fitch | Nelson, Dickey | Westby |
| Fletcher | Nelson, Steele | Williams, Richland |
| Fraser | Nystrom | Williams, Stutsm'n |
| Gainor | Oglesby | Mr. Speaker |
| Glas | | |

Absent and not voting:

| | | |
|---|---|---|
| Adam | Levin | Severson |
| Anderson, Benson | Morland | Skartvedt |
| Bingenheimer | O'Brien | Sticka |
| Fuglestad | Odegard | Stormon |
| Halvorson | Peterson, Bottineau | Symington |
| Hultstrand | Ritter | Thompson, Burl'gh |
| Ireland | Sand | Urschel |
| Johnson, Cass | Schimke | Wolf |
| Larson | Semerad | |

So the bill passed and the title was agreed to.

Rep. Bergesen requested that the House be on the Sixth Order of Business, which request was granted.

Rep. Bergesen: Mr. Speaker: Your committee of two instructed to make an investigation in regard to the maintenance of the proper temperature in the House assembly room wishes to report that it has conferred with authorities of the Board of Administration and that the request of the House will be granted, and moves that that committee be now discharged, which motion prevailed.

## MESSAGE TO THE SENATE

House of Representatives,
Bismarck, February 11, 1939.

Mr. President: I have the honor to return:

House Bill No. 74. A Bill for an Act Making a Deficiency Emergency Appropriation for Relief of Destitute and Necessitous Persons of the State of North Dakota for the Months of December, 1938, and January and February, 1939, as Provided by Chapter 214 of the Session Laws of 1937, Declaring an Emergency.

For a legible report of amendments.

MINNIE D. CRAIG, Chief Clerk.

## SECOND READING OF HOUSE BILLS

House Bill No. 24. 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, 81; nays, 0; absent and not voting, 30.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Anderson, M'K'nzie | Gray | Ostgulen |
| Anfinson | Haag | Page |
| Arneson, Nelson | Halvorson | Panko |
| Arneson, Ramsey | Haugland | Peterson, Bottineau |
| Beede | Heckman | Rait |

| | | |
|---|---|---|
| Belzer | Hofstrand | Rettke |
| Benno | Holm | Rohde |
| Bergesen | Holthusen | Saumur |
| Billigmeier | Ista | Schmidt, McHenry |
| Blair | Jensen | Schmidt, Sheridan |
| Bolmeier | Johnson, LaMoure | Schimke |
| Boulden | Joiner | Schwartz |
| Braun, McLean | Keller | Sellens |
| Braun, Stark | Kluver | Semerad |
| Brown | Lange | Sharpe |
| Buchholz | Lunde | Shure |
| Crockett | McInnes | Singleton |
| Culver | McIntee | Solberg |
| Dalzell | McIntyre | Stone |
| Dike | Myers | Thompson, Steele |
| Dittmer | Mittag | Tuff |
| Erickson | Mollet | Twichell |
| Feton | Nelson, Cass | Wambheim |
| Fletcher | Nelson, Dickey | Westby |
| Fraser | Nelson, Steele | Williams,Richland |
| Gainor | Nystrom | Williams,Stutsm'n |
| Glas | Oglesby | Mr. Speaker |

Absent and not voting:

| | | |
|---|---|---|
| Adam | Larson | Scholl |
| Anderson, Benson | Levin | Severson |
| Bingenheimer | Moe | Skartvedt |
| Byrne | Morland | Sticka |
| Fitch | O'Brien | Stormon |
| Fuglestad | Odegard | Symington |
| Hultstrand | Peterson, Ransom | Thompson,Burl'gh |
| Ireland | Ritter | Trydahl |
| Johnson, Cass | Sand | Urschel |
| Knutson | Schauss | Wolf |

So the bill passed and the title was agreed to.

House Bill No. 31. 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, 80; nays, 0; absent and not voting, 31.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Anderson,M'K'nzie | Haag | Page |
| Anfinson | Halvorson | Panko |
| Arneson, Nelson | Haugland | Peterson, Ransom |
| Arneson, Ramsey | Heckman | Rait |
| Beede | Hofstrand | Rettke |
| Belzer | Holm | Rohde |
| Benno | Holthusen | Saumur |
| Bergesen | Jensen | Schauss |
| Billigmeier | Johnson, LaMoure | Schmidt, McHenry |
| Blair | Joiner | Schmidt, Sheridan |
| Bolmeier | Keller | Schimke |
| Boulden | Kluver | Schwartz |
| Braun, McLean | Lange | Severson |
| Braun, Stark | Lunde | Sharpe |

| | | |
|---|---|---|
| Brown | McInnes | Shure |
| Buchholz | McIntee | Singleton |
| Byrne | McIntyre | Solberg |
| Culver | Myers | Stone |
| Dalzell | Mittag | Thompson, Steele |
| Dike | Moe | Tuff |
| Erickson | Mollet | Twichell |
| Feton | Nelson, Cass | Wambheim |
| Fletcher | Nelson, Dickey | Westby |
| Fraser | Nelson, Steele | Williams,Richland |
| Gainor | Nystrom | Williams,Stutsm'n |
| Glas | Oglesby | Mr. Speaker |
| Gray | Ostgulen | |

Absent and not voting:

| | | |
|---|---|---|
| Adam | Knutson | Sellens |
| Anderson, Benson | Larson | Semerad |
| Bingenheimer | Levin | Skartvedt |
| Crockett | Morland | Sticka |
| Dittmer | O'Brien | Stormon |
| Fitch | Odegard | Symington |
| Fuglestad | Peterson,Bottineau | Thompson,Burl'gh |
| Hultstrand | Ritter | Trydahl |
| Ireland | Sand | Urschel |
| Ista | Scholl | Wolf |
| Johnson, Cass | | |

So the bill passed and the title was agreed to.

House Bill No. 46. A Bill for an Act Making an Appropriation Out of the Teachers' Insurance and Retirement Fund in the State Treasury for Operation and Maintenance, Equipment, Supplies, Travel and Miscellaneous Expenses for the Teachers' Insurance and Retirement 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, 82; nays, 0; absent and not voting, 29.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Anderson,M'K'nzie | Halvorson | Panko |
| Anfinson | Haugland | Peterson, Ransom |
| Arneson, Nelson | Heckman | Rait |
| Arneson, Ramsey | Hofstrand | Rettke |
| Beede | Holm | Rohde |
| Belzer | Holthusen | Saumur |
| Benno | Ista | Schauss |
| Bergesen | Jensen | Schmidt, McHenry |
| Billigmeier | Johnson, LaMoure | Schmidt, Sheridan |
| Blair | Joiner | Schimke |
| Bolmeier | Kluver | Scholl |
| Boulden | Knutson | Schwartz |
| Braun, McLean | Lange | Sellens |
| Braun, Stark | Lunde | Severson |
| Brown | McInnes | Sharpe |
| Buchholz | McIntee | Shure |
| Byrne | McIntyre | Singleton |
| Dalzell | Myers | Solberg |
| Dike | Mittag | Stone |
| Dittmer | Moe | Thompson, Steele |

| | | |
|---|---|---|
| Erickson | Mollet | Tuff |
| Feton | Nelson, Cass | Twichell |
| Fletcher | Nelson, Dickey | Wambheim |
| Fraser | Nystrom | Westby |
| Gainor | Oglesby | Williams, Stutsm'n |
| Glas | Ostgulen | Williams, Richland |
| Gray | Page | Mr. Speaker |
| Haag | | |

Absent and not voting:

| | | |
|---|---|---|
| Adam | Keller | Semerad |
| Anderson, Benson | Larson | Skartvedt |
| Bingenheimer | Levin | Sticka |
| Crockett | Morland | Stormon |
| Culver | Nelson, Steele | Symington |
| Fitch | O'Brien | Thompson, Burl'gh |
| Fuglestad | Odegard | Trydahl |
| Hultstrand | Peterson, Bottineau | Urschel |
| Ireland | Ritter | Wolf |
| Johnson, Cass | Sand | |

So the bill passed and the title was agreed to.

Rep. Westby moved that the House do now recess for a fifteen minute period, which motion prevailed and the House recessed.

The House reconvened pursuant to fifteen minute recess taken and the Speaker announced that the House would continue on the Eleventh Order of Business.

House Bill No. 223. A Bill for an Act to Amend and Reenact Section 4847 of the Civil Code of the Compiled Laws of North Dakota for 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, 81; nays, 2; absent and not voting, 28.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Anderson, M'K'nzie | Gray | Ostgulen |
| Anfinson | Haag | Page |
| Arneson, Nelson | Halvorson | Panko |
| Arneson, Ramsey | Haugland | Peterson, Bottineau |
| Belzer | Heckman | Peterson, Ransom |
| Benno | Hofstrand | Rait |
| Bergesen | Holm | Rohde |
| Billigmeier | Holthusen | Saumur |
| Bingenheimer | Ista | Schauss |
| Blair | Johnson, LaMoure | Schimke |
| Bolmeier | Keller | Schmidt, Sheridan |
| Boulden | Kluver | Scholl |
| Braun, McLean | Knutson | Schwartz |
| Braun, Stark | Lange | Sellens |
| Brown | Levin | Severson |
| Buchholz | Lunde | Sharpe |
| Byrne | McInnes | Shure |
| Culver | McIntee | Singleton |
| Dalzell | McIntyre | Solberg |
| Dike | Mittag | Stone |
| Dittmer | Moe | Thompson, Steele |

| | | |
|---|---|---|
| Erickson | Mollet | Tuff |
| Fitch | Nelson, Cass | Twichell |
| Fletcher | Nelson, Dickey | Wambheim |
| Fraser | Nelson, Steele | Williams, Richland |
| Gainor | Nystrom | Williams, Stutsm'n |
| Glas | Oglesby | Mr. Speaker |

Those voting in the negative were:

| | |
|---|---|
| Myers | Schmidt, McHenry |

Absent and not voting:

| | | |
|---|---|---|
| Adam | Joiner | Skartvedt |
| Anderson, Benson | Larson | Sticka |
| Beede | Morland | Stormon |
| Crockett | O'Brien | Symington |
| Feton | Odegard | Thompson, Burl'gh |
| Fuglestad | Rettke | Trydahl |
| Hultstrand | Ritter | Urschel |
| Ireland | Sand | Westby |
| Jensen | Semerad | Wolf |
| Johnson, Cass | | |

So the bill passed and the title was agreed to.

Rep. Buchholz moved that House Bill No. 244 be taken off the calendar and re-referred to the Committee on Education for further consideration, which motion prevailed.

House Bill No. 246. A Bill for an Act to Amend and Reenact Subdivision (5) of Section 4059 of the Compiled Laws of 1913 as Amended by Chapter 180 of the Session Laws of 1929 Relating to Elections and Powers of Park Commissioners; 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, 74; nays, 8; absent and not voting, 28; 1 pass.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Anderson, M'K'nzie | Glas | Nystrom |
| Anfinson | Gray | Oglesby |
| Arneson, Nelson | Haag | Ostgulen |
| Arneson, Ramsey | Halvorson | Page |
| Belzer | Haugland | Panko |
| Benno | Heckman | Peterson, Bottineau |
| Bergesen | Hofstrand | Peterson, Ransom |
| Billigmeier | Holm | Rait |
| Bingenheimer | Holthusen | Saumur |
| Blair | Ista | Schauss |
| Bolmeier | Johnson, LaMoure | Schmidt, Sheridan |
| Boulden | Joiner | Schimke |
| Braun, Stark | Keller | Schwartz |
| Brown | Kluver | Sellens |
| Buchholz | Knutson | Severson |
| Byrne | Levin | Sharpe |
| Culver | Lunde | Shure |
| Dalzell | McInnes | Skartvedt |
| Dike | McIntee | Thompson, Steele |
| Dittmer | McIntyre | Tuff |
| Erickson | Myers | Twichell |

| | | |
|---|---|---|
| Fitch | Mittag | Wambheim |
| Fletcher | Moe | Williams, Stutsm'n |
| Fraser | Nelson, Cass | Mr. Speaker |
| Gainor | Nelson, Steele | |

Those voting in the negative were:

| | | |
|---|---|---|
| Braun, McLean | Rohde | Solberg |
| Lange | Schmidt, McHenry | Williams, Richland |
| Mollet | Singleton | |

Absent and not voting:

| | | |
|---|---|---|
| Adam | Larson | Sticka |
| Anderson, Benson | Morland | Stone |
| Beede | O'Brien | Stormon |
| Crockett | Odegard | Symington |
| Feton | Rettke | Thompson, Burl'gh |
| Fuglestad | Ritter | Trydahl |
| Hultstrand | Sand | Urschel |
| Ireland | Scholl | Westby |
| Jensen | Semerad | Wolf |
| Johnson, Cass | | |

Passed:
Nelson, Dickey

So the bill passed and the title was agreed to.

Rep. Shure 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. 234. A Bill for an Act to Amend and Reenact Section 3802, Compiled Laws of North Dakota for the Year 1913, Relating to Salaries Under the Commission Form of Government.

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, 82; nays, 0; absent and not voting, 29.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Anderson, M'K'nzie | Haag | Oglesby |
| Anfinson | Halvorson | Ostgulen |
| Arneson, Nelson | Haugland | Page |
| Arneson, Ramsey | Heckman | Panko |
| Belzer | Hofstrand | Peterson, Bottineau |
| Benno | Holm | Peterson, Ransom |
| Bergesen | Holthusen | Rait |
| Billigmeier | Ista | Rohde |
| Bingenheimer | Johnson, LaMoure | Saumur |
| Blair | Joiner | Schauss |
| Bolmeier | Keller | Schmidt, McHenry |
| Boulden | Kluver | Schmidt, Sheridan |
| Braun, McLean | Knutson | Schwartz |
| Braun, Stark | Lange | Sellens |
| Brown | Lunde | Severson |
| Buchholz | McInnes | Sharpe |
| Byrne | McIntee | Shure |
| Culver | McIntyre | Singleton |
| Dalzell | Myers | Skartvedt |
| Dike | Mittag | Solberg |

| | | |
|---|---|---|
| Dittmer | Mollet | Thompson, Steele |
| Erickson | Moe | Tuff |
| Fitch | Morland | Twichell |
| Fletcher | Nelson, Cass | Wambheim |
| Fraser | Nelson, Dickey | Williams,Richland |
| Gainor | Nelson, Steele | Williams,Stutsm'n |
| Glas | Nystrom | Mr. Speaker |
| Gray | | |

Absent and not voting:

| | | |
|---|---|---|
| Adam | Larson | Sticka |
| Anderson, Benson | Levin | Stone |
| Beede | O'Brien | Stormon |
| Crockett | Odegard | Symington |
| Feton | Rettke | Thompson,Burl'gh |
| Fuglestad | Ritter | Trydahl |
| Hultstrand | Sand | Urschel |
| Ireland | Schimke | Westby |
| Jensen | Scholl | Wolf |
| Johnson, Cass | Semerad | |

So the bill passed and the title was agreed to.

House Bill No. 79. A Bill for an Act Making an Appropriation for the Purpose of Maintaining and Operating the Bridge Across the Yellowstone River in McKenzie County, North Dakota, Declaring an Emergency.

Was read the second time.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 81; nays, 0; absent and not voting, 30.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Anderson,M'K'nzie | Haag | Oglesby |
| Anfinson | Halvorson | Ostgulen |
| Arneson, Nelson | Haugland | Page |
| Arneson, Ramsey | Heckman | Panko |
| Belzer | Hofstrand | Peterson,Bottineau |
| Benno | Holm | Peterson, Ransom |
| Bergesen | Holthusen | Rait |
| Billigmeier | Ista | Rohde |
| Bingenheimer | Johnson, LaMoure | Saumur |
| Blair | Joiner | Schauss |
| Bolmeier | Keller | Schmidt, McHenry |
| Boulden | Kluver | Schmidt, Sheridan |
| Braun, McLean | Knutson | Scholl |
| Braun, Stark | Lange | Schwartz |
| Brown | Levin | Sellens |
| Buchholz | Lunde | Severson |
| Culver | McInnes | Sharpe |
| Dalzell | McIntee | Shure |
| Dike | McIntyre | Singleton |
| Dittmer | Myers | Skartvedt |
| Erickson | Mittag | Solberg |
| Fitch | Moe | Thompson, Steele |
| Fletcher | Mollet | Tuff |
| Fraser | Nelson, Cass | Wambheim |
| Gainor | Nelson, Dickey | Williams,Richland |
| Glas | Nelson, Steele | Williams,Stutsm'n |
| Gray | Nystrom | Mr. Speaker |

Absent and not voting:

| | | |
|---|---|---|
| Adam | Johnson, Cass | Sticka |
| Anderson, Benson | Larson | Stone |
| Beede | Morland | Stormon |
| Byrne | O'Brien | Symington |
| Crockett | Odegard | Thompson,Burl'gh |
| Feton | Rettke | Trydahl |
| Fuglestad | Ritter | Twichell |
| Hultstrand | Sand | Urschel |
| Ireland | Schimke | Westby |
| Jensen | Semerad | Wolf |

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

Rep. Mollet moved that the vote by which House Bill No. 79 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

The House reverted to the Fifth Order of Business.

## HOUSE COMMITTEE ON ENROLLMENT AND ENGROSSMENT

Mr. Speaker: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bills and find the same correctly Engrossed:

House Bill No. 3.
House Bill No. 71.
House Bill No. 120.

OLAF OSTGULEN, Chairman.

Rep. Ostgulen moved that the report be adopted, which motion prevailed, and the report was adopted.

## SECOND READING OF HOUSE BILLS

House Bill No. 3. 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, 73; nays, 4; absent and not voting, 34.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Anderson,M'K'nzie | Haag | Page |
| Anfinson | Halvorson | Panko |
| Arneson, Nelson | Haugland | Peterson,Bottineau |
| Arneson, Ramsey | Heckman | Peterson, Ransom |
| Belzer | Hofstrand | Rait |
| Benno | Holm | Saumur |
| Bergesen | Holthusen | Schauss |
| Billigmeier | Ista | Schmidt, McHenry |
| Bingenheimer | Joiner | Schmidt, Sheridan |
| Blair | Keller | Schwartz |
| Bolmeier | Kluver | Sellens |
| Braun, Stark | Knutson | Severson |
| Brown | Levin | Sharpe |
| Buchholz | Lunde | Shure |
| Culver | McInnes | Singleton |
| Dalzell | McIntee | Skartvedt |
| Dike | McIntyre | Solberg |
| Dittmer | Myers | Thompson, Steele |

| | | |
|---|---|---|
| Erickson | Mittag | Tuff |
| Fitch | Nelson, Cass | Twichell |
| Fletcher | Nelson, Dickey | Wambheim |
| Fraser | Nystrom | Williams,Richland |
| Gainor | Oglesby | Williams,Stutsm'n |
| Glas | Ostgulen | Mr. Speaker |
| Gray | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Crockett | Mollet | Rohde |
| Moe | | |

Absent and not voting:

| | | |
|---|---|---|
| Adam | Johnson, LaMoure | Scholl |
| Anderson, Benson | Lange | Semerad |
| Beede | Larson | Sticka |
| Boulden | Morland | Stone |
| Braun, McLean | Nelson, Steele | Stormon |
| Byrne | O'Brien | Symington |
| Feton | Odegard | Thompson,Burl'gh |
| Fuglestad | Rettke | Trydahl |
| Hultstrand | Ritter | Urschel |
| Ireland | Sand | Westby |
| Jensen | Schimke | Wolf |
| Johnson, Cass | | |

So the bill passed and the title was agreed to.

House Bill No. 71 was read the second time.

Rep. Williams of Richland: "I wish to have my remarks recorded in the Journal. I think, men, this is one of the most vicious bills ever introduced in this House. I think it is a slap in the face of every one of us Representatives. It is a bill I suppose, for money but I am just thinking of this old State of ours. After sixty years I feel that our people have gotten so demoralized. I have lived here sixty years. I raised and educated my children here. I think that what we sow we are going to reap. Nearly two thousand people are in Jamestown. They are a part of our off-spring. It takes nearly $1,000,000 for their maintenance. There is another crop out at the penitentiary. What does it cost us? They trace their history back and liquor was the cause of it. At Mandan there is another crop and also in Fargo. It takes money, folks, to take care of these institutions, nearly four or five million dollars every year. I am not exaggerating this one bit.

I make a motion that this bill be indefinitely postponed for the good of humanity, for the good of our boys and girls. Are we going to sacrifice our boys and girls? I would rather go to the dogs first."

The question being on the motion of Rep. Williams of Richland for the indefinite postponement of House Bill No. 71, the motion prevailed.

Rep. Williams of Richland 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.

House Bill No. 120. A Bill for an Act Establishing Rules and Regulations and Sanitary Conditions for Cream Buying Stations; Sanitary Requirements for Haulers of Cream;

Equipment and Care of Equipment; Care of Cream Held in the Station; Care of Cream in Transit; Repealing Acts in Conflict Herewith; Providing Penalties, 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, 64; nays, 20; absent and not voting, 27.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Anderson,M'K'nzie | Fletcher | Mittag |
| Anfinson | Fraser | Mollet |
| Arneson, Nelson | Gainor | Nelson, Cass |
| Arneson, Ramsey | Gray | Nelson, Steele |
| Belzer | Haag | Oglesby |
| Bergesen | Halvorson | Page |
| Billigmeier | Haugland | Panko |
| Bingenheimer | Heckman | Peterson,Bottineau |
| Bolmeier | Hofstrand | Rait |
| Boulden | Holm | Rohde |
| Braun, McLean | Holthusen | Saumur |
| Braun, Stark | Ista | Schauss |
| Brown | Johnson, LaMoure | Schmidt, McHenry |
| Buchholz | Joiner | Scholl |
| Byrne | Kluver | Schwartz |
| Crockett | Knutson | Shıre |
| Culver | Lange | Solberg |
| Dalzell | McInnes | Twichell |
| Dike | McIntee | Williams,Richland |
| Dittmer | McIntyre | Williams,Stutsm'n |
| Erickson | Myers | Mr. Speaker |
| Fitch | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Benno | Nelson, Dickey | Sharpe |
| Blair | Nystrom | Singleton |
| Glas | Ostgulen | Skartvedt |
| Keller | Peterson, Ransom | Thompson, Steele |
| Levin | Schmidt, Sheridan | Tuff |
| Lunde | Sellens | Wambheim |
| Moe | Severson | |

Absent and not voting:

| | | |
|---|---|---|
| Adam | Larson | Sticka |
| Anderson, Benson | Morland | Stone |
| Beede | O'Brien | Stormon |
| Feton | Odegard | Symington |
| Fuglestad | Rettke | Thompson, Burl'gh |
| Hultstrand | Ritter | Trydahl |
| Ireland | Sand | Urschel |
| Jensen | Schimke | Westby |
| Johnson, Cass | Semerad | Wolf |

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

The House reverted to the Tenth Order of Business.

FIRST READING OF HOUSE BILLS

Rep. Severson introduced:

House Bill No. 356. A Bill for an Act to Amend and Re-

enact Section 3186 of the Compiled Laws of North Dakota for 1913, Relating to the Preferment for Official Appointment, and Providing for Repeal of Any Acts in Conflict Herewith.

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

The Committee on Taxes and Tax Laws introduced:

House Bill No. 357. A Bill for an Act to License the Consumers of Alcoholic Beverages Within the State of North Dakota, Providing for a License Fee; Regulating the Issuance of Licenses; and Providing for Penalties for the Violation of This Act.

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

Rep. Ireland introduced:

House Bill No. 358. A Bill for an Act to Equalize Taxation and Replace in Part the Tax on Property to Provide the Public Revenue to Be Used for 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; to Fix Fines and Penalties for the Violations of the Provisions of This Act and to Repeal Chapter 249, Laws of 1937 and All Laws or Parts of Laws in Conflict Herewith.

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

Reps. Morland, Peterson and Bingenheimer introduced:

House Bill No. 359. A Bill for an Act to Amend and Reenact Section 189b3, 189b5, 189b9, 189b14 and 189b15 of Chapter 137 of the Session Laws of North Dakota for 1933, Relating to State Hail Insurance, Providing for the Manner of Taking Applications Therefor; Defining Duty of Hail Inspectors, Adjustors and County Auditors; Repealing Acts in Conflict Herewith, and Declaring an Emergency.

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

Rep. Rettke introduced:

House Bill No. 360. A Bill for an Act Providing Additional Means for the Assessment of Personal Property That Has Escaped Taxation; Providing for the Investigation Thereof by the Attorney General's Office, Authorizing the Attorney General to Subpoena Witnesses and the Records of the Owners of Such Property, Which the Attorney General Believes Has Escaped Taxation; for Administering Oaths to Such Witnesses, and Fining Them for Contempt for Refusal to Testify and Misconduct; Defining Perjury Herein; Providing for the Collection of Such Taxes, After the Same Has Been Assessed, and Levied Upon for Taxes, and for Authorizing the Attorney General to Bring Any and All Actions Necessary to Have Such Property Assessed for Taxes, and Necessary in the Collection of Such Taxes; Further Providing That the Attorney General May Employ Additional Agents in the Collection of Such Taxes, Levied Upon Property That Has Heretofore Escaped Taxation, and Permitting the Attorney General to Enter Into Contracts in Behalf of the State for the Collection of Such Taxes

Upon a Percentage Basis, Where Deemed More Advantageous and Less Expensive, Making Such Taxes, and All Personal Property Taxes a Prior Lien Upon All of the Personal Property of the Tax Debtor, Without Regard to the Nature, and the Classes, of Such Property, and Such Lien to Apply to All of Such Property, Though Subsequently Acquired; Providing a Penalty for the Failure to Permit the Attorney General, or His Duly Appointed Agents, to Examine Records and Take Testimony, in Determining the Nature and Extent of Such Property Escaping Taxation; 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.

Reps. Gray and Bergesen introduced:

House Bill No. 361. A Bill for an Act to Make Uniform the Procedure on Interstate Extradition; Providing a Uniform Method Between States for the Apprehension and Return of Fugitives From Justice; Providing for the Duties and Powers of Authorities and the Rights of the Accused; Saving Clause; Repeals Acts or Parts of Acts in Conflict Herewith.

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

Rep. Twichell introduced:

House Bill No. 362. A Bill for an Act Amending and Reenacting Section 5099c8 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913 Relating to the Duties of Child Placement Agencies.

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

Reps. Lange, Byrne and Levin introduced:

House Bill No. 363. A Bill for an Act to Amend and Reenact Section 21 Chapter 148 of the Laws of North Dakota for 1931 Relating to Hunting, Trapping and Fishing Licenses.

Was read the first time and referred to the Committee on Game and Fish.

The Game and Fish Committee introduced:

House Bill No. 364. A Bill for an Act to Amend and Reenact Section 10322a3 of the Supplement to the Compiled Laws of 1913 as Amended by Chapter 130 of the Session Laws of 1929, Relating to the Game and Fish Department of the State of North Dakota.

Was read the first time and referred to the Committee on Game and Fish.

Reps. Scholl and Fitch introduced:

House Concurrent Resolution No. 365. Relating to Amendment to Section 176 of the Constitution of the State of North Dakota.

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

The Speaker announced that the Committee on Appropriations was absent from the House chamber on special business of that committee.

Rep. Buchholz moved that final action on Senate Bill No. 26 be deferred one legislative day, which motion prevailed.

Rep. Moe moved that action on Senate Bill No. 39 be deferred one legislative day.

The Speaker ruled that Senate Bill No. 39 be laid over following the rule adopted by the House.

Rep. Arneson of Nelson moved that House Bill No. 313 be withdrawn, which motion prevailed.

## GENERAL ORDERS

Rep. Fitch moved that the House resolve itself into a Committee of the Whole for the consideration of General Orders; which motion prevailed, and the House resolved itself into a Committee of the Whole.

The Speaker called Rep. Fitch to the Chair.

When the Committee arose it submitted the following report:

Mr. Speaker: The Committee of the Whole have had under consideration:

House Bill No. 5.

Page 1, Section 1, in line 8a, after the word "thereto," strike out the "period" and insert in lieu thereof a "comma" and add the words "to-wit:" and add the following:

| | |
|---|---|
| Line 9—"Services | $24,000.00" |
| Line 10—"Travel Expense | 12,000.00" |
| Line 11—"Clerkhire (2) | 3,600.00" |
| Line 12—"Printing | 150.00" |
| Line 13—"Postage | 250.00" |
| Line 14—"Indemnity | 15,000.00" |
| Line 15—"Total | $55,000.00" |

Re-number beginning with line 9—change to line 16 and continue re-numbering to bottom of Page 2.

And recommend the adoption of the amendments of the Senate Committee.

And the further amendment to the report of the Standing Committee.

In line 15, page 1, Section 1, strike out the last cipher in the figure "$55,000.000" so the figure will read "$55,000.00."

And when so amended recommend the same do pass.

House Bill No. 184.

In Section 2, lines 16 and 18 remove parenthesis marks.

And recommend the adoption of the amendments of the Standing Committee.

And when so amended recommend the same do pass.

House Bill No. 216.

Strike out everything after the words "A Bill," and insert in lieu thereof, the following:

For an Act Permitting Actions to Be Brought Against the State Involving Levy and Assessment of Property Made by the State Board of Equalization, or Involving the Refund of Taxes Levied Thereunder, Giving Jurisdiction Thereof to the District Court of Burleigh County, With Right of Appeal to the Supreme Court, Prescribing Procedure to Be Followed; 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. WHEN AND WHERE ACTION MAY BE BROUGHT.) Any person, firm or corporation, whose property is now being, or has been valued and assessed for taxation purposes by the State Board of Equalization under the Constitution or the statutes of this state, or against whom any tax may be levied or assessed by said Board, feeling aggrieved for any reason with the assessment or levy so made may bring an action for relief, at law or in equity, against the State and any or all of its subdivisions therein interested, in the district court of Burleigh County, North Dakota, and without the necessity of bringing a separate action against each of said subdivisions; provided any such action is brought on or before the date in which the taxes to be collected under the levy and assessment involved become due; and provided, further, that no action shall be brought against the State under this act for refund of taxes already paid unless said taxes, sought to be refunded, were paid under protest in writing before delinquency thereof.

SECTION 2. PROCEDURE.) The district court of Burleigh County, North Dakota, is hereby given jurisdiction over any and all actions hereinbefore provided, whether such actions are brought against the State only or against the State and one or more of its subdivisions jointly. At any time after such action is brought, either before or during trial, the district court of Burleigh County may allow the plaintiff to pay to the State or municipalities interested any part of the taxes involved in the action under such agreement as may be made between the plaintiff or plaintiffs and the attorney general in behalf of all defendants, or under such terms as the court may fix, and such agreement when ratified by the court shall be binding upon all parties to the action. At the time the action is brought, the plaintiff shall be required to file with the clerk of the district court of Burleigh County a bond, running to the State of North Dakota, in such form as may be fixed by said district court of Burleigh County, and in an amount sufficient to cover all anticipated costs of the action, said bond to be approved as to amount and form by the clerk of said court. The decision of the district court in such action shall be subject to appeal to the supreme court in the manner now provided by statute for appeal in civil actions. Providing, that the provisions of Section 2241c of the 1925 Supplement to the Compiled Laws of the State of North Dakota for the year 1913 shall not apply to actions brought under the provisions of this Act.

SECTION 3. REPEAL.) All Acts or parts of Acts in conflict herewith are hereby repealed.

SECTION 4. 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 recommend the adoption of the amendments of the Standing Committee.

And when so amended recommend the same do pass.

House Bill No. 233.

In the title, strike out "Repealing All Acts or Parts of Acts in Conflict Herewith," and strike out all of Section 2.

And recommend the adoption of the amendments of the Standing Committee.

And the further amendment:

In line 1, Section 3, strike out the figure "3" and insert in lieu thereof the figure "2."

In line 2 of the title, after the word "Certificates," strike out the semi-colon and insert in lieu thereof the word "and."

And when so amended recommend the same do pass.

House Bill No. 118.

In line 24 of the printed bill, add to the word "commission" the letters "er" to make it read "commissioner."

In line 41 of the printed bill, add a comma after the word "forms" " , ".

In line 42 of the printed bill, after the word "with," insert the words "or without."

And recommend the adoption of the amendments of the Standing Committee.

And when so amended recommend the same do pass.

K. A. FITCH, Chm., Committee of the Whole.

Rep. Fitch moved the adoption of the report of the Committee of the Whole, which motion prevailed.

Rep. Solberg requested that the House be on the Seventh Order of Business, which request was granted.

Rep. Solberg moved that printing of House Bill No. 358 be withheld, which motion prevailed.

Rep. Fitch moved that the House recess until 1:00 P. M., Monday, February 13th, following First Reading House Bills on hand, which motion prevailed.

Rep. Anfinson requested an extension of time on House Bill Nos. 178, 84 and 192, which request was granted.

Rep. Panko requested an extension of time on House Concurrent Resolution No. 179, which request was granted.

The House reverted to the Tenth Order of Business.

## FIRST READING OF HOUSE BILLS

House Resolution "K." A Resolution Calling the Attention of the Governor to the error made by the House in passing House Bill No. 245, and requesting his veto.

## HOUSE RESOLUTION "K."

Introduced by Representative Scholl.

Be it Resolved by the House of Representatives of the State of North Dakota:

Whereas, on February 10th, 1939, at the hour of 3:02 P. M., this house passed House Bill No. 245, a Bill for an Act to repeal Chapter 165 of the Session Laws of the State of North Dakota for 1937, relating to the Operation of motion picture theatres, and declaring an Emergency, and

Whereas, the law repealed by said House Bill No. 245, namely Chapter 165 of the Session Laws of 1937, was the basis of an action brought by the large motion picture pro-

ducers, in an attempt to have said Chapter 165 declared invalid; and in such proceedings the District Court of the United States with three judges sitting, determined that said Chaper 165 was valid; and said action being now pending in the United States Supreme Court on Appeal; and

Whereas, the Attorney General of the United States, after the trial of such action and largely upon the evidence produced at said trial, has instituted an investigation of the entire motion picture industry; and

Whereas, the legislative action of the House of Representatives of the State of North Dakota in enacting and passing said House Bill 245, was the result of misapprehension of its meaning and purpose, and this House upon discovering the true situation with reference to said bill, immediately after the stroke of the gavel at 12:30 P. M. on the 11th day of February, 1939, being still the same legislative day as that in which the bill was passed and approved by this House, did move to reconsider said bill, and did adopt said motion by majority in excess of two-thirds of the members present,

Whereas the Senate, after the adoption of this House of said resolution to consider, passed said House Bill No. 245 and returned the same to this House at the hour of 2:45 P. M., on February 11, 1939; and

**Now Therefore, be it resolved** that the House of Representatives respectfully requests the Governor of the State of North Dakota to veto the said House Bill No. 245, and return to this House for further consideration.

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

Reps. Byrne and Solberg introduced:

House Bill No. 366. A Bill for an Act Reserving to State and Counties One-half of all Oil, Oil Sale and and Gas Deposits in Land Belonging to a State or Counties and Providing for Such Reservation in the Event of a Sale of Such Lands; and Repealing all Other 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.

Rep. Stone introduced:

House Bill No. 367. A Bill for an Act Requiring School Boards of any School District However Organized to Provide for Insurance in Transporting School Children, Waiving of Defenses by Insurance Companies.

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

Reps. Braun, Scholl, Lange, Mollet, Rohde, Anderson of McKenzie, Jensen, Rettke, Semerad, Hofstrand and Anderson of Benson introduced:

House Concurrent Resolution No. 368. A Concurrent Resolution Relating to Payments of Old Age Assistance, Aid to the Blind, and Aid to Dependent Children Grants to Ward Indians.

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

Reps. Crockett, Fitch, Schimke and Twichell introduced:

House Bill No. 369. A Bill for an Act Relating to Copyrights and Public Performing Rights in Musical Compositions

and Dramatico-Musical Compositions, Requiring Lists Thereof to be Filed, Regulating the Issue of Licenses With Respect Thereto, Prohibiting Discrimination, Providing for Service of Process, Levying a Privilege Tax, Providing Penalties, and Repealing Inconsistent Acts.

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

Rep. Byrne introduced:

House Bill No. 370. A Bill for an Act to Amend and Reenact Sections 3684a3 and 3684a8 of the 1925 Supplement to the Compiled Laws of the State of North Dakota for the Year 1913 Relating to the City Budget Law.

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

Rep. Byrne introduced:

House Bill No. 371. A Bill for an Act Amending and Reenacting 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.

Rep. Shure introduced:

House Bill No. 372. A Bill for an Act to Amend and Reenact Section 10954, Compiled Laws of North Dakota for 1913 Relating to Probation of Persons Convicted of Crime and the Duties of the Clerks of Court in Such Cases.

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

Rep. Anderson of McKenzie introduced:

House Bill No. 373. A Bill for an Act Providing for Mileage and Traveling Expense of County Commissioners, Sheriffs and All Other County Officials; 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.

Reps. Crockett and Ritter introduced:

House Bill No. 374. A Bill for an Act Imposing a Ten-cent (10c Tax Upon Each Ton of Coal Deep-Mined in the State of North Dakota, Twenty-five Cent (25c) Tax Upon Each Ton of Coal Strip-Mined in the State of North Dakota, and a Fifty-cent (50c) Tax Upon Each Ton of Coal Imported in the State of North Dakota; Defining Ton; Providing Duties of Tax Commissioner; Prescribing Penalties and Declaring an Emergency.

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

Rep. Shure introduced:

House Bill No. 375. A Bill for an Act to Amend and Reenact Sections 11105, 11106, and 11107, Compiled Laws of the State of North Dakota, for the Year 1913 Relating to the Board of Pardons, the Powers and Duties Thereof, and the Procedure Before Such Board, and Providing for the Appointment of Parole Officers and Other Assistants, and Declaring an Emergency.

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

Rep. Semerad (by request) introduced:

House Bill No. 376. A Bill for an Act Amending and Reenacting Section 396a8 of the 1925 Supplement to the Compiled Laws of 1913, as Amended by Chapter 315 of the 1931 Session Laws Providing for Assessment of Premiums by the Workmen's Compensation Bureau; the Payment Thereof; Penalties for Default; Making Judgments Obtained for Premiums for Prior Liens; Providing for Remedies Available on Collection of Premiums.

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

A communication was received from S. Olaf Nelson, President of the International Hod Carriers' Building and Common Laborers' Union of America, stating the opposition of his Union to House Bill No. 199.

Pursuant to the motion of Rep. Fitch the House recessed until 1:00 P. M., Monday, February 13th.

MINNIE D. CRAIG, Chief Clerk.

## FORTY-FIRST DAY AFTER RECESS AND FORTY-SECOND DAY

Bismarck, February 13, 1939.

The House convened at 1:00 P. M., pursuant to recess, Speaker Hagen presiding.

Rep. Fitch moved that the rules be suspended and that the House be on the Fifteenth Order of Business, which motion prevailed.

### GENERAL ORDERS

Rep. Crockett moved that the House resolve itself into a Committee of the Whole for the consideration of General Orders; which motion prevailed, and the House resolved itself into a Committee of the Whole.

The Speaker called Rep. Crockett to the Chair.

When the Committee arose it submitted the following report:

Mr. Speaker: The Committee of the Whole have had under consideration:

House Bill No. 198.

In the title of the re-engrossed bill, insert a "semi-colon" after the word "tickets" and strike out "to be applied to the Old Age Assistance Fund;". In Section 1, line 5, strike out "two cents (2c)" and insert in lieu thereof "one cent (1c)." In line 6, Sec. 1, strike out the words parenthesis and figure "three cents (3c)" and insert in lieu thereof the words and figure "two cents (2c)." In line 7, strike out words, parenthesis and figures "thirty-one cents (31c)" and insert in lieu thereof "thirty-six cents (36c)" and in the same line, strike out the words, parenthesis and figure "four cents (4c)" and insert in lieu thereof "three cents (3c)." In line 8, strike out words, parenthesis and figure "thirty cents (30c)" and insert in lieu thereof "thirty-five cents (35c)." In line 11 of Section 1, strike out the words, parenthesis and figure "ten cents ($.10)" and in lieu thereof insert "five cents (5c)." In Section 8, line 117, after "penalty.", strike out the remainder of the line and strike out all of lines 118, 119, 120 and 121. In Sec. 9, line 131, after the word "Treasurer" insert a "period" and strike out the remainder of Sec. 9.

And recommend the adoption of the amendments of the Standing Committee.

And when so amended recommend the same do pass.

House Bill No. 250.

On page 1, section 1, line 10, after the word "relief" insert the following: "or likely to become a public charge."

And recommend the adoption of the amendments of the Standing Committee.

And the further amendment: In line 12, page 2, after the word "relief" and before the word "in" insert the following: "or likely to become a public charge."

And when so amended recommend the same do pass.

House Bill No. 113.

Strike out everything after "A Bill" and insert in lieu thereof the following:

For an Act Authorizing Boards of County Commissioners or Any Other Public Boards Administering Poor Relief in Their Discretion to Give Equal Consideration to Legally Licensed Practitioners of Medicine, Osteopathy, Chiropractic, Dentistry, Optometry, and Any Other Legally Licensed Practitioner in Art, in Treatment of Indigent Persons According to the Preference of Such Persons; and in Their Discretion Furnish Hospitalization; Repealing 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. In all cases in which the Board of County Commissioners or any other public board administering poor relief and receiving any portion of its funds from the State, are required by law to provide the assistance of a physician or other health service to indigent persons, such board or boards are authorized in their discretion to provide that such assistance be furnished by any legally licensed practitioner of medicine, osteopathy, chiropractic, dentistry, optometry, or any other legally licensed practitioner trained in the art of healing of the human body, in the State of North Dakota as may be requested by such indigent persons.

SECTION 2. Hospitalization shall, at the discretion of such board or boards, be furnished such indigent persons if, in the opinion of his practitioner, hospitalization is necessary.

SECTION 3. REPEAL.) All Acts or parts of Acts in conflict herewith are hereby repealed.

SECTION 4. 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 recommend the adoption of the amendments of the Standing Committee.

And the further amendment to the report of the Standing Committee: Section 2, line 3, strike out the word "discretion" and insert in lieu thereof the word "opinion."

And when so amended recommend the same do pass.

House Bill No. 128.

On page 436, in House Journal in Amended Bill, Section 25, line 3, after the word "five" strike out the following words "seven or nine."

In line 3, after the word and figure "members" strike out the following words "Not less than one of such members shall be a County Commissioner as designated by such board of County Commissioners" and insert in lieu thereof the fol-

lowing "A majority of such Board shall be County Commissioners."

And recommend the adoption of the amendments of the Standing Committee.

And the further amendment to the report of the Standing Committee: In Section 25, line 2, after the word "board" strike out the period and insert in lieu thereof a comma and add the following: "and shall provide for a full time secretary satisfactory to the State Welfare Board."

And when so amended recommend the same do pass.

W. M. CROCKETT, Chairman, Committee of the Whole.

Rep. Holthusen moved the adoption of the report of the Committee of the Whole, which motion prevailed.

Rep. Lange moved that the absent members be excused, which motion prevailed.

Rep. Lange moved that the House do now adjourn, which motion prevailed, and the House adjourned.

## FORTY-SECOND DAY

Bismarck, February 13, 1939.

The House assembled at 2:00 P. M., pursuant to adjournment, Speaker Hagen presiding.

Prayer by Adj. Walter Miller, Bismarck.

Roll call: All Representatives present except Larson, Sand, Scholl, Sellens and Sticka.

So a quorum was declared present.

## MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, February 13, 1939.

Mr. Speaker: I have the honor to transmit:

Senate Bill No. 154. A Bill for an Act to Amend and Reenact Section 3009a2 of the 1925 Supplement to the Compiled Laws of 1913, Relating to the Standard Weight of Coal, and Providing Penalty.

Senate Bill No. 218. A Bill for an Act to Amend and Reenact Section 9, of Chapter 311 of the Session Laws for the Year 1931, as Amended and Re-enacted by Chapter 269, of the Session Laws for the Year 1933; Relating to Fees for Inspection of Weights and Measures, and Declaring an Emergency.

Senate Bill No. 164. A Bill for an Act Relating to the Enactment of Ordinances in Cities Having the Commission Form of Government and Validating Ordinances Heretofore Enacted in Such Cities.

Senate Bill No. 162. A Bill for an Act to Amend and Reenact Section 10, of Chapter 102, of the Session Laws of the State of North Dakota for the Year 1937, Relating to Rentals and the Selection of Tenants in Housing Projects of Housing Authorities, and Declaring an Emergency.

Senate Bill No. 196. A Bill for an Act to Amend and Reenact Section 6 of Chapter 198 of the Session Laws of 1937, 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.

Senate Bill No. 182. A Bill for an Act Relating to the Status of Municipal Civil Service in Municipalities Which Change Their Form of Government and Amending Chapter 173 of the Session Laws of the State of North Dakota for the Year 1937.

Senate Bill No. 175. A Bill for an Act Providing for the Establishment of, License Fee for, and Setting up Regulations to Govern Muskrat Propagation in the State of North Dakota.

Senate Bill No. 153. A Bill for an Act to Amend and Reenact Section 1 of Chapter 92 of the Session Laws of North Dakota for the Year 1931, Relating to Public Airports and Landing Fields and Declaring an Emergency.

Senate Bill No. 146. A Bill for an Act Empowering the Governing Board of Cities and Villages to Provide for the Lighting of All Streets, Avenues, Alleys, Sidewalks, Wharves, Parks and Public Grounds, and for the Furnishing and Supplying of Electric Energy or Gas to the City or Village for Lighting, Power, and Other Municipal Purposes, and to the Inhabitants Thereof, and to Enter Into Contracts for Electric Energy or Gas for Municipal and Private Purposes, and Specifying the Manner of Execution of Such Contracts, and Repealing Chapter 173, of the Session Laws of North Dakota for 1929.

Senate Bill No. 7. 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.

Senate Bill No. 105. A Bill for an Act Amending and Reenacting Section 5063 of the Compiled Laws of the State of North Dakota for the Year 1913, as Amended by Chapter 165 of the Session Laws of North Dakota for the Year 1931, Relating to the Regulation and Control of the Payment of Death Benefits by Fraternal Benefit Societies; Declaring an Emergency.

Senate Bill No. 163. A Bill for an Act to Amend and Reenact Section 6, of Chapter 104, of the Session Laws of North Dakota for the Year 1937, Relating to Revenue Bonds of Municipalities, and Declaring an Emergency.

Senate Concurrent Resolution No. 185. A Concurrent Resolution Memorializing Congress to Increase the Minimum Number of Employees Required in Agricultural States Under the Unemployment Compensation Act.

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

Mr. Speaker: I have the honor to return:

House Bill No. 74. A Bill for an Act Making a Deficiency Emergency Appropriation for Relief of Destitute and Necessitous Persons of the State of North Dakota for the Months of December, 1938, and January and February, 1939, as Provided by Chapter 214 of the Session Laws of 1937, Declaring an Emergency.

Which the Senate has amended.

WM. J. LOWE, Secretary.

## REPORTS OF STANDING COMMITTEES

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

Mr. Speaker: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the Thirty-ninth Day After Recess and Fortieth Day and recommends that the same be corrected as follows:

On page 589, on roll call the figures "79" should be "80," and figure "32" should be "31."

On page 590, Rep. Nystrom was listed as absent and not voting, whereas he was present and voted "aye."

On page 563, Speaker Hagen called Rep. Bergesen to the chair.

On page 568, Anderson of Benson was shown as being "present," whereas he was "absent" and not answering roll call.

And when so corrected recommends that the same be approved.

REP. GLAS, Chairman.

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

Mr. Speaker: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bills and find the same correctly engrossed:

House Bill No. 233.
House Bill No. 118.

OLAF OSTGULEN, Chairman.

Rep. Ostgulen moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bills and find the same correctly engrossed:

House Bill No. 5.
House Bill No 184.
House Bill No. 216.

OLAF OSTGULEN, Chairman.

Rep. Ostgulen moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bills and find the same correctly enrolled:

House Bill No. 245.
House Bill No. 125.
House Bill No. 57.
House Bill No. 153.
House Bill No. 111.
House Bill No. 102.
House Bill No. 101.

OLAF OSTGULEN, Chairman.

Rep. Ostgulen moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Delayed Bills to whom was referred:

A Bill for an Act to Provide for the Licensing of Beekeepers and/or Apiaries; for Issuance of License; for an Appropriation; for Penalties, and Declaring an Emergency.

Have had the same under consideration and recommend that the same be approved for introduction.

MANDUS HULTSTRAND, Chairman.

Rep. Myers moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Delayed Bills made the following report:

Mr. Speaker: Your Committee on Delayed Bills to whom was referred:

A Bill for an Act Amending and Re-enacting Chapter 242 of the Session Laws of 1935, Providing Relief From Foreclosure of Real Estate Mortgages, and Providing for an Adjustment of Equities on Foreclosures Between Mortgagor and Mortgagee; Saving Clause; and Declaring an Emergency.

Have had the same under consideration and recommend that the same be approved for introduction.

MANDUS HULTSTRAND, Chairman.

Rep. C. H. Hofstrand moved that the report be adopted, which motion prevailed, and the report was adopted.

The Committee on Delayed Bills made the following report:

Mr. Speaker: Your Committee on Delayed Bills to whom was referred:

A Bill for an Act Providing for the Making of Complaints by Citizens' Committees in Cases Where Such Committees Feel That the State's Attorney and Sheriff Are Not Doing Their Duties in Enforcing the Laws Pertaining to Illegal Selling of Liquor, Keeping a Place for Gambling, and Allowing Slot Machines to Operate, and Providing Penalties for Violation of the Provisions of This Act.

Have had the same under consideration and recommend that the same be approved for introduction.

MANDUS HULTSTRAND, Chairman.

Rep. Bert Anderson of McKenzie moved that the report be adopted, which motion prevailed, and the report was adopted.

The Committee on Delayed Bills made the following report:

Mr. Speaker: Your Committee on Delayed Bills to whom was referred:

A Bill for an Act to Provide for the Raising of Public Revenues by Imposing a Tax Upon the Privilege of Engaging in Any Business, Trade, Profession, Occupation or Calling, to Be Measured by Gross Income, to Provide That This Tax Shall Be a Replacement Tax to the Extent Herein Specified, to Provide for the Ascertainment, Assessment and Collection of Said Tax, to Provide Certain Exemptions From the Tax, to Provide for the Administration Thereof, or Provide a Penalty for the Violation of the Terms of the Act, to Provide for the Disposition of Revenues, to Provide an Appropriation for the Administration of This Act, and Declaring an Emergency.

Have had the same under consideration and recommend that the same be approved for introduction.

MANDUS HULTSTRAND, Chairman.

Rep. C. H. Hofstrand moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Delayed Bills to whom was referred:

A Bill for an Act Relating to the Foreclosure of Mortgages on Farm and City Homes, Limiting the Duration of This Act, Repealing All Acts and Parts of Acts in Conflict Herewith, and Declaring an Emergency.

Have had the same under consideration and recommend that the same be approved for introduction.

MANDUS HULTSTRAND, Chairman.

Rep. Bert Anderson of McKenzie moved that the report be adopted, which motion prevailed, and the report was adopted.

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

Page 1, Section 1, in line 3 strike out the figures "$9,570.00" and insert in lieu thereof the figures "$9,210.00."

Page 1, Section 1, in line 11 strike out the figures "$3,200.00" and insert in lieu thereof the figures "$4,200.00."

Page 2, Section 1, in line 12 strike out the figures "$1,920.00" and insert in lieu thereof the figures "$2,160.00."

Page 2, Section 1, in line 13 strike out the figures "$500.00" and insert in lieu thereof the figures "$300.00."

Page 2, Section 1, in line 14 strike out the figures "$300.00" and insert in lieu thereof the figures "$200.00."

Page 2, Section 1, in line 15 strike out the figures "$150.00" and insert in lieu thereof the figures "$75.00."

Page 2, Section 1, in line 17 strike out the figures "$400.00" and insert in lieu thereof the figures "$200.00."

Page 2, Section 1, in line 18 strike out the figures "$2,000.00" and insert in lieu thereof the figures "$1,200.00."

Page 2, Section 1, in line 20 strike out the figures "$300.00" and insert in lieu thereof the figures "$75.00."

Page 2, Section 1, in line 21 strike out the figures "$9,570.00" and insert in lieu thereof the figures "$9,210.00."

And when so amended recommend the same do pass.

C. P. RITTER, Acting Chairman.

Rep. Semerad moved that the report be adopted, which motion prevailed and the report was adopted.

## MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, February 13, 1939.

Mr. Speaker: I have the honor to inform you that the Senate has refused to concur in the House amendment to:

Senate Bill No. 35. A Bill for an Act to Amend and Reenact Sections 859 and 860 of the Compiled Laws for the Year 1913, Relating to the Form of Party Primary Election Ballots and the Manner of Voting the Same.

And the President has appointed as a conference committee to act with a like committee from the House, Senators:

WM. A. THATCHER,
FRED J. FREDRICKSON,
JAMES W. GUTHRIE.

Very respectfully,
WM. J. LOWE, Secretary.

## REPORTS OF STANDING COMMITTEES

Mr. Speaker: 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:

Page 1, Section 1, in line 4 strike out the figures "$170,-180.00" and insert in lieu thereof the figures "$163,420.00."

Page 2, Section 1, strike out all of line 14 "Additional Clerkhire (3 Stenographers) $5,760.00."

Page 2, Section 1, in line 21 strike out the figures "$3,000.00" and insert in lieu thereof the figures "$2,000.00."

Page 2, Section 1, in line 26 strike out the figures "$170,-180.00" and insert in lieu thereof the figure "$163,420.00."

Renumber beginning with line 15—change to line 14 and continue re-numbering to the bottom of page 2.

And when so amended recommend the same do pass.

C. P. RITTER, Acting Chairman.

Rep. Trydahl moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Elections and Election Privileges to whom was referred House Bill No. 144, have had the same under consideration and recommend that the same be amended as follows:

Strike out everything after the words "A Bill" and substitute the following:

For an Act Providing for the Conduct of Elections on All County and Municipal Bond Issues; Providing a Separate Ballot Box for the Ballots of Voters Owning Real Property and a Separate Ballot Box for the Ballots of Other Voters; and Requiring a Two-thirds Vote of Both Such Real Property Owners and Such Other Voters for All Municipal Bond Issues; Repealing All Acts and Parts of Acts in Conflict Herewith; and Declaring an Emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION I. In all elections, required by Law, for the purpose of the issuance of bonds by counties, cities, incorporated villages, organized townships, or school districts, for any purpose, held in said county, there shall be two separate ballot boxes provided for such elections, one of such boxes to be used for the ballots cast by voters owning real property in said county as shown by the records in the office of the Register of Deeds in such county, and the remaining ballot box to be used for the ballots of other voters and no such bond issue shall be permitted unless there is at least a two-thirds vote of the ballots cast by the real property owners as herein defined in favor of such bond issue and also a two-thirds vote of such other voters voting in favor of such bond issue, said ballots to be counted and tallied separately.

SECTION II. REPEAL. All Acts and parts of Acts in conflict herewith are hereby repealed.

SECTION III. EMERGENCY. This Act is hereby declared to be an emergency measure, and shall be in full force and effect immediately after its passage and approval.

And when so amended recommend the same do pass.

LEONAS MYERS, Chairman.

Rep. Peterson of Bottineau moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Appropriations to whom was referred House Bill No. 157, have had the same under consideration and recommend that the same do pass.

C. P. RITTER, Acting Chairman.

Rep. Semerad moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Public Welfare to whom was referred House Bill No. 281, have had the same under consideration and recommend that the same do pass.

BERNT ANDERSON, Chairman.

Rep. Moe moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Ways and Means to whom was referred House Bill No. 264, have had the same under consideration and recommend that the same be re-referred to the Committee on Appropriations, with recommendation for passage.

CARL ANFINSON, Chairman.

Rep. Benno moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Judiciary to whom was referred House Bill No. 259, have had the same under consideration and recommend that the same be amended as follows:

After the word "fine" in line 6 of the printed bill insert the word "liability and comma."

And when so amended recommend the same do pass.

J. M. ANDERSON, Chairman.

Rep. Culver moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on State Affairs made the following report:

Mr. Speaker: A majority of your Committee on State Affairs to whom was referred:

House Bill No. 66, have had the same under consideration and recommend that the same be indefinitely postponed.

A. JOHNSON (LaMoure)
D. FRASER
W. H. TUFF
H. C. WILLIAMS (Richland)
W. M. CROCKETT
G. H. LANGE
J. M. JOINER
P. LEVIN
A. HALVORSON
E. T. KNUTSON
R. R. SCHOLL

The Committee on State Affairs made the following report:

Mr. Speaker: A minority of your Committee on State Affairs to whom was referred:

House Bill No. 66, have had the same under consideration and recommend that the same be amended as follows:

Printed bill, page 2, section 1, sub-section (b) line 11, after the word and figure 'members,' insert the following words: 'three of whom shall be actual bona fide farmers.' Line 15, after the word 'bounded,' strike out the comma and insert in lieu thereof a period '.'. Strike out the following words 'and provided that such appointment, furnished to the Governor by the recognized state-wide sportsmen organizations, affiliated with State and National Organizations

in each of the Judicial districts as now established and bounded.'

Page 3, line 31, after the word 'terms' strike out the following words 'from a list of six names submitted by the organization sportsmen organizations affiliated with State and National Organizations.'

Line 41, after the word 'Dakota' insert the following words 'out of game and fish funds.'

Line 48, after the word 'office,' strike out the following words 'or for habitual drunkeness.'

Page 7, section 3, sub-division (b) line 19, after the word 'Dakota' insert the following 'out of game and fish funds,' Page 8, section 4, line 5, strike out the word 'the' and insert in lieu thereof the word 'one.' Line 12, after the word 'Dakota,' insert the following words 'out of game and fish funds.'

Page 9, section 5, line 4, after the word 'for' strike out the following words 'Budget Board. The Commission shall not contract any in the results thereof, or for the purpose of coercing the its use. All revenue derived and fees and charges charged.'

(Printed bill) and insert in lieu thereof the following words 'the purpose of interfering with an election or effecting the results thereof, or for the purpose of coercing the political action of any person or body.' Re-number lines according to these amendments as needed.

And when so amended recommend the same do pass.

F. FLETCHER
A. DALZELL
A. WAMBHEIM
J. D. HOLTHUSEN
A. H. NYSTROM
G. SAUMUR
J. BYRNE
L. L. TWICHELL

Rep. Lange moved that the majority report be adopted, which was seconded.

Rep. Bergesen moved that the report of the minority be substituted for the report of the majority, which motion prevailed.

Mr. Speaker: A majority of your Committee on Election and Election Privileges to whom was referred:

Senate Bill No. 11, have had the same under consideration and recommend that the same be indefinitely postponed.

PETER PETERSON
JOHN J. ADAM
LEONAS MYERS
W. H. SHURE
OLAF OSTGULEN.

Mr. Speaker: A minority of your Committee on Elections and Election Privileges to whom was referred:

Senate Bill No. 11, have had the same under consideration and recommend that the same do pass.

D. S. BLAIR
C. O. ARNESON.

Rep. Peterson of Bottineau moved the adoption of the report of the majority, which motion was seconded.

Rep. Blair moved that the report of the minority be substituted for the report of the majority, which motion prevailed.

Mr. Speaker: A majority of your Committee on Ways and Means to whom was referred House Bill No. 192, have had the same under consideration and recommend that the same be indefinitely postponed.

J. A. SCHMIDT (McHenry)
HARRY SEMERAD
J. N. MOLLET
HENRY WILLIAMS
FRED BRAUN
A. W. BENNO.

Mr. Speaker: A minority of your Committee on Ways and Means to whom was referred House Bill No. 192, have had the same under consideration and recommend that the same be amended as follows:

On page 2, Section 1, line 21, strike out the second letter "e" in "presume" and add the letter "d."

On page 2, Section 1, line 25, strike out the word "service" and insert in lieu thereof the word "serving."

And when so amended recommend the same do pass.

GUS A. SCHAUSS
PETER PETERSON
K. A. FITCH
E. SYMINGTON.

Rep. Semerad moved the adoption of the report of the majority, which motion was seconded.

Rep. Fitch moved that the report of the minority be substituted for the report of the majority, which motion prevailed.

Bismarck, February 13, 1939.

To the Members of the
Twenty-sixth Legislative Assembly:

Your committee appointed to investigate and report upon conditions prevailing at the State Hospital at Jamestown beg leave to report that several days were spent in taking testimony and making personal observations of conditions at the hospital. A transcript of that testimony, consisting of over three hundred pages, has now been delivered to the committee. Former Governor Langer and certain members of the Board of Administration have requested the right to be heard. That request has been granted and this additional testimony will be taken just as quickly as possible. In the meantime a careful analysis of the testimony already taken is being prepared and a full report will be submitted to you as expeditiously as possible.

This preliminary report is made for the reason that there has been some suggestion that the report has been unnecessarily delayed. However, we are certain that those who would criticize do not fully understand the magnitude of this undertaking, nor do they consider the fact that members of the committee have been discharging other legislative duties.

Respectfully submitted,
Committee:
W. M. CROCKETT, Chairman
K. A. FITCH
PALMER LEVIN.

## MESSAGE TO THE SENATE

House of Representatives,
Bismarck, February 13, 1939.

Mr. President: I have the honor to return:

Senate Bill No. 51. A Bill for an Act Providing for the Redemption of Real Estate Forfeited to the County for Delinquent Taxes by Former Owners, Prescribing the Conditions Therefor, Providing for the Repurchase of Real Estate Forfeited to the County for Delinquent Taxes on Contract for Deed, Prescribing the Terms Therefor, and Declaring an Emergency.

Which the House has passed unchanged.

Senate Bill No. 97. A Bill for an Act to Repeal Subsection 3 of Section 9 of Chapter 249 of the Session Laws of North Dakota for the Year 1937 Requiring Returns of Retail Sales Tax Collections to be Verified by Oath and Declaring an Emergency.

Which the House has indefinitely postponed.

Mr. President: I have the honor to transmit:

House Bill No. 23. 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.

House Bill No. 79. A Bill for an Act Making an Appropriation for the Purpose of Maintaining and Operating the Bridge Across the Yellowstone River in McKenzie County, North Dakota, Declaring an Emergency.

House Bill No. 120. A Bill for an Act Establishing Rules and Regulations and Sanitary Conditions for Cream Buying Stations; Sanitary Requirements for Haulers of Cream; Equipment and Care of Equipment; Care of Cream Held in the Station; Care of Cream in Transit; Repealing Acts in Conflict Herewith; Providing Penalties, and Declaring an Emergency.

House Bill No. 175. A Bill for an Act to Provide Revenue by Means of a Transaction Tax Upon Sales of Certain Alcoholic Beverages by Licensed Wholesale Liquor Dealers; Authorizing the State Treasurer to Prescribe Rules and Regulations for the Collection Thereof; Prescribing the Method of Payment of the Tax to, and Collections by, the State Treasurer, and Providing Penalty.

House Bill No. 185. A Bill for an Act Relating to the Issuance of Tax Sale Certificates; the Payment of Subsequent Taxes; the Issuance of Subsequent Tax Sale Certificates; Amending and Re-enacting Section 2192, as Amended by Chapter 298, Session Laws of 1931, of the Supplement to the Compiled Laws of 1913; and to Make the Records of the County Auditor Evidence of the Rights of the County; and Dispensing With the Necessity of Issuing Tax Sale Certificates and Subsequent Tax Sale Certificates to the Counties; Declaring an Emergency.

House Bill No. 186. A Bill for an Act Providing for the Resale of Lands Acquired by the State on Foreclosure of Mortgages Given to Secure Loans of Permanent School Funds, or by Deed Given in Lieu of Foreclosure; Giving a Preference to Mortgagors Whose Lands Are Resold or to

Their Heirs; Providing for the Terms and Conditions of Resale; and Declaring an Emergency.

House Bill No. 242. A Bill for an Act to Amend and Reenact Section 9873 of the Compiled Laws of the State of North Dakota for the Year 1913, to Define the Crime of Burglary in the Third Degree.

House Bill No. 243. A Bill for an Act to Amend and Reenact Section 9878 of the Compiled Laws of the State of North Dakota for the Year 1913, Relating to Unlawful Entry.

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

MINNIE D. CRAIG, Chief Clerk.

Rep. Shure presented a communication from Senator Nye and asked that the same be read from the desk.

The Chief Clerk read the communication from the desk.

Rep. Shure moved that the communication be printed in the Journal, which motion was seconded.

Rep. Stone moved a substitute motion that the communication from Senator Nye be not printed in the Journal, which motion was seconded.

A roll call was demanded.

ROLL CALL

The question being on the substitute motion of Rep. Stone that the communication from Senator Nye be not printed in the Journal, the roll was called and there were ayes, 45; nays, 57; absent and not voting, 9.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Hultstrand | Peterson,Bottineau |
| Anderson, Benson | Ista | Rait |
| Anderson,M'K'nzie | Johnson, LaMoure | Rettke |
| Anfinson | Joiner | Ritter |
| Belzer | Keller | Rohde |
| Billigmeier | Knutson | Schmidt, McHenry |
| Bingenheimer | McIntee | Schmidt, Sheridan |
| Braun, McLean | McIntyre | Schimke |
| Buchholz | Myers | Scholl |
| Erickson | Mittag | Schwartz |
| Fletcher | Mollet | Semerad |
| Fraser | Nelson, Dickey | Stone |
| Glas | O'Brien | Tuff |
| Haag | Ostgulen | Urschel |
| Heckman | Panko | Mr. Speaker |

Those voting in the negative were:

| | | |
|---|---|---|
| Arneson, Nelson | Gainor | Peterson, Ransom |
| Arneson, Ramsey | Halvorson | Saumur |
| Beede | Haugland | Severson |
| Benno | Holthusen | Sharpe |
| Bergesen | Ireland | Shure |
| Blair | Johnson, Cass | Singleton |
| Bolmeier | Kluver | Skartvedt |
| Boulden | Lange | Solberg |
| Braun, Stark | Levin | Stormon |
| Brown | Lunde | Symington |
| Byrne | McInnes | Thompson,Burl'gh |
| Crockett | Moe | Thompson, Steele |
| Culver | Morland | Trydahl |

| | | |
|---|---|---|
| Dalzell | Nelson, Cass | Twichell |
| Dike | Nelson, Steele | Wambheim |
| Dittmer | Nystrom | Westby |
| Feton | Odegard | Williams,Richland |
| Fitch | Oglesby | Williams,Stutsm'n |
| Fuglestad | Page | Wolf |

Absent and not voting:

| | | |
|---|---|---|
| Gray | Jensen | Schauss |
| Hofstrand | Larson | Sellens |
| Holm | Sand | Sticka |

So the substitute motion was declared lost.

Rep. Dike: I don't believe in starting something and then not finishing it. We started this with a resolution. This will finish it. I vote "no."

Rep. Scholl: Mr. Speaker: I wish to explain my vote and have my explantion recorded in the Journal. I feel that in voting "aye" on this measure that I do it in the same spirit in which Senator Nye perhaps did in his support of the country on WPA, that it is an economy proposition to the State of North Dakota. I further vote "aye" for the reason that it is a duplication of record and a needless expense and also a further reason that I vote "aye." Had Senator Nye addressed a personal communication to this assembly, I would have been glad to consider it as a personal communication. I vote "aye."

Rep. Williams of Richland: To explain my vote I will quote from Abraham Lincoln: "With malice toward none and charity for all." I vote "no."

The question being on the original motion of Rep. Shure, the motion was declared carried.

United States of America
CONGRESSIONAL RECORD
Proceedings and Debates of the 76th Congress, First Session

W. P. A. DEFICIENCY APPROPRIATION
SPEECH
of
HON. GERALD P. NYE
of North Dakota
In the Senate of the United States
January 27, 1939

Mr. Nye: Mr. President, I could not permit the record on the pending amendment to be closed without recording as clearly as I know how the reasons why I shall support the report and recommendations made by the Senate Committee on Appropriations to the Senate.

None will dispute the fact that I have given fullest support to the most liberal relief programs which have been advanced since Congress started appropriating to meet human needs resulting from the production of too much of everything needed. It may be said that, in addition to the production of too much of everything needed, our trouble has been traceable to years of economic propping in the hope and expectation that we could maintain the insane, unnatural, and unbalanced economy which war taught us to like while it lasted.

But, whatever the cause of our economic break-down, we know the price that has been and is being paid—human mis-

ery, lost homes and equities, lost hopes. To meet this need I have been willing to and have helped pour out unmeasured resources to alleviate that distress. I have helped pour priming into the national pump in the form of funds for loans and gifts to business, to home owners, to home builders, easy money to a broken banking system. I have given full measure of support to the creation and financing of P. W. A., W. P. A., Farm Security Administration, C. C. C., and every other cause which had as its purpose the restoration of normal opportunity for the people and the meeting of some of the needs of a people without the means to meet their own first needs. I have never questioned the wisdom of the huge amounts asked for these purposes, except as I have questioned whether we were meeting needs as fully as they should be met, as fully as a presumably rich nation ought to be eager to meet them. I have not been one who believed that we were impairing the future of the nation by adding to a national debt, for unlimited debt is still better than millions of hungry, unclothed and unsheltered human beings. Give, give, give, help, help, help, has been my very definite purpose through each of these distressing years.

I have seen some most unhappy results flowing from our spending. I have seen heartless and impatient administrators giving of the help we voted here to those less—and sometimes least—deserving, while proud men and women have been coldly turned away. I have seen chislers accommodated, but perhaps not more than were to be expected under necessarily hurried administration. I have seen waste. I have seen politics played with relief money and have felt the sting of the lash of relief politics; but this in spite of administration in my State, which did its utmost to prevent an inevitable result under a public relief program. I have seen some proud and courageous men and women drift and drift under relief to a point where it is all too apparent that they have come to assume that they shall always have relief and make no plans or seek no outlet whereby they might provide for themselves. I have seen men in business and operators of farms unable to get help they were ready to hire and needed because those whose help was needed were finding it easier under W. P. A., but they were not the many whom we were trying to help.

I have seen all of this, yet have been willing to afford more of relief appropriations, because there seemed no escaping some of these consequences, and because I was sure we must one day find ourselves out of the economic swamp, and upon the road of normal recovery upon which to build a healthy prosperity and abundant opportunity for the millions of honest people who would welcome freedom from dependence upon relief. I insist again that I have given complete and unqualified support to those steps which were to accomplish this end.

Mr. President, I shall continue the pouring out of resources so long as there shall be need on the part of people who are helpless to help themselves through no fault of their own.

But when I see how little progress has been made against the conditions which we have been fighting, when I see as much or more unemployment than there was when we started our spending of billions, when I must see as many or more needy people than were in that unfortunate position when

we went to the help of their kind with seeming unlimited relief, when I see and acknowledge those facts I swear it is high time to be taking strict and careful inventory of our direction and prospect, however good may have been and might be our purpose.

That inventory should pursue two definite lines. We should have determination of whether there is need for all that is being asked and proposed and if what we give in billions of dollars is being made to reach the largest possible number of people in need. Second, our inventory should be such a one as would let us know whether we are utilizing our resources spent in the name of relief and recovery in a way that accomplishes results against the fundamental ills.

There is no better time for that inventory than between now and next spring. We can best do this job by accepting, as a first step, the amount and provisions embodied in the pending relief bill as reported by the Appropriations Committee. And we can take this first step without inflicting any more suffering upon people than would be inflicted in February and March under the larger amount being asked for in the pending amendment to the deficiency relief appropriation measure.

What is the situation? In the last session of Congress we appropriated such sums for relief as were recommended, as necessary up to the time when Congress would be reconvened. Upon convening we confront the fact that while the Farm Security Administration and other agencies assisting in meeting the needs of people have balances to carry on operations to the end of the present fiscal year on June 30, the W. P. A. has only such funds as are necessary to carry on until February 4 or 7. A deficiency appropriation for a little less than 5 months of continued W. P. A. operation is asked. The President recommended an appropriation for this purpose of $875,000,000. The House of Representatives by a considerable majority voted to reduce this amount to $725,000,000, a reduction of about 17 per cent. The Senate Appropriations Committee concurred in the House figure after writing into the measure provisions which would prevent any reduction of the W. P. A. rolls of more than 5 percent in the bitter winter months of February and March, and leaving the door wide open for additional appropriation in the event the President should see an emergency requiring more than would be left of the $725,000,000 for use in W. P. A. in April, May, and June. The committee had no thought of drastically departing from meeting proven needs under W. P. A. Now comes an amendment to the committee figure proposing restoration of the full amount recommended by the President.

What was the consideration which prompted the House and the Senate committee to adopt the lower figure? As a member of the committee I can answer that question.

First in consideration was the determination not abruptly to force people off W. P. A. rolls in February and March. To have done otherwise would have been criminal. The committee had every right to believe that April, May, and June would bring conditions that would afford employment for many on relief and afford chance to reduce the W. P. A. rolls by June to at least a point approximating the number

who were on the rolls a year ago this month when the employment problem was desperate throughout the country. What might be expected to make such reduction of numbers on W. P. A. possible? First, the natural opportunity for employment which comes with spring; second, employment resulting from the huge contemplated expenditures by reason of the emergency armament program involving several hundred million dollars; finally, there must come great opportunity for employment in March, April, and May and following months by reason of the tremendous public-works program which will get under way in full blast as soon as building weather arrives.

That, briefly was the consideration which prompted the adoption of the lower figure of appropriation necessary to carry W. P. A. through to July 1, with, mind you, the promise of more if the President should report need for it as we approached those months when reduction of W. P. A. rolls is normally expected. What can be wrong, unfair, or unsafe about such a consideration?

Will it be said that we ought to appropriate definitely and finally for 5 months now and avoid the necessity of dealing with this question again? True, more time of the Congress might be required; but is it not certain that we can do a much more creditable job of measuring April, May, and June relief needs as we approach those months than by doing the longer range of guessing? Of course we can. We are going to have to be here. We are going to have to be determining the W. P. A. needs for the new year, beginning July 1, also during the same time. I think it is good sense to take advantage of the opportunity to do appropriating when we are nearer to what may be discovered to be the needs of the unemployed than we are now.

I have another, and, I believe, an equally sound, reason for wanting this chance for inventory of human needs.

Speaking only of the State I know best, and its neighbor States in the Northwest, I know the need for help by the people is greater today than has been true at any time in the past. That need will largely continue until there can be the harvesting of another crop in that section this fall. I would be the last to argue against probable need for more relief appropriation than is now being provided for unless I knew other sections of the Nation were showing larger prospect of early improvement than is true of my section. And frankness compels me to doubt how much of improvement is in store in the employment problem by reason of the W. P. A. and armament spending.

This brings me directly to the conclusion that this Congress must pause, take its inventory, and determine where we are going from here.

If we are going to have to conclude during this session that in spite of all we have done in a legislative way, in spite of all our spending, that we are where we were when we started this program, or worse off, then it is obviously our duty to change our direction of effort and go after our problem in a fundamental way.

I do not take the time now to argue in detail what I think we ought to do. I only want to say that, starting 18 years

ago, I urged the thought shared by many more, namely, that no country could be long prosperous or could long escape quite complete economic decay if it permitted denial of an income to that third or fourth of our population at work and at home on the farms of America, such an income as would give a large part of our population the kind of buying power that would let them patronize American business and American labor. We all watched for years this denial to the farmer, even during years when other people, watching the stock-market barometer, kidded themselves into believing that our Nation was enjoying a great prosperity. We all witnessed, finally, the crumbling of the whole structure builded upon a decaying agricultural industry.

Let us face the facts. We have tried to rebuild the structure. We have talked about and tried almost every plan suggested to rebuild, every plan but one as respects agriculture. For 10 years we have followed leadership in Congress, a leadership that was certainly sincere, yet a leadership that would hardly tolerate any plan that was not their own. Yet every plan tried, including the one now in operation, finds the farmer at the bottom of the heap, his obligations mounting, his lands getting away from him, prices for his product that do not even pay the cost of producing it.

This Government will come, must come, to adopt that farm program which guarantees the farmer an American price for that part of his product consumed in America—the American price of which I speak being the price that represents an average cost of producing the products plus a profit with cost and profit to be determined on as sound a basis as that used by any successful businessman in determining his prices.

A large step in accomplishment of this purpose is found in the introduction of Senate bill 570, sponsored by 18 Members of the Senate. To its passage in this session I shall devote the most earnest effort of my life in Congress. Because the way for this legislation to become law will be made easier thereby, I hope this Congress may be confronted by an acknowledgment that we have really made no headway during these years of depression battling. That acknowledgment might be in the form of a request for more relief money to meet as large or a larger unemployment problem than we have found it necessary to meet in the late spring or summer of any one of these bad years. And when that kind of acknowledgment comes in the form of a request for more relief money than is provided in the pending measure, I am ready to appropriate as much more as is found necessary to meet the needs of the people, and then to become one of many, I hope, demanding that we go to the heart of this farm problem and make an American price possible for the farmers' products. Doing that is certain to afford more employment than all our relief bills combined, and do it within a very few months.

Rep. Anderson of Benson: "Mr. Speaker: Today being the birthday anniversary of a great American I now move that the House recess for a thirty-minute period in honor of Abraham Lincoln."

Which motion prevailed and the House stood recessed.

The Speaker called the House to order pursuant to thirty-

minute recess and announced that the House would be on the Eighth Order of Business.

## SIGNING OF BILLS

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 102. A Bill for an Act Forbidding the Sale of Fermented Malt Beverages in the State of North Dakota Which Are Manufactured With Less Than Sixty-six and Two-thirds Percent (66 2/3%) of Barley Malt.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 101. A Bill for an Act to Amend and Reenact Chapter 137, Session Laws of 1931, Relating to Filling of Vacancies of Elective County Officers, Superintendent of Schools and County Commissioners on the No-Party Ballot.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 111. A Bill for an Act to Amend and Reenact Chapter 3 of the Session Laws of 1933; Defining Unfair Discrimination in the Purchase of Certain Farm Products; Prohibiting Such Discrimination; Providing a Penalty Therefor; and Repealing Acts in Conflict Herewith; and Declaring an Emergency.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 153. A Bill for an Act Amending and Reenacting Chapter 123 of the Session Laws of 1931, Authorizing the Juvenile Court to Commit to the Institution for the Feeble Minded Any Dependent, Neglected or Delinquent Child Who is Feeble Minded or Whose Mental Condition is Found a Subject for Inquiry.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 57. A Bill for an Act to Amend and Reenact Section 5235a1 of the 1925 Supplement to the Compiled Laws of North Dakota for the Year 1913 and Declaring an Emergency.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 125. A Bill for an Act Amending and Reenacting Sub-section 1 of Chapter 97 of the Session Laws of 1933 and Sub-section 4 of Section 4 of Chapter 97 of the Session Laws of 1933, as Amended by Chapter 119 of the Session Laws of 1935; Providing the Loss of Residence Upon Moving to Another State and Declaring an Emergency.

And the Speaker signed the same in the presence of the House.

## FIRST READING OF HOUSE BILLS

Reps. Schimke, Schauss and Hofstrand introduced:

House Bill No. 377. A Bill for an Act to Provide for the Licensing of Bee-Keepers and for Apiaries; for Issuance of License; for an Appropriation; for Penalties and Declaring an Emergency.

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

Committee on Delayed Bills (at the request of the Committee on Taxes and Tax Laws) introduced:

House Bill No. 378. A Bill for an Act to Provide for the Raising of Public Revenues by Imposing a Tax Upon the Privilege of Engaging in any Business, Trade, Profession, Occupation or Calling, to be Measured by Gross Income, to Provide That This Tax Shall be a Replacement Tax to the Extent Herein Specified, to Provide for the Ascertainment, Assessment and Collection of Said Tax, to Provide Certain Exemptions From the Tax, to Provide for the Administration Thereof, to Provide a Penalty for the Violation of the Terms of the Act, to Provide for the Disposition of Revenues, to Provide an Appropriation for the Administration of This Act, and Declaring an Emergency.

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

Reps. Ista and Rohde introduced:

House Bill No. 379. A Bill for an Act Providing for the Making of Complaints by Citizens Committees in Cases Where Such Committees Feel that the States Attorney and Sheriff are not Doing Their Duties in Enforcing the Laws Pertaining to Illegal Selling of Liquor, Keeping a Place for Gambling, and Allowing Slot Machines to Operate, and Providing Penalties for Violation of the Provisions of This Act.

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

Rep. Mittag introduced:

House Bill No. 380. A Bill for an Act Amending and Reenacting Chapter 242 of the Session Laws of 1935 Providing Relief From Foreclosure of Real Estate Mortgages, and Providing for an Adjustment of Equities on Foreclosure Between Mortgagor and Mortgagee; Saving Clause; and Declaring an Emergency.

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

Rep. Ritter introduced:

House Bill No. 381. A Bill for an Act Relating to the Foreclosure of Mortgages on Farm and City Homes, Limiting the Duration of This Act, 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 Judiciary.

## MESSAGE TO THE SENATE

House of Representatives,
Bismarck, February 13, 1939.

Mr. President: I have the honor to transmit:

House Bill No. 125. A Bill for an Act Amending and Re-

enacting Sub-section 1 of Chapter 97 of the Session Laws of 1933 and Sub-section 4 of Section 4 of Chapter 97 of the Session Laws of 1933, as Amended by Chapter 119 of the Session Laws of 1935; Providing the Loss of Residence Upon Moving to Another State and Declaring an Emergency.

House Bill No. 57. A Bill for an Act to Amend and Reenact Section 5235a1 of the 1925 Supplement to the Compiled Laws of North Dakota for the Year 1913 and Declaring an Emergency.

House Bill No. 153. A Bill for an Act Amending and Reenacting Chapter 123 of the Sesion Laws of 1931, Authorizing the Juvenile Court to Commit to the Institution for the Feeble Minded Any Dependent, Neglected or Delinquent Child Who is Feeble Minded or Whose Mental Condition is Found a Subject for Inquiry.

House Bill No. 111. A Bill for an Act to Amend and Reenact Chapter 3 of the Session Laws of 1933; Defining Unfair Discrimination in the Purchase of Certain Farm Products; Prohibiting Such Discrimination; Providing a Penalty Therefor; and Repealing Acts in Conflict Herewith; and Declaring an Emergency.

House Bill No. 101. A Bill for an Act to Amend and Reenact Chapter 137, Session Laws of 1931, Relating to Filling of Vacancies of Elective County Officers, Superintendent of Schools and County Commissioners on the No-Party Ballot.

House Bill No. 102. A Bill for an Act Forbidding the Sale of Fermented Malt Beverages in the State of North Dakota Which Are Manufactured With Less Than Sixty-six and Two-thirds Percent (66 2/3%) of Barley Malt.

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

MINNIE D. CRAIG, Chief Clerk.

## SECOND READING OF HOUSE BILLS

House Bill No. 176. A Bill for an Act to Amend and Reenact Section 34, Chapter 94, Session Laws of 1931, Pertaining to Examination of Building and Loan Associations.

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, 97; nays, 6; absent and not voting, 8.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Halvorson | Panko |
| Anderson, Benson | Haugland | Peterson,Bottineau |
| Anfinson | Heckman | Peterson, Ransom |
| Arneson, Nelson | Hofstrand | Rait |
| Arneson, Ramsey | Holthusen | Rettke |
| Beede | Hultstrand | Ritter |
| Belzer | Ireland | Rohde |
| Benno | Ista | Saumur |
| Bergesen | Jensen | Schauss |
| Billigmeier | Johnson, Cass | Schmidt, McHenry |
| Bingenheimer | Johnson, LaMoure | Schmidt, Sheridan |
| Blair | Joiner | Schwartz |
| Bolmeier | Keller | Severson |

| | | |
|---|---|---|
| Boulden | Kluver | Sharpe |
| Braun, McLean | Knutson | Shure |
| Braun, Stark | Lange | Singleton |
| Brown | Levin | Skartvedt |
| Byrne | Lunde | Solberg |
| Crockett | McInnes | Stone |
| Culver | McIntee | Stormon |
| Dalzell | Mittag | Symington |
| Dike | Moe | Thompson, Burl'gh |
| Dittmer | Mollett | Thompson, Steele |
| Erickson | Morland | Trydahl |
| Feton | Nelson, Cass | Twichell |
| Fitch | Nelson, Dickey | Urschel |
| Fletcher | Nelson, Steele | Wambheim |
| Fraser | Nystrom | Westby |
| Fuglestad | O'Brien | Williams, Richland |
| Gainor | Oglesby | Williams, Stutsm'n |
| Glas | Ostgulen | Wolf |
| Gray | Page | Mr. Speaker |
| Haag | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Anderson, M'K'nzie | McIntyre | Semerad |
| Buchholz | Schimke | Tuff |

Absent and not voting:

| | | |
|---|---|---|
| Holm | Odegard | Sellens |
| Larson | Sand | Sticka |
| Myers | Scholl | |

So the bill passed and the title was agreed to.

Rep. Bergesen moved that the vote by which House Bill No. 176 was passed be reconsidered, and the motion to reconconsider be laid on the table.

Which motion prevailed.

Rep. Page moved that the House dispense with Second Reading of House Bill No. 211 as the same had already been read the second time and that the same be placed directly on final passage, which motion prevailed.

House Bill No. 211. A Bill for an Act to Amend and Reenact Section 45 of Chapter 94 of the Session Laws of 1931 Relating to Building and Loan Associations and Making Provision for Appointment of Federal Savings and Loan Insurance Corporation as Receiver or Co-receiver of Associations in Liquidation Which Are Insured by Said Insurance Corporation.

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, 91; nays, 9; absent and not voting, 11.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Haag | Page |
| Anderson, Benson | Haugland | Panko |
| Anfinson | Heckman | Peterson, Bottineau |
| Arneson, Nelson | Hofstrand | Peterson, Ransom |
| Arneson, Ramsey | Holm | Rohde |
| Beede | Holthusen | Saumur |
| Belzer | Hultstrand | Schauss |

| | | |
|---|---|---|
| Benno | Ireland | Schmidt, McHenry |
| Bergesen | Ista | Schmidt, Sheridan |
| Billigmeier | Jensen | Schimke |
| Bingenheimer | Johnson, Cass | Schwartz |
| Blair | Joiner | Semerad |
| Bolmeier | Keller | Severson |
| Boulden | Kluver | Sharpe |
| Braun, McLean | Knutson | Shure |
| Braun, Stark | Lange | Singleton |
| Brown | Levin | Skartvedt |
| Byrne | Lunde | Solberg |
| Crockett | McIntee | Stone |
| Culver | McIntee | Stormon |
| Dalzell | Myers | Symington |
| Dike | Mittag | Thompson,Burl'gh |
| Erickson | Moe | Thompson, Steele |
| Feton | Mollet | Trydahl |
| Fitch | Morland | Twichell |
| Fletcher | Nelson, Cass | Urschel |
| Fraser | Nelson, Steele | Wambheim |
| Fuglestad | Nystrom | Westby |
| Gainor | O'Brien | Williams,Stutsm'n |
| Glas | Oglesby | Mr. Speaker |
| Gray | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Anderson,M'K'nzie | McIntyre | Rait |
| Buchholz | Nelson, Dickey | Rettke |
| Halvorson | Ostgulen | Tuff |

Absent and not voting:

| | | |
|---|---|---|
| Dittmer | Ritter | Sticka |
| Johnson, LaMoure | Sand | Williams,Richland |
| Larson | Scholl | Wolf |
| Odegard | Sellens | |

So the bill passed and the title was agreed to.

Rep. Shure moved that the vote by which House Bill No. 211 was passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 5. A Bill for an Act Making an Appropriation for the Purpose of Indemnifying Owners of Animals Infected with Bovine Tuberculosis and to Pay Expenses in Connection 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, 94; nays, 8; absent and not voting, 9.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Haugland | Peterson,Bottineau |
| Anderson, Benson | Heckman | Peterson, Ransom |
| Anderson,M'K'nzie | Hofstrand | Rait |
| Anfinson | Holm | Rettke |
| Arneson, Nelson | Holthusen | Ritter |
| Arneson, Ramsey | Hultstrand | Rohde |
| Beede | Ireland | Saumur |
| Belzer | Ista | Schauss |

| | | |
|---|---|---|
| Benno | Jensen | Schmidt, McHenry |
| Bergesen | Joiner | Schmidt, Sheridan |
| Billigmeier | Keller | Schimke |
| Bingenheimer | Kluver | Schwartz |
| Blair | Knutson | Semerad |
| Bolmeier | Lange | Severson |
| Boulden | Levin | Sharpe |
| Braun, McLean | Lunde | Singleton |
| Braun, Stark | McInnes | Skartvedt |
| Brown | McIntee | Solberg |
| Buchholz | McIntyre | Stone |
| Byrne | Myers | Stormon |
| Culver | Mittag | Thompson, Burl'gh |
| Dike | Mollet | Thompson, Steele |
| Erickson | Morland | Trydahl |
| Feton | Nelson, Cass | Tuff |
| Fletcher | Nelson, Dickey | Urschel |
| Fraser | Nelson, Steele | Wambheim |
| Fuglestad | Nystrom | Westby |
| Gainor | Oglesby | Williams, Richland |
| Glas | Ostgulen | Williams, Stutsm'n |
| Gray | Page | Wolf |
| Haag | Panko | Mr. Speaker |
| Halvorson | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Dalzell | Moe | Symington |
| Fitch | O'Brien | Twichell |
| Johnson, Cass | Shure | |

Absent and not voting:

| | | |
|---|---|---|
| Crockett | Larson | Scholl |
| Dittmer | Odegard | Sellens |
| Johnson, LaMoure | Sand | Sticka |

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

Rep. Dike moved that the vote by which House Bill No. 5 was passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 184. A Bill for an Act Relating to Vital Statistics Records of Illegitimate Children, and to Provide for the Making of a New Certificate for a Child Legitimatized by Marriage of Parents and for a Child Legitimatized by Adoption.

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, 100; nays, 0; absent and not voting, 11.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Halvorson | Panko |
| Anderson, Benson | Haugland | Peterson, Bottineau |
| Anderson, M'K'nzie | Heckman | Peterson, Ransom |
| Anfinson | Hofstrand | Rait |
| Arneson, Nelson | Holm | Rettke |
| Arneson, Ramsey | Holthusen | Rohde |
| Beede | Hultstrand | Saumur |

| | | |
|---|---|---|
| Belzer | Ireland | Schauss |
| Benno | Ista | Schmidt, McHenry |
| Bergesen | Jensen | Schmidt, Sheridan |
| Billigmeier | Johnson, Cass | Schimke |
| Bingenheimer | Johnson, LaMoure | Schwartz |
| Blair | Joiner | Semerad |
| Bolmeier | Keller | Severson |
| Boulden | Knutson | Sharpe |
| Braun, McLean | Lange | Shure |
| Braun, Stark | Levin | Singleton |
| Brown | Lunde | Skartvedt |
| Buchholz | McInnes | Solberg |
| Byrne | McIntee | Stone |
| Crockett | McIntyre | Stormon |
| Culver | Myers | Symington |
| Dalzell | Mittag | Thompson,Burl'gh |
| Dike | Moe | Thompson, Steele |
| Erickson | Mollet | Trydahl |
| Feton | Nelson, Cass | Tuff |
| Fitch | Nelson, Dickey | Twichell |
| Fletcher | Nelson, Steele | Wambheim |
| Fraser | Nystrom | Westby |
| Fuglestad | O'Brien | Williams,Richland |
| Gainor | Oglesby | Williams,Stutsm'n |
| Glas | Ostgulen | Wolf |
| Gray | Page | Mr. Speaker |
| Haag | | |

Absent and not voting:

| | | |
|---|---|---|
| Dittmer | Odegard | Sellens |
| Kluver | Ritter | Sticka |
| Larson | Sand | Urschel |
| Morland | Scholl | |

So the bill passed and the title was agreed to.

Rep. Saumur moved that the vote by which House Bill No. 184 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

House Bill No. 216. A Bill for an Act to Amend and Reenact Section 8175 of the Compiled Laws of the State of North Dakota for 1913 Relating to Actions Against 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, 86; nays, 15; absent and not voting, 10.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Gray | Nystrom |
| Anderson, Benson | Haag | O'Brien |
| Anderson,M'K'nzie | Halvorson | Page |
| Anfinson | Haugland | Panko |
| Arneson, Nelson | Heckman | Peterson,Bottineau |
| Belzer | Hofstrand | Rait |
| Benno | Holm | Rettke |
| Bergesen | Holthusen | Ritter |
| Billigmeier | Hultstrand | Rohde |
| Bingenheimer | Ireland | Schauss |
| Bolmeier | Ista | Schmidt, McHenry |

| | | |
|---|---|---|
| Braun, McLean | Jensen | Schmidt, Sheridan |
| Braun, Stark | Johnson, LaMoure | Schimke |
| Brown | Joiner | Schwartz |
| Buchholz | Keller | Semerad |
| Byrne | Kluver | Severson |
| Crockett | Knutson | Sharpe |
| Culver | Lange | Solberg |
| Dalzell | Levin | Stone |
| Dike | Lunde | Thompson, Burl'gh |
| Dittmer | McInnes | Tuff |
| Erickson | McIntee | Urschel |
| Feton | McIntyre | Wambheim |
| Fitch | Myers | Westby |
| Fletcher | Mittag | Williams, Richland |
| Fraser | Mollet | Williams, Stutsm'n |
| Fuglestad | Nelson, Cass | Wolf |
| Gainor | Nelson, Dickey | Mr. Speaker |
| Glas | Nelson, Steele | |

Those voting in the negative were:

| | | |
|---|---|---|
| Arneson, Ramsey | Oglesby | Stormon |
| Blair | Saumur | Symington |
| Boulden | Shure | Thompson, Steele |
| Johnson, Cass | Singleton | Trydahl |
| Moe | Skartvedt | Twichell |

Absent and not voting:

| | | |
|---|---|---|
| Beede | Ostgulen | Scholl |
| Larson | Peterson, Ransom | Sellens |
| Morland | Sand | Sticka |
| Odegard | | |

So the bill passed and the title was agreed to and the Emergency Clause was declared carried.

Rep. Rohde moved that the vote by which House Bill No. 216 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

House Bill No. 233. A Bill for an Act to Provide Additional Method for the Issuance of Professional Teachers' Certificates. 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, 53; nays, 50; absent and not voting, 8.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Gainor | Panko |
| Anderson, Benson | Haag | Peterson, Bottineau |
| Anderson, M'K'nzie | Heckman | Rait |
| Beede | Hofstrand | Rettke |
| Benno | Ista | Rohde |
| Billigmeier | Kluver | Schauss |
| Bingenheimer | Knutson | Schmidt, Sheridan |
| Braun, McLean | Lange | Schimke |
| Braun, Stark | Lunde | Sharpe |
| Buchholz | McIntee | Singleton |
| Byrne | McIntyre | Symington |
| Culver | Myers | Thompson, Burl'gh |

| | | |
|---|---|---|
| Dalzell | Mittag | Thompson, Steele |
| Dike | Mollet | Tuff |
| Erickson | Nelson, Dickey | Williams,Richland |
| Feton | Nelson, Steele | Williams,Stutsm'n |
| Fletcher | O'Brien | Mr. Speaker |
| Fraser | Page | |

Those voting in the negative were:

| | | |
|---|---|---|
| Anfinson | Holthusen | Saumur |
| Arneson, Nelson | Hultstrand | Schmidt, McHenry |
| Arneson, Ramsey | Ireland | Schwartz |
| Belzer | Jensen | Semerad |
| Bergesen | Johnson, Cass | Severson |
| Blair | Johnson, LaMoure | Shure |
| Bolmeier | Joiner | Skartvedt |
| Boulden | Keller | Solberg |
| Brown | Levin | Stone |
| Dittmer | McInnes | Stormon |
| Fitch | Moe | Trydahl |
| Fuglestad | Morland | Twichell |
| Glas | Nelson, Cass | Urschel |
| Gray | Nystrom | Wambheim |
| Halvorson | Oglesby | Westby |
| Haugland | Ostgulen | Wolf |
| Holm | Peterson, Ransom | |

Absent and not voting:

| | | |
|---|---|---|
| Crockett | Ritter | Sellens |
| Larson | Sand | Sticka |
| Odegard | Scholl | |

So the bill was declared lost for lack of constitutional majority.

Rep. Stone moved that the vote by which House Bill No. 233 was lost be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

House Bill No. 118 was read the second time.

Rep. Byrne asked for unanimous consent to amend House Bill No. 118, which consent was granted.

Rep. Byrne moved the following amendment:

On page 2, line 23, of the printed bill, strike out line 23, beginning with the word "thereafter" and strike out line 24 up to and including the word "term" and the semi-colon following.

Which motion prevailed.

Rep. Byrne moved that the rules be suspended and that House Bill No. 118 be considered properly re-engrossed, placed on second reading and final passage, which motion prevailed.

House Bill No. 118. A Bill for an Act Amending and Reenacting Section 1 of Chapter 173 of the Session Laws of the State of North Dakota for 1937, Relating to Permitting and Authorizing the Adoption of Civil Service by Cities Having a Population in Excess of 4,000; Providing for Such Adoption by Passage of Ordinance; and Defining the Term Governing Body.

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, 60; absent and not voting, 13.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Arneson, Nelson | Haag | Nystrom |
| Beede | Hofstrand | O'Brien |
| Belzer | Holm | Oglesby |
| Bergesen | Holthusen | Page |
| Blair | Ireland | Peterson, Ransom |
| Bolmeier | Jensen | Schauss |
| Braun, Stark | Joiner | Solberg |
| Brown | Kluver | Symington |
| Culver | Lange | Twichell |
| Dike | McInnes | Wambheim |
| Fitch | Morland | Westby |
| Fuglestad | Nelson, Cass | Williams,Stutsm'n |
| Gray | Nelson, Steele | |

Those voting in the negative were:

| | | |
|---|---|---|
| Adam | Hultstrand | Ritter |
| Anderson,M'K'nzie | Ista | Saumur |
| Anfinson | Johnson, Cass | Schmidt, McHenry |
| Arneson, Ramsey | Johnson, LaMoure | Schmidt, Sheridan |
| Billigmeier | Keller | Schimke |
| Bingenheimer | Knutson | Schwartz |
| Boulden | Levin | Semerad |
| Braun, McLean | Lunde | Severson |
| Buchholz | McIntee | Sharpe |
| Byrne | McIntyre | Shure |
| Crockett | Myers | Singleton |
| Dittmer | Mittag | Stone |
| Erickson | Mollet | Stormon |
| Feton | Moe | Thompson, Steele |
| Fletcher | Nelson, Dickey | Trydahl |
| Fraser | Ostgulen | Tuff |
| Gainor | Panko | Urschel |
| Halvorson | Peterson,Bottineau | Williams,Richland |
| Haugland | Rait | Wolf |
| Heckman | Rettke | Mr. Speaker |

Absent and not voting:

| | | |
|---|---|---|
| Anderson, Benson | Odegard | Sellens |
| Benno | Rohde | Skartvedt |
| Dalzell | Sand | Sticka |
| Glas | Scholl | Thompson,Burl'gh |
| Larson | | |

So the bill was declared lost.

Rep. Stone moved that the vote by which House Bill No. 118 was lost be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

## GENERAL ORDERS

Rep. Crockett moved that the House resolve itself into a Committee of the Whole for the consideration of General Orders; which motion prevailed, and the House resolved itself into a Committee of the Whole.

The Speaker called Rep. Crockett to the Chair.

When the committee arose it submitted the following report:

Mr. Speaker: The Committee of the Whole have had under consideration:

House Bill No. 252.

Strike out all of the Bill as introduced after the words "A Bill" and insert in place thereof the following: "For an Act Prescribing Additional Regulations as to the Driving of School Busses; Penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. ADDITIONAL REGULATIONS GOVERNING SCHOOL BUSSES.) That the driver of every school bus operated in the State of North Dakota, shall be and hereby is required upon approach of any railroad grade crossing, to bring the same to a complete stop before reaching the tracks thereof, and to step down and out of such vehicle and proceed to the center of such track and ascertain if any train is approaching. Any failure or neglect so to do shall constitute a misdemeanor and be punishable as such."

And recommend the adoption of the amendments of the Standing Committee.

And when so amended recommend the same do pass.

House Bill No. 50.

And recommend the same be indefinitely postponed.

W. M. CROCKETT, Chairman, Committee of the Whole.

Rep. Fitch moved the adoption of the report of the Committee of the Whole, which motion prevailed.

Rep. Crockett retained the Chair on request of Speaker Hagen.

The House received a message from the Senate containing the Senate amendments on House Bill No. 74.

The Chief Clerk read the same from the desk.

Rep. Fitch moved that the Senate amendments on House Bill No. 74 be printed in the Journal and action on House Bill No. 74 be deferred one legislative day, which motion prevailed.

The Senate amendments are to be found on pages 259 and 280, 288 of the Senate Journal. They are as follows:

Strike out all of Sections 1, 2, 3 and 4 and in lieu thereof insert the following: "Section 1. Whereas, according to the report submitted to the Appropriations Committee of the Senate by the Executive Secretary of the State Welfare Board all funds that were appropriated by the 25th Legislative Assembly for relief purposes have been expended contrary to Section 5, Chapter 214, of the 1937 Session Laws, and in direct violation of Chapter 12, of the 1937 Session Laws, and whereas, it is not the intent of the Legislature to penalize the needy of this State."

In Section 5, line 2, strike out the line "to and including North Dakota," and insert in lieu thereof the following: "The State Treasury in the Retail Sales Tax Fund created by Chapter 276, Laws of 1935, not otherwise appropriated."

In line 3, Section 5, after the word "fund," insert the following language: "As a deficiency emergency appropriation."

In line 8, Section 5, strike out the figures "$426,748.00" and insert in lieu thereof the figures "$362,947.92."

In line 13a, strike out the figures "$330,750.00" and insert in lieu thereof the figures "$297,675.00."

In line 13b, strike out the figures "$37,500.00" and insert in lieu thereof the figures "$28,125.00."

In line 13c, strike out the figures "$48,000.00" and in lieu thereof insert the figures "$36,000.00."

In line 13d, strike out the figures "$31,500.00" and in lieu thereof insert the figures "$23,625.00."

In line 13, Sub-total, Item 1, strike out the figures "$447,750.00" and insert in lieu thereof the figures "$385,-449.75."

On page 4, line 2a, strike out the figures "$8,571.00" and insert in lieu thereof the figures "$7,856.75."

In item 2b1, strike out the figures "$5,143.00" and insert in lieu thereof the figures "$4,714.42."

Item 2b2, strike out the figures "$857.00" and insert in lieu thereof the figures "$785.58."

In item 2b3, under postage, strike out the figures "$643.00" and insert in lieu thereof the figures "$589.42."

In line 2b3 following "telegraph and telephone" strike out the figures "$279.00" and insert in lieu thereof the figures "$255.75."

In item 2b4, strike out the figures "$1,284.00" and insert in lieu thereof the figure "$1,177.00."

In item 2b5, strike out the figures "$279.00" and insert in lieu thereof the figures "$255.75."

Strike out all of line 2b6.

In line 2b7, strike out the figures "$342.00" and insert in lieu thereof the figures "$313.50."

In line 2b8 strike out the figures "$171.00" and insert in lieu thereof the figures "$156.75."

In item 2b9, strike out the figures "$429.00" and insert in lieu thereof the figures "$393.25."

In the line following 2b9 "Total Administrative Expense," strike out the figures "$9,427.00" and insert in lieu thereof the figures "$8,641.67."

In the following line, "Sub-Total Item 2," strike out the figures "$17,998.00" and insert in lieu thereof the figures "$16,498.17."

Strike out the figures "$465,748.00" following "TOTAL EXPENDITURE" and insert in lieu thereof the figures "$431,740.42."

Strike out the figures "$426,748.00" following "NET APPROPRIATION" and insert in lieu thereof the figures "$362,947.92."

Re-number Sections 5 and 6 to read "Sections 2 and 3."

Re-number lines 7, 8 and 9 in line 13-2 to read "6, 7 and 8."

The Speaker resumed the Chair.

The Speaker announced that Reps. Beede, Anderson of Benson and Byrne are appointed on the Conference Committee to act with a like Committee from the Senate on amendments to Senate Bill No. 35.

Rep. Crockett moved that the House recess until 1:00 p. m. tomorrow following the first reading of Senate Bills, which motion prevailed.

## FIRST READING OF SENATE BILLS

Senate Bill No. 78. A Bill for an Act Requiring Licenses for the Operation, Maintenance, Opening, and Establishment of Stores in This State, Prescribing the License and Filing Fees to be Paid Therefore, and the Disposition Thereof, and

the Powers and Duties of the Tax Commissioner of the State of North Dakota 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.

Senate Bill No. 82. A Bill for an Act to Amend and Reenact Section Six of Chapter 235 of the Session Laws of the State of North Dakota for the year 1929, Relating to Park District Tax Levies.

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

Senate Bill No. 95. A Bill for an Act to Amend and Reenact Section 4914, Compiled Laws of North Dakota for the Year 1913, Relating to the Limit of Risks to Which Insurance Companies Shall Be Exposed.

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

Senate Bill No. 119. A Bill for an Act to Amend and Reenact Paragraph (c) of Section 7, Chapter 164, of the Session Laws of 1919, the Same Being Paragraph (c) of Section 4881a7 of 1925 Supplement to the 1913 Compiled Laws of North Dakota, Relating to Mutual Insurance Companies.

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

Senate Bill No. 120. A Bill for an Act to Amend and Reenact Section 4907, Compiled Laws of the State of North Dakota for 1913, to Make More Certain the Requirement That All Foreign Insurance Companies Have a Capital of Two Hundred and Fifty Thousand Dollars ($250,000.00) as a Condition to Writing Fidelity and Surety Risks in This State.

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

Senate Bill No. 121. A Bill for an Act to Amend and Reenact Chapter 161, of the Session Laws of 1931, Relating to the Admission of Foreign Mutual Insurance Companies.

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

Senate Bill No. 127. A Bill for an Act to Amend and Reenact Chapter 216, Session Laws 1923, Constituting Section 950a2 of the 1925 Supplement; and Providing for the Division and Consolidation of Voting Districts.

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

Senate Bill No. 130. A Bill for an Act Providing for the Protection of Pre-historic Deposits, Relics, Indian Mounds, Graves, Village Sites and Other Archaeological Material; Providing for Licensing Persons Engaged in Exploring and Excavating for Ancient Ruins and Archaeological Materials, Restricting Such Exploration and Excavation on State-Owned Lands and Requiring That One-Half of Such Materials be Delivered to the State Historical Society and Providing a Penalty for Violation of This Act.

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

Senate Bill No. 131. A Bill for an Act to Amend and Reenact Chapter 151 of the Session Laws of North Dakota for

1935, Providing for Licenses for Reciprocal Fire and Life Insurance Underwriters.

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

Senate Bill No. 133. A Bill for an Act Relating to the Duties of County Auditors and County Treasurers, With Relation to the Levy, Collection and Record of Municipal Bonds Sinking Funds.

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

Senate Bill No. 139. A Bill for an Act to Amend and Re-enact Subdivision 4 of Section 7426 of the Compiled Laws of North Dakota for 1913, Relating to Service of Summons on a Domestic Corporation, and Providing for Service by Publication on Any Domestic Corporation, the Charter of Which Has Been Forfeited.

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

Senate Bill No. 143. 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.

Senate Bill No. 145. 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.

Senate Bill No. 147. A Bill for an Act to Amend and Re-enact Section 3725 of the 1913 Compiled Laws of the State of North Dakota, Relating to Special Assessments.

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

Senate Concurrent Resolution No. 148. A Concurrent Resolution Providing for the Amendment of Article 33 of the Constitution of North Dakota, Relating to the Recall.

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

Senate Bill No. 151. A Bill for an Act to Amend and Re-enact Section 189b7 of the 1925 Supplement to the Compiled Laws of 1913, as Last Amended by Section 3 of Chapter 137 of the Session Laws of the State of North Dakota for the Year 1933, Relating to State Hail Insurance, Providing for the Levy of a Hail Indemnity Tax, Fixing the Priority of the Lien Therefor; Declaring That Any and All Existing Hail Indemnity Taxes, Which Have Not Heretofore Been Sold to Private Parties, Shall be Liens Subsequent and Inferior to Mortgages, Liens and Judgments Executed Prior to the Levy of Such Hail Indemnity Taxes; and Declaring an Emergency.

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

Senate Bill No. 218. A Bill for an Act to Amend and Re-enact Section 9, of Chapter 311 of the Session Laws for the Year 1931, as Amended and Re-enacted by Chapter 269, of

the Session Laws for the Year 1933; Relating to Fees for Inspection of Weights and Measures, and Declaring an Emergency.

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

Senate Bill No. 196. A Bill for an Act to Amend and Reenact Section 6 of Chapter 198 of the Session Laws of 1937, 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.

Senate Concurrent Resolution No. 185. A Concurrent Resolution Memorializing Congress to Increase the Minimum Number of Employees Required in Agricultural States Under the Unemployment Compensation Act.

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

Senate Bill No. 182. A Bill for an Act Relating to the Status of Municipal Civil Service in Municipalities Which Change Their Form of Government and Amending Chapter 173 of the Session Laws of the State of North Dakota for the Year 1937.

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

Senate Bill No. 175. A Bill for an Act Providing for the Establishment of, License Fee for, and Setting up Regulations to Govern Muskrat Propagation in the State of North Dakota.

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

Senate Bill No. 164. A Bill for an Act Relating to the Enactment of Ordinances in Cities Having the Commission Form of Government and Validating Ordinances Heretofore Enacted in Such Cities.

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

Senate Bill No. 163. A Bill for an Act to Amend and Reenact Section 6, of Chapter 104, of the Session Laws of North Dakota for the Year 1937, Relating to Revenue Bonds of Municipalities, and Declaring an Emergency.

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

Senate Bill No. 162. A Bill for an Act to Amend and Reenact Section 10, of Chapter 102, of the Session Laws of the State of North Dakota for the Year 1937, Relating to Rentals and the Selection of Tenants in Housing Projects of Housing Authorities, and Declaring an Emergency.

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

Senate Bill No. 154. A Bill for an Act to Amend and Reenact Section 3009a2 of the 1925 Supplement to the Compiled Laws of 1913, Relating to the Standard Weight of Coal, and Providing Penalty.

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

Senate Bill No. 153. A Bill for an Act to Amend and Reenact Section 1 of Chapter 92 of the Session Laws of North Dakota for the Year 1931, Relating to Public Airports and Landing Fields and Declaring an Emergency.

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

Senate Bill No. 146. A Bill for an Act Empowering the Governing Board of Cities and Villages to Provide for the Lighting of All Streets, Avenues, Alleys, Sidewalks, Wharves, Parks and Public Grounds, and for the Furnishing and Supplying of Electric Energy or Gas to the City or Village for Lighting, Power, and Other Municipal Purposes, and to the Inhabitants Thereof, and to Enter Into Contracts for Electric Energy or Gas for Municipal and Private Purposes, and Specifying the Manner of Execution of Such Contracts, and Repealing Chapter 173, of the Session Laws of North Dakota for 1929.

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

Senate Bill No. 105. A Bill for an Act Amending and Reenacting Section 5063 of the Compiled Laws of the State of North Dakota for the Year 1913, as Amended by Chapter 165 of the Session Laws of North Dakota for the Year 1931, Relating to the Regulation and Control of the Payment of Death Benefits by Fraternal Benefit Societies; Declaring an Emergency.

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

Senate Bill No. 7. 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 House recessed until 1 p. m. tomorrow, pursuant to Rep. Crockett's motion.

MINNIE D. CRAIG, Chief Clerk.

## FORTY-SECOND DAY AFTER RECESS AND FORTY-THIRD DAY

Bismarck, February 14, 1939.

The House convened at 1:00 P. M., pursuant to recess, Speaker Hagen presiding.

### MESSAGES FROM THE SENATE

Senate Chamber,
Bismarck, February 14, 1939.

Mr. Speaker: I have the honor to transmit:

Senate Concurrent Resolution No. 106. A Concurrent Resolution Urging Immediate Investigation by Congress of Manufacturers of Farm Implements to Determine Costs of Raw Materials, Manufacture, Distribution, Ultimate Costs to Farmer, Price Spread Between Farmer and Consumer of Farm Products, Determination of Farm Machinery Prohibitions, Prohibitions as to Flax Crops and Importation to Meet the Country's Need, and to Determine if a Trust Exists Exercising Unfair Practices to the Detriment of the Agricultural Commonwealth.

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

Mr. Speaker: I have the honor to return:

House Bill No. 101. A Bill for an Act to Amend and Reenact Chapter 137, Session Laws of 1931, Relating to Filling of Vacancies of Elective County Officers, Superintendent of Schools and County Commissioners on the No-Party Ballot.

House Bill No. 102. A Bill for an Act Forbidding the Sale of Fermented Malt Beverages in the State of North Dakota Which Are Manufactured With Less Than Sixty-six and Two-thirds Per Cent (66 2/3%) of Barley Malt.

House Bill No. 111. A Bill for an Act to Amend and Reenact Chapter 3 of the Session Laws of 1933; Defining Unfair Discrimination in the Purchase of Certain Farm Products; Prohibiting Such Discrimination; Providing a Penalty Therefor; and Repealing Acts in Conflict Herewith; and Declaring an Emergency.

House Bill No. 57. A Bill for an Act to Amend and Reenact Section 5235a1 of the 1925 Supplement to the Compiled Laws of North Dakota for the Year 1913 and Declaring an Emergency.

House Bill No. 153. A Bill for an Act Amending and Reenacting Chapter 123 of the Sesion Laws of 1931, Authorizing the Juvenile Court to Commit to the Institution for the Feeble Minded Any Dependent, Neglected or Delinquent Child Who is Feeble Minded or Whose Mental Condition is Found a Subject for Inquiry.

House Bill No. 125. A Bill for an Act Amending and Reenacting Sub-section 1 of Chapter 97 of the Session Laws

**of 1933 and Sub-section 4 of Section 4 of Chapter 97 of the Session Laws of 1933, as Amended by Chapter 119 of the Session Laws of 1935; Providing the Loss of Residence Upon Moving to Another State and Declaring an Emergency.**

Which the President has signed.

WM. J. LOWE, Secretary.

## REPORT OF STANDING COMMITTEE

The Committee on Enrollment and Engrossment respectfully reports that:

House Bill No. 101.
House Bill No. 111.
House Bill No. 57
House Bill No. 153
House Bill No. 125 and
House Bill No. 102 were delivered to the Governor for his approval at the hour of 2:00 o'clock P. M., Feb. 14, 1939.

OLAF OSTGULEN, Chairman.

Rep. Crockett moved that the House suspend the rules for consideration of General Orders, which motion prevailed.

## GENERAL ORDERS

Rep. Crockett moved that the House resolve itself into a Committee of the Whole for the consideration of General Orders, which motion prevailed, and the House resolved itself into a Committee of the Whole.

The Speaker called Rep. Crockett to the chair.

When the committee arose it submitted the following report:

Mr. Speaker: The Committee of the Whole have had under consideration:

House Bill No. 13.

Page 1, Section 1, in line 3, strike out the figures "$9,570.00" and insert in lieu thereof the figures "$9,210.00."

Page 1, Section 1, in line 11, strike out the figures "$3,200.00" and insert in lieu thereof the figures "$4,200.00."

Page 2, Section 1, in line 12, strike out the figures "$1,920.00" and insert in lieu thereof the figures "$2,160.00."

Page 2, Section 1, in line 13, strike out the figures "$500.00" and insert in lieu thereof the figures "$300.00."

Page 2, Section 1, in line 14, strike out the figures "$300.00" and insert in lieu thereof the figures "$200.00."

Page 2, Section 1, in line 15, strike out the figures "$150.00" and insert in lieu thereof the figures "$75.00."

Page 2, Section 1, in line 17, strike out the figures "$400.00" and insert in lieu thereof the figures "$200.00."

Page 2, Section 1, in line 18, strike out the figures "$2,000.00" and insert in lieu thereof the figures "$1,200.00."

Page 2, Section 1, in line 20, strike out the figures "$300.00" and insert in lieu thereof the figures "$75.00."

Page 2, Section 1, in line 21, strike out the figures "$9,570.00" and insert in lieu thereof the figures "$9,210.00."

And recommend the adoption of the amendments of the Standing Committee.

And when so amended, recommend the same do pass.

House Bill No. 42.

Page 1, Section 1, in line 4, strike out the figures "$170,-180.00" and insert in lieu thereof the figures "$163,420.00."

Page 2, Section 1, strike out all of line 14 "Additional Clerkhire (3 Stenographers) $5,760.00."

Page 2, Section 1, in line 21, strike out the figures "$3,000.00" and insert in lieu thereof the figures "$2,000.00."

Page 2, Section 1, in line 26, strike out the figures "$170,-180.00" and insert in lieu thereof the figures "$163,420.00."

Renumber beginnnig with line 15—change to line 14 and continue re-numbering to the bottom of page 2.

And recommend the adoption of the amendments of the Standing Committee.

And when so amended, recommend the same do pass.

House Bill No. 144.

Strike out everything after the words "A Bill" and substitute the following:

For an Act Providing for the Conduct of Elections on All County and Municipal Bond Issues; Providing a Separate Ballot Box for the Ballots of Voters Owning Real Property and a Separate Ballot Box for the Ballots of Other Voters; and Requiring a Two-thirds Vote of Both Such Real Property Owners and Such Other Voters for All Municipal Bond Issues; Repealing All Acts and Parts of Acts in Conflict Herewith; and Declaring an Emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION I. In all elections, required by law, for the purpose of the issuance of bonds by counties, cities, incorporated villages, organized townships, or school districts, for any purpose, held in said county, there shall be two separate ballot boxes provided for such elections, one of such boxes to be used for the ballots cast by voters owning real property in said county as shown by the records in the office of the Register of Deeds in such county, and the remaining ballot box to be used for the ballots of other voters and no such bond issue shall be permitted unless there is at least a two-thirds vote of the ballots cast by the real property owners as herein defined in favor of such bond issue and also a two-thirds vote of such other voters voting in favor of such bond issue, said ballots to be counted and tallied separately.

SECTION II. REPEAL.) All Acts and parts of Acts in conflict herewith, are hereby repealed.

SECTION III. EMERGENCY.) This Act is hereby declared to be an emergency measure, and shall be in full force and effect immediately after its passage and approval.

And recommend the adoption of the amendments of the Standing Committee.

And when so amended, recommend the same do pass.

House Bill No. 259.

After the word "fine" in line 6 of the printed bill, insert the word "liability" and "comma."

And recommend the adoption of the amendments of the Standing Committee.

And when so amended, recommend the same do pass.

House Bill No. 66.

And recommend the same be indefinitely postponed.

House Bill No. 192.

And recommend the same be indefinitely postponed.

W. M. CROCKETT, Chm., Committee of the Whole.

Rep. Morland moved that action on House Bill No. 192 in General Orders be considered separately from the report of the Committee of the Whole, which motion prevailed.

Rep. Bergesen moved the adoption of the report of the Committee of the Whole exclusive of action taken on House Bill No. 192, which motion prevailed.

Rep. Morland moved a substitute motion to the report of the Committee of the Whole on House Bill No. 192 to recommend that it do pass, which motion was lost.

The question being on the indefinite postponement of House Bill No. 192, the motion prevailed.

Rep. Anderson of Benson moved that the absent members be excused, which motion prevailed.

Rep. Anderson of Benson moved that the House do now adjourn, which motion prevailed and the House adjourned.

## FORTY-THIRD DAY

Bismarck, February 14, 1939.

The House assembled at 2:00 P. M., pursuant to adjournment, Speaker Hagen presiding.

Prayer by Adj. Walter Miller.

Roll Call: All Representatives present except Crockett, Hofstrand, Larson, O'Brien, Sand, Sticka.

So a quorum was declared present.

## MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, February 14, 1939.

Mr. Speaker: I have the honor to transmit:

Senate Bill No. 104. A Bill for an Act to Amend and Reenact Chapter 274 of the Session Laws of North Dakota for the Year 1935 as Amended by Chapter 243 of the Session Laws of North Dakota for 1937 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, Extending the Application Thereof to Persons Receiving, Claiming or Demanding Money From Municipalities and Political Sub-divisions Within the State and Providing That Entering Into of Installment Contracts for Payment of Personal Property Taxes Shall Not Relieve Anyone From the Operation of This Act, Repealing All Acts or Parts of Acts in Conflict Herewith and Declaring an Emergency.

Senate Bill No. 235. 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.

Senate Bill No. 94. A Bill for an Act Appropriating Five Thousand Dollars ($5,000.00) to the State Historical Society for the Development of the International Peace Garden, American Section, in Rolette County, North Dakota.

Senate Bill No. 10. 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, as Provided for Under Chapter 137, Session Laws of 1935; Repealing all Acts or Parts of Acts in Conflict Herewith.

Senate Bill No. 124. A Bill for an Act Making an Appropriation for a Pension for Patricia Ann Crites and Dennis Duane Crites, Minor Children of National Guardsman, John E. Crites.

Senate Bill No. 6. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Expenses of the State Penitentiary.

Senate Bill No. 186. A Bill for an Act Providing the Maximum Salary or Compensation Which May Be Paid to or Received by Any Member, Appointee or Employee of Any Board, Bureau, Commission or Department of the State of North Dakota and Providing Penalties for Violation of This Act.

Senate Bill No. 189. A Bill for an Act to Amend and Reenact Section 1190 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, as Amended and Re-enacted by Chapter 243 of the Session Laws of North Dakota for 1927, and as Amended and Re-enacted by Chapter 231 of the Session Laws of North Dakota for 1937, Relating to Consolidation of Schools and Transportation of Pupils; and Repealing All Laws or Parts of Laws in Conflict Therewith.

Senate Bill No. 56. A Bill for an Act Amending and Reenacting the Initiated Measure Entitled: "An Act Reducing and Fixing Allowances for Mileage and Travel Expense 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 30, 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," Adopted and Approved by the Electors at the June 29, 1932, Primary Election, Fixing Allowances for Mileage and Travel Expense of County Officials and Their Deputies; and Repealing Chapter 119, Session Laws of 1931, and All Acts and Parts of Acts in Conflict Herewith.

Senate Concurrent Resolution No. "25." A Concurrent Resolution Urging Enactment of the Harrison-Fletcher Bill for the Benefit of Needy Schools, and for the Expansion of the Smith-Hughes Act.

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

Mr. Speaker: I have the honor to return:

House Bill No. 148. A Bill for an Act to Amend and Reenact Section 10246a1 of the Supplement to the Compiled Laws of North Dakota for 1913, as Amended by Chapter 142 of the Session Laws of North Dakota for 1927, Regulating and Fixing the Hours of Labor of Females and Providing Penalties for Violation Thereof.

Which the Senate has passed unchanged.

WM. J. LOWE, Secretary.

## REPORT OF STANDING COMMITTEE

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

Mr. Speaker: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the Forty-first day after Recess and Forty-second day and recommends that the same be corrected as follows:

On page 636, above line 5, insert "The House Recess until one P. M., tomorrow."

On page 640, after motion insert "The House Recess until one P. M., tomorrow."

And when so corrected recommends that the same be approved.

REP. GLAS, Chairman.

Rep. Keller moved that the report be adopted, which motion prevailed, and the report was adopted.

## MESSAGES TO THE SENATE

House of Representatives,
Bismarck, February 14, 1939.

Mr. President: I have the honor to transmit:

House Bill No. 3. A Bill for an Act Making an Appropriation for the Per Diem, Salaries and General Expenses of the State Livestock Sanitary Board.

House Bill No. 5. 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 Declaring an Emergency.

House Bill No. 24. 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.

House Bill No. 31. 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.

House Bill No. 46. A Bill for an Act Making an Appropriation Out of the Teachers' Insurance and Retirement Fund in the State Treasury for Operation and Maintenance, Equipment, Supplies, Travel and Miscellaneous Expenses for the Teachers' Insurance and Retirement Fund.

House Bill No. 176. A Bill for an Act to Amend and Reenact Section 34, Chapter 94, Session Laws of 1931, Pertaining to Examination of Building and Loan Associations.

House Bill No. 184. A Bill for an Act Relating to Vital Statistics Records of Illegitimate Children, and to Provide for the Making of a New Certificate for a Child Legitimatized by Marriage of Parents and for a Child Legitimatized by Adoption.

House Bill No. 211. A Bill for an Act to Amend and Reenact Section 45 of Chapter 94 of the Session Laws of 1931 Relating to Building and Loan Associations and Making Provision for Appointment of Federal Savings and Loan Insurance Corporation as Receiver or Co-receiver of Associations in Liquidation Which Are Insured by Said Insurance Corporation.

House Bill No. 216. A Bill for an Act to Amend and Re-

enact Section 8175 of the Compiled Laws of the State of North Dakota for 1913 Relating to Actions Against the State of North Dakota.

House Bill No. 223. A Bill for an Act to Amend and Reenact Section 4847 of the Civil Code of the Compiled Laws of North Dakota for 1913.

House Bill No. 234. A Bill for an Act to Amend and Reenact Section 3802, Compiled Laws of North Dakota for the Year 1913, Relating to Salaries Under the Commission Form of Government.

House Bill No. 246. A Bill for an Act to Amend and Reenact Subdivision (5) of Section 4059 of the Compiled Laws of 1913, as Amended by Chapter 180 of the Session Laws of 1929, Relating to Elections and Powers of Park Commissioners; Repealing All Acts or Parts of Acts in Conflict Herewith.

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

MINNIE D. CRAIG, Chief Clerk.

A letter from Math Dahl, Commissioner of Agriculture and Labor was read from the desk.

Rep. Crockett moved that the letter from Math Dahl be printed in the Journal, which motion prevailed.

State of North Dakota
COMMISSIONER OF AGRICULTURE AND LABOR
Bismarck

February 14, 1939.

To the Honorable House of
Representatives of the
State of North Dakota;
and
Representative Wm. M. Crockett,
Chairman House Investigating
Committee to Investigate the
Jamestown State Hospital,
Bismarck, North Dakota;
Honorable Members of the House of Representatives:

As a State Official of this State, and as an ex-officio Member of the Board of Administration, I would like to be permitted to direct your attention to certain matters regarding the State Hospital for the Insane at Jamestown, recognizing that you, having selected a Committee for that purpose, are now conducting an investigation into the affairs of the State Hospital.

It appears that a group of the businessmen in Jamestown has strongly urged and petitioned the Chief Executive of this State to conduct an investigation at the Institution, and the same group is now asking that certain Members of the Board of Administration be removed from office by the Governor.

Permit me in this connection to state that any honest public official greatly values and highly regards constructive criticism, and thoroughly appreciates any information which discloses existing evils, in order that such may be rectified.

On the other hand, the best interests of the State are indeed jeopardized when destructive criticism is advanced by those who endeavor to mislead the people and public officials through insincere, selfish and personal motives; and I am

wondering whether the criticism directed at the Board of Administration by the group of businessmen from Jamestown is made in good faith.

So far as I am concerned, I want the people of this State to know just how the Institutions, Offices and Departments are run; and I respectfully ask that as long as an investigation is being conducted at the State Hospital that an investigation also be made into business transactions that may have been had between these Jamestown critics and the former administration of the Jamestown institution under Dr. John D. Carr as Superintendent.

Such an investigation might require more time and funds than you now have at your disposal, unless further provision is made by the Legislature.

Very truly yours,
MATH DAHL,
Commissioner of Agriculture
and Labor.

A number of telegrams were received asking the House to vote against the Basic Science Bill from R. E. Skonnard, V. A. Sustad, Mr. and Mrs. E. P. Kulseth, Mr. H. B. Walsh, Mr. and Mrs. W. E. Allen, Mr. and Mrs. Henry Ahnson, Mrs. K. Fagd, Rev. Wenrich, E. W. Jagd, Mrs. R. E. Peterson, Ex-Mayor J. H. Dahl, A. Malmgren, Mr. and Mrs. R. M. Enge, Mrs. Lars Pedersen, Mrs. Ed. Lindberg, J. T. Hoge, Dr. J. M. Hjortland, all of Fargo; also H. Tisdale and B. Campbell, C. E. Armstrong, Mrs. E. M. Fortier, Mrs. W. Hunter, Mr. and Mrs. T. A. Lieberg, J. S. Hatcher, Mr. and Mrs. F. J. Hauser, Mr. and Mrs. Lewis Peterson, Mrs. S. G. Tucker, E. E. Rachac, Mr. and Mrs. Peter Vaschette, Mr. and Mrs. Wm. Huggins, Mr. and Mrs. C. Parker, Nels Borgen, all of Grand Forks; also from Dr. H. L. Homewood and the North Dakota Chiropractic Association of Valley City; from H .A. Caufield, Mrs. Caufield and Mrs. Clark Everett, J. A. Bursack, E. G. Starr, Max Grettenburg, Mary Norrissey, Grace Starr, Mary Grettenburg, Jerry Morrissey, Earl A. Miller, Henry Rinquette, W. W. Joos, Al Rusch, Julia R. Miller, Catherine E. Jenkins, Mae Joos, Lillian Eissinger, W. G. Joos, Mrs. Emery Rinquette, all of Jamestown.

Another communication was received from the Glen Ullin Creamery supporting House Bill No. 162 of 1937 for re-enactment in preference to House Bill No. 237 as introduced in this Session.

Another communication was received from August Nelson, President of the Workers Alliance Local G-488 of Bismarck, protesting House Bill No. 199, providing for the establishment of the North Dakota State Farm.

## HOUSE COMMITTEE ON ENROLLMENT AND ENGROSSMENT

Mr. Speaker: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bills and find the same correctly Engrossed:

House Bill No. 128.
House Bill No. 250.
House Bill No. 113.
House Bill No. 252.
House Bill No. 198.

OLAF OSTGULEN, Chairman.

Rep. Ostgulen moved that the report be adopted, which motion prevailed, and the report was adopted.

## REPORTS OF STANDING COMMITTEES

Mr. Speaker: Your Committee on Appropriations to whom was referred House Bill No. 32, have had the same under consideration and recommend that the same be amended as follows:

Page 2—Section 1—After the words "to-wit:" strike out the balance of the section and insert the following:

| | | | |
|---|---|---|---|
| Line 27 — | 1. | Commissioners Per Diem ..... | $ 7,500.00 |
| Line 28 — | 2. | Administration and Williston Irri- | |
| Line 28a | | gation Project Operation Fund..... | 75,000.00 |
| Line 29 — | 3. | Reserved for Bonds ..... | 100,000.00 |
| Line 30 — | | Maintenance of Existing **Dams** and | |
| Line 30a | | **Reservoirs** and | |
| Line 31 | | Investigations, Surveys and De- | |
| Line 31a | | signs for **Dams** and | |
| Line 32 | | **Reservoirs** to be Constructed by | |
| Line 32a | | Fed. Agencies. | |
| Line 33 — | 4. | Sponsor's Share, Maintenance Ex- | |
| Line 33a | | isting Dams in | |
| Line 34 | | Connection with Work Relief Proj- | |
| Line 34a | | ects ..... | 12,000.00 |
| Line 35 — | 5. | Maintenance Existing Dams Di- | |
| Line 35a | | rectly by State | |
| Line 36 | | Water Conservation Commission.... | 3,000.00 |
| Line 37 — | 6. | Field Surveys ..... | 8,000.00 |
| Line 38 — | 7. | Plans and Reports ..... | 7,000.00 |
| Line 39 | | Investigations, Surveys, and De- | |
| Line 39a | | signs for | |
| Line 40 | | Irrigation Projects in Co-operation | |
| Line 40a | | with the | |
| Line 41 | | **Bureau of Reclamation** on a 50/50 | |
| Line 41a | | basis. | |
| Line 42 — | 8. | Engineering and Soils Surveys..... | 3,000.00 |
| Line 43 — | 9. | Designs and Reports ..... | 2,000.00 |
| Line 44 — | | Missouri River Diversion | |
| Line 45 — | 10. | Goose River Diversion Investiga- | |
| Line 45a | | tions ..... | 1,000.00 |
| Line 46 — | 11. | James River-Lake Travers Div. Inv. | 2,000.00 |
| Line 47 — | 12. | Investigation and Surveys of Diver- | |
| Line 47a | | sion Routes | |
| Line 48 | | including Diversion from Fort Peck | |
| Line 48a | | Reservoir | |
| Line 49 | | and Pumping from Missouri River | 5,000.00 |
| Line 50 — | 13. | Evaluation Economic Benefits ..... | 4,000.00 |
| Line 51 — | 14. | Reports & Attendance at Confer- | |
| Line 51a | | ences with the | |
| Line 52 | | War. Dept., Congressional Com. & | |
| Line 52a | | other Fed. Ag. ..... | 3,000.00 |
| Line 53 | | Tri-State Waters-Red River Basin | |
| Line 53a | | Program | |
| Line 54 — | 15. | North Dakota portion of Admini- | |
| Line 54a | | strative Expenses, | |
| Line 55 | | Tri-State Waters Commission ..... | 9,000.00 |
| Line 56 — | 16. | Independent Investigations & Re- | |
| Line 56a | | ports by the | |

| | | |
|---|---|---|
| Line 57 | N. Dak. State Water Cons. Com..... | 2,000.00 |
| Line 58 | TOTAL ..... | $243,500.00 |

No recommendation.

C. P. RITTER, Acting Chairman.

Rep. Trydahl moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Appropriations to whom was referred House Bill No. 41 have had the same under consideration and recommend that the same be amended as follows:

University:

Section 1—Page 2—In line 31 strike out the figures "$95,092.00" and insert in lieu thereof the figures "$88,644.00".

Page 2—In line 32 strike out the figures "$26,112.00" and insert in lieu thereof the figures "$21,822.00".

Page 3—In line 33 strike out the figures "$213,970.00" and insert in lieu thereof the figures "$211,131.00".

Page 3—In line 34 strike out the figures "$43,920.00" and insert in lieu thereof the figures "$38,780.00".

Page 3—In line 35 strike out the figures "$116,292.00" and insert in lieu thereof the figures "$111,400.00".

Page 3—In line 36 strike out the figures "$34,252.00" and insert in lieu thereof the figures "$28,650.00".

Page 3—In line 37 strike out the figures "$64,892.00" and insert in lieu thereof the figures "$60,000.00".

Page 3—In line 38 strike out the figures "$2,150.00" and insert in lieu thereof the figures "$1,950.00".

Page 3—In line 39 strike out the figures "$10,210.00" and insert in lieu thereof the figures "$9,020.00".

Page 3—In line 40 strike out the figures "$39,200.00" and insert in lieu thereof the figures "$27,700.00".

Page 3—Strike out all of line 41 "J. Dispensary (See Sch. of Medicine)".

Page 3—Strike out all of line 43 "L. Office of Dean of Men—$4,300.00".

Page 3—In line 45 strike out the figures "$3,200.00" and insert in lieu thereof the figures "$2,000.00".

Page 3—In line 48 strike out the figures "$15,300.00" and insert in lieu thereof the figures "$13,780.00".

Page 3—In line 49 strike out the figures "$21,840.00" and insert in lieu thereof the figures "$19,780.00".

Page 3—In line 50 strike out the figures "$18,540.00" and insert in lieu thereof the figures "$16,660.00".

Page 3—In line 51 strike out the figures "$12,674.00" and insert in lieu thereof the figures "$10,820.00".

Page 3—In line 52 strike out the figures "$8,618.00" and insert in lieu thereof the figures "$6,000.00".

Page 3—In line 53 strike out the figures "$4,780.00" and insert in lieu thereof the figures "$4,600.00".

Page 4—In line 56 strike out the figures "$10,196.00" and insert in lieu thereof the figures "$5,500.00".

Page 4—In line 57 strike out the figures "$42,482.00" and insert in lieu thereof the figures "$36,380.00".

Page 4—In line 58 strike out the figures "$88,300.00" and insert in lieu thereof the figures "$80,000.00".

Page 4—In line 59 strike out the figures "$2,700.00" and insert in lieu thereof the figures "$2,200.00".

Page 4—In line 60a strike out the figures "$33,272.00" and insert in lieu thereof the figures "$26,000.00".

Page 4—In line 61 strike out the figures "$951,152.00" and insert in lieu thereof the figures "$861,677.00".

Page 4—In line 68 strike out the figures "$729,152.00" and insert in lieu thereof the figures "$639,677.00".

Page 4—In line 69 strike out the figures "$15,000.00" and insert in lieu thereof the figures "$9,000.00".

Page 4—In line 70 strike out the figures "$38,000.00" and insert in lieu thereof the figures "$12,000.00".

Page 4—In line 72 strike out the figures "$804,582.00" and insert in lieu thereof the figures "$683,107.00".

A. C.:

Page 5—In line 76 strike out the figures "$17,100.00" and insert in lieu thereof the figures "$17,000.00".

Page 5—In line 77 strike out the figures "$21,600.00" and insert in lieu thereof the figures "$18,000.00".

Page 5—In line 78 strike out the figures "$14,600.00" and insert in lieu thereof the figures "$14,000.00".

Page 5—In line 79 strike out the figures "$6,500.00" and insert in lieu thereof the figures "$5,500.00".

Page 5—In line 80 strike out the figures "$4,000.00" and insert in lieu thereof the figures "$3,500.00".

Page 5—In line 82 strike out the figures "$115,000.00" and insert in lieu thereof the figures "$110,000.00".

Page 5—In line 83 strike out the figures "$4,750.00" and insert in lieu thereof the figures "$4,000.00".

Page 5—In line 84 strike out the figures "$67,100.00" and insert in lieu thereof the figures "$63,000.00".

Page 5—In line 85 strike out the figures "$31,900.00" and insert in lieu thereof the figures "$30,000.00".

Page 5—In line 86 strike out the figures "$38,000.00" and insert in lieu thereof the figures "$35,788.00".

Page 5—In line 87 strike out the figures "$137,000.00" and insert in lieu thereof the figures "$112,454.40".

Page 5—In line 88 strike out the figures "$16,500.00" and insert in lieu thereof the figures "$16,000.00".

Page 5—In line 89 strike out the figures "$15,000.00" and insert in lieu thereof the figures "$14,000.00".

Page 5—In line 90 strike out the figures "$21,000.00" and insert in lieu thereof the figures "$19,000.00".

Page 5—In line 91 strike out the figures "$4,045.00" and insert in lieu thereof the figures "$3,000.00".

Page 5—In line 92 strike out the figures "$6,000.00" and insert in lieu thereof the figures "$5,000.00".

Page 5—In line 93 strike out the figures "$4,200.00" and insert in lieu thereof the figures "$4,000.00".

Page 5—In line 94 strike out the figures "$2,551.00" and insert in lieu thereof the figures "$2,500.00".

Page 5—In line 96 strike out the misprinted abbreviations "Hrn. Rf. Rcp." and insert in lieu thereof the abbreviations "Gen. Ed. Exp.".

Page 6—strike out all of line 100 "15. Placement—Personal $3,500.00".

Page 6—In line 103 strike out the figures "$62,000.00" and insert in lieu thereof the figures "$60,000.00".

Page 6—In line 104 strike out the figures "$8,900.00" and insert in lieu thereof the figures "$8,000.00".

Page 6—In line 105 strike out the figures "$51,000.00" and insert in lieu thereof the figures "$45,000.00".

Page 6—In line 106 strike out the figures "$6,700.00" and insert in lieu thereof the figures "$6,000.00".

Page 6—In line 108 strike out the figures "$1,500.00" and insert in lieu thereof the figures "$1,000.00".

Page 6—Strike out all of line 108 "8. Campus Police $2,160.00".

Page 6—Strike out all of line 110 "9. Student Help $4,000.00".

Page 6—In line 111 strike out the figures "$742,309.00" and insert in lieu thereof the figures "$672,442.40".

Page 6—In line 112 strike out the figures "$423,400.00" and insert in lieu thereof the figures "$369,000.00".

Page 6—In line 113 strike out the figures "$318,909.00" and insert in lieu thereof the figures "$303,442.40".

Page 6—In line 115 strike out the figures "$7,000.00" and insert in lieu thereof the figures "$5,500.00".

Page 6—In line 118 strike out the figures "$3,000.00" and insert in lieu thereof the figures "$1,500.00".

Page 6—In line 120 strike out the figures "$5,000.00" and insert in lieu thereof the figures "$1,000.00".

Page 7—In line 123 strike out the figures "$5,000.00" and insert in lieu thereof the figures "$2,500.00".

Page 7—In line 124 strike out the figures "$2,400.00" and insert in lieu thereof the figures "$2,000.00".

Page 7—In line 125 strike out the figures "$3,500.00" and insert in lieu thereof the figures "$2,500.00".

Page 7—Strike out all of line 126 "4. Geology $700.00".

Page 7—In line 127 strike out the figures "$1,100.00" and insert in lieu thereof the figures "$1,000.00".

Page 7—In line 128 strike out the figures "$3,500.00" and insert in lieu thereof the figures "$2,500.00".

Page 7—In line 130 strike out the figures "$7,500.00" and insert in lieu thereof the figures "$5,500.00".

Page 7—In line 132 strike out the figures "$10,000.00" and insert in lieu thereof the figures "$5,000.00".

Page 7—In line 133 strike out the figures "$2,000.00" and insert in lieu thereof the figures "$1,500.00".

Page 7—Insert a new line 133½ "Emergency—$11,179.00".

Page 7—In line 135 strike out the figures "$30,200.00" and insert in lieu thereof the figures "$23,000.00".

Page 7—In line 139 strike out the figures "$420,959.00" and insert in lieu thereof the figures "$389,271.40".

A. C. Experiment Station:

Page 7—In line 143 strike out the figures "$164,134.42" and insert in lieu thereof the figures "$143,925.17".

Page 7—In line 144 strike out the figures "$119,122.90" and insert in lieu thereof the figures "$93,975.48".

Page 8—In line 148 strike out the figures "$299,257.32" and insert in lieu thereof the figures "$253,900.65".

Page 8—In line 149 strike out the figures "$293,351.52" and insert in lieu thereof the figures "$243,182.58".

Page 8—In line 150 strike out the figures "$5,905.80" and insert in lieu thereof the figures "$10,718.07".

Page 8—In line 152 strike out the figures "$10,000.00" and insert in lieu thereof the figures "$6,000.00".

Page 8—Strike out all of line 157 "2. Fire and Tornado Insurance $1,159.00".

Page 8—Strike out all of line 158 "3. Workmen's Comp. Insurance $5,000.00".

Page 8—In line 161 strike out the figures "$900.00" and insert in lieu thereof the figures "$500.00".

Page 8—In line 164 strike out the figures "$700.00 and insert in lieu thereof the figures "$500.00".

Page 9—In line 166 strike out the figures "$69,414.80" and insert in lieu thereof the figures "$63,468.07".

Page 9—In line 169 strike out the figures "$550.00" and insert in lieu thereof the figures "$6,500.00".

Page 9—In line 170 strike out the figures "$500.00" and insert in lieu thereof the figures "$1,000.00".

Page 9—In line 171 strike out the figures "$550.00" and insert in lieu thereof the figures "$6,500.00".

Page 9—In line 172 strike out the figures "$550.00" and insert in lieu thereof the figures "$6,500.00".

Page 9—In line 173 strike out the figures "$76,564.80" and insert in lieu thereof the figures "$88,968.07".

Extension Division—A. C.:

Page 9—In line 177 strike out the figures "$350,452.08" and insert in lieu thereof the figures "$420,324.18".

Page 9—Strike out all of line 184. "8. Neighborhood Activities in Co. Districts $1,000.00".

Page 9—Strike out all of line 185 "9. Rural Young People $3,000.00".

Page 9—In line 186 strike out the figures "$1,000.00" and insert in lieu thereof the figures "$2,520.00".

Page 9—In line 187 strike out the figures "$5,000.00" and insert in lieu thereof the figures "$10,000.00".

Page 10—In line 189 strike out the figures "$658,395.20" and insert in lieu thereof the figures "$730,787.30".

Page 10—Strike out all of line 190 "Less Estimated Income—Federal $485,587.30".

Page 10—Strike out all of line 191 " —County $241,420.00".

Page 10—Strike out all of line 192 "TOTAL NET APPROPRIATIONS—68,612.10".

Page 10—Insert a new line 196½ "Forestry $2,520.00".

Page 10—In line 197 strike out the figures "$728,267.30" and insert in lieu thereof the figures "$730,787.30".

School of Science:

Page 10—In line 199 strike out the figures "$11,073.00" and insert in lieu thereof the figures "$14,073.00".

Page 10—In line 200 strike out the figures "$79,337.00" and insert in lieu thereof the words "and Additional Trade Instructor" and the figures "$104,337.00".

Page 10—In line 201 strike out the figures "$11,960.00" and insert in lieu thereof the figures "$13,960.00".

Page 10—In line 205 strike out the figures "$2,000.00" and insert in lieu thereof the figures "$1,750.00".

Page 10—In line 206 strike out the figures "$1,200.00" and insert in lieu thereof the figures "$1,000.00".

Page 10—In line 207 strike out the figures "$2,000.00" and insert in lieu thereof the figures "$1,200.00".

Page 10—In line 208 strike out the figures "$2,500.00" and insert in lieu thereof the figures "$2,000.00".

Page 10—In line 209 strike out the figures "$900.00" and insert in lieu thereof the figures "$600.00".

Page 11—In line 210 strike out the figures "$800.00" and insert in lieu thereof the figures "$600.00".

Page 11—In line 213 strike out the figures "$2,000.00" and insert in lieu thereof the figures "$1,200.00".

Page 11—In line 216 strike out the figures "$13,000.00" and insert in lieu thereof the figures "$10,000.00".

Page 11—Strike out all of line 217 "15. Grounds $300.00".

Page 11—In line 218 strike out the figures "$6,000.00" and insert in lieu thereof the figures "$5,000.00".

Page 11—In line 219 strike out the figures "$7,500.00" and insert in lieu thereof the figures "$4,000.00".

Page 11—In line 220 strike out the figures "$175,770.00" and insert in lieu thereof the figures "$194,920.00".

Page 11—In line 221 strike out the figures "$105,000.00" and insert in lieu thereof the figures "$115,000.00".

Page 11—In line 222 strike out the figures "$70,770.00" and insert in lieu thereof the figures "$79,920.00".

Page 11—In line 224 strike out the figures "$3,000.00" and insert in lieu thereof the figures "$3,300.00".

Page 11—In line 225 strike out the figures "$900.00" and insert in lieu thereof the figures "$700.00".

Page 11—Strike out all of line 226 "3. Roof on Main Building $1,200.00".

Page 11—In line 228 strike out the figures "$10,000.00" and insert in lieu thereof the figures "$6,000.00".

Page 11—In line 230 strike out the figures "$6,000.00" and insert in lieu thereof the figures "$5,000.00'.

Page 11—In line 231 strike out the figures " $1,500.00" and insert in lieu thereof the figures "$1,200.00".

Page 12—Strike out all of line 234 "1. Assistant State Supervisor for Trades $4,000.00".

Page 12—In line 236 strike out the figures "$2,000.00" and insert in lieu thereof the figures "$1,000.00".

Page 12—In line 237 strike out the figures "$100,820.00" and insert in lieu thereof the figures "$98,570.00".

Valley City Normal:

Page 12—In line 244 strike out the figures "$33,200.00" and insert in lieu thereof the figures "$30,000.00".

Page 12—In line 245 strike out the figures "$2,700.00" and insert in lieu thereof the figures "$2,500.00".

Page 12—In line 246 strike out the figures "$3,000.00" and insert in lieu thereof the figures "$2,500.00".

Page 12—In line 247 strike out the figures "$750.00" and insert in lieu thereof the figures "$500.00".

Page 12—In line 248 strike out the figures "$6,426.33" and insert in lieu thereof the figures "$5,000.00".

Page 12—In line 249 strike out the figures "$2,000.00" and insert in lieu thereof the figures "$1,500.00".

Page 12—In line 250 strike out the figures "$500.00" and insert in lieu thereof the figures "$400.00'.

Page 12—In line 251 strike out the figures "$800.00" and insert in lieu thereof the figures "$600.00'.

Page 12—In line 253 strike out the figures "$2,000.00" and insert in lieu thereof the figures "$1,500.00".

Page 13—In line 259 strike out the figures "$1,500.00" and insert in lieu thereof the figures "$1,000.00".

Page 13—Strike out all of line 260 "17. Summer School $5,000.00".

Page 13—In line 261 strike out the figures "$303,191.33" and insert in lieu thereof the figures "$290,815.00".

Page 13—In line 263 strike out the figures "$223,191.33" and insert in lieu thereof the figures "$210,815.00".

Page 13—In line 265 strike out the figures "$5,600.00" and insert in lieu thereof the figures "$5,000.00".

Page 13—In line 266 strike out the figures "$2,000.00" and insert in lieu thereof the figures "$1,500.00".

Page 13—In line 267 strike out the figures "$1,000.00" and insert in lieu thereof the figures "$800.00".

Page 13—In line 269 strike out the figures "$7,500.00" and insert in lieu thereof the figures "$5,000.00".

Page 13—In line 270 strike out the figures "$2,000.00" and insert in lieu thereof the figures "$1,500.00".

Page 13—Strike out all of line 271 "7. Tree Clearance and Replanting $500.00".

Page 13—Strike out all of line 272 "8. Main Entrance Doors—Special $400.00".

Page 13—Strike out all of line 273 "4. NEW BUILDINGS:"

Page 13—Strike out all of line 274 "1. Constructing New Athletic Field $3,000.00".

Page 13—In line 276 strike out the word "Library" and the figures "$4,000.00" and insert in lieu thereof the words "Books and Periodicals $4,500.00".

Page 13—In line 277 strike out the figures "$800.00" and insert in lieu thereof the figures "$500.00".

Page 13—In line 278 strike out the figures "$800.00" and insert in lieu thereof the figures "$500.00".

Page 14—Strike out all of line 280 "5. Library Stacks $500.00".

Page 14—In line 281 strike out the figures "$900.00" and insert in lieu thereof the figures "$500.00".

Page 14—Strike out all of line 282 "7. Equipment—Home Ec. Dept.— Special $1,000.00".

Page 14—Strike out all of line 283 "8. Auditorium Stage Light & Equ.—Special $500.00".

Page 14—In line 284 strike out the words "Power House" and the figures "$20,000.00" and insert in lieu thereof the words "Transmission Cable" and the figures "$500.00".

Page 14—Strike out all of line 287 "2. Items Not Budgeted $400.00".

Page 14—In line 288 strike out the figures "$280,141.33" and insert in lieu thereof the figures "$237,165.00".

Mayville Normal:

Page 14—In line 295 strike out the figures "$15,500.00" and insert in lieu thereof the figures "$13,500.00".

Page 14—In line 296 strike out the figures "$7,500.00" and insert in lieu thereof the figures "$6,500.00".

Page 14—In line 297 strike out the figures "$1,500.00" and insert in lieu thereof the figures "$1,200.00".

Page 14—In line 298 strike out the figures "$1,000.00" and insert in lieu thereof the figures "$800.00".

Page 14—In line 299 strike out the figures "$5,000.00" and insert in lieu thereof the figures "$2,400.00".

Page 14—In line 300 strike out the figures "$1,500.00" and insert in lieu thereof the figures "$1,200.00".

Page 14—In line 301 strike out the figures "$600.00" and insert in lieu thereof the figures "$400.00".

Page 14—In line 302 strike out the figures "$850.00" and insert in lieu thereof the figures "$650.00".

Page 15—In line 303 strike out the figures "$3,000.00" and insert in lieu thereof the figures "$2,500.00".

Page 15—In line 304 strike out the figures "$1,200.00" and insert in lieu thereof the figures "$1,000.00".

Page 15—In line 305 strike out the figures "$1,800.00" and insert in lieu thereof the figures "$1,300.00".

Page 15—In line 306 strike out the figures "$2,000.00" and insert in lieu thereof the figures "$1,000.00"

Page 15—In line 307 strike out the figures "$1,000.00" and insert in lieu thereof the figures "$300.00".

Page 15—Strike out all of line 308 "14. Extension $2,000.00".

Page 15—In line 309 strike out the figures "$1,500.00" and insert in lieu thereof the figures "$1,000.00".

Page 15—In line 310 strike out the figures "$1,500.00" and insert in lieu thereof the figures "$1,000.00".

Page 15—Strike out all of line 311 "17. Hospital and Medical Service $500.00".

Page 15—In line 312 strike out the figures "$800.00" and insert in lieu thereof the figures "$200.00".

Page 15—In line 313 strike out the figures "$1,500.00" and insert in lieu thereof the figures "$1,200.00".

Page 15—In line 314 strike out the figures "$500.00" and insert in lieu thereof the figures "$200.00".

Page 15—Strike out all of line 315 "21. Rural Adult Education $1,000.00".

Page 15—In line 317 strike out the figures "$800.00" and insert in lieu thereof the figures "$400.00".

Page 15—In line 318 strike out the figures "$181,248.00" and insert in lieu thereof the figures "$165,448.00".

Page 15—In line 320 strike out the figures "$133,748.00" and insert in lieu thereof the figures "$117,948.00".

Page 15—In line 323 strike out the figures "$2,000.00" and insert in lieu thereof the figures "$1,000.00".

Page 16—Strike out all of line 326 "5. Frigidaire Room—West Hall $1,200.00".

Page 16—In line 327 strike out the figures "$6,500.00" and insert in lieu thereof the figures "$6,000.00".

Page 16—In line 328 strike out the figures "$2,000.00" and insert in lieu thereof the figures "$1,500.00".

Page 16—In line 330 strike out the figures "$1,150.00" and insert in lieu thereof the figures "$800.00".

Page 16—In line 331 strike out the figures "$500.00" and insert in lieu thereof the figures "$400.00".

Page 16—In line 332 strike out the figures "$2,500.00" and insert in lieu thereof the figures "$2,000.00".

Page 16—In line 333 strike out the figures "$400.00" and insert in lieu thereof the figures "$100.00".

Page 16—In line 334 strike out the figures "$1,500.00" and insert in lieu thereof the figures "$500.00".

Page 16—In line 336 strike out the figures "$1,000.00" and insert in lieu thereof the figures "$500.00".

Page 16—In line 337 strike out the figures "$600.00" and insert in lieu thereof the figures "$400.00".

Page 16—Strike out all of line 339 "10. Replacement Lawn Mower $150.00."

Page 16—Strike out all of line 340 "11. Home Economics Equipment $500.00".

Page 16—Strike out all of line 342 "1. Items not Budgeted $500.00".

Page 16—In line 343 strike out the figures "$157,248.00" and insert in lieu thereof the figures "$134,148.00".

Minot:

Page 17—In line 350 strike out the figures "$24,000.00" and insert in lieu thereof the figures "$22,200.00".

Page 17—In line 351 strike out the figures "$1,400.00" and insert in lieu thereof the figures "$1,000.00".

Page 17—In line 352 strike out the figures "$3,000.00" and insert in lieu thereof the figures "$2,500.00".

Page 17—In line 353 strike out the figures "$700.00" and insert in lieu thereof the figures "$600.00".

Page 17—In line 354 strike out the figures "$1,500.00" and insert in lieu thereof the figures "$1,150.00".

Page 17—In line 356 strike out the figures "$500.00" and insert in lieu thereof the figures "$400.00".

Page 17—In line 357 strike out the figures "$1,200.00" and insert in lieu thereof the figures "$800.00".

Page 17—In line 358 strike out the figures "$8,000.00" and insert in lieu thereof the figures "$7,000.00".

Page 17—In line 361 strike out the figures "$1,400.00" and insert in lieu thereof the figures "$400.00".

Page 17—In line 363 strike out the figures "$900.00" and insert in lieu thereof the figures "$800.00".

Page 17—In line 365 strike out the figures "$1,800.00" and insert in lieu thereof the figures "$1,500.00".

Page 17—In line 366 strike out the figures "$700.00" and insert in lieu thereof the figures "$300.00".

Page 17—In line 368 strike out the figures "$800.00" and insert in lieu thereof the figures "$500.00".

Page 17—In line 369 strike out the figures "$283,681.00" and insert in lieu thereof the figures "$276,931.00".

Page 18—In line 371 strike out the figures "$213,681.00" and insert in lieu thereof the figures "$206,931.00".

Page 18—In line 373 strike out the figures "$3,000.00" and insert in lieu thereof the figures "$2,500.00".

Page 18—In line 377 strike out the figures "$4,500.00" and insert in lieu thereof the figures "$3,500.00".

Page 18—In line 378 strike out the figures "$250.00" and insert in lieu thereof the figures "$400.00".

Page 18—In line 379 strike out the figures "$500.00" and insert in lieu thereof the figures "$750.00".

Page 18—Strike out all of line 383 "8. Seating Balcony $1,500.00".

Page 18—In line 386 strike out the figures "$400.00" and insert in lieu thereof the figures "$200.00".

Page 18—In line 388 strike out the figures "$3,500.00" and insert in lieu thereof the figures "$3,000.00".

Page 19—In line 393 strike out the figures "$236,231.00" and insert in lieu thereof the figures "$226,181.00".

Dickinson:

Page 19—In line 400 strike out the figures "$12,500.00" and insert in lieu thereof the figures "$12,000.00".

Page 19—In line 401 strike out the figures "$8,000.00" and insert in lieu thereof the figures "$7,000.00".

Page 19—In line 402 strike out the figures "$2,000.00" and insert in lieu thereof the figures "$1,800.00".

Page 19—In line 405 strike out the figures "$1,500.00" and insert in lieu thereof the figures "$1,200.00".

Page 19—In line 406 strike out the figures "$350.00" and insert in lieu thereof the figures "$250.00".

Page 19—Insert a new line 406½ "7½. Office Supplies $500.00".

Page 19—In line 407 strike out the figures "$2,000.00" and insert in lieu thereof the figures "$1,000.00".

Page 19—In line 409 strike out the figures "$2,500.00" and insert in lieu thereof the figures "$2,000.00".

Page 19—In line 410 strike out the figures "$2,500.00" and insert in lieu thereof the figures "$2,000.00".

Page 19—In line 413 strike out the figures "$1,000.000" and insert in lieu thereof the figures "$800.00".

Page 19—In line 414 strike out the figures "$177,169.00" and insert in lieu thereof the figures "$173,369.00".

Page 20—In line 416 strike out the figures "$147,169.00" and insert in lieu thereof the figures "$143,369.00".

Page 20—In line 418 strike out the figures "$500.00" and insert in lieu thereof the figures "$300.00".

Page 20—In line 420 strike out the figures "$2,500.00" and insert in lieu thereof the figures "$400.00".

Page 20—Strike out all of line 421 "4. Instl. large Stm. Main in Tnl. $1,500.00".

Page 20—Strike out all of line 423 "6. Hot Water Heater $800.00".

Page 20—Strike out all of line 424 "7. Elec. Trans. Lines, Addnl. Transformers $2,000.00".

Page 20—In line 429 strike out the figures "$1,200.00" and insert in lieu thereof the figures "$600.00".

Page 20—In line 434 strike out the figures "$600.00" and insert in lieu thereof the figures "$500.00".

Page 20—Insert a new line 438½ "2. Miscellaneous Items $3,000.00".

Page 21—In line 439 strike out the figures "$167,069.00" and insert in lieu thereof the figures "$158,969.00".

Ellendale Normal & Industrial School:

Page 21—Insert a new line 443½ "2½. Trade Instructor $3,600.00".

Page 21—In line 446 strike out the figures "$10,000.00" and insert in lieu thereof the figures "$9,750.00".

Page 21—In line 447 strike out the figures "$1,400.00" and insert in lieu thereof the figures "$1,300.00".

Page 21—In line 449 strike out the figures "$600.00" and insert in lieu thereof the figures "$500.00".

Page 21—In line 452 strike out the figures "$400.00" and insert in lieu thereof the figures "$200.00".

Page 21—In line 453 strike out the figures "$500.00" and insert in lieu thereof the figures "$400.00".

Page 21—In line 455 strike out the figures "$750.00" and insert in lieu thereof the figures "$650.00".

Page 21—In line 456 strike out the figures "$1,200.00" and insert in lieu thereof the figures "$1,000.00".

Page 21—In line 458 strike out the figures "$900.00" and insert in lieu thereof the figures "$1,900.00".

Page 21—In line 460 strike out the figures "$1,000.00" and insert in lieu thereof the figures "$500.00".

Page 22—In line 461 strike out the figures "$114,876.00" and insert in lieu thereof the figures "$117,926.00"

Page 22—In line 463 strike out the figures "$74,876.00" and insert in lieu thereof the figures "$77,926.00".

Page 22—Strike out all of line 465 "1. Campus $600.00".

Page 22—Strike out all of line 466 "2. Library approach reset "$250.00".

Page 22—In line 468 strike out the figures "$1,200.00" and insert in lieu thereof the figures "$1,000.00".

Page 22—Strike out all of line 470 "6. Water Main and Sewer (Special) $250.00".

Page 22—In line 471 strike out the figures "$1,000.00" and insert in lieu thereof the figures "$500.00".

Page 22—In line 472 strike out the figures "$800.00" and insert in lieu thereof the figures "$400.00".

Page 22—In line 474 strike out the figures "$1,200.00" and insert in lieu thereof the figures "$1,500.00".

Page 22—Strike out all of line 476 "3. Replacements $1,250.00".

Page 22—In line 478 strike out the figures "$1,000.00" and insert in lieu thereof the figures "$750.00".

Page 22—In line 481 strike out the figures "$1,500.00" and insert in lieu thereof the figures "$1,000.00".

Page 22—Strike out all of line 483 "1. Second Hand Car $300.00".

Page 23—Strike out all of line 485 "3. Class Room Chairs (Special) $300.00".

Page 23—In line 486 strike out the figures "$94,126.00" and insert in lieu thereof the figures "$92,676.00".

School of Forestry:

Page 23—In line 493 strike out the figures "$3,500.00" and insert in lieu thereof the figures "$3,000.00".

Page 23—In line 494 strike out the figures "$1,400.00" and insert in lieu thereof the figures "$1,200.00".

Page 23—In line 495 strike out the figures "$1,000.00" and insert in lieu thereof the figures "$900.00".

Page 23—In line 496 strike out the figures "$550.00" and insert in lieu thereof the figures "$500.00".

Page 23—In line 497 strike out the figures "$625.00" and insert in lieu thereof the figures "$425.00".

Page 23—In line 498 strike out the figures "$800.00" and insert in lieu thereof the figures "$700.00".

Page 23—In line 499 strike out the figures "$250.00" and insert in lieu thereof the figures "$200.00".

Page 23—In line 500 strike out the figures "$700.00" and insert in lieu thereof the figures "$600.00".

Page 23—Strike out all of line 502 "10. Forestry Survey $1,000.00".

Page 23—In line 503 strike out the figures "$750.00" and insert in lieu thereof the figures "$700.00".

Page 23—In line 504 strike out the figures "$400.00" and insert in lieu thereof the figures "$200.00".

Page 23—In line 505 strike out the figures "$350.00" and insert in lieu thereof the figures "$200.00".

Page 24—In line 507 strike out the figures "$22,000.00" and insert in lieu thereof the figures "$15,000.00".

Page 24—In line 508 strike out the figures "$4,000.00" and insert in lieu thereof the figures "$6,500.00".

Page 24—Strike out all of line 509 "17. Reforestation $2,500.00".

Page 24—In line 510 strike out the figures "$850.00" and insert in lieu thereof the figures "$500.00".

Page 24—Strike out all of line 511 "19. Grounds $250.00".

Page 24—In line 512 strike out the figures "$90,468.10" and insert in lieu thereof the figures "$80,168.10".

Page 24—In line 514 strike out the figures "$76,468.10" and insert in lieu thereof the figures "$66,168.10".

Page 24—In line 516 strike out the figures "$1,200.00" and insert in lieu thereof the figures "$1,000.00".

Page 24—In line 517 strike out the figures "$2,500.00" and insert in lieu thereof the figures "$1,500.00".

Page 24—In line 525 strike out the words "Surveying and" and the figures "$600.00" and insert in lieu thereof the figures "$200.00".

Page 24—In line 526 strike out the figures "$600.00" and insert in lieu thereof the figures "$400.00".

Page 25—In line 530 strike out the figures "$84,568.10" and insert in lieu thereof the figures "$72,468.10".

And when so amended recommend the same do pass.

C. P. RITTER, Acting Chairman.

Rep. Morland moved that the report be adopted, which motion prevailed and the report was adopted.

## REPORTS OF STANDING COMMITTEES

Mr. Speaker: 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.

C. P. RITTER, Acting Chairman.

Rep. Johnson of Cass moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Appropriations to whom was referred House Bill No. 97, have had the same under consideration and recommend that it be reported back to the House with no recommendation.

C. P. RITTER, Acting Chairman.

Rep. Trydahl moved that the report be adopted, which motion prevailed, and the report was adopted.

Rep. Crockett moved a substitute motion that House Bill No. 97 be placed on the calendar, which motion prevailed.

Mr. Speaker: Your Committee on Banks and Banking to whom was referred House Bill No. 210, have had the same under consideration and recommend that the same be amended as follows:

On page 2, line 14, Section 14, strike out paragraphs B and C and insert the following:

(b) Administrators, executors, guardians, trustees, and other fiduciaries of every kind and nature, insurance companies, banks and other financial institutions, charitable, educational, eleemosynary and public corporations and organizations, and municipalities and other public corporations and bodies, and public officials, are authorized to invest funds held by them, without any order of any Court, in shares, certificates of deposit and investcertificates of savings and building and loan associations which are under state supervision, and shares of federal savings and loan associations organized under the Laws of the United States and under federal supervision, and such investment shall be deemed and held to be legal investments for such funds. Whenever, under the laws of this State or otherwise, a deposit of securities is required, for any purpose, the securities made legal investments by this section shall be accept-

able for such deposits, and whenever, under the laws of this State or otherwise, a bond is required with security, such bond may be furnished and the securities made legal investments by this section in the amount of such bond, when deposited therewith, shall be acceptable as security without other security. The provisions of this section are supplemental to any and all other laws relating to and declaring what shall be legal investments for the persons, corporations, organizations and officials referred to in this section and the laws relating to the deposit of securities and the making and filing of bonds for any purposes.

And when so amended recommend the same do pass.

GUS A. SCHAUSS, Chairman.

Rep. Westby moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Appropriations to whom was referred House Bill No. 160, have had the same under consideration and recommend that it be brought back to the House with no recommendation.

C. P. RITTER, Acting Chairman.

Rep. Trydahl moved that the report be adopted, which motion prevailed and the report was adopted.

Rep. Stone moved that House Bill No. 160 be placed on the calendar, which motion prevailed.

Mr. Speaker: Your Committee on Appropriations to whom was referred House Bill No. 161, have had the same under consideration and recommend that the same be indefinitely postponed.

C. P. RITTER, Acting Chairman.

Rep. Johnson of Cass moved that the report be adopted, which motion prevailed, and the report was adopted.

Rep. Skartvedt moved that the vote by which House Bill No. 161 was indefinitely postponed be reconsidered, and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on Appropriations to whom was referred House Bill No. 162, have had the same under consideration and recommend that the same be indefinitely postponed.

C. P. RITTER, Acting Chairman.

Rep. Johnson of Cass moved that the report be adopted, which motion prevailed, and the report was adopted.

Rep. Johnson of Cass moved that the vote by which House Bill No. 162 was indefinitely postponed be reconsidered, and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on Federal Relations to whom was referred:

House Concurrent Resolution No. 179. Authorizing and Directing the Governor, Tax Commissioner and Attorney General to Ascertain What Provision Has Been Made by the Federal Government for Making Payment in Lieu of Taxes on Land Acquired in This State by Various Departments, Bureaus and Agencies of the Government, and Authorizing and Directing the Governor, Attorney General and Tax Commissioner to File With the Secretary of State Proposals or Commitments Submitted by Such Departments, Bureaus or

Agencies With Reference Thereto.

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

DAN PANKO, Chairman.

Rep. McInnes moved that the report be adopted, which motion prevailed, and the report was adopted.

Rep. McInnes moved the adoption of House Concurrent Resolution No. 179, which motion prevailed, and the House adopted House Concurrent Resolution No. 179.

Mr. Speaker: Your Committee on State Affairs to whom was referred House Bill No. 214, have had the same under consideration and recommend that the same be indefinitely postponed.

W. M. CROCKETT, Chairman.

Rep. Dalzell moved that the report be adopted, which motion prevailed, and the report was adopted.

Rep. Wambheim moved that the vote by which House Bill No. 214 was indefinitely postponed be reconsidered, and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on Federal Relations to whom was referred House Concurrent Resolution No. 225, have had the same under consideration and recommend that the same do pass.

DAN PANKO, Chairman.

Rep. McInnes moved that the report be adopted, which motion prevailed, and the report was adopted.

Rep. Beede moved the adoption of House Concurrent Resolution No. 225, which motion prevailed, and the House adopted House Concurrent Resolution No. 225.

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

House Bill No. 235, have had the same under consideration and recommend that the same be amended as follows:

The title be amended as follows: after the word "with" insert the words "a Cabinet Dial or;" after the word "operator" insert the words "of Self Registering Type Beam Scale."

In section 1, line 6, after the word "with" insert the following: "a Cabinet Dial or."

In section 1, line 7, after the word "such" insert the following: "Self Registering Type Beam."

And when so amended recommend the same do pass.

CARL H. DITTMER, Chairman.

Rep. Singleton moved that the report be adopted, which motion prevailed, and the report was adopted.

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

House Bill No. 237, have had the same under consideration and recommend that the same be indefinitely postponed.

CARL H. DITTMER, Chairman.

Rep. Haag moved that the report be adopted, which motion prevailed, and the report was adopted.

Rep. Dalzell moved that the vote by which House Bill No. 237 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

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

House Bill No. 261, have had the same under consideration and recommend that the same do pass.

W. M. CROCKETT, Chairman.

Rep. Wambheim moved that the report be adopted, which motion prevailed, and the report was adopted.

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

House Bill No. 251, have had the same under consideration and recommend that the same be indefinitely postponed.

CARL H. DITTMER, Chairman.

Rep. Heckman moved that the report be adopted.

Rep. Trydahl made a substitute motion that House Bill No. 251 be placed on the calendar, which motion prevailed.

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

House Bill No. 262, have had the same under consideration and recommend that the same do pass.

W. M. CROCKETT, Chairman.

Rep. Twichell moved that the report be adopted, which motion prevailed, and the report was adopted.

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

House Bill No. 263, have had the same under consideration and recommend that the same do pass.

W. M. CROCKETT, Chairman.

Rep. Dalzell moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Elections and Election Privileges to whom was referred:

House Bill No. 304, have had the same under consideration and recommend that the same be indefinitely postponed.

LEONAS MYERS, Chairman.

Rep. Blair moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: A majority of your Committee on Public Welfare to whom was referred:

House Bill No. 226, have had the same under consideration and recommend that the same be indefinitely postponed.

DAN PANKO
IVER SOLBERG
MRS. GEO. ISTA
T. O. ROHDE
ROBERT RAIT
ANDERSON (McKenzie)
R. G. BEEDE
JOHN A. SCHMIDT
ED. HAAG
ANDREW HALVORSON
BERNT ANDERSON, Chm.

Mr. Speaker: A minority of your Committee on Public Welfare to whom was referred:

House Bill No. 226, have had the same under consideration and recommend that the same do pass.

A. C. ARNESON
W. E. SELLENS
H. W. McINNES
BRYNHILD HAUGLAND
A. W. BENNO
A. R. BERGESEN.

Rep. Rait moved that the report of the majority be adopted, which motion was seconded.

Rep. Bergesen moved a substitute motion that the report of the minority be substituted for the report of the majority, which motion was seconded.

Rep. Hultstrand moved that the minority report be laid on the table, which motion prevailed.

The question being on the adoption of the report of the majority that House Bill No. 226 be indefinitely postponed the motion prevailed.

Rep. Tuff moved that the vote by which House Bill No. 226 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on Appropriations to whom was referred Senate Bill No. 53, have had the same under consideration and recommend that the same be indefinitely postponed.

C. P. RITTER, Acting Chirman.

Rep. Semerad moved that the report be adopted, which motion prevailed, and the report was adopted.

Rep. Ostgulen moved that the vote by which Senate Bill No. 53 was indefinitely postponed be reconsidered, and the motion to reconsider be laid on the table, which motion prevailed.

The Committee on Military Affairs made the following report:

Mr. Speaker: Your Committee on Military Affairs to whom was referred House Bill No. 312, have had the same under consideration and recommend that the same be amended as follows:

Section 1, line 8, strike out the rest of the line after the word "of" and all of line 9 up to the words "the three," and insert in lieu thereof the following: "the Field officers of the 164th Infantry."

Line 10, strike out the words "the comma" at the end of the line and all of lines 11 and 12 and insert in lieu thereof, "the officers of the Field Artillery in the same ratio; and"

Line 23, change the period after the figures "1913," and insert a semi-colon ( ; ) and insert the following: "for upon the recommendation of two-thirds majority of the said council of officers."

And when so amended recommend the same do pass.

PETER PETERSON, Chairman.

Rep. Fitch moved that the report be adopted, which motion prevailed, and the report was adopted.

Rep. Anderson of Benson moved that Senate Bill No. 126 be re-referred from the Committee on Judiciary to the Commitee on Banks and Banking because it deals with the subject

that is embodied in a House bill in that committee and that the Senate bill should also be there, which motion prevailed.

Rep. Anderson of McKenzie moved that House Bill No. 281 be re-referred to the Committee on Public Welfare, which motion prevailed.

## SIGNING OF BILLS

The Chief Clerk announced that the Speaker was about to sign:

Senate Concurrent Resolution No. 106. A Concurrent Resolution Urging Immediate Investigation by Congress of Manufacturers of Farm Implements to Determine Costs of Raw Materials, Manufacture, Distribution, Ultimate Costs to Farmer, Price Spread Between Farmer and Consumer of Farm Products, Determination of Farm Machinery Prohibitions, Prohibitions as to Flax Crops and Importation to Meet the Country's Need, and to Determine if a Trust Exists Exercising Unfair Practices to the Detriment of the Agricultural Commonwealth.

And the Speaker signed the same in the presence of the House.

## MESSAGE TO THE SENATE

House of Representatives,
Bismarck, February 14, 1939.

Mr. President: I have the honor to return:

Senate Concurrent Resolution No. 106. A Concurrent Resolution Urging Immediate Investigation by Congress of Manufacturers of Farm Implements to Determine Costs of Raw Materials, Manufacture, Distribution, Ultimate Costs to Farmer, Price Spread Between Farmer and Consumer of Farm Products, Determination of Farm Machinery Prohibitions, Prohibitions as to Flax Crops and Importation to Meet the Country's Need, and to Determine if a Trust Exists Exercising Unfair Practices to the Detriment of the Agricultural Commonwealth.

Which the Speaker has signed.

MINNIE D. CRAIG, Chief Clerk.

Rep. Scholl asked that the House revert to the Seventh Order of Business, which request was granted.

Rep. Scholl: I would like to call the attention of the members of the House that it is St. Valentine's Day. I want to call to your attention the part that womanhood has played in the affairs of the country in general and in North Dakota and especially to that part which womanhood has played in the political activities of North Dakota. I further appreciate what womanhood has meant to me throughout the years of my life. I would move, Mr. Speaker, at this time that the House pause in its more serious deliberations and present a program in honor of the womanhood of North Dakota.

Representative Kluver: Not so many years ago a mere man had the courage to defy the scorn and contempt of his fellows by uttering these words:

"The hand that rocks the cradle rules the world." This was the expression of a truth that all men secretly harbored but none had the courage to admit, not even to themselves, much less express it in public. As time passed this truth became more and more an accepted fact. Women accepted positions of trust and responsibility in the field of commerce and gained

distinction in the professions. In recent years they have achieved great honor in the realm of statesmanship and diplomacy. Her course is marked with advanced legislation, such as child labor laws, slum clearance and other humanitarian measures.

Ten women have served the State as legislators in this House, of this number Ward County has the distinction of having produced three. Figured on a percentage basis Ward County stands 300% of any other County in the State in this respect. If you were to ask me, I should say that it is my judgment this is about where Ward County stands with respect to all other good things.

Whatever woman's relative attainment in commerce, politics and diplomacy may be, there is a realm in which her supremacy has never been in question. She is the undisputed queen in the realm of the "heart" and it is to her Majesty that the male of the species, the land over, vie with each other to pay homage and tribute today.

Someone has written a very touching little verse which runs somewhat as follows:

"The years I've spent in wooing, watching and pursuing
the light that lies in a woman's eyes
Has been my heart's undoing."

Some scallawag has added a further line—

"And it lies and lies and lies."

Miss Haugland, it is my privilege to present you this token of flowers as an expression of the high esteem and honor in which you are held by the other members of this House. Please accept it with our most sincere wishes that you may have many happy returns of this occasion and opportunity to serve this State as you are now doing so admirably.

Miss Haugland: "Mr. Kluver and members of the 26th Legislative Assembly: I am indeed grateful for the token of your spirit of friendliness. It has been a pleasure to work with these people. They are the finest group I have ever worked with. We have different ideas about legislation but we are all here trying to do our very best for the good of our State and it seems that it is really a privilege to be here.

"This is really very unexpected. I didn't anticipate that Mr. Kluver was going to tell you about Ward County and that it is 300% better than any other county in the State. I hope that we have many more women coming to the Legislature and not only from Ward County.

"Again I want to thank the members of this Legislative Session for this token and more than that for their splendid cooperation and the fine friendly feeling that we have here."

Rep. Bergesen: We have many holidays and many days of significance on the calendar but none are just like St. Valentine's Day. We have several days of the year which are dedicated to womanhood, but none other in just the same sense as is St. Valentine's Day. We have our Mother's Day, and no one would detract from the significance of that day but when we come to St. Valentine's Day we think of our sweethearts and that includes Mother and others as well.

And so this afternoon we pause in our deliberations to

say a few words and to express our appreciation as members of this House to the sweethearts of this House. If Ward County is 300% better than any other County, for instance Benson County or Richland County, because those counties have each sent only one lady, how much better is Ward County than Cass and some of the other counties that have as yet not sent any? On what basis do you figure a percentage there?

Womanhood has had a long struggle. To begin with she had no rights, but by love and goodness and perseverance she has every reason to have the same rights as man and it is only in the last few years that women dared to venture into political life. We all know what the woman's touch has meant to the home, for what is a home without that woman's touch? We men haven't realized until lately and many of us don't fully realize yet the great contribution that that touch of womanhood can make toward the political life of the world. Gradually it is coming and in time it will be here and when that time comes the political life of this nation and of the world will be the better for it.

Mrs. Ista, as one of the representatives, and the only woman representative of Richland County and one of the two women who raised whatever it took to meet the hardships of the political campaign and political life, I deem it an honor and a real privilege to present to you on behalf of the members of this House this bouquet as a token of our appreciation for your services here in this House assembly and for your fair attitude and good sportsmanship and all else that goes with it.

Mrs. Ista: Members of the House of Representatives: I want to thank you and the members of the House for the beautiful flowers here at my desk, and the beautiful message from Mr. Kluver and Mr. Bergesen in behalf of the women of the Legislature of North Dakota. The old saying is this: "Say it with flowers." And I think that is the message today. I thank you.

(Remarks of Representative Anderson of Benson):

Mr. Speaker: The Committee on Arrangements asked me to deliver this afternoon a St. Valentine's Day address. I thought at first that this would be an easy matter, thinking that St. Valentine was sort of a second cousin to Santa Claus, but such is not the case. St. Valentine is the patron saint of lovers, young and old. He lived in the fourth century, was rather an eccentric, and fell passionately in love. He had a name sake and a double, who likewise fell passionately in love, and both died on the same day.

Encyclopedias couple the name of St. Valentine with Cupid. This was the god of love of the ancient Greeks and Romans. Cupid was the son of Jupiter, and for a time carried on flirtations with a maid named Psyche. He acquired, in early life, the bow and arrow, with which he shoots his victims through the heart, and from this comes the expression, "A man falls for a woman." Having been shot through the heart, of course he falls. All of this simply goes to show man's early effort to explain the mysteries of love; and to this day no explanation has ever been made.

Benson County yields to no one in the matter of distinguished lady members of the House of Representatives. We were the first to elect a lady member. We kept this member

in the House for a number of Sessions. In 1933 she became the Speaker of the House of Representatives, and bears the distinction of being the only woman in the United States who has ever held the position of Speaker of the House of any legislative assembly. She is now serving her second term as Chief Clerk, and I have the honor now to present to Mrs. Minnie D. Craig, Chief Clerk, this beautiful bouquet of flowers as a token of the esteem of the members of this House.

(Remarks by Mrs. Minnie D. Craig).

Mr. Speaker, Members of the 26th Legislative Assembly and visiting friends: I am delighted with flowers. Those of you who have known me in years past know that I am passionately fond of flowers and I surely enjoy the beautiful flowers presented to me today.

I want to take this opportunity to tell you how proud I am of your active members of this 26th Legislative Assembly. In the years I have served in various capacities and have mixed with the members from time to time in the legislative halls, I have seen no group which was more responsible, more conscientious, more earnest than this group which I face today. I am proud of each and everyone and I am proud to have the opportunity to work with this legislative assemlby of the State of North Dakota.

I also want to tell you that I want to pay tribute to the employes you have hired. There is 100% co-operation from them and they are doing the most marvelous work I could expect. My duties have been a pleasure. I thank you for the flowers. I thank you for the honor.

Rep Anderson of Benson: "Mr. Speaker and members of this House, I suppose that on an occasion such as this a little extra sentimentality is permissable. Therefore, to the lady members of the House of Representatives, to the ladies at the desk, and to the lady employees of the House of Representatives, let me say that we love you, we revere you, we adore you, we occasionally 'fall for you,' and we would sacrifice our lives for you if need be."

Rep. Dike: "I move that all lady members of the House both passed and present be given a copy of today's Journal."

Which motion prevailed.

Rep. Trydahl: "I would like to read a poem written by a lady who is a nationally known writer. She is Mrs. Eva K. Anglesburg of Thompson, N. D. This is taken from one of her most recent poems."

When fears assail turn back to
those dark ages
When the race halted in its upward
climb,
And God so patiently gleaned good
from evil,
Even as he is doing in our time.
Eventually the level always rises,
Though this age wavers we should
not despair;
Much was achieved and he who
reaps the centuries
Garners the wheat and winnows
out the tare.

"I would like to make a motion when this House convenes again that this excerpt also be printed in the Journal."

Which motion prevailed.

Rep. Kluver: "In view of the fact that a former member of this house, Mabel Lindgren, was severely injured in an automobile accident and is still convalescing in her home I move that the Chief Clerk be requested to send Mrs. Lindgren a telegram expressing our sorrow and wishing her a very speedy recovery."

Which motion prevailed.

Rep. Morland: "I feel moved by the spirit. There is little I can say or add to what has been said here today. I concur heartily in everything that has been said. I have traveled up and down on highways and by-ways of life in my fifty years and cannot help but note that a large part of the success in this world is the result of the woman pushing her husband along."

Rep. Scholl: "In connection with that part of the program which has dealt with sending lady members to this House I, of course, yield to Ward County with their unusual distinction. I would like to mention McLean County. I am sure that the members of this House remembers McLean County's contribution of two years ago which was expressed in the person of Mrs. Nellie Olson who represented McLean County in that body. So I am going to claim a little honor for McLean County and I hope that Mrs. Olson's name is not missed when this copy of the Journal is mailed out."

Rep. Blair: "We are giving the ladies bouquets. Perhaps we can give them another bouquet. I believe that the most beautiful words came from a lady when she said, 'Character is habit crystallized'."

Rep. Solberg: "We have other counties that have sent ladies here. I respectfully ask that the name of Lavina Amsberry of Wheelock, N. Dak., be also included. A great statesman has said that in order to make this nation safe for democracy the women must be given the ballot."

Rep. Feton: "I wish to add that Stutsman County had a representative in the person of Miss Mary McGinnes ten years ago and I trust that she also be included."

Mr. Speaker: "The old saying goes: 'God bless the women. We can't always get along with them but we can't possibly get along without them'."

The Speaker announced that the House would now proceed to the regular order of business.

Rep. Schimke moved a fifteen-minute recess, which motion prevailed.

The House reconvened pursuant to fifteen-minute recess taken.

## MESSAGES FROM THE SENATE

Senate Chamber,
Bismarck, February 14, 1939.

Mr. Speaker: I have the honor to return:

House Bill No. 107. A Bill for an Act to Amend and Reenact Section 17 of Chapter 148 of Session Laws of 1931, Relating to Hunting Upon the Premises of Another.

Which the Senate has indefinitely postponed.

WM. J. LOWE, Secretary.

## SECOND READING OF HOUSE BILLS

House Bill No. 198. A Bill for an Act Imposing a Tax Upon Theatre and Entertainment Tickets to be Applied to the Old Age Assistance Fund; to Provide for the Collection of Such Tax; Requiring Reports; Naming Exemptions; Establishing a Lien for the Payment of Such Tax; Fixing Fines and Penalties for Violations; Repealing 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, 92; nays, 7; absent and not voting, 12.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Holm | Peterson, Ransom |
| Anderson, Benson | Holthusen | Rait |
| Anderson,M'K'nzie | Hultstrand | Rettke |
| Anfinson | Ireland | Ritter |
| Arneson, Nelson | Ista | Rohde |
| Arneson, Ramsey | Jensen | Schauss |
| Beede | Jonnson, Cass | Schmidt, McHenry |
| Belzer | Johnson, LaMoure | Schmidt, Sheridan |
| Benno | Joiner | Scholl |
| Bergesen | Keller | Schwartz |
| Billigmeier | Kluver | Semerad |
| Bingenheimer | Lange | Severson |
| Bolmeier | Levin | Sharpe |
| Braun, McLean | Lunde | Shure |
| Braun, Stark | McInnes | Singleton |
| Brown | McIntee | Solberg |
| Buchholz | McIntyre | Stormon |
| Culver | Myers | Symington |
| Dalzell | Mittag | Thompson,Burl'gh |
| Dike | Moe | Thompson, Steele |
| Erickson | Mollet | Trydahl |
| Feton | Morland | Tuff |
| Fraser | Nelson, Cass | Twichell |
| Fuglestad | Nelson, Dickey | Urschel |
| Gainor | Nelson, Steele | Wambheim |
| Glas | Nystrom | Westby |
| Gray | Odegard | Williams,Richland |
| Haag | Oglesby | Williams,Stutsm'n |
| Halvorson | Ostgulen | Wolf |
| Haugland | Panko | Mr. Speaker |
| Heckman | Peterson,Bottineau | |

Those voting in the negative were:

| | | |
|---|---|---|
| Blair | Page | Sellens |
| Boulden | Saumur | Stone |
| Fitch | | |

Absent and not voting:

| | | |
|---|---|---|
| Byrne | Hofstrand | Sand |
| Crockett | Knutson | Schimke |
| Dittmer | Larson | Skartvedt |
| Fletcher | O'Brien | Sticka |

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

Rep. Lange 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. 250. A Bill for an Act Authorizing the Public Welfare Board of North Dakota, With the Approval of the Attorney General, to Enter Into Reciprocal Agreements With Other States Having Like Authority Relative to Residence, Care and Transportation of Indigent Persons; 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, 95; nays, 6; absent and not voting, 10.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Anderson, Benson | Holm | Rettke |
| Anderson,M'K'nzie | Holthusen | Ritter |
| Anfinson | Hultstrand | Rohde |
| Arneson, Nelson | Ireland | Saumur |
| Arneson, Ramsey | Ista | Schauss |
| Beede | Jensen | Schmidt, McHenry |
| Belzer | Johnson, LaMoure | Schmidt, Sheridan |
| Benno | Joiner | Scholl |
| Bergesen | Keller | Schwartz |
| Billigmeier | Kluver | Sellens |
| Bingenheimer | Knutson | Semerad |
| Bolmeier | Lange | Severson |
| Boulden | Levin | Sharpe |
| Braun, Stark | Lunde | Shure |
| Brown | McInnes | Singleton |
| Buchholz | McIntee | Solberg |
| Byrne | McIntyre | Stone |
| Crockett | Moe | Stormon |
| Culver | Mollet | Symington |
| Dalzell | Morland | Thompson,Burl'gh |
| Dike | Nelson, Cass | Thompson, Steele |
| Erickson | Nelson, Dickey | Trydahl |
| Feton | Nelson, Steele | Tuff |
| Fitch | Nystrom | Twichell |
| Fraser | Odegard | Urschel |
| Fuglestad | Oglesby | Wambheim |
| Gainor | Ostgulen | Westby |
| Glas | Page | Williams,Richland |
| Gray | Panko | Williams,Stutsm'n |
| Halvorson | Peterson,Bottineau | Wolf |
| Haugland | Peterson, Ransom | Mr. Speaker |
| Heckman | Rait | |

Those voting in the negative were:

| | | |
|---|---|---|
| Adam | Braun, McLean | Mittag |
| Blair | Myers | Schimke |

Absent and not voting:

| | | |
|---|---|---|
| Dittmer | Johnson, Cass | Sand |
| Fletcher | Larson | Skartvedt |
| Haag | O'Brien | Sticka |
| Hofstrand | | |

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

House Bill No. 113. A Bill for an Act Requiring Boards of County Commissioners or Any Other Public Boards Administering Poor Relief to Give Equal Consideration to Legally Licensed Practitioners of Medicine, Osteopathy, Chiropractic, Dentistry, Optometry, and Any Other Legally Licensed Practitioner, 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, 86; nays, 17; absent and not voting, 8.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Haag | Panko |
| Anderson, Benson | Halvorson | Peterson,Bottineau |
| Anderson,M'K'nzie | Haugland | Peterson, Ransom |
| Anfinson | Heckman | Rait |
| Arneson, Ramsey | Holthusen | Rettke |
| Beede | Hultstrand | Ritter |
| Belzer | Ireland | Rohde |
| Benno | Ista | Saumur |
| Bergesen | Jensen | Schauss |
| Billigmeier | Johnson, LaMoure | Schmidt, McHenry |
| Bingenheimer | Joiner | Schmidt, Sheridan |
| Braun, McLean | Keller | Schimke |
| Braun, Stark | Kluver | Scholl |
| Brown | Knutson | Schwartz |
| Buchholz | Lange | Sellens |
| Byrne | Lunde | Semerad |
| Crockett | McInnes | Severson |
| Culver | McIntee | Singleton |
| Dalzell | McIntyre | Solberg |
| Dike | Myers | Stone |
| Erickson | Mittag | Stormon |
| Feton | Mollet | Tuff |
| Fitch | Morland | Urschel |
| Fletcher | Nelson, Dickey | Westby |
| Fraser | Nelson, Steele | Williams,Richland |
| Fuglestad | Nystrom | Williams,Stutsm'n |
| Gainor | Odegard | Wolf |
| Glas | Ogiesby | Mr. Speaker |
| Gray | Ostgulen | |

Those voting in the negative were:

| | | |
|---|---|---|
| Blair | Moe | Thompson,Burl'gh |
| Bolmeier | Nelson, Cass | Thompson, Steele |
| Boulden | Page | Trydahl |
| Holm | Sharpe | Twichell |
| Johnson, Cass | Shure | Wambheim |
| Levin | Symington | |

Absent and not voting:

| | | |
|---|---|---|
| Arneson, Nelson | Larson | Skartvedt |
| Dittmer | O'Brien | Sticka |
| Hofstrand | Sand | |

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

Rep. Oglesby moved that the vote by which House Bill No. 113 was passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 128. A Bill for an Act to Amend and Re-enact Chapter 123 of the 1935 Session Laws of the State of North Dakota, Being an Act to Amend and Re-enact Section 25 of Chapter 98 of the 1933 Session Laws of the State of North Dakota; Relating to Relief for the Poor; Describing the Establishment of a County Relief Board by the Board of County Commissioners, Constituting the County Commissioners in the Respective Counties to Replace the County Welfare Board; 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, 74; nays, 29; absent and not voting, 8.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Hultstrand | Rohde |
| Anderson, Benson | Ireland | Saumur |
| Anderson,M'K'nzie | Ista | Schauss |
| Anfinson | Jensen | Schmidt, McHenry |
| Arneson, Ramsey | Johnson, Cass | Schmidt, Sheridan |
| Beede | Johnson, LaMoure | Schimke |
| Belzer | Joiner | Scholl |
| Bingenheimer | Keller | Schwartz |
| Boulden | Knutson | Semerad |
| Braun, McLean | Lange | Severson |
| Braun, Stark | Levin | Shure |
| Brown | McIntee | Solberg |
| Buchholz | McIntyre | Stone |
| Byrne | Myers | Symington |
| Crockett | Mittag | Trydahl |
| Dalzell | Mollet | Tuff |
| Erickson | Morland | Twichell |
| Feton | Nelson, Dickey | Urschel |
| Fletcher | Odegard | Wambheim |
| Fraser | Ostgulen | Westby |
| Gainor | Page | Williams,Richland |
| Glas | Panko | Williams,Stutsm'n |
| Gray | Peterson,Bottineau | Wolf |
| Haag | Rettke | Mr. Speaker |
| Halvorson | Ritter | |

Those voting in the negative were:

| | | |
|---|---|---|
| Arneson, Nelson | Heckman | Nelson, Steele |
| Benno | Holm | Oglesby |
| Bergesen | Holthusen | Peterson, Ransom |
| Blair | Kluver | Rait |
| Bolmeier | Lunde | Sellens |
| Culver | McInnes | Sharpe |
| Dike | Moe | Singleton |
| Fitch | Nelson, Cass | Stormon |

| | | |
|---|---|---|
| Thompson,Burl'gh | Haugland | Thompson, Steele |
| Fuglestad | Nystrom | |

Absent and not voting:

| | | |
|---|---|---|
| Billigmeier | Larson | Skartvedt |
| Dittmer | O'Brien | Sticka |
| Hofstrand | Sand | |

So the bill passed and the title was agreed to and the Emergency Clause declared carried.

Rep. Twichell moved that the vote by which House Bill No. 128 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Rep. Bergesen: I wish to explain my vote and have my explanation recorded. I know that under our present system that the Old Age Assistance will be given to those in our State who are entitled to it. I am not yet satisfied that under this present amendment that that will be continued. If I could be satisfied of that, I would vote favorably, but not being satisfied, I vote "no."

Rep. Moe: I was a member of the Board of County Commissioners at the time of the first set-up and I thought that the County Commissioners had enough to do without having this on their shoulders, and for that reason I vote "no."

House Bill No. 157. A Bill for an Act Making an Appropriation for the Maintenance and Operation of the North Dakota State Criminal Identification Bureau for the Period From January 1st, 1939 to June 30th, 1939, 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, 77; nays, 22; absent and not voting, 12.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Gray | Odegard |
| Anderson, Benson | Haag | Ostgulen |
| Anderson,M'K'nzie | Halvorson | Page |
| Anfinson | Haugland | Panko |
| Beede | Heckman | Peterson,Bottineau |
| Belzer | Holthusen | Peterson, Ransom |
| Bergesen | Hultstrand | Rait |
| Billigmeier | Ireland | Ritter |
| Bingenheimer | Ista | Rohde |
| Bolmeier | Jensen | Schmidt, McHenry |
| Boulden | Johnson, LaMoure | Schmidt, Sheridan |
| Braun, McLean | Joiner | Scholl |
| Braun, Stark | Keller | Schwartz |
| Brown | Kluver | Sellens |
| Buchholz | Knutson | Semerad |
| Crockett | Lange | Singleton |
| Culver | Levin | Solberg |
| Dalzell | Lunde | Thompson,Burl'gh |
| Dike | McIntee | Thompson, Steele |
| Erickson | McIntyre | Tuff |
| Feton | Myers | Urschel |
| Fletcher | Mittag | Williams,Richland |
| Fraser | Mollet | Williams,Stutsm'n |

| | | |
|---|---|---|
| **Fuglestad** | Morland | Wolf |
| Gainor | Nelson, Dickey | Mr. Speaker |
| Glas | Nystrom | |

Those voting in the negative were:

| | | |
|---|---|---|
| Arneson, **Nelson** | Oglesby | Stone |
| Arneson, **Ramsey** | Saumur | Stormon |
| Blair | Schauss | Symington |
| Byrne | Schimke | Trydahl |
| Holm | Severson | Twichell |
| Johnson, **Cass** | Sharpe | Wambheim |
| Moe | Shure | Westby |
| Nelson, Steele | | |

Absent and not voting:

| | | |
|---|---|---|
| Benno | Larson | Rettke |
| Dittmer | McInnes | Sand |
| Fitch | Nelson, Cass | Skartvedt |
| Hofstrand | O'Brien | Sticka |

So the bill passed and the title was agreed to, and the Emergency Clause was declared carried.

Rep. Rohde moved that the vote by which House Bill No. 157 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Rep. Schauss moved that further consideration of House Bill No. 252 be indefinitely postponed, which motion was seconded.

Rep. Beede moved a substitute motion that House Bill No. 252 be re-referred to the Committee on State Affairs, which motion prevailed.

## TWELFTH ORDER OF BUSINESS
## CONSIDERATION OF MESSAGES FROM THE SENATE

Rep. Scholl moved that the House do not concur in the Senate amendments on House Bill No. 74, which motion was seconded.

Rep. Holm moved a substitute motion that the House do concur in the Senate amendments on House Bill No. 74, which motion was lost.

The question being on Rep. Scholl's motion, the motion prevailed.

## MESSAGES TO THE SENATE

House of Representatives,
Bismarck, February 14, 1939.

Mr. President: I have the honor to inform you that the House has refused to concur in the Senate amendment to:

House Bill No. 74. A Bill for an Act Making a Deficiency Emergency Appropriation for Relief of Destitute and Necessitous Persons of the State of North Dakota for the Months of December, 1938, and January and February, 1939, as Provided by Chapter 214 of the Session Laws of 1937, Declaring an Emergency.

And the Speaker has appointed as a conference committee to act with a like committee from the Senate, Representatives:

J. J. ADAM
J. H. HECKMAN
A. R. BERGESEN.

MINNIE D. CRAIG, Chief Clerk.

Rep. Twichell moved that the House recess until 1:00 P. M., tomorrow upon completion of First reading of Senate Bills and announcements, which motion prevailed.

## FIRST READING OF SENATE BILLS

Senate Bill No. 6. 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.

Senate Bill No. 10. 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, as Provided for Under Chapter 137, Session Laws of 1935; Repealing all Acts or Parts of Acts in Conflict Herewith.

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

Senate Concurrent Resolution No. "25." A Concurrent Resolution Urging Enactment of the Harrison-Fletcher Bill for the Benefit of Needy Schools, and for the Expansion of the Smith-Hughes Act.

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

Senate Bill No. 56. A Bill for an Act Amending and Reenacting the Initiated Measure Entitled: "An Act Reducing and Fixing Allowances for Mileage and Travel Expense 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 30, 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," Adopted and Approved by the Electors at the June 29, 1932, Primary Election, Fixing Allowances for Mileage and Travel Expense of County Officials and Their Deputies; and Repealing Chapter 119, Session Laws of 1931, and All Acts and Parts of Acts in Conflict Herewith.

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

Senate Bill No. 94. A Bill for an Act Appropriating Five Thousand Dollars ($5,000.00) to the State Historical Society for the Development of the International Peace Garden, American Section, in Rolette County, North Dakota.

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

Senate Bill No. 104. A Bill for an Act to Amend and Reenact Chapter 274 of the Session Laws of North Dakota for the Year 1935 as Amended by Chapter 243 of the Session Laws of North Dakota for 1937 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, Extending the Application Thereof to Persons Receiving, Claiming or Demanding Money From Municipalities and Political Sub-divisions Within the State and Providing That Entering Into of Installment Contracts for Payment of Personal Property Taxes

Shall Not Relieve Anyone From the Operation 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 Taxes and Tax Laws.

Senate Bill No. 124. A Bill for an Act Making an Appropriation for a Pension for Patricia Ann Crites and Dennis Duane Crites, Minor Children of National Guardsman, John E. Crites.

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

Senate Bill No. 186. A Bill for an Act Providing the Maximum Salary or Compensation Which May Be Paid to or Received by Any Member, Appointee or Employee of Any Board, Bureau, Commission or Department of the State of North Dakota and Providing Penalties for Violation of This Act.

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

Senate Bill No. 189. A Bill for an Act to Amend and Reenact Section 1190 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, as Amended and Re-enacted by Chapter 243 of the Session Laws of North Dakota for 1927, and as Amended and Re-enacted by Chapter 231 of the Session Laws of North Dakota for 1937, Relating to Consolidation of Schools and Transportation of Pupils; and Repealing All Laws or Parts of Laws in Conflict Therewith.

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

Senate Bill No. 235. 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.

The House recessed pursuant to Rep. Twichell's motion until 1:00 P. M., tomorrow.

MINNIE D. CRAIG, Chief Clerk.

## FORTY-THIRD DAY AFTER RECESS AND FORTY-FOURTH DAY

Bismarck, February 15, 1939.

The House convened at 1:00 P. M., pursuant to recess, Speaker Hagen presiding.

Rep. Fitch moved that the rules be suspended and that the House be on the Fifteenth Order of Business for the consideration of General Orders of today's calendar, which motion prevailed.

Rep. Johnson of Cass moved that action on the report of the Committee of the Whole be temporarily deferred, which motion prevailed.

Rep. Crockett moved that the vote by which House Bill Nos. 66 and 192 were indefinitely postponed be reconsidered, which motion prevailed.

Rep. Twichell moved that the vote for reconsideration of House Bill Nos. 192 and 66 be taken separately on each bill, which motion prevailed.

The question being on the reconsideration of House Bill No. 192 a roll call was demanded and granted.

### ROLL CALL

So the roll was called and there were ayes, 37; nays, 67; absent and not voting, 7.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Holm | Schauss |
| Anderson, Benson | Ireland | Schimke |
| Anderson,M'K'nzie | Ista | Severson |
| Anfinson | Johnson, Cass | Skartvedt |
| Arneson, Nelson | Knutson | Solberg |
| Arneson, Ramsey | Levin | Stormon |
| Brown | McInnes | Symington |
| Crockett | Morland | Thompson, Steele |
| Dalzell | Nelson, Steele | Trydahl |
| Dike | Odegard | Urschel |
| Erickson | Page | Wambheim |
| Fitch | Ritter | Wolf |
| Fuglestad | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Beede | Heckman | Peterson, Ransom |
| Belzer | Holthusen | Rait |
| Bergesen | Hultstrand | Rettke |
| Billigmeier | Jensen | Rohde |
| Bingenheimer | Johnson, LaMoure | Saumur |
| Blair | Joiner | Schmidt, McHenry |

| | | |
|---|---|---|
| Bolmeier | Keller | Schmidt, Sheridan |
| Boulden | Kluver | Scholl |
| Braun, McLean | Lange | Schwartz |
| Braun, Stark | Lunde | Sellens |
| Buchholz | McIntee | Semerad |
| Byrne | McIntyre | Sharpe |
| Culver | Myers | Shure |
| Dittmer | Mittag | Singleton |
| Feton | Moe | Stone |
| Fletcher | Mollet | Thompson, Burl'gh |
| Fraser | Nelson, Cass | Tuff |
| Gainor | Nelson, Dickey | Twichell |
| Glas | Nystrom | Westby |
| Gray | Oglesby | Williams, Richland |
| Haag | Ostgulen | Williams, Stutsm'n |
| Halvorson | Panko | Mr. Speaker |
| Haugland | | |

Absent and not voting:

| | | |
|---|---|---|
| Benno | O'Brien | Sand |
| Hofstrand | Peterson, Bottineau | Sticka |
| Larson | | |

So the motion was declared lost.

Rep. Twichell moved that the vote by which the motion for reconsideration of House Bill No. 192 was lost be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

The question being on reconsideration of House Bill No. 66 a roll call was demanded and granted.

ROLL CALL

So the roll was called and there were ayes, 43; nays, 60; absent and not voting, 8.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Arneson, Nelson | Halvorson | Schauss |
| Belzer | Holm | Schimke |
| Benno | Holthusen | Sellens |
| Bergesen | Levin | Severson |
| Blair | McInnes | Sharpe |
| Bolmeier | Morland | Shure |
| Boulden | Nelson, Cass | Skartvedt |
| Brown | Nelson, Steele | Thompson, Burl'gh |
| Byrne | Nystrom | Thompson, Steele |
| Dalzell | Oglesby | Trydahl |
| Dittmer | Page | Twichell |
| Feton | Peterson, Ransom | Wambheim |
| Fitch | Ritter | Westby |
| Fuglestad | Saumur | Williams, Stutsm'n |
| Gainor | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Adam | Haugland | Ostgulen |
| Anderson, Benson | Heckman | Panko |
| Anderson, M'K'nzie | Hultstrand | Peterson, Bottineau |
| Anfinson | Ireland | Rait |
| Arneson, Ramsey | Ista | Rettke |
| Beede | Jensen | Rohde |
| Billigmeier | Johnson, LaMoure | Schmidt, McHenry |
| Bingenheimer | Joiner | Schmidt, Sheridan |

| | | |
|---|---|---|
| Braun, McLean | Keller | Scholl |
| Braun, Stark | Knutson | Schwartz |
| Buchholz | Lange | Semerad |
| Crockett | Lunde | Singleton |
| Culver | McIntee | Solberg |
| Dike | McIntyre | Stone |
| Erickson | Myers | Stormon |
| Fletcher | Mittag | Tuff |
| Fraser | Moe | Urschel |
| Glas | Mollet | Williams,Richland |
| Gray | Nelson, Dickey | Wolf |
| Haag | Odegard | Mr. Speaker |

Absent and not voting:

| | | |
|---|---|---|
| Hofstrand | Larson | Sticka |
| Johnson, Cass | O'Brien | Symington |
| Kluver | Sand | |

So the motion was declared lost.

## MESSAGE FROM THE GOVERNOR

State of North Dakota
OFFICE OF THE GOVERNOR

Bismarck, February 15, 1939.

To the House of Representatives of the
State of North Dakota:

This is to notify you that I have today approved and filed with the Secretary of State:

House Bill No. 101. A Bill for an Act to Amend and Reenact Chapter 137. Session Laws of 1931, Relating to Filing of Vacancies of Elective County Officers, Superintendent of Schools and County Commissioners on the No-Party Ballot.

Also,

House Bill No. 102. A Bill for an Act Forbidding the Sale of Fermented Malt Beverages in the State of North Dakota Which Are Manufactured With Less Than Sixty-six and Two-thirds Per Cent (66 2/3%) of Barley Malt.

Also,

House Bill No. 111. A Bill for an Act to Amend and Reenact Chapter 3 of the Session Laws of 1933; Defining Unfair Discrimination in the Purchase of Certain Farm Products; Prohibiting Such Discrimination; Providing a Penalty Therefor; and Repealing Acts in Conflict Herewith; and Declaring an Emergency.

Also,

House Bill No. 125. A Bill for an Act Amending and Reenacting Sub-section 1 of Chapter 97 of the Session Laws of 1933 and Sub-section 4 of Section 4 of Chapter 97 of the Session Laws of 1933, as Amended by Chapter 119 of the Session Laws of 1935; Providing the Loss of Residence Upon Moving to Another State and Declaring an Emergency.

Also,

House Bill No. 153. A Bill for an Act Amending and Reenacting Chapter 123 of the Session Laws of 1931, Authorizing the Juvenile Court to Commit to the Institution for the Feeble Minded any Dependent, Neglected or Delinquent Child Who is Feeble Minded or Whose Mental Condition is Found

a Subject for Inquiry; and Providing for Certificate of Inability to Pay.

JOHN MOSES, Governor.

## MESSAGES TO THE SENATE

House of Representatives,
Bismarck, February 15, 1939.

Mr. President: I have the honor to return:

Senate Bill No. 53. A Bill for an Act to Repeal Section 1796a5 of the Supplement to the Compiled Laws of 1913, Relating to the Appropriation for the Annual Encampment of the Grand Army of the Republic.

Which the House has indefinitely postponed.

Mr. President: I have the honor to transmit:

House Concurrent Resolution No. 179. Authorizing and Directing the Governor, Tax Commissioner and Attorney General to Ascertain What Provision Has Been Made by the Federal Government for Making Payments in Lieu of Taxes on Lands Acquired in This State by Various Departments, Bureaus and Agencies of the Government and Authorizing and Directing the Governor, Attorney General and Tax Commissioner to File With the Secretary of State Proposals or Commitments Submitted by Such Departments, Bureaus or Agencies With Reference Thereto.

House Concurrent Resolution No. 225. Memorializing Congress to Pass $4,000,000.00 Appropriation Bill to Be Allotted Several U. S. Indian Reservations.

House Bill No. 198. A Bill for an Act Imposing a Tax Upon Theatre and Entertainment Tickets to be Applied to the Old Age Assistance Fund; to Provide for the Collection of Such Tax; Requiring Reports; Naming Exemptions; Establishing a Lien for the Payment of Such Tax; Fixing Fines and Penalties for Violations; Repealing Laws in Conflict Herewith and Declaring an Emergency.

House Bill No. 250. A Bill for an Act Authorizing the Public Welfare Board of North Dakota, With the Approval of the Attorney General, to Enter Into Reciprocal Agreements With Other States Having Like Authority Relative to Residence, Care and Transportation of Indigent Persons; and Declaring an Emergency.

House Bill No. 113. A Bill for an Act Requiring Boards of County Commissioners or Any Other Public Boards Administering Poor Relief to Give Equal Consideration to Legally Licensed Practitioners of Medicine, Osteopathy, Chiropractic, Dentistry, Optometry, and Any Other Legally Licensed Practitioner, 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.

House Bill No. 128. A Bill for an Act to Amend and Reenact Chapter 123 of the 1935 Session Laws of the State of North Dakota, Being an Act to Amend and Re-enact Section 25 of Chapter 98 of the 1933 Session Laws of the State of North Dakota; Relating to Relief for the Poor; Describing the Establishment of a County Relief Board by the Board of County Commissioners, Constituting the County Commissioners in the Respective Counties to Replace the County

Welfare Board; Repealing All Acts and Parts of Acts in Conflict Herewith; and Declaring an Emergency.

House Bill No. 157. A Bill for an Act Making an Appropriation for the Maintenance and Operation of the North Dakota State Criminal Identification Bureau for the Period From January 1st, 1939 to June 30th, 1939, and Declaring an Emergency.

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

MINNIE D. CRAIG, Chief Clerk.

Rep. Lange moved that the absent members be excused, which motion prevailed.

Rep. Lange moved that the House do now adjourn, which motion prevailed and the House adjourned.

## FORTY-FOURTH DAY

Bismarck, February 15, 1939.

The House assembled at 2:00 P. M., pursuant to adjournment, Speaker Hagen presiding.

Prayer by Adj. Walter Miller.

Roll call: All Representatives present except Hofstrand, Johnson of Cass, Larson, O'Brien, Sand, Schimke, Sticka, and Symington.

So a quorum was declared present.

## MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, February 15, 1939.

Mr. Speaker: I have the honor to transmit:

Senate Bill No. 51. A Bill for an Act Providing for the Redemption of Real Estate Forfeited to the County for Delinquent Taxes by Former Owners, Prescribing the Conditions Therefor, Providing for the Repurchase of Real Estate Forfeited to the County for Delinquent Taxes on Contract for Deed, Prescribing the Terms Therefor, and Declaring an Emergency.

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

House Bill No. 193. A Bill for an Act to Amend and Reenact Section 869 of the Compiled Laws of North Dakota for the Year 1913; and Repealing All Acts or Parts of Acts in Conflict Herewith.

House Concurrent Resolution No. 91. Providing for the Amendment of Section 25 of Article 2 of the Constitution of the State of North Dakota, Relating to the Legislative Power of the State, and the Initiative and Referendum.

Which the Senate has amended.

House Bill No. 152. A Bill for an Act Amending and Reenacting Section 4446 of the Compiled Laws of North Dakota for 1913, as Amended by Chapter 151 of the Session Laws of 1923 Relating to the Adoption of Minor Children.

Which the Senate has indefinitely postponed.

House Bill No. 142. A Bill for an Act Authorizing the State and Counties to Exchange Tracts of State and County Lands Within Indian Reservations of This State, for Tracts of Lands Owned by the United States Government, Providing

for Appraisals, Execution of Conveyances, and Repealing All Acts or Parts of Acts in Conflict Therewith.

Which the Senate has passed unchanged.

Senate Bill No. 32. A Bill for an Act to Amend Section 396a8 of the Supplement to the Compiled Laws of 1913, as Amended by Chapter 315 of the Session Laws for 1931, Relating to Premiums Due and Workmen's Compensation Bureau.

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

WM. J. LOWE, Secretary.

## REPORT OF STANDING COMMITTEE

Mr. Speaker: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the Forty-second day after Recess and Forty-third day and recommends that the same be corrected as follows:

On page 641, between paragraphs 4 and 5 from the bottom, insert the following paragraph: "House Bill No. 102. A Bill for an Act Forbidding the Sale of Fermented Malt Beverages in the State of North Dakota Which are Manufactured With Less Than Sixty-six and Two-thirds per cent (66⅔%) of Barley Malt."

On page 644, on roll call, Schimke is listed as absent whereas he was present.

On page 663, second line from bottom, strike out the word "majority" and insert the word "minority."

On page 666, ninth line from bottom, strike out the word "may" and insert the word "many."

On page 668, line 17 from the bottom of page, two words left out: "Nationally known" should read "who is a nationally known writer."

On page 669, twentieth line from the bottom, strike out the words "Mrs." and "McInness" and insert the words "Miss" and "McGinnes."

On page 669, fourth line from top, strike out the words "an acquaintance" and insert the words "a former member of this house."

On page 669, line 19 from bottom, strike out the seventh word "be."

On page 669, line 25 from the bottom, strike out the name "Amelia Lavina" and insert the name "Lavina Amsberry of Wheelock, N. Dak."

On page 673, on roll call, there should be 29 nays so strike out the figure "28;" absent and not voting, strike out the figure "9" and insert the figure "8."

On page 674, Heckman is listed as absent whereas he was present and voted "nay."

On page 670, on roll call, strike out the figure "91" and insert the figure "92;" Strike out the figure "8" and insert the figure "7."

On page 670, Glas was listed as voting "nay" whereas he voted "aye."

Page 672, House Bill No. 113, Wambheim voted "No."

And when so corrected recommends that the same be approved.

REP. GLAS, Chairman.

Rep. Bolmeier moved that the report be adopted, which motion prevailed, and the report was adopted.

A telegram opposing the basic science bill was received from Chester Emslie, Mrs. Chester Emslie, Mrs. Rosina Emslie, Alex Munyer, Geo. Seil, A. W. Pugh, Marlin Shively, Mrs. Martin Shively, W. Isely and Mrs. W. Isely, also another telegram opposing the basic science bill from Carl Harmel, Mrs. Herbert Brown, John Hanks, Robert Heintz, R. Ewing, Jacob Kuhn, Kathryn Kuhn, John E. Anderson, Arlene Anderson, Ada Gessner, A. Burkhartsmeier, Tina Burkhartsmeier, Eddy Burkhartsmeier, Spencer White, Joe Schmaltz, H. P. Nordquist, Jr., G. U. Austin, M. O. Larson, Laurel Carter, Mabel Carter, and Victor Sawaya.

A petition protesting against the chain store tax was received from ninety-eight persons living in and near Wahpeton, N. D.

A communication was read from the Mott Old Age Pension Club asking that the Legislature support the $40.00 a month pension plan.

Petitions were received protesting against Senate Bill No. 78 known as the Chain Store Tax from eighteen persons living in and near Hunter, N. D.

A communication from Lydia Evashenko of Coleharbor, N. D., asking that some arrangement be made to purchase teachers' registered warrants.

## REPORTS OF STANDING COMMITTEES

Mr. Speaker: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bill and find the same correctly enrolled:

House Bill No. 148.

OLAF OSTGULEN, Chairman.

Rep. Ostgulen moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bills and find the same correctly engrossed:

House Bill No. 42.
House Bill No. 13.
House Bill No. 144 and
House Bill No. 259.

OLAF OSTGULEN, Chairman.

Rep. Ostgulen moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Delayed Bills to whom was referred:

A Bill for an Act to Amend and Re-enact Section 2450 of the Supplement to the 1913 Compiled Laws of North Dakota as Amended by Chapter 120, Session Laws of 1929, Relative to the Making of Reports of Creameries, Process Butter Factories, Cheese Factories, Ice Cream Factories and Cream Stations to the State Dairy Commissioner, Providing Penalties, Repealing All Acts in Conflict Herewith, and Declaring an Emergency.

Have had the same under consideration and recommend that the same be approved for introduction.

REP. HULTSTRAND, Chairman.

Rep. Severson moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Delayed Bills to whom was referred:

A Bill for an Act Providing for the Assessment and Taxation of Railway Property; the Collection of Railway Taxes by the State Treasurer; Providing a Method of Apportionment and Distribution Thereof, and Repealing Sections 2242, 2243, 2244, and 2246 of the Compiled Laws of 1913, and All Acts and Parts of Acts in Conflict With the Provisions of This Act.

Have had the same under consideration and recommend that the same be approved for introduction.

REP. HULTSTRAND, Chairman.

Rep. Anderson of McKenzie moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Delayed Bills to whom was referred:

A Bill for an Act to Equalize Taxation and Replace in Part the Tax on Property, Providing for the Application of the Sales Tax Upon the Real Estate or Personal Property Taxes, at the Option of the Taxpayer; to Provide the Public Revenue to Be Used for 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.

Have had the same under consideration and recommend that the same be approved for introduction.

REP. HULTSTRAND, Chairman.

Rep. Myers moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Delayed Bills to whom was referred:

A Bill for an Act Making an Appropriation for the Administration and Salaries for the State Hospital for the Insane at Jamestown, North Dakota, and Declaring an Emergency.

Have had the same under consideration and recommend that the same be approved for introduction.

REP. HULTSTRAND, Chairman.

Rep. Myers moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Delayed Bills to whom was referred:

A Bill for an Act to Amend and Re-enact Chapter 235 of the 1919 Session Laws, Constituting Section 6076 of the 1925 Supplement.

Have had the same under consideration and recommend that the same be approved for introduction.

REP. HULTSTRAND, Chairman.

Rep. Severson moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Delayed Bills to whom was referred:

House Concurrent Resolution Relating to the Cancellation of Outstanding Uncollected Seed and Feed Loans.

Have had the same under consideration and recommend that the same be approved for introduction.

REP. HULTSTRAND, Chairman.

Rep. Anderson of McKenzie moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Appropriations to whom was referred House Bill No. 33, have had the same under consideration and recommend that the same do pass.

C. P. RITTER, Acting Chairman.

Rep. Johnson of Cass moved that the report be adopted.

Rep. Wambheim moved a substitute motion to refer House Bill No. 33 back to the Appropriations Committee.

Rep. Schauss moved to lay the motion of Rep. Wambheim on the table, which motion prevailed.

Mr. Speaker: Your Committee on Insurance to whom was referred House Bill No. 256, have had the same under consideration and recommend that the same be indefinitely postponed.

PETER PETERSON, Chairman.

Rep. Fitch moved that the report be adopted, which motion prevailed, and the report was adopted.

Rep. Fitch moved that the vote by which House Bill No. 256 was indefinitely postponed be reconsidered, and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on State Affairs to whom was referred House Bill No. 258, have had the same under consideration and recommend that the same be indefinitely postponed.

W. M. CROCKETT, Chairman.

Rep. Dalzell moved that the report be adopted, which motion prevailed, and the report was adopted

Rep. Crockett moved that the vote by which House Bill No. 258 was indefinitely postponed be reconsidered, and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on Public Health to whom was referred House Bill No. 257, have had the same under consideration and recommend that the same be re-referred to the Committee on Public Welfare.

L. C. ODEGARD, Chairman.

Rep. Odegard moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on State Affairs to whom was referred House Bill No. 260, have had the same under consideration and recommend that the same be amended as follows:

Page 2, Section 1, sub-section (e), Line 23, after the word "to," strike out the words "sponsor and."

Page 7, Section 5, Line 2, after the word "poultry," insert the words "and or turkey."

Page 7, Line 4, after the word "poultry," insert the words "and or turkey."

Line 12, sub-section (a) after the word "poultry," insert the words "and or turkey."

Line 14, strike out the words "products (except eggs)" and insert in lieu thereof the words "and or turkeys."

Line 19, sub-section (c) after the word "chick" insert the words "and or turkey poult."

Line 20, after the word "chicks," insert the words "and or poult."

Line 24, sub-section (e), after the word "poultry," insert the following words "and or turkey."

Page 9, Section 8, line 6, after the word "co-ordination," strike out the words "and management" and insert in lieu thereof the figure and words " , assist with financing."

And when so amended, recommend the same do pass.

W. M. CROCKETT, Chairman.

Rep. Twichell moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Public Health to whom was referred House Bill No. 267, have had the same under consideration and recommend that the same be amended as follows:

In line 9 of the title, change the semi-colon to a period and strike out the balance of line 9 and line 10.

Section 3, line 13, after the word "test," change the period to a comma ( , ) and add the words "to not more than ninety (90) days after such examination and test."

Section 5 ,line 4, after the word "cents," change the period ( . ) to a comma ( , ) and add the words "to be collected by the county judge and by him paid into the State treasury."

And when so amended recommend the same be re-referred to the Committee on Appropriations.

L. C. ODEGARD, Chairman.

Rep, Haugland moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on State Affairs to whom was referred House Bill No. 276, have had the same under consideration and recommend that the same be indefinitely postponed.

W. M. CROCKETT, Chairman.

Rep. Saumur moved that the report be adopted.

Rep. Adam moved a substitute motion that House Bill No. 276 be re-referred back to the committee for further amendments, which motion prevailed.

Mr. Speaker: Your Committee on State Affairs to whom was referred House Bill No. 187, have had the same under consideration and recommend that the same be indefinitely postponed.

W. M. CROCKETT, Chairman.

Rep. Levin moved that the report be adopted, which motion prevailed, and the report was adopted.

Rep. Moe moved that the vote by which House Bill No. 187 was indefinitely postponed, be reconsidered, and the motion to reconsider be laid on the table, which motion prevailed.

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

House Bill No. 289, have had the same under consideration and recommend that the same be indefinitely postponed.

CARL H. DITTMER, Chairman.

Rep. Heckman moved that the report be adopted, which motion prevailed, and the report was adopted.

Rep. Stone moved that the vote by which House Bill No. 289 was indefinitely postponed be reconsidered, and the motion to reconsider be laid on the table, which motion prevailed.

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

House Bill No. 280, have had the same under consideration and recommend that the same be indefinitely postponed.

W. M. CROCKETT, Chairman.

Rep. Wambheim moved that the report be adopted, which motion prevailed, and the report was adopted.

Rep. Dalzell moved that the vote by which House Bill No. 280 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on Cities and Municipal Corporations to whom was referred:

House Bill No. 284, have had the same under consideration and recommend that the same be indefinitely postponed.

FRANK FLETCHER, Chairman.

Rep. E. C. Stone moved that the report be adopted, which motion prevailed, and the report was adopted.

Rep. Stone moved that the vote by which House Bill No. 284 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on Cities and Municipal Corporations to whom was referred:

House Bill No. 253, have had the same under consideration and recommend that the same be indefinitely postponed.

FRANK FLETCHER, Chairman.

Rep. E. C. Stone moved that the report be adopted.

Rep. Fitch moved a substitute motion that House Bill No. 253 be placed on the Calendar, which motion prevailed.

Mr. Speaker: Your Committee on Insurance to whom was referred:

House Bill No. 290, have had the same under consideration and recommend that the same be indefinitely postponed.

PETER PETERSON, Chairman.

Rep. Schimke moved that the report be adopted.

Rep. Beede moved a substitute motion that House Bill No. 290 be printed as soon as possible, placed on the Calendar for final reading after the bill has been printed.

Rep. Schauss moved to lay the motion of Rep. Beede on the table which motion was lost.

The question being on Rep. Beede's motion the motion prevailed.

Rep. Fitch moved to have House Bill No. 290 mimeographed which motion prevailed.

Mr. Speaker: Your Committee on Drainage and Irrigation to whom was referred:

House Bill No. 293, have had the same under consideration and recommend that the same do pass.

REP. GRAY, Chairman.

Rep. Mollet moved that the report be adopted, which motion prevailed, and the report was adopted.

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

House Bill No. 300, have had the same under consideration and recommend that the same be indefinitely postponed.

W. M. CROCKETT, Chairman.

Rep. Lange moved that the report be adopted.

Rep. Bergesen moved a substitute motion that House Bill No. 300 go on the Calendar, which motion prevailed.

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

House Bill No. 303, have had the same under consideration and recommend that the same be indefinitely postponed.

W. M. CROCKETT, Chairman.

Rep. Levin moved that the report be adopted.

Rep. Adam moved a substitute motion that House Bill No. 303 be re-referred back to the Committee on State Affairs, which motion was lost.

The question being on the motion for indefinite postponement, the motion prevailed.

Mr. Speaker: Your Committee on Elections and Election Privileges to whom was referred House Bill No. 309, have had the same under consideration and recommend that the same do pass.

LEONAS MYERS, Chairman.

Rep. Ostgulen moved that the report be adopted, which motion prevailed and the report was adopted.

## MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, February 15, 1939.

Mr. Speaker: I have the honor to inform you that the President has appointed as a conference committee to act with a like committee from the House, Senators:

F. G. AANDAHL,
H. LEUM,
G. F. DREW.

Relative to Senate amendments to:

House Bill No. 74. A Bill for an Act Making a Deficiency Emergency Appropriation for Relief of Destitute and Necessitous Persons of the State of North Dakota for the Months of December, 1938, and January and February, 1939, as Provided by Chapter 214 of the Session Laws of 1937, Declaring an Emergency.

WM. J. LOWE, Secretary.

## REPORTS OF STANDING COMMITTEES

Mr. Speaker: Your Committee on Taxes and Tax Laws to whom was referred House Bill No. 316, have had the same under consideration and recommend that the same be indefinitely postponed.

N. P. JENSEN, Chairman.

Rep. Hofstrad moved that the report be adopted, which motion prevailed and the report was adopted.

Rep. Rohde moved that the vote by which House Bill No. 316 was indefinitely postponed be reconsidered and the mo-

tion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on Taxes and Tax Laws to whom was referred House Bill No. 318, have had the same under consideration and recommend that the same be indefinitely postponed.

N. P. JENSEN, Chairman.

Rep. Rohde moved that the report be adopted, which motion prevailed and the report was adopted.

Rep. Skartvedt moved that the vote by which House Bill No. 318 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on Counties to whom was referred House Bill No. 327, have had the same under consideration and recommend that the same do pass.

JOHN BILLIGMEIER, Chairman.

Rep. W. L. Thompson of Steele moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on State Affairs to whom was referred House Bill No. 328, have had the same under consideration and recommend that the same do pass.

W. M. CROCKETT, Chairman.

Rep. Lange moved that the report be adopted, which motion prevailed and the report was adopted.

## SIGNING OF BILLS

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 148. A Bill for an Act to Amend and Reenact Section 10246a1 of the Supplement to the Compiled Laws of North Dakota for 1913, as Amended by Chapter 142 of the Session Laws of North Dakota for 1927, Regulating and Fixing the Hours of Labor of Females and Providing Penalties for Violation Thereof.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 51. A Bill for an Act Providing for the Redemption of Real Estate Forfeited to the County for Delinquent Taxes by Former Owners, Prescribing the Conditions Therefor, Providing for the Repurchase of Real Estate Forfeited to the County for Delinquent Taxes on Contract for Deed, Prescribing the Terms Therefor, and Declaring an Emergency.

And the Speaker signed the same in the presence of the House.

## FIRST READING OF HOUSE BILLS

Rep. Dalzell introduced:

House Bill No. 382. A Bill for an Act to Amend and Reenact Section 2450 of the Supplement to the 1913 Compiled Laws of North Dakota as Amended by Chapter 120, Session Laws of 1929, Relative to the Making of Reports of Creameries, Process Butter Factories, Cheese Factories, Ice Cream Factories and Cream Stations to the State Dairy Commis-

sioner, Providing Penalties, 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 Agriculture.

Rep. Ritter introduced:

House Bill No. 383. A Bill for an Act Providing for the Assessment and Taxation of Railway Property; the Collection of Railway Taxes by the State Treasurer; Providing a Method of Apportionment and Distribution Thereof, and Repealing Sections 2242, 2243, 2244, and 2246 of the Compiled Laws of 1913 and All Acts and Parts of Acts in Conflict With the Provisions of This Act.

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

The Delayed Bills Committee introduced:

House Bill No. 384. A Bill for an Act to Equalize Taxation and Replace in Part the Tax on Property, Providing for the Application of the Sales Tax Upon the Real Estate or Personal Property Taxes, at the Option of the Taxpayer; to Provide the Public Revenue to Be Used for 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.

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

The Delayed Bills Committee introduced:

House Bill No. 385. A Bill for an Act Making an Appropriation for the Operating, Administration, Salaries and Other Expenses for the State Hospital for the Insane at Jamestown, North Dakota and Declaring an Emergency.

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

The Committee on Delayed Bills introduced:

House Bill No. 386. A Bill for an Act to Amend and Reenact Chapter 235 of the 1919 Session Laws, Constituting Section 6076 of the 1925 Supplement.

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

HOUSE CONCURRENT RESOLUTION No. 387

Introduced by Committee on Delayed Bills.

WHEREAS: Owing to the financial distress of our American farmers, a condition brought about through several years of extreme drought and many years of low prices, and through no particular fault of the farmers, it has been found necessary to make loans to many of these farmers for the purpose of buying both feed and seed, and

WHEREAS: A great majority of such loans were made in preference to granting direct relief or making direct grants to the borrowers, and the debtors have been unable to produce enough income to pay such borrowings, and it will be impossible for many of these people to pay such loans during a period of several years of good crops and fair prices,

but, in the meantime the Government, through its collectors, is attempting to make collections of these loans and the farmers crops are being attached in many instances, and the borrowers are being constantly harrassed and annoyed by such collectors, while the collections actually made are small and the amount expended in such attempts entirely out of proportion to the results obtained

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

SECTION 1. That we do hereby urge upon the Congress of the United States to immediately enact such legislation as will cancel all of the outstanding and uncollected Federal seed and feed loans; that all seed liens, mortgage and other liens of every kind created or existing in connection with such borrowings be forthwith cancelled, and our farmers be given another chance to re-establish their financial independence.

SECTION 2. BE IT FURTHER RESOLVED: That a duly signed copy of this resolution be forwarded to the Vice-President of the United States and the Speaker of the House of Representatives, and to each of our Representatives in Congress, with the request that the same be read before both houses of Congress and printed in the Congressional Record.

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

Rep. Holm moved that the House recess for a fifteen-minute period, which motion prevailed.

The House convened pursuant to fifteen-minute recess taken and proceeded on the Eleventh Order of Business.

## MESSAGE TO THE SENATE

House of Representatives,
Bismarck, February 15, 1939

Mr. President: I have the honor to return:

Senate Bill No. 51. A Bill for an Act Providing for the Redemption of Real Estate Forfeited to the County for Delinquent Taxes by Former Owners, Prescribing the Conditions Therefor, Providing for the Repurchase of Real Estate Forfeited to the County for Delinquent Taxes on Contract for Deed, Prescribing the Terms Therefor, and Declaring an Emergency.

Which the Speaker has signed.

Mr. President: I have the honor to transmit:

House Bill No. 148. A Bill for an Act to Amend and Reenact Section 10246a1 of the Supplement to the Compiled Laws of North Dakota for 1913, as Amended by Chapter 142 of the Session Laws of North Dakota for 1927, Regulating and Fixing the Hours of Labor of Females and Providing Penalties for Violation Thereof.

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

MINNIE D. CRAIG, Chief Clerk.

## SECOND READING OF HOUSE BILLS

House Bill No. 13. 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.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were ayes, 100; nays, 0; absent and not voting, 11.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Halvorson | Peterson, Ransom |
| Anderson, Benson | Haugland | Rait |
| Anderson,M'K'nzie | Heckman | Rettke |
| Anfinson | Holm | Ritter |
| Arneson, Nelson | Holthusen | Rohde |
| Arneson, Ramsey | Hultstrand | Saumur |
| Beede | Ireland | Schmidt, McHenry |
| Belzer | Ista | Schmidt, Sheridar |
| Benno | Johnson, Cass | Schimke |
| Bergesen | Johnson, LaMoure | Schwartz |
| Billigmeier | Joiner | Sellens |
| Bingenheimer | Keller | Semerad |
| Blair | Kluver | Severson |
| Bolmeier | Knutson | Sharpe |
| Boulden | Lange | Shure |
| Braun, McLean | Levin | Singleton |
| Braun, Stark | McInnes | Skartvedt |
| Brown | McIntee | Solberg |
| Buchholz | McIntyre | Stone |
| Byrne | Myers | Stormon |
| Culver | Mittag | Symington |
| Dalzell | Moe | Thompson,Burl'gh |
| Dike | Mollet | Thompson, Steele |
| Dittmer | Morland | Trydahl |
| Erickson | Nelson, Cass | Tuff |
| Feton | Nelson, Dickey | Twichell |
| Fitch | Nelson, Steele | Urschel |
| Fletcher | Nystrom | Wambheim |
| Fraser | Odegard | Westby |
| Fuglestad | Oglesby | Williams,Richland |
| Gainor | Ostgulen | Williams,Stutsm'n |
| Glas | Page | Wolf |
| Gray | Panko | Mr. Speaker |
| Haag | | |

Absent and not voting:

| | | |
|---|---|---|
| Crockett | Lunde | Schauss |
| Hofstrand | O'Brien | Scholl |
| Jensen | Peterson,Bottineau | Sticka |
| Larson | Sand | |

So the bill passed and the title was agreed to.

MESSAGES FROM THE SENATE

Senate Chamber,
Bismarck, February 15, 1939

Mr. Speaker: I have the honor to transmit:

Senate Bill No. 259. A Bill for an Act Authorizing the State Treasurer to Invest and Reinvest Funds of the State Fire and Tornado Fund, and Appropriating Such Funds for That Purpose.

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

WM. J. LOWE, Secretary.

## SECOND READING OF HOUSE 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 Workmen's Compensation Bureau.

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, 76; nays, 25; absent and not voting, 10.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Haugland | Rait |
| Anderson, Benson | Heckman | Rettke |
| Anderson,M'K'nzie | Holthusen | Ritter |
| Anfinson | Ireland | Rohde |
| Arneson, Nelson | Ista | Schmidt, McHenry |
| Beede | Jensen | Schmidt, Sheridan |
| Belzer | Johnson, Cass | Schimke |
| Benno | Johnson, LaMoure | Scholl |
| Bergesen | Joiner | Schwartz |
| Billigmeier | Lange | Sellens |
| Bingenheimer | Levin | Semerad |
| Braun, McLean | McInnes | Shure |
| Braun, Stark | McIntee | Skartvedt |
| Brown | McIntyre | Solberg |
| Buchholz | Myers | Symington |
| Culver | Mittag | Thompson,Burl'gh |
| Dike | Mollet | Thompson, Steele |
| Dittmer | Morland | Trydahl |
| Erickson | Nelson, Dickey | Tuff |
| Fitch | Nystrom | Urschel |
| Fraser | Odegard | Wambheim |
| Fuglestad | Ostgulen | Westby |
| Gainor | Page | Williams,Richland |
| Glas | Panko | Wolf |
| Haag | Peterson, Ransom | Mr. Speaker |
| Halvorson | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Arneson, Ramsey | Holm | Saumur |
| Blair | Keller | Severson |
| Bolmeier | Kluver | Sharpe |
| Boulden | Knutson | Singleton |
| Byrne | Lunde | Stone |
| Dalzell | Moe | Stormon |
| Feton | Nelson, Steele | Twichell |
| Fletcher | Oglesby | Williams,Stutsm'n |
| Gray | | |

Absent and not voting:

| | | |
|---|---|---|
| Crockett | Nelson, Cass | Sand |
| Hofstrand | O'Brien | Schauss |
| Hultstrand | Peterson,Bottineau | Sticka |
| Larson | | |

So the bill passed and the title was agreed to.

Rep. Westby moved that the vote by which House Bill No. 42 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Rep. Blair: "Mr. Speaker: I am voting 'no' upon this appropriation measure and wish to have my remarks recorded in the Journal. We are not here to increase appropriations. In the year 1933 we appropriated $48,940.00; in 1935 $127,-940.00; in 1937 $152,620.00 and we come in '39 with $163,-420.00 or almost twice the amount appropriated in 1933."

Rep. Ritter: "This appropriation is for Workmen's Compensation Bureau. The Workmen's Compensation Bureau was created a number of years ago and this grows and as it grows it requires more help, labor and safety. We can't pass this appropriation only in the amount that was needed ten years ago. It was proven in the Committee that they need a safety inspector. If a man loses an eye, for instance, we can save the Department a lot of money. This is a bill that doesn't cost the people one cent. This money is merely collected from the Workmen's Compensation Bureau. They have money enough to borrow so we are not taxing the people. We are just giving them enough to function in that Department. I vote 'aye'."

House Bill No. 144. A Bill for an Act Providing for the Conduct of Elections on all Municipal Bond Issues; Providing a Separate Ballot Box for the Ballots of Voters Owning Real Property and a Separate Ballot Box for the Ballots of Other Voters; and Requiring a Two-thirds Vote of Both Such Real Property Owners and Such Other Voters, for all Municipal Bond Issues; 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, 79, nays, 24; absent and not voting, 8.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Glas | Ostgulen |
| Anderson, Benson | Gray | Page |
| Anfinson | Haag | Panko |
| Arneson, Nelson | Halvorson | Peterson, Ransom |
| Arneson, Ramsey | Haugland | Rait |
| Beede | Heckman | Saumur |
| Belzer | Holm | Schmidt, McHenry |
| Benno | Holthusen | Schmidt, Sheridan |
| Bergesen | Jensen | Scholl |
| Billigmeier | Johnson, Cass | Schwartz |
| Bingenheimer | Joiner | Sellens |
| Blair | Keller | Semerad |
| Bolmeier | Kluver | Severson |
| Boulden | Knutson | Sharpe |
| Braun, McLean | Lange | Shure |
| Braun, Stark | Levin | Skartvedt |
| Brown | Lunde | Stone |
| Buchholz | McInnes | Stormon |
| Crockett | McIntee | Symington |
| Dalzell | Myers | Thompson, Burl'gh |
| Dittmer | Mollet | Thompson, Steele |

| | | |
|---|---|---|
| Erickson | Moe | Trydahl |
| Feton | Morland | Twichell |
| Fitch | Nelson, Cass | Urschel |
| Fletcher | Nelson, Steele | Williams,Richland |
| Fuglestad | Oglesby | Wolf |
| Gainor | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Anderson,M'K'nzie | McIntyre | Schimke |
| Byrne | Mittag | Singleton |
| Culver | Nelson, Dickey | Solberg |
| Dike | Nystrom | Tuff |
| Hultstrand | Odegard | Wambheim |
| Ireland | Rettke | Westby |
| Ista | Ritter | Williams,Stutsm'n |
| Johnson, LaMoure | Rohde | Mr. Speaker |

Absent and not voting:

| | | |
|---|---|---|
| Fraser | O'Brien | Schauss |
| Hofstrand | Peterson,Bottineau | Sticka |
| Larson | Sand | |

So the bill passed and the title was agreed to and the Emergency Clause declared carried.

Rep. Blair moved that the vote by which House Bill No. 144 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Rep. Fitch moved that action on House Bill No. 41 be temporarily deferred, which motion prevailed.

## GENERAL ORDERS

Rep. Blair moved that the House resolve itself into a Committee of the Whole for the consideration of General Orders; which motion prevailed, and the House resolved itself into a Committee of the Whole.

The Speaker called Rep. Blair to the Chair.

When the Committee arose it submitted the following report:

Mr. Speaker: The Committee of the Whole have had under consideration:

House Bill No. 32.

And refer the same to the House without recommendation.

House Bill No. 210.

On page 2, line 14, Section 14, strike out paragraphs B and C and insert the following:

(b) Administrators, executors, guardians, trustees, and other fiduciaries of every kind and nature, insurance companies, banks and other financial institutions, charitable, educational, eleemosynary and public corporations and organizations, and municipalities and other public corporations and bodies, and public officials, are authorized to invest funds held by them, without any order of any Court, in shares, certificates of deposit and investment certificates of savings and building and loan associations which are under state supervision, and shares of federal savings and loan associations organized under the Laws of the United States and under federal supervision, and such investment shall be deemed and held to be legal investments for such funds. Whenever,

under the laws of this State or otherwise, a deposit of securities is required, for any purpose, the securities made legal investments by this section shall be acceptable for such deposits, and whenever, under the laws of this State or otherwise, a bond is required with security, such bond may be furnished and the securities made legal investments by this section in the amount of such bond, when deposited therewith, shall be acceptable as security without other security. The provisions of this section are supplemental to any and all other laws relating to and declaring what shall be legal investments for the persons, corporations, organizations and officials referred to in this section and the laws relating to the deposit of securities and the making and filing of bonds for any purpose.

And recommend the adoption of the amendments of the Standing Committee.

And when so amended recommend the same do pass.

House Bill No. 235.

The title be amended as follows: after the word "with" insert the words "a Cabinet Dial or;" after the word "operator" insert the words "of Self Registering Type Beam Scale."

In section 1, line 6, after the word "with" insert the following: "a Cabinet Dial or."

In section 1, line 7, after the word "such" insert the following: "Self Registering Type Beam."

And recommend the adoption of the amendments of the Standing Committee.

And when so amended recommend the same do pass.

House Bill No. 312.

Section 1, line 8, strike out the rest of the line after the word "of" and all of line 9 up to the words "the three," and insert in lieu thereof the following: "the Field officers of the 164th Infantry."

Line 10, strike out the words "the comma" at the end of the line and all of lines 11 and 12 and insert in lieu thereof, "the officers of the Field Artillery in the same ratio; and"

Line 23, change the period after the figures "1913," and insert a semi-colon (;) and insert the following: "for upon the recommendation of two-thirds majority of the said council of officers."

And recommend the adoption of the amendments of the Standing Committee.

And the further amendment: On page 2, line 23, change the word "for" to "or."

And when so amended recommend the same do pass.

D. S. BLAIR, Chairman, Committee of the Whole.

Rep. Anderson of Benson moved the adoption of the report of the Committee of the Whole, which motion prevailed.

Rep. Ireland moved that House Bill No. 32 be re-referred to the Committee on Appropriations, which motion prevailed.

Rep. Scholl moved that the House recess until 12:30 P. M., tomorrow upon completion of First Reading of Senate Bills, which motion prevailed.

## FIRST READING OF SENATE BILLS

Senate Bill No. 32. A Bill for an Act to Amend Section 396a8 of the Supplement to the Compiled Laws of 1913, as Amended by Chapter 315 of the Session Laws for 1931, Relating to Premiums Due and Workmen's Compensation Bureau.

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

Senate Bill No. 259. A Bill for an Act Authorizing the State Treasurer to Invest and Reinvest Funds of the State Fire and Tornado Fund, and Appropriating Such Funds for That Purpose.

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

The House recessed to 12:30 P. M., February 16th, pursuant to Rep. Scholl's motion.

MINNIE D. CRAIG, Chief Clerk.

## FORTY-FOURTH DAY AFTER RECESS AND FORTY-FIFTH DAY

Bismarck, February 16, 1939.

The House convened at 12:30 P. M., pursuant to recess, Speaker Hagen presiding.

The Speaker announced the House would be on the Eleventh Order of Business.

### SECOND READING OF HOUSE BILLS

House Bill No. 259. A Bill for an Act Amending Section 7316 of the Compiled Laws of 1913, Relating to the Enforcement of Penalty; Forfeiture and Punishment of Violators of a Statute That Has Been Repealed; 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, 60; nays, 21; absent and not voting, 30.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Anderson,M'K'nzie | Haag | Ritter |
| Anfinson | Halvorson | Saumur |
| Arneson, Nelson | Haugland | Schmidt, McHenry |
| Arneson, Ramsey | Heckman | Schmidt, Sheridan |
| Beede | Hofstrand | Sellens |
| Belzer | Holm | Semerad |
| Benno | Ireland | Severson |
| Billigmeier | Keller | Sharpe |
| Blair | Kluver | Shure |
| Bolmeier | Lange | Singleton |
| Braun, Stark | McIntee | Solberg |
| Brown | Morland | Symington |
| Buchholz | Nelson, Steele | Thompson, Steele |
| Dike | Nystrom | Tuff |
| Erickson | Odegard | Urschel |
| Fitch | Ostgulen | Wambheim |
| Fletcher | Page | Williams,Richland |
| Fraser | Panko | Williams,Stutsm'n |
| Fuglestad | Peterson, Ransom | Wolf |
| Gray | Rait | Mr. Speaker |

Those voting in the negative were:

| | | |
|---|---|---|
| Boulden | Myers | Rettke |
| Braun, McLean | Mittag | Rohde |
| Dittmer | Moe | Schimke |

| | | |
|---|---|---|
| Hultstrand | Mollet | Schwartz |
| Johnson, LaMoure | Nelson, Cass | Skartvedt |
| Levin | Nelson, Dickey | Trydahl |
| McIntyre | Peterson,Bottineau | Westby |

Absent and not voting:

| | | |
|---|---|---|
| Adam | Glas | O'Brien |
| Anderson, Benson | Holthusen | Oglesby |
| Bergesen | Ista | Sand |
| Bingenheimer | Jensen | Schauss |
| Byrne | Johnson, Cass | Scholl |
| Crockett | Joiner | Sticka |
| Culver | Knutson | Stone |
| Dalzell | Larson | Stormon |
| Feton | Lunde | Thompson,Burl'gh |
| Gainor | McInnes | Twichell |

So the bill passed and the title was agreed to and the Emergency Clause was declared carried.

Rep. Gray moved that the vote by which House Bill No. 259 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

House Bill No. 44. A Bill for an Act Making an Appropriation Out of the Liquor Fund in the State Treasury, for the Operation, Maintenance and Enforcement of the State Liquor Control 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, 87; nays, 0; absent and not voting, 24.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Anderson,M'K'nzie | Heckman | Rait |
| Anfinson | Hofstrand | Rettke |
| Arneson, Nelson | Holm | Rohde |
| Arneson, Ramsey | Hultstrand | Saumur |
| Beede | Ireland | Schmidt, McHenry |
| Belzer | Johnson, Cass | Schmidt, Sheridan |
| Benno | Johnson, LaMoure | Schimke |
| Billigmeier | Keller | Schwartz |
| Bingenheimer | Kluver | Sellens |
| Blair | Knutson | Semerad |
| Bolmeier | Lange | Severson |
| Boulden | Levin | Sharpe |
| Braun, McLean | McIntee | Shure |
| Braun, Stark | McIntyre | Singleton |
| Brown | Myers | Skartvedt |
| Buchholz | Mittag | Solberg |
| Byrne | Moe | Stone |
| Dalzell | Mollet | Stormon |
| Dike | Morland | Symington |
| Dittmer | Nelson, Cass | Thompson, Steele |
| Erickson | Nelson, Dickey | Trydahl |
| Fletcher | Nelson, Steele | Tuff |
| Fraser | Nystrom | Urschel |
| Fuglestad | Odegard | Wambheim |
| Gainor | Ostgulen | Westby |
| Gray | Page | Williams,Richland |

| | | |
|---|---|---|
| Haag | Panko | Williams,Stutsm'n |
| Halvorson | Peterson,Bottineau | Wolf |
| Haugland | Peterson, Ransom | Mr. Speaker |

Absent and not voting:

| | | |
|---|---|---|
| Adam | Holthusen | Oglesby |
| Anderson, Benson | Ista | Ritter |
| Bergesen | Jensen | Sand |
| Crockett | Joiner | Schauss |
| Culver | Larson | Scholl |
| Feton | Lunde | Sticka |
| Fitch | McInnes | Thompson,Burl'gh |
| Glas | O'Brien | Twichell |

So the bill passed and the title was agreed to.

House Bill No. 97 was read the second time.

Rep. Morland asked unanimous consent to amend House Bill No. 97 which consent was granted.

Rep. Morland moved that the emergency clause be included in the title and in the body of the bill, which motion prevailed.

Rep. Morland moved that the rules be suspended and that House Bill No. 97 be considered properly re-engrossed, placed on second reading and final passage, which motion prevailed.

House Bill No. 97. A Bill for an Act Making an Appropriation of $362.00 for the Purpose of Paying the Funeral Expenses of Representative Robert Rotering of Slope County, 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, 81; nays, 9; absent and not voting, 21.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Anderson,M'K'nzie | Gray | Nystrom |
| Anfinson | Haag | Oglesby |
| Arneson, Nelson | Halvorson | Page |
| Arneson, Ramsey | Haugland | Panko |
| Beede | Heckman | Peterson,Bottineau |
| Belzer | Hofstrand | Peterson, Ransom |
| Benno | Holthusen | Rait |
| Bergesen | Ireland | Rettke |
| Billigmeier | Ista | Rohde |
| Bingenheimer | Jensen | Saumur |
| Blair | Johnson, LaMoure | Schmidt, McHenry |
| Bolmeier | Joiner | Schmidt, Sheridan |
| Boulden | Keller | Schwartz |
| Braun, McLean | Kluver | Semerad |
| Braun, Stark | Knutson | Sharpe |
| Brown | Lange | Shure |
| Buchholz | Levin | Singleton |
| Byrne | Lunde | Skartvedt |
| Dalzell | McIntee | Solberg |
| Dike | McIntyre | Stormon |
| Dittmer | Myers | Symington |
| Erickson | Mittag | Twichell |
| Feton | Mollet | Urschel |
| Fletcher | Morland | Williams,Richland |
| Fraser | Nelson, Cass | Williams,Stutsm'n |

| | | |
|---|---|---|
| Fuglestad | Nelson, Dickey | Wolf |
| Gainor | Nelson, Steele | Mr. Speaker |

Those voting in the negative were:

| | | |
|---|---|---|
| Johnson, Cass | Sellens | Thompson, Steele |
| Odegard | Severson | Trydahl |
| Ostgulen | Stone | Wambheim |

Absent and not voting:

| | | |
|---|---|---|
| Adam | Hultstrand | Schauss |
| Anderson, Benson | Larson | Schimke |
| Crockett | McInnes | Scholl |
| Culver | Moe | Sticka |
| Fitch | O'Brien | Thompson,Burl'gh |
| Glas | Ritter | Tuff |
| Holm | Sand | Westby |

So the bill passed and the title was agreed to and the Emergency Clause was declared carried.

## MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, February 16, 1939.

Mr. Speaker: I have the honor to return:

House Bill No. 148. A Bill for an Act to Amend and Reenact Section 1024a1 of the Supplement of the Compiled Laws of North Dakota for 1913, as Amended by Chapter 142 of the Session Laws of North Dakota for 1927, Regulating and Fixing the Hours of Labor of Females and Providing Penalties for Violation Thereof.

Which the President has signed.

Mr. Speaker: I have the honor to inform you that the Senate has concurred in the House amendment to:

Senate Bill No. 49. A Bill for an Act to Amend and Reenact Chapter 245 of the Session Laws of 1937. An Act to Encourage and Promote the Payment of Taxes by Providing for a Rebate on Prepayments.

WM. J. LOWE, Secretary.

## REPORT OF STANDING COMMITTEE

The Committee on Enrollment and Engrossment respectfully reports that:

House Bill No. 148 was delivered to the Governor for his approval at the hour of 1:45 o'clock P. M., February 16, 1939.

OLAF OSTGULEN, Chairman.

House Bill No. 160 was read the second time.

Rep. Johnson of Cass moved that House Bill No. 160 be indefinitely postponed, which motion was seconded.

Rep. Bergesen moved a substitute motion that House Bill No. 160 be re-referred to the Committee on Appropriations, which motion was seconded.

The question being on the substitute motion of Rep. Bergesen that House Bill No. 160 be re-referred to the Committee on Appropriations, the motion was lost.

The question being on the motion of Rep. Johnson of Cass for indefinite postponement of House Bill No. 160 the motion was lost.

## SECOND READING OF HOUSE BILLS

House Bill No. 160. 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, 61; nays, 41; absent and not voting, 9.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Fuglestad | Nelson, Steele |
| Anderson,M'K'nzie | Gainor | Page |
| Anfinson | Gray | Peterson, Ransom |
| Arneson, Nelson | Haugland | Rait |
| Beede | Heckman | Ritter |
| Benno | Hofstrand | Schimke |
| Bergesen | Ireland | Sellens |
| Billigmeier | Ista | Sharpe |
| Bingenheimer | Joiner | Singleton |
| Blair | Kluver | Stone |
| Boulden | Knutson | Stormon |
| Brown | Levin | Symington |
| Buchholz | Lunde | Thompson, Steele |
| Byrne | McInnes | Trydahl |
| Culver | McIntee | Tuff |
| Dalzell | McIntyre | Urschel |
| Dike | Myers | Wambheim |
| Erickson | Mittag | Westby |
| Fitch | Moe | Wolf |
| Fletcher | Morland | Mr. Speaker |
| Fraser | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Arneson, Ramsey | Johnson, LaMoure | Saumur |
| Belzer | Keller | Schmidt, McHenry |
| Bolmeier | Lange | Schmidt, Sheridan |
| Braun, McLean | Mollet | Schwartz |
| Braun, Stark | Nelson, Cass | Semerad |
| Dittmer | Nelson, Dickey | Severson |
| Feton | Nystrom | Shure |
| Haag | Odegard | Skartvedt |
| Halvorson | Oglesby | Solberg |
| Holm | Ostgulen | Thompson,Burl'gh |
| Holthusen | Panko | Twichell |
| Hultstrand | Peterson,Bottineau | Williams,Richland |
| Jensen | Rettke | Williams,Stutsm'n |
| Johnson, Cass | Rohde | |

Absent and not voting:

| | | |
|---|---|---|
| Anderson, Benson | Larson | Schauss |
| Crockett | O'Brien | Scholl |
| Glas | Sand | Sticka |

So the bill passed and the title was agreed to.

Rep. Stone 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.

Rep. Saumur voted "no" for the purpose of reconsideration.

Rep. Lange moved that the absent members be excused, which motion prevailed.

Rep. Wambheim requested that the House be on the Seventh Order of Business, which request was granted.

Rep. Wambheim moved that House Bill No. 313 which was withdrawn be re-introduced and referred to the Committe on Insurance, which motion prevailed.

Rep. Gray moved for reconsideration of action taken on House Bill No. 187 and that it be re-referred to the Committee on State Affairs, which motion was lost.

Rep. Myers moved that the House do now adjourn, which motion prevailed.

## FORTY-FIFTH DAY

Bismarck, February 16, 1939.

The House assembled at 2:00 P. M., pursuant to adjournment, Speaker Hagen presiding.

Prayer by Rev. N. E. Elsworth, Bismarck.

Roll Call: All Representatives present except Anderson of Benson, Crockett, Glas, Hultstrand, Larson, O'Brien, Sand, Schauss, Scholl, Sticka.

So a quorum was declared present.

The Chair announced that Rep. Sticka who is ill in St. Alexius Hospital is very low.

## REPORT OF STANDING COMMITTEE

Mr. Speaker: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the Forty-third day after recess and Forty-fourth day and find the same correct.

J. M. JOINER, Acting Chairman.

Rep. Symington moved that the report be adopted, which motion prevailed, and the report was adopted.

A petition was received urging support and passage of House Bill Nos. 104, 115, and 116 asking for truck regulation from 215 persons living in Minot and vicinity.

Petitions were received urging the Legislature to vote against the proposed chain store tax by 195 citizens from Emmons County. Similar petitions were received from 75 citizens of Langdon and vicinity, also similar petitions urging the Legislature to vote against chain store taxes from 133 citizens of Dickinson and vicinity.

A petition was received urging the establishing of the Langdon Substation by 35 citizens from Langdon and vicinity.

## MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, February 16, 1939.

Mr. Speaker: I have the honor to transmit:

Senate Bill No. 172. A Bill for an Act to Repeal Chapter 255 of the Session Laws of the State of North Dakota for 1931.

Senate Bill No. 29. A Bill for an Act to Amend and Reenact Section 1189 of the Compiled Laws of 1913, as Amended by Chapter 236 of the 1931 Session Laws of North Dakota; and to Provide for Minimum Attendance Under Which School Boards May Discontinue a School.

Senate Bill No. 236. A Bill for an Act to Amend and Reenact Section 3 of Chapter 255 of the Session Laws of 1937,

Relating to the Creation of State Water Conservation Commission.

Senate Bill No. 132. A Bill for an Act to Make an Appropriation for the Financing of the Operations of the State Soil Conservation Committee or the Activities of the State Soil Conservation Districts.

Senate Bill No. 190. A Bill for an Act Authorizing the Board of Trustees of the Teachers' Insurance and Retirement Fund to Employ an Actuary and Clerical Assistance and Making an Appropriation Therefor.

Senate Bill No. 122. A Bill for an Act to Amend and Reenact Sections Six (6) and Seven (7), of Chapter 255, of the Session Laws of 1937, Relating to the State Water Conservation Commission.

Senate Bill No. 191. A Bill for an Act to Amend and Reenact Section 1506 of the Compiled Laws of 1913 as Amended and Re-enacted by Section 1506 of the 1925 Supplement to the Compiled Laws of 1913, and to Amend and Re-enact Section 1517 of the Compiled Laws of 1913, as Amended and Re-enacted by Section 1517 of the 1925 Supplement to the Compiled Laws of 1913, Pertaining to the Teachers' Insurance and Retirement Fund.

Senate Bill No. 237. A Bill for an Act to Provide for the Creation of the State Equalization Fund; Providing for Its Distribution in the Payment of Costs of Correspondence Work, Costs of Vocational Education, High School Tuition and in the Payment of Direct Aid to School Districts Upon a Teacher-Unit and Per Pupil 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 Reports; Repealing Chapter 227 of the Session Laws of 1937 and All Acts or Parts of Acts in Conflict Therewith.

Senate Bill No. 159. A Bill for an Act to Amend and Reenact Sections 2, 5 and 6, of Chapter 232, of the Session Laws of North Dakota for the Year 1937, Transition Provisions for Simplification, Relating to Base Period and Benefit Year, and Also to Amend and Re-enact Sections 3, 5, 12, 13 and 14, of Chapter 232, of the Session Laws of North Dakota for the Year 1937, to Comply With That Act of Congress Known as the Railroad Unemployment Insurance Act, and Amending and Re-enacting Section 10, of Chapter 232 of the Session Laws of 1937, Authorizing the United States Government or Social Security Board to Allow the Commissioners of the North Dakota Workmen's Compensation Bureau Compensation for Services as Administrative Heads of Unemployment Compensation Division and State Employment Service, Repealing All Acts and Parts of Acts in Conflict Herewith, and Declaring an Emergency.

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

WM. J. LOWE, Secretary.

MESSAGE TO THE SENATE

House of Representatives,
Bismarck, February 16, 1939.

**Mr. President: I have the honor to transmit:**

**House Bill No. 42. A Bill for an Act Making an Appro-**

priation for the Purpose of Defraying the Expenses of the Maintenance and Operation of the Workmen's Compensation Bureau.

House Bill No. 144. A Bill for an Act Providing for the Conduct of Elections on all Municipal Bond Issues; Providing a Separate Ballot Box for the Ballots of Voters Owning Real Property and a Separate Ballot Box for the Ballots of Other Voters; and Requiring a Two-thirds Vote of Both Such Real Property Owners and Such Other Voters, for all Municipal Bond Issues; Repealing all Acts and Parts of Acts in Conflict Herewith; and Declaring an Emergency.

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

MINNIE D. CRAIG, Chief Clerk.

## REPORTS OF STANDING COMMITTEES

Mr. Speaker: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following resolution and find the same correctly enrolled:

House Resolution "J."

OLAF OSTGULEN, Chairman.

Rep. Ostgulen moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bills and find the same correctly enrolled:

House Bill No. 142.

OLAF OSTGULEN, Chairman.

Rep. Ostgulen moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bills and find the same correctly engrossed:

House Bill No. 210.

House Bill No. 235.

House Bill No. 312.

OLAF OSTGULEN, Chairman.

Rep. Ostgulen moved that the report be adopted, which motion prevailed, and the report was adopted.

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

Page 1, Section 1, in line 3 strike out the figures "$16,-510.00" and insert in lieu thereof the figures "$13,990.00."

Page 1, Section 1, in line 11 strike out the figures "$1,-920.00" and insert in lieu thereof the figures "$1,800.00."

Page 2, Section 1, strike out all of line 12 "Museum Assistant $1,600.00."

Page 2, Section 1, in line 15 strike out the figures "$800.00" and insert in lieu thereof the figures "$400.00."

Page 2, Section 1, in line 18 strike out the figures "$800.00" and insert in lieu thereof the figures "$600.00."

Page 2, Section 1, in line 20 strike out the figures "$600.00" and insert in lieu thereof the figures "$400.00."

Page 2, Section 1, in line 22 strike out the figures "$16,-510.00" and insert in lieu thereof the figures "$13,990.00."

Re-number beginning with line 13, change to line 12 and continue re-numbering to bottom page 2.

And when so amended recommend the same do pass.

C. P. RITTER, Acting Chairman.

Representative Ireland moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Appropriations to whom was referred House Bill No. 9, have had the same under consideration and recommend that the same be amended as follows:

Page 1, Section 1, in line 3 strike out the figures "$15,-115.00" and insert in lieu thereof the figures "$10,500.00."

Page 1, Section 1, strike out all of line 8 "Park Authority & Secretary $1,060.00."

Page 1, Section 1, strike out all of line 9 "Stenographic Work $580.00."

Page 1, Section 1, strike out all of line 10 "Office Supplies $100.00."

Page 1, Section 1, strike out all of line 11 "Travel $300.00."

Page 2, Section 1, strike out all of line 12 "Miscellaneous $75.00."

Page 2, Section 1, in line 14 strike out the figures "$2,-500.00" and insert in lieu thereof the figures "$2,000.00."

Page 2, Section 1, in line 15 strike out the figures "$2,-500.00" and insert in lieu thereof the figures "$2,000.00."

Page 2, Section 1, in line 16 strike out the figures "$2,-500.00" and insert in lieu thereof the figures "$2,000.00."

Page 2, Section 1, in line 17 strike out the figures "$2,-500.00" and insert in lieu thereof the figures "$2,000.00."

Page 2, Section 1, in line 18, strike out the figures "$2,-500.00" and insert in lieu thereof the figures "$2,000.00."

Page 2, Section 1, in line 20 strike out the fgures "$15,-115.00" and insert in lieu thereof the figures "$10,500.00."

Re-number beginning with line 13, change to line 8 and continue re-numbering to the end of the section.

And when so amended recommend the same do pass.

C. P. RITTER, Acting Chairman.

Representative Adam moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Appropriations to whom was referred House Bill No. 58, have had the same under consideration and recommend that the same do pass.

C. P. RITTER, Acting Chairman.

Representative Johnson of Cass moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Appropriations to whom was referred House Bill No. 60, have had the same under consideration and recommend that the same be indefinitely postponed.

C. P. RITTER, Acting Chairman.

Representative Symington moved that the report be adopted, which motion prevailed and the report was adopted.

Representative Fitch moved that the vote by which House Bill No. 60 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on Appropriations to whom was referred House Bill No. 163, have had the same under

consideration and recommend that the same be reported without recommendation.

C. P. RITTER, Acting Chairman.

Representative Johnson of Cass moved that the report be adopted, which motion prevailed.

Rep. Fitch moved to place House Bill No. 163 on the calendar, which motion prevailed.

Mr. Speaker: Your Committee on Insurance to whom was referred House Bill No. 290, have had the same under consideration and recommend that the same be indefinitely postponed.

PETER PETERSON, Chairman.

Representative Schimke moved that the report be adopted.

Representative Beede moved a substitute motion that House Bill No. 290 be placed on the calendar, which motion prevailed.

Mr. Speaker: Your Committee on Taxes and Tax Laws to whom was referred House Bill No. 183, have had the same under consideration and recommend that the same be indefinitely postponed.

N. P. JENSEN, Chairman.

Representative Shure moved that the report be adopted, which motion prevailed and the report was adopted.

Representative Bergesen moved that the vote by which House Bill No. 183 was indefinitely postponed be considered and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on Appropriations to whom was referred House Bill No. 203, have had the same under consideration and recommend that the same be indefinitely postponed.

C. P. RITTER, Acting Chairman.

Representative Adam moved that the report be adopted, which motion prevailed and the report was adopted.

Representative Johnson of Cass moved that the vote by which House Bill No. 203 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on Appropriations to whom was referred House Bill No. 202, have had the same under consideration and recommend that the same be indefinitely postponed.

C. P. RITTER, Acting Chairman.

Representative Trydahl moved that the report be adopted, which motion prevailed and the report was adopted.

Representative Twichell moved that the vote by which House Bill No. 202 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on Ways and Means to whom was referred House Bill No. 270, have had the same under consideration and recommend that the same do pass.

CARL ANFINSON, Chairman.

Rep. Williams of Stutsman moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Game and Fish to whom was referred House Bill No. 295, have had the same under

consideration and recommend that the same be indefinitely postponed.

REP. LEVIN, Chairman.

Rep. Gainor moved that the report be adopted, which motion prevailed and the report was adopted.

Rep. Dalzell moved that the vote by which House Bill No. 295 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on Agriculture to whom was referred House Bill No. 255, have had the same under consideration and recommend that the same be indefinitely postponed.

CARL H. DITTMER, Chairman.

Rep. Haugland moved that the report be adopted, which motion prevailed and the report was adopted.

Rep. Lange moved that the vote by which House Bill No. 255 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: 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 for the reason that House Bill No. 328 contains practically the same subject matter.

N. P. JENSEN, Chairman.

Rep. Ostgulen moved that the report be adopted, which motion prevailed and the report was adopted.

Rep. Skartvedt moved that the vote by which House Bill No. 308 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on Agriculture to whom was referred House Bill No. 320, have had the same under consideration and recommend that the same do pass.

CARL H. DITTMER, Chairman.

Rep. Haugland moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Taxes and Tax Laws to whom was referred House Bill No. 333, have had the same under consideration and recommend that the same do pass.

N. P. JENSEN, Chairman.

Rep. Mollet moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Public Welfare to whom was referred House Bill No. 337, have had the same under consideration and recommend that the same do pass.

BERNT ANDERSON, Chairman.

Rep. Arneson of Nelson moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Taxes and Tax Laws to whom was referred House Bill No. 338, have had the same under consideration and recommend that the same be indefinitely postponed.

N. P. JENSEN, Chairman.

Rep. Rohde moved that the report be adopted, which motion prevailed and the report was adopted.

Rep. Fitch moved that the vote by which House Bill No. 338 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on Counties to whom was referred Senate Concurrent Resolution No. 135, have had the same under consideration and recommend that the same be amended as follows:

On line 45 strike out after the word "had" to the end of the line.

Strike out all of line 46, and insert "by a" at the beginning of line 47.

At the beginning of line 46, re-number all lines to bottom of resolution.

And when so amended recommend the same do pass.

JOHN BILLIGMEIER, Chairman.

Rep. Heckman moved that the report be adopted, which motion prevailed and the report was adopted.

## SIGNING OF BILLS

The Chief Clerk announced that the Speaker was about to sign:

House Resolution "J." Relating to the Method of Exterminating Grasshoppers.

House Bill No. 142. A Bill for an Act Authorizing the State and Counties to Exchange Tracts of State and County Lands Within Indian Reservations of This State, for Tracts of Lands Owned by the United States Government, Providing for Appraisals, Execution of Conveyances, and Repealing All Acts or Parst of Acts in Conflict Therewith.

And the Speaker signed the same in the presence of the House.

The House reverted to the Fifth Order of Business.

## REPORTS OF STANDING COMMITTEES

Mr. Speaker: Your Committee on Judiciary to whom was referred:

House Bill No. 315, have had the same under consideration and recommend that the same do pass.

J. M. ANDERSON, Chairman.

Rep. Mittag moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Judiciary to whom was referred:

House Bill No. 330, have had the same under consideration and recommend that the same be indefinitely postponed.

J. M. ANDERSON, Chairman.

Rep. Keller moved that the report be adopted.

Rep. Bergesen moved a substitute motion that House Bill 330 be placed on the calendar, which motion prevailed.

Mr. Speaker: Your Committee on Judiciary to whom was referred:

House Bill No. 334, have had the same under consideration and recommend that the same be indefinitely postponed.

J. M. ANDERSON, Chairman.

Rep. Rettke moved that the report be adopted.

Rep. Solberg made a substitute motion that House Bill 334

be re-referred to the Committee on Judiciary, which motion prevailed.

Rep. Fitch asked that the House be on the Sixth Order of Business, which request was granted.

Rep. Fitch: Mr. Speaker: Your select committee on arranging for flowers for the members of this House who are ill have taken up a collection and have received the sum of $24.75 from such collection which has been turned over to the Chief Clerk with instructions that she proceed to furnish flowers for those who are ill and continue to do so as long as there is money left. I now move that this committee be discharged, which motion prevailed.

The Committee on Enrollment and Engrossment respectfully reports that:

House Resolution "J" was delivered to the Secretary of State at the hour of 2:45 o'clock P. M., February 16, 1939.

OLAF OSTGULEN, Chairman.

House Bill No. 261 was read the second time.

Rep. Anderson of Benson moved that House Bill No. 261 be indefinitely postponed, which motion prevailed.

Rep. Stone moved that the vote by which House Bill No. 261 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

House Bill No. 251 was read the second time.

Rep. Fuglestad moved that House Bill No. 251 be indefinitely postponed, which motion prevailed.

Rep. Lange moved that the vote by which House Bill No. 251 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

House Bill No. 262 was read the second time.

Rep. Myers moved that House Bill No. 262 be indefinitely postponed, which motion prevailed.

Rep. Stone moved that the vote by which House Bill No. 262 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

House Bill No. 263 was read the second time.

Rep. Fitch asked unanimous consent of the House to amend the bill, which consent was granted.

Rep. Fitch moved the following amendment: In line 24 on page 2, strike out the word "with" and insert in lieu thereof the word "within."

Which motion prevailed.

Rep. Fitch moved that the rules be suspended and that House Bill No. 263 be considered properly re-engrossed, placed on second reading and final passage, which motion prevailed.

Rep. Stone moved a substitute motion that House Bill No. 263 be indefinitely postponed, whihc motion was seconded.

Rep. Crockett moved that Rep. Stone's motion for indefinite postponement be laid on the table, which motion prevailed.

## SECOND READING OF HOUSE BILLS

House Bill No. 263. A Bill for an Act to Amend and Reenact Sections 10169a4, and 10169a5 of the 1925 Supplement to the Compiled Laws of North Dakota, 1913, of the North Dakota Beverage Inspection Act, to Include Alcoholic Bev-

erages, Defining the Beverages Coming Within the Provisions of That Act, and Fixing the License Fee Required to Be Paid, 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, 65; nays, 36; absent and not voting, 10.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Anderson, Benson | Holm | Ritter |
| Arneson, Nelson | Holthusen | Rohde |
| Arneson, Ramsey | Hultstrand | Saumur |
| Belzer | Ireland | Scholl |
| Bergesen | Ista | Sellens |
| Blair | Jensen | Semerad |
| Bolmeier | Johnson, LaMoure | Sharpe |
| Braun, Stark | Keller | Shure |
| Brown | Kluver | Singleton |
| Byrne | Levin | Solberg |
| Crockett | Lunde | Stormon |
| Culver | McInnes | Symington |
| Dalzell | Moe | Thompson,Burl'gh |
| Dike | Mollet | Thompson, Steele |
| Dittmer | Morland | Trydahl |
| Fitch | Nelson, Cass | Twichell |
| Fletcher | Nelson, Dickey | Wambheim |
| Fuglestad | Nelson, Steele | Westby |
| Gainor | Nystrom | Williams,Richland |
| Gray | Odegard | Williams,Stutsm'n |
| Halvorson | Oglesby | Wolf |
| Hofstrand | Page | |

Those voting in the negative were:

| | | |
|---|---|---|
| Adam | Haag | Peterson,Bottineau |
| Anderson,M'K'nzie | Haugland | Peterson, Ransom |
| Anfinson | Heckman | Rait |
| Beede | Joiner | Rettke |
| Benno | Knutson | Schmidt, McHenry |
| Billigmeier | Lange | Schmidt, Sheridan |
| Bingenheimer | McIntee | Schimke |
| Braun, McLean | McIntyre | Schwartz |
| Buchholz | Myers | Severson |
| Erickson | Mittag | Stone |
| Feton | Ostgulen | Urschel |
| Fraser | Panko | Mr. Speaker |

Absent and not voting:

| | | |
|---|---|---|
| Boulden | O'Brien | Skartvedt |
| Glas | Sand | Sticka |
| Johnson, Cass | Schauss | Tuff |
| Larson | | |

So the bill passed and the title was agreed to and the Emergency Clause was declared carried.

Rep. Twichell moved that the vote by which House Bill No. 263 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Representative Anderson of Benson: I was originally under the impression that the entire list of remittances for

the different brands was to be changed but since I was advised that it affects only liquors I vote "aye."

The House reverted to the Eighth Order of Business.

## SIGNING OF BILLS

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 245. A Bill for an Act to Repeal Chapter 165 of the Session Laws of the State of North Dakota for the Year 1937, Relating to the Operation of Motion Picture Theatres, and Declaring an Emergency.

And the Speaker signed the same in the presence of the House.

Representative Anderson of McKenzie moved that the House recess for a twenty-minute period, which motion prevailed.

The Speaker called the House to order pursuant to twenty-minute recess taken.

## MESSAGE TO THE SENATE

House of Representatives,
Bismarck, February 16, 1939.

Mr. President: I have the honor to transmit:

House Bill No. 142. A Bill for an Act Authorizing the State and Counties to Exchange Tracts of State and County Lands Within Indian Reservations of This State, for Tracts of Lands Owned by the United States Government, Providing for Appraisals, Execution of Conveyances, and Repealing All Acts or Parst of Acts in Conflict Therewith.

House Bill No. 245. A Bill for an Act to Repeal Chapter 165 of the Session Laws of the State of North Dakota for the Year 1937, Relating to the Operation of Motion Picture Theatres, and Declaring an Emergency.

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

MINNIE D. CRAIG, Chief Clerk.

The Speaker announced the House would continue with the Eleventh Order of Business.

House Bill No. 33 was read the second time.

Representative Morland asked unanimous consent of the House to amend the bill, which consent was granted.

Representative Morland moved that in Line 37, Section 2 of the original bill the spelling of the word "aforesaid," be corrected, which motion prevailed.

Representative Morland moved that the rules be suspended and that House Bill No. 33 be considered properly re-engrossed, placed on second reading and final passage, which motion prevailed.

## SECOND READING OF HOUSE BILLS

House Bill No. 33. A Bill for an Act to Provide for the Payment of the Expenses of Auditing and Examining the Affairs of the State Industrial Institutions, and the Special Departments and its Sub-divisions, of the State of North Dakota, Designating and Appropriating the Funds from Which Paid; Providing for the payment of Said Collection Into the Special Fund in the State Treasury; Providing for Repeal of Acts.

**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, 91; nays, 3; absent and not voting, 17.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Heckman | Rait |
| Anderson, Benson | Hofstrand | Rettke |
| Anderson,M'K'nzie | Holm | Ritter |
| Anfinson | Holthusen | Rohde |
| Arneson, Nelson | Hultstrand | Saumur |
| Arneson, Ramsey | Ireland | Schmidt, McHenry |
| Beede | Ista | Schmidt, Sheridan |
| Belzer | Johnson, LaMoure | Schimke |
| Bergesen | Joiner | Scholl |
| Billigmeier | Keller | Schwartz |
| Blair | Kluver | Sellens |
| Boulden | Knutson | Semerad |
| Braun, McLean | Lange | Severson |
| Braun, Stark | Levin | Sharpe |
| Brown | Lunde | Shure |
| Buchholz | McIntee | Singleton |
| Culver | McIntyre | Solberg |
| Crockett | Myers | Stone |
| Dalzell | Mittag | Stormon |
| Dike | Mollet | Symington |
| Erickson | Morland | Thompson,Burl'gh |
| Feton | Nelson, Dickey | Thompson, Steele |
| Fitch | Nelson, Steele | Trydahl |
| Fletcher | Nystrom | Twichell |
| Fraser | Odegard | Urschel |
| Fuglestad | Oglesby | Westby |
| Gainor | Ostgulen | Williams,Richland |
| Gray | Page | Williams,Stutsm'n |
| Haag | Panko | Wolf |
| Halvorson | Peterson,Bottineau | Mr. Speaker |
| Haugland | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Bolmeier | Dittmer | Nelson, Cass |

Absent and not voting:

| | | |
|---|---|---|
| Benno | Larson | Schauss |
| Bingenheimer | McInnes | Skartvedt |
| Byrne | Moe | Sticka |
| Glas | O'Brien | Tuff |
| Jensen | Peterson, Ransom | Wambheim |
| Johnson, Cass | Sand | |

So the bill passed and the title was agreed to.

House Bill No. 253 was read the second time.

The Chief Clerk announced the misspelling of several words in the original bill.

Rep. Solberg asked unanimous consent to amend the bill which consent was granted.

Rep. Solberg moved that the Chief Clerk be authorized to correct the spelling of the word "levies" in lines 9 and 16 and to correct the spelling of the word "actuarial" in line 13 of the original bill, which motion prevailed.

Rep. Twichell moved that the rules be suspended and that

House Bill No. 253 be considered properly re-engrossed, placed on second reading and final passage, which motion prevailed.

House Bill No. 253. A Bill for an Act to Amend and Reenact Section 1 of Chapter 174 of the Session Laws of North Dakota for the Year 1937, Relating to Pensions for Policemen and Dependents in Cities Now or Hereafter Having a Population in Excess of Twenty-five Thousand (25,000) Inhabitants.

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, 72; nays, 29; absent and not voting, 10.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Anderson, Benson | Fletcher | Odegard |
| Anderson,M'K'nzie | Fuglestad | Oglesby |
| Anfinson | Gainor | Page |
| Arneson, Nelson | Gray | Peterson, Ransom |
| Arneson, Ramsey | Haag | Ritter |
| Belzer | Halvorson | Saumur |
| Bergesen | Haugland | Sellens |
| Billigmeier | Heckman | Severson |
| Blair | Hofstrand | Sharpe |
| Bolmeier | Holm | Singleton |
| Boulden | Holthusen | Solberg |
| Braun, McLean | Hultstrand | Stormon |
| Braun, Stark | Ireland | Symington |
| Brown | Ista | Thompson,Burl'gh |
| Buchholz | Johnson, LaMoure | Thompson, Steele |
| Byrne | Joiner | Trydahl |
| Crockett | Lange | Twichell |
| Culver | Levin | Urschel |
| Dalzell | Lunde | Wambheim |
| Dike | McInnes | Westby |
| Dittmer | Morland | Williams,Richland |
| Erickson | Nelson, Cass | Williams,Stutsm'n |
| Feton | Nelson, Steele | Wolf |
| Fitch | Nystrom | Mr. Speaker |

Those voting in the negative were:

| | | |
|---|---|---|
| Adam | McIntyre | Schmidt, McHenry |
| Beede | Myers | Schmidt, Sheridan |
| Benno | Mittag | Schimke |
| Bingenheimer | Mollet | Scholl |
| Fraser | Nelson, Dickey | Schwartz |
| Jensen | Ostgulen | Semerad |
| Johnson, Cass | Panko | Shure |
| Keller | Peterson,Bottineau | Skartvedt |
| Kluver | Rait | Stone |
| McIntee | Rohde | |

Absent and not voting:

| | | |
|---|---|---|
| Glas | O'Brien | Schauss |
| Knutson | Rettke | Sticka |
| Larson | Sand | Tuff |
| Moe | | |

So the bill passed and the title was agreed to.

Rep. Twichell 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.

Rep. Braun of McLean: "Being that this money is raised in the City of Fargo and being spent there I vote 'aye'."

Rep. Kluver: "I wish to explain by vote. I was on the committee that recommended this bill for indefinite postponement for the reason that it is entirely a self-interest bill. There are perhaps not over seventy-five people in the State who have any interest in seeing it passed, and, of course, they were represented and no one else was. "I vote 'no'."

Rep. Williams of Richland: "I think this bill is a charitable bill if the people want to take care of their old men after they have served all their lives and often endangered their lives. I think it is a good bill and that every city in North Dakota should have a law like this. I think it is a good bill. I vote 'aye'."

## MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, February 16, 1939.

Mr. Speaker: I have the honor to transmit:

House Bill No. 142. A Bill for an Act Authorizing the State and Counties to Exchange Tracts of State and County Lands Within Indian Reservations of This State, for Tracts of Lands Owned by the United States Government, Providing for Appraisals, Execution of Conveyances, and Repealing All Acts or Parst of Acts in Conflict Therewith.

House Bill No. 245. A Bill for an Act to Repeal Chapter 165 of the Session Laws of the State of North Dakota for the Year 1937, Relating to the Operation of Motion Picture Theatres, and Declaring an Emergency.

Which the President has signed.

WM. J. LOWE, Secretary

## REPORT OF STANDING COMMITTEE

The Committee on Enrollment and Engrossment respectfully reports that:

House Bill No. 142.

House Bill No. 245.

Were delivered to the Governor for his approval at the hour of 4:50 o'clock P. M., February 16, 1939.

OLAF OSTGULEN, Chairman.

## SECOND READING OF HOUSE BILLS

House Bill No. 293. A Bill for an Act to Amend and Reenact Section 8235 of the Compiled Laws of 1913, Relating to Waters Subject to beneficial appropriation 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, 101; nays, 1; absent and not voting, 9.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Haugland | Peterson,Bottineau |
| Anderson,M'K'nzie | Heckman | Peterson, Ransom |
| Anfinson | Hofstrand | Rait |

| | | |
|---|---|---|
| Arneson, Nelson | Holm | Rettke |
| Arneson, Ramsey | Holthusen | Ritter |
| Beede | Hultstrand | Rohde |
| Belzer | Ireland | Sand |
| Benno | Ista | Saumur |
| Bergesen | Jensen | Schmidt, McHenry |
| Billigmeier | Johnson, Cass | Schmidt, Sheridan |
| Bingenheimer | Johnson, LaMoure | Schimke |
| Blair | Joiner | Scholl |
| Bolmeier | Keller | Schwartz |
| Boulden | Kluver | Sellens |
| Braun, McLean | Knutson | Semerad |
| Braun, Stark | Lange | Severson |
| Brown | Levin | Sharpe |
| Buchholz | Lunde | Shure |
| Byrne | McInnes | Singleton |
| Crockett | McIntee | Solberg |
| Culver | McIntyre | Stormon |
| Dalzell | Myers | Symington |
| Dike | Mittag | Thompson,Burl'gh |
| Dittmer | Mollet | Thompson, Steele |
| Erickson | Morland | Trydahl |
| Feton | Nelson, Cass | Twichell |
| Fitch | Nelson, Dickey | Urschel |
| Fletcher | Nelson, Steele | Wambheim |
| Fraser | Nystrom | Westby |
| Fuglestad | Odegard | Williams,Richland |
| Gainor | Oglesby | Williams,Stutsm'n |
| Gray | Ostgulen | Wolf |
| Haag | Page | Mr. Speaker |
| Halvorson | Panko | |

Those voting in the negative were:

Skartvedt

Absent and not voting:

| | | |
|---|---|---|
| Anderson, Benson | Moe | Sticka |
| Glas | O'Brien | Stone |
| Larson | Schauss | Tuff |

So the bill passed and the title was agreed to and the Emergency Clause was declared carried.

Rep. Westby moved that the vote by which House Bill No. 293 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 300 was read the second time.

Rep. Trydahl asked for unanimous consent to amend House Bill No. 300, which request was granted.

Rep. Trydahl moved that the Chief Clerk be authorized to insert the correct spelling of the word "used" in line 5 of Section 14 of the original bill, which motion prevailed.

Rep. Trydahl moved that the rules be suspended and that House Bill No. 300 be considered properly re-engrossed, placed on second reading and final passage, which motion prevailed.

House Bill No. 300. A Bill for an Act to Amend and Re-enact Section 14, Chapter 309 of the Laws of North Dakota, 1931, Providing for the Furnishing Without Charge of Copies

of Public Records; 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, as amended, the roll was called and there were ayes, 98; nays, 1; absent and not voting, 12.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Haugland | Peterson, Ransom |
| Anderson,M'K'nzie | Heckman | Rait |
| Anfinson | Hofstrand | Rettke |
| Arneson, Nelson | Holm | Ritter |
| Arneson, Ramsey | Holthusen | Rohde |
| Beede | Hultstrand | Sand |
| Belzer | Ireland | Saumur |
| Benno | Ista | Schmidt, McHenry |
| Bergesen | Jensen | Schmidt, Sheridan |
| Billigmeier | Johnson, Cass | Schimke |
| Bingenheimer | Johnson, LaMoure | Schwartz |
| Blair | Keller | Sellens |
| Bolmeier | Kluver | Semerad |
| Boulden | Knutson | Severson |
| Braun, McLean | Lange | Sharpe |
| Braun, Stark | Levin | Shure |
| Brown | Lunde | Singleton |
| Buchholz | McInnes | Skartvedt |
| Byrne | McIntee | Solberg |
| Crockett | McIntyre | Stone |
| Dalzell | Myers | Stormon |
| Dike | Mittag | Symington |
| Dittmer | Mollet | Thompson,Burl'gh |
| Erickson | Morland | Thompson, Steele |
| Feton | Nelson, Cass | Trydahl |
| Fitch | Nelson, Dickey | Urschel |
| Fletcher | Nelson, Steele | Wambheim |
| Fraser | Nystrom | Westby |
| Fuglestad | Odegard | Williams,Richland |
| Gainor | Oglesby | Williams,Stutsm'n |
| Gray | Page | Wolf |
| Haag | Panko | Mr. Speaker |
| Halvorson | Peterson,Bottineau | |

Those voting in the negative were:
Joiner

Absent and not voting:

| | | |
|---|---|---|
| Anderson, Benson | Moe | Scholl |
| Culver | O'Brien | Sticka |
| Glas | Ostgulen | Tuff |
| Larson | Schauss | Twichell |

So the bill passed and the title was agreed to and the Emergency Clause was declared carried.

Rep. Page moved that the vote by which House Bill No. 300 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Rep. Williams of Richland moved that House Bill No. 309

be re-referred to the Committee on Elections and Election Privileges, which motion prevailed.

The House reverted to the Fifth Order of Business.

REPORT OF STANDING COMMITTEE

Mr. Speaker: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bills and find the same correctly Enrolled:

House Bill No. 97.

OLAF OSTGULEN, Chairman.

Rep. Ostgulen moved that the report be adopted, which motion prevailed, and the report was adopted.

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

House Bill No. 32, have had the same under consideration and recommend that the same be amended as follows:

Page 1, Section 1, in line 3, strike out the figures "$243,-500.00" and insert in lieu thereof the figures "$119,000.00."

Page 2, Section 1, after the words "to-wit:" in line 26, strike out the balance of the section and insert in lieu thereof the following:

| | | |
|---|---|---|
| Line 27 | 1. Commissioners Per Diem | $ 7,500.00 |
| Line 28 | 2. Administration | 55,000.00 |
| Line 29 | 3. Operation Lewis & Clark Irrigation Ex. farm | 5,000.00 |
| Line 30 | 4. Sponsor's Share, Maintenance Existing Dams in | |
| Line 31 | connection with work relief projects | 12,000.00 |
| Line 32 | 5. Main. Existing Dams directly by State Water | |
| Line 33 | Conservation Commission | 3,000.00 |
| Line 34 | 6. Field Surveys | 4,000.00 |
| Line 35 | 7. Plans and Reports | 3,500.00 |
| Line 36 | Investigations, survey and designs for irrigation | |
| Line 37 | projects in Co-op. with the Bur. of Reclamation | |
| Line 38 | on a 50/50 basis | |
| Line 39 | 8. Engineering and Soils Surveys | 3,000.00 |
| Line 40 | 9. Designs and Reports | 2,000.00 |
| Line 41 | Missouri River Diversion | |
| Line 42 | 10. Goose River Diversion Investigations | 1,000.00 |
| Line 43 | 11. James River-Lake Travers Div. Inv. | 2,000.00 |
| Line 44 | 12. Investigations and surveys of Diversion Routes | |
| Line 45 | including Diversion from Fort Peck Reservoir | |
| Line 46 | and pumping from Missouri River | 5,000.00 |
| Line 47 | 13. Evaluation Economic Benefits | 4,000.00 |
| Line 48 | 14. Reports and attendance at Conferences with | |
| Line 49 | the War Dept., Congressional Committees and | |
| Line 50 | other Federal Agencies | 3,000.00 |
| Line 51 | Tri-State Waters—Red River Basin Program | |
| Line 52 | 15. N. Dak. portion of Administrative Expenses, | |
| Line 53 | Tri-State Water Conferences | 7,000.00 |

| | | |
|---|---|---|
| Line 54 | 16. Independent Inv. and Reports by the N. Dak. | |
| Line 55 | State water conservation commission | 2,000.00 |
| Line 56 | TOTAL | $119,000.00 |

And when so amended recommend the same do pass.

C. P. RITTER, Acting Chairman.

Rep. Symington moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Appropriations to whom was referred House Bill No. 37, have had the same under consideration and recommend that the same be amended as follows:

Page 1, Section 1, in line 3 strike out the figures "$40,000.00" and insert in lieu thereof the figures "$33,000.00."

Page 2, Section 1, in line 11 strike out the period and insert in lieu thereof a comma and add the words "to-wit:" and add the following:

| | | |
|---|---|---|
| Line 12—Office Supplies | | $ 4,000.00 |
| Line 13—Travel Expense | | 4,640.00 |
| Line 14—Rent | | 23,280.00 |
| Line 15—Bismarck | $ 2,520.00 | |
| Line 16—Devils Lake | 2,760.00 | |
| Line 17—Dickinson | 2,280.00 | |
| Line 18—Fargo | 3,600.00 | |
| Line 19—Grand Forks | 3,600.00 | |
| Line 20—Jamestown | 2,520.00 | |
| Line 21—Minot | 3,000.00 | |
| Line 22—Williston | 3,000.00 | |
| Line 23—Light (Fargo, Grand Forks & Minot) | | 1,080.00 |
| Line 24—Total | | $33,000.00 |

And when so amended recommend the same do pass.

C. P. RITTER, Acting Chairman.

Representative Symington moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on State Affairs to whom was referred House Bill No. 329, have had the same under consideration and recommend that the same be indefinitely postponed.

W. M. CROCKETT, Chairman.

Representative Wambheim moved that the report be adopted, which motion prevailed and the report was adopted.

Representative Nelson of Cass moved that the vote by which House Bill No. 329 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on State Affairs to whom was referred House Bill No. 340, have had the same under consideration and recommend that the same be indefinitely postponed.

W. M. CROCKETT, Chairman.

Representative Dalzell moved that the report be adopted, which motion prevailed and the report was adopted.

Representative Trydahl moved that the vote by which House Bill No. 340 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on State Affairs to whom was referred House Concurrent Resolution 365, have had the same under consideration and recommend that the same be referred to the Committee on Taxes and Tax Laws with no recommendations.

W. M. CROCKETT, Chairman.

Representative Twichell moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on State Affairs to whom was referred House Bill No. 346, have had the same under consideration and recommend that the same do pass.

W. M. CROCKETT, Chairman.

Representative Halvorson moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on State Affairs to whom was referred House Bill No. 276, have had the same under consideration and recommend that the same be indefinitely postponed.

W. M. CROCKETT, Chairman.

Representative Byrne moved that the report be adopted.

Representative Adam moved a substitute motion that House Bill No. 276 be placed on the calendar, which motion was lost.

The question being on the report of the Committee, the motion prevailed.

Representative Crockett moved that the vote by which House Bill No. 276 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: 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:

Page 2, Section 1, in line 10 strike out the figures "$3,-600.00" and insert in lieu thereof the figures "$4,000.00."

Page 2, Section 1, in line 11 strike out the words "Drivers License Director" and the figures "$3,360.00" and insert in lieu thereof the words "Assistant Superintendent" and the figures "$3,600.00."

Page 2, Section 1, in line 13 strike out the figures "$2,-160.00" and insert in lieu thereof the figures "$2,400.00."

Page 2, Section 1, strike out all of line 14 "Stenographer (Extra) $1,000.00."

Page 2, Section 1, in line 15 strike out the figures "$2,-160.00" and insert in lieu thereof the figures "$4,320.00".

Page 2, Section 1, in line 16 change the word "Bookkeepers" to "Bookkeeper," strike out the figure "(2)" and figures "$4,320.00" and insert in lieu thereof the figures "$2,400.00."

Page 2, Section 1, in line 17 strike out the figures "(10)" and the words "(Salaries as fixed by law)" and the figures "$28,500.00" and insert in lieu thereof the figures "$42,-600.00."

Page 2, Section 1, strike out all of line 18 "Patrolmen (5) $14,250.00."

Page 2, Section 1, in line 19 strike out the figure "6" and the figures "$9,800.00" and insert in lieu thereof the figure "(4)" and the figures "$2,160.00."

Page 2, Section 1, in line 20 strike out the figures "$790.00" and insert in lieu thereof the figures "$600.00."

Page 2, Section 1, in line 21 strike out the figures "$700.00" and insert in lieu thereof the figures "$600.00."

Page 2, Section 1, strike out all of line 22 "Furniture & Fixtures $75.00."

Page 2, Section 1, in line 24 strike out the figures "$1,-400.00" and insert in lieu thereof the figures "$600.00."

Page 2, Section 1, in lnie 25 strike out the figures "$13,-000.00" and insert in lieu thereof the figures "$22,590.00."

Page 2, Section 1, in line 27 strike out the figures "$3,-000.00" and insert in lieu thereof the figures "$2,000.00."

Page 2, Section 1, in line 28 strike out the figures "$275.00" and insert in lieu thereof the figures "$276.00."

Page 2, Section 1, in line 30 strike out the figures "$700.00" and insert in lieu thereof the figures "$600.00."

Page 2, Section 1, in line 32 strike out the figures "$23,-000.00" and insert in lieu thereof the figures "$17,739.80."

Page 2, Section 1, insert a new line 32½ "New Cars (5) $4,364.20."

Page 3, Section 1, in line 33 strike out the figures "$1,-260.00" and insert in lieu thereof the figures "$2,000.00."

Page 3, Section 1, insert a new line 33½ "Audit $500.00."

Re-number beginning with line 15—change to line 14 and continue re-numbering to the end of the section.

And when so amended recommend the same do pass.

C. P. RITTER, Acting Chairman.

Rep. Johnson of Cass moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Appropriations to whom was referred House Bill No. 62, have had the same under consideration and recommend that the same be amended as follows:

Amend the title of the bill by adding after the word "Therefor," in line 5 of the title the following: "Limiting the Liability of the State of North Dakota."

In Section 9, page 5, line 14, strike out the word "Twenty-five" and insert in lieu thereof the word "Fifteen."

Amend Section 9, page 5 by adding a new sentence at the end of said Section 9—such sentence to read as follows: "Providing further that the State of North Dakota shall not be liable for any indemnity whenever the amount hereby appropriated shall be exhausted or in any sum larger than the sum hereby appropriated."

In Section 13, page 7, line 3 strike out the figures "$100,-000.00" and insert in lieu thereof the figures "$50,000.00."

And when so amended recommend the same do pass.

C. P. RITTER, Acting Chairman.

Rep. Morland moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Appropriations to whom was referred House Bill No. 151, have had the same under consideration and recommend that the same be amended as follows:

As amended by Committee on Drainage & Irrigation.

Amend the title of the bill by adding after the comma appearing after the word "state" in the last line of the title

to the bill, the following: "Providing for an exchange of such lands for other lands more suitably situated."

In Section 2, page 2, line 2 of the original bill, strike out the word "usee," insert in lieu thereof the word "used."

Amend Section 2 of the printed bill by adding a new paragraph at the end of said Section 2—such paragraph to read as follows: "If it shall be found that the lands described in Section 1 of this Act may, without additional consideration, be exchanged for a tract of land of equal size and value within the Lewis and Clark Irrigation District of McKenzie County, which tract of land is more suitably and conveniently located for such irrigation demonstration and experiment farm, then and in that case the lands described in Section 1 of this Act may be exchanged for such tract of land, and in order to effect such exchange the Governor is hereby authorized to execute and deliver for and on behalf of the State the necessary instrument or deed conveying title to the lands mentioned in Section 1 hereof."

And when so amended recommend the same do pass.

C. P. RITTER, Acting Chairman.

Rep. Johnson of Cass moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Delayed Bills to whom was referred:

A Bill for an Act for the Raising of Public Revenues by Imposing a Tax Upon the Privilege of Engaging in Any Business, Trade, Profession, Occupation or Calling, to be Measured by Gross Income, to Provide That This Tax Shall be a Replacement Tax to the Extent Herein Specified, to Provide for the Ascertainment, Assessment and Collection of Said Tax, to Provide Certain Exemptions From the Tax, to Provide for the Administration Thereof, to Provide a Penalty for the Violation of the Terms of the Act, to Provide for the Disposition of Revenues, to Provide an Appropriation for the Administration of This Act, and Declaring an Emergency.

Have had the same under consideration and recommend that the same be approved for introduction.

REP. HULTSTRAND, Chairman.

Rep. Myers moved that the report be adopted, which motion prevailed, and the report was adopted.

## FIRST READING OF HOUSE BILLS

The Committee on Delayed Bills (at the request of the Committee on Taxes and Tax Laws) introduced:

House Bill No. 388. A Bill for an Act to Provide for the Raising of Public Revenues by Imposing a Tax Upon the Privilege of Engaging in any Business, Trade, Profession, Occupation or Calling, to be Measured by Gross Income, to Provide That This Tax Shall be a Replacement Tax to the Extent Herein Specified, to Provide for the Ascertainment, Assessment and Collection of Said Tax, to Provide Certain Exemptions From the Tax, to Provide for the Administration Thereof, to Provide a Penalty for the Violation of the Terms of the Act, to Provide for the Disposition of Revenues, to Provide an Appropriation for the Administration of This Act, and Declaring an Emergency.

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

House Bill No. 327 was read the second time.

Rep. Twichell moved that House Bill No. 327 be re-referred to the Committee on Counties, which motion was seconded.

Rep. Twichell moved for unanimous consent to amend House Bill No. 327.

Objection was raised. The question being on Rep. Twichell's motion that House Bill No. 327 be re-referred to the Committee on Counties, the motion prevailed.

## SECOND READING OF HOUSE BILLS

House Bill No. 328. A Bill for an Act to Amend and Re-enact Section 6 of That Certain Initiated Measure Adopted by the Electors of the State of North Dakota on September 22, 1933, Relating to the Manufacture, Sale and Distribution of Beer, as Amended by Chapter 98 of the Session Laws of North Dakota for the Year 1935, and Chapter 98 of the Session Laws of Northh Dakota for the Year 1937; 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, 101; nays, 0; absent and not voting, 10.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Heckman | Peterson, Ransom |
| Anderson,M'K'nzie | Hofstrand | Rait |
| Anfinson | Holm | Rettke |
| Arneson, Nelson | Holthusen | Ritter |
| Arneson, Ramsey | Hultstrand | Rohde |
| Beede | Ireland | Saumur |
| Belzer | Ista | Schmidt, McHenry |
| Benno | Jensen | Schmidt, Sheridan |
| Bergesen | Johnson, Cass | Schimke |
| Billigmeier | Johnson, LaMoure | Scholl |
| Bingenheimer | Joiner | Schwartz |
| Blair | Keller | Sellens |
| Bolmeier | Kluver | Semerad |
| Boulden | Knutson | Severson |
| Braun, McLean | Lange | Sharpe |
| Braun, Stark | Levin | Shure |
| Brown | Lunde | Singleton |
| Buchholz | McInnes | Skartvedt |
| Byrne | McIntee | Solberg |
| Culver | McIntyre | Stone |
| Dalzell | Myers | Stormon |
| Dike | Mittag | Symington |
| Dittmer | Mollet | Thompson,Burl'gh |
| Erickson | Morland | Thompson, Steele |
| Feton | Nelson, Cass | Trydahl |
| Fitch | Nelson, Dickey | Twichell |
| Fletcher | Nelson, Steele | Urschel |
| Fraser | Nystrom | Wambheim |
| Fuglestad | Odegard | Westby |
| Gainor | Oglesby | Williams,Richland |
| Gray | Ostgulen | Williams,Stutsm'n |
| Haag | Page | Wolf |
| Halvorson | Panko | Mr. Speaker |

| | | |
|---|---|---|
| Haugland | Peterson,Bottineau | |

Absent and not voting:

| | | |
|---|---|---|
| Anderson, Benson | Moe | Schauss |
| Crockett | O'Brien | Sticka |
| Glas | Sand | Tuff |
| Larson | | |

So the bill passed and the title was agreed to and the Emergency Clause was declared carried.

Rep. Twichell moved that the vote by which House Bill No. 328 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

House Bill No. 210. A Bill for an Act to Amend and Reenact Section 14, of Chapter 94, Session Laws of 1931, Providing for Investment in Shares of Building and Loan Associations by Fiduciaries, Trusts, Insurance Companies, and Banks.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were ayes, 79; nays, 16; absent and not voting, 16.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Gray | Oglesby |
| Anderson,M'K'nzie | Haag | Page |
| Anfinson | Haugland | Peterson,Bottineau |
| Arneson, Nelson | Heckman | Peterson, Ransom |
| Arneson, Ramsey | Hofstrand | Rait |
| Belzer | Holm | Rettke |
| Benno | Holthusen | Ritter |
| Bergesen | Hultstrand | Schimke |
| Billigmeier | Ireland | Scholl |
| Blair | Ista | Sellens |
| Bolmeier | Johnson, LaMoure | Severson |
| Boulden | Joiner | Sharpe |
| Braun, McLean | Keller | Shure |
| Brown | Kluver | Singleton |
| Buchholz | Knutson | Skartvedt |
| Byrne | Lunde | Stormon |
| Crockett | McInnes | Symington |
| Culver | McIntee | Thompson, Burl'gh |
| Dalzell | McIntyre | Thompson, Steele |
| Dike | Myers | Trydahl |
| Erickson | Mittag | Urschel |
| Feton | Morland | Wambheim |
| Fitch | Nelson, Cass | Westby |
| Fletcher | Nelson, Dickey | Williams, Stutsm'n |
| Fraser | Nelson, Steele | Wolf |
| Fuglestad | Nystrom | Mr. Speaker |
| Gainor | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Beede | Odegard | Schmidt, Sheridan |
| Bingenheimer | Ostgulen | Schwartz |
| Halvorson | Panko | Semerad |
| Lange | Rohde | Stone |
| Levin | Schmidt, McHenry | Williams,Richland |
| Mollet | | |

Absent and not voting:

| | | |
|---|---|---|
| Anderson, Benson | Larson | Schauss |
| Braun, Stark | Moe | Solberg |
| Dittmer | O'Brien | Sticka |
| Glas | Sand | Tuff |
| Jensen | Saumur | Twichell |
| Johnson, Cass | | |

So the bill passed and the title was agreed to.

Rep. Bergesen moved that the vote by which House Bill No. 210 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

House Bill No. 235. A Bill for an Act Requiring All Receiving Scales Exceeding Twelve Thousand Pounds Capacity Upon Which Grain is Weighed to Be Equipped With a Self-Registering Type Beam Prior to August 1, 1939; Requiring the Operator to Supply the Hauler With an Impressed Scale Ticket; Prescribing a 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, 37; nays, 59; absent and not voting, 15.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Haag | Peterson,Bottineau |
| Anderson,M'K'nzie | Haugland | Peterson, Ransom |
| Anfinson | Heckman | Rait |
| Arneson, Ramsey | Ista | Ritter |
| Beede | Johnson, LaMoure | Schmidt, McHenry |
| Belzer | Joiner | Schmidt, Sheridan |
| Billigmeier | Knutson | Schimke |
| Bingenheimer | McIntee | Scholl |
| Buchholz | McIntyre | Schwartz |
| Crockett | Myers | Urschel |
| Erickson | Mittag | Williams,Richland |
| Fletcher | Nelson, Dickey | Mr. Speaker |
| Fraser | Panko | |

Those voting in the negative were:

| | | |
|---|---|---|
| Benno | Jensen | Saumur |
| Bergesen | Johnson, Cass | Sellens |
| Blair | Keller | Semerad |
| Bolmeier | Kluver | Severson |
| Boulden | Lange | Sharpe |
| Braun, McLean | Levin | Shure |
| Brown | Lunde | Singleton |
| Byrne | McInnes | Skartvedt |
| Culver | Mollet | Solberg |
| Dalzell | Morland | Stone |
| Dike | Nelson, Cass | Stormon |
| Dittmer | Nelson, Steele | Symington |
| Feton | Nystrom | Thompson,Burl'gh |
| Fitch | Odegard | Thompson, Steele |
| Fuglestad | Oglesby | Twichell |
| Gainor | Ostgulen | Wambheim |
| Gray | Page | Westby |
| Holm | Rettke | Williams,Stutsm'n |
| Holthusen | Rohde | Wolf |
| Ireland | | |

Absent and not voting:

| | | |
|---|---|---|
| Anderson, Benson | Hofstrand | Sand |
| Arneson, Nelson | Hultstrand | Schauss |
| Braun, Stark | Larson | Sticka |
| Glas | Moe | Trydahl |
| Halvorson | O'Brien | Tuff |

So the bill lost.

Rep. Blair moved that the vote by which House Bill No. 235 was lost be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Representative Ireland: I said yesterday that if they would adopt the amendment proposed by Speaker Hagen here, I would be for this bill. Otherwise I wouldn't because I don't think that our elevators in the western part of the State can bear the burden right now; and furthermore it has been the plan of the manufacturers of this country that whenever business gets slack they bring up something new and tell us farmers that we ought to have it and get rich. And we have been suckers enough to fall for it the last fifty years. I would not want to be a sucker enough to vote for this bill at this time. I vote "no."

Representative Rettke: There is nothing now on the statute books to prohibit any farmers' elevator from putting in this kind of a scale and where there are no farmers' elevators if the farmers would demand this kind of a scale of the line company elevators, I think the line elevators would put it in. Therefore I vote "no."

Representative Stone: I am interested in the farmers' elevators and we are $29,000 in the hole. I don't think we can afford to buy new scales and that is the reason I vote "no."

Representative Lange: My reason for voting "no" is this: I raise a lot of grain, sell a lot and haul it to the farmers' co-operative elevator. In the first place they have a chance to fire the elevator man if he is dishonest, and in the second place the profits made in the co-operative elevator go back to the patrons. Those who have no farmers' elevator have all kinds of opportunities to obtain one. Therefore I vote "no."

Representative Holm: I vote "no" on this measure for the reason that very few elevators in the State are financially able to stand this added expense at this time.

**House Bill No. 312. A Bill for an Act to Amend and Reenact Section 2373 of the Supplement to the 1913 Compiled Laws of North Dakota Relating to Appointment and Election of Officers Under the Provisions of the Military Code; 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, 87; nays, 3; absent and not voting, 21.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Heckman | Peterson, Ransom |
| Anderson,M'K'nzie | Holm | Rait |
| Anfinson | Holthusen | Rettke |
| Arneson, Nelson | Hultstrand | Ritter |

| | | |
|---|---|---|
| Arneson, **Ramsey** | Ireland | Saumur |
| Beede | Jensen | Schmidt, Sheridan |
| Belzer | Johnson, Cass | Schimke |
| Benno | Johnson, LaMoure | Scholl |
| Bergesen | Joiner | Schwartz |
| Billigmeier | Keller | Sellens |
| Blair | Kluver | Semerad |
| Bolmeier | Knutson | Severson |
| Boulden | Lange | Sharpe |
| Braun, McLean | Levin | Shure |
| Brown | Lunde | Singleton |
| Buchholz | McInnes | Skartvedt |
| Crockett | McIntee | Solberg |
| Dike | McIntyre | Stone |
| Erickson | Myers | Stormon |
| Feton | Mittag | Thompson,Burl'gh |
| Fitch | Mollet | Thompson, Steele |
| Fletcher | Nelson, Cass | Trydahl |
| Fraser | Nelson, Dickey | Twichell |
| Fuglestad | Nelson, Steele | Urschel |
| Gainor | Nystrom | Wambheim |
| Gray | Odegard | Westby |
| Haag | Oglesby | Williams,Stutsm'n |
| Halvorson | Ostgulen | Wolf |
| Haugland | Peterson,Bottineau | Mr. Speaker |

Those voting in the negative were:

| | | |
|---|---|---|
| Dalzell | Page | Schmidt, McHenry |

Absent and not voting were:

| | | |
|---|---|---|
| Anderson, Benson | Hofstrand | Rohde |
| Bingenheimer | Ista | Sand |
| Braun, Stark | Larson | Schauss |
| Byrne | Moe | Sticka |
| Culver | Morland | Symington |
| Dittmer | O'Brien | Tuff |
| Glas | Panko | Williams,Richland |

So the bill passed and the title was agreed to, and the Emergency Clause declared carried.

Rep. Fitch moved that the vote by which House Bill No. 312 was passed be reconsidered and the motion to reconsider be laid on the table.

The House reverted to the Fifth Order of Business.

## REPORT OF STANDING COMMITTEE

Mr. Speaker: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bills and find the same correctly Re-engrossed:

House Bill No. 263.
House Bill No. 33.
House Bill No. 253.
House Bill No. 300.

OLAF OSTGULEN, Chairman.

Representative Ostgulen moved that the report be adopted, which motion prevailed, and the report was adopted.

Representative Crockett moved that the House recess on completion of the Sixteenth Order of Business to 12:30 p. m. tomorrow, which motion prevailed.

Representative Crockett moved for an extension of time on House Bill Nos. 93, 269, 277, 286 and 287, which motion prevailed and the extension of time was granted.

Upon completion of announcements the House recessed to 12:30 p. m. tomorrow, pursuant to Representative Crockett's motion.

MINNIE D. CRAIG, Chief Clerk.

## FORTY-FIFTH DAY AFTER RECESS AND FORTY-SIXTH DAY

Bismarck, February 17, 1939.

The House convened at 12:30 P. M., pursuant to recess, Speaker Hagen presiding.

The Speaker announced that the House would be on the Fifth Order of Business.

### REPORTS OF STANDING COMMITTEES

Mr. Speaker: Your Committee on Ways and Means to whom was referred:

House Bill No. 178, have had the same under consideration and recommend that the same be indefinitely postponed.

CARL ANFINSON, Chairman.

Rep. Mollet moved that the report be adopted, which motion prevailed, and the report was adopted.

Rep. Fitch moved that the vote by which House Bill No. 178 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on Ways and Means to whom was referred:

House Bill No. 190, have had the same under consideration and recommend that the same be indefinitely postponed, for the reason that House Bill 317 which has been recommended for passage, is substantially the same.

CARL ANFINSON, Chairman.

Rep. Schmidt of McHenry moved that the report be adopted, which motion prevailed, and the report was adopted.

Rep. Rohde moved that the vote by which House Bill No. 190 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on Ways and Means to whom was referred:

House Bill No. 317 have had the same under consideration and recommend that the same do pass.

CARL ANFINSON, Chairman.

Rep. Peterson of Bottineau moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Taxes and Tax Laws to whom was referred:

House Bill No. 335, have had the same under consideration and recommend that the same be indefinitely postponed.

N. P. JENSEN, Chairman.

Rep. Moe moved that the report be adopted.

Rep. Knutson moved a substitute motion that House Bill No. 335 be recommended for passage, which motion was lost.

The question being on the adoption of the report of the Committee, the motion prevailed.

Rep. Rohde 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.

Mr. Speaker: Your Committee on Taxes and Tax Laws to whom was referred:

House Bill No. 388, have had the same under consideration and recommend that the same do pass.

N. P. JENSEN, Chairman.

Rep. Mollet moved that the report be adopted.

Rep. Fitch moved a substitute motion that House Bill No. 388 be laid over for one legislative day or until the printed copies are available, which motion was withdrawn.

Rep. Fitch moved that House Bill No. 388 be placed in General Orders after 2:00 o'clock tomorrow, which motion was lost.

The question being on the report of the committee, the motion prevailed, and House Bill No. 388 was placed on the calendar.

Rep. Solberg moved that the vote by which House Bill No. 191 was indefinitely postponed be reconsidered, which motion was lost.

## GENERAL ORDERS

Rep. Crockett moved that the House resolve itself into a Committee of the Whole for the consideration of General Orders, which motion prevailed, and the House resolved itself into Committee of the Whole.

The Speaker called Rep. Crockett to the chair.

When the committee arose it submitted the following report:

Mr. Speaker: The Committee of the Whole have had under consideration House Bill No. 260.

Page 2, Section 1, sub-section (e), line 23, after the word "to," strike out the words "sponsor and."

Page 7, Section 5, line 2, after the word "poultry," insert the words "and or turkey."

Page 7, line 4, after the word "poultry," insert the words "and or turkey."

Line 12, sub-section (a) after the word "poultry," insert the words "and or turkey."

Line 14, strike out the words "products (except eggs)" and insert in lieu thereof the words "and or turkeys."

Line 19, sub-section (c) after the word "chick" insert the words "and or turkey poult."

Line 20, after the word "chicks," insert the words "and or poult."

Line 24, sub-section (e), after the word "poultry," insert the following words "and or turkey."

Page 9, Section 8, line 6, after the word "co-ordination," strike out the words "and management" and insert in lieu thereof the figure and words ", assist with financing."

And recommend the adoption of the amendments of the Standing Committee.

And when so amended recommend the same do pass.

House Bill No. 267.

In line 9 of the title, change the semi-colon to a period and strike out the balance of line 9 and line 10.

Section 3, line 13, after the word "test," change the period to a comma ( , ) and add the words "to not more than ninety (90) days after such examination and test."

Section 5, line 4, after the word "cents," change the period ( . ) to a comma ( , ) and add the words "to be collected by the county judge and by him paid into the State Treasury."

And when so amended recommend the same be re-referred to the Committee on Appropriations.

And recommend the adoption of the amendments of the Standing Committee.

And when so amended recommend the same do pass.

House Bill No. 8.

Page 1, Section 1, in line 3, strike out the figures "$16,-510.00" and insert in lieu thereof the figures "$13,990.00."

Page 1, Section 1, in line 11, strike out the figures "$1,-920.00" and insert in lieu thereof the figures "$1,800.00."

Page 2, Section 1, strike out all of line 12 "Museum Assistant—$1,600.00."

Page 2, Section 1, in line 15, strike out the figures "$800.00" and insert in lieu thereof the figures "$400.00."

Page 2, Section 1, in line 18, strike out the figures "$800.00" and insert in lieu thereof the figures "$600.00."

Page 2, Section 1, in line 20, strike out the figures "$600.00" and insert in lieu thereof the figures "$400.00."

Page 2, Section 1, in line 22, strike out the figures "$16,-510.00" and insert in lieu thereof the figures "$13,990.00."

Re-number beginning with line 13, change to line 12 and continue re-numbering to bottom page 2.

And recommend the adoption of the amendments of the Standing Committee.

And when so amended, recommend the same do pass.

House Bill No. 9.

Page 1, Section 1, in line 3, strike out the figures "$15,-115.00" and insert in lieu thereof the figures "$10,500.00."

Page 1, Section 1, strike out all of line 8 "Park Authority and Secretary—$1,060.00."

Page 1, Section 1, strike out all of line 9 "Stenographic Work—$580.00."

Page 1, Section 1, strike out all of line 10 "Office Supplies—$100.00."

Page 1, Section 1, strike out all of line 11 "Travel—$300.00."

Page 2, Section 1, strike out all of line 12 "Miscellaneous—$75.00."

Page 2, Section 1, in line 14, strike out the figures "$2,500.00" and insert in lieu thereof the figures "$2,000.00."

Page 2, Section 1, in line 15, strike out the figures "$2,500.00" and insert in lieu thereof the figures "$2,000.00."

Page 2, Section 1, in line 16, strike out the figures "$2,500.00" and insert in lieu thereof the figures "$2,000.00."

Page 2, Section 1, in line 17, strike out the figures "$2,500.00" and insert in lieu thereof the figures "$2,000.00."

Page 2, Section 1, in line 18, strike out the figures "$2,500.00" and insert in lieu thereof the figures "$2,000.00."

Page 2, Section 1, in line 20, strike out the figures "$15,115.00" and insert in lieu thereof the figures "$10,-500.00."

Re-number beginning with line 13, change to line 8 and continue re-numbering to the end of the section.

And recommend the adoption of the amendments of the Standing Committee.

And when so amended, recommend the same do pass.

House Bill No. 32.

Page 1, Section 1, in line 3, strike out the figures "$243,-500.00" and insert in lieu thereof the figures "$119,000.00."

Page 2, Section 1, after the words "to-wit:" in line 26, strike out the balance of the section and insert in lieu thereof the following:

| | | | |
|---|---|---|---|
| Line 27 | 1. | Commissioners Per Diem ..... | $ 7,500.00 |
| Line 28 | 2. | Administration ..... | 55,000.00 |
| Line 29 | 3. | Operation Lewis & Clark Irrigation Ex. farm ..... | 5,000.00 |
| Line 30 | 4. | Sponsor's Share, Maintenance Existing Dams in | |
| Line 31 | | connection with work relief projects | 12,000.00 |
| Line 32 | 5. | Main. Existing Dams directly by State Water | |
| Line 33 | | Conservation Commission ..... | 3,000.00 |
| Line 34 | 6. | Field Surveys ..... | 4,000.00 |
| Line 35 | 7. | Plans and Reports ..... | 3,500.00 |
| Line 36 | | Investigations, survey and designs for irrigation | |
| Line 37 | | projects in Co-op. with the Bur. of Reclamation | |
| Line 38 | | on a 50/50 basis | |
| Line 39 | 8. | Engineering and Soils Surveys ..... | 3,000.00 |
| Line 40 | 9. | Designs and Reports ..... | 2,000.00 |
| Line 41 | | Missouri River Diversion | |
| Line 42 | 10. | Goose River Diversion Investigations | 1,000.00 |
| Line 43 | 11. | James River-Lake Travers Div. Inv. | 2,000.00 |
| Line 44 | 12. | Investigations and surveys of Diversion Routes | |
| Line 45 | | including Diversion from Fort Peck Reservoir | |
| Line 46 | | and pumping from Missouri River.... | 5,000.00 |
| Line 47 | 13. | Evaluation Economic Benefits ..... | 4,000.00 |
| Line 48 | 14. | Reports and attendance at Conferences with | |
| Line 49 | | the War Dept., Congressional Committees and | |
| Line 50 | | other Federal Agencies ..... | 3,000.00 |
| Line 51 | | Tri-State Waters—Red River Basin Program | |
| Line 52 | 15. | N. Dak. portion of Administrative Expenses, | |
| Line 53 | | Tri-State Water Conferences ..... | 7,000.00 |

| | | | |
|---|---|---|---|
| Line 54 | 16. Independent Inv. and Reports by the N. Dak. | | |
| Line 55 | State water conservation commission | | 2,000.00 |
| Line 56 | TOTAL | | $119,000.00 |

And recommend the adoption of the amendments of the Standing Committee.

And when so amended recommend the same do pass.

House Bill No. 37.

Page 1, Section 1, in line 3, strike out the figures "$40,000.00" and insert in lieu thereof the figures "$33,000.00."

Page 2, Section 1, in line 11, strike out the period and insert in lieu thereof a comma and add the words "to-wit:" and add the following:

| | | | |
|---|---|---|---|
| Line 12—Office Supplies | | | $ 4,000.00 |
| Line 13—Travel Expense | | | 4,640.00 |
| Line 14—Rent | | | 23,280.00 |
| Line 15—Bismarck | | $ 2,520.00 | |
| Line 16—Devils Lake | | 2,760.00 | |
| Line 17—Dickinson | | 2,280.00 | |
| Line 18—Fargo | | 3,600.00 | |
| Line 19—Grand Forks | | 3,600.00 | |
| Line 20—Jamestown | | 2,520.00 | |
| Line 21—Minot | | 3,000.00 | |
| Line 22—Williston | | 3,000.00 | |
| Line 23—Light (Fargo, Grand Forks & Minot) | | | 1,080.00 |
| Line 24—Total | | | $33,000.00 |

And recommend the adoption of the amendments of the Standing Committee.

And when so amended, recommend the same do pass.

House Bill No. 45.

Page 2, Section 1, in line 10 strike out the figures "$3,600.00" and insert in lieu thereof the figures "$4,000.00."

Page 2, Section 1, in line 11 strike out the words "Drivers License Director" and the figures "$3,360.00" and insert in lieu thereof the words "Assistant Superintendent" and the figures "$3,600.00."

Page 2, Section 1, in line 13 strike out the figures "$2,160.00" and insert in lieu thereof the figures "$2,400.00."

Page 2, Section 1, strike out all of line 14 "Stenographer (Extra) $1,000.00."

Page 2, Section 1, in line 15 strike out the figures "$2,160.00" and insert in lieu thereof the figures "$4,320.00."

Page 2, Section 1, in line 16 change the word "Bookkeepers" to "Bookkeeper," strike out the figure "(2)" and figures "$4,320.00" and insert in lieu thereof the figures "$2,400.00."

Page 2, Section 1, in line 17 strike out the figures "(10)" and the words "(Salaries as fixed by law)" and the figures "$28,500.00" and insert in lieu thereof the figures "$42,600.00."

Page 2, Section 1, strike out all of line 18 "Patrolmen (5) $14,250.00."

Page 2, Section 1, in line 19 strike out the figure "6" and the figures "$9,800.00" and insert in lieu thereof the figure "(4)" and the figures "$2,160.00."

Page 2, Section 1, in line 20 strike out the figures "$790.00" and insert in lieu thereof the figures "$600.00."

Page 2, Section 1, in line 21 strike out the figures "$700.00" and insert in lieu thereof the figures "$600.00."

Page 2, Section 1, strike out all of line 22 "Furniture & Fixtures $75.00."

Page 2, Section 1, in line 24 strike out the figures "$1,400.00" and insert in lieu thereof the figures "$600.00."

Page 2, Section 1, in line 25 strike out the figures "$13,000.00" and insert in lieu thereof the figures "$22,590.00."

Page 2, Section 1, in line 27 strike out the figures "$3,000.00" and insert in lieu thereof the figures "$2,000.00."

Page 2, Section 1, in line 28 strike out the figures "$275.00" and insert in lieu thereof the figures "$276.00."

Page 2, Section 1, in line 30 strike out the figures "$700.00" and insert in lieu thereof the figures "$600.00."

Pag 2, Section 1, in line 32 strike out the figures "$23,000.00" and insert in lieu thereof the figures "$17,739.80."

Page 2, Section 1, insert a new line 32½ "New Cars (5) $4,364.20."

Page 3, Section 1, in line 33 strike out the figures "$1,260.00" and insert in lieu thereof the figures "$2,000.00."

Page 3, Section 1, insert a new line 33½ "Audit $500.00."

Re-number beginning with line 15—change to line 14 and continue re-numbering to the end of the section.

And recommend the adoption of the amendments of the Standing Committee.

And the further amendments:

In line 3, Section 1 of the printed bill, strike out the figures "$134,800.00" and insert in lieu thereof the figures "$135,840.00."

On page 3, Section 1, line 34 of the printed bill strike out the figures "$134,800.00" and insert in lieu thereof the figures "$135,840.00."

And the further amendments to the report of the Standing Committee:

On page 2, Section 1, line 10, strike out the figures "$4,000.00" and insert in lieu thereof the figures "$3,600.00."

On page 2, Section 1, line 11, strike out the figures "$3,600.00" and insert in lieu thereof the figures "$3,360.00."

On page 2, Section 1, line 13, strike out the figures "$2,400.00" and insert in lieu thereof the figures "$2,160.00."

And when so amended, recommend the same do pass.

W. M. CROCKETT, Chairman, Committee of the Whole.

Rep. Fitch moved that the adoption of the report of the Committee of the Whole be adopted, which motion prevailed.

Rep. Twichell moved that the House revert to the Fifth Order of Business, which motion prevailed.

## REPORTS OF STANDING COMMITTEES

Mr. Speaker: Your Committee on Delayed Bills to whom was referred:

A Bill for an Act Reserving to the State of North Dakota All Rights to Minerals, Natural Gas or Oil Which May Be

Found or Underlying All Lands Owned by the State of North Dakota or Hereafter Acquired by the State of North Dakota by Foreclosure, Quit Claim Deed or Otherwise; Declaring an Emergency.

Have had the same under consideration and recommend that the same be approved for introduction.

REP. HULTSTRAND, Chairman.

Rep. Hultstrand moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Delayed Bills to whom was referred:

A Bill for an Act to License Certain Types of Coin-operated Devices; to Regulate the Operation Thereof; to Designate the Penalties for the Violation of the Provisions of This Act; to Define Certain Types of Coin-operated Devices; Providing for the Division and Distribution of the Revenue Derived Therefrom and Other Matters Properly Thereto; and Providing That All Laws in Conflict Are Repealed.

Have had the same under consideration and recommend that the same be approved for introduction.

REP. HULTSTRAND, Chairman.

Rep. Hultstrand moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on State Affairs to whom was referred House Bill No. 373, have had the same under consideration and recommend that the same be indefinitely postponed.

W. M. CROCKETT, Chairman.

Rep. Saumur moved that the report be adopted, which motion prevailed, and the report was adopted.

Rep. Nelson of Cass moved that the vote by which House Bill No. 373 was indefinitely postponed be reconsidered, and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on State Affairs 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 introductory line of the bill, add the names of Ritter, Schauss, Schimke and Joiner.

At the end of line 6, and the beginning of line 7, Section 1, strike out the words "July first, after."

Section 4, line 6, strike out the word and figures "One ($1.00)" and insert the word and figures "Five Dollars ($5.00)."

In line 14, Section 5, after the word "for;" insert the following, "the annual premium upon which bond shall not be in excess of Two Dollars and Fifty Cents ($2.50);"

Section 5, following the word "State," line 18, strike out all of the balance of line 18 and all of lines 19 and 20 and change the comma ( , ) after the word "State" to a period ( . ).

Section 6, line 78, after the comma ( , ) following the word "Altered" insert "stamps or insignia."

Section 8, line 39, after the word "stamp," insert the words "or insignia."

Section 8, line 44, after the word "stamp," insert the words "or insignia."

Section 14, at the end of line 26, strike out the word "general" and insert the words "common school."

And when so amended, recommend the same do pass.

W. M. CROCKETT, Chairman.

Rep. Twichell moved that the report be adopted, which motion prevailed, and the report was adopted.

Rep. Bergesen moved that House Bill No. 369 be laid over for one legislative day, which motion was seconded.

Rep. Crockett moved a substitute motion that action on House Bill No. 369 be taken up as soon as the bill is printed, which motion prevailed.

Mr. Speaker: Your Committee on State Affairs to whom was referred House Bill No. 352, have had the same under consideration and recommend that the same be indefinitely postponed.

W. M. CROCKETT, Chairman.

Rep. Lange moved that the report be adopted, which motion prevailed, and the report was adopted.

Rep. Lange 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.

Mr. Speaker: Your Committee on State Affairs to whom was referred House Bill No. 356, have had the same under consideration and recommend that the same do pass.

W. M. CROCKETT, Chairman.

Rep. Fletcher moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on State Affairs to whom was referred House Bill No. 305, have had the same under consideration and recommend that the same be indefinitely postponed.

W. M. CROCKETT, Chairman.

Rep. Nystrom moved that the report be adopted, which motion prevailed, and the report was adopted.

Rep. Twichell moved that the vote by which House Bill No. 305 was indefinitely postponed be reconsidered, and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on State Affairs to whom was referred House Bill No. 362, have had the same under consideration and recommend that the same do pass.

W. M. CROCKETT, Chairman.

Rep. Twichell moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on State Affairs to whom was referred House Bill No. 367, have had the same under consideration and recommend that the same be indefinitely postponed.

W. M. CROCKETT, Chairman.

Rep. Twichell moved that the report be adopted, which motion prevailed, and the report was adopted.

Rep. Stone moved that the vote by which House Bill No. 367 was indefinitely postponed be reconsidered, and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on State Affairs to whom was referred House Bill No. 348, have had the same under consideration and recommend that the same be indefinitely postponed.

W. M. CROCKETT, Chairman.

Rep. Dalzell moved that the report be adopted, which motion prevailed, and the report was adopted.

Rep. Dalzell moved that the vote by which House Bill No. 348 was indefinitely postponed be reconsidered, and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on State Affairs to whom was referred House Bill No. 326, have had the same under consideration and recommend that the same be indefinitely postponed.

W. M. CROCKETT, Chairman.

Rep. Holthusen moved that the report be adopted, which motion prevailed, and the report was adopted.

Rep. Wambheim moved that the vote by which House Bill No. 326 was indefinitely postponed be reconsidered, and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on State Affairs to whom was referred House Bill No. 277, have had the same under consideration and recommend that the same do pass.

W. M. CROCKETT, Chairman.

Rep. Halvorson moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Appropriations to whom was referred House Bill No. 22, have had the same under consideration and recommend that the same do pass.

C. P. RITTER, Acting Chairman.

Rep. Trydahl moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Appropriations to whom was referred House Bill No. 43, have had the same under consideration and recommend that the same be amended as follows:

Page 1, Section 1, line 3 strike out the figures "$143,-300.00" and insert in lieu thereof the figures "$119,100.00."

Page 2, Section 1, line 14 strike out the figures "$500.00" and insert in lieu thereof the figures "$200.00."

Page 2, Section 1, line 15 strike out the figures "$4,000.00" and insert in lieu thereof the figures "$3,000.00."

Page 2, Section 1, line 17 strike out the figures "$20,-000.00" and insert in lieu thereof the figures "$15,000.00."

Page 2, Section 1, line 19 strike out the figures "$13,500.00" and insert in lieu thereof the figures "$8,000.00."

Page 2, Section 1, strike out all of line 22 "Construction $10,000.00."

Page 2, Section 1, line 24 strike out the figures "$2,800.00" and insert in lieu thereof the figures "$2,400.00."

Page 2, Section 1, line 26 strike out the figures "$4,000.00" and insert in lieu thereof the figures "$2,000.000."

Page 2, Section 1, line 27 strike out the figures "$143,-300.00" and insert in lieu thereof the figures "$119,100.00."

Re-number beginning with line 23—change to line 22 and continue re-numbering to the end of the section.

And when so amended recommend the same do pass.

C. P. RITTER, Acting Chairman.

Rep. Symington moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Appropriations to whom was referred House Bill No. 149, have had the same under consideration and recommend that the same do pass.

C. P. RITTER, Acting Chairman.

Rep. Morland moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Appropriations to whom was referred House Bill No. 140, have had the same under consideration and recommend that the same be indefinitely postponed.

C. P. RITTER, Acting Chairman.

Rep. Wolf moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Appropriations to whom was referred House Bill No. 139, have had the same under consideration and recommend that the same do pass.

C. P. RITTER, Acting Chairman.

Rep. Schimke moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Appropriations to whom was referred House Bill No. 150, have had the same under consideration and recommend that the same do pass as amended by the Committee on Taxes and Tax Laws.

Amendments will be found on Page 574 of the House Journal.

And when so amended recommend the same do pass.

C. P. RITTER, Acting Chairman.

Rep. Morland moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Public Welfare to whom was referred House Bill No. 212, have had the same under consideration and recommend that the same be indefinitely postponed.

BERNT ANDERSON, Chairman.

Rep. Haugland moved that the report be adopted, which motion prevailed and the report was adopted.

Rep. Rohde moved that the vote by which House Bill No. 212 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on Public Welfare to whom was referred House Bill No. 257, have had the same under consideration and recommend that the same do pass.

BERNT ANDERSON, Chairman.

Rep. Rohde moved that the report be adopted, which motion prevailed and the report was adopted.

## MESSAGE TO THE SENATE

**House of Representatives,**
February 17, 1939.

**Mr. President: I have the honor to transmit:**

House Bill No. 13. 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.

House Bill No. 293. A Bill for an Act to Amend and Reenact Section 8235 of the Compiled Laws of 1913, Relating to Waters Subject to Beneficial Appropriation and Declaring an Emergency.

House Bill No. 312. A Bill for an Act to Amend and Reenact Section 2373 of the Supplement to the 1913 Compiled Laws of North Dakota Relating to Appointment and Election of Officers Under the Provisions of the Military Code; Declaring an Emergency.

House Bill No. 210. A Bill for an Act to Amend and Reenact Section 14, of Chapter 94, Session Laws of 1931, Providing for Investment in Shares of Building and Loan Associations by Fiduciaries, Trusts, Insurance Companies, and Banks.

House Bill No. 328. A Bill for an Act to Amend and Re-enact Section 6 of That Certain Initiated Measure Adopted by the Electors of the State of North Dakota on September 22, 1933, Relating to the Manufacture, Sale and Distribution of Beer, as Amended by Chapter 98 of the Session Laws of North Dakota for the Year 1935, and Chapter 98 of the Session Laws of North Dakota for the Year 1937; Repealing All Acts and Parts of Acts in Conflict Herewith, and Declaring an Emergency.

House Bill No. 300. A Bill for an Act to Amend and Reenact Section 14, Chapter 309 of the Laws of North Dakota, 1931, Providing for the Furnishing Without Charge of Copies of Public Records; Repealing All Acts in Conflict and Declaring an Emergency.

House Bill No. 253. A Bill for an Act to Amend and Reenact Section 1 of Chapter 174 of the Session Laws of North Dakota for the Year 1937, Relating to Pensions for Policemen and Dependents in Cities Now or Hereafter Having a Population in Excess of Twenty-five Thousand (25,000) Inhabitants.

House Bill No. 263. A Bill for an Act to Amend and Reenact Sections 10169a4, and 10169a5 of the 1925 Supplement to the Compiled Laws of North Dakota, 1913, of the North Dakota Beverage Inspection Act, to Include Alcoholic Beverages, Defining the Beverages Coming Within the Provisions of That Act, and Fixing the License Fee Required to Be Paid, and Declaring an Emergency.

House Bill No. 160. 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.

House Bill No. 259. A Bill for an Act Amending Section 7316 of the Compiled Laws of 1913, Relating to the Enforcement of Penalty; Forfeiture and Punishment of Violators of

a Statute That Has Been Repealed; and Declaring an Emergency.

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

MINNIE D. CRAIG, Chief Clerk.

REPORTS OF STANDING COMMITTEES

Mr. Speaker: Your Committee on Public Welfare to whom was referred:

House Bill No. 281, have had the same under consideration and recommend that the same be amended as follows:

On page 1, Section 1, strike out line 3, after the words "North Dakota" through and including line 35, and insert the following: "may of its own motion, and shall when petitioned by written petition signed by not less than ten (10%) per cent of the electors residing in said county and outside of any duly organized city or village therein so to do, submit to the electors of such county at the next primary or general election to be held therein the question of the adoption of the provisions of this Act and if, at such election, a majority of the voters are in favor of such adoption such county shall be a local health unit, or if embracing more than one county, a health district; and thereupon all provisions of law in conflict with the provisions of this Act shall become inoperative throughout the territory embraced within such county, and outside of the duly organized cities and villages therein."

And when so amended recommend the same do pass.

BERNT ANDERSON, Chairman.

Rep. Haugland moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Public Welfare to whom was referred:

House Bill No. 292, have had the same under consideration and recommend that the same do pass.

BERNT ANDERSON, Chairman.

Rep. Arneson of Nelson moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Judiciary to whom was referred:

House Bill No. 301, have had the same under consideration and recommend that the same be amended as follows:

On page 2, line 17, after the word "otherwise" change "copies" to "copied. In section 2, line 7, on same page after the word "any" change the word "state" to "stage." In Section 20, line 16, after the word incorporated change the word "by" to "to." In section 37, line 5, insert the word "miswriting" after the word "any." In section 40, line 3, after the word "invalid" insert the word "or" in lieu of the word "and" and also insert the word "insufficient" in lieu of the word "sufficient." After the word "insufficient" in the same line and same section insert the following: "any indictment or information which would have been valid and sufficient." In all cases where the number 155 appears insert in lieu thereof the number 8 and in all cases where the number 154 appears insert in lieu thereof the number 7.

J. M. ANDERSON, Chairman.

Rep. Nelson of Steele moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Public Welfare to whom was referred:

House Bill No. 350, have had the same under consideration and recommend that the same do pass.

BERNT ANDERSON, Chairman.

Rep. Arneson of Nelson moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Public Welfare to whom was referred:

House Bill No. 353, have had the same under consideration and recommend that the same be amended as follows:

Page 3, Section 13, after the word "action," insert the following: "The Court may order the return of the person to the County of his legal residence or."

Line 36, Section 13, strike out the word "of" and insert in lieu thereof the word "to."

Line 38, Section 14, after the word "and" insert the word "upon."

And when so amended recommend the same do pass.

BERNT ANDERSON, Chairman.

Rep. Arneson of Nelson moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Insurance to whom was referred House Bill No. 359, have had the same under consideration and recommend that the same do pass.

PETER PETERSON, Chairman.

Rep. Schauss moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Judiciary to whom was referred House Bill No. 372, have had the same under consideration and recommend that the same do pass.

J. M. ANDERSON, Chairman.

Rep. Beede moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Judiciary to whom was referred House Bill No. 371, have had the same under consideration and recommend that the same be indefinitely postponed.

J. M. ANDERSON, Chairman.

Rep. Rettke moved that the report be adopted, which motion prevailed and the report was adopted.

Rep. Keller moved that the vote by which House Bill No. 371 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on Judiciary to whom was referred House Bill No. 375, have had the same under consideration and report the same without recommendation.

J. M. ANDERSON, Chairman.

Rep. Keller moved that the report be adopted, which motion prevailed and the report was adopted.

Rep. Crockett moved that House Bill No. 375 be indefinitely postponed.

Rep. Bergesen moved a substitute motion that House Bill No. 375 be placed on the calendar, which motion prevailed.

Mr. Speaker: A majority of your Committee on Public

Welfare to whom was referred House Bill No. 321, have had the same under consideration and recommend that the same do pass.

A. O. ARNESON
T. O. ROHDE
MRS. GEO. ISTA
BERNT ANDERSON
IVER SOLBERG
DAN PANKO
W. E. SELLENS
JOHN A. SCHMIDT
R. G. BEEDE
BRYNHILD HAUGLAND
ANDREW HALVORSON
A. R. BERGESEN

Mr. Speaker: A minority of your Committee on Public Welfare to whom was referred House Bill No. 321, have had the same under consideration and recommend that the same be indefniitely postponed.

H. W. McINNES
ED. HAAG

Rep. Rohde moved the adoption of the report of the majority.

Rep. McInnes moved 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 adoption of the report of the majority, the motion prevailed.

Mr. Speaker: Your Committee on Ways and Means to whom was referred House Bill No. 84, have had the same under consideration and recommend that the same do pass.

CARL ANFINSON, Chairman.

Rep. Braun moved that the report be adopted.

Rep. Fitch moved a substitute motion that House Bill No. 84 be indefinitely postponed, which motion prevailed.

Rep. Fitch moved that the vote by which House Bill No. 84 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on Taxes and Tax Laws to whom was referred House Bill No. 357, have had the same under consideration and recommend that the same do pass.

N. P. JENSEN, Chairman.

Rep. Page moved that the report be adopted.

Rep. Fitch moved a substitute motion that House Bill No. 357 go to General Orders, which motion was lost.

The question being on the report of the committee that House Bill No. 357 do pass, the motion prevailed.

Mr. Speaker: Your Committee on Game and Fish to whom was referred House Bill No. 363, have had the same under consideration and recommend that the same be indefinitely postponed.

REP. LEVIN, Chairman.

Rep. Halvorson moved that the report be adopted, which motion prevailed and the report was adopted.

Rep. Rohde moved that the vote by which House Bill No. 363 was indefinitely postponed be reconsidered and the mo-

tion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on Game and Fish to whom was referred House Bill No. 364, have had the same under consideration and recommend that the same do pass.

REP. LEVIN, Chairman.

Rep. Dalzell moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Taxes and Tax Laws to whom was referred:

House Bill No. 341, have had the same under consideration and recommend that the same be returned to the House without recommendation.

N. P. JENSEN, Chairman.

Rep. Gray moved that the report be adopted.

Rep. Benno moved a substitute motion that House Bill No. 341 go on the calendar, which motion prevailed.

Mr. Speaker: Your Committee on Taxes and Tax Laws to whom was referred:

House Bill No. 344, have had the same under consideration and recommend that the same be indefinitely postponed.

N. P. JENSEN, Chairman.

Rep. Skartvedt moved that the report be adopted, which motion prevailed, and the report was adopted.

Rep. Crockett moved that the vote by which House Bill No. 344 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on Taxes and Tax Laws to whom was referred:

House Bill No. 345, have had the same under consideration and recommend that the same be indefinitely postponed.

N. P. JENSEN, Chairman.

Rep. Myers moved that the report be adopted, which motion prevailed and the report was adopted.

Rep. Knutson moved that the vote by which House Bill No. 345 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on Public Welfare to whom was referred:

House Concurrent Resolution No. 368, have had the same under consideration and recommend that the same do pass.

BERNT ANDERSON, Chairman.

Rep. Moe moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Taxes and Tax Laws to whom was referred:

House Bill No. 374, have had the same under consideration and recommend that the same be indefinitely postponed.

N. P. JENSEN, Chairman.

Rep. Page moved that the report be adopted.

Rep. Scholl moved a substitute motion that House Bill No. 374 be placed on the calendar, whihc motion was lost.

The question being on the adoption of the report of the

committee, that House Bill No. 374 be indefinitely postponed, the motion prevailed.

Rep. Skartvedt moved that the vote by which House Bill No. 374 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: A majority of your Committee on State Affairs to whom was referred:

House Bill No. 323, have had the same under consideration and recommend that the same be indefinitely postponed.

ALVA WAMBHEIM
PALMER LEVIN
F. FLETCHER
DUNCAN FRASER
J. D. HOLTHUSEN
L. L. TWICHELL
GEO. SAUMUR
JOE BYRNE
ALEX DALZELL
A. H. NYSTROM

Mr. Speaker: A minority of your Committee on State Affairs to whom was referred:

House Bill No. 323, have had the same under consideration and recommend that the same do pass.

J. M. JOINER
GEORGE H. LANGE
R. R. SCHOLL
ALGOT JOHNSON
ANDREW HALVORSON

Rep. Dalzell moved that the report of the majority be adopted.

Rep. Lange moved a substitute motion to substitute the minority report for that of the majority, which motion was lost.

The question being on the report of the majority, the motion prevailed and House Bill No. 323 was indefinitely postponed.

Rep. Stone moved that the vote by which House Bill No. 323 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: A majority of your Committee on State Affairs to whom was referred:

House Bill No. 324, have had the same under consideration and recommend that the same be indefinitely postponed.

ALVA WAMBHEIM
PALMER LEVIN
F. FLETCHER
DUNCAN FRASER
J. D. HOLTHUSEN
L. L. TWICHELL
GEO. SAUMUR
JOE BYRNE
ALEX DALZELL
A. H. NYSTROM

Mr. Speaker: A minority of your Committee on State Affairs to whom was referred:

House Bill No. 324, have had the same under consideration and recommend that the same do pass.

J. M. JOINER
ALGOT JOHNSON
ANDREW HALVORSON
GEO. H. LANGE
R. R. SCHOLL

Rep. Wambheim moved that the report of the majority be adopted.

Rep. Lange moved to substitute the report of the minority for the report of the majority, which motion was lost.

The question being on the report of the majority, which motion prevailed and the House Bill No. 324 was indefinitely postponed.

Rep. Wambheim moved that the vote by which House Bill No. 324 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on Insurance to whom was referred:

Senate Bill No. 259, have had the same under consideration and recommend that the same do pass.

A quorum consisting of the following were present:

K. A. FITCH
TARGIE TRYDAHL
RICHARD E. WOLF
P. T. HOLM
ALVA WAMBHEIM
CARL ANFINSON
CARL H. DITTMER
JOE BYRNE
PETER PETERSON, Chm.

Rep. Fitch moved that the report be adopted, which motion prevailed, and the report was adopted.

Rep. Scholl moved that the Governor be requested to return House Bill No. 245, unsigned, which motion was seconded and carried.

A roll call was demanded and granted.

ROLL CALL

The question being on a request to the Governor to return, unsigned, House Bill No. 245, the roll was called and there were ayes, 52; nays, 51; absent and not voting, 8.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Heckman | Odegard |
| Anderson, Benson | Hofstrand | Ostgulen |
| Anderson,M'K'nzie | Hultstrand | Panko |
| Anfinson | Ista | Peterson,Bottineau |
| Arneson, Ramsey | Jensen | Rait |
| Beede | Johnson, LaMoure | Rettke |
| Billigmeier | Joiner | Rohde |
| Bingenheimer | Keller | Sand |
| Braun, McLean | Knutson | Schmidt, Sheridan |
| Buchholz | Lange | Scholl |
| Erickson | Levin | Schwartz |
| Feton | McIntee | Semerad |

| | | |
|---|---|---|
| Fletcher | McIntyre | Stormon |
| Fraser | Myers | Urschel |
| Glas | Mittag | Williams,Richland |
| Haag | Mollet | Wolf |
| Halvorson | Nelson, Dickey | Mr. Speaker |
| Haugland | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Arneson, Nelson | Gray | Schmidt, McHenry |
| Benno | Holthusen | Sellens |
| Bergesen | Ireland | Severson |
| Blair | Johnson, Cass | Sharpe |
| Bolmeier | Kluver | Shure |
| Boulden | McInnes | Singleton |
| Braun, Stark | Moe | Skartvedt |
| Brown | Morland | Solberg |
| Byrne | Nelson, Cass | Stone |
| Crockett | Nelson, Steele | Symington |
| Culver | Nystrom | Thompson,Burl'gh |
| Dalzell | Oglesby | Thompson, Steele |
| Dike | Page | Trydahl |
| Dittmer | Peterson, Ransom | Twichell |
| Fitch | Ritter | Wambheim |
| Fuglestad | Saumur | Westby |
| Gainor | Schauss | Williams,Stutsm'n |

Absent and not voting:

| | | |
|---|---|---|
| Belzer | Lunde | Sticka |
| Holm | O'Brien | Tuff |
| Larson | Schimke | |

So the motion was lost for lack of a two-thirds majority.

Rep. Fitch moved that the vote by which the motion was lost be reconsidered, and the motion to reconsider be laid on the table, which motion prevailed.

Rep. Bergesen: I voted for reconsideration of this measure when it was up for reconsideration. But it seems to me that since this bill has passed both Houses we no longer have jurisdiction over it. It is entirely up to the Governor. I vote "no."

Rep. Blair: Two years ago I voted "no" on the passage of this bill. A few days ago I voted "aye" on the repeal of that measure. Today I am voting "no" on the question of its being returned to this House by the Governor and I have not changed my mind from my original thoughts. I vote "no."

Rep. Ireland: We elected the Governor, and I still have faith in the Governor. I think he will do the right thing. I voted on this partly on some one else's word. I am going to leave it up to the Governor. I vote "no."

Rep. Jensen: I also have faith in the Governor, but I am not going to ask the Governor to correct our mistakes. Therefore I vote "aye."

Speaker Hagen: I feel that I have done everything that I can possibly do to give the members of this House the chance to reconsider a possible mistake. As it turns out it has been made strictly a political battleground. I am entirely satisfied with the results. I vote "aye."

Rep. Anderson of Benson moved that the absent members be excused, which motion prevailed.

Rep. Fitch moved the House do now adjourn, which motion prevailed, and the House stood adjourned.

## FORTY-SIXTH DAY

Bismarck, February 17, 1939.

The House assembled at 2:00 P. M., pursuant to adjournment, Speaker Hagen presiding.

Prayer by Rev. N. E. Elsworth, Bismarck.

Roll call: All Representatives present except Belzer, Larson, Lunde, O'Brien, Schauss, Schimke, Sticka, Tuff, Twichell.

So a quorum was declared present.

## MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, February 17, 1939.

Mr. Speaker: I have the honor to transmit:

Senate Bill No. 8. A Bill for an Act Making an Appropriation for the General Maintenance, and Miscellaneous Expenses of the State Hospital for the Insane at Jamestown, North Dakota.

Senate Bill No. 262. A Bill for an Act Authorizing Investment of All Trust Funds by Legal Custodian; Providing Appropriations of Trust Funds for Investment Purposes and Repealing All Acts in Conflict Herewith.

Senate Bill No. 256. A Bill for an Act to Amend and Reenact Sub-division (1) of Section 811 of the Supplement to the Compiled Laws of North Dakota for 1913, as Amended by Chapter 143, of the Session Laws of North Dakota for 1933, Relating to the Distribution of State Bar Funds to the Bar Association of North Dakota and Declaring an Emergency.

Senate Bill No. 247. A Bill for an Act Amending Section 9991 of the 1925 Supplement of the By-Laws of 1913, Relating to Misuse of Fraternal and Other Emblems to Victimize Charitably Disposed Persons Through False Personification.

Senate Bill No. 193. A Bill for an Act Permitting the County Court to Make Decrees of Distribution and Close Estates Without the Payment of Real Estate Taxes Levied Upon Real Property of the Estate.

Senate Bill No. 184. A Bill for an Act Authorizing the Adjutant General to Expend the Sum of $8,000.00 From the Balance Remaining in the "Returned Soldiers Fund" for the Purpose of Registering and Compiling Records of the Graves of Deceased Soldiers, Sailors, or Marines Buried in This State and for Caring for and Preserving of Soldier Records, and Declaring an Emergency.

Senate Bill No. 213. A Bill for an Act to Amend and Reenact Sections 3, 4, 12, 15, 26 and 27, of Chapter 157, of the Laws of 1927, and Section 1, of Chapter 137, of the Laws of 1937, Relating to the Occupation of Hairdressers and Cosmetologists, the Conduct of Schools for Hairdressing and Cosmetology, the Qualification of Applicants for Examinations, Certificates, and Making Provisions for the Payment of Fees in Connection Therewith.

Senate Bill No. 180. A Bill for an Act to Repeal Sections 1326a1, 1326a2, 1326a3, 1326a4 and 1326a5 of the Supple-

ment to the 1913 Compiled Laws of North Dakota, Relating to a Petition by Electors to Increase Debt Limit of School Districts.

Senate Bill No. 170. A Bill for an Act to Amend Section 4073a of the 1925 Supplement to the Compiled Laws of North Dakota for 1913; and Declaring an Emergency.

Senate Bill No. 187. A Bill for an Act to Permit School Districts, Discontinuing High Schools, to Furnish for High School Students, Transportation to Other School Districts Having High School Facilities.

Senate Bill No. 77. A Bill for an Act Providing for Reciprocity in Fixing Tuition Fees of Non-resident Students Attending Institutions of Higher Education in the State of North Dakota and Defining Non-resident Students, and Fixing Registration and Tuition Fees of Non-resident Students Residing in Foreign Countries Other Than the Dominion of Canada.

Senate Bill No. 250. A Bill for an Act to Amend and Reenact Section 2565 of the Compiled Laws of North Dakota for the Year 1913, as Amended by Chapter 109, of the Session Laws of 1929, Relating to Salaries and Fees of Members of Board of Commissioners of Insanity, by Whom Paid, and Declaring an Emergency.

Senate Bill No. 233. A Bill for an Act Providing for a Lien in Favor of House-Movers and Providing for the Filing, Perfection and Enforcement of Said Lien.

Senate Bill No. 183. A Bill for an Act to Fix the Tax Levy Limitation for School Districts Which Have Heretofore Voted to Increase the Tax Levy Limit Therein; and Repealing Acts or Parts of Acts in Conflict Herewith.

Senate Bill No. 181. A Bill for an Act to Amend and Reenact Section 15, Chapter 309, Laws of North Dakota, 1931, Providing for Commitment of Veterans, Repealing All Acts and Parts of Acts in Conflict Herewith and Declaring an Emergency.

Senate Bill No. 125. A Bill for an Act Defining and Prohibiting Unfair Sales, Providing Remedies for Violation Thereof, and Establishing Penalties Therefor, and Declaring an Emergency.

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

WM. J. LOWE, Secretary.

Rep. Scholl moved that the House recess for a twenty-minute period, which motion prevailed.

The House was called to order pursuant to twenty-minute recess taken and the Speaker announced the House would be on the Third Order of Business.

## MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, February 17, 1939.

Mr. Speaker: I have the honor to transmit:

Senate Bill No. 49. A Bill for an Act to Amend and Reenact Chapter 245 of the Session Laws of 1937. An Act to Encourage and Promote the Payment of Taxes by Providing for a Rebate on Prepayments.

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

WM. J. LOWE, Secretary.

## REPORT OF STANDING COMMITTEE

Mr. Speaker: 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 704, second and third paragraphs from bottom of page, reverse order of appearance of the paragraphs.

On page 710, five lines from top of page after the word "adopted" strike out the period and add the words "which motion prevailed."

On page 710, six lines from top of page, strike out the words "a substitute motion."

On page 715, two lines from top of page, strike out the word "if" and insert in lieu thereof the word "it."

On page 728, twenty-two lines from the top, strike out the figure "38" and insert the figure "37."

On page 728, twenty-three lines from the top, strike out the figure "58" and insert the figure "59." Peterson of Ransom voted "aye."

On page 730, line 18 from bottom, correct spelling of "Fitch" in place of "Fich."

And when so amended recommend that the same be approved.

REP. GLAS, Chairman.

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

Petitions were received from 132 citizens of Towner County protesting against the proposed chain store tax.

A similar petition was received from 132 citizens of Dickinson and vicinity.

Telegrams were received opposing the chain store tax from the Culp Truck Line and John F. Krank of Dickinson.

Rep. Anderson of Benson moved to have House Bill No. 375 be re-referred back to the Committee on Judiciary, which motion prevailed.

## SIGNING OF BILLS

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 49. A Bill for an Act to Amend and Reenact Chapter 245 of the Session Laws of 1937. An Act to Encourage and Promote the Payment of Taxes by Providing for a Rebate on Prepayments.

And the Speaker signed the same in the presence of the House.

## FIRST READING OF HOUSE BILLS

The Committee on Delayed Bills introduced:

House Bill No. 389. A Bill for an Act to License Certain Types of Coin-operated Devices; to Regulate the Operation Thereof; to Designate the Penalties for the Violation of the Provisions of This Act; to Define Certain Types of Coin-

operated Devices; Providing for the Division and Distribution of the Revenue Derived Therefrom and Other Matters Properly Thereto; and Providing That All Laws in Conflict are Repealed.

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

The Committee on Delayed Bills introduced:

House Bill No. 390. A Bill for an Act Reserving to the State of North Dakota All Rights to Minerals, Natural Gas or Oil Which May be Found or Underlying All Lands Owned by the State of North Dakota or Hereafter Acquired by the State of North Dakota by Foreclosure, Quit Claim Deed or Otherwise; Declaring an Emergency.

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

House Concurrent Resolution No. 391 was read the first time.

HOUSE CONCURRENT RESOLUTION No. 391

WHEREAS the Supreme Ruler of the Universe, in His infinite wisdom, has removed Rev. R. E. Strutz from the midst of his family and the community, and

WHEREAS Rev. Strutz has served as a highly respected member of the Legislative Assembly of the State of North Dakota during the 1931 and 1933 Sessions, and

WHEREAS Rev. Strutz has been a pioneer resident of the State of North Dakota for the last fifty years, and a minister of the gospel for the past forty-five years, having founded the Evangelical Church and Hospital at Bismarck,

and

WHEREAS Rev. Strutz has reared a fine family of North Dakota citizens, several of whom have won honor and distinction in public service in their respective fields of endeavor, and one of whom, the Honorable Alvin C. Strutz, now holds the high office of Attorney General in the State of North Dakota,

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, that we hereby express our regrets to the family of this sterling citizen, and to the members of his community;

BE IT FURTHER RESOLVED that this Resolution be printed in the Journal for the benefit of the citizens at large of the State of North Dakota, and that a copy thereof be mailed to Mrs. R. E. Strutz at Jamestown, North Dakota.

Rep. Twichell moved that House Concurrent Resolution No. 391 be adopted by standing vote, which motion prevailed and the House adopted House Concurrent Resolution No. 391 by standing vote.

Rep. Fitch: In view of the fact that the House has a flower fund for members of this House, I move that the Chief Clerk be instructed to use that portion of this fund which she deems necessary for flowers for former Representative Rev. R. E. Strutz of Jamestown.

## MESSAGE TO THE SENATE

House of Representatives,
Bismarck, February 17, 1939.

Mr. President: I have the honor to return:

Senate Bill No. 49. A Bill for an Act to Amend and Reenact Chapter 245 of the Session Laws of 1937. An Act to Encourage and Promote the Payment of Taxes by Providing for a Rebate on Prepayments.

Which the Speaker has signed.

Mr. President: I have the honor to transmit:

House Concurrent Resolution No. 391. A Concurrent Resolution Expressing the Regrets of the Legislative Assembly at the Demise of a Former Representative, Rev. R. E. Strutz.

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

MINNIE D. CRAIG, Chief Clerk.

## SECOND READING OF HOUSE BILLS

House Bill No. 58. A Bill for an Act Making an Appropriation to the State Historical Society for the Purchase of Materials and Supplies 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, 96; nays, 3; absent and not voting, 12.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Haag | Peterson,Bottineau |
| Anderson, Benson | Halvorson | Peterson, Ransom |
| Anderson,M'K'nzie | Haugland | Rait |
| Anfinson | Heckman | Rettke |
| Arneson, Nelson | Holm | Ritter |
| Beede | Holthusen | Rohde |
| Belzer | Hultstrand | Sand |
| Benno | Ireland | Schmidt, McHenry |
| Bergesen | Ista | Schmidt, Sheridan |
| Billigmeier | Johnson, LaMoure | Schimke |
| Bingenheimer | Joiner | Scholl |
| Blair | Keller | Schwartz |
| Bolmeier | Kluver | Sellens |
| Boulden | Knutson | Severson |
| Braun, McLean | Lange | Sharpe |
| Braun, Stark | Lunde | Shure |
| Brown | McInnes | Singleton |
| Buchholz | McIntee | Skartvedt |
| Crockett | McIntyre | Solberg |
| Culver | Myers | Stone |
| Dalzell | Mittag | Stormon |
| Dike | Mollet | Symington |
| Dittmer | Morland | Thompson,Burl'gh |
| Erickson | Nelson, Cass | Thompson, Steele |
| Feton | Nelson, Dickey | Trydahl |
| Fitch | Nelson, Steele | Tuff |
| Fletcher | Nystrom | Urschel |
| Fraser | Odegard | Wambheim |
| Fuglestad | Oglesby | Westby |

| | | |
|---|---|---|
| Gainor | Ostgulen | Williams,Richland |
| Glas | Page | Williams,Stutsm'n |
| Gray | Panko | Mr. Speaker |

Those voting in the negative were:

| | | |
|---|---|---|
| Arneson, Ramsey | Jensen | Semerad |

Absent and not voting:

| | | |
|---|---|---|
| Byrne | Levin | Schauss |
| Hofstrand | Moe | Sticka |
| Johnson, Cass | O'Brien | Twichell |
| Larson | Saumur | Wolf |

So the bill passed and the title was agreed to and the Emergency Clause was declared carried.

Rep. Ista moved that the vote by which House Bill No. 58 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

## MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, February 17, 1939.

Mr. Speaker: I have the honor to transmit:

Senate Bill No. 246. A Bill for an Act Exempting Employes Who Are Residents of and Who Are Insured Under the Workmen's Compensation Act or Similar Statute of Another State From the Application of the North Dakota Workmen's Compensation Act Where Such Other State Recognizes Extra-territorial Coverage Furnished to North Dakota Employers for Their Employes While Working in Such Other State.

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

WM. J. LOWE, Secretary.

## SECOND READING OF HOUSE BILLS

House Bill No. 163. A Bill for an Act Making an Appropriation to the State Historical Society for the Purchase of Materials and Supplies to be Used in the Reconstruction of Fort Union and Fort Buford.

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, 88: nays, 10; absent and not voting, 13.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Glas | Peterson,Bottineau |
| Anderson, Benson | Gray | Peterson, Ransom |
| Anderson,M'K'nzie | Haag | Rait |
| Arneson, Nelson | Halvorson | Rettke |
| Arneson, Ramsey | Haugland | Ritter |
| Beede | Heckman | Rohde |
| Belzer | Holm | Schauss |
| Benno | Holthusen | Schmidt, McHenry |
| Bergesen | Hultstrand | Schmidt, Sheridan |
| Billigmeier | Ireland | Schimke |
| Bingenheimer | Ista | Scholl |
| Bolmeier | Johnson, Cass | Schwartz |

| | | |
|---|---|---|
| Boulden | Johnson, LaMoure | Sellens |
| Braun, McLean | Joiner | Severson |
| Braun, Stark | Kluver | Sharpe |
| Brown | Lange | Singleton |
| Buchholz | McInnes | Skartvedt |
| Byrne | McIntee | Solberg |
| Crockett | McIntyre | Stone |
| Culver | Myers | Thompson, Steele |
| Dalzell | Mittag | Trydahl |
| Dike | Mollet | Tuff |
| Dittmer | Morland | Urschel |
| Erickson | Nelson, Dickey | Wambheim |
| Feton | Nelson, Steele | Westby |
| Fitch | Nystrom | Williams,Richland |
| Fletcher | Odegard | Williams,Stutsm'n |
| Fraser | Page | Wolf |
| Fuglestad | Panko | Mr. Speaker |
| Gainor | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Blair | Oglesby | Shure |
| Jensen | Ostgulen | Symington |
| Keller | Semerad | Twichell |
| Moe | | |

Absent and not voting:

| | | |
|---|---|---|
| Anfinson | Lunde | Saumur |
| Hofstrand | Nelson, Cass | Sticka |
| Knutson | O'Brien | Stormon |
| Larson | Sand | Thompson,Burl'gh |
| Levin | | |

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

Rep. Rohde moved that the vote by which House Bill No. 163 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Rep. Moe: As long as we are holding out our hand to the Federal Government begging for money this isn't the time for us to appropriate money for parks. The time is coming when we must put our people on their feet so that they can be in a position to take care of these parks in the future. I vote "no."

Rep. Stone: I vote "aye" for this bill for the reason that you work every tax on the people and the sooner you break them all the better it will be.

Rep. Severson: I vote "aye" on this proposition with the hope that Ransom County will get the same consideration.

House Bill No. 290. A Bill for an Act to Amend and Reenact Section 8 of Chapter 145 of the Session Laws of North Dakota, for the Year 1937, Relating to All Benevolent Corporations, Associations or Societies Operating on Voluntary or Involuntary Assessment or Contribution Plan.

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, 96; nays, 8; absent and not voting, 7.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Haag | Ostgulen |
| Anderson, Benson | Halvorson | Panko |
| Anderson,M'K'nzie | Haugland | Peterson,Bottineau |
| Anfinson | Heckman | Peterson, Ransom |
| Arneson, Nelson | Hofstrand | Rait |
| Arneson, Ramsey | Holm | Rettke |
| Beede | Holthusen | Rohde |
| Belzer | Hultstrand | Saumur |
| Benno | Ireland | Schmidt, McHenry |
| Bergesen | Ista | Schmidt, Sheridan |
| Billigmeier | Jensen | Scholl |
| Bingenheimer | Johnson, Cass | Schwartz |
| Blair | Johnson, LaMoure | Sellens |
| Bolmeier | Joiner | Semerad |
| Boulden | Keller | Severson |
| Braun, McLean | Kluver | Shure |
| Braun, Stark | Knutson | Singleton |
| Brown | Lange | Solberg |
| Buchholz | Levin | Stone |
| Byrne | McInnes | Symington |
| Crockett | McIntee | Thompson,Burl'gh |
| Culver | McIntyre | Thompson, Steele |
| Dalzell | Myers | Trydahl |
| Dike | Moe | Tuff |
| Dittmer | Mollet | Twichell |
| Erickson | Morland | Urschel |
| Feton | Nelson, Cass | Wambheim |
| Fletcher | Nelson, Dickey | Westby |
| Fraser | Nelson, Steele | Williams,Richland |
| Fuglestad | Nystrom | Williams,Stutsm'n |
| Gainor | Odegard | Wolf |
| Glas | Oglesby | Mr. Speaker |

Those voting in the negative were:

| | | |
|---|---|---|
| Fitch | Page | Schimke |
| Gray | Ritter | Sharpe |
| Mittag | Schauss | |

Absent and not voting:

| | | |
|---|---|---|
| Larson | Sand | Sticka |
| Lunde | Skartvedt | Stormon |
| O'Brien | | |

So the bill passed and the title was agreed to.

Rep. Beede moved that the vote by which House Bill No. 290 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 270 was read the second time.

Rep. Trydahl moved that House Bill No. 270 be indefinitely postponed, which motion was seconded.

Rep. Bergesen moved that the motion of Rep. Trydahl be laid on the table, which motion was lost.

The question being on the motion of Rep. Trydahl for indefinite postponement of House Bill No. 270, the motion was lost.

House Bill No. 270. A Bill for an Act to Create a State Board of Photographic Examiners and to Regulate the Practice of Professional Photography and to Provide for Licensing and Registration of Persons Engaged in the Practice of Professional Photography and to Protect the Public From Fraud Practiced by Unscrupulous and Irresponsible Persons Through Misrepresentation and Other Unconscionable Artifices and the Obtaining of the Possession of Property Without Returning Value Therefor and for the Protection of the Public Health and Safety; Providing for the Enforcement of the Provisions of This Act and for the Punishment for 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, 71; nays, 35; absent and not voting, 5.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Anderson, Benson | Ista | Ritter |
| Anderson,M'K'nzie | Jensen | Rohde |
| Anfinson | Johnson, Cass | Schauss |
| Arneson, Nelson | Johnson, LaMoure | Schimke |
| Beede | Keller | Scholl |
| Belzer | Kluver | Schwartz |
| Benno | Knutson | Sellens |
| Bergesen | Lange | Semerad |
| Billigmeier | Levin | Severson |
| Braun, McLean | McIntee | Sharpe |
| Braun, Stark | McIntyre | Singleton |
| Brown | Myers | Stone |
| Culver | Mittag | Stormon |
| Dalzell | Moe | Symington |
| Dike | Mollet | Thompson,Burl'gh |
| Erickson | Nelson, Dickey | Thompson, Steele |
| Fitch | Nelson, Steele | Trydahl |
| Fletcher | Odegard | Tuff |
| Fuglestad | Ostgulen | Urschel |
| Gainor | Page | Westby |
| Haugland | Panko | Williams,Richland |
| Heckman | Rait | Williams,Stutsm'n |
| Holm | Peterson, Ransom | Wolf |
| Holthusen | Rettke | |

Those voting in the negative were:

| | | |
|---|---|---|
| Adam | Glas | Oglesby |
| Arneson, Ramsey | Gray | Peterson,Bottineau |
| Bingenheimer | Haag | Saumur |
| Blair | Halvorson | Schmidt, McHenry |
| Bolmeier | Hofstrand | Schmidt, Sheridan |
| Boulden | Hultstrand | Shure |
| Buchholz | Ireland | Skartvedt |
| Byrne | Joiner | Solberg |
| Crockett | McInnes | Twichell |
| Dittmer | Morland | Wambheim |
| Feton | Nelson, Cass | Mr. Speaker |
| Fraser | Nystrom | |

Absent and not voting:

| | | |
|---|---|---|
| Larson | O'Brien | Sticka |
| Lunde | Sand | |

So the bill passed and the title was agreed to.

Rep. Westby 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.

House Bill No. 320. A Bill for an Act to Amend and Reenact Section 2 of Chapter 156 of the Session Laws of 1935, Relating to Hail Tax Refund, 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, 99; nays, 0; absent and not voting, 12.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Haugland | Panko |
| Anderson, Benson | Heckman | Peterson, Ransom |
| Anderson,M'K'nzie | Hofstrand | Rait |
| Anfinson | Holm | Rettke |
| Arneson, Nelson | Holthusen | Ritter |
| Arneson, Ramsey | Hultstrand | Rohde |
| Beede | Ireland | Saumur |
| Belzer | Ista | Schauss |
| Benno | Jensen | Schmidt, McHenry |
| Billigmeier | Johnson, Cass | Schmidt, Sheridan |
| Bingenheimer | Johnson, LaMoure | Schimke |
| Blair | Joiner | Scholl |
| Bolmeier | Keller | Schwartz |
| Boulden | Kluver | Sellens |
| Braun, McLean | Knutson | Severson |
| Braun, Stark | Lange | Sharpe |
| Brown | Levin | Shure |
| Buchholz | McInnes | Singleton |
| Crockett | McIntee | Solberg |
| Culver | McIntyre | Stone |
| Dalzell | Myers | Symington |
| Dike | Mittag | Thompson,Burl'gh |
| Dittmer | Moe | Thompson, Steele |
| Erickson | Mollet | Trydahl |
| Feton | Morland | Tuff |
| Fitch | Nelson, Cass | Twichell |
| Fletcher | Nelson, Dickey | Urschel |
| Fraser | Nelson, Steele | Wambheim |
| Fuglestad | Nystrom | Westby |
| Gainor | Odegard | Williams,Richland |
| Gray | Oglesby | Williams,Stutsm'n |
| Haag | Ostgulen | Wolf |
| Halvorson | Page | Mr. Speaker |

Absent and not voting:

| | | |
|---|---|---|
| Bergesen | Lunde | Semerad |
| Byrne | O'Brien | Skartvedt |
| Glas | Peterson,Bottineau | Stormon |
| Larson | Sand | Sticka |

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

Rep. Anderson of McKenzie moved that the vote by which House Bill No. 320 was passed be reconsidered, and the motion to reconsider be laid on the table, which motion prevailed.

Rep. Ritter moved that House Bill No. 333 be re-referred to the Judiciary Committee, which motion prevailed.

House Bill No. 337. A Bill for an Act Amending and Reenacting Section 4444 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, Relating to the Consent of Parents or Guardians of Children Involved in Adoption Proceedings, Relating to the Giving of Consent Therein by the State Board of Administration, Providing Service of Notice of Such Adoption Proceedings Upon Such Parents, Guardians and or Said Board of Administration, and Providing for Exceptions Thereto; Providing for Method by Which Decrees of Adoption May Be Attacked and Time When Such Proceedings Therefor May be Commenced; Specifying the Procedure by Which Custody of Children Involved in Such Proceedings May be Changed; and Declaring that an Emergency exists.

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, 97; nays, 0; absent and not voting, 14.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Anderson, Benson | Haugland | Peterson, Ransom |
| Anderson, M'K'nzie | Hofstrand | Rait |
| Anfinson | Holm | Rettke |
| Arneson, Nelson | Holthusen | Rohde |
| Arneson, Ramsey | Hultstrand | Saumur |
| Beede | Ireland | Schmidt, McHenry |
| Belzer | Ista | Schmidt, Sheridan |
| Benno | Jensen | Scholl |
| Bergesen | Johnson, LaMoure | Schwartz |
| Billigmeier | Keller | Sellens |
| Bingenheimer | Kluver | Semerad |
| Blair | Knutson | Severson |
| Bolmeier | Lange | Sharpe |
| Boulden | Levin | Shure |
| Braun, McLean | McInnes | Singleton |
| Brown | McIntee | Skartvedt |
| Buchholz | McIntyre | Solberg |
| Crockett | Myers | Stone |
| Culver | Mittag | Stormon |
| Dalzell | Moe | Symington |
| Dike | Mollet | Thompson, Burl'gh |
| Dittmer | Morland | Thompson, Steele |
| Erickson | Nelson, Cass | Trydahl |
| Feton | Nelson, Dickey | Tuff |
| Fitch | Nelson, Steele | Twichell |
| Fletcher | Nystrom | Urschel |
| Fraser | Odegard | Wambheim |
| Fuglestad | Oglesby | Westby |
| Gainor | Ostgulen | Williams, Richland |
| Glas | Page | Williams, Stutsm'n |
| Gray | Panko | Wolf |

| | | |
|---|---|---|
| Haag | Peterson,Bottineau | Mr. Speaker |
| Halvorson | | |

Absent and not voting:

| | | |
|---|---|---|
| Adam | Joiner | Sand |
| Braun, Stark | Larson | Schauss |
| Byrne | Lunde | Schimke |
| Heckman | O'Brien | Sticka |
| Johnson, Cass | Ritter | |

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

Rep. Lange moved that the vote by which House Bill No. 337 was passed be reconsidered, and the motion to reconsider be laid on the table, which motion prevailed.

House Bill No. 315 was read the second time.

Rep. Shure moved that any action on House Bill No. 315 be deferred one legislative day, which motion prevailed.

House Bill No. 330 was read the second time.

Rep. Beede moved that action be deferred for one legislative day on House Bill No. 330, which motion was lost.

Rep. Semerad moved that House Bill No. 330 be indefinitely postponed, which motion prevailed.

Rep. Trydahl moved that the vote by which House Bill No. 330 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

House Bill No. 346. A Bill for an Act Requiring and Fixing Hours of Labor Per Week of All State, County and Municipal Officers and Employees and Providing for Deduction of Salary and Pay.

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, 65; nays, 35; absent and not voting, 11.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Anderson, Benson | Hultstrand | Schimke |
| Anfinson | Ireland | Schwartz |
| Arneson, Nelson | Ista | Semerad |
| Arneson, Ramsey | Jensen | Severson |
| Beede | Johnson, Cass | Sharpe |
| Belzer | Keller | Shure |
| Benno | Knutson | Singleton |
| Billigmeier | Lange | Skartvedt |
| Blair | McIntyre | Solberg |
| Bolmeier | Moe | Stone |
| Boulden | Mollet | Stormon |
| Braun, McLean | Morland | Symington |
| Brown | Nelson, Cass | Thompson, Steele |
| Dalzell | Nelson, Dickey | Thompson, Burl'gh |
| Feton | Nystrom | Trydahl |
| Fuglestad | Oglesby | Twichell |
| Gainor | Ostgulen | Urschel |
| Gray | Page | Wambheim |
| Haag | Rettke | Williams,Richland |
| Hofstrand | Ritter | Williams, Stutsm'n |

| | | |
|---|---|---|
| Holm | Rohde | Wolf |
| Holthusen | Saumur | |

Those voting in the negative were:

| | | |
|---|---|---|
| Anderson,M'K'nzie | Glas | Odegard |
| Bergesen | Halvorson | Panko |
| Bingenheimer | Haugland | Peterson,Bottineau |
| Braun, Stark | Johnson, LaMoure | Peterson, Ransom |
| Buchholz | Joiner | Rait |
| Byrne | Kluver | Schmidt, McHenry |
| Crockett | Levin | Schmidt, Sheridan |
| Culver | McInnes | Scholl |
| Dike | McIntee | Sellens |
| Erickson | Myers | Westby |
| Fletcher | Mittag | Mr. Speaker |
| Fraser | Nelson, Steele | |

Absent and not voting:

| | | |
|---|---|---|
| Adam | Larson | Schauss |
| Dittmer | Lunde | Sticka |
| Fitch | O'Brien | Tuff |
| Heckman | Sand | |

So the bill passed and the title was agreed to.

Rep. Johnson of Cass 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.

Rep. Hagen: There is no provision in this Act to pay State and County employees for any over-time that is put in. For that reason I vote "no."

Rep. Byrne moved that the House take action at this time on House Bill 315, which motion prevailed.

Rep. Crockett moved to indefinitely postpone House Bill No. 315, which motion prevailed.

Rep. Crockett moved that the vote by which House Bill No. 315 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Rep. Scholl moved that the House recess until 7:30 P. M., tonight, which motion prevailed, and the House stood recessed.

The Speaker called the House to order pursuant to sixty-minute recess taken and announced that the House would be on the Twelfth Order of Business.

## MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, February 13, 1939.

Mr. Speaker: I have the honor to return:

House Bill No. 193. A Bill for an Act to Amend and Reenact Section 869 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 amended as follows:

In line 13 strike out "May 20th" and insert in lieu thereof the date "March 1st."

WM. J. LOWE, Secretary.

Rep. Dalzell moved that the House do not concur in the

Senate Amendments to House Bill No. 91, which motion prevailed.

The Speaker named:
Rep. Anderson of Benson;
Rep. Myers; and
Rep. Twichell.
On the Conference Committee.

Rep. Anderson of Benson moved that the House do now concur in the Senate amendments to House Bill No. 193, which motion prevailed.

Rep. Anderson of Benson moved that House Bill No. 193 be considered properly re-engrossed, placed on second reading and final passage, which motion prevailed.

## SECOND READING OF HOUSE BILLS

House Bill No. 193. A Bill for an Act to Amend and Reenact Section 869 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, as amended by the Senate, the roll was called and there were ayes, 64; nays, 11; absent and not voting, 36.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Anderson, Benson | Halvorson | Mollet |
| Anfinson | Haugland | Nelson, Dickey |
| Arneson, Nelson | Heckman | Ostgulen |
| Arneson, Ramsey | Hofstrand | Panko |
| Beede | Holm | Peterson,Bottineau |
| Belzer | Holthusen | Peterson, Ransom |
| Billigmeier | Hultstrand | Rait |
| Bolmeier | Ireland | Rettke |
| Boulden | Ista | Schmidt, McHenry |
| Braun, McLean | Jensen | Schmidt, Sheridan |
| Brown | Johnson, LaMoure | Scholl |
| Buchholz | Joiner | Schwartz |
| Culver | Keller | Sellens |
| Dalzell | Kluver | Semerad |
| Dike | Knutson | Severson |
| Erickson | Lange | Singleton |
| Feton | McIntee | Solberg |
| Fletcher | McIntyre | Stone |
| Fraser | Myers | Thompson, Steele |
| Gainor | Mittag | Williams,Stutsm'n |
| Gray | Moe | Mr. Speaker |
| Haag | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Bingenheimer | Oglesby | Twichell |
| Blair | Rohde | Wambheim |
| McInnes | Shure | Westby |
| Nystrom | Skartvedt | |

Absent and not voting:

| | | |
|---|---|---|
| Adam | Larson | Schauss |
| Anderson,M'K'nzie | Levin | Schimke |
| Benno | Lunde | Sharpe |

| | | |
|---|---|---|
| Bergesen | Morland | Sticka |
| Braun, Stark | Nelson, Cass | Stormon |
| Byrne | Nelson, Steele | Symington |
| Crockett | O'Brien | Thompson,Burl'gh |
| Dittmer | Odegard | Trydahl |
| Fitch | Page | Tuff |
| Fuglestad | Ritter | Urschel |
| Glas | Sand | Williams,Richland |
| Johnson, Cass | Saumur | Wolf |

So the bill passed and the title was agreed to.

The House reverted to the Fifth Order of Business.

REPORT OF STANDING COMMITTEE

Mr. Speaker: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bills and find the same correctly Engrossed:

House Bill No. 260.
House Bill No. 267.
House Bill No. 8.
House Bill No. 9.
House Bill No. 32.
House Bill No. 37.
House Bill No. 45.
House Bill No. 150.

OLAF OSTGULEN, Chairman.

Rep. Ostgulen moved that the report be adopted, which motion prevailed, and the report was adopted.

The Speaker announced the House would be on the Fifteenth Order of Business.

GENERAL ORDERS

Rep. Shure moved that the House resolve itself into a Committee of the Whole for the consideration of general orders; which motion prevailed, and the House resolved itself into a Committee of the Whole.

The Speaker called Rep. Shure to the chair.

When the Committee arose it submitted the following report:

Mr. Speaker: The Committee of the Whole have had under consideration:

House Bill No. 62.

Amend the title of the bill by adding after the word "Therefor," in line 5 of the title the following: "Limiting the Liability of the State of North Dakota."

In Section 9, page 5, line 14, strike out the word "Twenty-five" and insert in lieu thereof the word "Fifteen."

Amend Section 9, page 5 by adding a new sentence at the end of said Section 9—such sentence to read as follows: "Providing further that the State of North Dakota shall not be liable for any indemnity whenever the amount hereby appropriated shall be exhausted or in any sum larger than the sum hereby appropriated."

In Section 13, page 7, line 3 strike out the figures "$100,000.00" and insert in lieu thereof the figures "$50,000.00."

And recommend the adoption of the amendments of the Standing Committee.

And when so amended recommend the same do pass.

House Bill No. 151.

As amended by Committee on Drainage & Irrigation.

Amend the title of the bill by adding after the comma appearing after the word "state" in the last line of the title to the bill, the following: "Providing for an exchange of such lands for other lands more suitably situated."

In Section 2, page 2, line 2 of the original bill, strike out the word "usee," insert in lieu thereof the word "used."

Amend Section 2 of the printed bill by adding a new paragraph at the end of said Section 2—such paragraph to read as follows: "If it shall be found that the lands described in Section 1 of this Act may, without additional consideration, be exchanged for a tract of land of equal size and value within the Lewis and Clark Irrigation District of McKenzie County, which tract of land is more suitably and conveniently located for such irrigation demonstration and experiment farm, then and in that case the lands described in Section 1 of this Act may be exchanged for such tract of land, and in order to effect such exchange the Governor is hereby authorized to execute and deliver for and on behalf of the State the necessary instrument or deed conveying title to the lands mentioned in Section 1 hereof."

And recommend the adoption of the amendments of the Standing Committee.

And when so amended recommend the same do pass.

Senate Concurrent Resolution No. 135.

On line 45, strike out after the word "had" to the end of the line.

Strike out all of line 46, and insert "by a" at the beginning of line 47.

At the beginning of line 46, re-number all lines to bottom of resolution.

And recommend that action be deferred one legislative day.

House Bill No. 41.

And recommend that action be deferred one legislative day.

W. H. SHURE, Chm., Committee of the Whole.

Rep. Solberg moved the adoption of the report of Committee of the Whole, which motion prevailed.

It was called to the attention of the House that the Committee on Appropriations was working during the evening's session.

The House reverted to the Eleventh Order of Business.

## SECOND READING OF HOUSE BILLS

House Bill No. 260. A Bill for an Act to Create a North Dakota Poultry Improvement Board; to Define Its Powers and Duties; to Provide for Licenses and Fees for Poultry Processers, Packers, Hatching, Baby Chick Jobbers, Record of Performance Breeders and Poultry Feed Manufacturers and Wholesalers, and for the Disposition of the Proceeds Thereof; to Require the Filing of Reports by Carriers and Shippers of Poultry and Poultry Products, and Fixing Penalties for the Violation Hereof.

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, 68; nays, 26; absent and not voting, 17.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Arneson, Nelson | Gray | Rait |
| Arneson, Ramsey | Halvorson | Rohde |
| Beede | Haugland | Saumur |
| Bergesen | Heckman | Scholl |
| Bingenheimer | Hofstrand | Sellens |
| Blair | Holm | Semerad |
| Bolmeier | Holthusen | Sharpe |
| Boulden | Ireland | Shure |
| Braun, McLean | Ista | Singleton |
| Brown | Johnson, Cass | Skartvedt |
| Buchholz | Johnson, LaMoure | Solberg |
| Byrne | Kluver | Stormon |
| Crockett | Lange | Symington |
| Culver | Levin | Thompson, Steele |
| Dalzell | McInnes | Trydahl |
| Dike | McIntyre | Tuff |
| Erickson | Mittag | Twichell |
| Feton | Mollet | Wambheim |
| Fitch | Nelson, Cass | Westby |
| Fletcher | Nelson, Steele | Williams,Stutsm'n |
| Fraser | Nystrom | Wolf |
| Fuglestad | Odegard | Mr. Speaker |
| Gainor | Panko | |

Those voting in the negative were:

| | | |
|---|---|---|
| Adam | McIntee | Rettke |
| Anderson, Benson | Myers | Ritter |
| Belzer | Moe | Schmidt, McHenry |
| Billigmeier | Morland | Schmidt, Sheridan |
| Haag | Nelson, Dickey | Schwartz |
| Jensen | Oglesby | Severson |
| Joiner | Ostgulen | Stone |
| Keller | Peterson,Bottineau | Urschel |
| Knutson | Peterson, Ransom | |

Absent and not voting:

| | | |
|---|---|---|
| Anderson,M'K'nzie | Hultstrand | Schauss |
| Anfinson | Larson | Schimke |
| Benno | Lunde | Sticka |
| Braun, Stark | O'Brien | Thompson,Burl'gh |
| Dittmer | Page | Williams,Richland |
| Glas | Sand | |

So the bill passed and the title was agreed to.

Rep. Knutson: "I vote 'no' on this bill because the small poultry buyers already pay $20.00 to procure their licenses. If this bill goes through, we won't have any more little poultry buyers left in the State. I vote 'no'."

Rep. Stone: "I vote 'no' on this bill because I am still with the farmers and I want to help the farmers in anything that I can. This is no help to the farmers nor to turkey or poultry raisers, and that is the reason that I vote 'no'."

House Bill No. 267. A Bill for an Act Providing for Serological Test, for Syphilis of All Persons Applying for Marriage Licenses; Prohibiting Marriage to Any Person Afflicted With Syphilis in Communicable Form; Providing for Proofs of Serological Test to Be Required by and Submitted to County Judges Before the Issuance of a Marriage License; Repealing Acts and Parts of Acts Inconsistent With or in

Conflict Herewith; Making an Appropriation for the State Health Department to Enable it to Comply With the Provisions Hereof; Providing for the Date Upon Which the Act Shall Take Effect.

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, 90; nays, 4; absent and not voting, 17.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Haugland | Peterson,Bottineau |
| Anderson, Benson | Heckman | Peterson, Ransom |
| Anfinson | Hofstrand | Rait |
| Arneson, Nelson | Holm | Ritter |
| Arneson, Ramsey | Holthusen | Rettke |
| Beede | Hultstrand | Rohde |
| Belzer | Ireland | Saumur |
| Bergesen | Ista | Schmidt, McHenry |
| Billigmeier | Jensen | Schmidt, Sheridan |
| Bingenheimer | Johnson, LaMoure | Scholl |
| Blair | Keller | Schwartz |
| Bolmeier | Kluver | Sellens |
| Boulden | Lange | Semerad |
| Braun, McLean | Levin | Severson |
| Brown | McInnes | Sharpe |
| Buchholz | McIntee | Singleton |
| Byrne | McIntyre | Skartvedt |
| Crockett | Myers | Solberg |
| Culver | Mittag | Stone |
| Dalzell | Mollet | Stormon |
| Dike | Moe | Symington |
| Erickson | Morland | Thompson, Steele |
| Feton | Nelson, Cass | Trydahl |
| Fitch | Nelson, Dickey | Tuff |
| Fletcher | Nelson, Steele | Urschel |
| Fuglestad | Nystrom | Wambheim |
| Gainor | Odegard | Westby |
| Gray | Oglesby | Williams,Stutsm'n |
| Haag | Ostgulen | Wolf |
| Halvorson | Panko | Mr. Speaker |

Those voting in the negative were:

| | | |
|---|---|---|
| Fraser | Shure | Twichell |
| Johnson, Cass | | |

Absent and not voting:

| | | |
|---|---|---|
| Anderson,M'K'nzie | Knutson | Schauss |
| Benno | Larson | Schimke |
| Braun, Stark | Lunde | Sticka |
| Dittmer | O'Brien | Thompson,Burl'gh |
| Glas | Page | Williams,Richland |
| Joiner | Sand | |

So the bill passed and the title was agreed to.

House Bill No. 8. A Bill for an Act Making an Appropriation for the Purpose of Paying Salary, Clerk Hire, 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, as amended, the roll was called and there were ayes, 77; nays, 14; absent and not voting, 20.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Gray | Peterson, Ransom |
| Anderson, Benson | Halvorson | Rait |
| Anfinson | Haugland | Ritter |
| Arneson, Nelson | Heckman | Schmidt, McHenry |
| Arneson, Ramsey | Hofstrand | Schmidt, Sheridan |
| Beede | Holthusen | Scholl |
| Belzer | Hultstrand | Schwartz |
| Benno | Ireland | Sellens |
| Bergesen | Ista | Severson |
| Blair | Johnson, Cass | Sharpe |
| Bolmeier | Johnson, LaMoure | Shure |
| Boulden | Joiner | Singleton |
| Billigmeier | Keller | Skartvedt |
| Braun, McLean | Kluver | Solberg |
| Brown | Lange | Stormon |
| Buchholz | Levin | Symington |
| Crockett | McInnes | Thompson, Steele |
| Culver | McIntee | Trydahl |
| Dalzell | McIntyre | Twichell |
| Dike | Myers | Urschel |
| Erickson | Mittag | Wambheim |
| Feton | Moe | Westby |
| Fitch | Morland | Williams,Stutsm'n |
| Fletcher | Nelson, Cass | Wolf |
| Fraser | Nelson, Dickey | Mr. Speaker |
| Gainor | Odegard | |

Those voting in the negative were:

| | | |
|---|---|---|
| Bingenheimer | Nystrom | Rettke |
| Fuglestad | Oglesby | Rohde |
| Holm | Ostgulen | Semerad |
| Jensen | Panko | Stone |
| Mollet | Peterson,Bottineau | |

Absent and not voting:

| | | |
|---|---|---|
| Anderson,M'K'nzie | Larson | Schauss |
| Braun, Stark | Lunde | Schimke |
| Byrne | Nelson, Steele | Sticka |
| Dittmer | O'Brien | Thompson,Burl'gh |
| Glas | Page | Tuff |
| Haag | Sand | Williams,Richland |
| Knutson | Saumur | |

So the bill passed and the title was agreed to.

House Bill No. 9. 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 second time.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were ayes, 69; nays, 21; absent and not voting, 21.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Haugland | Rettke |

| | | |
|---|---|---|
| Anderson, **Benson** | Heckman | Ritter |
| Anfinson | Hofstrand | Rohde |
| Arneson, **Nelson** | Holthusen | Saumur |
| Beede | Hultstrand | Schmidt, Sheridan |
| Bergesen | Ireland | Scholl |
| Billigmeier | Ista | Schwartz |
| Bingenheimer | Johnson, **Cass** | Sellens |
| Bolmeier | Johnson, **LaMoure** | Sharpe |
| Boulden | Joiner | Shure |
| Buchholz | Kluver | Singleton |
| Crockett | Lange | Skartvedt |
| Culver | McInnes | Solberg |
| Dalzell | McIntee | Stormon |
| Dike | McIntyre | Symington |
| Erickson | Myers | Trydahl |
| Feton | Mittag | Tuff |
| Fitch | Moe | Twichell |
| Fletcher | Morland | Urschel |
| Fraser | Nelson, **Cass** | Westby |
| Gainor | Odegard | Williams,Stutsm'n |
| Gray | Panko | Wolf |
| Haag | Rait | Mr. Speaker |

Those voting in the negative were:

| | | |
|---|---|---|
| Arneson, **Ramsey** | Keller | Ostgulen |
| Belzer | Knutson | Peterson, Ransom |
| Braun, **McLean** | Mollet | Schmidt, McHenry |
| Fuglestad | Nelson, Dickey | Semerad |
| Halvorson | Nelson, Steele | Severson |
| Holm | Nystrom | Stone |
| Jensen | Oglesby | Thompson, Steele |

Absent and not voting:

| | | |
|---|---|---|
| Anderson,**M'K'nzie** | Glas | Sand |
| Benno | Larson | Schauss |
| Blair | Levin | Schimke |
| Braun, **Stark** | Lunde | Sticka |
| Brown | O'Brien | Thompson,Burl'gh |
| Byrne | Page | Wambheim |
| Dittmer | Peterson,Bottineau | Williams,Richland |

So the bill passed and the title was agreed to.

House Bill No. 32. A Bill for an Act Making an Appropriation Into the Administrative Fund for General Administrative and Operative Expenses of the Water Conservation Commission, According to Chapter 255, Session Laws of 1937 and Section 31 Thereof, Providing for Reimbursement and Providng for Validity.

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, 57; nays, 35; absent and not voting, 19.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Haag | Nystrom |
| Anderson, **Benson** | Halvorson | Odegard |
| Anfinson | Haugland | Panko |
| Beede | Heckman | Peterson,Bottineau |
| Belzer | Holthusen | Rait |

| | | |
|---|---|---|
| Benno | Hultstrand | Rettke |
| Bergesen | Ireland | Ritter |
| Bingenheimer | Ista | Rohde |
| Bolmeier | Jensen | Saumur |
| Buchholz | Johnson, LaMoure | Schwartz |
| Byrne | Kluver | Sellens |
| Culver | Lange | Semerad |
| Dike | McInnes | Singleton |
| Erickson | McIntee | Solberg |
| Fitch | McIntyre | Stormon |
| Fletcher | Myers | Urschel |
| Fraser | Mittag | Westby |
| Gainor | Mollet | Wolf |
| Gray | Morland | Mr. Speaker |

Those voting in the negative were:

| | | |
|---|---|---|
| Arneson, Nelson | Joiner | Severson |
| Arneson, Ramsey | Keller | Sharpe |
| Blair | Knutson | Shure |
| Boulden | Moe | Skartvedt |
| Braun, McLean | Nelson, Cass | Stone |
| Crockett | Nelson, Dickey | Symington |
| Dalzell | Nelson, Steele | Thompson, Steele |
| Feton | Oglesby | Trydahl |
| Fuglestad | Ostgulen | Twichell |
| Hofstrand | Peterson, Ransom | Wambheim |
| Holm | Schmidt, McHenry | Williams,Stutsm'n |
| Johnson, Cass | Schmidt, Sheridan | |

Absent and not voting:

| | | |
|---|---|---|
| Anderson,M'K'nzie | Levin | Schimke |
| Billigmeier | Lunde | Scholl |
| Braun, Stark | O'Brien | Sticka |
| Brown | Page | Thompson,Burl'gh |
| Dittmer | Sand | Tuff |
| Glas | Schauss | Williams,Richland |
| Larson | | |

So the bill passed and the title was agreed to.

House Bill No. 37. A Bill for an Act Making an Appropriation for the State Employment Service Provided for in Section 13 and Section 14b, Chapter 232, Session Laws of 1937, in Co-operation with the Social Security Act of Congress.

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, 59; nays, 33; absent and not voting, 19.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Gray | Odegard |
| Anfinson | Haag | Rait |
| Arneson, Nelson | Holm | Rettke |
| Arneson, Ramsey | Holthusen | Ritter |
| Beede | Hultstrand | Rohde |
| Benno | Ireland | Saumur |
| Bergesen | Ista | Scholl |
| Billigmeier | Johnson, Cass | Schmidt, McHenry |
| Bolmeier | Johnson, LaMoure | Semerad |

| | | |
|---|---|---|
| Brown | Kluver | Shure |
| Buchholz | Levin | Solberg |
| Byrne | McInnes | Stormon |
| Culver | McIntee | Symington |
| Dalzell | McIntyre | Trydahl |
| Dike | Myers | Twichell |
| Erickson | Mittag | Urschel |
| Fitch | Mollet | Wambheim |
| Fletcher | Morland | Westby |
| Fraser | Nelson, Cass | Wolf |
| Gainor | Nystrom | |

Those voting in the negative were:

| | | |
|---|---|---|
| Belzer | Lange | Severson |
| Blair | Moe | Sharpe |
| Boulden | Nelson, Steele | Singleton |
| Braun, McLean | Oglesby | Skartvedt |
| Crockett | Ostgulen | Stone |
| Feton | Panko | Thompson,Burl'gh |
| Fuglestad | Peterson,Bottineau | Thompson, Steele |
| Halvorson | Peterson, Ransom | Tuff |
| Haugland | Schmidt, Sheridan | Williams,Richland |
| Joiner | Schwartz | Williams,Stutsm'n |
| Keller | Sellens | Mr. Speaker |

Absent and not voting:

| | | |
|---|---|---|
| Anderson, Benson | Hofstrand | O'Brien |
| Anderson,M'K'nzie | Jensen | Page |
| Bingenheimer | Knutson | Sand |
| Braun, Stark | Larson | Schauss |
| Dittmer | Lunde | Schimke |
| Glas | Nelson, Dickey | Sticka |
| Heckman | | |

So the bill passed and the title was agreed to.

House Bill No. 45. A Bill for an Act Making an Appropriation Out of the Motor Patrol Fund in the State Treasury, for the Operation, Maintenance, Equipment, Supplies, Outfitting of Patrolmen, Travel and Miscellaneous Expenses for the Motor Patrol Branch.

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, 70; nays, 22; absent and not voting, 19.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Halvorson | Ostgulen |
| Anfinson | Haugland | Rait |
| Arneson, Ramsey | Heckman | Ritter |
| Beede | Hofstrand | Saumur |
| Bergesen | Holthusen | Schmidt, Sheridan |
| Billigmeier | Hultstrand | Scholl |
| Bingenheimer | Ireland | Sellens |
| Blair | Ista | Semerad |
| Bolmeier | Jensen | Sharpe |
| Boulden | Johnson, Cass | Shure |
| Braun, McLean | Johnson, LaMoure | Singleton |
| Brown | Joiner | Skartvedt |
| Buchholz | Lange | Solberg |

| | | |
|---|---|---|
| Byrne | Levin | Stormon |
| Culver | McInnes | Symington |
| Dalzell | McIntee | Thompson, Steele |
| Dike | McIntyre | Trydahl |
| Erickson | Myers | Twichell |
| Fitch | Morland | Urschel |
| Fletcher | Nelson, Cass | Wambheim |
| Fuglestad | Nelson, Dickey | Westby |
| Gainor | Odegard | Wolf |
| Gray | Oglesby | Mr. Speaker |
| Haag | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Arneson, Nelson | Moe | Rettke |
| Crockett | Mollet | Rohde |
| Feton | Nelson, Steele | Schmidt, McHenry |
| Holm | Nystrom | Schwartz |
| Keller | Panko | Stone |
| Kluver | Peterson,Bottineau | Tuff |
| Knutson | Peterson, Ransom | Williams,Stutsm'n |
| Mittag | | |

Absent and not voting:

| | | |
|---|---|---|
| Anderson, Benson | Glas | Schauss |
| Anderson,M'K'nzie | Larson | Schimke |
| Belzer | Lunde | Severson |
| Benno | O'Brien | Sticka |
| Braun, Stark | Page | Thompson,Burl'gh |
| Dittmer | Sand | Williams,Richland |
| Fraser | | |

So the bill passed and the title was agreed to.

Rep. Moe: This is entirely too large for the purpose. It should have been cut to 30% at least and then they would have had plenty.

Rep. Scholl moved that upon completion of First reading of Senate Bills the House stand recessed until 12:00 P. M., tomorrow, which motion prevailed.

## FIRST READING OF SENATE BILLS

Senate Bill No. 29. A Bill for an Act to Amend and Reenact Section 1189 of the Compiled Laws of 1913, as Amended by Chapter 236 of the 1931 Session Laws of North Dakota; and to Provide for Minimum Attendance Under Which School Boards May Discontinue a School.

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

Senate Bill No. 8. A Bill for an Act Making an Appropriation for the General Maintenance, 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.

Senate Bill No. 77. A Bill for an Act Providing for Reciprocity in Fixing Tuition Fees of Non-resident Students Attending Institutions of Higher Education in the State of North Dakota and Defining Non-resident Students, and Fixing Registration and Tuition Fees of Non-resident Students Residing in Foreign Countries Other Than the Dominion of Canada.

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

Senate Bill No. 122. A Bill for an Act to Amend and Re-enact Sections Six (6) and Seven (7), of Chapter 255, of the Session Laws of 1937, Relating to the State Water Conservation Commission.

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

Senate Bill No. 125. A Bill for an Act Defining and Prohibiting Unfair Sales, Providing Remedies for Violation Thereof, and Establishing Penalties Therefor, and Declaring an Emergency.

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

Senate Bill No. 132. A Bill for an Act to Make an Appropriation for the Financing of the Operations of the State Soil Conservation Committee or the Activities of the State Soil Conservation Districts.

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

Senate Bill No. 159. A Bill for an Act to Amend and Re-enact Sections 2, 5 and 6, of Chapter 232, of the Session Laws of North Dakota for the Year 1937, Transition Provisions for Simplification, Relating to Base Period and Benefit Year, and Also to Amend and Re-enact Sections 3, 5, 12, 13 and 14, of Chapter 232, of the Session Laws of North Dakota for the Year 1937, to Comply With That Act of Congress Known as the Railroad Unemployment Insurance Act, and Amending and Re-enacting Section 10, of Chapter 232 of the Session Laws of 1937, Authorizing the United States Government or Social Security Board to Allow the Commissioners of the North Dakota Workmen's Compensation Bureau Compensation for Services as Administrative Heads of Unemployment Compensation Division and State Employment Service, 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 Insurance.

Senate Bill No. 170. A Bill for an Act to Amend Section 4073a of the 1925 Supplement to the Compiled Laws of North Dakota for 1913; and Declaring an Emergency.

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

Senate Bill No. 172. A Bill for an Act to Repeal Chapter 255 of the Session Laws of the State of North Dakota for 1931.

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

Senate Bill No. 180. A Bill for an Act to Repeal Sections 1326a1, 1326a2, 1326a3, 1326a4 and 1326a5 of the Supplement to the 1913 Compiled Laws of North Dakota, Relating to a Petition by Electors to Increase Debt Limit of School Districts.

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

Senate Bill No. 181. A Bill for an Act to Amend and Re-enact Section 15, Chapter 309, Laws of North Dakota, 1931, Providing for Commitment of Veterans, 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 State Affairs.

Senate Bill No. 183. A Bill for an Act to Fix the Tax Levy Limitation for School Districts Which Have Heretofore Voted to Increase the Tax Levy Limit Therein; and Repealing Acts or Parts of Acts in Conflict Herewith.

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

Senate Bill No. 184. A Bill for an Act Authorizing the Adjutant General to Expend the Sum of $8,000.00 From the Balance Remaining in the "Returned Soldiers Fund" for the Purpose of Registering and Compiling Records of the Graves of Deceased Soldiers, Sailors, or Marines Buried in This State and for Caring for and Preserving of Soldier Records, and Declaring an Emergency.

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

Senate Bill No. 187. A Bill for an Act to Permit School Districts, Discontinuing High Schools, to Furnish for High School Students, Transportation to Other School Districts Having High School Facilities.

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

Senate Bill No. 190. A Bill for an Act Authorizing the Board of Trustees of the Teachers' Insurance and Retirement Fund to Employ an Actuary and Clerical Assistance and Making an Appropriation Therefor.

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

Senate Bill No. 191. A Bill for an Act to Amend and Reenact Section 1506 of the Compiled Laws of 1913 as Amended and Re-enacted by Section 1506 of the 1925 Supplement to the Compiled Laws of 1913, and to Amend and Re-enact Section 1517 of the Compiled Laws of 1913, as Amended and Re-enacted by Section 1517 of the 1925 Supplement to the Compiled Laws of 1913, Pertaining to the Teachers' Insurance and Retirement Fund.

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

Senate Bill No. 193. A Bill for an Act Permitting the County Court to Make Decrees of Distribution and Close Estates Without the Payment of Real Estate Taxes Levied Upon Real Property of the Estate.

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

Senate Bill No. 213. A Bill for an Act to Amend and Reenact Sections 3, 4, 12, 15, 26 and 27, of Chapter 157, of the Laws of 1927, and Section 1, of Chapter 137, of the Laws of 1937, Relating to the Occupation of Hairdressers and Cosmetologists, the Conduct of Schools for Hairdressing and Cosmetology, the Qualification of Applicants for Examinations, Certificates, and Making Provisions for the Payment of Fees in Connection Therewith.

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

Senate Bill No. 233. A Bill for an Act Providing for a Lien in Favor of House-Movers and Providing for the Filing, Perfection and Enforcement of Said Lien.

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

Senate Bill No. 236. A Bill for an Act to Amend and Reenact Section 3 of Chapter 255 of the Session Laws of 1937, Relating to the Creation of State Water Conservation Commission.

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

Senate Bill No. 237. A Bill for an Act to Provide for the Creation of the State Equalization Fund; Providing for Its Distribution in the Payment of Costs of Correspondence Work, Costs of Vocational Education, High School Tuition and in the Payment of Direct Aid to School Districts Upon a Teacher-Unit and Per Pupil 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 Reports; Repealing Chapter 227 of the Session Laws of 1937 and All Acts or Parts of Acts in Conflict Therewith.

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

Senate Bill No. 246. A Bill for an Act Exempting Employes Who Are Residents of and Who Are Insured Under the Workmen's Compensation Act or Similar Statute of Another State From the Application of the North Dakota Workmen's Compensation Act Where Such Other State Recognizes Extra-territorial Coverage Furnished to North Dakota Employers for Their Employes While Working in Such Other State.

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

Senate Bill No. 247. A Bill for an Act Amending Section 9991 of the 1925 Supplement of the By-Laws of 1913, Relating to Misuse of Fraternal and Other Emblems to Victimize Charitably Disposed Persons Through False Personification.

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

Senate Bill No. 250. A Bill for an Act to Amend and Reenact Section 2565 of the Compiled Laws of North Dakota for the Year 1913, as Amended by Chapter 109, of the Session Laws of 1929, Relating to Salaries and Fees of Members of Board of Commissioners of Insanity, by Whom Paid, and Declaring an Emergency.

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

Senate Bill No. 256. A Bill for an Act to Amend and Reenact Subdivision (1) of Section 811 of the Supplement to the Compiled Laws of North Dakota for 1913, as Amended by Chapter 143 of the Session Laws of North Dakota for 1933. Relating to the Distribution of State Bar Funds to the Bar Association of North Dakota and Declaring an Emergency.

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

Senate Bill No. 262. A Bill for an Act Authorizing Investment of All Trust Funds by Legal Custodian; Providing Appropriations of Trust Funds for Investment Purposes and Repealing All Acts in Conflict Herewith.

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

The House recessed until 12:00 P. M., tomorrow, pursuant to Rep. Scholl's motion.

MINNIE D. CRAIG, Chief Clerk.

## FORTY-SIXTH DAY AFTER RECESS AND FORTY-SEVENTH DAY

Bismarck, February 18, 1939.

The House convened at 12:00 P. M., pursuant to recess, Speaker Hagen presiding.

Mr. Speaker: The Chair deeply regrets to announce to the Assembly the death of our friend and colleague, Rep. Ignatz Sticka, which occurred at about 5 o'clock this morning at St. Alexius Hospital, Bismarck.

Rep. Culver: I am very much grieved over the death of my friend and colleague. I have known Mr. Sticka for a number of years. He was a very outstanding citizen and a man of the very highest character. At this time I find myself at a loss for proper words to express my sentiment.

I now move that the Speaker appoint a committee of six to take charge of the funeral arrangements for Rep. Sticka.

Which motion prevailed, and the Speaker appointed on that committee Representatives Culver, Braun of Stark, Semerad, Morland, Schwartz and Skartvedt.

Rep. Fitch moved that the Chief Clerk be instructed to have flowers sent as representing this House to the funeral of Rep. Sticka to be charged to the fund which has been collected by the members of this House, which motion prevailed.

### MESSAGE FROM THE GOVERNOR

State of North Dakota
OFFICE OF THE GOVERNOR

Bismarck, February 17, 1939.

To the House of Representatives
of the State of North Dakota:

This is to notify you that I have today approved and filed with the Secretary of State:

House Bill No. 57. An act to amend and re-enact Section 5235a1 of the 1925 Supplement to the Compiled Laws of North Dakota for the year 1913.

JOHN MOSES, Governor.

### MESSAGES TO THE SENATE

House of Representatives,
Bismarck, February 18, 1939.

Mr. President: I have the honor to transmit:

House Bill No. 33. A Bill for an Act to Provide for the Payment of the Expenses of Auditing and Examining the Affairs of the State Industrial Institutions, and the Special Departments and its Sub-divisions, of the State of North

Dakota, Designating and Appropriating the Funds from Which Paid; Providing for the Payment of Said Collection Into the Special Fund in the State Treasury; Providing for Repeal of Acts.

House Bill No. 58. A Bill for an Act Making an Appropriation to the State Historical Society for the Purchase of Materials and Supplies to be Used in the Reconstruction of Fort Abercrombie; and Declaring an Emergency.

House Bill No. 44. A Bill for an Act Making an Appropriation Out of the Liquor Fund in the State Treasury, for the Operation, Maintenance and Enforcement of the State Liquor Control Act.

House Bill No. 97. A Bill for an Act Making an Appropriation of $362.00 for the Purpose of Paying the Funeral Expenses of Representative Robert Rotering of Slope County, and Declaring an Emergency.

House Bill No. 163. A Bill for an Act Making an Appropriation to the State Historical Society for the Purchase of Materials and Supplies to be Used in the Reconstruction of Fort Union and Fort Buford.

House Bill No. 270. A Bill for an Act to Create a State Board of Photographic Examiners and to Regulate the Practice of Professional Photograpy and to Provide for Licensing and Registration of Persons Engaged in the Practice of Professional Photography and to Protect the Public From Fraud Practiced by Unscrupulous and Irresponsible Persons Through Misrepresentation and Other Unconscionable Artifices and the Obtaining of the Possession of Property Without Returning Value Therefor and for the Protection of the Public Health and Safety; Providing for the Enforcement of the Provisions of This Act and for the Punishment for Violation Thereof.

House Bill No. 290. A Bill for an Act to Amend and Reenact Section 8 of Chapter 145 of the Session Laws of North Dakota, for the Year 1937, Relating to All Benevolent Corportions, Associations or Societies Operating on Voluntary or Involuntary Assessment or Contribution Plan.

House Bill No. 320. A Bill for an Act to Amend and Reenact Section 2 of Chapter 156 of the Session Laws of 1935, Relating to Hail Tax Refund, and Declaring an Emergency.

House Bill No. 337. A Bill for an Act Amending and Reenacting Section 4444 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, Relating to the Consent of Parents or Guardians of Children Involved in Adoption Proceedings, Relating to the Giving of Consent Therein by the State Board of Administration, Providing Service of Notice of Such Adoption Proceedings Upon Such Parents, Guardians and or Said Board of Administration, and Providing for Exceptions Thereto; Providing for Method by Which Decrees of Adoption May Be Attacked and Time When Such Proceedings Therefor May be Commenced; Specifying the Procedure by Which Custody of Children Involved in Such Proceedings May be Changed; and Declaring that an Emergency Exists.

House Bill No. 346. A Bill for an Act Requiring and Fixing Hours of Labor Per Week of All State, County and

Municipal Officers and Employees and Providing for Deduction of Salary and Pay.

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

Mr. President: I have the honor to inform you that the House has refused to concur in the Senate amendment to:

House Concurrent Resolution No. 91. Providing for the Amendment of Section 25, of Article 2, of the Constitution of the State of North Dakota, Relating to the Legislative Power of the State, and the Initiative and Referendum.

And the Speaker has appointed as a conference committee to act with a like committee from the Senate, Representatives:

J. M. Anderson of Benson;
Leonas Myers;
L. L. Twichell.

Mr. President: I have the honor to inform you that the House has concurred in the Senate amendment to:

House Bill No. 193. A Bill for an Act to Amend and Reenact Section 869 of the Compiled Laws of North Dakota for the Year 1913; and Repealing All Acts or Parts of Acts in Conflict Herewith.

MINNIE D. CRAIG, Chief Clerk.

## GENERAL ORDERS

Rep. Blair moved that the House resolve itself into a Committee of the Whole for the consideration of General Orders, which motion prevailed, and the House resolved itself into a Committee of the Whole.

The Speaker called Rep. Blair to the chair.

When the committee arose it submitted the following report:

Mr. Speaker: The Committee of the Whole have had under consideration House Bill No. 41.

University:

Section 1—Page 2—In line 31 strike out the figures "$95,092.00" and insert in lieu thereof the figures "$88,644.00".

Page 2—In line 32 strike out the figures "$26,112.00" and insert in lieu thereof the figures "$21,822.00".

Page 3—In line 33 strike out the figures "$213,970.00" and insert in lieu thereof the figures "$211,131.00".

Page 3—In line 34 strike out the figures "$43,920.00" and insert in lieu thereof the figures "$38,780.00".

Page 3—In line 35 strike out the figures "$116,292.00" and insert in lieu thereof the figures "$111,400.00".

Page 3—In line 36 strike out the figures "$34,252.00" and insert in lieu thereof the figures "$28,650.00".

Page 3—In line 37 strike out the figures "$64,892.00" and insert in lieu thereof the figures "$60,000.00".

Page 3—In line 38 strike out the figures "$2,150.00" and insert in lieu thereof the figures "$1,950.00".

Page 3—In line 39 strike out the figures "$10,210.00" and insert in lieu thereof the figures "$9,020.00".

Page 3—In line 40 strike out the figures "$39,200.00" and insert in lieu thereof the figures "$27,700.00".

Page 3—Strike out all of line 41 "J. Dispensary (See Sch. of Medicine)".

Page 3—Strike out all of line 43 "L. Office of Dean of Men—$4,300.00".

Page 3—In line 45 strike out the figures "$3,200.00" and insert in lieu thereof the figures "$2,000.00".

Page 3—In line 48 strike out the figures "$15,300.00" and insert in lieu thereof the figures "$13,780.00".

Page 3—In line 49 strike out the figures "$21,840.00" and insert in lieu thereof the figures "$19,780.00".

Page 3—In line 50 strike out the figures "$18,540.00" and insert in lieu thereof the figures "$16,660.00".

Page 3—In line 51 strike out the figures "$12,674.00" and insert in lieu thereof the figures "$10,820.00".

Page 3—In line 52 strike out the figures "$8,618.00" and insert in lieu thereof the figures "$6,000.00".

Page 3—In line 53 strike out the figures "$4,780.00" and insert in lieu thereof the figures "$4,600.00".

Page 4—In line 56 strike out the figures "$10,196.00" and insert in lieu thereof the figures "$5,500.00".

Page 4—In line 57 strike out the figures "$42,482.00" and insert in lieu thereof the figures "$36,380.00".

Page 4—In line 58 strike out the figures "$88,300.00" and insert in lieu thereof the figures "$80,000.00".

Page 4—In line 59 strike out the figures "$2,700.00" and insert in lieu thereof the figures "$2,200.00".

Page 4—In line 60a strike out the figures "$33,272.00" and insert in lieu thereof the figures "$26,000.00".

Page 4—In line 61 strike out the figures "$951,152.00" and insert in lieu thereof the figures "$861,677.00".

Page 4—In line 68 strike out the figures "$729,152.00" and insert in lieu thereof the figures "$639,677.00".

Page 4—In line 69 strike out the figures "$15,000.00" and insert in lieu thereof the figures "$9,000.00".

Page 4—In line 70 strike out the figures "$38,000.00" and insert in lieu thereof the figures "$12,000.00".

Page 4—In line 72 strike out the figures "$804,582.00" and insert in lieu thereof the figures "$683,107.00".

A. C.:

Page 5—In line 76 strike out the figures "$17,100.00" and insert in lieu thereof the figures "$17,000.00".

Page 5—In line 77 strike out the figures "$21,600.00" and insert in lieu thereof the figures "$18,000.00".

Page 5—In line 78 strike out the figures "$14,600.00" and insert in lieu thereof the figures "$14,000.00".

Page 5—In line 79 strike out the figures "$6,500.00" and insert in lieu thereof the figures "$5,500.00".

Page 5—In line 80 strike out the figures "$4,000.00" and insert in lieu thereof the figures "$3,500.00".

Page 5—In line 82 strike out the figures "$115,000.00" and insert in lieu thereof the figures "$110,000.00".

Page 5—In line 83 strike out the figures "$4,750.00" and insert in lieu thereof the figures "$4,000.00".

Page 5—In line 84 strike out the figures "$67,100.00" and insert in lieu thereof the figures "$63,000.00".

Page 5—In line 85 strike out the figures "$31,900.00" and insert in lieu thereof the figures "$30,000.00".

Page 5—In line 86 strike out the figures "$38,000.00" and insert in lieu thereof the figures "$35,788.00".

Page 5—In line 87 strike out the figures "$137,000.00" and insert in lieu thereof the figures "$112,454.40".

Page 5—In line 88 strike out the figures "$16,500.00" and insert in lieu thereof the figures "$16,000.00".

Page 5—In line 89 strike out the figures "$15,000.00" and insert in lieu thereof the figures "$14,000.00".

Page 5—In line 90 strike out the figures "$21,000.00" and insert in lieu thereof the figures "$19,000.00".

Page 5—In line 91 strike out the figures "$4,045.00" and insert in lieu thereof the figures "$3,000.00".

Page 5—In line 92 strike out the figures "$6,000.00" and insert in lieu thereof the figures "$5,000.00".

Page 5—In line 93 strike out the figures "$4,200.00" and insert in lieu thereof the figures "$4,000.00".

Page 5—In line 94 strike out the figures "$2,551.00" and insert in lieu thereof the figures "$2,500.00".

Page 5—In line 96 strike out the misprinted abbreviations "Hrn. Rf. Rcp." and insert in lieu thereof the abbreviations "Gen. Ed. Exp.".

Page 6—strike out all of line 100 "15. Placement—Personal $3,500.00".

Page 6—In line 103 strike out the figures "$62,000.00" and insert in lieu thereof the figures "$60,000.00".

Page 6—In line 104 strike out the figures "$8,900.00" and insert in lieu thereof the figures "$8,000.00".

Page 6—In line 105 strike out the figures "$51,000.00" and insert in lieu thereof the figures "$45,000.00".

Page 6—In line 106 strike out the figures "$6,700.00" and insert in lieu thereof the figures "$6,000.00".

Page 6—In line 108 strike out the figures "$1,500.00" and insert in lieu thereof the figures "$1,000.00".

Page 6—Strike out all of line 108 "8. Campus Police $2,160.00".

Page 6—Strike out all of line 110 "9. Student Help $4,000.00".

Page 6—In line 111 strike out the figures "$742,309.00" and insert in lieu thereof the figures "$672,442.40".

Page 6—In line 112 strike out the figures "$423,400.00" and insert in lieu thereof the figures "$369,000.00".

Page 6—In line 113 strike out the figures "$318,909.00" and insert in lieu thereof the figures "$303,442.40".

Page 6—In line 115 strike out the figures "$7,000.00" and insert in lieu thereof the figures "$5,500.00".

Page 6—In line 118 strike out the figures "$3,000.00" and insert in lieu thereof the figures "$1,500.00".

Page 6—In line 120 strike out the figures "$5,000.00" and insert in lieu thereof the figures "$1,000.00".

Page 7—In line 123 strike out the figures "$5,000.00" and insert in lieu thereof the figures "$2,500.00".

Page 7—In line 124 strike out the figures "$2,400.00" and insert in lieu thereof the figures "$2,000.00".

Page 7—In line 125 strike out the figures "$3,500.00" and insert in lieu thereof the figures "$2,500.00".

Page 7—Strike out all of line 126 "4. Geology $700.00".

Page 7—In line 127 strike out the figures "$1,100.00" and insert in lieu thereof the figures "$1,000.00".

Page 7—In line 128 strike out the figures "$3,500.00" and insert in lieu thereof the figures "$2,500.00".

Page 7—In line 130 strike out the figures "$7,500.00" and insert in lieu thereof the figures "$5,500.00".

Page 7—In line 132 strike out the figures "$10,000.00" and insert in lieu thereof the figures "$5,000.00".

Page 7—In line 133 strike out the figures "$2,000.00" and insert in lieu thereof the figures "$1,500.00".

Page 7—Insert a new line 133½ "Emergency—$11,179.00".

Page 7—In line 135 strike out the figures "$30,200.00" and insert in lieu thereof the figures "$23,000.00".

Page 7—In line 139 strike out the figures "$420,959.00" and insert in lieu thereof the figures "$389,271.40".

A. C. Experiment Station:

Page 7—In line 143 strike out the figures "$164,134.42" and insert in lieu thereof the figures "$143,925.17".

Page 7—In line 144 strike out the figures "$119,122.90" and insert in lieu thereof the figures "$93,975.48".

Page 8—In line 148 strike out the figures "$299,257.32" and insert in lieu thereof the figures "$253,900.65".

Page 8—In line 149 strike out the figures "$293,351.52" and insert in lieu thereof the figures "$243,182.58".

Page 8—In line 150 strike out the figures "$5,905.80" and insert in lieu thereof the figures "$10,718.07".

Page 8—In line 152 strike out the figures "$10,000.00" and insert in lieu thereof the figures "$6,000.00".

Page 8—Strike out all of line 157 "2. Fire and Tornado Insurance $1,159.00".

Page 8—Strike out all of line 158 "3. Workmen's Comp. Insurance $5,000.00".

Page 8—In line 161 strike out the figures "$900.00" and insert in lieu thereof the figures "$500.00".

Page 8—In line 164 strike out the figures "$700.00 and insert in lieu thereof the figures "$500.00".

Page 9—In line 166 strike out the figures "$69,414.80" and insert in lieu thereof the figures "$63,468.07".

Page 9—In line 169 strike out the figures "$550.00" and insert in lieu thereof the figures "$6,500.00".

Page 9—In line 170 strike out the figures "$500.00" and insert in lieu thereof the figures "$1,000.00".

Page 9—In line 171 strike out the figures "$550.00" and insert in lieu thereof the figures "$6,500.00".

Page 9—In line 172 strike out the figures "$550.00" and insert in lieu thereof the figures "$6,500.00".

Page 9—In line 173 strike out the figures "$76,564.80" and insert in lieu thereof the figures "$88,968.07".

Extension Division—A. C.:

Page 9—In line 177 strike out the figures "$350,452.08" and insert in lieu thereof the figures "$420,324.18".

Page 9—Strike out all of line 184. "8. Neighborhood Activities in Co. Districts $1,000.00".

Page 9—Strike out all of line 185 "9. Rural Young People $3,000.00".

Page 9—In line 186 strike out the figures "$1,000.00" and insert in lieu thereof the figures "$2,520.00".

Page 9—In line 187 strike out the figures "$5,000.00" and insert in lieu thereof the figures "$10,000.00".

Page 10—In line 189 strike out the figures "$658,395.20" and insert in lieu thereof the figures "$730,787.30".

Page 10—Strike out all of line 190 "Less Estimated Income—Federal $485,587.30".

Page 10—Strike out all of line 191 " —County $241,420.00".

Page 10—Strike out all of line 192 "TOTAL NET APPROPRIATIONS—68,612.10".

Page 10—Insert a new line 196½ "Forestry $2,520.00".

Page 10—In line 197 strike out the figures "$728,267.30" and insert in lieu thereof the figures "$730,787.30".

School of Science:

Page 10—In line 199 strike out the figures "$11,073.00" and insert in lieu thereof the figures "$14,073.00".

Page 10—In line 200 strike out the figures "$79,337.00" and insert in lieu thereof the words "and Additional Trade Instructor" and the figures "$104,337.00".

Page 10—In line 201 strike out the figures "$11,960.00" and insert in lieu thereof the figures "$13,960.00".

Page 10—In line 205 strike out the figures "$2,000.00" and insert in lieu thereof the figures "$1,750.00".

Page 10—In line 206 strike out the figures "$1,200.00" and insert in lieu thereof the figures "$1,000.00".

Page 10—In line 207 strike out the figures "$2,000.00" and insert in lieu thereof the figures "$1,200.00".

Page 10—In line 208 strike out the figures "$2,500.00" and insert in lieu thereof the figures "$2,000.00".

Page 10—In line 209 strike out the figures "$900.00" and insert in lieu thereof the figures "$600.00".

Page 11—In line 210 strike out the figures "$800.00" and insert in lieu thereof the figures "$600.00".

Page 11—In line 213 strike out the figures "$2,000.00" and insert in lieu thereof the figures "$1,200.00".

Page 11—In line 216 strike out the figures "$13,000.00" and insert in lieu thereof the figures "$10,000.00".

Page 11—Strike out all of line 217 "15. Grounds $300.00".

Page 11—In line 218 strike out the figures "$6,000.00" and insert in lieu thereof the figures "$5,000.00".

Page 11—In line 219 strike out the figures "$7,500.00" and insert in lieu thereof the figures "$4,000.00".

Page 11—In line 220 strike out the figures "$175,770.00" and insert in lieu thereof the figures "$194,920.00".

Page 11—In line 221 strike out the figures "$105,000.00" and insert in lieu thereof the figures "$115,000.00".

Page 11—In line 222 strike out the figures "$70,770.00" and insert in lieu thereof the figures "$79,920.00".

Page 11—In line 224 strike out the figures "$3,000.00" and insert in lieu thereof the figures "$3,300.00".

Page 11—In line 225 strike out the figures "$900.00" and insert in lieu thereof the figures "$700.00".

Page 11—Strike out all of line 226 "3. Roof on Main Building $1,200.00".

Page 11—In line 228 strike out the figures "$10,000.00" and insert in lieu thereof the figures "$6,000.00".

Page 11—In line 230 strike out the figures "$6,000.00" and insert in lieu thereof the figures "$5,000.00'.

Page 11—In line 231 strike out the figures " $1,500.00" and insert in lieu thereof the figures "$1,200.00".

Page 12—Strike out all of line 234 "1. Assistant State Supervisor for Trades $4,000.00".

Page 12—In line 236 strike out the figures "$2,000.00" and insert in lieu thereof the figures "$1,000.00".

Page 12—In line 237 strike out the figures "$100,820.00" and insert in lieu thereof the figures "$98,570.00".

And recommend the adoption of the amendments of the Standing Committee.

And the further amendments to the report of the Standing Committee:

On page 6, line 120, of the printed bill, strike out the figures "$1,000.00" as inserted by the report of the Standing Committee and insert in lieu thereof the figures "$2,000.00."

In the Journal on page 652, carrying the amendments of the Standing Committee in the 7th line from the top of the page, strike out the figures "108" and insert in lieu thereof the figures "109."

And when so amended recommend the same do pass.

D. S. BLAIR, Chm., Committee of the Whole.

Rep Fitch moved that the House resolve itself into a Committee of the Whole for the consideration of General Orders, which motion prevailed, and the House resolved itself into a Committee of the Whole.

The Speaker called Rep. Fitch to the Chair.

When the committee arose it submitted the following report:

Mr. Speaker: The Committee of the Whole have had under consideration:

House Bill No. 41—Subdivisions 2a and 2b.

In line 120, Subdivision 2a, page 6 of the printed bill strike out the figures "2,000.00" as inserted by the Committee of the Whole and insert in lieu thereof the figures "$1,000.00."

In line 156, Subdivision 2b, page 8 of the printed bill strike out the figures "$41,000.00" and insert in lieu thereof the figures "$40,000.00."

Reinstate line 157, Subdivision 2b, page 8 of the printed bill which reads "2. Fire and Tornado Insurance———— $1,159.00."

Reinstate line 158, Subdivision 2b, page 8 of the printed bill and strike out the figures "$5,000.00" and insert in lieu thereof the figures "$4,000.00."

In line 165, Subdivision 2b, page 8, of the printed bill, strike out the figures "$100.00" and insert in lieu thereof the figures "$1,100.00."

And recommend the adoption of Subdivision 2a and Subdivision 2b as corrected.

House Bill No. 41.

Valley City Normal:

Page 12—In line 244 strike out the figures "$33,200.00" and insert in lieu thereof the figures "$30,000.00".

Page 12—In line 245 strike out the figures "$2,700.00" and insert in lieu thereof the figures "$2,500.00".

Page 12—In line 246 strike out the figures "$3,000.00" and insert in lieu thereof the figures "$2,500.00".

Page 12—In line 247 strike out the figures "$750.00" and insert in lieu thereof the figures "$500.00".

Page 12—In line 248 strike out the figures "$6,426.33" and insert in lieu thereof the figures "$5,000.00".

Page 12—In line 249 strike out the figures "$2,000.00" and insert in lieu thereof the figures "$1,500.00".

Page 12—In line 250 strike out the figures "$500.00" and insert in lieu thereof the figures "$400.00'.

Page 12—In line 251 strike out the figures "$800.00" and insert in lieu thereof the figures "$600.00'.

Page 12—In line 253 strike out the figures "$2,000.00" and insert in lieu thereof the figures "$1,500.00".

Page 13—In line 259 strike out the figures "$1,500.00" and insert in lieu thereof the figures "$1,000.00".

Page 13—Strike out all of line 260 "17. Summer School $5,000.00".

Page 13—In line 261 strike out the figures "$303,191.33" and insert in lieu thereof the figures "$290,815.00".

Page 13—In line 263 strike out the figures "$223,191.33" and insert in lieu thereof the figures "$210,815.00".

Page 13—In line 265 strike out the figures "$5,600.00" and insert in lieu thereof the figures "$5,000.00".

Page 13—In line 266 strike out the figures "$2,000.00" and insert in lieu thereof the figures "$1,500.00".

Page 13—In line 267 strike out the figures "$1,000.00" and insert in lieu thereof the figures "$800.00".

Page 13—In line 269 strike out the figures "$7,500.00" and insert in lieu thereof the figures "$5,000.00".

Page 13—In line 270 strike out the figures "$2,000.00" and insert in lieu thereof the figures "$1,500.00".

Page 13—Strike out all of line 271 "7. Tree Clearance and Replanting $500.00".

Page 13—Strike out all of line 272 "8. Main Entrance Doors—Special $400.00".

Page 13—Strike out all of line 273 "4. NEW BUILDINGS:"

Page 13—Strike out all of line 274 "1. Constructing New Athletic Field $3,000.00".

Page 13—In line 276 strike out the word "Library" and the figures "$4,000.00" and insert in lieu thereof the words "Books and Periodicals $4,500.00".

Page 13—In line 277 strike out the figures "$800.00" and insert in lieu thereof the figures "$500.00".

Page 13—In line 278 strike out the figures "$800.00" and insert in lieu thereof the figures "$500.00".

Page 14—Strike out all of line 280 "5. Library Stacks $500.00".

Page 14—In line 281 strike out the figures "$900.00" and insert in lieu thereof the figures "$500.00".

Page 14—Strike out all of line 282 "7. Equipment—Home Ec. Dept.— Special $1,000.00".

Page 14—Strike out all of line 283 "8. Auditorium Stage Light & Equ.—Special $500.00".

Page 14—In line 284 strike out the words "Power House" and the figures "$20,000.00" and insert in lieu thereof the words "Transmission Cable" and the figures "$500.00".

Page 14—Strike out all of line 287 "2. Items Not Budgeted $400.00".

Page 14—In line 288 strike out the figures "$280,141.33" and insert in lieu thereof the figures "$237,165.00".

Mayville Normal:

Page 14—In line 295 strike out the figures "$15,500.00" and insert in lieu thereof the figures "$13,500.00".

Page 14—In line 296 strike out the figures "$7,500.00" and insert in lieu thereof the figures "$6,500.00".

Page 14—In line 297 strike out the figures "$1,500.00" and insert in lieu thereof the figures "$1,200.00".

Page 14—In line 298 strike out the figures "$1,000.00" and insert in lieu thereof the figures "$800.00".

Page 14—In line 299 strike out the figures "$5,000.00" and insert in lieu thereof the figures "$2,400.00".

Page 14—In line 300 strike out the figures "$1,500.00" and insert in lieu thereof the figures "$1,200.00".

Page 14—In line 301 strike out the figures "$600.00" and insert in lieu thereof the figures "$400.00".

Page 14—In line 302 strike out the figures "$850.00" and insert in lieu thereof the figures "$650.00".

Page 15—In line 303 strike out the figures "$3,000.00" and insert in lieu thereof the figures "$2,500.00".

Page 15—In line 304 strike out the figures "$1,200.00" and insert in lieu thereof the figures "$1,000.00".

Page 15—In line 305 strike out the figures "$1,800.00" and insert in lieu thereof the figures "$1,300.00".

Page 15—In line 306 strike out the figures "$2,000.00" and insert in lieu thereof the figures "$1,000.00"

Page 15—In line 307 strike out the figures "$1,000.00" and insert in lieu thereof the figures "$300.00".

Page 15—Strike out all of line 308 "14. Extension $2,000.00".

Page 15—In line 309 strike out the figures "$1,500.00" and insert in lieu thereof the figures "$1,000.00".

Page 15—In line 310 strike out the figures "$1,500.00" and insert in lieu thereof the figures "$1,000.00".

Page 15—Strike out all of line 311 "17. Hospital and Medical Service $500.00".

Page 15—In line 312 strike out the figures "$800.00" and insert in lieu thereof the figures "$200.00".

Page 15—In line 313 strike out the figures "$1,500.00" and insert in lieu thereof the figures "$1,200.00".

Page 15—In line 314 strike out the figures "$500.00" and insert in lieu thereof the figures "$200.00".

Page 15—Strike out all of line 315 "21. Rural Adult Education $1,000.00".

Page 15—In line 317 strike out the figures "$800.00" and insert in lieu thereof the figures "$400.00".

Page 15—In line 318 strike out the figures "$181,248.00" and insert in lieu thereof the figures "$165,448.00".

Page 15—In line 320 strike out the figures "$133,748.00" and insert in lieu thereof the figures "$117,948.00".

Page 15—In line 323 strike out the figures "$2,000.00" and insert in lieu thereof the figures "$1,000.00".

Page 16—Strike out all of line 326 "5. Frigidaire Room—West Hall $1,200.00".

Page 16—In line 327 strike out the figures "$6,500.00" and insert in lieu thereof the figures "$6,000.00".

Page 16—In line 328 strike out the figures "$2,000.00" and insert in lieu thereof the figures "$1,500.00".

Page 16—In line 330 strike out the figures "$1,150.00" and insert in lieu thereof the figures "$800.00".

Page 16—In line 331 strike out the figures "$500.00" and insert in lieu thereof the figures "$400.00".

Page 16—In line 332 strike out the figures "$2,500.00" and insert in lieu thereof the figures "$2,000.00".

Page 16—In line 333 strike out the figures "$400.00" and insert in lieu thereof the figures "$100.00".

Page 16—In line 334 strike out the figures "$1,500.00" and insert in lieu thereof the figures "$500.00".

Page 16—In line 336 strike out the figures "$1,000.00" and insert in lieu thereof the figures "$500.00".

Page 16—In line 337 strike out the figures "$600.00" and insert in lieu thereof the figures "$400.00".

Page 16—Strike out all of line 339 "10. Replacement Lawn Mower $150.00."

Page 16—Strike out all of line 340 "11. Home Economics Equipment $500.00".

Page 16—Strike out all of line 342 "1. Items not Budgeted $500.00".

Page 16—In line 343 strike out the figures "$157,248.00" and insert in lieu thereof the figures "$134,148.00".

Minot:

Page 17—In line 350 strike out the figures "$24,000.00" and insert in lieu thereof the figures "$22,200.00".

Page 17—In line 351 strike out the figures "$1,400.00" and insert in lieu thereof the figures "$1,000.00".

Page 17—In line 352 strike out the figures "$3,000.00" and insert in lieu thereof the figures "$2,500.00".

Page 17—In line 353 strike out the figures "$700.00" and insert in lieu thereof the figures "$600.00".

Page 17—In line 354 strike out the figures "$1,500.00" and insert in lieu thereof the figures "$1,150.00".

Page 17—In line 356 strike out the figures "$500.00" and insert in lieu thereof the figures "$400.00".

Page 17—In line 357 strike out the figures "$1,200.00" and insert in lieu thereof the figures "$800.00".

Page 17—In line 358 strike out the figures "$8,000.00" and insert in lieu thereof the figures "$7,000.00".

Page 17—In line 361 strike out the figures "$1,400.00" and insert in lieu thereof the figures "$400.00".

Page 17—In line 363 strike out the figures "$900.00" and insert in lieu thereof the figures "$800.00".

Page 17—In line 365 strike out the figures "$1,800.00" and insert in lieu thereof the figures "$1,500.00".

Page 17—In line 366 strike out the figures "$700.00" and insert in lieu thereof the figures "$300.00".

Page 17—In line 368 strike out the figures "$800.00" and insert in lieu thereof the figures "$500.00".

Page 17—In line 369 strike out the figures "$283,681.00" and insert in lieu thereof the figures "$276,931.00".

Page 18—In line 371 strike out the figures "$213,681.00" and insert in lieu thereof the figures "$206,931.00".

Page 18—In line 373 strike out the figures "$3,000.00" and insert in lieu thereof the figures "$2,500.00".

Page 18—In line 377 strike out the figures "$4,500.00" and insert in lieu thereof the figures "$3,500.00".

Page 18—In line 378 strike out the figures "$250.00" and insert in lieu thereof the figures "$400.00".

Page 18—In line 379 strike out the figures "$500.00" and insert in lieu thereof the figures "$750.00".

Page 18—Strike out all of line 383 "8. Seating Balcony $1,500.00".

Page 18—In line 386 strike out the figures "$400.00" and insert in lieu thereof the figures "$200.00".

Page 18—In line 388 strike out the figures "$3,500.00" and insert in lieu thereof the figures "$3,000.00".

Page 19—In line 393 strike out the figures "$236,231.00" and insert in lieu thereof the figures "$226,181.00".

Dickinson:

Page 19—In line 400 strike out the figures "$12,500.00" and insert in lieu thereof the figures "$12,000.00".

Page 19—In line 401 strike out the figures "$8,000.00" and insert in lieu thereof the figures "$7,000.00".

Page 19—In line 402 strike out the figures "$2,000.00" and insert in lieu thereof the figures "$1,800.00".

Page 19—In line 405 strike out the figures "$1,500.00" and insert in lieu thereof the figures "$1,200.00".

Page 19—In line 406 strike out the figures "$350.00" and insert in lieu thereof the figures "$250.00".

Page 19—Insert a new line 406½ "7½. Office Supplies $500.00".

Page 19—In line 407 strike out the figures "$2,000.00" and insert in lieu thereof the figures "$1,000.00".

Page 19—In line 409 strike out the figures "$2,500.00" and insert in lieu thereof the figures "$2,000.00".

Page 19—In line 410 strike out the figures "$2,500.00" and insert in lieu thereof the figures "$2,000.00".

Page 19—In line 413 strike out the figures "$1,000.000" and insert in lieu thereof the figures "$800.00".

Page 19—In line 414 strike out the figures "$177,169.00" and insert in lieu thereof the figures "$173,369.00".

Page 20—In line 416 strike out the figures "$147,169.00" and insert in lieu thereof the figures "$143,369.00".

Page 20—In line 418 strike out the figures "$500.00" and insert in lieu thereof the figures "$300.00".

Page 20—In line 420 strike out the figures "$2,500.00" and insert in lieu thereof the figures "$400.00".

Page 20—Strike out all of line 421 "4. Instl. large Stm. Main in Tnl. $1,500.00".

Page 20—Strike out all of line 423 "6. Hot Water Heater $800.00".

Page 20—Strike out all of line 424 "7. Elec. Trans. Lines, Addnl. Transformers $2,000.00".

Page 20—In line 429 strike out the figures "$1,200.00" and insert in lieu thereof the figures "$600.00".

Page 20—In line 434 strike out the figures "$600.00" and insert in lieu thereof the figures "$500.00".

Page 20—Insert a new line 438½ "2. Miscellaneous Items $3,000.00".

Page 21—In line 439 strike out the figures "$167,069.00" and insert in lieu thereof the figures "$158,969.00".

Ellendale Normal & Industrial School:

Page 21—Insert a new line 443½ "2½. Trade Instructor $3,600.00".

Page 21—In line 446 strike out the figures "$10,000.00" and insert in lieu thereof the figures "$9,750.00".

Page 21—In line 447 strike out the figures "$1,400.00" and insert in lieu thereof the figures "$1,300.00".

Page 21—In line 449 strike out the figures "$600.00" and insert in lieu thereof the figures "$500.00".

Page 21—In line 452 strike out the figures "$400.00" and insert in lieu thereof the figures "$200.00".

Page 21—In line 453 strike out the figures "$500.00" and insert in lieu thereof the figures "$400.00".

Page 21—In line 455 strike out the figures "$750.00" and insert in lieu thereof the figures "$650.00".

Page 21—In line 456 strike out the figures "$1,200.00" and insert in lieu thereof the figures "$1,000.00".

Page 21—In line 458 strike out the figures "$900.00" and insert in lieu thereof the figures "$1,900.00".

Page 21—In line 460 strike out the figures "$1,000.00" and insert in lieu thereof the figures "$500.00".

Page 22—In line 461 strike out the figures "$114,876.00" and insert in lieu thereof the figures "$117,926.00"

Page 22—In line 463 strike out the figures "$74,876.00" and insert in lieu thereof the figures "$77,926.00".

Page 22—Strike out all of line 465 "1. Campus $600.00".

Page 22—Strike out all of line 466 "2. Library approach reset "$250.00".

Page 22—In line 468 strike out the figures "$1,200.00" and insert in lieu thereof the figures "$1,000.00".

Page 22—Strike out all of line 470 "6. Water Main and Sewer (Special) $250.00".

Page 22—In line 471 strike out the figures "$1,000.00" and insert in lieu thereof the figures "$500.00".

Page 22—In line 472 strike out the figures "$800.00" and insert in lieu thereof the figures "$400.00".

Page 22—In line 474 strike out the figures "$1,200.00" and insert in lieu thereof the figures "$1,500.00".

Page 22—Strike out all of line 476 "3. Replacements $1,250.00".

Page 22—In line 478 strike out the figures "$1,000.00" and insert in lieu thereof the figures "$750.00".

Page 22—In line 481 strike out the figures "$1,500.00" and insert in lieu thereof the figures "$1,000.00".

Page 22—Strike out all of line 483 "1. Second Hand Car $300.00".

Page 23—Strike out all of line 485 "3. Class Room Chairs (Special) $300.00".

Page 23—In line 486 strike out the figures "$94,126.00" and insert in lieu thereof the figures "$92,676.00".

School of Forestry:

Page 23—In line 493 strike out the figures "$3,500.00" and insert in lieu thereof the figures "$3,000.00".

Page 23—In line 494 strike out the figures "$1,400.00" and insert in lieu thereof the figures "$1,200.00".

Page 23—In line 495 strike out the figures "$1,000.00" and insert in lieu thereof the figures "$900.00".

Page 23—In line 496 strike out the figures "$550.00" and insert in lieu thereof the figures "$500.00".

Page 23—In line 497 strike out the figures "$625.00" and insert in lieu thereof the figures "$425.00".

Page 23—In line 498 strike out the figures "$800.00" and insert in lieu thereof the figures "$700.00".

Page 23—In line 499 strike out the figures "$250.00" and insert in lieu thereof the figures "$200.00".

Page 23—In line 500 strike out the figures "$700.00" and insert in lieu thereof the figures "$600.00".

Page 23—Strike out all of line 502 "10. Forestry Survey $1,000.00".

Page 23—In line 503 strike out the figures "$750.00" and insert in lieu thereof the figures "$700.00".

Page 23—In line 504 strike out the figures "$400.00" and insert in lieu thereof the figures "$200.00".

Page 23—In line 505 strike out the figures "$350.00" and insert in lieu thereof the figures "$200.00".

Page 24—In line 507 strike out the figures "$22,000.00" and insert in lieu thereof the figures "$15,000.00".

Page 24—In line 508 strike out the figures "$4,000.00" and insert in lieu thereof the figures "$6,500.00".

Page 24—Strike out all of line 509 "17. Reforestation $2,500.00".

Page 24—In line 510 strike out the figures "$850.00" and insert in lieu thereof the figures "$500.00".

Page 24—Strike out all of line 511 "19. Grounds $250.00".

Page 24—In line 512 strike out the figures "$90,468.10" and insert in lieu thereof the figures "$80,168.10".

Page 24—In line 514 strike out the figures "$76,468.10" and insert in lieu thereof the figures "$66,168.10".

Page 24—In line 516 strike out the figures "$1,200.00" and insert in lieu thereof the figures "$1,000.00".

Page 24—In line 517 strike out the figures "$2,500.00" and insert in lieu thereof the figures "$1,500.00".

Page 24—In line 525 strike out the words "Surveying and" and the figures "$600.00" and insert in lieu thereof the figures "$200.00".

Page 24—In line 526 strike out the figures "$600.00" and insert in lieu thereof the figures "$400.00".

Page 25—In line 530 strike out the figures "$84,568.10" and insert in lieu thereof the figures "$72,468.10".

And recommend the adoption of the amendments of the Standing Committee.

And when so amended recommend the same do pass.

House Bill No. 249.

In the introductory line of the bill, add the names of Ritter, Schauss, Schimke and Joiner.

At the end of line 6, and the beginning of line 7, Section 1, strike out the words "July first, after."

Section 4, line 6, strike out the word and figures "One ($1.00)" and insert the word and figures "Five Dollars ($5.00)."

In line 14, Section 5, after the word "for;" insert the following, "the annual premium upon which bond shall not be in excess of Two Dollars and Fifty Cents ($2.50);"

Section 5, following the word "State," line 18, strike out all of the balance of line 18 and all of lines 19 and 20 and change the comma ( , ) after the word "State" to a period ( . ).

Section 6, line 78, after the comma ( , ) following the word "Altered" insert "stamps or insignia."

Section 8, line 39, after the word "stamp," insert the words "or insignia."

Section 8, line 44, after the word "stamp," insert the words "or insignia."

Section 14, at the end of line 26, strike out the word "general" and insert the words "common school."

And recommend the adoption of the amendments of the Standing Committee.

And the further amendments:

In line 23, on page 6 of the printed bill strike out the words

"two cents" and insert in lieu thereof the words "three cents."

And when so amended recommend the same do pass.

House Bill No. 43.

Page 1, Section 1, line 3, strike out the figures "$143,-300.00" and insert in lieu thereof the figures "$119,100.00."

Page 2, Section 1, line 14 strike out the figures "$500.00" and insert in lieu thereof the figures "$200.00."

Page 2, Section 1, line 15 strike out the figures "$4,000.00" and insert in lieu thereof the figures "$3,000.00."

Page 2, Section 1, line 17 strike out the figures "$20,-000.00" and insert in lieu thereof the figures "$15,000.00."

Page 2, Section 1, line 19 strike out the figures "$13,500.00" and insert in lieu thereof the figures "$8,000.00."

Page 2, Section 1, strike out all of line 22 "Construction $10,000.00."

Page 2, Section 1, line 24 strike out the figures "$2,800.00" and insert in lieu thereof the figures "$2,400.00."

Page 2, Section 1, line 26 strike out the figures "$4,000.00" and insert in lieu thereof the figures "$2,000.00."

Page 2, Section 1, line 27 strike out the figures "$143,-300.00" and insert in lieu thereof the figures "$119,100.00."

Re-number beginning with line 23—change to line 22 and continue re-numbering to the end of the section.

And recommend the adoption of the amendments of the Standing Committee.

And the further amendments:

On page 2, line 17, strike out the figures "$15,000.00" as inserted by the Standing Committee and insert in lieu thereof the figures "$20,000.00."

On page 2, line 18 of the printed bill strike out the figures "$20,000.00" and insert in lieu thereof the figures "$15,000.00."

On page 2, line 26 strike out the figures "$2,000.00" as inserted by the Standing Committee and insert in lieu thereof the figures "$4,000.00" as originally printed in the bill.

On page 2, line 27, strike out the figures "$119,100.00" and insert in lieu thereof the figures "$121,100.00."

On page 1, line 3, strike out the figures "$119,100.00" and insert in lieu thereof the figures "$121,100.00."

And when so amended recommend the same do pass.

House Bill No. 281.

And recommend the same be indefinitely postponed.

House Bill No. 301.

On page 2, line 17, after the word "otherwise" change "copies" to "copied. In Section 2, line 7, on same page after the word "any" change the word "state" to "stage." In Section 20, line 16, after the word incorporated change the word "by" to "to." In section 37, line 5, insert the word "miswriting" after the word "any." In section 40, line 3, after the word "invalid" insert the word "or" in lieu of the word "and" and also insert the word "insufficient" in lieu of the word "sufficient." After the word "insufficient" in the same line and same section insert the following: "any indictment or information which would have been valid and sufficient." In all cases where the number 155 appears insert in lieu thereof the number 8 and in all cases where the number 154 appears insert in lieu thereof the number 7.

And recommend the adoption of the amendments of the Standing Committee.

And when so amended recommend the same do pass.

K. A. FITCH, Chairman, Committee of the Whole.

Rep. Scholl moved the adoption of the report of the Committee of the Whole with the exception of the report on House Bill No. 41.

Rep. Trydahl moved a substitute motion that the House adopt the report of the Committee of the Whole, including House Bill No. 41.

The question being on the motion of Rep. Trydahl a roll call was demanded and granted.

ROLL CALL

The question being that the Report of the Committee of the Whole be adopted, the roll was called and there were ayes, 46; nays, 57; absent and not voting, 8.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Arneson, Nelson | Ireland | Severson |
| Arneson, Ramsey | Johnson, Cass | Sharpe |
| Benno | Knutson | Singleton |
| Bergesen | Lunde | Skartvedt |
| Blair | McInnes | Solberg |
| Bolmeier | Mollet | Stone |
| Boulden | Morland | Stormon |
| Byrne | Nelson, Cass | Symington |
| Dalzell | Nelson, Steele | Thompson,Burl'gh |
| Feton | Nystrom | Trydahl |
| Fitch | Odegard | Twichell |
| Fuglestad | Page | Urschel |
| Gainor | Peterson, Ransom | Wambheim |
| Haugland | Saumur | Westby |
| Holm | Sellens | Williams,Stutsm'n |
| Holthusen | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Adam | Gray | Nelson, Dickey |
| Anderson, Benson | Haag | Oglesby |
| Anderson,M'K'nzie | Halvorson | Ostgulen |
| Anfinson | Heckman | Panko |
| Beede | Hofstrand | Peterson,Bottineau |
| Belzer | Hultstrand | Rait |
| Billigmeier | Ista | Rettke |
| Bingenheimer | Jensen | Ritter |
| Braun, McLean | Johnson, LaMoure | Rohde |
| Braun, Stark | Joiner | Schmidt, McHenry |
| Buchholz | Keller | Schmidt, Sheridan |
| Crockett | Kluver | Schimke |
| Culver | Lange | Scholl |
| Dike | Levin | Schwartz |
| Dittmer | McIntee | Semerad |
| Erickson | McIntyre | Tuff |
| Fletcher | Myers | Williams,Richland |
| Fraser | Mittag | Wolf |
| Glas | Moe | Mr. Speaker |

Absent and not voting:

| | | |
|---|---|---|
| Brown | Sand | Sticka |

| | | |
|---|---|---|
| **Larson** | **Schauss** | **Thompson, Steele** |
| O'Brien | Shure | |

Rep. Stone called for verification of the roll call on the question of the adoption of the Report of the Committee of the Whole, which was granted.

The Chief Clerk verified the roll call, which was found to be correct.

The motion of Rep. Trydahl was declared lost.

The question being on the motion of Rep. Scholl for the adoption of the report of the Committee of the Whole except as to House Bill No. 41, the motion prevailed.

Rep. Scholl moved that House Bill No. 41 be re-referred to the Committee of the Whole for further amendment, which motion prevailed.

## REPORTS OF STANDING COMMITTEES

Mr. Speaker: Your Committee on Drainage and Irrigation to whom was referred House Bill No. 274, have had the same under consideration and recommend that the same be amended as follows:

In Section 6, line 4, strike out the words and figures "Ten Dollars ($10.00)" and insert in lieu thereof the following words and figures "Seven Dollars ($7.00)."

And when so amended, recommend the same do pass.

REP. GRAY, Chairman.

Rep. Panko moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Temperance to whom was referred House Bill No. 238, 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 Regulating the Possession and Sale of Intoxicating Liquor and Beer Outside the Limits of an Incorporated City or Village Within One Thousand (1,000) Feet of a Dance Hall, Providing a Penalty for Violation Thereof, a Saving Clause, 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. No person, firm or corporation shall, outside of the limits of any incorporated city or village, conduct a place or premises where any dance, dancing or entertainment is permitted to be held, to which dance, dancing or entertainment the public generally is admitted or participates, within one thousand (1,000) feet of any place where liquor or beer is sold. The liquor or beer license of any premises outside of an incorporated city or village, established less than one thousand (1,000) feet from any such building, place or premises where any dance,

dancing or entertainment is permitted or held, as defined herein at the time of the taking effect of this act, shall be void and of no effect from and after the taking effect of this act, provided, however, that in such case the licensing body shall remit to the licensee that pro rata share of the license fee paid which shall thus become

ineffective. In the event any person, firm or corporation is issued a license to sell liquor or beer in a building, place or premises outside of an incorporated city or village, which at the time of such issuance is more than one thousand (1,000) feet from any building, place or premises where any dance, dancing or entertainment is held, as defined herein, then and in that event it shall thereafter be unlawful for any person, firm or corporation, so long as such license shall be effective, to hold or permit to be held any dance, dancing or entertainment, as defined herein, less than one thousand (1,000) feet from such licensed liquor or beer premises.

SECTION 2. PENALTY.) Any person violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than One Hundred ($100.00) Dollars or by imprisonment in the county jail for not more than thirty (30) days, or by both such fine and imprisonment.

SECTION 3. SAVING CLAUSE.) If any provision or part of any provision of this act shall be held invalid, the remaining portions shall not be thereby affected.

SECTION 4. REPEAL.) All Acts or parts of acts in conflict herewith are hereby repealed.

SECTION 5. 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.

H. C. WILLIAMS, Chairman.

Rep. Fitch moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Appropriations to whom was referred House Bill No. 143, have had the same under consideration and recommend that the same be amended as follows:

Section 1, page 2, in line 8, after the word "of," strike out the figures and words "$621,002 (Six Hundred Twenty-one Thousand" and in line 9 the words "Two Dollars)" and insert in lieu thereof the figures and words "$547,450.00 (Five Hundred Forty-seven Thousand Four Hundred Fifty Dollars).

Line 13, strike out the figures "$441,000.00" and insert in lieu thereof the figures "$396,900.00."

Line 14, strike out the figures "$50,000.00" and insert in lieu thereof the figures "$45,000.00."

Line 17, strike out the figures "$64,000.00" and insert in lieu thereof the figures "$51,200.00."

Line 18, strike out the figures "$42,000.00" and insert in lieu thereof the figures "$33,600.00."

Line 19, strike out the figures "$597,000.00" and insert in lieu thereof the figures "$526,700.00."

Line 21, strike out the figures "$11,429.00" and insert in lieu thereof the figures "$10,287.00."

Line 23, strike out the figures "$6,857.00" and insert in lieu thereof the figures "$5,486.00."

Line 24, strike out the figures "$1,143.00" and insert in lieu thereof the figures "$915.00."

Page 3, Section 1, line 26, strike out the figures "$857.00" and insert in lieu thereof the figures "$772.00."

Line 27, strike out the figures "$371.00" and insert in lieu thereof the figures "$334.00."

Line 28, strike out the figures "$1,716.00" and insert in lieu thereof the figures "$1,545.00."

Line 29, strike out the figures "$371.00" and insert in lieu thereof the figures "$334.00."

Line 30, strike out the figures "$458.00" and insert in lieu thereof the figures "$413.00."

Line 31, strike out the figures "$229.90" and insert in lieu thereof the figures "$207.00."

Line 32, strike out the figures "$571.00" and insert in lieu thereof the figures "$457.00."

Line 33, strike out the figures "$12,573.00" and insert in lieu thereof the figures "$10,463.00."

Line 34, strike out the figures "$24,002.00" and insert in lieu thereof the figures "$20,750.00."

Line 35, strike out the figures "$621,002.00" and insert in lieu thereof the figures "$547,450.00."

And when so amended, recommend the same do pass.

C. P. RITTER, Acting Chairman.

Rep. Johnson of Cass moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Appropriations to whom was referred House Bill No. 105, have had the same under consideration and recommend that the same be amended as follows:

Page 1, Sec. 2, in line 2, after the word "be," strike out the balance of the line "known as the."

In line 3, strike out the words "Director, who shall be appointed by" up to the word "the."

Section 2, line 4, strike out the word "Labor," strike out the "comma" and insert in lieu thereof a "period." Strike out the balance of the Section "who shall in such appointment consider the recommendations made by state cooperative organizations. Such director shall be paid a salary of $2,000 annually."

Page 2, Sec. 3, line 1, after the word "the," strike out the word "Direc-".

In line 2, strike out the words "tor of the Division of Cooperatives" up to the word "to" and insert in lieu thereof the words "Commissioner of Agriculture and Labor."

Page 2, Sec. 3, in line 9, strike out the word "Director" and insert in lieu thereof the words "Commissioner of Agriculture and Labor."

Page 2, Sec. 4, line 4, after the word "sum," strike out the balance of the line "of $4,000 for the payment of salary of the Director."

Line 5, strike out the words "and the sum." Strike out the figures "$1,000.00" and insert in lieu thereof the figures "$2,000.00."

In line 5, after the word "expended," strike out the words "by the Director."

And when so amended, recommend the same do pass.

C. P. RITTER, Acting Chairman.

Rep. Semerad moved that the report be adopted, which motion prevailed, and the report was adopted.

## MESSAGES FROM THE SENATE

Senate Chamber,
Bismarck, February 18, 1939.

Mr. Speaker: I have the honor to return:

House Bill No. 204. A Bill for an Act to Provide for Better Control and Regulation of the Sale of Alcohol, Alcoholic Beverages and Intoxicating Liquors Within the State of North Dakota; to License the Importation Thereof; to Provide for the Issuance and Cancellation of Importers' Licenses and Set the Fees Therefor; Provide for the Disposition of Said Fees; to Provide Penalties and Declaring an Emergency.

Which the Senate has indefinitely postponed.

Mr. Speaker: I have the honor to transmit:

Senate Bill No. 241. A Bill for an Act to Provide for the Better Enforcement and Collection of Personal Property Taxes by Providing for the Appointment of a Special Tax Collector; Prescribing His Duties, Authority and Compensation; and Declaring an Emergency.

Senate Bill No. 228. A Bill for an Act Providing for Transfer of Certain School Lands Situated in Williams County, State of North Dakota, to Williams County to Be Used and Maintained as a Public Park and Authorizing the Exchange of the County Land Therefor, and Declaring an Emergency.

Senate Bill No. 226. A Bill for an Act to Amend and Reenact Section 2 of That Certain Initiated Law Entitled "An Act Declaring Mortgages on Growing and Unharvested Crops to Be Against the Public Policy of the State, and Abolishing the Same," Approved and Adopted by the Electors at the June 29, 1932 Primary Election; as Amended by Chapter 150 of the Session Laws of North Dakota for the Year 1933, Repealing All Acts or Parts of Acts in Conflict and Declaring an Emergency.

Senate Bill No. 208. A Bill for an Act to Encourage the Investment of Monies in the State of North Dakota, and to Encourage the Development of Industries and Resources in the State of North Dakota, Providing for Exempting, for a Period of Five Years, All of the Property of New Business Places, Hereafter Entered Into in the State of North Dakota, Whether the Same Be by Corporations, Firms, or Individuals, Providing That the Same Shall Only Apply Where Twenty-five Thousand Dollars or More of Capital Is Invested in Such Industry or Business Place, Within the State of North Dakota; Repealing All Acts and Parts of Acts in Conflict Herewith and Declaring an Emergency.

Senate Bill No. 150. A Bill for an Act Amending and Reenacting the Workmen's Compensation Act by Amending and Re-enacting Sub-sections A and C of Section 3, Chapter 162, Session Laws of 1919 as Amended by Chapter 260, Session Laws of 1929 and Chapter 286, Session Laws of 1935; Paragraph F of Section 4 of Chapter 162, Session Laws of 1919, as Amended by Chapter 285, Session Laws of 1927 and Chapter 314, Session Laws of 1931; Paragraph I of Section 4 of Chapter 162, Session Laws of 1919, as Amended by Chapter 314, Session Laws of 1931 and

Chapter 286, Session Laws of 1935; the First Paragraph of Section 5 of Chapter 162, Session Laws of 1919 as Amended by Chapter 143, Session Laws of 1921 and Which Appears as Section 396a5 of the 1925 Supplement; the Ninth and Final Paragraph of Section 7 of Chapter 162, Session Laws of 1919 as Amended by Chapter 312, Session Laws of 1931; the Fourth and Fifth Paragraphs of Section 8, Chapter 162, Session Laws of 1919 as Amended by Chapter 315, Session Laws of 1931; and Section 23 of Chapter 162, Session Laws of 1919 Which Also Appears as Section 396a23 of the 1925 Supplement.

Senate Bill No. 79. A Bill for an Act Providing for the Closing of the Hunting Season and Prohibiting all Hunting of Upland Game Birds Until the Opening of the Hunting Season in the Year 1942; Providing a Penalty for Violation of the Provisions Hereof.

Senate Bill No. 211. A Bill for an Act Appropriating Money for the Use of the Board of Railroad Commissioners for the Purpose of the Valuation and Revaluation of Public Utilities by the Board of Railroad Commissioners, as Provided by Chapter 253, Session Laws of 1935.

Senate Bill No. 251. A Bill for an Act to Facilitate the Co-operation of This State With Other Units of Government and to Establish an Unpaid Commission for That Purpose, and Declaring an Emergency.

Senate Bill No. 178. A Bill for an Act Providing That the State Board of Finance and Administration Created and Established by Senate Bill Number 37 Now Pending Before This Legislative Assembly Shall be the Successor of The Board of Administration and Vesting in and Imposing Upon Said State Board of Finance and Administration All the Rights, Powers, Duties, Obligations and Prerogatives of Said Board of Administration, and Declaring an Emergency.

Senate Bill No. 258. A Bill for an Act Providing Suspension of Remedies to Enforce or Effectuate Tax Liens, Certificates and Titles Affecting Lands Acquired by the State Treasurer as Trustee for the State of North Dakota Under the Provisions of Sections 2290b9 and 2290c9 of the 1925 Supplement to the 1913 Compiled Laws of North Dakota, and Acts Amendatory Thereof, Providing for Removal of Such Suspension Upon Sale of Said Lands, Providing Authority for Payment of the Original Amounts of General Taxes, and Cancellation of Liens, Certificates and Titles Based Thereon, and Providing for Repeal of All Inconsistent Acts, Including Chapter 290 of the North Dakota Session Laws of 1931, and Declaring an Emergency.

Senate Bill No. 177. A Bill for an Act to Repeal That Certain Initiated Law Entitled "An Act Prohibiting Corporation Farming and Relating to Corporations Acquiring and Holding Real Estate Not Necessary in the Operation of Their Business." Approved and Adopted by the Electors at the June 29, 1932 Primary Election, as Amended by Chapter 89 of the Session Laws of the State of North Dakota for the Year 1933, and as Further Amended by Chapter 111 of the Session Laws of North Dakota for the Year 1935.

Senate Bill No. 171. A Bill for an Act Authorizing and

Directing the North Dakota Agricultural College to Enter Into A Co-operative and License Agreement With the United States of America for Agricultural Investigational Work on Land Located in the Sheyenne River Project in Richland and Ransom Counties, State of North Dakota.

Senate Bill No. 203. A Bill for an Act Authorizing and Directing the President of the North Dakota Agricultural College to Enter Into a Leasing Agreement in Behalf of the North Dakota Agricultural College, with Hettinger Special School District No. 13, Leasing the Hettinger Experimental Substation Property Located Adjacent to the Village of Hettinger in the County of Adams, State of North Dakota; and Repealing Chapter 185, of the Session Laws of North Dakota for the Year 1937.

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

WM. J. LOWE, Secretary.

## REPORTS OF STANDING COMMITTEES

Mr. Speaker: Your Committee on Elections and Election Privileges to whom was referred House Bill No. 119, have had the same under consideration and recommend that the same be indefinitely postponed.

LEONAS MYERS, Chairman.

Rep. Shure moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Taxes and Tax Laws to whom was referred House Concurrent Resolution No. 365, have had the same under consideration and recommend that the same be amended as follows:

In Section 176, page 1, beginning in line 13 after the "comma", strike out the words "and homesteads as now or hereafter defined by State law, occupied by the owner thereof, or members of his immediate family,".

In Section 176, page 1, line 16, after the "period" insert the following: "The Legislature may provide by statute for the exemption from taxation of homesteads as now or hereafter defined by state law, occupied by the owner thereof."

And when so amended recommend the same be adopted.

N. P. JENSEN, Cairman.

Rep. Arneson (Ramsey) moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Counties to whom was referred:

House Bill No. 327, have had the same under consideration and recommend that the same be amended as follows:

On line 5, after the word "doctor," strike out the balance of the bill and insert the following: "Provided, that if a medical doctor refuses to go on the ballot in the primary election in counties where no medical doctor is located then any qualified elector may be eligible for the office of County Coroner; and be it further provided that in case of a vacancy by death or otherwise the County Commissioners shall fill such vacancy by appointment.

And when so amended recommend the same do pass.

JOHN BILLIGMEIER, Chairman.

Rep. H. G. Severson moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Drainage and Irrigation to whom was referred:

House Bill No. 311, have had the same under consideration and recommend that the same be amended as follows:

On page 11, section 3, sub-section 6, line 103 of the printed bill, strike out the word "return" and insert in lieu thereof the word "retain."

And when so amended recommend the same do pass.

REP. GRAY, Chairman.

Rep. Mollet moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Elections and Election Privileges to whom was referred:

House Bill No. 309, have had the same under consideration and recommend that the same be amended as follows:

In line 45, strike out the word "committeemen" and insert in lieu thereof, the word "committeeman."

In line 46, strike out the word "Same" and insert in lieu thereof, the word "proxy."

In line 49, strike out the word "Same" and insert in lieu thereof the word "proxy."

After line 63 continue numbering lines and add new paragraph "Vacancies shall be filled by a majority of the state committee by appointment from the legislative district in which such vacancy exists. Vacancies in the office of precinct committeemen shall be filled by appointment from such precinct made by the county executive committee of such party."

And when so amended recommend the same do pass.

LEONAS MYERS, Chairman.

Rep. Shure moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Drainage and Irrigation to whom was referred:

House Bill No. 291, have had the same under consideration and recommend that the same be amended as follows:

On page 1, in line 3 of the title, strike out the words "State Departments," and strike out all of lines 4, 5, 6 and the words "funds and funds of" in line 7.

On page 1, section 1, line 4, strike out the words "public funds under the custody," and strike out all of line 5.

On page 2, section 1, line 6, strike out the words "ment, bureau or commission, and that;" line 7, strike out the words "sinking fund, and of any."

And when so amended recommend the same do pass.

R. T. GRAY, Chairman.

Rep. Nystrom moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Appropriations to whom was referred House Bill No. 38, have had the same under consideration and recommend that the same be amended as follows:

Page 1, Section 1, line 3 strike out the figures "$321,-005.00" and insert in lieu thereof the figures "$242,515.00."

Page 2, Section 1, strike out all of line 16 "Ass't Chemist $3,000.00."

Strike out all of line 20 "Additional $3,000.00."

Strike out all of line 25 "Laboratory Clerks (3) $8,400.00."

Line 26, strike out the figure "(6)" and the figures "$21,-000.00" and insert in lieu thereof the figures "$15,000.00."

Line 27, strike out the figures "(24)" and the figures "$64,-800.00" and insert in lieu thereof the figures "$50,000.00."

Line 28, strike out the figure "(5)" and the figures "$16,-080.00" and insert in lieu thereof the figures "$8,040.00."

Line 29, strike out the figures "$3,500.00" and insert in lieu thereof the figures "$3,000.00."

Line 30, strike out the figures "$3,150.00" and insert in lieu thereof the figures "$3,000.00."

Line 32, strike out the figures "$11,000.00" and insert in lieu thereof the figures "$10,000.00."

Line 34, strike out the figures "$69,000.00" and insert in lieu thereof the figures "$50,000.00."

Page 3, Section 1, line 38, strike out the figures "$12,-500.00" and insert in lieu thereof the figures "$8,000.00."

Line 40, strike out the figures "$600.00" and insert in lieu thereof the figures "$500.00."

Line 44, strike out the figures "$321,005.00" and insert in lieu thereof the figures "$242,515.00."

Re-number beginning with line 17—change to line 16 and continue re-numbering to the end of the section.

And when so amended, recommend the same do pass.

C. P. RITTER, Acting Chairman.

Rep. Johnson of Cass moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Appropriations to whom was referred House Bill No. 199, have had the same under consideration and recommend that the same be returned with no recommendation.

C. P. RITTER, Acting Chairman.

Rep. Johnson moved that the report be adopted, which motion prevailed, and the report was adopted.

Rep. Westby moved that House Bill No. 199 be indefinitely postponed.

Rep. Bergesen moved a substitute motion that House Bill No. 199 be placed on the calendar, which motion prevailed and House Bill No. 199 was placed on the calendar.

Mr. Speaker: Your Committee on Appropriations to whom was referred House Bill No. 264, have had the same under consideration and recommend that the same be indefinitely postponed.

C. P. RITTER, Acting Chairman.

Rep. Semerad moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Appropriations to whom was referred House Bill No. 130, have had the same under consideration and recommend that the same be indefinitely postponed.

C. P. RITTER, Acting Chairman.

Rep. Symington moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Appropriations to whom was referred House Bill No. 265 have had the same under consideration and recommend the same be reported back to the House with no recommendation.

C. P. RITTER, Acting Chairman.

Rep. Morland moved that the report be adopted, which motion prevailed, and the report was adopted.

Rep. Crockett moved that House Bill No. 265 be placed on the calendar, which motion prevailed, and House Bill No. 265 was placed on the calendar.

Mr. Speaker: Your Committee on Agriculture to whom was referred House Bill No. 382, have had the same under consideration and recommend that the same be indefinitely postponed.

CARL H. DITTMER, Chairman.

Rep. Haugland moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Appropriations to whom was referred House Bill No. 385, have had the same under consideration and recommend that the same be reported back with no recommendation.

C. P. RITTER, Acting Chairman.

Rep. Morland moved that the report be adopted, which motion prevailed, and the report was adopted.

Rep. Scholl moved that House Bill No. 385 be placed on the calendar, which motion prevailed, and House Bill No. 385 was placed on the calendar.

Mr. Speaker: Your Committee on Taxes and Tax Laws to whom was referred:

House Bill No. 351, have had the same under consideration and recommend that the same be amended as follows:

Strike out everything after "A Bill' and insert the following:

For an Act to Amend and Re-enact Section 2346a18 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, as Amended by Section 4, Chapter 283 of the Session Laws of 1931, as Amended by Section 2, Chapter 241, Session Laws of 1937, to Repeal Section 4 of Chapter 241 Session Laws of 1937; and Declaring an Emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 2346a18 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913 as amended by Section 4 of Chapter 283 of the Session Laws of 1931 as amended by Section 2 of Chapter 241, Session Laws of 1937, is hereby amended and re-enacted to read as follows:

Section 2346a18. 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, but state income taxes are not deductible.

(4) (1) No losses shall be deducted from the fixed income of the taxpayer derived from salaries, wages, or taxable dividends, but losses actually sustained in the carrying on of any trade or business, sustained within the year and not compensated by insurance or otherwise, may be deducted, provided further 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. Provided, however, that the aggregate amount which may be deducted in connection with losses incurred in connection with sale or exchange of capital assets shall not exceed the aggregate gains reported from the sale or exchange of capital assets in any year.

(2) Losses sustained from the operation or conducting of any farming or agricultural pursuit sustained within the year and not compensated for by insurance; providing, however, that the person claiming such deduction must have been the legal owner of the land on which the loss accrued for at least one year prior to claiming the deduction. Provided, however, that no deduction for loss sustained from any farming or agricultural pursuit as provided in this Section shall exceed the sum of Five Hundred Dollars.

(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 has been assessed and paid by a corporation under this Act, received by the taxpayer and included in the gross income within the income year; provided that when only part of the income of any corporation shall have been assessed and income tax paid under this Act, only a corresponding part of the dividends or income received therefrom shall be deducted; and providing further that such corporation has reported the name and address of each person owning stock and the amount of dividends or income paid each such person during the year.

(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 organization, 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 insures (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 percent (15%) of the taxpayer's net income as computed without the benefit of this subdivision.

SECTION 2. REPEAL.) Section 4 of Chapter 241, Session Laws of 1937 is hereby repealed.

SECTION 3. EMERGENCY.) This Act is declared to be an emergency measure, and it shall be in full force and effect upon its passage and approval.

And when so amended recommend the same do pass.

N. P. JENSEN, Chairman.

Rep. Ostgulen moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on State Affairs to whom was referred House Bill No. 369, have had the same under consideration and recommend that the same do pass.

W. M. CROCKETT, Chairman.

Rep. Fletcher moved that the report be adopted.

Rep. Bergesen moved a substitute motion that House Bill No. 369 be indefinitely postponed, which motion was lost.

The question being on the report of the committee for final passage, the motion prevailed.

House Resolution "L" concerning the death of Rep. Sticka was read from the desk.

Rep. Culver of Stark moved that House Resolution "L" be printed in the Journal, which motion prevailed.

Rep. Morland moved that House Resolution "L" be adopted, which motion prevailed.

## HOUSE RESOLUTION "L"

Introduced by Rep. Braun of Stark

WHEREAS, The Honorable Ignatz Sticka, a member of this House from the 31st Legislative District, on the morning of February 18, 1939, passed to the Great Beyond;

BE IT RESOLVED that he be shown by the records of this House as excused for the balance of the session and his name be omitted in reading the roll call; but that his name be continued upon the payroll as a member of this body; that the Chief Clerk is hereby authorized and directed to sign the Legislative payroll for and in the name of said deceased member, and that warrants to be issued in payment of mileage and per diem of said Ignatz Sticka, our said fellow member, be made out in the name of his widow, Mrs. Ignatz Sticka, and that the same be by the House Voucher Clerk forwarded to her at New England, North Dakota.

## ROLL CALL

The question being on the final passage of House Resolution "L," the roll was called and there were ayes, 96; nays, 0; absent and not voting, 14.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Halvorson | Panko |
| Anderson, Benson | Heckman | Peterson,Bottineau |
| Anderson,M'K'nzie | Hofstrand | Peterson, Ransom |
| Anfinson | Holm | Rait |
| Arneson, Nelson | Holthusen | Rettke |
| Arneson, Ramsey | Hultstrand | Ritter |

| | | |
|---|---|---|
| Beede | Ireland | Rohde |
| Belzer | Jensen | Saumur |
| Benno | Johnson, Cass | Schauss |
| Bergesen | Johnson, LaMoure | Schmidt, McHenry |
| Billigmeier | Joiner | Schmidt, Sheridan |
| Bingenheimer | Keller | Scholl |
| Blair | Kluver | Schwartz |
| Bolmeier | Knutson | Semerad |
| Boulden | Lange | Severson |
| Braun, McLean | Levin | Sharpe |
| Braun, Stark | Lunde | Shure |
| Buchholz | McInnes | Singleton |
| Culver | McIntee | Skartvedt |
| Dalzell | Myers | Solberg |
| Dike | Mittag | Stone |
| Dittmer | Mollet | Stormon |
| Erickson | Moe | Symington |
| Feton | Morland | Thompson,Burl'gh |
| Fitch | Nelson, Cass | Tuff |
| Fletcher | Nelson, Dickey | Twichell |
| Fraser | Nelson, Steele | Wambheim |
| Fuglestad | Nystrom | Westby |
| Gainor | Odegard | Williams,Richland |
| Glas | Oglesby | Williams,Stutsm'n |
| Gray | Ostgulen | Wolf |
| Haag | Page | Mr. Speaker |

Absent and not voting:

| | | |
|---|---|---|
| Brown | Larson | Sellens |
| Byrne | McIntyre | Thompson, Steele |
| Crockett | O'Brien | Trydahl |
| Haugland | Sand | Urschel |
| Ista | Schimke | |

So House Resolution "L" was adopted.

Rep. Culver: I move that the House do now pause in memorial service in memory of our departed brother, Rep. Sticka.

Rep. Scholl: It seems that in the Divine plan this House has been particularly stricken in the loss now of the third member of this House. We are almost bewildered in the arranging of this program and formality has been somewhat forgotten in that arrangement. I move that Father Feehan be given a few minutes to speak in memory of Rep. Sticka.

Rev. Father Feehan, Pastor of St. Mary's Catholic Church of Bismarck addressed the Assembly as follows:

"Honorable Speaker, Honorable Representatives and Ladies and Gentlemen:

There is an old, old village in England with a quaint old cemetery. On one of the tomb stones there is an epitaph engraved which is so very truthful and it is this:

'Remember, Man, as you pass by,
As you are now so once was I,
As I am now so once you will be,
Prepare, O Man, to follow me.'

For the third time one of your members during this brief span of the Session has passed beyond. We may all differ in intelligence, intellectually, socially, politically, or religiously, but there is one thing we have in common and

that is we must all die. Sacred Scripture says that it is appointed for every man to die and after death, judgment.

The great orators who could sway and charm multitudes, the great musicians who gave us wonderful symphonies, great statesmen whose names were by-words in every household, great sculptors who made statues proud with beauty, great artists who put on canvas living people, now are all gone. The paint has faded from the canvas; their song is ended and their voices are still. Their statues have crumbled to dust. Their names are found only in unread chapters of forgotten historians. But there is one name that will always live on, the name of God. The name of Jesus Christ will live on forever when all other names shall have disappeared. How wonderful are the words of St. Augustine: 'We are made for Thee, Oh Lord, and our souls will not rest until they rest in Thee.'

But we, children of this world, perhaps realize this wonderful lesson only in life's latest hour when the toys that pleased our vanity are broken and the luxuries that beguiled us have had their day. We are only in this world for a short time in preparation for the next.

One of your members has passed on. His chair is vacant; his voice is still. He has passed away during the most important days of your Session, showing after all that Almighty God will take His, at a time which we may consider one of life's important days. You will no longer see him in his accustomed place. We sympathize with the family, the family that has lost a good father, the community that has lost a good citizen. We want always to remember that those crosses are bound to come, and with this thought we can turn to the words of the poet:

'My life is but a weaving between my God and me.
I may not choose the colors but work on steadily,
Full oft I weave in sorrow, and I in foolish pride,
Forget He sees the upper while I see only the underside.'

Let us remember that after the sorrow of Good Friday came Easter Sunday, After the rain comes the sunshine. After earth comes heaven. If we could only live as we would like to die: in the odor of sanctity and holiness.

Mr. Sticka is dead. Never again will he grace these chambers with his presence. His story, the last chapter, has been written and I can say for him, while I did not know him personally, I can say for him that he must have been a fine gentleman. He was chosen for a fine honor, as you people were. He must have been faithful to the end because sickness which was cast over him like a shadow must have weighed him down during these days but he went on to the very end carrying out that trust which the citizens of his county put in him. And while we say this of him, most of all he was a good father and a kind neighbor.

In just a few days he will be laid to rest by the hands of his own son, Rev. Father Sticka of Gladstone. May our Almighty God in his supreme kindness grant that kind soul eternal rest."

Rep. Page moved that the memorial address given by Father Feehan be printed in the Journal, which motion prevailed.

Rep. Scholl moved that the House proceed in the regular order of business, which motion prevailed.

The House reverted to the Fifth Order of Business.

REPORTS OF STANDING COMMITTEES

Mr. Speaker: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bills and find the same correctly engrossed:

House Bill No. 62.

House Bill No. 151.

OLAF OSTGULEN, Chairman.

Representative Ostgulen moved that the report be adopted, which motion prevailed, and the report was adopted.

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

House Bill No. 193.

And find the same correctly enrolled.

OLAF OSTGULEN, Chairman.

Representative Ostgulen moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Taxes and Tax Laws to whom was referred House Bill No. 331, have had the same under consideration and recommend that the same be amended as follows:

In the title, strike out the words "Soft Drinks" and insert in lieu thereof "Malt beverages not taxed under the Initiated Beer Law of 1933."

Strike out all of Section I and insert in lieu thereof the following: "SECTION I. There is hereby imposed a tax upon all malt beverages not taxed under the Initiated Beer Act of 1933, as follows: Two dollars and forty-eight cents ($2.48) per barrel of thirty-one (31) gallons or pro rata in proportion thereof in accordance with the size of the container."

In Section 2, line 2, strike out the words "soft drinks" and insert in lieu thereof "malt beverges as defined herein."

In Section 2, line 5, strike out the words "soft drinks" and insert in lieu thereof "malt beverages as defined herein."

In Section 2, line 6, after the word "glass" insert "or in any other container."

In Section 3, line 1, strike out the words "soft drinks" and insert in lieu thereof "malt beverages as defined herein."

In line 2, Section 3, after the word "bottle" insert "or any other container." In Section 4, line 1, strike out the words "soft drinks" and insert in lieu thereof "such malt beverages."

And when so amended recommend the same do pass.

N. P. JENSEN, Chairman.

Rep. Rohde moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on State Affairs to whom was referred House Concurrent Resolution No. 387, found on page 692 of House Journal, have had the same under consideration and recommend that the same be indefinitely postponed.

W. M. CROCKETT, Chairman.

Rep. Wambheim moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Judiciary to whom was referred House Bill No. 381, have had the same under consideration and recommend that the same do pass and we recommend this Bill for passage for the further reason that we deem it a companion measure to House Bill No. 95 namely, Bonafide Farmer Bill.

J. M. ANDERSON, Chairman.

Rep. Adam moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Judiciary to whom was referred House Bill No. 379, have had the same under consideration and recommend that the same be indefinitely postponed.

J. M. ANDERSON, Chairman.

Rep. Mittag moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on State Affairs to whom was referred House Bill No. 286, have had the same under consideration and recommend that the same be indefinitely postponed.

W. M. CROCKETT, Chairman.

Rep. Levin moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on State Affairs to whom was referred House Bill No. 287, have had the same under consideration and recommend that the same do pass.

W. M. CROCKETT, Chairman.

Rep. Dalzell moved that the report be adopted.

Rep. Bergesen moved a substitute motion that House Bill No. 287 be indefinitely postponed, which motion was lost.

The question being on the report of the committee for passage of House Bill No. 287, the motion prevailed.

Mr. Speaker: Your Committee on State Affairs to whom was referred House Bill No. 269, have had the same under consideration and recommend that the same be indefinitely postponed.

W. M. CROCKETT, Chairman.

Rep. Twichell moved that the report be adopted, which motion prevailed and the report was adopted.

Rep. Twichell moved that the vote by which House Bill No. 269 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on Livestock to whom was referred House Bill No. 306, have had the same under consideration and recommend that the same be indefinitely postponed.

JACOB URSCHEL, Chairman.

Rep. Nelson of Cass, moved that the report be adopted.

Rep. Knutson moved a substitute motion that House Bill No. 306 be placed on the calendar, which motion prevailed.

Mr. Speaker: Your Committee on Education to whom was referred:

House Bill No. 195, have had the same under consideration and recommend that the same be indefinitely postponed.

C. H. HOFSTRAND, Chairman.

Rep. Buchholz moved that the report be adopted.

Rep. Twichell moved a substitute motion that action on House Bill No. 195 be delayed one legislative day, which motion prevailed.

Mr. Speaker: Your Committee on Delayed Bills to whom was referred:

A Bill for an Act Making an Appropriation of Three Hundred Forty Three Dollars ($343.00) for the Purpose of Paying the Funeral Expenses of Representative Ignatz Sticka of Stark county.

Have had the same under consideration and recommend that the same be approved for introduction.

MANDUS HULTSTRAND, Chairman.

Rep. Myers moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Delayed Bills to whom was referred:

A Bill for an Act to Amend Section 308a5, 1915 Supplement to the 1913 Compiled Laws of North Dakota.

Have had the same under consideration and recommend that the same be approved for introduction.

MANDUS HULTSTRAND, Chairman.

Rep. Hultstrand moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Education to whom was referred:

House Bill No. 244, have had the same under consideration and recommend that the same do pass.

C. H. HOFSTRAND, Chairman.

Rep. Dike moved that the report be adopted, which motion prevailed, and the report was adopted.

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

House Bill No. 93, have had the same under consideration and recommend that the same be indefinitely postponed.

W. M. CROCKETT, Chairman.

Rep. Crockett moved that the report be adopted, which motion prevailed, and the report was adopted.

Rep. Fitch moved that the vote by which House Bill No. 93 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on Elections and Election Privileges to whom was referred:

House Concurrent Resolution No. 266, have had the same under consideration and recommend that the same be indefinitely postponed.

LEONAS MYERS, Chairman.

Rep. Blair moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Temperance, to whom was referred:

House Bill No. 189, have had the same under consideration and recommend that the same be indefinitely postponed.

H. C. WILLIAMS, Chairman.

Rep. H. W. Brown moved that the report be adopted, which motion prevailed, and the report was adopted.

Rep. Fitch moved that the vote by which House Bill No.

189 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on State Affairs to whom was referred House Bill No. 349, have had the same under consideration and recommend that the same be indefinitely postponed.

W. M. CROCKETT, Chairman.

Rep. Twichell moved that the report be adopted.

Rep. Bergesen moved a substitute motion that House Bill No. 349 go on the calendar, which motion prevailed.

Mr. Speaker: Your Committee on Judiciary to whom was referred House Bill No. 355, have had the same under consideration and recommend that the same do pass.

J. M. ANDERSON, Chairman.

Rep. Rettke moved that the report be adopted.

Rep. Fitch moved a substitute motion that House Bill No. 355 be indefinitely postponed, which motion was lost.

The question being on the adoption of the report of the committee for passage of House Bill 355, the motion prevailed.

Mr. Speaker: Your Committee on Taxes and Tax Laws to whom was referred House Bill No. 360, have had the same under consideration and recommend that the same be indefinitely postponed.

N. P. JENSEN, Chairman.

Rep. Mollet moved that the report be adopted, which motion prevailed and the report was adopted.

Rep. Mollet moved that the vote by which House Bill No. 360 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on Judiciary to whom was referred House Bill No. 361, have had the same under consideration and recommend that the same do pass.

J. M. ANDERSON, Chairman.

Rep. Bingenheimer moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on State Affairs to whom was referred House Bill No. 366, have had the same under consideration and recommend that the same be indefinitely postponed.

W. M. CROCKETT, Chairman.

Rep. Lange moved that the report be adopted, which motion prevailed and the report was adopted.

Rep. Wambheim moved that the vote by which House Bill No. 366 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on Cities and Municipal Cities and Corporations to whom was referred House Bill No. 370, have had the same under consideration and recommend that the same do pass.

FRANK FLETCHER, Chairman.

Rep. Shure moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on State Affairs to

whom was referred House Bill No. 376, have had the same under consideration and recommend that the same be indefinitely postponed.

W. M. CROCKETT, Chairman.

Rep. Dalzell moved that the report be adopted, which motion prevailed, and the report was adopted.

Rep. Semerad moved that the vote by which House Bill No. 376 was indefinitely postponed be reconsidered, and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on State Affairs to whom was referred House Bill No. 336, have had the same under consideration and recommend that the same be indefinitely postponed.

W. M. CROCKETT, Chairman.

Rep. Twichell moved that the report be adopted, which motion prevailed, and the report was adopted.

Rep. Oglesby moved that the vote by which House Bill No. 336 was indefinitely postponed be reconsidered, and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on State Affairs to whom was referred House Bill No. 339, have had the same under consideration and recommend that the same be indefinitely postponed.

W. M. CROCKETT, Chairman.

Rep. Dalzell moved that the report be adopted.

Rep. Bergesen moved a substitute motion that House Bill No. 339 go on the calendar, which motion was lost.

The question being on the report of the committee for indefinite postponement, the motion prevailed.

Rep. Crockett moved that the vote by which House Bill No. 339 was indefinitely postponed be reconsidered, and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on State Affairs to whom was referred House Bill No. 347, have had the same under consideration and recommend that the same be indefinitely postponed.

W. M. CROCKETT, Chairman.

Rep. Dalzell moved that the report be adopted, which motion prevailed, and the report was adopted.

Rep. Skartvedt moved that the vote by which House Bill No. 347 was indefinitely postponed be reconsidered, and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on State Affairs to whom was referred House Bill No. 319, have had the same under consideration and recommend that the same be indefinitely postponed.

W. M. CROCKETT, Chairman.

Rep. Dalzell moved that the report be adopted, which motion prevailed, and the report was adopted.

Rep. Westby moved that the vote by which House Bill No. 319 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on State Affairs to whom was referred House Bill No. 322, have had the same under consideration and recommend that the same be indefinitely postponed.

W. M. CROCKETT, Chairman.

Rep. Levin moved that the report be adopted, which motion prevailed, and the report was adopted.

Rep. Dalzell moved that the vote by which House Bill No. 322 was indefinietly postponed be reconsidered, and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on State Affairs to whom was referred House Concurrent Resolution No. 342, have had the same under consideration and recommend that the same be sent back to the House with no recommendations.

W. M. CROCKETT, Chairman.

Rep. Saumur moved that the report be adopted, which motion prevailed, and the report was adopted.

Rep. Scholl moved that House Concurrent Resolution 342 be indefinitely postponed.

Rep. Twichell moved a substitute motion that House Concurrent Resolution 342 be placed on the calendar, which motion was lost.

A roll call was demanded and granted.

ROLL CALL

The question being on the motion of Rep. Twichell that House Concurrent Resolution No. 342 be placed on the calendar the roll was called and there were ayes, 41; nays, 55; absent and not voting, 14.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Arneson, Nelson | Holthusen | Page |
| Arneson, Ramsey | Ireland | Peterson, Ransom |
| Beede | Johnson, Cass | Sellens |
| Blair | Johnson, LaMoure | Severson |
| Bolmeier | Levin | Shure |
| Boulden | Lange | Solberg |
| Byrne | Lunde | Stormon |
| Dittmer | McInnes | Symington |
| Feton | Moe | Thompson,Burl'gh |
| Fitch | Nelson, Cass | Trydahl |
| Fuglestad | Nelson, Steele | Twichell |
| Gainor | Nystrom | Wambheim |
| Haugland | Odegard | Westby |
| Holm | Oglesby | |

Those voting in the negative were:

| | | |
|---|---|---|
| Adam | Haag | Rait |
| Anderson, Benson | Halvorson | Rettke |
| Anderson,M'K'nzie | Heckman | Ritter |
| Anfinson | Hultstrand | Rohde |
| Belzer | Ista | Saumur |
| Benno | Jensen | Schauss |
| Bergesen | Joiner | Schmidt, McHenry |
| Billigmeier | Keller | Schmidt, Sheridan |
| Bingenheimer | Knutson | Schimke |
| Braun, McLean | McIntee | Scholl |
| Buchholz | McIntyre | Sharpe |

| | | |
|---|---|---|
| Crockett | Myers | Singleton |
| Dalzell | Mittag | Stone |
| Dike | Mollet | Tuff |
| Erickson | Nelson, Dickey | Williams,Richland |
| Fletcher | Ostgulen | Williams,Stutsm'n |
| Fraser | Panko | Wolf |
| Glas | Peterson,Bottineau | Mr. Speaker |
| Gray | | |

Absent and not voting:

| | | |
|---|---|---|
| Braun, Stark | Larson | Semerad |
| Brown | Morland | Skartvedt |
| Culver | O'Brien | Thompson, Steele |
| Hofstrand | Sand | Urschel |
| Kluver | Schwartz | |

So the motion was declared lost.

Rep. Anderson of Benson: "The Mill and Elevator was established by the State of North Dakota for the purpose of determining the milling value of its wheat. This Resolution does not provide any terms of rental. It does not even authorize it. It never was the intention of the people of North Dakota that this mill should be rented or sold and I therefore vote 'no'."

Rep. Bergesen: "I don't think it is good policy to pick out one organization for authorization to lease to. Furthermore, I think the Farmers Union is a good organization and I don't want to see it go broke. Therefore I vote 'no'."

Rep. Blair: "We are not voting upon the measure of leasing the State Mill. We merely are voting upon House Resolution No. 342 for placing that measure on the calendar and I vote 'aye'."

Rep. Crockett: "I vote 'no' on House Concurrent Resolution No. 342 for the reason that I am a member of the Farmers Union. I think it is the best organization in the State of North Dakota and we are not in shape financially to take over the mill at this time even if we had the right to take it over."

Rep. Ireland: "The statement was made here that the mill was built to test our light weight wheat, to find out how much gluten there is in it. The statement was made also a few months ago that $15,000,000 profit was made through the light weight wheat program of the State Mill and Elevator. I went to the Secretary of Agriculture and Labor and asked him how much light weight wheat was raised in the State and he said he didn't know. If we are going to continue to run the Mill and Elevator without knowing what we are doing, I think we should lease it to somebody and get rid of it. And another reason is I don't think much of their paying $20,000 for speedway advertising for six months."

Rep. Lange: "I was asked to have my name put on this Resolution which I consented to and I still vote 'aye' but I want you people to understand that I am not voting for the Farmers Union as an organization. The Farmers Union as an organization is not behind this."

Rep. Moe: "I think we are having a sick horse on our hands by having this Mill and I am in favor of giving it to the Farmers Union or anybody else. If they couldn't make any

money out of it and if we can get rid of it, I think we should, instead of spending any more money on it. Therefor I vote 'aye'."

Speaker Hagen: "While I am a strong believer in the Farmers Union and its activities, many of their elevators, hatcheries and other industries in North Dakota have not been any too successful and I doubt very much if they could handle the State Mill any better or even as well as it has been operated in the past."

The question being on the motion of Rep. Scholl that House Concurrent Resolution No. 342 be indefinitely postponed, the motion prevailed.

Rep. Morland moved that the members of the committee appointed on arrangements of funeral services for Rep. Sticka be excused in order that they might accompany his body to the train, which motion prevailed.

## MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, February 18, 1939.

Mr. Speaker: I have the honor to inform you that the President has appointed as a conference committee to act with a like committee from the House, Senators:

M. R. YOUNG
A. SKARVOLD
R. GREISER

House Concurrent Resolution No. 91. Providing for the Amendment of Section 25, of Article 2, of the Constitution of the State of North Dakota, Relating to the Legislative Power of the State, and the Initiative and Referendum.

WM. J. LOWE, Secretary.

## REPORTS OF STANDING COMMITTEES

Mr. Speaker: Your Committee on Delayed Bills to whom was referred:

A Bill for an Act Requiring that Boards and Officers in Control of State Lands Remit a Percentage of Net Returns Therefrom to Counties; Providing for Exceptions; Repealing All Inconsistent Acts.

Have had the same under consideration and recommend that the same be approved for introduction.

MANDUS HULTSTRAND, Chairman.

Rep. Hultstrand moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Delayed Bills to whom was referred:

A Bill for an Act, Defining and Prohibiting Unfair Sales, Providing for Remedies for Violation Thereof, and Establishing Penalties Therefor.

Have had the same under consideration and recommend that the same be approved for introduction.

MANDUS HULTSTRAND, Chairman.

Rep. Hultstrand moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Banks and Banking to whom was referred:

House Bill No. 332, have had the same under consideration and recommend that the same do pass.

GUS A. SCHAUSS, Chairman.

Rep. Blair moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Mines and Mining to whom was referred:

House Bill No. 307, have had the same under consideration and recommend that the same do pass.

WM. RETTKE, Chairman.

Rep. Kluver moved that the report be adopted, which motion prevailed, and the report was adopted.

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

House Bill No. 310, have had the same under consideration and recommend that the same do pass.

CARL H. DITTMER, Chairman.

Rep. Fuglestad moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Judiciary to whom was referred:

House Bill No. 334, have had the same under consideration and recommend that the same do pass.

J. M. ANDERSON, Chairman.

Rep. Culver moved that the report be adopted, which motion prevailed, and the report was adopted.

## FIRST READING OF HOUSE BILLS

Reps. Scholl and Twichell introduced:

House Bill No. 392. A Bill for an Act Making an Appropriation of Three Hundred Forty-Three Dollrs ($343.00) for the Purpose of Paying the Funeral Expenses of Representative Ignatz Sticka of Stark County.

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

The Committee on Delayed Bills introduced:

House Bill No. 393. A Bill for an Act to Amend Section 3080a5, 1925 Supplement to the 1913 Compiled Laws of North Dakota.

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

The Commitee on Delayed Bills introduced:

House Bill No. 394. A Bill for an Act Defining and Prohibiting Unfair Sales, Providing for Remedies for Violation Thereof, and Establishnig Penalties Therefor.

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

Rep. Ritter introduced:

House Bill No. 395. A Bill for an Act Requiring That Boards and Officers in Control of State Lands Remit a Percentage of Net Returns Therefrom to Counties; Providing for Exceptions; Repealing All Inconsistent Acts.

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

Rep. Knutson moved to excuse the absent members, which motion prevailed.

Rep. Saumur moved that the House adjourn, which motion prevailed.

## FORTY-SEVENTH DAY

Bismarck, February 18, 1939.

The House convened at 2 P. M., pursuant to adjournment, Speaker Hagen presiding.

Prayer by Rev. N. E. Elsworth.

Roll call: All Representatives present except Billigmeier, Brown, Culver, Larson, Morland, O'Brien, Odegard, Skartvedt, Thompson of Steele.

So a quorum was declared present.

The following were serving on the funeral arrangements for Rep. Sticka: Reps. Culver, Braun of Stark, Semerad, Morland, Schwartz and Skartvedt.

Rep. Scholl moved that the House recess for a sixty-minute period, which motion prevailed.

The House reconvened pursuant to sixty-minute recess taken, Speaker Hagen presiding.

Rep. Morland moved that the select committee appointed on funeral arrangements for Rep. Sticka, which has performed its duties, be now discharged, which motion prevailed.

## REPORT OF STANDING COMMITTEE

Mr. Speaker: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the Forty-fifth and Forty-sixth Day and recommends that the same be corrected as follows:

On page 748, the twenty-second line from the bottom, correct the spelling of "indefinitely" and "the."

On page 749, line 10 from the top, substitute the name "Lange" for "Wambheim."

On page 751, the tenth line from the top, strike out the names "Twichell" and "Tuff."

And when so corrected recommends that the same be approved.

REP. GLAS, Chairman.

Rep. Joiner moved that the report be adopted, which motion prevailed, and the report was adopted.

## MESSAGE FROM THE GOVERNOR

State of North Dakota
OFFICE OF THE GOVERNOR
Bismarck

February 15, 1939.

To the Speaker
To the Members
House of Representatives
Twenty-sixth Legislative Session
Bismarck, North Dakota.

Gentlemen:

I respectfully submit to you herewith a copy of the report recently compiled by the Committee on Appraisal of Relief, Mr. J. N. Urness of Williston, Pauline N. Reynolds of Fargo, Mr. J. R. Fitzsimmons of Mandan, Mr. Glenn Talbott of Jamestown, Mr. M. M. Oppegard of Grand Forks, Mr. John McGuire of Fargo and Mr. Myron Atkinson of Bismarck. As

you will note, there is attached to this report several tables of figures supporting the conclusions of the committee.

While you gentlemen, as representatives of your respective districts, have knowledge of the problems within your counties and surrounding counties, I do not feel that the people of the State in general fully realize the gravity and the seriousness of the situation which confronts us. What has happened is clear enough: A series of disastrous crop years, coupled with low prices for what the farmer produces, has cut the income of the State to a point where a large portion of our people are no longer self-sustaining. Unless checked, these conditions are rapidly bringing more than half of our counties toward a state of bankruptcy, and the future of the State is precarious, to say the least.

I think it is of the utmost importance that there be a complete understanding, not only of the reasons for the conditions as they face us, but of the whole relief situation. The inclosed report is intended for public information. Necessarily, with the brief time that the committee had to spend, the report is preliminary, and in fairness, it can not be anything but a preliminary report. It is a report compiled by what would be termed disinterested citizens, citizens who have no direct connection with the relief set-up nor with any relief agencies in the State, all of whom rendered this service to the State at considerable personal sacrifice and without compensation, and without expense to the State.

It is hoped that the report may serve as a starting point for a thorough appraisal of the relief situation of our State. May I suggest the advisability of the State of North Dakota, through the Members of the Legislature, making provision for a thorough survey and appraisal of the relief situation in North Dakota?

JOHN MOSES,
Governor.

Petitions against the chain store tax were received from 110 persons from Ransom County and 80 persons from Barnes County; from 26 persons from Columbus, N. D.; 87 persons from Stutsman County; 10 persons from Merricourt; 17 persons from Springbrook; 17 persons from Douglas; 17 persons from Pisek, N. D.

A petition was received from 118 persons from New Rockford and vicinity asking the Legislators from the Eddy-Foster District to use every effort toward providing funds to match the Federal Aid Road Program.

Petitions protesting against chain store taxes were received from 77 persons from Foster County; from 75 persons from Langdon and vicinity; 12 persons from Larimore; 195 persons from Emmons County; 124 from New England and Vicinity; 66 from Hettinger and vicinity; 103 from Mott and vicinity; 253 from Grand Forks and vicinity; 133 from Dickinson and vicinity.

Petitions were received from 225 persons from Minot and Williston asking the Legislature to support and vote for the passage of House Bill No. 104 providing for a highway tax to be paid for the extra use of the highways in commercial hauling; House Bill No. 115, providing for the regulation of the business of the hauling of automobiles by truck upon the highways, and House Bill No. 116 regulating the hauling

for hire of gasoline and other combustible liquids upon the highways; also asking support for bills regulating and taxing itinerant peddlers, limiting the rate of speed of contract carriers and common carriers and the taxing of fuel used in Diesel engines.

A letter from Rep. Larson was read from the desk.

Rep. Morland moved that the letter from Rep. Larson be printed in the Journal, which motion prevailed.

206—E. Main St.
Mandan, N. Dak.
Feb. 17, 1939.

Mr. Oscar Hagen,
Speaker of the House of Representatives,
Bismarck, N. Dak.

Dear Mr. Speaker and House Members:

Thanks kindly for the flowers. I appreciate your kind thoughtfulness.

I am recovering and expect to be back in my seat in a few days.

I had a very serious set back, probably due to my anxiety to get back to work.

Yours very truly,
ANTON LARSON.

## REPORT OF SELECT COMMITTEE

The Conference Committee on House Bill No. 74 made the following report:

Mr. Speaker: Your Conference Committee to whom was referred House Bill No. 74, have had the same under consideration and recommend:

That the House accede to the Senate amendments except in line 5, Section 1 strike out beginning with the word "contrary" down to and including the word "laws" in line 7 and in line 8 change the word "penalize" to "deprive".

In line 24, Item B change figures "$28,125.00" to "$33,750.00" and in line 25, Item C change figures "$36,000.00" to "$43,200.00" and in line 26, Item D. change figures "$23,625.00 to "$28,350.00" and in line 39 change figures "$401,923.17" to "$419,473.17" and in line 41 figures "$362,923.17" to "$380,473.17".

For the Senate:
FRED G. AANDAHL,
HENRY LEUM,
G. R. DREW.

For the House:
JOHN J. ADAM,
J. H. HECKMAN,
A. R. BERGESEN.

Rep. Adam moved that the report be adopted, which motion prevailed and the report was adopted.

Rep. Symington moved that the rules be suspended and the House Bill No. 74 be considered properly re-engrossed, placed on second reading and final passage, which motion prevailed.

## SECOND READING OF HOUSE BILLS

House Bill No. 74. A Bill for an Act Making a Deficiency Emergency Appropriation for Relief of Destitute and Necessitous Persons of the State of North Dakota for the Months of December, 1938, and January and February, 1939, as Provided by Chapter 214 of the Session Laws of 1937, Declaring an Emergency.

Was read the second time.

ROLL CALL

The question being on the final passage of the bill, as amended by Senate, the roll was called and there were ayes, 76; nays, 0; absent and not voting, 34.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Anderson,M'K'nzie | Holthusen | Rait |
| Arneson, Nelson | Hultstrand | Rettke |
| Arneson, Ramsey | Ireland | Rohde |
| Beede | Ista | Schmidt, McHenry |
| Belzer | Jensen | Schmidt, Sheridan |
| Benno | Johnson, LaMoure | Scholl |
| Bergesen | Joiner | Schwartz |
| Bingenheimer | Keller | Sellens |
| Blair | Kluver | Severson |
| Bolmeier | Lange | Sharpe |
| Boulden | Lunde | Shure |
| Braun, McLean | McIntee | Singleton |
| Buchholz | McIntyre | Skartvedt |
| Culver | Myers | Solberg |
| Dalzell | Mollet | Stone |
| Dike | Morland | Stormon |
| Dittmer | Nelson, Dickey | Symington |
| Erickson | Nelson, Steele | Trydahl |
| Feton | Nystrom | Twichell |
| Fletcher | Odegard | Urschel |
| Fraser | Oglesby | Wambheim |
| Fuglestad | Ostgulen | Westby |
| Gainor | Panko | Williams,Stutsm'n |
| Halvorson | Peterson,Bottineau | Wolf |
| Heckman | Peterson, Ransom | Mr. Speaker |
| Hofstrand | | |

Absent and not voting:

| | | |
|---|---|---|
| Adam | Haugland | Page |
| Anderson, Benson | Holm | Ritter |
| Anfinson | Johnson, Cass | Sand |
| Billigmeier | Knutson | Saumur |
| Braun, Stark | Larson | Schauss |
| Brown | Levin | Schimke |
| Byrne | McInnes | Semerad |
| Crockett | Mittag | Thompson,Burl'gh |
| Fitch | Moe | Thompson, Steele |
| Glas | Nelson, Cass | Tuff |
| Gray | O'Brien | Williams,Richland |
| Haag | | |

So the bill passed and the title was agreed to and the Emergency Clause was declared carried.

House Bill No. 317. A Bill for an Act to License Certain Types of Coin Operated Devices, Including Automatic Coin Operated Vending and Amusement Machines With Premium Features, Coin Operated Skill Machines, Trade Machines, and Other Machines; Designating Penalties for the Violation of the Provisions of This Act; Defining Certain Types of Coin Operated, Skill, Trade and Other Machines; Providing for the Licensing and Distribution of the Fees Derived Therefrom, the Application for Licenses Therefor, Repealing 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, 42; nays, 54; absent and not voting, 14.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Hofstrand | Panko |
| Anderson, Benson | Jensen | Peterson,Bottineau |
| Anderson,M'K'nzie | Johnson, LaMoure | Rettke |
| Anfinson | Joiner | Ritter |
| Belzer | Knutson | Rohde |
| Billigmeier | Levin | Schauss |
| Braun, McLean | Lunde | Schmidt, McHenry |
| Buchholz | McIntyre | Schmidt, Sheridan |
| Culver | Myers | Schimke |
| Fitch | Mittag | Severson |
| Fletcher | Mollet | Stone |
| Gray | Nelson, Dickey | Tuff |
| Haag | Nystrom | Westby |
| Halvorson | Ostgulen | Wolf |

Those voting in the negative were:

| | | |
|---|---|---|
| Arneson, Nelson | Holthusen | Scholl |
| Arneson, Ramsey | Hultstrand | Schwartz |
| Benno | Ireland | Sellens |
| Bergesen | Ista | Sharpe |
| Bingenheimer | Johnson, Cass | Shure |
| Blair | Keller | Singleton |
| Bolmeier | Kluver | Skartvedt |
| Boulden | Lange | Solberg |
| Dalzell | McIntee | Stormon |
| Dike | Moe | Symington |
| Dittmer | Morland | Thompson,Burl'gh |
| Erickson | Nelson, Cass | Trydahl |
| Feton | Nelson, Steele | Twichell |
| Fraser | Odegard | Urschel |
| Fuglestad | Oglesby | Wambheim |
| Gainor | Page | Williams,Richland |
| Glas | Peterson, Ransom | Williams,Stutsm'n |
| Heckman | Rait | Mr. Speaker |

Absent and not voting:

| | | |
|---|---|---|
| Beede | Haugland | Sand |
| Braun, Stark | Holm | Saumur |
| Brown | Larson | Semerad |
| Byrne | McInnes | Thompson, Steele |
| Crockett | O'Brien | |

So the bill was declared lost.

House Bill No. 388 was read the second time.

House Bill No. 388. A Bill for an Act to Provide for the Raising of Public Revenues by Imposing a Tax Upon the Privilege of Engaging in any Business, Trade, Profession, Occupation or Calling, to be Measured by Gross Income, to Provide That This Tax Shall be a Replacement Tax to the Extent Herein Specifeid, to Provide for the Ascertainment, Assessment and Collection of Said Tax, to Provide Certain Exemptions From the Tax, to Provide for the Administration Thereof, to Provide a Penalty for the Violation of the Terms of the Act, to Provide for the Disposition of Revenues,

to Provide an Appropriation for the Administration of This Act, and Declaring an Emergency.

Rep. Johnson of Cass moved that action on House Bill No. 388 be deferred one legislative day, which motion was lost.

ROLL CALL

The question being on the final passage of House Bill No. 388 the roll was called and there were ayes, 68; nays, 32; absent and not voting, 10.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Ireland | Ritter |
| Anderson, Benson | Ista | Rohde |
| Anderson,M'K'nzie | Jensen | Schmidt, McHenry |
| Anfinson | Johnson, LaMoure | Schmidt, Sheridan |
| Arneson, Ramsey | Joiner | Schimke |
| Beede | Keller | Scholl |
| Belzer | Knutson | Schwartz |
| Bingenheimer | Lange | Severson |
| Braun, McLean | Levin | Sharpe |
| Buchholz | McIntee | Shure |
| Crockett | McIntyre | Skartvedt |
| Culver | Myers | Solberg |
| Dalzell | Mittag | Stone |
| Dike | Mollet | Thompson,Burl'gh |
| Erickson | Morland | Trydahl |
| Fletcher | Nelson, Dickey | Tuff |
| Fraser | Odegard | Urschel |
| Glas | Ostgulen | Westby |
| Haag | Page | Williams,Richland |
| Halvorson | Panko | Williams,Stutsm'n |
| Heckman | Peterson,Bottineau | Wolf |
| Hofstrand | Rait | Mr. Speaker |
| Hultstrand | Rettke | |

Those voting in the negative were:

| | | |
|---|---|---|
| Arneson, Nelson | Gainor | Nystrom |
| Benno | Haugland | Oglesby |
| Bergesen | Holm | Peterson, Ransom |
| Blair | Holthusen | Saumur |
| Bolmeier | Johnson, Cass | Sellens |
| Boulden | Kluver | Singleton |
| Byrne | Lunde | Stormon |
| Dittmer | McInnes | Symington |
| Feton | Moe | Twichell |
| Fitch | Nelson, Cass | Wambheim |
| Fuglestad | Nelson, Steele | |

Absent and not voting were:

| | | |
|---|---|---|
| Billigmeier | Larson | Schauss |
| Braun, Stark | O'Brien | Semerad |
| Brown | Sand | Thompson, Steele |
| Gray | | |

So the bill passed and the title was agreed to and the Emergency Clause was declared carried.

Rep. Adam: "I wish to explain my vote. It is just too bad that the majority faction has to fight every inch and be responsible for all the taxes in the State. The opposition voted for the appropriations and now they buck us in the tax measure. The lawyers don't understand the bill. Why don't

they ask the farmers? They understand the bill. I vote 'aye'."

Rep. Benno: "Inasmuch as petitions are filed for a special election, I would let the people decide. I vote 'no'."

Rep. Arneson of Nelson: "I am opposed to a concealed tax. I want the people of North Dakota to know what taxes they must pay to clean up the mess in which we find our State."

Rep. Byrne: "I do not believe that the House can oppose this bill in good grace. We have seen appropriations come in here and not only from the so-called League faction but from the other factions, and we have seen these appropriations come in here and they were voted on. They have supported these additional appropriations. I believe the Tax Committee should have considerable thanks from this body for the consideration they have given the tax bill. However, I think there are objections that could be ironed out on this bill in this House. There is no reason for sending it over to the Senate immediately. It should be held over for one legislative day. I vote 'no' with the understanding and with the realization that the Tax Committee has done considerable work on this proposition and also with the understanding that it has been the first and only tax bill that has been submitted to this House.

Rep. Johnson of Cass: "This is the first time in my three sessions here that I have to explain my vote. I want it recorded in the Journal. I am going to vote 'no' on this bill due to the fact that it is being railroaded through this House without an opportunity being given to study it and amend it and making a good bill out of it. So I vote 'no'."

Rep. Kluver: "The amount of money we must provide is quite definitely known. There remains then the question of adopting a method that will provide the most equitable distribution of the tax burden at a minimum cost of administration. The consumer pays the bill in the end. There is no question about that. Until I have further time to study this bill I must vote 'no'."

Rep. Oglesby: "I have always tried to pay my share of the taxes but since this does not alleviate the tax burden when we know at the present time that there are petitions out for another election that will cost another $100,000 and we are putting on a tax here to pay for it, I therefore vote 'no'."

Rep. Schmidt of Sheridan: "I vote 'yes' on this measure because I feel this is a replacement tax for the fellow that needs it, the owner of real estate and personal property."

Rep. Schimke: "I have never had my remarks recorded in the Journal but I am going to do it at this time. I vote 'aye' on this bill because that is the way we can finance the Old Age Pension and I am for the old people to raise that $40.00 a month."

Rep. Stone: "And the reason I vote 'aye' on this bill is because we have appropriated hundreds of thousands of dollars that was unnecessary and those same men who are fighting this bill want the money to go to Fargo and other places and now it is up to us to see we get the money. I vote 'aye'."

Rep. Stormon: "I have not had time to study the bill. If I had had time to read the thirty-two page bill and had time to consider it, I probably would have voted 'aye'."

Rep. Thompson of Burleigh: "I haven't had remarks recorded thus far and I wish to have my remarks recorded in the Journal. There are several reasons why I want to vote 'aye.' We have had appropriation bills put up to us and lots of members who we have appropriated for, live right close to those institutions. It is a case of 'I'll scratch your back and you scratch mine'. This measure is thirty-two pages long. It was just brought up this morning. There was no time to study it whatever but I am going to vote 'aye' on this bill for the purpose of reconsideration."

Mr. Speaker: "I am voting 'aye' on this bill because I believe it is the fairest tax proposition ever offered the people of North Dakota and the only one offered to this Legislature which is even partly practical."

House Bill No. 356. A Bill for an Act to Amend and Reenact Section 3186 of the Compiled Laws of North Dakota for 1913, Relating to the Preferment for Official Appointment, and Providing for Repeal of Any 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, 88; nays, 8; absent and not voting, 14.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Hultstrand | Peterson,Bottineau |
| Anderson, Benson | Holm | Peterson, Ransom |
| Anderson,M'K'nzie | Holthusen | Rait |
| Arneson, Nelson | Ireland | Ritter |
| Arneson, Ramsey | Ista | Saumur |
| Beede | Johnson, Cass | Schmidt, Sheridan |
| Belzer | Johnson, LaMoure | Scholl |
| Benno | Joiner | Schwartz |
| Bergesen | Keller | Sellens |
| Blair | Knutson | Severson |
| Bolmeier | Lange | Sharpe |
| Boulden | Lunde | Shure |
| Braun, McLean | McInnes | Singleton |
| Buchholz | McIntee | Skartvedt |
| Byrne | McIntyre | Solberg |
| Crockett | Myers | Stone |
| Culver | Mittag | Stormon |
| Dalzell | Moe | Symington |
| Dike | Mollet | Thompson,Burl'gh |
| Feton | Morland | Trydahl |
| Fitch | Nelson, Cass | Tuff |
| Fletcher | Nelson, Dickey | Twichell |
| Fraser | Nelson, Steele | Urschel |
| Fuglestad | Nystrom | Wambheim |
| Gainor | Odegard | Westby |
| Glas | Oglesby | Williams,Richland |
| Haag | Ostgulen | Williams,Stutsm'n |
| Haugland | Page | Wolf |
| Heckman | Panko | Mr. Speaker |
| Hofstrand | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Anfinson | Erickson | Schauss |

| | | |
|---|---|---|
| Bingenheimer | Levin | Schmidt, McHenry |
| Dittmer | Rohde | |

Absent and not voting:

| | | |
|---|---|---|
| Billigmeier | Jensen | Sand |
| Braun, Stark | Kluver | Schimke |
| Brown | Larson | Semerad |
| Gray | O'Brien | Thompson, Steele |
| Halvorson | Rettke | |

So the bill passed and the title was agreed to.

House Bill No. 362 was read the second time.

Rep. Stone moved that House Bill No. 362 be indefinitely postponed, which motion was lost.

House Bill No. 362. A Bill for an Act Amending and Reenacting Section 5099c8 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913 Relating to the Duties of Child Placement Agencies.

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, 77; nays, 18; absent and not voting, 15.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Anderson,M'K'nzie | Haag | Peterson, Ransom |
| Anfinson | Halvorson | Rait |
| Arneson, Nelson | Heckman | Rettke |
| Arneson, Ramsey | Hofstrand | Ritter |
| Belzer | Holm | Saumur |
| Benno | Holthusen | Schwartz |
| Bergesen | Ireland | Sellens |
| Blair | Jensen | Severson |
| Bolmeier | Johnson, Cass | Sharpe |
| Boulden | Johnson, LaMoure | Shure |
| Braun, McLean | Keller | Singleton |
| Buchholz | Kluver | Skartvedt |
| Byrne | Levin | Solberg |
| Crockett | Lunde | Stormon |
| Culver | McInnes | Symington |
| Dalzell | McIntee | Thompson,Burl'gh |
| Dike | Myers | Trydahl |
| Dittmer | Morland | Tuff |
| Erickson | Moe | Twichell |
| Feton | Nelson, Cass | Urschel |
| Fitch | Nelson, Steele | Wambheim |
| Fletcher | Nystrom | Westby |
| Fraser | Oglesby | Williams,Richland |
| Fuglestad | Page | Williams,Stutsm'n |
| Gainor | Panko | Wolf |
| Glas | Peterson,Bottineau | |

Those voting in the negative were:

| | | |
|---|---|---|
| Adam | McIntyre | Rohde |
| Anderson, Benson | Mittag | Schauss |
| Bingenheimer | Mollet | Schmidt, McHenry |
| Ista | Nelson, Dickey | Schmidt, Sheridan |
| Joiner | Odegard | Stone |
| Lange | Ostgulen | Mr. Speaker |

Absent and not voting:

| | | |
|---|---|---|
| Beede | Haugland | Sand |
| Billigmeier | Hultstrand | Schimke |
| Braun, Stark | Knutson | Scholl |
| Brown | Larson | Semerad |
| Gray | O'Brien | Thompson, Steele |

So the bill passed and the title was agreed to.

Rep. Westby moved that the vote by which House Bill No. 362 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 277 was read the second time.

Rep. Ritter moved that House Bill No. 277 be placed in General Orders, which motion prevailed.

House Bill No. 22. 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.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 69; nays, 23; absent and not voting, 18.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Heckman | Panko |
| Anderson, Benson | Hofstrand | Rait |
| Anderson,M'K'nzie | Holm | Rettke |
| Beede | Holthusen | Ritter |
| Belzer | Hultstrand | Saumur |
| Benno | Ireland | Schmidt, McHenry |
| Bergesen | Jensen | Schimke |
| Bolmeier | Johnson, LaMoure | Scholl |
| Boulden | Joiner | Schwartz |
| Braun, McLean | Keller | Sellens |
| Buchholz | Kluver | Skartvedt |
| Byrne | Lange | Solberg |
| Crockett | Levin | Stormon |
| Culver | Lunde | Symington |
| Dalzell | McInnes | Thompson,Burl'gh |
| Dike | McIntee | Trydahl |
| Dittmer | McIntyre | Tuff |
| Erickson | Myers | Twichell |
| Fitch | Mittag | Urschel |
| Gainor | Morland | Wambheim |
| Glas | Nelson, Cass | Westby |
| Haag | Nystrom | Wolf |
| Haugland | Odegard | Mr. Speaker |

Those voting in the negative were:

| | | |
|---|---|---|
| Arneson, Nelson | Moe | Rohde |
| Arneson, Ramsey | Mollet | Schmidt, Sheridan |
| Bingenheimer | Nelson, Dickey | Severson |
| Fletcher | Nelson, Steele | Sharpe |
| Fraser | Oglesby | Shure |
| Fuglestad | Ostgulen | Singleton |

| | | |
|---|---|---|
| Halvorson | Peterson,Bottineau | Williams,Stutsm'n |
| Ista | Peterson, Ransom | |

Absent and not voting:

| | | |
|---|---|---|
| Anfinson | Gray | Sand |
| Billigmeier | Johnson, Cass | Schauss |
| Blair | Knutson | Semerad |
| Braun, Stark | Larson | Stone |
| Brown | O'Brien | Thompson, Steele |
| Feton | Page | Williams,Richland |

So the bill passed and the title was agreed to.

Rep. Saumur moved that the vote by which House Bill No. 22 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 149. A Bill for an Act Providing for a Transfer of Certain School Land Situated in Slope County, North Dakota, to the Game and Fish Commission of the State of North Dakota in Cooperation With an Act of Congress to Provide That the United States Shall Aid the State in Wild-Life Restoration Projects, and for Other Purposes to be Used and Maintained Under the Direction of the Game and Fish Commission to Aid in Wild-Life Restoration in the State of North Dakota, and Providing for an Appropriation to Reimburse the Permanent School Fund of the State of 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, 59; nays, 33; absent and not voting, 17; passed, 1.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Haag | Nystrom |
| Anderson, Benson | Haugland | Odegard |
| Anderson,M'K'nzie | Heckman | Panko |
| Anfinson | Hofstrand | Rait |
| Beede | Holthusen | Rettke |
| Belzer | Hultstrand | Ritter |
| Benno | Ireland | Saumur |
| Bergesen | Ista | Schwartz |
| Bingenheimer | Johnson, Cass | Sellens |
| Buchholz | Johnson, LaMoure | Sharpe |
| Culver | Joiner | Skartvedt |
| Dalzell | Kluver | Solberg |
| Dike | Lange | Symington |
| Erickson | Levin | Tuff |
| Fitch | Lunde | Twichell |
| Fletcher | McInnes | Urschel |
| Fraser | McIntee | Westby |
| Fuglestad | McIntyre | Wolf |
| Gainor | Morland | Mr. Speaker |
| Gray | Nelson, Cass | |

Those voting in the negative were:

| | | |
|---|---|---|
| Arneson, Ramsey | Keller | Rohde |
| Blair | Mittag | Schmidt, McHenry |
| Bolmeier | Moe | Severson |
| Boulden | Mollet | Shure |

| | | |
|---|---|---|
| Braun, McLean | Nelson, Dickey | Singleton |
| Byrne | Nelson, Steele | Stone |
| Crockett | Oglesby | Thompson,Burl'gh |
| Dittmer | Ostgulen | Trydahl |
| Glas | Page | Wambheim |
| Halvorson | Peterson,Bottineau | Williams,Richland |
| Holm | Peterson, Ransom | Williams,Stutsm'n |

Absent and not voting:

| | | |
|---|---|---|
| Billigmeier | Larson | Schimke |
| Braun, Stark | Myers | Scholl |
| Brown | O'Brien | Semerad |
| Feton | Sand | Stormon |
| Jensen | Schauss | Thompson, Steele |
| Knutson | Schmidt, Sheridan | |

Passed:
Arneson, Nelson

So the bill passed and the title was agreed to, and the Emergency Clause was declared lost.

Rep. Morland moved that the vote by which House Bill No. 149 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 139 was read the second time.

Rep. Bergesen moved that House Bill No. 139 be re-referred to the Committee on Appropriations, which motion was lost.

House Bill No. 139. A Bill for an Act Making an Appropriation to the State Public Welfare Fund, Established by Section 3 of Chapter 214 of the Session Laws of 1937, for the Biennium Beginning July 1, 1939, and Ending June 30, 1941; to be Expended by the Public Welfare Board in Providing Public Assistance to the Needy Aged, as Provided by Chapter 211 of the Session Laws of 1937 as Amended by the Initiated Act Approved November 8, 1938; 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, the roll was called and there were ayes, 73; nays, 19; absent and not voting, 17; pass, 1.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Hultstrand | Rettke |
| Anderson, Benson | Ireland | Ritter |
| Anderson,M'K'nzie | Ista | Rohde |
| Anfinson | Johnson, Cass | Schauss |
| Beede | Johnson, LaMoure | Schmidt, McHenry |
| Belzer | Joiner | Schmidt, Sheridan |
| Bergesen | Keller | Schimke |
| Bingenheimer | Kluver | Scholl |
| Buchholz | Knutson | Schwartz |
| Boulden | Levin | Severson |
| Braun, McLean | Lunde | Sharpe |
| Byrne | McIntee | Singleton |
| Crockett | McIntyre | Skartvedt |
| Culver | Myers | Solberg |
| Erickson | Mittag | Stone |
| Fitch | Mollet | Thompson,Burl'gh |

| | | |
|---|---|---|
| Fletcher | Morland | Trydanl |
| Fraser | Nelson, Dickey | Tuff |
| Glas | Odegard | Urschel |
| Haag | Ostgulen | Westby |
| Halvorson | Panko | Williams,Richland |
| Haugland | Peterson,Bottineau | Williams,Stutsm'n |
| Heckman | Peterson, Ransom | Wolf |
| Hofstrand | Rait | Mr. Speaker |
| Holm | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Arneson, Ramsey | Holthusen | Page |
| Blair | McInnes | Saumur |
| Bolmeier | Nelson, Cass | Sellens |
| Dalzell | Nelson, Steele | Symington |
| Dike | Nystrom | Twichell |
| Feton | Oglesby | Wambheim |
| Fuglestad | | |

Absent and not voting:

| | | |
|---|---|---|
| Benno | Gray | Sand |
| Billigmeier | Jensen | Semerad |
| Braun, Stark | Lange | Shure |
| Brown | Larson | Stormon |
| Dittmer | Moe | Thompson, Steele |
| Gainor | O'Brien | |

Passed:
Arneson, Nelson

So the bill passed and the title was agreed to.

Rep. Arneson of Nelson: "I wish to be excused from voting on this bill. I am now taking care of an old lady who will receive benefits from this fund and thus relieve me from an obligation.

Rep. Arneson of Ramsey: "As a member of the Taxes and Tax Laws Committee I am finding out how hard it is to devise ways and means of getting tax money. I voted against other appropriation measures and therefore I vote 'no'."

Rep. Bergesen: "I am going to vote for this bill although I think it is too high. I asked that it be re-referred back to the Appropriations Committee so that they could come in with a more definite appropriation but rather than cut the old people out altogether I vote 'aye'."

Rep. Blair: "I am not going to place my stamp of approval upon an appropriation of $7,000,000 without a thorough knowledge as to just how much is needed and where the money is coming from. Therefore I vote 'no'."

Rep. Boulden: "I vote 'aye' for the purpose of reconsideration."

Rep. Braun of McLean: "I vote 'aye' for the reason that the people last June had voted for this bill two to one and the last reason is I am voting for this is down here where I am staying at 217-8th street there are two old people who are working on the WPA every day. One old man is 73 years old. And they are asking me every night whether this Old Age Pension has passed yet. That is why I am voting 'aye'."

Rep. Dalzell: "I don't see how you can expect me or anybody else to vote without it being budgeted. They can spend

half of that money for administration purposes. There is no way of telling how much the old people are going to get. I am always for the old people and always have been."

Rep. Dike: "I cannot vote for an appropriation measure on which I haven't the slightest idea as to how much money may be needed and in which there is absolutely no reliable limit to the amount which may be spent in carrying out that measure. Therefore I vote 'no' on this bill."

Rep. Holm: "I just want to explain my vote in a few brief words. I am going to vote 'aye' on this bill reluctantly. I realize the situation full well that the State of North Dakota is up against a real thing and being that we have some sort of a mandate of the people of the last November election and because of the fact that this House here a little while ago passed over the transaction tax to get it in the Senate, therefore I vote 'aye'."

Rep. Hultstrand: "I vote 'aye' on this bill for the reason that every man, woman and child in North Dakota is living on relief and therefore I do not want to deny the old people their rights."

Rep. Ista: "I am voting 'aye,' and the only thing that I regret is that I haven't got two votes to cast at this time."

Rep. Johnson of Cass: "I am going to vote 'aye' on this Bill, I don't like to do it but I believe it is an exhorbitant amount of money, much more than is needed. So the bill is not defeated, I vote 'aye'."

Rep. Knutson of LaMoure: "I vote 'aye' on this bill because I believe it is our duty to take care of our people who built up this country and pioneered here. I vote 'aye'."

Rep. Oglesby: "This is about the hardest bill, I guess, we have had in this House to vote on. Every appeal has been made on account of the old people which is right and just but when we all know of the money that has been squandered in this State and the opposition doesn't allow us to take this opportunity to have it investigated to see if we could get along with $1,000,000 less or $1,500,000 less as has been explained here I feel that we are entirely justified in voting 'no' on this bill. I vote 'no'."

Rep. Rettke: The people over in my district voted for this bill by a great majority. And as our tax division has consulted the best experts on this certain tax and have advanced this as being the right amount, therefore I vote "aye."

Rep. Ritter: I am voting "aye" for this bill because I don't believe that we should save on the old people's pensions. I want to show my appreciation and my sympathy and that I am going to be for them and help them in the last few days they have to live in this State. I vote "aye."

Rep. Schmidt of Sheridan: I vote "aye" on this bill because I realize that we have the mandate from the people last fall for this. There is no alternative. There is a saying in German that "the voice of the people is the voice of God."

Rep. Schimke: I vote "aye" on this bill because I think this is the first time that we ever had a chance to help out the old people in North Dakota, to appropriate money for them.

Rep. Scholl: I have before me a copy of the official votes cast in the last general election held on November 8th which reveals that McLean County, the county that I represent, cast 4,263 for the Old Age Assistance based upon this and 1,777 against this measure. I vote "aye" for the further reason that I feel that as it is the choice of those people and it is my duty to respect their will in this matter.

Rep. Schwartz: It always has been my greatest ambition that sometime during my life I might have the opportunity to do something for the farmers and mothers that really built the State of North Dakota. Therefore I vote "aye."

Rep. Singleton: I am voting "aye" on this bill for the simple reason that we have quite a few old people who have been working for the WPA in our township last winter who really suffered on their job and I told the people down there when I came here that on account of this election going two to one on the Old Age Pension that I would support them.

Rep. Twichell: I vote "no" on this bill because the most authoritative information this House is able to obtain is that of the opponents of the $40.00 Old Age Pension Law stated in the campaign against the same, that it might cost the taxpayers this amount, and that since then the Supreme Court has decided that it did not call for $40.00 per month but rather for that amount less what the pensioner could contribute. I vote "no."

Rep. Scholl moved that the absent members be excused, which motion prevailed.

Rep. Twichell moved that the House recess until 9:00 A. M. Monday morning, February 20th, which motion prevailed, and the House recessed.

MINNIE D. CRAIG, Chief Clerk.

## FORTY-EIGHTH DAY AFTER RECESS AND FORTY-NINTH DAY

Bismarck, February 20, 1939.

The House convened at 9:00 a. m., pursuant to recess, Speaker Hagen presiding.

The Speaker announced the House would be on the Fifth Order of Business.

### REPORTS OF STANDING COMMITTEES

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

House Bill No. 301.
House Bill No. 249.
House Bill No. 43.

And find the same correctly engrossed.

OLAF OSTGULEN, Chairman.

Rep. Ostgulen moved that the report be adopted, which motion prevailed, and the report was adopted.

### GENERAL ORDERS

Rep. Morland moved that the House resolve itself into a committee of the whole for the consideration of general orders; which motion prevailed, and the House resolved itself into a committee of the whole.

The Speaker called Rep. Morland to the Chair.

When the committee arose it submitted the following report:

Mr. Speaker: The Committee of the Whole have had under consideration:

House Bill No. 353.

Page 3, Section 13, after the word "action," insert the following: "The Court may order the return of the person to the County of his legal residence or."

Line 36, Section 13, strike out the word "of" and insert in lieu thereof the word "to."

Line 38, Section 14, after the word "and" insert the word "upon."

And recommend the adoption of the amendments of the Standing Committee.

And the further amendments to the report of the Committee of the Whole:

In the Journal on page 745 carrying the amendments to House Bill No. 353, in the first line of the amendments after the word and figures "Section 13" add the word and figures "line 37."

And in line 37 of Section 13, Page 3, strike out the capital "I" in the word "It" and insert in lieu thereof a small letter "i"

And when so amended recommend the same do pass.

House Bill No. 143.

Sec. 1, page 2, line 8, after the word "of" strike out the figure and words "$621,002 (Six Hundred Twenty-one Thousand" and in line 9 the words "two dollars)". and insert in lieu thereof the figures and words "$547,450.00 (Five Hundred Forty-Seven Thousand Four Hundred Fifty Dollars)".

Line 13, strike out the figures "$441,000.00" and insert in lieu thereof the figures "$396,900.00".

Line 14, strike out the figures "$50,000.00" and insert in lieu thereof the figures "$45,000.00".

Line 17, strike out the figures "$64,000.00" and insert in lieu thereof the figures "$51,200.00".

Line 18, strike out the figures "$42,000.00" and insert in lieu thereof the figures "$33,600.00".

Line 19, strike out the figures "$597,000.00" and insert in lieu thereof the figures "$526,700.00".

Line 21, strike out the figures "$11,429.00" and insert in lieu thereof the figures "$10,287.00".

Line 23, strike out the figures "$6,857.00" and insert in lieu thereof the figures "$5,486.00".

Line 24, strike out the figures "$1,143.00" and insert in lieu thereof the figures "$915.00".

Page 3, Sec. 1, line 26, strike out the figures "$857.00" and insert in lieu thereof the figures "$772.00".

Line 27, strike out the figures "$371.00" and insert in lieu thereof the figures "$334.00".

Line 28, strike out the figures "$1,716.00" and insert in lieu thereof the figures "$1,545.00".

Line 29, strike out the figures "$371.00" and insert in lieu thereof the figures "$334.00".

Line 30, strike out the figures "$458.00" and insert in lieu thereof the figures "$413.00".

Line 31, strike out the figures "$229.00" and insert in lieu thereof the figures "$207.00".

Line 32, strike out the figures "$571.00" and insert in lieu thereof the figures "$457.00".

Line 33, strike out the figures "$12,573.00" and insert in lieu thereof the figures "$10,463.00".

Line 34, strike out the figures "$24,002.00" and insert in lieu thereof the figures "$20,750.00".

Line 35, strike out the figures "$621,002.00" and insert in lieu thereof the figures "$547,450.00".

And recommend the adoption of the amendments of the Standing Committee.

And the further amendment:

Strike out all of Section 1 of the printed bill and renumber the sections.

And when so amended recommend the same do pass.

House Bill No. 291.

On page 1, in line 3 of the title, strike out the words "State Departments", and strike out all of lines 4, 5, 6, and the words "funds and funds of" in line 7.

On page 1, section 1, line 4, strike out the words "public funds under custody", and strike out all of line 5.

On page 2, section 1, line 6, strike out the words "ment,

bureau or commission, and that"; Line 7, strike out the words "sinking fund, and of any".

And recommend the adoption of the amendments of the Standing Committee.

And the further amendment:

On page 2, Section 1, Line 9 after the word "institutions" strike out the balance of the section.

And when so amended recommend the same do pass.

House Concurrent Resolution No. 365.

In Section 176, page 1, beginning in line 13 after the "comma" strike out the words "and homesteads as now or hereafter defined by state law, occupied by the owner thereof, or members of his immediate family." In Section 176, page 1, line 16, after the "period" insert the following: "The legislature may provide by statute for the exemption from taxation of homesteads as now or hereafter defined by state law, occupied by the owner thereof".

And recommend the adoption of the amendments of the Standing Committee.

And the further amendment to the report of the Standing Committee:

In both of the Standing Committee amendments correct "page 1" to read "page 2".

And when so amended recommend the same do pass.

House Bill No. 311.

On page 11, Section 3, sub-section 6, line 103 of the printed bill, strike out the word "return" and insert in lieu thereof the word "retain".

And recommend the adoption of the amendments of the Standing Committee.

And when so amended recommend the same do pass.

House Bill No. 327.

And recommend the same be indefinitely postponed.

House Bill No. 38.

Page 1, Sec. 1, line 3 strike out the figures "$321,005.00" and insert in lieu thereof the figures "$242,515.00".

Page 2, Sec. 1, strike out all of line 16 "Ass't Chemist "$3,-000.00."

Strike out all of line 20 "Additional $3,000.00."

Strike out all of line 25 "Laboratory Clerks (3) $8,400.00."

Line 26 strike out the figure "6" and the figures "$21,000" and insert in lieu thereof the figures "15,000.00." Line 27, strike out the figures "24" and the figures "$64,800.00" and insert in lieu thereof the figures "$50,000.00." Line 28, strike out the figures "5" and the figures "$16,080.00" and insert in lieu thereof the figures "$8,040.00". Line 29 strike out the figures "$3,500.00" and insert in lieu thereof the figures "$3,000.00."

Line 30 strike out the figures "$3,150.00" and insert in lieu thereof the figures "$3,000.00."

Line 32, strike out the figures $"11,000.00" and insert in lieu thereof the figures "$10,000.00."

Line 34, strike out the figures "$69,000.00" and insert in lieu thereof the figures "$40,000.00."

Page 3, Sec. 1, line 38 strike out the figures "$12,500.00" and insert in lieu thereof the figures "$8,000.00."

Line 40, strike out the figures "$600.00" and insert in lieu thereof the figures "$500.00."

Line 44, strike out the figures "$321,005.00" and insert in lieu thereof the figures "$242,515.00."

Re-number beginning with line 17, change to line 16 and continue re-numbering to the end of the section.

And recommend the adoption of the amendments of the Standing Committee.

And when so amended recommend the same do pass.

House Bill No. 309.

In line 45, strike out the word "committeemen" and insert in lieu thereof, the word "committeeman." In line 46, strike out the word "Same" and insert in lieu thereof, the word "proxy." In line 49, strike out the word "same" and insert in lieu thereof, the word "proxy." After line 63 continue numbering lines and add new paragraph "Vacancies shall be filled by a majority of the state committee by appointment from the legislative district in which such vacancy exists. Vacancies in the office of precinct committeemen shall be filled by appointment from such precinct made by the county executive committee of such party."

And recommend the adoption of the amendments of the Standing Committee.

And the further amendment:

In Section 8, page 3, line 46 strike out the word "were" and insert in lieu thereof the word "was."

On page 4, line 63, after the word "committee" and before the word "Vacancies" as inserted by the Standing Committee insert the following:

"If any member of such state central committee is unable to attend any meeting of such committee, he shall be authorized to give written proxy to another legal voter of his legislative district or county."

And when so amended recommend the same do pass.

House Bill No. 105.

Page 1, Section 2, in line 2 after the word "be" strike out the balance of the line "known as the."

In line 3, strike out the words "Director, who shall be appointed by" up to the word "the".

Section 2, line 4, strike out the word "Labor," strike out the "comma" and insert in lieu thereof a "period" strike out the balance of the Section "who shall in such appointment consider the recommendations made by state co-operative organizations. Such director shall be paid a salary of $2,000 annually."

Page 2, Sec. 3, line 1, after the word "the" strike out the word "Direc-" in line 2, strike out the words "tor of the Division of Co-operatives" up to the word "to" and insert in lieu thereof the words "Commissioner of Agriculture and Labor."

Page 2, Sec. 3, in line 9 strike out the word "Director" and insert in lieu thereof the words "Commissioner of Agriculture and Labor".

Page 2, Sec. 4, line 4, after the word "sum" strike out the balance of the line "of $4,000 for the payment of salary of the Director": line five strike out the words "and the sum" Strike out the figures "$1,000" and insert in lieu thereof the

figures "$2,000." In line 5 after the word "expended" strike out the words "by the Director."

And recommend the adoption of the amendments of the Standing Committee.

And the further amendment to the report of the Standing Committee that in line 4 of Section 4, re-insert the word "Labor" following the word "and" and insert a period following the word "Labor."

And when so amended recommend the same do pass.

House Bill No. 274.

In Section 6, line 4, strike out the words and figures "Ten dollars ($10.00)" and insert in lieu thereof the following words and figures" seven dollars ($7.00).

And recommend the adoption of the amendments of the Standing Committee.

And the further amendments:

Strike out balance of line 4 in Section 3 after the word "of" and all of lines 5 to 27 inclusive and substitute in lieu thereof the following:

"Five (5) members and the Governor and State Engineer shall be members ex officio. The three (3) remaining members shall be qualified electors of the State and shall be appointed by the Governor; providing, however, that at least one (1) member must be a resident of the agricultural area of the Missouri River basin in North Dakota. Immediately after the passage and approval of this act and before the adjournment of the present legislative assembly the Governor shall appoint one (1) member whose term of office shall expire on the second Monday in January, 1941, another member whose term shall expire on the second Monday in January, 1943, and another whose term of office shall expire on the second Monday in January, 1945, and their successors shall be apointed for a term of six years, except that any person apointed to fill a vacancy shall be eligible for reappointment. Any of the appointed members of the board may be removed by the Governor at any time and any vacancy caused by death, removal or resignation or disqualification of any appointed member shall be filled by appointment as hereinbefore provided. Succeeding appointments, except when made to fill a vacancy, shall be made on or before the second Monday in January during the biennial session of the legislative assembly. Before entering upon the discharge of his duties each appointed member shall have subscribed and filed with the Secretary of State the oath of office prescribed by the constitution.

And when so amended recommend the same do pass.

House Bill No. 238.

Strike out everything after the word "A Bill" and insert in lieu thereof the following:

For an Act Regulating the Possession and Sale of Intoxicating Liquor and Beer Outside the Limits of an Incorporated City or Village Within One Thousand (1,000) Feet of a Dance Hall, Providing a Penalty for Violation Thereof, a Saving Clause, 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. No person, firm or corporation shall, outside of the limits of any incorporated city or village, conduct a place or premises where any dance, dancing or entertainment is permitted to be held, to which dance, dancing or entertainment the public generally is admitted or participates within one thousand (1,000) feet of any place where liquor or beer is sold. The liquor or beer license of any premises outside of an incorporated city or village, established less than one thousand (1,000) feet from any such building, place or premises where any dance, dancing or entertainment is permitted or held as defined herein at the time of the taking effect of this act, shall be void and of no effect from and after the taking effect of this act, provided, however, that in such case the licensing body shall remit to the licensee that pro rata share of the license fee paid which shall thus become ineffective. In the event any person, firm or corporation is issued a license to sell liquor or beer in a building, place or premises outside of an incorporated city or village, which at the time of such issuance is more than one thousand (1,000) feet from any building, place or premises where any dance, dancing or entertainment is held, as defined herein, then and in that event it shall thereafter be unlawful for any person, firm or corporation, so long as such license shall be effective, to hold or permit to be held any dance, dancing or entertainment, as defined herein, less than one thousand (1,000) feet from such licensed liquor or beer premises.

SECTION 2. PENALTY.) Any person violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than One Hundred ($100.00) Dollars or by imprisonment in the county jail for not more than thirty (30) days, or by both such fine and imprisonment.

SECTION 3. SAVING CLAUSE.) If any provision or part of any provision of this act shall be held invalid, the remaining portions shall not be thereby affected.

SECTION 4. REPEAL.) All Acts or parts of acts in conflict herewith are hereby repealed.

SECTION 5. EMERGENCY.) This act is hereby declared to be an emergency measure, and shall be in full force an effect from and after its passage and approval.

And recommend the adoption of the amendments of the Standing Committee.

And when so amended recommend the same do pass.

SCR 135.

And recommend that action be deferred.

L. K. MORLAND, Chairman, Committee of the Whole.

Rep. Anderson of Benson moved the adoption of the report of the Committee of the Whole with the exception of action taken on House Bill No. 327, which motion prevailed.

Rep. Twichell moved that action on House Bill No. 327 be deferred, which motion prevailed.

Rep. Beede moved that the memorial service planned for February 22nd in honor of Washington's Birthday and also in honor of deceased members of the House be deferred until February 23rd, which motion prevailed.

Rep. Anderson of Benson moved that House Bill No. 14 be re-referred from the Committee on Judiciary to the Committee on Appropriations, which motion prevailed.

Rep. Dittmer moved that House Bill No. 377 be re-referred from the Committee on Agriculture to the Committee on Appropriations, which motion prevailed.

A letter from former Governor William Langer was read regarding the statements made during the debate on House Bill No. 245.

Rep. Lange moved that the House recess until 1:30 P. M., which motion prevailed.

The Speaker called the House to order at 1:30 p. m., pursuant to recess taken and announced that the House would be on the Fifteenth Order of Business.

## MESSAGE TO THE SENATE

House of Representatives,
Bismarck, February 20, 1939.

Mr. President: I have the honor to inform you that the House has adopted the report of the Conference Committee on:

House Bill No. 74. A Bill for an Act Making a Deficiency Emergency Appropriation for Relief of Destitute and Necessitous Persons of the State of North Dakota for the Months of December, 1938, and January and February, 1939, as Provided by Chapter 214 of the Session Laws of 1937, Declaring an Emergency.

MINNIE D. CRAIG, Chief Clerk.

## GENERAL ORDERS

Rep. Fitch moved that the House resolve itself into a committee of the whole for the consideration of general orders; which motion prevailed, and the House resolved itself into a committee of the whole.

The Speaker called Rep. Fitch to the chair.

When the committee arose it submitted the following report:

Mr. Speaker: The Committee of the Whole have had under consideration:

House Bill No. 351.

Strike out everything after "A Bill" and insert the following:

For an Act to Amend and Re-enact Section 2346a18 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, as Amended by Section 4, Chapter 283 of the Session Laws of 1931, as Amended by Section 2, Chapter 241, Session Laws of 1937, to Repeal Section 4 of Chapter 241 Session Laws of 1937; and Declaring an Emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

1 SECTION 1. AMENDMENT.) Section 2346a1 of
1a the 1925

Supplement to the Compiled Laws of North Dakota for 1913 as amended by Section 4 of Chapter 283 of the Session Laws of 1931 as amended by Section 2 of Chapter 241, Session Laws of 1937, is hereby amended and re-enacted to read as follows:

Section 2346a18. 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, but state income taxes are not deductible.

(4) (1) No losses shall be deducted from the fixed income of the taxpayer derived from salaries, wages, or taxable dividends, but losses actually sustained in the carrying on of any trade or business, sustained within the year and not compensated by insurance or otherwise, may be deducted, provided further 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, professoin or occupation carried on in this State. Provided, however, that the aggregate amount

which may be deducted in connection with losses incurred in connection with sale or exchange of capital assets shall not exceed the aggregate gains reported from the sale or exchange of capital assets in any year.

(2) Losses sustained from the operation or conducting of any farming or agricultural pursuit sustained within the year and not compensated for by insurance; providing, however, that the person claiming such deduction must have been the legal owner of the land on which the loss accrued for at least one year prior to claiming the deduction. Provided, however, that no deduction for loss sustained from any farming or agricultural pursuit as provided in this Section shall exceed the sum of Five Hundred Dollars.

(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 items 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, on 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 has been assessed and paid by a corporation under this Act, received by the taxpayer and included in the gross income within the income year; provided that when only part of the income of any corporation shall have been assessed and income tax paid under this Act, only a corresponding part of the dividends or income received therefrom shall be deducted; and providing further that such corporation has reported the

name and address of each person owning stock and the amount of dividends or income paid each such person during the year.

(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 organization, 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 insures (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 percent (15%) of the taxpayer's net income as computed without the benefit of this subdivision.

SECTION 2. REPEAL.) Section 4 of Chapter 241, Session Laws of 1937 is hereby repealed.

SECTION 3. EMERGENCY.) This Act is declared to be an emergency measure, and it shall be in full force and effect upon its passage and approval.

And recommend the adoption of the amendments of the Standing Committee.

And when so amended recommend the same do pass.

House Bill No. 331.

And recommend that action be deferred one legislative day.

House Bill No. 277.

And recommend that action be deferred until it can be brought up properly amended.

House Bill No. 41.

And recommend that action be deferred.

K. A. FITCH, Chairman, Committee of the Whole.

Rep. Fitch moved the adoption of the report of the Committee of the Whole, which motion prevailed.

The Speaker announced the House would be on the Fifth Order of Business.

Mr. Speaker: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bill and find the same correctly Enrolled:

House Resolution "L."

House Bill No. 74.

OLAF OSTGULEN, Chairman.

Rep. Ostgulen moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bills and find the same correctly engrossed:

House Bill No. 105.

House Bill No. 238.

House Bill No. 365.

OLAF OSTGULEN, Chairman.

Rep. Ostgulen moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Delayed Bills to whom was referred:

A Bill for an Act Prohibiting Certain Signs Advertising Intoxicating or Non-Intoxicating Alcoholic Beverages; Requiring Certain Existing Signs to Be Removed Within a Specified Time; Describing the Kind and Size of Legal Signs; Specifying the Place Where Legal Signs May Be Maintained; Declaring a Violation of this Act to Constitute a Misdemeanor, and Repealing All Acts in Conflict.

Have had the same under consideration and recommend that the same be approved for introduction.

REP. HULTSTRAND, Chairman.

Rep. Hultstrand moved that the report be adopted.

Rep. Fitch moved a substitute motion that the report be rejected, which motion prevailed.

Mr. Speaker: Your Committee on Delayed Bills to whom was referred:

A Bill for an Act Amending and Re-enacting Section 189b11 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, as Amended by Section 10 of Chapter 137, Laws of 1933, in Reference to State Hail Insurance, Crop Affidavit, Insurability and Liens; Repealing Acts in Conflict Herewith, and Declaring an Emergency.

Have had the same under consideration and recommend that the same be approved for introduction.

REP. HULTSTRAND, Chairman.

Rep. Hultstrand moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Judiciary to whom was referred House Bill No. 375, have had the same under consideration and recommend that the same do pass.

J. M. ANDERSON, Chairman.

Rep. Mittag moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Highways and Bridges to whom was referred House Bill No. 285, have had the same under consideration and recommend that the same be amended as follows:

Section 1, line 12, after the word "law." insert the following: "Provided that none of the mileage in the present state primary highway system shall be included in any such Secondary or Feeder Road System, unless upon the request of the county commissioners in the county or counties affected."

And when so amended recommend the same do pass.

C. P. RITTER, Chairman.

Rep. Crockett moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Highways and Bridges to whom was referred:

House Bill No. 354, have had the same under consideration and recommend that the same be amended as follows:

Section 1, line 28, strike out the words and figures "eighteen thousand (18,000)" and insert in lieu thereof the words and figures "seventeen thousand (17,000)."

Section 1, after line 64 insert a new paragraph to read as follows: "Provided, however, that the maximum gross weight of any vehicle or combination of vehicles as defined herein shall not exceed the weight of forty-five thousand (45,000) pounds."

Section 2, line 104, strike out the figures "$70.00", and insert in lieu thereof the figure "$80.00."

Line 105, strike out the figures "$82.50" and insert in lieu thereof the figures "$92.50."

Line 106, strike out the figures "$95.00" and insert in lieu thereof the figures "$105.00."

Line 107, strike out the figures "$110.00" and insert in lieu thereof the figures "$125.00."

Line 108, strike out the figures "$125.00" and insert in lieu thereof the figures "$140.00."

Lne 109, strike out the figures "$145.00" and insert in lieu thereof the figures "$160.00."

Line 110, strike out the figures "$165.00" and insert in lieu thereof the figures "$190.00."

Line 111, strike out the figures "$190.00" and insert in lieu thereof the figures "$215.00."

Line 112, strike out the figures "$215.00" and insert in lieu thereof the figures "$240.00."

Line 113, strike out the figures "$245.00" and insert in lieu thereof the figures "$280.00."

Line 114, strike out the figures "$275.00" and insert in lieu thereof the figures "$325.00."

Line 115, strike out the figures "$315.00" and insert in lieu thereof the figures "$375.00."

Line 116, strike out the figures "$355.00" and insert in lieu thereof the figures "$440.00."

Strike out all of lines 117 to 124, both inclusive.

Section 2, in line 129, after the word "thereafter" strike out the period and the remainder of line 129 and all of line 130 "the minimum fee shall not be less than $3.00" and insert in lieu thereof the following:

"On vehicles or combination of vehicles registered for a gross weight of less than 10 tons, provided that the minimum fee shall not be less than $3.00. On vehicles or combination of vehicles registered for a gross weight of 10 tons or more there shall be a deduction of 10 per cent of the basic fee each year for three years, and thereafter there shall be no further deduction. The registration fee of any vehicle registered under the provisions of this act having a gross weight not exceeding 10 tons on which the annual fee for 1937 is $3.00, shall not be increased during the life of said vehicle by the provisions of this act."

Re-number beginning with line 125—change to 117 and continue re-numbering to the end of the Section 2.

And when so amended recommend the same do pass.

C. P. RITTER, Chairman.

Rep. Morland moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Highways and Bridges to whom was referred:

House Bill No. 279, have had the same under consideration and recommend that the same be amended as follows:

In the title, line 4, after the word "Laws;" strike out the balance of the line, and all of lines 5, 6, 7, and 8 up to the word "providing" "Subdivision (a) of Section 25 of Chapter 179 of the 1927 Session Laws as Amended and Re-enacted by Section 5 of Chapter 186 of the 1931 Session Laws, and Section 29 of Chapter 179 of the 1927 Session Laws as amended by Section 10 of Chapter 160 of the 1933 Session Laws;" Page 3, strike out all of Section 2, all of Section 3, and all of Section 4.

And when so amended recommend the same do pass.

C. P. RITTER, Chairman.

Rep. Beede moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Highways and Bridges to whom was referred House Bill No. 302, have had the same under consideration and recommend that the same be amended as follows:

Amend the title—in the second line of the title after the first figures "164" strike out the comma and the words and figures "and Chapter 164."

Strike out all of lines 5, 6, 7, 8 and 9 up to the word "and" of the title, "Providing for the Transportation of Personal Property for Compensation over any Public Highway Within the State by Motor Propelled Vehicles; Providing for a Classification of Agricultural Carrier;" and insert in lieu thereof the following: "Defining and Classifying Agricultural Carriers and Providing for their Licensing, Regulations, and Exemption."

In the title, after the word "Thereof," strike out the period and insert in lieu thereof a semicolon and add the following: "Repealing All Acts and Parts of Acts in Conflict Herewith; and Declaring an Emergency."

Section 1, line 5, at the end of line 5, strike out the letters "Sec-" and in line 6, strike out the letters, words, and figures "tion 3, and Section 15."

Sec. 1, line 12, after the word "products," insert the word "or."

Sec. 1, line 20, after the word "products," insert the word "or."

Sec. 1, line 41, after the word "products," insert the word "or."

Sec. 1, line 46, strike out the word "the" at the end of the line and insert in lieu thereof the word "such."

Section 1, in line 76, strike out the words "the first" and insert in lieu thereof the word "each."

Strike out all of line 77 after the word "vehicle," ", and five dollars ($5.00) for each additional."

Line 78, strike out the word "vehicle."

Strike out all of Sub-section (i) from line 89 to line 94.

Re-number beginning with line 94—change to line 89 and continue re-numbering the balance of Section 1.

Change the letter (j) in line 94 to the letter (i).

And when so amended, recommend the same do pass.

C. P. RITTER, Chairman.

Rep. Odegard moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Public Printing to

whom was referred House Bill No. 325, have had the same under consideration and recommend that the same be indefinitely postponed.

L. L. TWICHELL
ELIOTT T. KNUTSON
CARL H. DITTMER
W. E. SELLENS
MANDUS HULTSTRAND.
R. G. BEEDE, Chairman.

Rep. Twichell moved that the report be adopted, which motion prevailed, and the report was adopted.

Rep. Bolmeier moved that the vote by which House Bill No. 325 was indefinitey postponed be reconsidered, and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on Banks and Banking to whom was referred House Bill No. 386, have had the same under consideration and recommend that the same be indefinitely postponed.

GUS. A. SCHAUSS, Chairman.

Rep. Blair moved that the report be adopted, which motion prevailed and the report was adopted.

Rep. Fitch moved that the vote by which House Bill No. 386 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on Cities and Municipal Corporations to whom was referred House Bill No. 299, have had the same under consideration and recommend that the same be indefinitely postponed.

FRANK FLETCHER, Chairman.

Rep. Anderson of Benson moved that the report be adopted, which motion prevailed and the report was adopted.

Rep. Bergesen moved that the vote by which House Bill No. 299 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on Banks and Banking to whom was referred House Bill No. 314, have had the same under consideration and recommend that the same be amended as follows:

In line 17 after the period (.), beginning with the word "provided" strike out the rest of that line, also lines 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, and 31 up to and including the period (.).

In line 36 after the word "mortgagee" insert a comma (,) and insert the following: "or successor in interest of record,".

And when so amended recommend the same do pass.

GUS A. SCHAUSS, Chairman.

Rep. Blair moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on State Affairs to whom was referred House Bill No. 390, have had the same under consideration and recommend that the same do pass.

W. M. CROCKETT, Chairman.

Rep. Dalzell moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Taxes and Tax Laws to whom was referred House Bill No. 389, have had the same under consideration and recommend that the same be indefinitely postponed.

N. P. JENSEN, Chairman.

Rep. Rohde moved that the report be adopted, which motion prevailed and the report was adopted.

Rep. Fitch moved that the vote by which House Bill No. 389 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Rep. Joiner moved that House Bill No. 249 be taken from the calendar and placed in General Orders, which motion was lost.

Mr. Speaker: Your Committee on Highways and Bridges to whom was referred House Bill No. 196, have had the same under consideration and recommend that the same be indefinitely postponed.

C. P. RITTER, Chairman.

Rep. Morland moved that the report be adopted.

Rep. Anderson of Benson moved a substitute motion that House Bill No. 196 be placed on the calendar, which motion was lost.

Roll call was demanded and granted.

ROLL CALL

The question being on the motion of Rep. Anderson of Benson for House Bill No. 196 to go on the calendar, the roll was called and there were ayes, 47; nays, 58; absent and not voting, 5.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Halvorson | Ostgulen |
| Anderson, Benson | Heckman | Panko |
| Anderson,M'K'nzie | Hultstrand | Peterson,Bottineau |
| Anfinson | Ista | Rait |
| Beede | Johnson, LaMoure | Rettke |
| Belzer | Joiner | Rohde |
| Billigmeier | Keller | Schmidt, Sheridan |
| Bolmeier | Knutson | Schimke |
| Buchholz | Lange | Scholl |
| Dittmer | McIntee | Schwartz |
| Erickson | McIntyre | Tuff |
| Feton | Myers | Westby |
| Fletcher | Mittag | Williams,Richland |
| Fraser | Mollet | Williams,Stutsm'n |
| Glas | Nelson, Dickey | Mr. Speaker |
| Haag | Odegard | |

Those voting in the negative were:

| | | |
|---|---|---|
| Arneson, Ramsey | Holthusen | Schauss |
| Benno | Ireland | Schmidt, McHenry |
| Bergesen | Jensen | Sellens |
| Bingenheimer | Johnson, Cass | Semerad |
| Blair | Kluver | Severson |
| Boulden | Larson | Sharpe |
| Braun, McLean | Levin | Shure |

| | | |
|---|---|---|
| Brown | Lunde | Singleton |
| Byrne | McInnes | Skartvedt |
| Crockett | Moe | Solberg |
| Culver | Morland | Stone |
| Dalzell | Nelson, Cass | Stormon |
| Dike | Nelson, Steele | Symington |
| Fitch | Nystrom | Thompson,Burl'gh |
| Fuglestad | Oglesby | Trydahl |
| Gainor | Page | Twichell |
| Gray | Peterson, Ransom | Urschel |
| Haugland | Ritter | Wambheim |
| Hofstrand | Saumur | Wolf |
| Holm | | |

Absent and not voting:

| | | |
|---|---|---|
| Arneson, Nelson | O'Brien | Thompson, Steele |
| Braun, Stark | Sand | |

So the motion was declared lost.

Rep. Fitch moved that the vote by which the motion of Rep. Anderson was lost be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

## MESSAGES TO THE SENATE

House of Representatives,
Bismarck, February 20, 1939.

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

House Bill No. 356. A Bill for an Act to Amend and Reenact Section 3186 of the Compiled Laws of North Dakota for 1913, Relating to the Preferment for Official Appointment, and Providing for Repeal of Any Acts in Conflict Herewith.

House Bill No. 388. A Bill for an Act to Provide for the Raising of Public Revenues by Imposing a Tax Upon the Privilege of Engaging in any Business, Trade, Profession, Occupation or Calling, to be Measured by Gross Income, to Provide That This Tax Shall be a Replacement Tax to the Extent Herein Specifeid, to Provide for the Ascertainment, Assessment and Collection of Said Tax, to Provide Certain Exemptions From the Tax, to Provide for the Administration Thereof, to Provide a Penalty for the Violation of the Terms of the Act, to Provide for the Disposition of Revenues, to Provide an Appropriation for the Administration of This Act, and Declaring an Emergency.

House Bill No. 139. A Bill for an Act Making an Appropriation to the State Public Welfare Fund, Established by Section 3 of Chapter 214 of the Session Laws of 1937, for the Biennium Beginning July 1, 1939, and Ending June 30, 1941; to be Expended by the Public Welfare Board in Providing Public Assistance to the Needy Aged, as Provided by Chapter 211 of the Session Laws of 1937 as Amended by the Initiated Act Approved November 8, 1938; Repealing all Acts and Parts of Acts in Conflict Herewith.

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

MINNIE D. CRAIG, Chief Clerk.

## MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, February 20, 1939.

Mr. Speaker: I have the honor to inform you that the Senate has adopted the Conference Committee report on:

House Bill No. 74. A Bill for an Act Making a Deficiency Emergency Appropriation for Relief of Destitute and Necessitous Persons of the State of North Dakota for the Months of December, 1938, and January and February, 1939, as Provided by Chapter 214 of the Session Laws of 1937, Declaring an Emergency.

Mr. Speaker: I have the honor to inform you that the Senate has adopted the Conference Committee report on:

Senate Bill No. 35. A Bill for an Act to Amend and Reenact Sections 859 and 860 of the Compiled Laws for the Year 1913, Relating to the Form of Party Primary Election Ballots and the Manner of Voting the Same.

Mr. Speaker: I have the honor to return:

House Concurrent Resolution No. 391. A Concurrent Resolution Expressing the Regrets of the Legislative Assembly at the Demise of a Former Representative, Rev. R. E. Strutz.

Which the Senate has passed unchanged.

Mr. Speaker: I have the honor to transmit:

Senate Bill No. 263. A Bill for an Act to Amend and Reenact Section 7412 of the Compiled Laws of 1913, Relating to Power of Court, Interpleader, and Declaring an Emergency.

Senate Bill No. 260. A Bill for an Act Amending and Reenacting Chapter 102, Session Laws of the State of North Dakota for the Year 1929.

Senate Concurrent Resolution No. 271. A Concurrent Resolution Relating to the Distribution of Food Commodities by Federal Relief Agencies.

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

WM. J. LOWE, Secretary.

## REPORTS OF STANDING COMMITEES

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

House Bill No. 38.
House Bill No. 309.
House Bill No. 143.
House Bill No. 291.

And find the same correctly Engrossed:

OLAF OSTGULEN, Chairman.

Representative Ostgulen moved that the report be adopted, which motion prevailed, and the report was adopted.

The Speaker announced that former Governor Walter Welford be escorted to the rostrum.

The Sergeant-at-Arms escorted former Governor Walter Welford to the rostrum.

Mr. Speaker: Your Committee on Highways and Bridges to whom was referred:

House Bill No. 104, have had the same under consideration and recommend that the same be indefinitely postponed.

C. P. RITTER, Chairman.

Rep. Morland moved that the report be adopted.

Rep. Westby moved a substitute motion that House Bill No. 104 be placed on the calendar, which motion was lost.

The question being on the adoption of the report of the committee for indefinite postponement, which motion prevailed.

Rep. Stone moved that the vote by which House Bill No. 104 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on Highways and Bridges to whom was referred House Bill No. 297, have had the same under consideration and recommend that the same be amended as follows:

Section 1, line 5, strike out the words "seventy-five" and insert in lieu thereof the words "thirty-five."

In the title strike out the last word in line 3 "Seventy-" and insert in lieu thereof the word "Thirty-".

And when so amended recommend the same do pass.

C. P. RITTER, Chairman.

Rep. Holthusen moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Highways and Bridges to whom was referred House Bill No. 296, have had the same under consideration and recommend that the same be amended as follows:

In the title, in line 7 strike out the words "Seventy-five" and insert in lieu thereof the words "Thirty-five."

Section 1, line 8 strike out the words "seventy-five" and insert in lieu thereof the words "thirty-five."

And when so amended recommend the same do pass.

C. P. RITTER, Chairman.

Rep. Beede moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Highways and Bridges to whom was referred House Bill No. 271, have had the same under consideration and recommend that the same be indefinitely postponed.

C. P. RITTER, Chairman.

Rep. Holthusen moved that the report be adopted, which motion prevailed and the report was adopted.

Rep. Boulden 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.

Mr. Speaker: Your Committee on Highways and Bridges to whom was referred House Bill No. 222, have had the same under consideration and recommend that the same be indefinitely postponed.

C. P. RITTER, Chairman.

Rep. Boulden moved that the report be adopted, which motion prevailed and the report was adopted.

Rep. Twichell moved that the vote by which House Bill

No. 222 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on Appropriations to whom was referred House Bill No. 14, have had the same under consideration and recommend that the same be indefinitely postponed.

C. P. RITTER, Acting Chairman.

Rep. Trydahl moved that the report be adopted, which motion prevailed and the report was adopted.

Rep. Stone moved that the vote by which House Bill No. 14 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on Highways and Bridges to whom was referred House Bill No. 298, have had the same under consideration and recommend that the same be rereferred to the Committee on Ways and Means.

C. P. RITTER, Chairman.

Rep. Morland moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Appropriations to whom was referred House Bill No. 392, have had the same under consideration and recommend that the same do pass.

C. P. RITTER, Acting Chairman.

Rep. Johnson of Cass moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Appropriations to whom was referred House Bill No. 377, have had the same under consideration and recommend that the same be referred back to House without recommendation.

C. P. RITTER, Acting Chairman.

Rep. Symington moved that the report be adopted, which motion prevailed, and the report was adopted.

Rep. Johnson of Cass moved that House Bill No. 377 be indefinitely postponed.

Rep. Hofstrand moved a substitute motion that House Bill No. 377 be printed on the calendar, which motion prevailed.

Rep. Johnson moved the House reconsider the action taken on House Bill No. 377, which motion prevailed.

Rep. Johnson moved that House Bill No. 377 be placed in General Orders, which motion prevailed.

Rep. Twichell moved that House Bill No. 195 be delayed one legislative day, which motion prevailed.

Rep. Scholl moved that the absent members be excused, which motion prevailed.

## FIRST READING OF HOUSE BILLS

Delayed Bills Committee introduced:

House Bill No. 396. A Bill for an Act Amending and Reenacting Section 189b11 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, as Amended by Section 10 of Chapter 137, Laws of 1933, in reference to State Hail Insurance, Crop Affidavit, Insurability and Liens; Repealing Acts in Conflict Herewith, and Declaring an Emergency.

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

Rep. Scholl moved the House do now adjourn, which motion prevailed and the House adjourned.

## FORTY-NINTH DAY

Bismarck, February 20, 1939.

The House assembled at 2:00 P. M., pursuant to adjournment, Speaker Hagen presiding.

Prayer by Rev. G. W. Stewart, Mandan.

Roll Call: All Representatives present except Anderson of Benson, Arneson of Nelson, Knutson, O'Brien, Odegard, Rettke, Sand, Thompson of Steele, Twichell.

So a quorum was declared present.

## REPORT OF STANDING COMMITTEE

Mr. Speaker: Your Committee on Revision and Correction of the Journal have carefully examined the Journal of the Forty-sixth and Forty-seventh day and recommends that the same be corrected as follows:

Page 808, 18th line from top, strike out the word "ties" insert "toys."

Page 811, 22nd line from top, correct spelling on the name "Hultstrand."

Page 825, line 5, insert comma (,) after the word "for."

Page 831, 5th line from bottom, strike out the word "progress" and insert the word "God."

Page 823 in the Roll Call on House Bill No. 388, Nystrom is recorded as voting "aye" whereas he voted "nay."

On page 823 on line 7, strike out figure "69" and insert in lieu thereof "68." On the same line strike out the figure "31" and insert in lieu thereof the figure "32."

And when so corrected recommends that the same be appoved.

REP. GLAS, Chaiman.

Rep. Symington moved that the report be adopted, which motion prevailed, and the report was adopted.

A letter from the President was read from the desk.

Rep. Holm moved to print the letter in the Journal, which motion prevailed.

THE WHITE HOUSE
Washington

February 14, 1939.

Honorable James D. Gronna,
Secretary of State,
Bismarck, North Dakota.
My dear Mr. Secretary:

The President has asked me to acknowledge receipt of, and thank you for your letter of February tenth, transmitting House Concurrent Resolution No. 231, with its invitation to visit the International Peace Gardens this summer.

Will you please convey the President's appreciation to the Speaker and Members of the House, also his hope that it will be possible for him to accept their very cordial invitation.

Sincerely yours,
M. H. McINTYRE,
Secretary to the President.

Petitions were received from 32 persons from Sawyer protesting against the chain store tax. Like petitions were received from 32 citizens of Sawyer and 90 from Hettinger and vicinity.

A petition signed by 100 citizens of Enderlin, Ransom County, asked the House to support House Bill No. 139 providing for the Old Age Pension.

A petition was received from 9 persons from Enderlin representing the Enderlin Tri-County Association, calling the attention of the Legislature to the financial affairs of the State, the schools and the various political sub-divisions.

A communication was received from the Central Trades and Labor Assembly of Bismarck protesting against House Bill No. 199, providing for the establishment of the North Dakota State Farm.

Rep. Scholl moved that the Speaker appoint a committee of two to attend the funeral of Rep. Sticka which is to be held at 10:00 A. M. tomorrow, February 21, 1939, which motion prevailed.

Rep. Scholl moved that the House recess for a fifteen-minute period, which motion prevailed.

The Speaker called the House to order pursuant to fifteen-minute recess taken.

The Speaker announced the appointment of Representatives Culver and Braun of Stark as a committee of two to attend the funeral of Rep. Sticka.

## SIGNING OF BILLS

The Chief Clerk announced that the Speaker was about to sign.

House Resolution "L." A Resolution to Pay the Mileage and Per Diem of the Late Honorable Ignatz Sticka to His Widow.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 193. A Bill for an Act to Amend and Reenact Section 869 of the Compiled Laws of North Dakota for the Year 1913; and Repealing All Acts or Parts of Acts in Conflict Herewith.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 74. A Bill for an Act Making a Deficiency Emergency Appropriation for Relief of Destitute and Necessitous Persons of the State of North Dakota for the Months of December, 1938, and January and February, 1939, as Provided by Chapter 214 of the Session Laws of 1937, Declaring an Emergency.

And the Speaker signed the same in the presence of the House.

A letter from V. A. L. Mallet, H. M. Charge d'Affairs, of the British Embassy, Washington, D. C., was read from the desk.

Rep. Rait moved the letter be printed in the Journal, which motion prevailed.

British Embassy,
Washington, D. C.,
February 17, 1939.

Sir:

In the absence of the Ambassador I have the honour to acknowledge the receipt of your letter of the 10th of February in which you enclosed the text of the Concurrent Resolution, adopted by the House and Senate of the State of North Dakota, embodying an invitation to King George VI and Queen Elizabeth to visit North Dakota and the International Peace Garden when Their Majesties come to this country next summer.

I am forwarding this Resolution to London and I am sure that the friendly and courteous character of the suggestion will be greatly appreciated. I will inform you as soon as a reply is received from London but it is only right that I should explain that the visit of Their Majesties to the United States is to be of very short duration. I fear therefore that the possibility that they will be able to include North Dakota in their itinerary must also certainly be excluded.

Yours very truly,
V. A. L. MOLLET,
H. M. Charge d'Affairs.

## MESSAGE TO THE SENATE

House of Representatives,
Bismarck, February 20, 1939.

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

House Bill No. 267. A Bill for an Act Providing for Serological Test, for Syphilis of All Persons Applying for Marriage Licenses; Prohibiting Marriage of Any Person Afflicted With Syphilis in Communicable Form; Providing for Proofs of Serological Test to Be Required by and Submitted to County Judges Before the Issuance of a Marriage License; Repealing All Acts and Parts of Acts Inconsistent With or in Conflict Herewith; Making an Appropriation for the State Health Department to Enable it to Comply With the Provisions Hereof.

House Bill No. 45. A Bill for an Act Making an Appropriation Out of the Motor Patrol Fund in the State Treasury, for the Operation, Maintenance, Equipment, Supplies, Outfitting of Patrolmen, Travel and Miscellaneous Expenses for the Motor Patrol Branch.

House Bill No. 8. A Bill for an Act Making an Appropriation for the Purpose of Paying Salary Clerk Hire, and General Expenses of the State Historical Society.

House Bill No. 9. A Bill for an Act Making an Appropriation for Acquiring and Maintaining State Parks as Provided for in Chapter 216, Session Laws of 1935.

House Bill No. 32. A Bill for an Act Making an Appropriation Into the Administrative Fund for General Administrative and Operative Expenses of the Water Conservation Commission, According to Chapter 255, Session Laws of 1937

and Section 31, Thereof, Providing for Reimbursement and Providing for Validity.

House Bill No. 37. A Bill for an Act Making an Appropriation for the State Employment Service Provided for in Section 13 and Section 14b, Chapter 232, Session Laws of 1937, in Co-operation with the Social Security Act of Congress.

House Bill No. 260. A Bill for an Act to Create a North Dakota Poultry Improvement Board; to Define Its Powers and Duties; to Provide for Licenses and Fees for Poultry Processers, Packers, Hatching, Baby Chick Jobbers, Record of Performance Breeders and Poultry Feed Manufacturers and Wholesalers, and for the Disposition of the Proceeds Thereof; to Require the Filing of Reports by Carriers and Shippers of Poultry and Poultry Products, and Fixing Penalties for the Violation Hereof.

House Bill No. 362. A Bill for an Act Amending and Reenacting Section 5099c8 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913 Relating to the Duties of Child Placement Agencies.

House Bill No. 22. 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.

House Bill No. 149. A Bill for an Act Providing for a Transfer of Certain School Land Situated in Slope County, North Dakota, to the Game and Fish Commission of the State of North Dakota, in Co-operation With an Act of Congress to Provide That the United States Shall Aid the State in Wild-Life Restoration Projects, and for Other Purposes to Be Used and Maintained Under the Direction of the Game and Fish Commission to Aid in Wild-Life Restoration in the State of North Dakota, and Providing for an Appropriation to Reimburse the Permanent School Fund of the State of North Dakota; and Declaring an Emergency.

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

House Bill No. 74. A Bill for an Act Making a Deficiency Emergency Appropriation for Relief of Destitute and Necessitous Persons of the State of North Dakota for the Months of December, 1938, and January and February, 1939, as Provided by Chapter 214 of the Session Laws of 1937, Declaring an Emergency.

House Bill No. 193. A Bill for an Act to Amend and Reenact Section 869 of the Compiled Laws of North Dakota for the Year 1913; and Repealing All Acts or Parts of Acts in Conflict Herewith.

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

MINNIE D. CRAIG, Chief Clerk.

Rep. Feton moved that Representative Henry Williams of Stutsman County be appointed as a committee of one to attend the funeral services of former Rep. Rev. R. E. Strutz at Jamestown, N. D., on Tuesday, February 21, 1939, in behalf

of the House and moved that Rep. Williams of Stutsman be excused for that purpose, which motion prevailed.

## SECOND READING OF HOUSE BILLS

House Bill No. 150. A Bill for an Act Making an Appropriation for the State to Pay Seventy-five Per Cent (75%) of All Costs and Expenses of Maintaining and Providing for Patients at the State Hospital for the Insane, Patients at the Feeble-minded Institution, and Patients at the Tuberculosis Sanatorium, for the Biennium Beginning July 1, 1939, and Ending June 30, 1941, Seventy-five Per Cent (75%) of Such Costs of Caring for Such Patients to Be Charged to the State of North Dakota, and the Remaining Twenty-five Per Cent (25%) to Be Charged to the Counties, Now Required by Law to so Provide for Such Patients; 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, 83; nays, 18; absent and not voting, 9.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Gray | Panko |
| Anderson, Benson | Haag | Peterson, Bottineau |
| Anderson, M'K'nzie | Halvorson | Peterson, Ransom |
| Anfinson | Haugland | Rait |
| Arneson, Ramsey | Heckman | Rettke |
| Beede | Hofstrand | Ritter |
| Belzer | Holm | Rohde |
| Benno | Hultstrand | Schauss |
| Bergesen | Ireland | Schmidt, McHenry |
| Billigmeier | Ista | Schmidt, Sheridan |
| Bingenheimer | Jensen | Schimke |
| Blair | Johnson, LaMoure | Scholl |
| Bolmeier | Keller | Schwartz |
| Boulden | Kluver | Semerad |
| Braun, McLean | Knutson | Sharpe |
| Braun, Stark | Lange | Singleton |
| Brown | Lunde | Solberg |
| Buchholz | McIntee | Stone |
| Byrne | McIntyre | Stormon |
| Crockett | Myers | Tuff |
| Culver | Mittag | Twichell |
| Dike | Mollet | Urschel |
| Erickson | Morland | Westby |
| Feton | Nelson, Dickey | Williams, Stutsm'n |
| Fraser | Nelson, Steele | Williams, Richland |
| Fuglestad | Nystrom | Wolf |
| Gainor | Odegard | Mr. Speaker |
| Glas | Ostgulen | |

Those voting in the negative were:

| | | |
|---|---|---|
| Dalzell | Levin | Saumur |
| Dittmer | McInnes | Shure |
| Fitch | Moe | Symington |
| Holthusen | Nelson, Cass | Thompson, Burl'gh |
| Johnson, Cass | Oglesby | Trydahl |

| | | |
|---|---|---|
| Larson | Page | Wambheim |

Absent and not voting:

| | | |
|---|---|---|
| Arneson, Nelson | O'Brien | Severson |
| Fletcher | Sand | Skartvedt |
| Joiner | Sellens | Thompson, Steele |

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

Rep. Twichell: "I vote 'aye' for the purpose of reconsideration."

House Bill No. 257 was read the second time.

Rep. Bergesen moved that House Bill No. 257 be placed at the foot of the calendar, which motion was lost.

Rep. Stone moved that House Bill No. 257 be indefinitely postponed, which motion was lost.

House Bill No. 257. A Bill for an Act to Amend and Reenact Chapter 106 of the 1933 Session Laws, Relating to Marihuana, and Defining Marihuana as a Narcotic and a Habit-forming Drug; Prohibiting the Sale or Gift Thereof; Providing a 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, 94; nays, 8; absent and not voting, 8.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Anderson, Benson | Holm | Page |
| Anderson,M'K'nzie | Holthusen | Panko |
| Anfinson | Hultstrand | Peterson,Bottineau |
| Arneson, Ramsey | Ireland | Peterson, Ransom |
| Beede | Ista | Rait |
| Benno | Johnson, Cass | Rohde |
| Bergesen | Jensen | Saumur |
| Blair | Johnson, LaMoure | Schauss |
| Bolmeier | Joiner | Schmidt, Sheridan |
| Bingenheimer | Keller | Schimke |
| Boulden | Kluver | Scholl |
| Braun, Stark | Knutson | Schwartz |
| Brown | Lange | Sellens |
| Buchholz | Larson | Semerad |
| Byrne | Levin | Sharpe |
| Culver | Lunde | Shure |
| Crockett | McInnes | Singleton |
| Dalzell | McIntee | Skartvedt |
| Dike | McIntyre | Solberg |
| Dittmer | Myers | Stormon |
| Erickson | Mittag | Symington |
| Feton | Moe | Thompson, Burl'gh |
| Fitch | Mollet | Trydahl |
| Fletcher | Morland | Tuff |
| Fuglestad | Nelson, Cass | Twichell |
| Gainor | Nelson, Dickey | Urschel |
| Glas | Nelson, Steele | Wambheim |
| Gray | Nystrom | Westby |
| Halvorson | Odegard | Williams,Richland |
| Haugland | Oglesby | Wolf |

| | | |
|---|---|---|
| Heckman | Ostgulen | Mr. Speaker |
| Hofstrand | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Adam | Braun, McLean | Schmidt, McHenry |
| Belzer | Fraser | Stone |
| Billigmeier | Haag | |

Absent and not voting:

| | | |
|---|---|---|
| Arneson, Nelson | Ritter | Thompson, Steele |
| O'Brien | Sand | Williams, Stutsm'n |
| Rettke | Severson | |

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

Rep. Bergesen moved that the vote by which House Bill No. 257 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Rep. Stone: "I don't believe that we can pass a law that cannot be enforced."

House Bill No. 292. A Bill for an Act to Amend and Reenact Sections 2552 and 2553 of the Compiled Laws of the State of North Dakota for the Year 1913, as Amended by Chapter 142 of the 1937 Session Laws for the State of North Dakota, Relating to the Procedure to be Followed in the Investigation and Commitment of Patients to the State Hospital for the Insane, Providing a Hearing Therefore, the Investigation Thereof, Giving Notice to the Immediate Relatives, or the Next Friend of the Person Informed Against, Providing Said Parties With an Opportunity to Appear at Such Insanity Hearings, by Counsel, and Providing for a Judicial Review of the Findings, of County Boards of Insanity; 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, the roll was called and there were ayes, 52; nays, 46; absent and not voting, 12.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Anderson, Benson | Halvorson | Odegard |
| Anfinson | Haugland | Ostgulen |
| Arneson, Nelson | Heckman | Peterson, Bottineau |
| Arneson, Ramsey | Ireland | Peterson, Ransom |
| Beede | Ista | Rait |
| Belzer | Johnson, LaMoure | Rohde |
| Benno | Joiner | Schmidt, McHenry |
| Billigmeier | Keller | Schmidt, Sheridan |
| Braun, McLean | Kluver | Scholl |
| Buchholz | Knutson | Schwartz |
| Crockett | Larson | Solberg |
| Dike | Levin | Stormon |
| Erickson | McInnes | Tuff |
| Fletcher | McIntyre | Urschel |
| Fraser | Mittag | Wambheim |
| Fuglestad | Nelson, Dickey | Williams, Richland |
| Gray | Nelson, Steele | Wolf |
| Haag | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Adam | Jensen | Schauss |
| Bergesen | Johnson, Cass | Schimke |
| Bingenheimer | Lange | Sellens |
| Blair | Lunde | Semerad |
| Bolmeier | McIntee | Sharpe |
| Boulden | Moe | Shaare |
| Braun, Stark | Mollet | Singleton |
| Byrne | Morland | Skartvedt |
| Dalzell | Nelson, Cass | Stone |
| Dittmer | Nystrom | Symington |
| Feton | Oglesby | Thompson, Burl'gh |
| Fitch | Page | Trydahl |
| Gainor | Panko | Twichell |
| Glas | Ritter | Westby |
| Holm | Saumur | Mr. Speaker |
| Holthusen | | |

Absent and not voting:

| | | |
|---|---|---|
| Anderson, M'K'nzie | Huitstrand | Sand |
| Brown | Myers | Severson |
| Culver | O'Brien | Thompson, Steele |
| Hofstrand | Rettke | Williams, Stutsm'n |

So the bill was declared lost for lack of a Constitutional majority.

Rep. Twichell moved that the vote by which House Bill No. 292 was lost be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

## REPORT OF STANDING COMMITTEE

The Committee on Enrollment and Engrossment respectfully reports that:

House Resolution "L."

Was delivered to the Secretary of State at the hour of 4:30 o'clock P. M., February 20, 1939.

OLAF OSTGULEN, Chairman.

Rep. Jensen moved that action taken on House Bill No. 150 be reconsidered, which motion prevailed.

Rep. Ista moved that House Bill No. 350 be withdrawn, which motion prevailed.

The Speaker called Rep. Fitch to the Chair.

Rep. Anderson of Benson moved that House Bill No. 150 be placed in General Orders, which motion prevailed.

## MESSAGE FROM THE GOVERNOR

State of North Dakota

OFFICE OF THE GOVERNOR

Bismarck, February 20, 1939.

To the House of Representatives of the
State of North Dakota:

This is to notify you that I have today approved and filed with the Secretary of State:

House Bill No. 142. A Bill for an Act Authorizing the State and Counties to Exchange Tracts of State and County Lands Within Indian Reservations of This State, for Tracts

of Lands Owned by the United States Government, Providing for Appraisals, Execution of Conveyances, and Repealing All Acts or Parst of Acts in Conflict Therewith.

Also,

House Bill No. 148. A Bill for an Act to Amend and Reenact Section 10246a1 of the Supplement to the Compiled Laws of North Dakota for 1913, as Amended by Chapter 142 of the Session Laws of North Dakota for 1927, Regulating and Fixing the Hours of Labor of Females and Providing Penalties for Violation Thereof.

JOHN MOSES, Governor.

JM:F

State of North Dakota

OFFICE OF THE GOVERNOR

Bismarck, February 20, 1939.

To the House of Representatives of the
State of North Dakota:

This is to notify you that I have to-day approved and filed with the Secretary of State:

House Bill No. 245. A Bill for an Act to Repeal Chapter 165 of the Session Laws of the State of North Dakota for the Year 1937, Relating to the Operation of Motion Picture Theatres, and Declaring an Emergency.

JOHN MOSES, Governor.

JM:F

House Bill No. 359 was read the second time.

Speaker Hagen asked for unanimous consent to amend House Bill No. 359 which consent was granted.

Speaker Hagen moved the following amendment to House Bill No. 359:

On page 2, Section 1, line 7 at the top of the page, after the word "Insurance" insert a "comma" and the words "with the approval of the Governor" and insert a "comma" following the word "Governor".

Which motion prevailed.

Rep. Anderson of Benson moved that the rules be suspended and that House Bill No. 359 be considered properly re-engrossed, placed on second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILLS

House Bill No. 359. A Bill for an Act to Amend and Reenact Section 189b3, 189b5, 189b9, 189b14 and 189b15 of Chapter 137 of the Session Laws of North Dakota for 1933, Relating to State Hail Insurance, Providing for the Manner of Taking Applications Therefor; Defining Duty of Hail Inspectors, Adjustors and County Auditors; 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, as amended, the roll was called and there were ayes, 84; nays, 18; absent and not voting, 8.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Gray | Nelson, Dickey |
| Anderson,M'K'nzie | Haag | Nelson, Steele |
| Anderson, Benson | Halvorson | Ostgulen |

| | | |
|---|---|---|
| Anfinson | Glas | Morland |
| Arneson, **Ramsey** | Haugland | Panko |
| Beede | Heckman | Peterson,Bottineau |
| Belzer | Hofstrand | Peterson, Ransom |
| Benno | Holm | Rait |
| Bergesen | Holthusen | Ritter |
| Billigmeier | Hultstrand | Rohde |
| Bingenheimer | Ireland | Schauss |
| Boulden | Ista | Schmidt, McHenry |
| Braun, **McLean** | Jensen | Schmidt, Sheridan |
| Braun, **Stark** | Johnson, **Cass** | Schimke |
| Brown | Johnson, LaMoure | Scholl |
| Buchholz | Joiner | Schwartz |
| Byrne | Keller | Sellens |
| Crockett | Kluver | Semerad |
| Culver | Knutson | Singleton |
| Dike | Lange | Skartvedt |
| Dittmer | Larson | Solberg |
| Erickson | Levin | Stone |
| Feton | McIntee | Thompson,Burl'gh |
| Fitch | McIntyre | Tuff |
| Fletcher | Myers | Urschel |
| Fraser | Mittag | Williams,Richland |
| Fuglestad | Moe | Wolf |
| Gainor | Mollet | Mr. Speaker |

Those voting in the negative were:

| | | |
|---|---|---|
| Blair | Nystrom | Sharpe |
| Bolmeier | Odegard | Shure |
| Dalzell | Oglesby | Stormon |
| Lunde | Page | Symington |
| McInnes | Saumur | Trydahl |
| Nelson, **Cass** | Severson | Wambheim |

Absent and not voting:

| | | |
|---|---|---|
| Arneson, **Nelson** | Sand | Westby |
| O'Brien | Thompson, Steele | Williams,Stutsm'n |
| Rettke | Twichell | |

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

Rep. Peterson of Bottineau moved that the vote by which House Bill No. 359 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

House Bill No. 372. A Bill for an Act to Amend and Reenact Section 10954, Compiled Laws of North Dakota for 1913 Relating to Probation of Persons Convicted of Crime and the Duties of the Clerks of Court in Such Cases.

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, 104; nays, 0; absent and not voting, 6.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Halvorson | Page |
| Anderson, **Benson** | Haugland | Panko |
| Anderson,**M'K'nzie** | Heckman | Peterson,Bottineau |
| Anfinson | Hofstrand | Peterson, Ransom |

| | | |
|---|---|---|
| Arneson, Nelson | Holm | Rait |
| Arneson, Ramsey | Holthusen | Ritter |
| Beede | Hultstrand | Saumur |
| Belzer | Ireland | Schauss |
| Benno | Ista | Schmidt, McHenry |
| Bergesen | Jensen | Schmidt, Sheridan |
| Billigmeier | Johnson, Cass | Schimke |
| Bingenheimer | Johnson, LaMoure | Scholl |
| Blair | Joiner | Schwartz |
| Bolmeier | Keller | Semerad |
| Boulden | Kluver | Sellens |
| Braun, McLean | Knutson | Severson |
| Braun, Stark | Lange | Sharpe |
| Brown | Larson | Shure |
| Buchholz | Levin | Singleton |
| Byrne | Lunde | Skartvedt |
| Crockett | McInnes | Solberg |
| Culver | McIntee | Stone |
| Dalzell | McIntyre | Stormon |
| Dike | Myers | Symington |
| Dittmer | Mittag | Thompson,Burl'gh |
| Erickson | Mollet | Trydahl |
| Feton | Moe | Tuff |
| Fitch | Morland | Twichell |
| Fletcher | Nelson, Cass | Urschel |
| Fraser | Nelson, Dickey | Wambheim |
| Fuglestad | Nelson, Steele | Westby |
| Gainor | Nystrom | Williams,Richland |
| Glas | Odegard | Wolf |
| Gray | Oglesby | Mr. Speaker |
| Haag | Ostgulen | |

Absent and not voting:

| | | |
|---|---|---|
| O'Brien | Rohde | Thompson, Steele |
| Rettke | Sand | Williams,Stutsm'n |

So the bill passed and the title was agreed to.

House Bill No. 321. A Bill for an Act to Amend and Reenact Chapter 5-a of the 1925 Supplement to the 1913 Compiled Laws of North Dakota by Inserting and Adding Thereto Section 10500a6a, Providing for Joint and Several Liability by More Than One Possible Father 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, 58; nays, 38; absent and not voting, 14.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Heckman | Nelson, Cass |
| Anderson, Benson | Hofstrand | Nelson, Steele |
| Anderson,M'K'nzie | Holthusen | Odegard |
| Anfinson | Hultstrand | Ostgulen |
| Arneson, Ramsey | Ista | Page |
| Beede | Jensen | Peterson,Bottineau |
| Bergesen | Joiner | Peterson, Ransom |
| Billigmeier | Keller | Rait |
| Bolmeier | Kluver | Ritter |
| Braun, McLean | Knutson | Rohde |

| | | |
|---|---|---|
| Brown | Lange | Schmidt, Sheridan |
| Buchholz | Larson | Scholl |
| Culver | Levin | Schwartz |
| Dike | Lunde | Sellens |
| Dittmer | McIntee | Semerad |
| Erickson | McIntyre | Severson |
| Fletcher | Myers | Sharpe |
| Fraser | Mittag | Westby |
| Gainor | Morland | Williams,Richland |
| Haugland | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Belzer | Holm | Shure |
| Benno | Ireland | Skartvedt |
| Bingenheimer | Johnson, Cass | Solberg |
| Blair | Johnson, LaMoure | Stone |
| Boulden | McInnes | Stormon |
| Byrne | Moe | Symington |
| Dalzell | Mollet | Trydahl |
| Feton | Nelson, Dickey | Tuff |
| Fitch | Nystrom | Twichell |
| Fuglestad | Oglesby | Wambheim |
| Gray | Panko | Wolf |
| Haag | Saumur | Mr. Speaker |
| Halvorson | Schmidt, McHenry | |

Absent and not voting:

| | | |
|---|---|---|
| Arneson, Nelson | Rettke | Thompson,Burl'gh |
| Braun, Stark | Sand | Thompson, Steele |
| Crockett | Schauss | Urschel |
| Glas | Schimke | Williams,Stutsm'n |
| O'Brien | Singleton | |

So the bill passed and the title was agreed to and the Emergency Clause was declared lost.

Rep. Knutson moved that the vote by which House Bill No. 321 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Rep. Stone: "I wish to explain my vote and have my explanation recorded in the Journal. I think when the human race has gotten so low that they can't determine who is the father of a baby, that is beyond any power. And according to this bill if any man who speaks to a woman or has ridden with her in a car regardless whether he is single or married, he is involved and disgraced. It is not alone a disgrace to a man or woman in the State and I think it is a vicious bill that should give the right to a woman, a normal woman with normal ways who doesn't know who is the father of a child. I vote 'no' on that bill."

House Bill No. 357 was read the second time.

Rep. Schauss moved that House Bill No. 357 be indefinitely postponed, which motion prevailed.

Rep. Schauss moved that the vote by which House Bill No. 357 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

House Bill No. 364 was read the second time.

Rep. Johnson of Cass moved that House Bill No. 364 be indefinitely postponed, which motion prevailed.

Rep. Stone moved that the vote by which House Bill No. 364 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

House Bill No. 341 was read the second time.

Rep. Bingenheimer asked for unanimous consent to amend the title of House Bill No. 341, which consent was granted.

Rep. Bingenheimer moved the following amendment:

In line 7, of the title strike out the word "July" and insert in lieu thereof the word "June."

Which motion prevailed.

Rep. Bolmeier moved that the rules be suspended and the House Bill No. 341 be considered properly re-engrossed, placed on second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILLS

House Bill No. 341. A Bill for an Act Assessing and Levying From April 1, 1939, to July 1, 1941, on All Licensed Dealers of Motor Vehicle Fuels, a Special License Tax of One Cent Per Gallon of Motor Vehicle Fuels Used or Sold by Them in Addition to All Other Taxes Now Imposed Upon Them, Appropriating the Proceeds of Such Special Tax to The State Highway Fund for Specific Purposes, Making All Provisions of Initiated Measures Approved July 30, 1926 and Known as the "Motor Vehicle Fuel Tax Law," Other Than Division of Proceeds Between the State and Counties and for Costs of Administration and Collection, Applicable to Said Special License Tax 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, 56; nays, 48; absent and not voting, 6.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Arneson, Ramsey | Holm | Schmidt, McHenry |
| Belzer | Holthusen | Schimke |
| Benno | Hultstrand | Sellens |
| Bergesen | Ireland | Severson |
| Billigmeier | Johnson, Cass | Sharpe |
| Blair | Kluver | Shure |
| Boulden | Larson | Singleton |
| Brown | Lunde | Skartvedt |
| Byrne | McInnes | Solberg |
| Crockett | Moe | Stone |
| Culver | Morland | Stormon |
| Erickson | Nelson, Cass | Thompson,Burl'gh |
| Fitch | Nelson, Steele | Trydahl |
| Fuglestad | Nystrom | Twichell |
| Gainor | Oglesby | Urschel |
| Gray | Peterson, Ransom | Wambheim |
| Halvorson | Ritter | Westby |
| Haugland | Saumur | Wolf |
| Hofstrand | Schauss | |

Those voting in the negative were:

| | | |
|---|---|---|
| Adam | Glas | Nelson, Dickey |
| Anderson, Benson | Haag | Odegard |
| Anderson,M'K'nzie | Heckman | Ostgulen |

| | | |
|---|---|---|
| Anfinson | Ista | Page |
| Beede | Jensen | Panko |
| Bingenheimer | Johnson, LaMoure | Peterson,Bottineau |
| Bolmeier | Joiner | Rait |
| Braun, Stark | Keller | Rohde |
| Braun, McLean | Knutson | Schmidt, Sheridan |
| Buchholz | Lange | Scholl |
| Dalzell | Levin | Schwartz |
| Dike | McIntee | Semerad |
| Dittmer | McIntyre | Symington |
| Feton | Myers | Tuff |
| Fletcher | Mittag | Williams,Richland |
| Fraser | Mollet | Mr. Speaker |

Absent and not voting:

| | | |
|---|---|---|
| Arneson, Nelson | Rettke | Thompson, Steele |
| O'Brien | Sand | Williams,Stutsm'n |

So the bill was lost for lack of a constitutional majority.

Speaker Hagen moved that the vote by which House Bill No. 341 was lost be reconsidered and the motion to reconsider be laid on the table, which motion was lost.

Rep. Bingenheimer: "I feel that the counties are entitled to their share of that one cent tax. I vote 'no'."

Rep. Braun of McLean: "For the reason that there isn't any of this money going back to the counties to help more than now, I vote 'no'."

Rep. Dike: "I would like to have my reason for voting recorded in the Journal. Because this bill does not provide for the return to the counties of their just share of the money as in the present law, I must vote 'no'."

Rep. Erickson: "I got a message from an oil dealer at Williston this morning. It is dated February 20th, 1939, which reads as follows: 'Be sure and support the one cent gasoline tax, House Bill No. 341'." He is the operator of an oil distributing station in Williston. I vote "aye."

Rep. Lange: "I don't need an oil dealer to tell me how to vote. I happen to be one myself. I have promised my county commissioner in McLean county that I would be for a gasoline tax if there would be some return. I vote 'no'."

Rep. Oglesby: "In order to make it safe for me to go back home I must vote 'aye' for I have had more telegrams and letters on this legislation than on any other that I have voted on. I vote 'aye'."

Rep. Ostgulen: "I vote 'no' because I don't think the counties are getting a square deal on this bill."

Rep. Scholl: "The people of North Dakota have spoken twice on this subject, and in both instances by a handsome majority they vote 'no'. I vote 'no' for the further reason that the counties are not receiving any part of this additional one cent which they so badly need. Therefore I vote 'no'."

Rep. Schwartz: "I too am interested in good highways but as long as 75 per cent of the schools of this state are insolvent I have ten times the interest in these young folks who are going to take our places in the future than I have in these highways, I vote 'no'."

Rep. Singleton: "It looks to me as though Mr. Schwartz is emphasizing the fact that we are not getting any benefit

out of this gasoline tax in our State, as I understand it, the three cent state tax is divided up between the counties and we also have that extra one cent and this will make two cents extra for Federal purposes. I think if the gentleman was down in Dickey county and saw the sand blowing, he would be very favorable. I vote 'aye' on this bill because I don't think I would want to live north of Oakes next summer if I didn't."

Rep. Stone: "I vote 'aye' on this bill because I have driven over 23,000 miles over the state highways of this State and I would be willing to pay an extra cent for gasoline. And the second reason is that a farmer doesn't drive over 2,500 or 3,000 miles in a year and with a one cent increase it would cost the farmers only two or three dollars extra that is the reason that I vote 'aye'."

Rep. Thompson of Burleigh: "I would like to explain my vote for this reason: Here on Saturday night I was forced to vote for a bill that was a lot more vicious than this without having any chance whatever to study it but from hearing these fellows talk today I think some of them have been to church yesterday and have reformed. I almost took a notion to vote 'no' but I am going to vote 'aye'."

Rep. Westby: "I have before me a resolution passed by the County Commissioner association of North Dakota who have signed this resolution and at the foot they have written a note which says: 'House Bill No. 341 contains the provisions of the above resolution.' I vote 'aye'."

Rep. Williams of Richland: "I am voting 'no' on this because I know there are thousands of people over the State who are suffering for the comforts of life. I think the roads are good enough for those people."

Speaker Hagen: "I didn't expect to see the day when the Nonpartisan League majority faction would join hands with the business organizations to put over a tax that is solely and entirely for promoting tourist and pleasure driving and which is especially unnecessary at this time. Therefore I vote 'no'."

Rep. Schwartz moved that the House recess one hour and fifteen minutes, which motion prevailed.

The House was called to order pursuant to recess taken and the Speaker announced that the House would continue on the Eleventh Order of Business.

House Concurrent Resolution No. 368. A Concurrent Resolution Relating to Payments of Old Age Assistance, Aid to the Blind, and Aid to Dependent Children Grants to Ward Indians.

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, 84; nays, 3; absent and not voting, 23.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Heckman | Panko |
| Anderson, Benson | Hofstrand | Peterson,Bottineau |
| Anderson,M'K'nzie | Holm | Peterson, Ransom |
| Anfinson | Hultstrand | Rait |

| | | |
|---|---|---|
| Arneson, Ramsey | Ireland | Rettke |
| Belzer | Ista | Ritter |
| Bergesen | Jensen | Rohde |
| Billigmeier | Johnson, LaMoure | Schmidt, McHenry |
| Bingenheimer | Joiner | Schmidt, Sheridan |
| Boulden | Keller | Schwartz |
| Braun, McLean | Kluver | Sellens |
| Brown | Knutson | Semerad |
| Buchholz | Levin | Severson |
| Byrne | Lunde | Sharpe |
| Crockett | McInnes | Shure |
| Culver | McIntee | Singleton |
| Dalzell | McIntyre | Skartvedt |
| Dike | Myers | Solberg |
| Erickson | Mittag | Stormon |
| Feton | Moe | Symington |
| Fitch | Mollet | Tuff |
| Fletcher | Nelson, Dickey | Twichell |
| Fraser | Nelson, Steele | Urschel |
| Fuglestad | Nystrom | Wambheim |
| Gainor | Odegard | Westby |
| Haag | Oglesby | Williams,Richland |
| Halvorson | Ostgulen | Wolf |
| Haugland | Page | Mr. Speaker |

Those voting in the negative were:

| | | |
|---|---|---|
| Blair | Bolmeier | Stone |

Absent and not voting:

| | | |
|---|---|---|
| Arneson, Nelson | Johnson, Cass | Schauss |
| Beede | Lange | Schimke |
| Benno | Larson | Scholl |
| Braun, Stark | Morland | Thompson, Burl'gh |
| Dittmer | Nelson, Cass | Thompson, Steele |
| Glas | O'Brien | Trydahl |
| Gray | Sand | Williams, Stutsm'n |
| Holthusen | Saumur | |

So the bill passed and the title was agreed to.

Rep. Schmidt of Sheridan moved that the vote by which House Concurrent Resolution No. 368 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

House Bill No. 62. A Bill for an Act to Provide for the Reimbursement of Owners of Cattle Destroyed by Order of the North Dakota Livestock Sanitary Board on Account of Being Affected with Bang's Disease and to Pay Expenses in Connection Therewith, Limiting the Liability of the State 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, 82; nays, 14; absent and not voting, 14.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Halvorson | Oglesby |
| Anderson, Benson | Haugland | Ostgulen |
| Anderson,M'K'nzie | Heckman | Panko |
| Anfinson | Hofstrand | Peterson,Bottineau |

| | | |
|---|---|---|
| Beede | Holm | Rait |
| Belzer | Holthusen | Rettke |
| Benno | Ireland | Ritter |
| Bergesen | Ista | Schmidt, McHenry |
| Billigmeier | Jensen | Schmidt, Sheridan |
| Bingenheimer | Johnson, LaMoure | Scholl |
| Blair | Joiner | Schwartz |
| Bolmeier | Keller | Sellens |
| Boulden | Kluver | Semerad |
| Braun, McLean | Knutson | Severson |
| Brown | Lange | Sharpe |
| Buchholz | Levin | Singleton |
| Byrne | Lunde | Skartvedt |
| Culver | McInnes | Solberg |
| Dalzell | McIntee | Symington |
| Dike | McIntyre | Tuff |
| Dittmer | Myers | Twichell |
| Erickson | Morland | Urschel |
| Fitch | Nelson, Dickey | Wambheim |
| Fletcher | Nelson, Cass | Westby |
| Fraser | Nelson, Steele | Williams,Richland |
| Fuglestad | Nystrom | Wolf |
| Gainor | Odegard | Mr. Speaker |
| Haag | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Arneson, Ramsey | Mittag | Rohde |
| Crockett | Moe | Shure |
| Feton | Mollet | Stone |
| Hultstrand | Page | Stormon |
| Johnson, Cass | Peterson, Ransom | |

Absent and not voting:

| | | |
|---|---|---|
| Arneson, Nelson | O'Brien | Thompson,Burl'gh |
| Braun, Stark | Sand | Thompson, Steele |
| Glas | Saumur | Trydahl |
| Gray | Schauss | Williams,Stutsm'n |
| Larson | Schimke | |

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

Rep. Morland moved that the vote by which House Bill No. 62 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

House Bill No. 151. A Bill for an Act Providing for the Transfer of Certain School Lands Situated in the Lewis and Clark Irrigation District of McKenzie County, North Dakota, to the State of North Dakota to be Used in Connection With the Experiment Station, Established at Williston, North Dakota, Pursuant to the Provision of Section 1629 of the Compiled Laws of 1913, for the Purpose of Establishing, Maintaining and Operating Thereon an Irrigation Demonstration and Experiment Farm; Providing for an Appropriation to Reimburse the Permanent School Fund of the State, Providing for an Exchange of Such Lands for Other Lands More Suitably Situated; 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, 94; nays, 1; absent and not voting, 15.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Halvorson | Odegard |
| Anderson, Benson | Haugland | Oglesby |
| Anderson,M'K'nzie | Heckman | Ostgulen |
| Anfinson | Hofstrand | Page |
| Arneson, Ramsey | Holm | Peterson,Bottineau |
| Beede | Holthusen | Peterson, Ransom |
| Belzer | Hultstrand | Rait |
| Benno | Ireland | Ritter |
| Bergesen | Ista | Rohde |
| Billigmeier | Jensen | Saumur |
| Bingenheimer | Johnson, Cass | Schmidt, McHenry |
| Blair | Johnson, LaMoure | Schmidt, Sheridan |
| Bolmeier | Joiner | Schwartz |
| Braun, McLean | Keller | Sellens |
| Braun, Stark | Kluver | Semerad |
| Brown | Knutson | Severson |
| Buchholz | Lange | Sharpe |
| Byrne | Levin | Shure |
| Crockett | Lunde | Singleton |
| Culver | McInnes | Skartvedt |
| Dalzell | McIntee | Solberg |
| Dike | McIntyre | Stormon |
| Dittmer | Myers | Symington |
| Erickson | Mittag | Tuff |
| Feton | Moe | Twichell |
| Fitch | Mollett | Urschel |
| Fletcher | Morland | Wambheim |
| Fraser | Nelson, Cass | Westby |
| Fuglestad | Nelson, Dickey | Williams,Richland |
| Gainor | Nelson, Steele | Wolf |
| Glas | Nystrom | Mr. Speaker |
| Haag | | |

Those voting in the negative were:
Stone

Absent and not voting:

| | | |
|---|---|---|
| Arneson, Nelson | Panko | Scholl |
| Boulden | Rettke | Thompson, Burl'gh |
| Gray | Sand | Thompson, Steele |
| Larson | Schauss | Trydahl |
| O'Brien | Schimke | Williams, Stutsm'n |

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

Rep. Rohde moved that the vote by which House Bill No. 151 was passed be reconsidered, and the motion to reconsider be laid on the table, which motion prevailed.

House Bill No. 249. A Bill for an Act Relating to the Sale of Cigarettes, Cigarette Papers, and Wrappers, 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, Ses-

sion Laws of North Dakota for 1935, and 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, 90; nays, 9; absent and not voting, 11.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Halvorson | Ostgulen |
| Anderson, Benson | Haugland | Page |
| Anderson,M'K'nzie | Heckman | Panko |
| Anfinson | Hofstrand | Peterson,Bottineau |
| Arneson, Nelson | Holm | Rait |
| Arneson, Ramsey | Holthusen | Rettke |
| Beede | Hultstrand | Ritter |
| Belzer | Ireland | Rohde |
| Benno | Ista | Saumur |
| Bergesen | Jensen | Schmidt, Sheridan |
| Billigmeier | Johnson, Cass | Scholl |
| Bingenheimer | Johnson, LaMoure | Schwartz |
| Blair | Joiner | Semerad |
| Boulden | Keller | Sharpe |
| Braun, McLean | Knutson | Shure |
| Braun, Stark | Lange | Singleton |
| Buchholz | Levin | Skartvedt |
| Byrne | Lunde | Solberg |
| Crockett | McInnes | Stormon |
| Culver | McIntee | Symington |
| Dalzell | McIntyre | Thompson,Burl'gh |
| Dike | Myers | Thompson, Steele |
| Erickson | Mittag | Tuff |
| Feton | Moe | Twichell |
| Fitch | Mollet | Urschel |
| Fletcher | Morland | Wambheim |
| Fraser | Nelson, Dickey | Westby |
| Gainor | Nystrom | Williams,Richland |
| Glas | Odegard | Wolf |
| Haag | Oglesby | Mr. Speaker |

Those voting in the negative were:

| | | |
|---|---|---|
| Bolmeier | Nelson, Cass | Schmidt, McHenry |
| Dittmer | Nelson, Steele | Sellens |
| Fuglestad | Peterson, Ransom | Stone |

Absent and not voting:

| | | |
|---|---|---|
| Brown | O'Brien | Severson |
| Gray | Sand | Trydahl |
| Kluver | Schauss | Williams,Stutsm'n |
| Larson | Schimke | |

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

Rep. Twichell 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.

House Bill No. 43 was read the second time.

Rep. Semerad moved that House Bill No. 43 be placed in General Orders, which motion was lost.

House Bill No. 43. A Bill for an Act Making an Appro-

priation 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, 84; nays, 16; absent and not voting, 10.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Fuglestad | Nystrom |
| Anderson, Benson | Gainor | Odegard |
| Anderson,M'K'nzie | Glas | Oglesby |
| Anfinson | Gray | Ostgulen |
| Arneson, Ramsey | Haag | Page |
| Beede | Halvorson | Panko |
| Belzer | Haugland | Peterson,Bottineau |
| Benno | Heckman | Rait |
| Bergesen | Hofstrand | Ritter |
| Billigmeier | Holm | Saumur |
| Bingenheimer | Holthusen | Schauss |
| Blair | Hultstrand | Scholl |
| Bolmeier | Ireland | Sellens |
| Braun, McLean | Ista | Severson |
| Braun, Stark | Johnson, Cass | Sharpe |
| Brown | Johnson, LaMoure | Shure |
| Buchholz | Keller | Singleton |
| Byrne | Kluver | Skartvedt |
| Crockett | Knutson | Solberg |
| Culver | Lange | Storrson |
| Dalzell | Lunde | Symington |
| Dike | McInnes | Thompson, Burl'gh |
| Dittmer | McIntee | Twichell |
| Erickson | McIntyre | Urschel |
| Feton | Morland | Wambheim |
| Fitch | Nelson, Cass | Westby |
| Fletcher | Nelson, Dickey | Wolf |
| Fraser | Nelson, Steele | Mr. Speaker |

Those voting in the negative were:

| | | |
|---|---|---|
| Jensen | Rettke | Schwartz |
| Joiner | Rohde | Semerad |
| Myers | Schmidt, McHenry | Stone |
| Mittag | Schmidt, Sheridan | Tuff |
| Mollet | Schimke | Williams,Richland |
| Peterson, Ransom | | |

Absent and not voting:

| | | |
|---|---|---|
| Arneson, Nelson | Moe | Thompson, Steele |
| Boulden | O'Brien | Trydahl |
| Larson | Sand | Williams,Stutsm'n |
| Levin | | |

So the bill passed and the title was agreed to.

Rep. Skartvedt moved that the vote by which House Bill No. 43 was passed be reconsidered, and the motion to reconsider be laid on the table, which motion prevailed.

Rep. Stone: "I vote 'no' on this bill because it calls for too much money and secondly because it pays a salary of

$125 or $130 a month and most probably only one month out of the year is spent on this job and the rest of the time is spent out in the State on political activities. That's why I vote 'no' on that bill."

House Bill No. 301. A Bill for an Act to Make Uniform the Law on Criminal Indictment and Information; Defining Terms Included in This Act; Providing What an Indictment or Information Must or Need Not Contain; Setting Forth Forms Thereof; Providing for Bills of Particular; in General Covering and Interpreting the Laws Pertaining to Indictments and Informations, 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, 76; nays, 27; absent and not voting, 7.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Gray | Peterson, Ransom |
| Anderson, Benson | Haugland | Rettke |
| Anderson,M'K'nzie | Hofstrand | Ritter |
| Anfinson | Holm | Rohde |
| Arneson, Ramsey | Holthusen | Saumur |
| Beede | Ireland | Schauss |
| Benno | Ista | Scholl |
| Bergesen | Johnson, Cass | Sellens |
| Bingenheimer | Kluver | Severson |
| Bolmeier | Knutson | Sharpe |
| Boulden | Lange | Shure |
| Braun, McLean | Levin | Singleton |
| Braun, Stark | Lunde | Skartvedt |
| Brown | McInnes | Solberg |
| Byrne | Moe | Stormon |
| Crockett | Morland | Symington |
| Culver | Nelson, Cass | Thompson,Burl'gh |
| Dalzell | Nelson, Dickey | Trydahl |
| Dike | Nelson, Steele | Twichell |
| Erickson | Nystrom | Urschel |
| Feton | Odegard | Wambheim |
| Fitch | Oglesby | Westby |
| Fletcher | Ostgulen | Williams,Stutsm'n |
| Fraser | Page | Wolf |
| Fuglestad | Panko | Mr. Speaker |
| Gainor | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Belzer | Hultstrand | Rait |
| Billigmeier | Jensen | Schmidt, McHenry |
| Blair | Johnson, LaMoure | Schmidt, Sheridan |
| Buchholz | Keller | Schimke |
| Dittmer | McIntee | Schwartz |
| Glas | McIntyre | Semerad |
| Haag | Myers | Stone |
| Halvorson | Mittag | Tuff |
| Heckman | Mollet | Williams,Richland |

Absent and not voting:

| | | |
|---|---|---|
| Arneson, Nelson | O'Brien | Sand |

| | | |
|---|---|---|
| Joiner | Peterson,Bottineau | Thompson, Steele |
| Larson | | |

So the bill passed and the title was agreed to.

Rep. Bolmeier moved that the vote by which House Bill No. 301 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 Providing for the Establishment and Government of a Correctional Institution, to be Known as the North Dakota State Farm, Providing for the Commitment and Transfer of Prisoners Thereto, and Their Care and Supervision Therein; Making an Appropriation for the Establishment and Maintenance of Said Institution; 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, 58: absent and not voting, 8.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Anderson, Benson | Halvorson | Panko |
| Beede | Hofstrand | Ritter |
| Belzer | Holthusen | Schauss |
| Bergesen | Joiner | Schmidt. McHenry |
| Bingenheimer | Knutson | Scholl |
| Bolmeier | Lunde | Semerad |
| Boulden | McInnes | Sharpe |
| Crockett | McIntee | Singleton |
| Dalzell | Moe | Stormon |
| Dittmer | Morland | Symington |
| Fitch | Nelson, Dickey | Tuff |
| Fletcher | Nelson, Steele | Wambheim |
| Fuglestad | Nystrom | Williams,Richland |
| Gainor | Odegard | Wolf |
| Gray | Page | |

Those voting in the negative were:

| | | |
|---|---|---|
| Adam | Hultstrand | Rait |
| Anderson,M'K'nzie | Ireland | Rettke |
| Benno | Ista | Rohde |
| Billigmeier | Jensen | Saumur |
| Blair | Johnson, Cass | Schmidt, Sheridan |
| Braun, McLean | Johnson, LaMoure | Schimke |
| Braun, Stark | Keller | Schwartz |
| Brown | Kluver | Sellens |
| Buchholz | Lange | Severson |
| Byrne | Levin | Shure |
| Culver | McIntyre | Skartvedt |
| Dike | Myers | Solberg |
| Erickson | Mittag | Stone |
| Feton | Mollet | Thompson,Burl'gh |
| Fraser | Nelson, Cass | Trydahl |
| Glas | Oglesby | Twichell |
| Haag | Ostgulen | Urschel |
| Haugland | Peterson,Bottineau | Westby |
| Heckman | Peterson, Ransom | Mr. Speaker |
| Holm | | |

Absent and not voting:

| | | |
|---|---|---|
| Anfinson | Larson | Thompson, Steele |
| Arneson, Nelson | O'Brien | Williams,Stutsm'n |
| Arneson, Ramsey | Sand | |

So the bill was declared lost.

Rep. Schimke moved that the vote by which House Bill No. 199 was lost be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Rep. Rettke: "I cannot see any benefit for the farmer. I have a communication from labor that they are opposed to it. I vote 'no'."

Rep. Ritter: "I am the father of two boys and take great pleasure in voting 'aye' for this bill. I can't understand any father or mother in this House who doesn't vote for this bill. I have visited the State Training School, the Penitentiary and found there young boys who have no business there. They are put there for one year or one and a half years and then when they are discharged and go out in life again if they want to join the navy, they are barred from joining. If they want to join the army, it is again impossible for them to join. If those boys had been placed on a State Farm like this, they would not have that record behind them. In view of what happens to those boys I am satisfied to put my vote on as the father of my boys. Our children may go wrong. If we have a work farm where they can be put out on and not have a permanent record behind them as they do if they are placed in the penitentiary they will not lose their citizenship. I vote 'no'."

Rep. Williams of Richland: "If this will start one young man on the right road, it will be worth while to say 'aye'."

Rep. Adam: "The judge could suspend their sentence and send them home to do their work at home. It would be cheaper and less embarrassing to these young men and they would have just as much respect for the law for fear of being sent to the penitentiary and their characters would be saved. I vote 'no'."

House Bill No. 265. A Bill for an Act to Encourage the Further Development of Durum Wheat in North Dakota; Providing for Collection and Furnishing of Information Regarding Durum Wheat by the Commissioner of Agriculture andLabor and the North Dakota Durum Wheat Show at Langdon, N. Dak.; Appropriating the Sum of $2,500.00 to the North Dakota Durum Wheat Show at Langdon; 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, 65; nays, 26; absent and not voting, 9.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Haag | Odegard |
| Anderson, Benson | Halvorson | Ostgulen |
| Anderson,M'K'nzie | Haugland | Panko |
| Anfinson | Heckman | Peterson,Bottineau |
| Arneson, Ramsey | Hofstrand | Rait |

| | | |
|---|---|---|
| Belzer | Holm | Ritter |
| Benno | Holthusen | Schauss |
| Bergesen | Hultstrand | Schmidt, McHenry |
| Billigmeier | Ista | Schmidt, Sheridan |
| Bingenheimer | Johnson, Cass | Schimke |
| Blair | Johnson, LaMoure | Scholl |
| Braun, Stark | Joiner | Schwartz |
| Buchholz | Keller | Sellens |
| Byrne | Knutson | Sharpe |
| Crockett | Lange | Singleton |
| Culver | Levin | Skartvedt |
| Dike | Lunde | Stone |
| Erickson | McIntee | Stormon |
| Feton | McIntyre | Thompson,Burl'gh |
| Fitch | Myers | Twichell |
| Fletcher | Mittag | Urschel |
| Fraser | Moe | Westby |
| Gainor | Morland | Williams,Richland |
| Glas | Nelson, Dickey | Wolf |
| Gray | Nystrom | Mr. Speaker |

Those voting in the negative were:

| | | |
|---|---|---|
| Bolmeier | McInnes | Semerad |
| Boulden | Mollet | Severson |
| Braun, McLean | Nelson, Cass | Shure |
| Brown | Nelson, Steele | Solberg |
| Dalzell | Oglesby | Symington |
| Dittmer | Page | Trydahl |
| Fuglestad | Peterson, Ransom | Tuff |
| Ireland | Rettke | Wambheim |
| Kluver | Rohde | |

Absent and not voting:

| | | |
|---|---|---|
| Arneson, Nelson | Larson | Saumur |
| Beede | O'Brien | Thompson, Steele |
| Jensen | Sand | Williams,Stutsm'n |

So the bill passed and the title was agreed to and the Emergency Clause was declared carried.

Rep. Crockett moved that the vote by which House Bill No. 265 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Rep. Rettke: "This bill is for Durum wheat only and excludes all other kinds of wheat. Therefore I vote 'no'."

House Bill No. 385 was read the second time.

Rep. Byrne moved that House Bill No. 385 be indefinitely postponed, which motion was seconded.

Rep. Twichell moved that House Bill No. 385 be re-referred to the Committee on Appropriations with instructions to contact the proper authorities to find out how much of an appropriation is needed, which motion prevailed.

House Bill No. 369. A Bill for an Act Relating to Copyrights and Public Performing Rights in Musical Compositions and Dramatico-Musical Compositions, Requiring Lists Thereof to be Filed, Regulating the Issue of Licenses With Respect Thereto, Prohibiting Discrimination, Providing for Service of Process, Levying a Privilege Tax, Providing Penalties, and Repealing Inconsistent Acts.

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, 78; absent and not voting, 13.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Belzer | Gray | Sellens |
| Blair | Johnson, Cass | Severson |
| Boulden | Page | Shure |
| Byrne | Saumur | Thompson,Burl'gh |
| Crockett | Schauss | Trydahl |
| Dalzell | Schimke | Twichell |
| Fitch | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Anderson, Benson | Heckman | Odegard |
| Anderson,M'K'nzie | Holm | Oglesby |
| Anfinson | Holthusen | Ostgulen |
| Arneson, Ramsey | Ireland | Panko |
| Beede | Ista | Peterson, Ransom |
| Benno | Jensen | Rait |
| Bergesen | Johnson, LaMoure | Rettke |
| Billigmeier | Joiner | Ritter |
| Bingenheimer | Kluver | Rohde |
| Bolmeier | Keller | Schmidt, McHenry |
| Braun, McLean | Knutson | Schmidt, Sheridan |
| Braun, Stark | Lange | Scholl |
| Brown | Levin | Schwartz |
| Buchholz | Lunde | Semerad |
| Culver | McInnes | Sharpe |
| Dike | McIntee | Singleton |
| Dittmer | McIntyre | Skartvedt |
| Erickson | Myers | Solberg |
| Fletcher | Mittag | Stone |
| Fraser | Moe | Stormon |
| Fuglestad | Mollet | Symington |
| Gainor | Morland | Tuff |
| Glas | Nelson, Cass | Urschel |
| Haag | Nelson, Dickey | Wambheim |
| Halvorson | Nelson, Steele | Westby |
| Haugland | Nystrom | Williams,Richland |

Absent and not voting:

| | | |
|---|---|---|
| Adam | Larson | Thompson, Steele |
| Arneson, Nelson | O'Brien | Williams,Stutsm'n |
| Feton | Peterson,Bottineau | Wolf |
| Hofstrand | Sand | Mr. Speaker |
| Hultstrand | | |

So the bill was declared lost.

Rep. Schimke moved that the vote by which House Bill No. 369 was lost be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Rep. Ritter: I vote "no" because this same law is in the hands of the Supreme Court of the United States. Therefore I vote "no."

House Bill No. 381 was read the second time.

Rep. Twichell moved that House Bill No. 381 be indefinitely postponed, which motion prevailed.

Rep. Twichell moved that the vote by which House Bill No. 381 was indefinitely postponed be reconsidered, and the motion to reconsider be laid on the table, which motion prevailed.

House Bill No. 287. A Bill for an Act Defining, Licensing, Regulating the Practice of Naturopathy in the State of North Dakota; Creating a Board of Naturopathic Examiners to Examine and License Persons to Practice Naturopathy; Providing for the Enforcement of the Provisions of This Act and Prescribing Penalties 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, 66; nays, 35; absent and not voting, 9.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Glas | Odegard |
| Anderson, Benson | Gray | Ostgulen |
| Anderson,M'K'nzie | Haag | Panko |
| Anfinson | Halvorson | Peterson,Bottineau |
| Arneson, Ramsey | Haugland | Peterson, Ransom |
| Beede | Heckman | Rait |
| Belzer | Hultstrand | Ritter |
| Benno | Ireland | Rohde |
| Billigmeier | Ista | Schauss |
| Bingenheimer | Jensen | Schmidt, McHenry |
| Braun, McLean | Johnson, LaMoure | Schmidt, Sheridan |
| Braun, Stark | Joiner | Schwartz |
| Brown | Keller | Semerad |
| Buchholz | Kluver | Singleton |
| Crockett | Knutson | Skartvedt |
| Culver | Lange | Solberg |
| Dalzell | Lunde | Stormon |
| Dike | McIntee | Tuff |
| Erickson | Mittag | Westby |
| Feton | Mollet | Williams,Richland |
| Fletcher | Nelson, Dickey | Wolf |
| Fraser | O'Brien | Mr. Speaker |

Those voting in the negative were:

| | | |
|---|---|---|
| Bergesen | Johnson, Cass | Schimke |
| Blair | Levin | Sellens |
| Bolmeier | McInnes | Severson |
| Boulden | McIntyre | Sharpe |
| Byrne | Myers | Shure |
| Dittmer | Morland | Symington |
| Fitch | Nelson, Cass | Thompson,Burl'gh |
| Fuglestad | Nelson, Steele | Trydahl |
| Gainor | Nystrom | Twichell |
| Hofstrand | Page | Urschel |
| Holm | Rettke | Wambheim |
| Holthusen | Saumur | |

Absent and not voting:

| | | |
|---|---|---|
| Arneson, Nelson | Oglesby | Stone |
| Larson | Sand | Thompson, Steele |
| Moe | Scholl | Williams,Stutsm'n |

So the bill passed and the title was agreed to.

Rep. Crockett moved that the vote by which House Bill No. 287 was passed be reconsidered, and the motion to reconsider be laid on the table, which motion prevailed.

House Bill No. 306 was read the second time.

Rep. Nelson of Cass moved that House Bill No. 306 be indefinitely postponed, which motion was seconded.

Rep. Shure moved a substitute motion that House Bill No. 306 be re-referred to the Committee on Livestock, which motion prevailed.

House Bill No. 244. A Bill for an Act to Amend and Reenact Section 1218 of the Compiled Laws of North Dakota for the Year 1913, as Amended by Section 1218 of the 1925 Supplement to the Compiled Laws of North Dakota for the Year 1913, and Acts Amendatory Thereof, Relating to School District Treasurers Without Annual Settlement, and the Publication Thereof, 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, the roll was called and there were ayes, 17; nays, 83; absent and not voting, 9; passed, 1.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Benno | Levin | Shure |
| Culver | Peterson,Bottineau | Solberg |
| Dike | Ritter | Twichell |
| Erickson | Schimke | Urschel |
| Ireland | Semerad | Westby |
| Kluver | Severson | |

Those voting in the negative were:

| | | |
|---|---|---|
| Adam | Halvorson | Ostgulen |
| Anderson, Benson | Haugland | Page |
| Anderson,M'K'nzie | Heckman | Panko |
| Anfinson | Holm | Peterson, Ransom |
| Arneson, Ramsey | Holthusen | Rait |
| Belzer | Hultstrand | Rettke |
| Bergesen | Ista | Rohde |
| Billigmeier | Johnson, Cass | Saumur |
| Bingenheimer | Johnson, LaMoure | Schauss |
| Blair | Joiner | Schmidt, McHenry |
| Bolmeier | Keller | Schmidt, Sheridan |
| Boulden | Knutson | Scholl |
| Braun, McLean | Lange | Schwartz |
| Braun, Stark | Lunde | Sellens |
| Brown | McInnes | Sharpe |
| Buchholz | McIntee | Singleton |
| Byrne | McIntyre | Skartvedt |
| Dalzell | Myers | Stone |
| Dittmer | Mittag | Stormon |
| Feton | Mollet | Symington |
| Fitch | Morland | Thompson, Burl'gh |
| Fletcher | Nelson, Cass | Trydahl |
| Fraser | Nelson, Dickey | Tuff |
| Fuglestad | Nelson, Steele | Wambheim |
| Gainor | Nystrom | Williams,Richland |
| Glas | O'Brien | Wolf |

| | | |
|---|---|---|
| Gray | Odegard | Mr. Speaker |
| Haag | Oglesby | |

Absent and not voting:

| | | |
|---|---|---|
| Arneson, Nelson | Jensen | Sand |
| Crockett | Larson | Thompson, Steele |
| Hofstrand | Moe | Williams, Stutsm'n |

Passed:
Beede

So the bill was declared lost.

Rep. Rohde moved that the vote by which House Bill No. 244 was lost be reconsidered, and the motion to reconsider be laid on the table, which motion prevailed.

House Bill No. 349. A Bill for an Act to Make Uniform the Law on Fresh Pursuit and Authorizing This State to Cooperate With Other States Therein; Providing for Arrests in This State by Officers of Other States, Defining the Terms "Fresh Pursuit," Providing for Certification to Other States; Saving Clause.

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, 67; nays, 34; absent and not voting, 9.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Holm | Ostgulen |
| Anderson, M'K'nzie | Holthusen | Page |
| Anfinson | Hultstrand | Panko |
| Arneson, Ramsey | Ireland | Peterson, Ransom |
| Beede | Ista | Rohde |
| Benno | Johnson, Cass | Saumur |
| Bergesen | Johnson, LaMoure | Schauss |
| Billigmeier | Joiner | Sellens |
| Blair | Keller | Severson |
| Bolmeier | Kluver | Sharpe |
| Braun, Stark | Knutson | Shure |
| Brown | Lange | Singleton |
| Buchholz | Levin | Skartvedt |
| Dalzell | Lunde | Solberg |
| Dike | McInnes | Stormon |
| Dittmer | McIntyre | Symington |
| Erickson | Morland | Thompson, Burl'gh |
| Feton | Nelson, Cass | Urschel |
| Fuglestad | Nelson, Steele | Wambheim |
| Gray | Nystrom | Westby |
| Haugland | O'Brien | Wolf |
| Heckman | Oglesby | Mr. Speaker |
| Hofstrand | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Belzer | Halvorson | Schmidt, McHenry |
| Bingenheimer | Jensen | Schmidt, Sheridan |
| Boulden | McIntee | Schimke |
| Braun, McLean | Myers | Scholl |
| Byrne | Mittag | Schwartz |
| Crockett | Mollet | Semerad |
| Culver | Nelson, Dickey | Stone |

| | | |
|---|---|---|
| Fletcher | Odegard | Trydahl |
| Fraser | Peterson,Bottineau | Tuff |
| Gainor | Rait | Twichell |
| Glas | Rettke | Williams, Stutsm'n |
| Haag | | |

Absent and not voting:

| | | |
|---|---|---|
| Anderson, Benson | Larson | Sand |
| Arneson, Nelson | Moe | Thompson, Steele |
| Fitch | Ritter | Williams,Richland |

So the bill passed and the title was agreed to.

Rep. Rohde moved that the vote by which House Bill No. 349 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

House Bill No. 355 was read the second time.

Rep. Schauss moved that further consideration of House Bill No. 355 be indefinitely postponed, which motion was lost.

House Bill No. 355. A Bill for an Act Providing for Direct Liability of the Insurer to Persons Entitled to Recover for Death, for Injuries to Persons, or Damages to Property, Caused by the Negligent Maintenance, Use or Operation of Motor Vehicles, Limiting the Amount of Liability; Imposing Duty to Disclose Existence of Insurance; Authorizing the Persons Entitled to Recover Such Damages to Join the Insurer in Single Action Against Owner or Operator of Motor Vehicle; Declaring Conditions and Covenants in Liability Contracts or Policies of Insurance, Limiting or Restricting Such Rights, or Which Are Violative of the Provisions of This Act as Against Public Policy and Void and Providing for Repeal of All 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, 56; nays, 45; absent and not voting, 9.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Halvorson | Odegard |
| Anderson,M'K'nzie | Haugland | Ostgulen |
| Anfinson | Heckman | Panko |
| Arneson, Ramsey | Hultstrand | Peterson,Bottineau |
| Beede | Ista | Peterson, Ransom |
| Belzer | Jensen | Rait |
| Benno | Johnson, LaMoure | Rettke |
| Billigmeier | Joiner | Ritter |
| Bingenheimer | Keller | Rohde |
| Boulden | Kluver | Schmidt, McHenry |
| Braun, McLean | Lange | Schmidt, Sheridan |
| Buchholz | Levin | Schimke |
| Dike | McIntee | Scholl |
| Erickson | McIntyre | Schwartz |
| Fletcher | Myers | Semerad |
| Fraser | Mittag | Stormon |
| Fuglestad | Mollet | Tuff |
| Glas | Nelson, Dickey | Mr. Speaker |
| Haag | Nelson, Steele | |

Those voting in the negative were:

| | | |
|---|---|---|
| Bergesen | Holthusen | Severson |
| Blair | Ireland | Sharpe |
| Bolmeier | Johnson, Cass | Shure |
| Braun, Stark | Knutson | Singleton |
| Brown | Lunde | Skartvedt |
| Byrne | McInnes | Solberg |
| Crockett | Morland | Stone |
| Culver | Nelson, Cass | Symington |
| Dalzell | Nystrom | Thompson, Burl'gh |
| Dittmer | O'Brien | Trydahl |
| Feton | Oglesby | Twichell |
| Fitch | Page | Urschel |
| Gray | Saumur | Wambheim |
| Hofstrand | Schauss | Westby |
| Holm | Sellens | Wolf |

Absent and not voting:

| | | |
|---|---|---|
| Anderson, Benson | Larson | Thompson, Steele |
| Arneson, Nelson | Moe | Williams, Richland |
| Gainor | Sand | Williams, Stutsm'n |

So the bill was declared lost.

Rep. Schauss moved that the vote by which House Bill No. 355 was lost be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

House Bill No. 361. A Bill for an Act to Make Uniform the Procedure on Interstate Extradition; Providing a Uniform Method Between States for the Apprehension and Return of Fugitives From Justice; Providing for the Duties and Powers of Authorities and the Rights of the Accused; Saving Clause; Repeals 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, 47; nays, 50; absent and not voting, 13.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Arneson, Ramsey | Holm | Peterson, Ransom |
| Benno | Holthusen | Schauss |
| Bergesen | Ireland | Schimke |
| Bolmeier | Kluver | Sellens |
| Brown | Levin | Severson |
| Culver | Lunde | Sharpe |
| Dalzell | McInnes | Shure |
| Dike | Morland | Singleton |
| Feton | Nelson, Cass | Skartvedt |
| Fitch | Nelson, Steele | Solberg |
| Fletcher | Nystrom | Stormon |
| Fuglestad | O'Brien | Symington |
| Gainor | Odegard | Twichell |
| Gray | Oglesby | Wambheim |
| Haugland | Ostgulen | Westby |
| Hofstrand | Page | |

Those voting in the negative were:

| | | |
|---|---|---|
| Adam | Halvorson | Rettke |
| Anderson, M'K'nzie | Heckman | Ritter |

| | | |
|---|---|---|
| Beede | Hultstrand | Rohde |
| Belzer | Ista | Saumur |
| Billigmeier | Joiner | Schmidt, McHenry |
| Bingenheimer | Keller | Schmidt, Sheridan |
| Blair | Knutson | Scholl |
| Boulden | Lange | Schwartz |
| Braun, McLean | McIntee | Semerad |
| Braun, Stark | McIntyre | Stone |
| Buchholz | Myers | Thompson,Burl'gh |
| Byrne | Mittag | Trydahl |
| Crockett | Mollet | Tuff |
| Erickson | Nelson, Dickey | Urschel |
| Fraser | Panko | Wolf |
| Glas | Peterson,Bottineau | Mr. Speaker |
| Haag | Rait | |

Absent and not voting:

| | | |
|---|---|---|
| Anderson, Benson | Johnson, Cass | Sand |
| Anfinson | Johnson, LaMoure | Thompson, Steele |
| Arneson, Nelson | Larson | Williams,Richland |
| Dittmer | Moe | Williams,Stutsm'n |
| Jensen | | |

So the bill was declared lost.

Rep. Schmidt of Sheridan moved that the vote by which House Bill No. 361 was lost be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

House Bill No. 370. A Bill for an Act to Amend and Reenact Sections 3684a3 and 3684a8 of the 1925 Supplement to the Compiled Laws of the State of North Dakota for the Year 1913 Relating to the City Budget 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, 96; nays, 1; absent and not voting, 13.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Haugland | Page |
| Anderson,M'K'nzie | Heckman | Panko |
| Anfinson | Hofstrand | Peterson,Bottineau |
| Arneson, Ramsey | Holm | Peterson, Ransom |
| Beede | Holthusen | Rait |
| Belzer | Hultstrand | Rettke |
| Benno | Ireland | Ritter |
| Bergesen | Ista | Rohde |
| Billigmeier | Johnson, Cass | Saumur |
| Bingenheimer | Johnson, LaMoure | Schmidt, Sheridan |
| Blair | Joiner | Scholl |
| Bolmeier | Keller | Schwartz |
| Boulden | Kluver | Sellens |
| Braun, McLean | Knutson | Semerad |
| Braun, Stark | Lange | Severson |
| Brown | Levin | Sharpe |
| Buchholz | Lunde | Shure |
| Byrne | McInnes | Singleton |
| Culver | McIntee | Skartvedt |
| Dalzell | McIntyre | Solberg |
| Dike | Myers | Stone |

| | | |
|---|---|---|
| Erickson | Mittag | Stormon |
| Feton | Mollet | Symington |
| Fitch | Morland | Thompson, Burl'gh |
| Fletcher | Nelson, Cass | Trydahl |
| Fraser | Nelson, Dickey | Tuff |
| Fuglestad | Nelson, Steele | Twichell |
| Gainor | Nystrom | Urschel |
| Glas | O'Brien | Wambheim |
| Gray | Odegard | Westby |
| Haag | Oglesby | Wolf |
| Halvorson | Ostgulen | Mr. Speaker |

Those voting in the negative were:
Schmidt, McHenry

Absent and not voting:

| | | |
|---|---|---|
| Anderson, Benson | Larson | Schimke |
| Arneson, Nelson | Moe | Thompson, Steele |
| Crockett | Sand | Williams,Richland |
| Dittmer | Schauss | Williams, Stutsm'n |
| Jensen | | |

So the bill passed and the title was agreed to.

Rep. Byrne moved that the vote by which House Bill No. 370 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

House Bill No. 332. A Bill for an Act to Extend the Powers of Credit Unions Organized Under Chapter 108 of the 1935 Session Laws, as Amended by Chapter 113 and 114 of the 1937 Session Laws, and Providing for the Creation of a Permanent Fund; Prescribing How Obtainable, Its Limits, Ownership, Uses, to Whom Obtainable and Other Procedure Thereunder.

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, 84; nays, 9; absent and not voting, 17.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Anderson,M'K'nzie | Haugland | Panko |
| Anfinson | Heckman | Rait |
| Arneson, Ramsey | Hofstrand | Ritter |
| Beede | Holm | Rohde |
| Belzer | Holthusen | Saumur |
| Benno | Hultstrand | Schauss |
| Bergesen | Ireland | Schmidt, Sheridan |
| Billigmeier | Ista | Scholl |
| Blair | Johnson, Cass | Schwartz |
| Boulden | Johnson, LaMoure | Sellens |
| Braun, McLean | Joiner | Semerad |
| Braun, Stark | Keller | Severson |
| Brown | Kluver | Sharpe |
| Buchholz | Lange | Shure |
| Byrne | Lunde | Singleton |
| Culver | McInnes | Skartvedt |
| Dalzell | McIntee | Solberg |
| Dike | McIntyre | Stone |
| Erickson | Myers | Stormon |
| Feton | Mittag | Thompson,Burl'gh |

| | | |
|---|---|---|
| Fitch | Mollet | Trydahl |
| Fletcher | Morland | Tuff |
| Fuglestad | Nelson, Cass | Twichell |
| Gainor | Nelson, Steele | Urschel |
| Glas | O'Brien | Wambheim |
| Gray | Odegard | Westby |
| Haag | Oglesby | Wolf |
| Halvorson | Ostgulen | Mr. Speaker |

Those voting in the negative were:

| | | |
|---|---|---|
| Bingenheimer | Nelson, Dickey | Rettke |
| Bolmeier | Page | Schmidt, McHenry |
| Fraser | Peterson,Bottineau | Symington |

Absent and not voting:

| | | |
|---|---|---|
| Adam | Knutson | Sand |
| Anderson, Benson | Larson | Schimke |
| Arneson, Nelson | Levin | Thompson, Steele |
| Crockett | Moe | Williams,Richland |
| Dittmer | Nystrom | Williams,Stutsm'n |
| Jensen | Peterson, Ransom | |

So the bill passed and the title was agreed to.

Rep. Brown moved that the vote by which House Bill No. 332 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

House Bill No. 307 was read the second time.

Rep. Rait moved that House Bill No. 307 be indefinitely postponed, which motion was lost.

House Bill No. 307. A Bill for an Act to Amend and Reenact Chapter 167 of the 1935 Session Laws, Providing for the Procuring of Coal Mine Licenses From the State Coal Mine Inspector, the Payment of Moneys Collected Into the General Treasury of the State of North Dakota, and Appropriating Therefrom Moneys to be Paid Into the Coal Mining Safety Fund, Providing for the Keeping and Furnishing by Coal Mine Operators of Such Records and Statistics and the Reporting Thereof to the State Coal Mine Inspector, Giving the State Coal Mine Inspector Power to Revoke Licenses and Enjoin the Operation of Unlicensed Mines, Providing for an Appeal to the District Court From Such Order of Revocation, Providing a Penalty for Failure to Comply With the 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, 92; nays, 2; absent and not voting, 16.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Anderson,M'K'nzie | Heckman | Panko |
| Anfinson | Hofstrand | Peterson,Bottineau |
| Arneson, Ramsey | Holm | Rait |
| Beede | Holthusen | Rettke |
| Belzer | Hultstrand | Ritter |
| Benno | Ireland | Rohde |
| Bergesen | Ista | Saumur |
| Billigmeier | Johnson, Cass | Schmidt, McHenry |
| Bingenheimer | Johnson, LaMoure | Schmidt, Sheridan |
| Blair | Joiner | Schimke |

| | | |
|---|---|---|
| Bolmeier | Keller | Scholl |
| Boulden | Kluver | Schwartz |
| Braun, McLean | Knutson | Sellens |
| Braun, Stark | Lange | Semerad |
| Brown | Lunde | Severson |
| Buchholz | McInnes | Sharpe |
| Byrne | McIntee | Shure |
| Culver | McIntyre | Singleton |
| Dalzell | Myers | Skartvedt |
| Dike | Mittag | Stone |
| Erickson | Mollet | Stormon |
| Feton | Morland | Symington |
| Fletcher | Nelson, Cass | Thompson, Burl'gh |
| Fraser | Nelson, Dickey | Trydahl |
| Fuglestad | Nelson, Steele | Tuff |
| Gainor | Nystrom | Twichell |
| Glas | O'Brien | Urschel |
| Gray | Odegard | Westby |
| Haag | Oglesby | Wolf |
| Halvorson | Ostgulen | Mr. Speaker |
| Haugland | Page | |

Those voting in the negative were:

| | |
|---|---|
| Schauss | Solberg |

Absent and not voting:

| | | |
|---|---|---|
| Adam | Jensen | Sand |
| Anderson, Benson | Larson | Thompson, Steele |
| Arneson, Nelson | Levin | Wambheim |
| Crockett | Moe | Williams, Richland |
| Dittmer | Peterson, Ransom | Williams, Stutsm'n |
| Fitch | | |

So the bill passed and the title was agreed to.

Rep. Arneson of Ramsey moved that the vote by which House Bill No. 307 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

House Bill No. 310 was read the second time.

Rep. Blair moved that House Bill No. 310 be indefinitely postponed.

Rep. Schimke moved a substitute motion that House Bill No. 310 be laid over for one legislative day, which motion prevailed and House Bill No. 310 was laid over for one legislative day.

House Bill No. 334 was read the second time.

Rep. Schimke moved that House Bill No. 334 be indefinitely postponed, which motion was lost.

House Bill No. 334. A Bill for an Act to Amend and Reenact Section 686 of the 1925 Supplement to the 1913 Compiled Laws of the State of North Dakota, Relating to Filing of Complaints for Removal of Public Officials by the Governor; 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, 49; nays, 45; absent and not voting, 16.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Benno | Gainor | Page |

| | | |
|---|---|---|
| Bergesen | Holm | Rettke |
| Billigmeier | Holthusen | Saumur |
| Blair | Ireland | Sellens |
| Bolmeier | Johnson, Cass | Severson |
| Boulden | Kluver | Sharpe |
| Braun, Stark | Lunde | Shure |
| Brown | McInnes | Singleton |
| Byrne | Mittag | Skartvedt |
| Culver | Morland | Solberg |
| Dalzell | Nelson, Cass | Symington |
| Dike | Nelson, Steele | Thompson, Burl'gh |
| Erickson | Nystrom | Trydahl |
| Feton | O'Brien | Twichell |
| Fitch | Odegard | Westby |
| Fletcher | Oglesby | Mr. Speaker |
| Fuglestad | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Anderson, M'K'nzie | Hultstrand | Peterson, Bottineau |
| Anfinson | Ista | Peterson, Ransom |
| Arneson, Ramsey | Johnson, LaMoure | Rait |
| Belzer | Joiner | Rohde |
| Bingenheimer | Keller | Schauss |
| Braun, McLean | Knutson | Schmidt, McHenry |
| Buchholz | Lange | Schmidt, Sheridan |
| Fraser | Levin | Schimke |
| Glas | McIntee | Scholl |
| Gray | McIntyre | Schwartz |
| Haag | Myers | Semerad |
| Halvorson | Mollet | Stone |
| Haugland | Nelson, Dickey | Stormon |
| Heckman | Ostgulen | Tuff |
| Hofstrand | Panko | Wolf |

Absent and not voting:

| | | |
|---|---|---|
| Adam | Jensen | Thompson, Steele |
| Anderson, Benson | Larson | Urschel |
| Arneson, Nelson | Moe | Wambheim |
| Beede | Ritter | Williams, Richland |
| Crockett | Sand | Williams, Stutsm'n |
| Dittmer | | |

So the bill was declared lost.

Rep. Schauss moved that the vote by which House Bill No. 334 was lost be reconsidered, and the motion to reconsider be laid on the table, which motion prevailed.

## REPORT OF STANDING COMMITTEE

Mr. Speaker: Your Committee on Mines and Mining to whom was referred House Bill No. 131, have had the same under consideration and recommend that the same be re-referred to the Committee on Appropriations.

WM. H. RETTKE, Chairman.

Rep. Kluver moved that the report be adopted.

Rep. Morland moved a substitute motion that House Bill No. 131 be placed on the calendar, which motion prevailed, and House Bill No. 131 was placed on the calendar.

Rep. Scholl moved that the House recess until 9:00 A. M. tomorrow, which motion prevailed, and the House stood recessed.

MINNIE D. CRAIG, Chief Clerk.

## FORTY-NINTH DAY AFTER RECESS AND FIFTIETH DAY

Bismarck, February 21, 1939.

The House convened at 9:00 a. m., pursuant to recess, Speaker Hagen presiding.

The Speaker announced that the House would be on the Fifteenth Order of Business.

### GENERAL ORDERS

Rep. Shure moved that the House resolve itself into a committee of the whole for the consideration of general orders, which motion prevailed, and the House resolved itself into a committee of the whole.

The Speaker called Rep. Shure to the chair.

When the committee arose it submitted the following report:

Mr. Speaker: The committee of the whole have had under consideration:

House Bill No. 354.

And recommend the amendments of the Standing Committee be not adopted.

And recommend the adoption of the following amendment only:

On page 7, line 129, strike out the period after the word "thereafter" and strike out the remainder of line 129 and all of line 130 and insert in lieu thereof the following: "On vehicles or combination of vehicles registered for a gross weight of less than 10 tons, provided that the minimum fee shall not be less than $3.00. On vehicles or combination of vehicles registered for a gross weight of 10 tons or more there shall be a deduction of 10 per cent of the basic fee each year for three years, and thereafter there shall be no further deduction. The registration fee of any vehicle registered under the provisions of this act having a gross weight not exceeding 10 tons on which the annual fee for 1937 is $3.00, shall not be increased during the life of said vehicle by the provisions of this act."

And when so amended recommend the same do pass.

House Bill No. 302.

Amend the title—in the second line of the title after the first figure "164," strike out the comma and the words and figures "and Chapter 164." Strike out all of lines 5, 6, 7, 8 and 9 up to the word "and" of the title "Providing for the Transportation of Personal Property for Compensation Over Any Public Highway Within the State by Motor Propelled Vehicles; Providing for a Classification of Agricultural Carrier;" and insert in lieu thereof the following: "Defining and Classifying Agricultural Carriers and Providing for Their Licensing, Regulations, and Exemption;"

In the title after the word, "Thereof" strike out the period and insert in lieu thereof a semi-colon and add the following: "Repealing All Acts and Parts of Acts in Conflict Herewith; and Declaring an Emergency."

Section 1, line 5, at the end of line 5 strike out the letters "Sec-" and in line 6, strike out the letters, words, and figures "tion 3, and Section 15".

Sec. 1, line 12, after the word "products," insert the word "or".

Sec. 1, line 20, after the word "products," insert the word "or".

Sec. 1, line 41, after the word "products," insert the word "or".

Sec. 1, line 46, strike out the word "the" at the end of the line and insert in lieu thereof the word "such".

Section 1, in line 76, strike out the words "the first" and insert in lieu thereof the word "each".

Strike out all of line 77 after the word "vehicle", and five dollars ($5.00) for each additional."

Line 78, strike out the word "vehicle".

Strike out all of Sub-Section (i) from line 89 to line 94.

Re-number beginning with line 94—change to line 89 and continue re-numbering the balance of Section 1.

Change the letter (j) in line 94 to the letter (i).

And recommend the adoption of the amendments of the Standing Committee.

And when so amended recommend the same do pass.

House Bill No. 297.

Section 1, line 5, strike out the words "seventy-five" and insert in lieu thereof the words "thirty-five".

In the title strike out the last word in line 3 "Seventy-" and insert in lieu thereof the word "Thirty-".

And recommend the adoption of the amendments of the Standing Committee.

And when so amended recommend the same do pass.

House Bill No. 279.

In the title, line 4, after the word "Laws;" strike out the

balance of the line, and all of lines 5, 6, 7, and 8 up to the word "providing".

"Subdivision (a) of Section 25 of Chapter 179 of the 1927 Session Laws as Amended and Re-enacted by Section 5 of Chapter 186 of the 1931 Session Laws, and Section 29 of Chapter 179 of the 1927 Session Laws as amended by Section 10 of Chapter 160 of the 1933 Session Laws;"

Page 3, strike out all of Section 2, all of Section 3, and all of Section 4.

And recommend the adoption of the amendments of the Standing Committee.

And when so amended recommend the same do pass.

House Bill No. 285.

Section 1, line 12, after the word "law." insert the following: "Provided that none of the mileage in the present state primary highway system shall be included in any such Secondary or Feeder Road System, unless upon the request of the county commissioners in the county or counties affected."

And recommend the adoption of the amendments of the Standing Committee.

And when so amended recommend the same do pass.

House Bill No. 314.

And recommend the same be indefinitely postponed.

W. H. SHURE, Chairman, Committee of the Whole.

Rep. Myers moved the adoption of the report of the Committee of the Whole, which motion prevailed.

Rep. Twichell moved that the House recess until 1:00 p. m., which motion prevailed.

The Speaker called the House to order at 1:00 P. M., pursuant to recess taken and announced that the House would be on the Fifteenth Order of Business.

## MESSAGE TO THE SENATE

House of Representatives,
Bismarck, February 21, 1939.

Mr. President: I have the honor to transmit:

House Bill No. 257. A Bill for an Act to Amend and Reenact Chapter 106 of the 1933 Session Laws, Relating to Marihuana, and Defining Marihuana as a Narcotic and a Habit-forming Drug; Prohibiting the Sale or Gift Thereof; Providing a Penalty for Violation; and Declaring an Emergency.

House Bill No. 332. A Bill for an Act to Extend the Powers of Credit Unions Organized Under Chapter 108 of the 1935 Session Laws, as Amended by Chapter 113 and 114 of the 1937 Session Laws, and Providing for the Creation of a Permanent Fund; Prescribing How Obtainable, Its Limits, Ownership, Uses, to Whom Obtainable and Other Procedure Thereunder.

House Bill No. 321. A Bill for an Act to Amend and Reenact Chapter 5-a of the 1925 Supplement to the 1913 Compiled Laws of North Dakota by Inserting and Adding Thereto Section 10500a6a, Providing for Joint and Several Liability by More Than One Possible Father and Declaring an Emergency.

House Bill No. 62. A Bill for an Act to Provide for the Reimbursement of Owners of Cattle Destroyed by Order of the North Dakota Livestock Sanitary Board on Account of Being Affected with Bang's Disease and to Pay Expenses in Connection Therewith, Limiting the Liability of the State of North Dakota, and Declaring an Emergency.

House Bill No. 151. A Bill for an Act Providing for the Transfer of Certain School Lands Situated in the Lewis and Clark Irrigation District of McKenzie County, North Dakota, to the State of North Dakota to be Used in Connection With the Experiment Station, Established at Williston, North Dakota, Pursuant to the Provision of Section 1629 of the Compiled Laws of 1913, for the Purpose of Establishing, Maintaining and Operating Thereon an Irrigation Demonstration and Experiment Farm; Providing for an Appropriation to Reimburse the Permanent School Fund of the State, Providing for an Exchange of Such Lands for Other Lands More Suitably Situated; and Declaring an Emergency.

House Bill No. 249. A Bill for an Act Relating to the Sale of Cigarettes, Cigarette Papers, and Wrappers, 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 and the Sales Thereof; Providing Penalties for the Violation Thereof; Repealing Chapter 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.

House Bill No. 370. A Bill for an Act to Amend and Reenact Sections 3684a3 and 3684a8 of the 1925 Supplement to the Compiled Laws of the State of North Dakota for the Year 1913 Relating to the City Budget Law.

House Bill No. 287. A Bill for an Act Defining, Licensing, Regulating the Practice of Naturopathy in the State of North Dakota; Creating a Board of Naturopathic Examiners to Examine and License Persons to Practice Naturopathy; Providing for the Enforcement of the Provisions of This Act and Prescribing Penalties for the Violation Thereof.

House Bill No. 349. A Bill for an Act to Make Uniform the Law on Fresh Pursuit and Authorizing This State to Cooperate With Other States Therein; Providing for Arrests in This State by Officers of Other States, Defining the Terms "Fresh Pursuit," Providing for Certification to Other States; Saving Clause.

House Bill No. 265. A Bill for an Act to Encourage the Further Development of Durum Wheat in North Dakota; Providing for Collection and Furnishing of Information Regarding Durum Wheat by the Commissioner of Agriculture and Labor and the North Dakota Durum Wheat Show at Langdon, N. Dak.; Appropriating the Sum of $2,500.00 to

the North Dakota Durum Wheat Show at Langdon; Declaring an Emergency.

House Concurrent Resolution No. 368. A Concurrent Resolution Relating to Payments of Old Age Assistance, Aid to the Blind, and Aid to Dependent Children Grants to Ward Indians.

House Bill No. 359. A Bill for an Act to Amend and Reenact Section 189b3, 189b5, 189b9, 189b14 and 189b15 of Chapter 137 of the Session Laws of North Dakota for 1933, Relating to State Hail Insurance, Providing for the Manner of Taking Applications Therefor; Defining Duty of Hail Inspectors, Adjustors and County Auditors; Repealing Acts in Conflict Herewith, and Declaring an Emergency.

House Bill No. 43. 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.

House Bill No. 301. A Bill for an Act to Make Uniform the Law on Criminal Indictment and Information; Defining Terms Included in This Act; Providing What an Indictment or Information Must or Need Not Contain; Setting Forth Forms Thereof; Providing for Bills of Particular; in General Covering and Interpreting the Laws Pertaining to Indictments and Informations, and Repealing All Acts or Parts of Acts in Conflict Herewith.

House Bill No. 307. A Bill for an Act to Amend and Reenact Chapter 167 of the 1935 Session Laws, Providing for the Procuring of Coal Mine Licenses From the State Coal Mine Inspector, the Payment of Moneys Collected Into the General Treasury of the State of North Dakota, and Appropriating Therefrom Moneys to be Paid Into the Coal Mining Safety Fund, Providing for the Keeping and Furnishing by Coal Mine Operators of Such Records and Statistics and the Reporting Thereof to the State Coal Mine Inspector, Giving the State Coal Mine Inspector Power to Revoke Licenses and Enjoin the Operation of Unlicensed Mines, Providing for an Appeal to the District Court From Such Order of Revocation, Providing a Penalty for Failure to Comply With the Law.

House Bill No. 372. A Bill for an Act to Amend and Reenact Section 10954, Compiled Laws of North Dakota for 1913 Relating to Probation of Persons Convicted of Crime and the Duties of the Clerks of Court in Such Cases.

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

MINNIE D. CRAIG, Chief Clerk.

## GENERAL ORDERS

Rep. Byrne moved that the House resolve itself into a committee of the whole for the consideration of general orders; which motion prevailed, and the House resolved itself into a committee of the whole.

The Speaker called Rep. Byrne to the chair.

When the committee arose it submitted the following report:

Mr. Speaker: The Committee of the Whole have had under consideration:

House Bill No. 41.

University:

Section 1—Page 2—In line 31 strike out the figures "$95,092.00" and insert in lieu thereof the figures "$88,644.00".

Page 2—In line 32 strike out the figures "$26,112.00" and insert in lieu thereof the figures "$21,822.00".

Page 3—In line 33 strike out the figures "$213,970.00" and insert in lieu thereof the figures "$211,131.00".

Page 3—In line 34 strike out the figures "$43,920.00" and insert in lieu thereof the figures "$38,780.00".

Page 3—In line 35 strike out the figures "$116,292.00" and insert in lieu thereof the figures "$111,400.00".

Page 3—In line 36 strike out the figures "$34,252.00" and insert in lieu thereof the figures "$28,650.00".

Page 3—In line 37 strike out the figures "$64,892.00" and insert in lieu thereof the figures "$60,000.00".

Page 3—In line 38 strike out the figures "$2,150.00" and insert in lieu thereof the figures "$1,950.00".

Page 3—In line 39 strike out the figures "$10,210.00" and insert in lieu thereof the figures "$9,020.00".

Page 3—In line 40 strike out the figures "$39,200.00" and insert in lieu thereof the figures "$27,700.00".

Page 3—Strike out all of line 41 "J. Dispensary (See Sch. of Medicine)".

Page 3—Strike out all of line 43 "L. Office of Dean of Men—$4,300.00".

Page 3—In line 45 strike out the figures "$3,200.00" and insert in lieu thereof the figures "$2,000.00".

Page 3—In line 48 strike out the figures "$15,300.00" and insert in lieu thereof the figures "$13,780.00".

Page 3—In line 49 strike out the figures "$21,840.00" and insert in lieu thereof the figures "$19,780.00".

Page 3—In line 50 strike out the figures "$18,540.00" and insert in lieu thereof the figures "$16,660.00".

Page 3—In line 51 strike out the figures "$12,674.00" and insert in lieu thereof the figures "$10,820.00".

Page 3—In line 52 strike out the figures "$8,618.00" and insert in lieu thereof the figures "$6,000.00".

Page 3—In line 53 strike out the figures "$4,780.00" and insert in lieu thereof the figures "$4,600.00".

Page 4—In line 56 strike out the figures "$10,196.00" and insert in lieu thereof the figures "$5,500.00".

Page 4—In line 57 strike out the figures "$42,482.00" and insert in lieu thereof the figures "$36,380.00".

Page 4—In line 58 strike out the figures "$88,300.00" and insert in lieu thereof the figures "$80,000.00".

Page 4—In line 59 strike out the figures "$2,700.00" and insert in lieu thereof the figures "$2,200.00".

Page 4—In line 60a strike out the figures "$33,272.00" and insert in lieu thereof the figures "$26,000.00".

Page 4—In line 61 strike out the figures "$951,152.00" and insert in lieu thereof the figures "$861,677.00".

Page 4—In line 68 strike out the figures "$729,152.00" and insert in lieu thereof the figures "$639,677.00".

Page 4—In line 69 strike out the figures "$15,000.00" and insert in lieu thereof the figures "$9,000.00".

Page 4—In line 70 strike out the figures "$38,000.00" and insert in lieu thereof the figures "$12,000.00".

Page 4—In line 72 strike out the figures "$804,582.00" and insert in lieu thereof the figures "$683,107.00".

A. C.:

Page 5—In line 76 strike out the figures "$17,100.00" and insert in lieu thereof the figures "$17,000.00".

Page 5—In line 77 strike out the figures "$21,600.00" and insert in lieu thereof the figures "$18,000.00".

Page 5—In line 78 strike out the figures "$14,600.00" and insert in lieu thereof the figures "$14,000.00".

Page 5—In line 79 strike out the figures "$6,500.00" and insert in lieu thereof the figures "$5,500.00".

Page 5—In line 80 strike out the figures "$4,000.00" and insert in lieu thereof the figures "$3,500.00".

Page 5—In line 82 strike out the figures "$115,000.00" and insert in lieu thereof the figures "$110,000.00".

Page 5—In line 83 strike out the figures "$4,750.00" and insert in lieu thereof the figures "$4,000.00".

Page 5—In line 84 strike out the figures "$67,100.00" and insert in lieu thereof the figures "$63,000.00".

Page 5—In line 85 strike out the figures "$31,900.00" and insert in lieu thereof the figures "$30,000.00".

Page 5—In line 86 strike out the figures "$38,000.00" and insert in lieu thereof the figures "$35,788.00".

Page 5—In line 87 strike out the figures "$137,000.00" and insert in lieu thereof the figures "$112,454.40".

Page 5—In line 88 strike out the figures "$16,500.00" and insert in lieu thereof the figures "$16,000.00".

Page 5—In line 89 strike out the figures "$15,000.00" and insert in lieu thereof the figures "$14,000.00".

Page 5—In line 90 strike out the figures "$21,000.00" and insert in lieu thereof the figures "$19,000.00".

Page 5—In line 91 strike out the figures "$4,045.00" and insert in lieu thereof the figures "$3,000.00".

Page 5—In line 92 strike out the figures "$6,000.00" and insert in lieu thereof the figures "$5,000.00".

Page 5—In line 93 strike out the figures "$4,200.00" and insert in lieu thereof the figures "$4,000.00".

Page 5—In line 94 strike out the figures "$2,551.00" and insert in lieu thereof the figures "$2,500.00".

Page 5—In line 96 strike out the misprinted abbreviations "Hrn. Rf. Rcp." and insert in lieu thereof the abbreviations "Gen. Ed. Exp.".

Page 6—strike out all of line 100 "15. Placement—Personal $3,500.00".

Page 6—In line 103 strike out the figures "$62,000.00" and insert in lieu thereof the figures "$60,000.00".

Page 6—In line 104 strike out the figures "$8,900.00" and insert in lieu thereof the figures "$8,000.00".

Page 6—In line 105 strike out the figures "$51,000.00" and insert in lieu thereof the figures "$45,000.00".

Page 6—In line 106 strike out the figures "$6,700.00" and insert in lieu thereof the figures "$6,000.00".

Page 6—In line 108 strike out the figures "$1,500.00" and insert in lieu thereof the figures "$1,000.00".

Page 6—Strike out all of line 108 "8. Campus Police $2,160.00".

Page 6—Strike out all of line 110 "9. Student Help $4,000.00".

Page 6—In line 111 strike out the figures "$742,309.00" and insert in lieu thereof the figures "$672,442.40".

Page 6—In line 112 strike out the figures "$423,400.00" and insert in lieu thereof the figures "$369,000.00".

Page 6—In line 113 strike out the figures "$318,909.00" and insert in lieu thereof the figures "$303,442.40".

Page 6—In line 115 strike out the figures "$7,000.00" and insert in lieu thereof the figures "$5,500.00".

Page 6—In line 118 strike out the figures "$3,000.00" and insert in lieu thereof the figures "$1,500.00".

Page 6—In line 120 strike out the figures "$5,000.00" and insert in lieu thereof the figures "$1,000.00".

Page 7—In line 123 strike out the figures "$5,000.00" and insert in lieu thereof the figures "$2,500.00".

Page 7—In line 124 strike out the figures "$2,400.00" and insert in lieu thereof the figures "$2,000.00".

Page 7—In line 125 strike out the figures "$3,500.00" and insert in lieu thereof the figures "$2,500.00".

Page 7—Strike out all of line 126 "4. Geology $700.00".

Page 7—In line 127 strike out the figures "$1,100.00" and insert in lieu thereof the figures "$1,000.00".

Page 7—In line 128 strike out the figures "$3,500.00" and insert in lieu thereof the figures "$2,500.00".

Page 7—In line 130 strike out the figures "$7,500.00" and insert in lieu thereof the figures "$5,500.00".

Page 7—In line 132 strike out the figures "$10,000.00" and insert in lieu thereof the figures "$5,000.00".

Page 7—In line 133 strike out the figures "$2,000.00" and insert in lieu thereof the figures "$1,500.00".

Page 7—Insert a new line 133½ "Emergency—$11,179.00".

Page 7—In line 135 strike out the figures "$30,200.00" and insert in lieu thereof the figures "$23,000.00".

Page 7—In line 139 strike out the figures "$420,959.00" and insert in lieu thereof the figures "$389,271.40".

A. C. Experiment Station:

Page 7—In line 143 strike out the figures "$164,134.42" and insert in lieu thereof the figures "$143,925.17".

Page 7—In line 144 strike out the figures "$119,122.90" and insert in lieu thereof the figures "$93,975.48".

Page 8—In line 148 strike out the figures "$299,257.32" and insert in lieu thereof the figures "$253,900.65".

Page 8—In line 149 strike out the figures "$293,351.52" and insert in lieu thereof the figures "$243,182.58".

Page 8—In line 150 strike out the figures "$5,905.80" and insert in lieu thereof the figures "$10,718.07".

Page 8—In line 152 strike out the figures "$10,000.00" and insert in lieu thereof the figures "$6,000.00".

Page 8—Strike out all of line 157 "2. Fire and Tornado Insurance $1,159.00".

Page 8—Strike out all of line 158 "3. Workmen's Comp. Insurance $5,000.00".

Page 8—In line 161 strike out the figures "$900.00" and insert in lieu thereof the figures "$500.00".

Page 8—In line 164 strike out the figures "$700.00 and insert in lieu thereof the figures "$500.00".

Page 9—In line 166 strike out the figures "$69,414.80" and insert in lieu thereof the figures "$63,468.07".

Page 9—In line 169 strike out the figures "$550.00" and insert in lieu thereof the figures "$6,500.00".

Page 9—In line 170 strike out the figures "$500.00" and insert in lieu thereof the figures "$1,000.00".

Page 9—In line 171 strike out the figures "$550.00" and insert in lieu thereof the figures "$6,500.00".

Page 9—In line 172 strike out the figures "$550.00" and insert in lieu thereof the figures "$6,500.00".

Page 9—In line 173 strike out the figures "$76,564.80" and insert in lieu thereof the figures "$88,968.07".

Extension Division—A. C.:

Page 9—In line 177 strike out the figures "$350,452.08" and insert in lieu thereof the figures "$420,324.18".

Page 9—Strike out all of line 184. "8. Neighborhood Activities in Co. Districts $1,000.00".

Page 9—Strike out all of line 185 "9. Rural Young People $3,000.00".

Page 9—In line 186 strike out the figures "$1,000.00" and insert in lieu thereof the figures "$2,520.00".

Page 9—In line 187 strike out the figures "$5,000.00" and insert in lieu thereof the figures "$10,000.00".

Page 10—In line 189 strike out the figures "$658,395.20" and insert in lieu thereof the figures "$730,787.30".

Page 10—Strike out all of line 190 "Less Estimated Income—Federal $485,587.30".

Page 10—Strike out all of line 191 " —County $241,420.00".

Page 10—Strike out all of line 192 "TOTAL NET APPROPRIATIONS—68,612.10".

Page 10—Insert a new line 196½ "Forestry $2,520.00".

Page 10—In line 197 strike out the figures "$728,267.30" and insert in lieu thereof the figures "$730,787.30".

School of Science:

Page 10—In line 199 strike out the figures "$11,073.00" and insert in lieu thereof the figures "$14,073.00".

Page 10—In line 200 strike out the figures "$79,337.00" and insert in lieu thereof the words "and Additional Trade Instructor" and the figures "$104,337.00".

Page 10—In line 201 strike out the figures "$11,960.00" and insert in lieu thereof the figures "$13,960.00".

Page 10—In line 205 strike out the figures "$2,000.00" and insert in lieu thereof the figures "$1,750.00".

Page 10—In line 206 strike out the figures "$1,200.00" and insert in lieu thereof the figures "$1,000.00".

Page 10—In line 207 strike out the figures "$2,000.00" and insert in lieu thereof the figures "$1,200.00".

Page 10—In line 208 strike out the figures "$2,500.00" and insert in lieu thereof the figures "$2,000.00".

Page 10—In line 209 strike out the figures "$900.00" and insert in lieu thereof the figures "$600.00".

Page 11—In line 210 strike out the figures "$800.00" and insert in lieu thereof the figures "$600.00".

Page 11—In line 213 strike out the figures "$2,000.00" and insert in lieu thereof the figures "$1,200.00".

Page 11—In line 216 strike out the figures "$13,000.00" and insert in lieu thereof the figures "$10,000.00".

Page 11—Strike out all of line 217 "15. Grounds $300.00".

Page 11—In line 218 strike out the figures "$6,000.00" and insert in lieu thereof the figures "$5,000.00".

Page 11—In line 219 strike out the figures "$7,500.00" and insert in lieu thereof the figures "$4,000.00".

Page 11—In line 220 strike out the figures "$175,770.00" and insert in lieu thereof the figures "$194,920.00".

Page 11—In line 221 strike out the figures "$105,000.00" and insert in lieu thereof the figures "$115,000.00".

Page 11—In line 222 strike out the figures "$70,770.00" and insert in lieu thereof the figures "$79,920.00".

Page 11—In line 224 strike out the figures "$3,000.00" and insert in lieu thereof the figures "$3,300.00".

Page 11—In line 225 strike out the figures "$900.00" and insert in lieu thereof the figures "$700.00".

Page 11—Strike out all of line 226 "3. Roof on Main Building $1,200.00".

Page 11—In line 228 strike out the figures "$10,000.00" and insert in lieu thereof the figures "$6,000.00".

Page 11—In line 230 strike out the figures "$6,000.00" and insert in lieu thereof the figures "$5,000.00'.

Page 11—In line 231 strike out the figures " $1,500.00" and insert in lieu thereof the figures "$1,200.00".

Page 12—Strike out all of line 234 "1. Assistant State Supervisor for Trades $4,000.00".

Page 12—In line 236 strike out the figures "$2,000.00" and insert in lieu thereof the figures "$1,000.00".

Page 12—In line 237 strike out the figures "$100,820.00" and insert in lieu thereof the figures "$98,570.00".

And recommend the adoption of the amendments of the Standing Committee.

And the further amendments to the report of the Standing Committee:

On page 6, line 120, of the printed bill, strike out the figures "$1,000.00" as inserted by the report of the Standing Committee and insert in lieu thereof the figures "$2,000.00."

In the Journal on page 652, carrying the amendments of the Standing Committee in the 7th line from the top of the page, strike out the figures "108" and insert in lieu thereof the figures "109."

And recommend the adoption of the amendments of the Standing Committee and as further amended by the Committee of the Whole.

And when so amended recommend the same do pass.

House Bill No. 331.

In the title, strike out the words "Soft Drinks" and insert in lieu thereof "Malt Beverages not taxed under the Initiated Beer Law of 1933."

Strike out all of Section I and insert in lieu thereof the

following: "SECTION I. There is hereby imposed a tax upon all malt beverages not taxed under the Initiated Beer Act of 1933, as follows: Two dollars and forty-eight cents ($2.48) per barrel of thirty-one (31) gallons or pro rata in proportion thereof in accordance with the size of the container."

In Section 2, line 2, strike out the words "soft drinks" and insert in lieu thereof "malt beverages as defined herein."

In Section 2, line 5, strike out the words "soft drinks" and insert in lieu thereof "malt beverages as defined herein."

In Section 2, line 6, after the word "glass" insert "or in any other container."

In Section 3, line 1, strike out the words "soft drinks" and insert in lieu thereof "malt beverages as defined herein."

In line 2, Section 3, after the word "bottle" insert "or any other container." In Section 4, line 1, strike out the words "soft drinks" and insert in lieu thereof "such malt beverages."

And recommend the adoption of the amendments of the Standing Committee.

And when so amended recommend the same do pass.

House Bill No. 150.

Strike out everything after "A BILL" and insert the following:

For an Act Making an Appropriation for the State to Pay Seventy-five per cent (75%) of All Costs and Expenses of Maintaining and Providing for Patients at the State Hospital for the Insane, Patients at the Feeble-Minded Institution, and patients at the Tuberculosis Sanatorium, for the biennium Beginning July 1, 1939, and Ending June 30, 1941, Seventy-five Per Cent (75%) of Such Costs of Caring for Such Patients to Be Charged to the State of North Dakota, and the Remaining Twenty-five Per Cent (25%) to Be Charged to the Counties, Now Required by Law to so Provide for Such Patients; 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. SEVENTY-FIVE PER CENT (75%) OF THE COSTS AND EXPENSES OF PROVIDING FOR PATIENTS, AT THE HOSPITAL FOR THE INSANE, PATIENTS AT THE FEEBLE-MINDED INSTITUTION, AND PATIENTS AT THE TUBERCULOSIS SANATORIUM, TO BE CHARGED TO THE STATE DURING THE NEXT BIENNIUM, AND APPROPRIATIONS THEREFORE. There is hereby appropriated out of any monies in the State Treasury, not otherwise appropriated, the amounts hereinafter set forth for the purpose of the State of North Dakota paying seventy-five per cent (75%) of the costs and expenses of caring for and maintaining patients at the State Hospital for the Insane, patients at the Institution for the Feeble-Minded, and patients at the Tuberculosis Sanatorium, such seventy-five per cent (75%) of such expenses to be charged to the State, and to be paid out by the State Treasurer, as such charges accrue, the remaining twenty-five per cent (25%) of caring for such patients to be paid by the resident county, as now provided

for by law, the purpose of this appropriation being to provide for the care of such patients, which the counties are now unable to provide funds for, the amounts of such appropriations for said institutions, being as follows, to-wit:

For the State Hospital for the Insane, during the biennium beginning July 1, 1939, and ending June 30, 1941, the sum of Eight Hundred Seventy Thousand Dollars ($870,000.00).

For the Institution for the Feeble-Minded, during the biennium beginning July 1, 1939, and ending June 30, 1941, the sum of Two Hundred Sixteen Thousand Dollars ($216,000.00).

For the Tuberculosis Sanatorium, during the biennium beginning July 1, 1939, and ending June 30, 1941, the sum of Two Hundred Twenty-two Thousand Dollars ($222,000.00).

SECTION 2. REPEAL.) All acts or parts of acts in conflict herewith are hereby repealed, providing that Sections 2568, 2569, and 2570 of the Compiled Laws of North Dakota for 1913 are not to be repealed by this Act, said Act only being for the purpose of assisting the counties in making such payments, required of them, during said biennium, and to provide for such patients during said biennium.

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 recommend the adoption of the amendments of the Standing Committee.

And when so amended recommend the same do pass.

House Bill No. 377.

And recommend the adoption of the following amendment:

On page 3, Section 8, line 3, strike out the words and figures "seven thousand dollars ($7,000.)" and insert in lieu thereof the words and figures "Three thousand six hundred dollars ($3,600.00)".

And when so amended recommend the same do pass.

House Bill No. 296.

In the title in line 7 strike out the words "Seventy-five" and insert in lieu thereof the words "Thirty-five".

Section 1, line 8 strike out the words "seventy-five" and insert in lieu thereof the words "thirty-five".

And recommend the adoption of the amendments of the Standing Committee.

And when so amended recommend the same do pass.

House Bill No. 327.

And recommend the amendments of the Standing Committee be not adopted.

And recommend the adoption of the following amendments in lieu thereof:

In Section 1, page 7 of the printed bill strike out the words "where there is no medical doctor" and the comma following.

And when so amended recommend the same do pass.

JOS. D. BYRNE, Chairman, Committee of the Whole.

Rep. Twichell moved the adoption of the report of the Committee of the Whole, which motion prevailed.

## MESSAGES FROM THE SENATE

Senate Chamber,
Bismarck, February 21, 1939.

Mr. Speaker: The Senate requests the return of:

Senate Bill No. 10. 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, as Provided for Under Chapter 137, Session Laws of 1935; Repealing all Acts or Parts of Acts in Conflict Herewith.

WM. J. LOWE, Secretary.

Rep. Knutson moved that the action taken on House Bill No. 341 be reconsidered, which motion prevailed.

Rep. Crockett moved that House Bill No. 341 be placed on the calendar, which motion prevailed.

## HOUSE COMMITTEE ON ENROLLMENT AND ENGROSSMENT

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

House Bill No. 279.
House Bill No. 297.
House Bill No. 311.
House Bill No. 274.
House Bill No. 351.
House Bill No. 353.
House Bill No. 359.

And find the same correctly engrossed.

OLAF OSTGULEN, Chairman.

Rep. Ostgulen moved that the report be adopted, which motion prevailed, and the report was adopted.

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

House Concurrent Resolution No. 391.

And find the same correctly enrolled.

OLAF OSTGULEN, Chairman.

Rep. Ostgulen moved that the report be adopted, which motion prevailed, and the report was adopted.

## REPORTS OF STANDING COMMITTEES

Mr. Speaker: Your Committee on Delayed Bills to whom was referred:

A Bill for an Act, Relating to the Discharging of the State and Municipal Employees; Repealing All Acts and Parts of Acts in Conflict Herewith and Declaring an Emergency.

Have had the same under consideration and recommend that the same be approved for introduction.

REP. HULTSTRAND, Chairman.

Rep. Anderson of McKenzie moved that the report be adopted.

Rep. Twichell moved a substitute motion to reject the report of the committee, which motion prevailed.

Mr. Speaker: Your Committee on Livestock to whom was referred House Bill No. 306, have had the same under consideration and recommend that the same be amended as follows:

In Section 2, page 4, line 60 strike out "Ten Dollars" and insert in lieu thereof "Five Dollars".

And when so amended recommend the same do pass.

JACOB URSCHEL, Chairman.

Rep. Nelson of Cass moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on State Affairs to whom was referred House Bill No. 343, have had the same under consideration and recommend that the same be indefinitely postponed.

W. M. CROCKETT, Chairman.

Rep. Saumur moved that the report be adopted, which motion prevailed and the report was adopted.

Rep. Fitch moved that the vote by which House Bill No. 343 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on State Affairs to whom was referred House Bill No. 395, have had the same under consideration and recommend that the same be indefinitely postponed.

W. M. CROCKETT, Chairman.

Rep. Levin moved that the report be adopted.

Rep. Morland moved a substitute motion that House Bill No. 395 be placed on the calendar, which motion was lost.

The question being on the adoption of the committee report that House Bill No. 395 be indefinitely postponed, the motion prevailed.

Rep. Westby moved that the vote by which House Bill No. 395 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on State Affairs to whom was referred House Bill No. 393, have had the same under consideration and recommend that the same be indefinitely postponed.

W. M. CROCKETT, Chairman.

Rep. Lange moved that the report be adopted, which motion prevailed and the report was adopted.

Rep. Saumur moved that the vote by which House Bill No. 393 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on State Affairs to whom was referred House Bill No. 394, have had the same under consideration and recommend that the same be indefinitely postponed.

W. M. CROCKETT, Chairman.

Rep. Twichell moved that the report be adopted, which motion prevailed and the report was adopted.

Rep. Severson moved that the vote by which House Bill No. 394 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on Ways and Means to whom was referred House Bill No. 298, have had the same

under consideration and recommend that the same be indefinitely postponed.

CARL ANFINSON, Chairman.

Rep. Fitch moved that the report be adopted, which motion prevailed and the report was adopted.

Rep. Bergesen moved that the vote by which House Bill No. 298 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on Appropriations to whom was referred House Bill No. 385, have had the same under consideration and recommend that the same be amended as follows:

Section 1, line 2, after the word "monies" insert the following: "paid by counties for care of patients at the State Hospital, which is now".

And when so amended recommend the same do pass.

C. P. RITTER, Acting Chairman.

Rep. Johnson of Cass moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Insurance to whom was referred House Bill No. 313, have had the same under consideration and recommend that the same be indefinitely postponed.

And when so amended recommend the same do pass.

PETER PETERSON, Chairman.

Rep. Schauss moved that the report be adopted.

Rep. Arneson of Nelson moved a substitute motion that House Bill No. 313 be placed on the calendar.

Rep. Fitch moved that Rep. Arneson's motion be laid on the table, which motion prevailed.

Rep. Schimke moved that the vote by which the motion to place House Bill No. 313 on the calendar was laid on the table be reconsidered, and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on Insurance to whom was referred House Bill No. 396, have had the same under consideration and recommend that the same do pass.

PETER PETERSON, Chairman.

Rep. Fitch moved that the report be adopted, which motion prevailed and the report was adoptde.

Rep. Twichell moved that the Chief Clerk be sent to interview the person in charge of enrollment and engrossment in order to urge the prompt and correct engrossment of House bills, which motion prevailed.

The Chief Clerk interviewed the person in charge of engrossment.

Rep. Knudson moved that House Bill No. 341 be taken from the calendar and placed in General Orders, which motion was lost.

## REPORT OF SELECT COMMITTEE

The Conference Committee on Senate Bill No. 35 made the following report:

Mr. Speaker: Your Conference Committee to whom was

referred Senate Bill No. 35, have had the same under consideration and recommend:

That the House agree with the Senate in striking out House amendment between the lines 46 and 47 providing for precinct committee men; that the Senate concurs in House amendment striking out all of Section 1 after the word "on" in line 54 of the original bill; and that the Senate also concurs to House amendment striking out the word "one" on line 26 of Section 1, and substituting therefor "_____ (the number to be nominated)".

For the Senate:
WM. A. THATCHER
FRED J. FREDRICKSON
JAMES W. GUTHRIE.

For the House:
R. G. BEEDE
JOS. D. BYRNE
J. M. ANDERSON.

Rep. Trydahl moved that the report be adopted, which motion prevailed and the report was adopted.

Rep. Morland moved that the rules be suspended, that Senate Bill No. 35 be placed on final passage, as amended, by the Conference Committee, which motion prevailed.

## SECOND READING OF SENATE BILL

Senate Bill No. 35. A Bill for an Act to Amend and Reenact Sections 859 and 860 of the Compiled Laws for the Year 1913, Relating to the Form of Party Primary Election Ballots and the Manner of Voting the Same.

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, 98; nays, 3; absent and not voting, 9.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Heckman | Panko |
| Anderson, Benson | Hofstrand | Peterson, Ransom |
| Anderson, M'K'nzie | Holm | Rait |
| Anfinson | Holthusen | Rettke |
| Arneson, Nelson | Hultstrand | Saumur |
| Arneson, Ramsey | Ireland | Schauss |
| Beede | Ista | Schmidt, McHenry |
| Belzer | Jensen | Schmidt, Sheridan |
| Benno | Johnson, Cass | Schimke |
| Bergesen | Johnson, LaMoure | Scholl |
| Billigmeier | Joiner | Schwartz |
| Bingenheimer | Keller | Sellens |
| Blair | Kluver | Semerad |
| Bolmeier | Knutson | Severson |
| Boulden | Lange | Sharpe |
| Braun, McLean | Larson | Shure |
| Brown | Levin | Singleton |
| Byrne | Lunde | Solberg |
| Crockett | McInnes | Stone |
| Dalzell | McIntyre | Stormon |
| Dike | Mittag | Symington |
| Dittmer | Moe | Thompson, Burl'gh |
| Erickson | Mollet | Thompson, Steele |

| | | |
|---|---|---|
| Feton | Morland | Trydahl |
| Fletcher | Nelson, Cass | Tuff |
| Fraser | Nelson, Dickey | Twichell |
| Fuglestad | Nelson, Steele | Urschel |
| Gainor | Nystrom | Wambheim |
| Glas | O'Brien | Westby |
| Gray | Odegard | Williams,Richland |
| Haag | Oglesby | Wolf |
| Halvorson | Ostgulen | Mr. Speaker |
| Haugland | Page | |

Those voting in the negative were:

| | | |
|---|---|---|
| Buchholz | Myers | Rohde |

Absent and not voting:

| | | |
|---|---|---|
| Braun, Stark | McIntee | Sand |
| Culver | Peterson,Bottineau | Skartvedt |
| Fitch | Ritter | Williams,Stutsm'n |

So the bill passed and the title was agreed to.

## MESSAGE TO THE SENATE

House of Representatives,
Bismarck, February 21, 1939.

Mr. President: I have the honor to inform you that the House has adopted the Conference Committee amendments to:

Senate Bill No. 35. A Bill for an Act to Amend and Reenact Sections 859 and 860 of the Compiled Laws for the Year 1913, Relating to the Form of Party Primary Election Ballots and the Manner of Voting the Same.

MINNIE D. CRAIG, Chief Clerk.

Rep. Anderson of Benson moved that the rules be suspended and the House take up General Orders at this time, which motion prevailed.

Rep. Anderson of Benson asked for special permission to withdraw with the Committee on Judiciary for the consideration of a House Bill, which permission was granted, and the Committee on Judiciary withdrew.

## GENERAL ORDERS

Rep. Fitch moved that the House resolve itself into a Committee of the Whole for the consideration of General Orders, which motion prevailed, and the House resolved itself into a Committee of the Whole.

The Speaker called Rep. Fitch to the chair.

When the Committee arose it submitted the following report:

Mr. Speaker: The Committee of the Whole have had under consideration:

House Bill No. 306.

In Section 2, page 4, line 60, strike out the words "Ten Dollars" and insert in lieu thereof the words "Five Dollars."

And recommend the adoption of the amendments of the Standing Committee.

And when so amended, recommend the same do pass.

House Bill No. 385.

In Section 1, line 2, after the word "monies," insert the following: "paid by counties for care of patients at the State Hospital, which is now."

And recommend the adoption of the amendments of the Standing Committee.

And the further amendments:

In line 2 of the title after the word "salaries," strike out the words "and other expenses."

In line 3, Section 1, strike out the figures "$300,000.00" and insert in lieu thereof the figures "$115,500.00."

In line 6, Section 1, after the word "employees," strike out the following: "operating and other expense."

And when so amended, recommend the same do pass.

House Bill No. 277.

And recommend the same do pass as originally drawn.

K. A. FITCH, Chm., Committee of the Whole.

Rep. Fitch moved the adoption of the report of the Committee of the whole, which motion prevailed.

Rep. Johnson of Cass moved that House Bill No. 195 be taken from the calendar and placed in General Orders for amendment, which motion prevailed.

## MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, February 21, 1939.

Mr. Speaker: I have the honor to transmit:

Senate Bill No. 115. A Bill for an Act to Amend and Reenact Chapter 242, Session Laws of 1937, Relating to the Levying of a Tax for the Purpose of Paying Interest and Creating a Sinking Fund for the Payment of the Principal of the North Dakota Real Estate Bonds Now Outstanding.

Senate Bill No. 93. A Bill for an Act to Prohibit the Use of Certain Properties of the State of North Dakota and Its Political Sub-divisions in the Discharge of Private Business; Providing Penalties for the Violation Thereof; Repealing All Acts and Parts of Acts in Conflict Herewith; and Declaring an Emergency.

Senate Bill No. 275. A Bill for an Act Prohibiting the Use of Motor Vehicles Owned by the State, or Any Department, Board, Bureau, Commission, Institution, or Other Agency of the State, Including the State Mill and Elevator and the Bank of North Dakota by Any State Officer or Other Public Employee, and Prohibiting the Collection and Receipt of Any Mileage or Other Traveling Expenses for the Operation of a Privately Owned Motor Vehicle by Such State Officer or Other Public Employee While Engaged in Any Political Activity, and Prescribing Penalties Therefor.

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

Mr. Speaker: I have the honor to return:

House Bill No. 193. A Bill for an Act to Amend and Reenact Section 869 of the Compiled Laws of North Dakota for the Year 1913; and Repealing All Acts or Parts of Acts in Conflict Herewith.

House Bill No. 74. A Bill for an Act Making a Deficiency Emergency Appropriation for Relief of Destitute and Necessitous Persons of the State of North Dakota for the Months of December, 1938, and January and February, 1939, as Provided by Chapter 214 of the Session Laws of 1937, Declaring an Emergency.

Which the President has signed.

WM. J. LOWE, Secretary.

Rep. Page moved the House accede to the request of the Senate for the return of Senate Bill No. 10, which motion prevailed.

## REPORT OF STANDING COMMITTEE

Mr. Speaker: Your Committee on Judiciary to whom was referred:

House Bill No. 333, 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 Relating to the Sale of Cigars, Providing for a Tax Thereon and Payment and Collection Thereof; Providing for Regulation of Cigar Sales; Providing Penalties for Violation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

Sec. 1. There is hereby imposed a tax upon all cigars sold in this state as follows: Twenty per cent of the retail price thereof.

Sec. 2. No dealer shall sell cigars in the State of North Dakota unless he has a cigar dealers' permit which shall be secured from the State Tax Commissioner upon the payment of the sum of one dollar ($1.00); such permit shall be in full force and effect from July 1st of the year of its issuance and until June 30th of the following year. Such permit shall be granted only to the dealers' owning or operating the premises from which said sales is to be made, except in the case of non-resident dealers' and shall not be transferrable. Such permits shall have a number and show the residence and place of business of the holder, and must be posted in a conspicuous place in the holders' place of business in which the sale of cigars is made. The State Tax Commissioner shall have the power to revoke the permit of any dealer who has violated any of the provisions of this Act and such revocation shall be mandatory where any dealer wilfully violates this Act, and no such permit shall again be issued for a period of two years thereafter.

Sec. 3. Immediately upon receipt by the licensee, each package or container of cigars shall have securely affixed thereto a suitable stamp or stamps denoting the tax thereon, the said stamp or stamps shall be properly cancelled prior to sale or removal for consumption, under such regulations as the State Treasurer shall prescribe and must be so attached to such package or container as to be destroyed or broken when the package or container is opened.

Sec 4. Every dealer of cigars in this state shall make a quarterly report to the State Tax Commissioner and which report shall be under oath subscribed by such dealer and which report shall state in detail the quantity of cigars sold by him during the preceding quarter and the prices charged for the same and such report shall be accompanied by a remitttance of the tax due thereunder. The forms for such report shall be prepared and furnished by the State Tax Commissioner.

Sec. 5. Every dealer of cigars shall keep a record of all sales of cigars made by him, which record, together with

reasonable times by the State Tax Commissioner or any of his deputies or assistants, who shall have the right to examine the same.

Sec. 6. The State Tax Commissioner shall monthly pay to the State Treasurer the proceeds of tax collections made under the provisions of this Act; and which proceeds shall be by the Treasurer credited to the general fund of the state and shall be used for the purpose of defraying the general expenses of the government.

Sec. 7. Each package or container of cigars, exhibited or stored or possessed, within or upon the premises from which sale thereof may be made to the consumers shall be conclusively presumed to be intended for sale to consumers and to be displayed, exhibited, stored or possessed for such purpose; and each package or container of cigars at the time the same is displayed, exhibited, stored or possessed upon such premises, shall, except as herein provided, have securely affixed thereto a suitable stamp or stamps denoting the tax thereon, which stamps shall be cancelled at the time and manner herein required; and the possession of any package or container of cigars except two or more packages or containers in unbroken cartons, shall be prima facie evidence of a sale made in violation of this Act.

Section 8. For any violation of the provisions of this Act, upon conviction thereof, the offender shall be guilty of a misdemeanor; and all cigars, unstamped in his possession or in his place of business shall be confiscated and forfeited to the State.

And recommend the adoption of the amendments of the Standing Committee.

And the further amendment:

Section 7, in the last sentence, after the word "any" and before the word "package," insert the word "unstamped."

And when so amended, recommend the same do pass.

House Bill No. 195.

And recommend the same do pass as originally drawn.

Rep. Fitch moved the adoption of the report of the Committee of the Whole, which motion prevailed.

Rep. Anderson of McKenzie moved that the absent members be excused, which motion prevailed.

Rep. Scholl moved the House do now adjourn, and the House stood adjourned.

## FIFTIETH DAY

Bismarck, February 21, 1939.

The House assembled at 2:00 P. M., pursuant to adjournment, Speaker Hagen presiding.

Prayer by Rev. G. W. Stewart, Mandan.

Roll Call: All Representatives present except Braun of Stark, Culver, Peterson of Bottineau, Ritter, Sand, Williams of Stutsman, Johnson of Cass.

So a quorum was declared present.

Rep. Braun of Stark and Culver were acting on the committee to attend the funeral of Rep. Sticka.

Rep. Williams of Stutsman was delegated to attend the funeral of Rev. Strutz at Jamestown.

## REPORT OF STANDING COMMITTEE

Mr. Speaker: Your Committee on Revision and Correction of the Journal have carefully examined the Journal of the Forty-eighth and Forty-ninth day and recommends that the same be corrected as follows:

Page 853—5th line from the top insert "Enderlin," after the word "of".

Page 853—line 6, change "226" to "139".

Page 857—line 8 from top, add "re" to the word "consideration".

Page 858—17th line, strike out the balance of the sentence after the word "enforced".

Page 858—correct Roll Call. 52 ayes and 46 nays. Bolmeier and Nelson of Cass listed as voting "aye" whereas they voted "nay".

Page 860. Correct Roll Call—ayes 84 and nays 18. Beede listed as voting "nay" whereas he voted "aye".

Page 868—line 14, correct spelling "Culver".

Page 870—Roll Call should show McInnes in place of first name "McIntee".

And when so corrected recommend that the same be approved.

REP. GLAS, Chairman.

Rep. Elliott T. Knutson moved that the report be adopted, which motion prevailed and the report was adopted.

A petition was received from twelve citizens of Overly, Bottineau County, protesting the tax on chain stores.

A letter from E. A. Fetcher of Enderlin protesting against the drivers license fee.

Communications were received from Henry H. Wieck, Dickinson and Johan Andersen, of Scranton asking passage of House Bill No. 149, an act to provide a wild life refuge in Slope County.

## SIGNING OF BILLS

The Chief Clerk announced that the Speaker was about to sign:

House Concurrent Resolution No. 391. A Concurrent Resolution Expressing the Regrets of the Legislative Assembly at the Demise of a Former Representative, Rev. R. E. Strutz.

And the Speaker signed the same in the presence of the House.

## REPORT OF STANDING COMMITTEE

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

House Bill No. 302.
House Bill No. 331.
House Bill No. 354.
Also House Bill No. 377.
And find the same correctly engrossed.

OLAF OSTGULEN, Chairman.

## MESSAGE TO THE SENATE

House of Representatives,
Bismarck, February 21, 1939.

Mr. President: I have the honor to transmit:

House Concurrent Resolution No. 391. A Concurrent Reso-

lution Expressing the Regrets of the Legislative Assembly at the Demise of a Former Representative, Rev. R. E. Strutz.

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

MINNIE D. CRAIG, Chief Clerk.

## SECOND READING OF HOUSE BILLS

House Bill No. 353. A Bill for an Act to Amend and Reenact Sections 13 and 14, of Chapter 97 of the Session Laws of 1933, as Amended by Chapter 119 of the Session Laws of 1935, Relating to the Administration of County Poor Relief; 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, 95; nays, 2; absent and not voting, 13.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Heckman | Panko |
| Anderson, Benson | Holm | Peterson, Ransom |
| Anderson,M'K'nzie | Holthusen | Rait |
| Anfinson | Hultstrand | Rettke |
| Arneson, Nelson | Ireland | Rohde |
| Arneson, Ramsey | Ista | Saumur |
| Beede | Jensen | Schmidt, Sheridan |
| Belzer | Johnson, LaMoure | Schimke |
| Benno | Joiner | Scholl |
| Bergesen | Keller | Schwartz |
| Billigmeier | Kluver | Sellens |
| Bingenheimer | Lange | Semerad |
| Bolmeier | Larson | Severson |
| Braun, McLean | Levin | Sharpe |
| Brown | Lunde | Shure |
| Buchholz | McInnes | Singleton |
| Byrne | McIntee | Skartvedt |
| Dalzell | McIntyre | Solberg |
| Dike | Myers | Stone |
| Dittmer | Mittag | Stormon |
| Erickson | Moe | Symington |
| Feton | Mollet | Thompson,Burl'gh |
| Fitch | Morland | Thompson, Steele |
| Fletcher | Nelson, Cass | Trydahl |
| Fraser | Nelson, Dickey | Tuff |
| Fuglestad | Nelson, Steele | Twichell |
| Gainor | Nystrom | Urschel |
| Glas | O'Brien | Wambheim |
| Gray | Odegard | Westby |
| Haag | Oglesby | Williams,Richland |
| Halvorson | Ostgulen | Mr. Speaker |
| Haugland | Page | |

Those voting in the negative were:

| | |
|---|---|
| Blair | Schmidt, McHenry |

Absent and not voting:

| | | |
|---|---|---|
| Boulden | Jonnson, Cass | Sand |
| Braun, Stark | Knutson | Schauss |
| Crockett | Peterson,Bottineau | Williams,Stutsm'n |

**Culver** **Ritter** **Wolf**
Hofstrand

So the bill passed and the title was agreed to and the Emergency Clause was declared carried.

Rep. Schauss 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.

## MESSAGE FROM THE GOVERNOR

State of North Dakota
OFFICE OF THE GOVERNOR
Bismarck

February 21, 1939.

To the House of Representatives of the
State of North Dakota:

This is to notify you that I have to-day approved and filed with the Secretary of State:

HOUSE BILL No. 74. An Act Making a Deficiency Emergency Appropriation for Relief of Destitute and Necessitous Persons of the State of North Dakota for the Months of December 1938, and January and February, 1939, as Provided by Chapter 214 of the Sesion Laws of 1937, Declaring an Emergency.

JOHN MOSES, Governor.

JM:F

Rep. Scholl moved that House Bill No. 341 be placed at the head of the calendar, which motion prevailed.

House Bill No. 341 was read the second time.

Rep. Schauss demanded a call of the House which was granted.

The roll was called and all Representatives were present except: Representatives Braun of Stark, Culver, Sand and Williams of Stutsman.

Rep. Braun of Stark and Culver were acting on the Special Committee attending the funeral of Rep. Sticka. Rep. Williams of Stutsman was serving on the Special Committee attending the funeral of Rev. Strutz.

## SECOND READING OF HOUSE BILLS

House Bill No. 341. A Bill for an Act Assessing and Levying From April 1, 1939, to July 1, 1941, on All Licensed Dealers of Motor Vehicle Fuels, a Special License Tax of One Cent Per Gallon of Motor Vehicle Fuels Used or Sold by Them in Addition to All Other Taxes Now Imposed Upor Them, Appropriating the Proceeds of Such Special Tax to the State Highway Fund for Specific Purposes, Making All Provisions of Initiated Measures Approved June 30, 1926 and Known as the "Motor Vehicle Fuel Tax Law," Other Than Division of Proceeds Between the State and Counties and for Costs of Administration and Collection, Applicable to Said Special License Tax 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, 53; nays, 47; absent and not voting, 4.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Arneson, Nelson | Hultstrand | Schauss |
| Arneson, Ramsey | Ireland | Schimke |
| Benno | Johnson, Cass | Sellens |
| Bergesen | Kluver | Severson |
| Billigmeier | Knutson | Sharpe |
| Blair | Larson | Shure |
| Boulden | Lunde | Singleton |
| Brown | McInnes | Skartvedt |
| Byrne | Mittag | Solberg |
| Crockett | Moe | Stone |
| Fitch | Morland | Stormon |
| Fraser | Nelson, Cass | Thompson,Burl'gh |
| Fuglestad | Nelson, Steele | Thompson, Steele |
| Gainor | Nystrom | Trydahl |
| Glas | Oglesby | Twichell |
| Gray | Panko | Urschel |
| Haugland | Peterson,Bottineau | Wambheim |
| Hofstrand | Peterson, Ransom | Westby |
| Holm | Ritter | Wolf |
| Holthusen | Saumur | |

Those voting in the negative were:

| | | |
|---|---|---|
| Adam | Haag | Odegard |
| Anderson, Benson | Halvorson | Ostgulen |
| Anderson,M'K'nzie | Heckman | Page |
| Anfinson | Ista | Rait |
| Beede | Jensen | Rettke |
| Belzer | Johnson, LaMoure | Rohde |
| Bingenheimer | Joiner | Schmidt, McHenry |
| Bolmeier | Keller | Schmidt, Sheridan |
| Braun, McLean | Lange | Scholl |
| Buchholz | Levin | Schwartz |
| Dalzell | McIntee | Semerad |
| Dike | McIntyre | Symington |
| Dittmer | Myers | Tuff |
| Erickson | Mollet | Williams,Richland |
| Feton | Nelson, Dickey | Mr. Speaker |
| Fletcher | O'Brien | |

Absent and not voting:

| | | |
|---|---|---|
| Braun, Stark | Sand | Williams,Stutsm'n |
| Culver | | |

So the bill passed and the title was agreed to and the Emergency Clause was declared lost.

Rep. Twichell 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.

Rep. Haag: "Since the people twice voted down a 4c gas tax and the counties get nothing out of this additional 1c. I am therefore compelled to vote 'no'."

House Bill No. 143. A Bill for an Act Making a Deficiency Emergency Appropriation for Relief of Destitute and Necessitous Persons of the State of North Dakota for the Months

of March, April, May and June, 1939, as Provided by Chapter 214 of the Session Laws of 1937, 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, 97; nays, 0; absent and not voting, 13.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Heckman | Panko |
| Anderson, Benson | Hofstrand | Peterson,Bottineau |
| Anderson,M'K'nzie | Holm | Peterson, Ransom |
| Anfinson | Holthusen | Rait |
| Arneson, Nelson | Hultstrand | Rettke |
| Arneson, Ramsey | Ireland | Rohde |
| Beede | Ista | Saumur |
| Belzer | Jensen | Schmidt, McHenry |
| Benno | Johnson, Cass | Schmidt, Sheridan |
| Bergesen | Johnson, LaMoure | Schimke |
| Billigmeier | Joiner | Scholl |
| Bingenheimer | Keller | Schwartz |
| Blair | Kluver | Sellens |
| Bolmeier | Lange | Semerad |
| Braun, McLean | Larson | Severson |
| Brown | Levin | Sharpe |
| Buchholz | Lunde | Shure |
| Byrne | McInnes | Singleton |
| Dalzell | McIntee | Skartvedt |
| Dike | McIntyre | Solberg |
| Dittmer | Myers | Stone |
| Erickson | Mittag | Stormon |
| Feton | Moe | Symington |
| Fitch | Mollet | Thompson,Burl'gh |
| Fletcher | Morland | Thompson, Steele |
| Fraser | Nelson, Cass | Trydahl |
| Fuglestad | Nelson, Dickey | Tuff |
| Gainor | Nystrom | Urschel |
| Glas | O'Brien | Wambheim |
| Gray | Odegard | Williams,Richland |
| Haag | Oglesby | Wolf |
| Halvorson | Ostgulen | Mr. Speaker |
| Haugland | | |

Absent and not voting:

| | | |
|---|---|---|
| Boulden | Nelson, Steele | Schauss |
| Braun, Stark | Page | Twichell |
| Crockett | Ritter | Westby |
| Culver | Sand | Williams,Stutsm'n |
| Knutson | | |

So the bill passed and the title was agreed to and the Emergency Clause was declared carried.

Rep. Rohde moved that the vote by which House Bill No. 143 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Rep. Twichell moved that the House do now recess until 7:30 P. M., which motion prevailed.

The House convened pursuant to recess taken, Speaker Hagen presiding.

The Speaker announced the House would continue on the Eleventh Order of Business.

## REPORT OF STANDING COMMITTEE

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

House Bill No. 327.
House Bill No. 150, and
House Bill No. 296.
And find the same correctly engrossed.

OLAF OSTGULEN, Chairman.

## SECOND READING OF HOUSE BILLS

House Bill No. 291. A Bill For an Act Declaring that Revenue Bonds Legally and Validly Issued by the State Water Conservation Commission Are Legal and Valid Investments by Banks, Trust Companies, Insurance Companies, Investment Companies, Building and Loan Associations and of Similar Financial Institutions; 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, 69; nays, 12; absent and not voting, 29.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Haag | Nystrom |
| Anderson,M'K'nzie | Halvorson | O'Brien |
| Anfinson | Haugland | Odegard |
| Arneson, Nelson | Heckman | Ogiesby |
| Arneson, Ramsey | Holm | Page |
| Beede | Holthusen | Rait |
| Benno | Hultstrand | Rettke |
| Bergesen | Ireland | Ritter |
| Billigmeier | Ista | Schmidt, Sheridan |
| Blair | Jensen | Sellens |
| Bolmeier | Johnson, LaMoure | Semerad |
| Boulden | Joiner | Sharpe |
| Brown | Keller | Shure |
| Buchholz | Kluver | Singleton |
| Dalzell | Lange | Solberg |
| Dike | Lunde | Stormon |
| Erickson | McInnes | Thompson, Steele |
| Fletcher | McIntee | Tuff |
| Fraser | McIntyre | Twichell |
| Fuglestad | Mittag | Urschel |
| Gainor | Mollet | Westby |
| Glas | Morland | Wolf |
| Gray | Nelson, Dickey | Mr. Speaker |

Those voting in the negative were:

| | | |
|---|---|---|
| Bingenheimer | Nelson, Cass | Schwartz |
| Braun, McLean | Peterson, Ransom | Symington |
| Johnson, Cass | Rohde | Trydahl |
| Levin | Saumur | Wambheim |

Absent and not voting:

| | | |
|---|---|---|
| Anderson, Benson | Knutson | Schmidt, McHenry |
| Belzer | Larson | Schimke |
| Braun, Stark | Myers | Scholl |
| Byrne | Moe | Severson |
| Crockett | Nelson, Steele | Skartvedt |
| Culver | Ostgulen | Stone |
| Dittmer | Panko | Thompson,Burl'gh |
| Feton | Peterson,Bottineau | Williams,Richland |
| Fitch | Sand | Williams,Stutsm'n |
| Hofstrand | Schauss | |

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

Rep. Solberg moved that the vote by which House Bill No. 291 was passed be reconsidered, and the motion to reconsider be laid on the table, which motion prevailed.

## SECOND READING OF HOUSE CONCURRENT RESOLUTION

House Concurrent Resolution No. 365. Relating to Amendment to Section 176 of the Constitution of the State of North Dakota.

Was read the second time.

## ROLL CALL

The question being on the final passage of the House Concurrent Resolution, as amended, the roll was called and there were ayes, 79; nays, 10; absent and not voting, 21.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Haugland | O'Brien |
| Anderson, Benson | Heckman | Odegard |
| Anderson,M'K'nzie | Holm | Oglesby |
| Anfinson | Hultstrand | Ostgulen |
| Arneson, Nelson | Ireland | Page |
| Arneson, Ramsey | Ista | Peterson, Ransom |
| Beede | Jensen | Rait |
| Belzer | Johnson, LaMoure | Rettke |
| Benno | Joiner | Ritter |
| Billigmeier | Keller | Rohde |
| Bingenheimer | Kluver | Saumur |
| Bolmeier | Knutson | Schmidt, Sheridan |
| Boulden | Lange | Schimke |
| Braun, McLean | Levin | Sellens |
| Brown | Lunde | Semerad |
| Buchholz | McInnes | Severson |
| Dalzell | McIntee | Sharpe |
| Dike | McIntyre | Singleton |
| Erickson | Myers | Solberg |
| Fletcher | Mittag | Stormon |
| Fraser | Moe | Thompson, Steele |
| Fuglestad | Mollet | Tuff |
| Gainor | Morland | Urschel |
| Glas | Nelson, Dickey | Westby |
| Gray | Nelson, Steele | Wolf |
| Haag | Nystrom | Mr. Speaker |
| Halvorson | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Bergesen | Shure | Trydahl |

| | | |
|---|---|---|
| Blair | Skartvedt | Twichell |
| Holthusen | Symington | Wambheim |
| Johnson, Cass | | |

Absent and not voting:

| | | |
|---|---|---|
| Braun, Stark | Hofstrand | Schmidt, McHenry |
| Byrne | Larson | Schwartz |
| Crockett | Nelson, Cass | Scholl |
| Culver | Panko | Stone |
| Dittmer | Peterson,Bottineau | Thompson,Burl'gh |
| Feton | Sand | Williams,Richland |
| Fitch | Schauss | Williams,Stutsm'n |

So the resolution passed and the title was agreed to.

Rep. Rohde moved that the vote by which House Concurrent Resolution No. 365 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. 311 was read the second time.

Rep. Page moved to amend the bill as follows:

On page 27 of the printed bill, Sec. 11, line 1, between words "the" and "Supplement," insert the figures "1925."

In line 27, Section 11, after the figure "3," at the end of the line add the following words and figures: "of Chap. 142."

Rep. Myers moved that the rules be suspended and House Bill No. 311 be considered properly re-engrossed, placed on second reading and final passage, which motion prevailed.

**House Bill No. 311. A Bill for an Act Relating to the Organization of Irrigation Districts, the Powers and Functions of Such Districts, the Establishment and Construction of Irrigation Works Therein and Methods and Procedure for Financing the Cost of Purchasing or Constructing Such Irrigation Works; Amending Section 8247a1 of the Supplement to the Compiled Laws of 1913, as Amended and Re-enacted by Section 1 of Chapter 142 of the Session Laws of 1933; Section 8247a2 of the Supplement to the Compiled Laws of 1913; Section 8247a3 of the Supplement to the Compiled Laws of 1913, as Amended and Re-enacted by Section 2 of Chapter 142 of the Session Laws of 1933; Section 8247a4, 8247a5, 8247a6, 8247a7, 8247a8, and 8247a9 of the Supplement to the Compiled Laws of 1913; Section 8247a10 of the Supplement to the Compiled Laws of 1913, as Amended and Re-enacted by Section 3 of Chapter 142 of the Session Laws of 1933 and Amending Sections 8247a11, 8247a12, 8247a13, 8247a14, 8247a15, 8247a16, 8247a17, 8247a18, 8247a19, 8247a20, 8247a21a, 8247a23, 8247a24, 8247a26, 8247a51, 8247a52, 8247a53, 8247a59, 8247a60, 8247a61, 8247a63, 8247a64, 8247a65 and 8247a66 of the Supplement to the Compiled Laws of 1913; Repealing Sections 8247a47, 8247a56, 8247a57 of the Supplement to the Compiled Laws of 1913 and All Acts and Parts of Acts in Conflict 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, 80; nays, 11; absent and not voting, 17; passed, 2.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Halvorson | Ostgulen |
| Anderson, Benson | Haugland | Peterson,Bottineau |
| Anderson,M'K'nzie | Heckman | Peterson, Ransom |
| Anfinson | Holm | Rettke |
| Arneson, Nelson | Holthusen | Rohde |
| Arneson, Ramsey | Hultstrand | Saumur |
| Beede | Ireland | Schmidt, Sheridar |
| Belzer | Jensen | Scholl |
| Benno | Johnson, Cass | Schwartz |
| Bergesen | Joiner | Sellens |
| Billigmeier | Keller | Semerad |
| Bingenheimer | Kluver | Sharpe |
| Blair | Knutson | Shure |
| Braun, Stark | Lange | Singleton |
| Brown | Levin | Solberg |
| Buchholz | Lunde | Stormon |
| Byrne | McInnes | Thompson, Steele |
| Dike | McIntee | Trydahl |
| Erickson | McIntyre | Tuff |
| Feton | Myers | Twichell |
| Fletcher | Mittag | Urschel |
| Fraser | Mollet | Wambheim |
| Fuglestad | Morland | Westby |
| Gainor | Nelson, Dickey | Williams,Richland |
| Glas | Nystrom | Wolf |
| Gray | O'Brien | Mr. Speaker |
| Haag | Odegard | |

Those voting in the negative were:

| | | |
|---|---|---|
| Bolmeier | Moe | Schmidt, McHenry |
| Boulden | Nelson, Cass | Severson |
| Dalzell | Oglesby | Symington |
| Johnson, LaMoure | Page | |

Absent and not voting:

| | | |
|---|---|---|
| Braun, McLean | Nelson, Steele | Schimke |
| Crockett | Panko | Skartvedt |
| Fitch | Rait | Stone |
| Hofstrand | Ritter | Thompson,Burl'gh |
| Ista | Sand | Williams,Stutsm'n |
| Larson | Schauss | |

Passed:

| | |
|---|---|
| Culver | Dittmer |

So the bill passed and the title was agreed to and the Emergency Clause was declared carried.

Rep. Gray moved that the vote by which House Bill No. 311 was passed be reconsidered, and the motion to reconsider be laid on the table, which motion prevailed.

Rep. Culver reported that the committee selected to attend the funeral of Rep. Ignatz Sticka has returned and wished to make reports as follows:

They left Bismarck at 7:00 A. M. this morning, Feb. 21st. Attended funeral services at home and then escorted the body to the Community church where impressive services were held, conducted by Rev. Father Sticka, son of the deceased.

The service was attended by a very large group of neighbors and friends from all over the surrounding territory. The body was laid to rest in the St. Pius cemetery. The committee feel that they did all in their power to convey to the family of the deceased that this House felt grieved that they had lost a father and brother.

The committee wished to be discharged.

Rep. Scholl moved that the committee be discharged, and that traveling expenses be referred to mileage committee. Motion carried.

Rep. Meyers moved that the report be printed in the Journal.

## SECOND READING OF HOUSE BILLS

House Bill No. 38. A Bill for an Act Making an Appropriation for Salaries, Operation, Maintenance, General and Miscellaneous Expenses for the State Laboratories 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, 77; nays, 20; absent and not voting, 13.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Haag | Page |
| Anderson, Benson | O'Brien | Panko |
| Anderson,M'K'nzie | Odegard | Peterson,Bottineau |
| Anfinson | Ostgulen | Peterson, Ransom |
| Arneson, Nelson | Halvorson | Rait |
| Arneson, Ramsey | Haugland | Ritter |
| Beede | Heckman | Saumur |
| Belzer | Holm | Schauss |
| Benno | Holthusen | Schmidt, Sheridan |
| Bergesen | Ireland | Sellens |
| Billigmeier | Jensen | Semerad |
| Blair | Johnson, Cass | Sharpe |
| Braun, Stark | Johnson, LaMoure | Shure |
| Brown | Joiner | Singleton |
| Buchholz | Knutson | Skartvedt |
| Byrne | Lunde | Stormon |
| Culver | McInnes | Symington |
| Dalzell | McIntee | Thompson, Steele |
| Dike | McIntyre | Trydahl |
| Erickson | Myers | Twichell |
| Fitch | Mittag | Urschel |
| Fletcher | Morland | Wambheim |
| Fuglestad | Nelson, Cass | Williams,Richland |
| Gainor | Nelson, Dickey | Wolf |
| Glas | Nelson, Steele | Mr. Speaker |
| Gray | Nystrom | |

Those voting in the negative were:

| | | |
|---|---|---|
| Bingenheimer | Keller | Schmidt, McHenry |
| Bolmeier | Kluver | Schwartz |
| Boulden | Lange | Severson |
| Braun, McLean | Moe | Solberg |
| Dittmer | Mollet | Tuff |

| | | |
|---|---|---|
| Feton | Oglesby | Westby |
| Fraser | Rohde | |

Absent and not voting:

| | | |
|---|---|---|
| Crockett | Levin | Scholl |
| Hofstrand | Rettke | Stone |
| Hultstrand | Sand | Thompson,Burl'gh |
| Ista | Schimke | Williams,Stutsm'n |
| Larson | | |

So the bill passed and the title was agreed to.

Rep. Sharpe moved that the vote by which House Bill No. 38 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

House Bill No. 309. A Bill for an Act to Amend and Reenact Section 8 of Chapter 135 of the 1935 Session Laws of the State of North Dakota, Relating to the Nomination of Candidates for the Offices of Presidential Electors; for the Election of Party Precinct Committeemen; Delegates to the National Party Conventions and National Party Committeemen and National Party Committeewomen; for the Organization of Party County and State Committees, Such Amendment Requiring that in Selecting Proxies, the Same Shall Be Taken From the Precinct, in Which the Committeemen or Committeewomen Were Elected; 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, 86; nays, 12; absent and not voting, 12.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Gray | Panko |
| Anderson, Benson | Haag | Peterson,Bottineau |
| Anderson,M'K'nzie | Halvorson | Rait |
| Anfinson | Haugland | Rettke |
| Arneson, Ramsey | Heckman | Ritter |
| Beede | Holthusen | Rohde |
| Belzer | Hultstrand | Saumur |
| Benno | Jensen | Schauss |
| Bergesen | Johnson, Cass | Schmidt, McHenry |
| Billigmeier | Joiner | Schmidt, Sheridan |
| Bingenheimer | Kluver | Scholl |
| Blair | Lange | Schwartz |
| Bolmeier | Levin | Semerad |
| Braun, McLean | Lunde | Severson |
| Braun, Stark | McInnes | Sharpe |
| Brown | McIntee | Shure |
| Buchholz | McIntyre | Singleton |
| Byrne | Myers | Skartvedt |
| Culver | Mittag | Stormon |
| Dike | Moe | Thompson, Steele |
| Dittmer | Mollet | Trydahl |
| Erickson | Morland | Tuff |
| Feton | Nelson, Cass | Twichell |
| Fitch | Nelson, Dickey | Urschel |
| Fletcher | Nystrom | Wambheim |
| Fraser | O'Brien | Williams,Richland |

| | | |
|---|---|---|
| Fuglestad | Odegard | Wolf |
| Gainor | Oglesby | Mr. Speaker |
| Glas | Ostgulen | |

Those voting in the negative were:

| | | |
|---|---|---|
| Arneson, Nelson | Ireland | Sellens |
| Boulden | Johnson, LaMoure | Solberg |
| Dalzell | Knutson | Symington |
| Holm | Page | Westby |

Absent and not voting:

| | | |
|---|---|---|
| Crockett | Larson | Schimke |
| Hofstrand | Nelson, Steele | Stone |
| Ista | Peterson, Ransom | Thompson,Burl'gh |
| Keller | Sand | Williams,Stutsm'n |

So the bill passed and the title was agreed to.

Rep. Peterson of Bottineau moved that the vote by which House Bill No. 309 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

House Bill No. 105. A Bill for an Act Creating a Division of Co-operatives in the Department of Agriculture and Labor, and Prescribing Its Functions; Creating and Establishing the Office of Director of Said Division and Prescribing His Duties; and Making an Appropriation 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, 79; nays, 23; absent and not voting, 8.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Haag | Odegard |
| Anderson, Benson | Halvorson | Ostgulen |
| Anderson,M'K'nzie | Haugland | Panko |
| Anfinson | Heckman | Peterson,Bottineau |
| Arneson, Nelson | Holm | Rait |
| Arneson, Ramsey | Hultstrand | Rohde |
| Beede | Ireland | Schauss |
| Belzer | Jensen | Schmidt, McHenry |
| Benno | Johnson, LaMoure | Schmidt, Sheridan |
| Billigmeier | Joiner | Scholl |
| Bingenheimer | Keller | Schwartz |
| Blair | Kluver | Semerad |
| Braun, McLean | Knutson | Singleton |
| Braun, Stark | Lange | Skartvedt |
| Brown | Levin | Solberg |
| Buchholz | Lunde | Stone |
| Byrne | McInnes | Stormon |
| Crockett | McIntee | Symington |
| Culver | McIntyre | Thompson,Burl'gh |
| Dike | Myers | Trydahl |
| Dittmer | Mittag | Tuff |
| Erickson | Mollet | Urschel |
| Fletcher | Morland | Westby |
| Fraser | Nelson, Dickey | Williams,Richland |
| Gainor | Nystrom | Wolf |

| | | |
|---|---|---|
| Glas | O'Brien | Mr. Speaker |
| Gray | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Bergesen | Nelson, Cass | Sellens |
| Bolmeier | Nelson, Steele | Severson |
| Boulden | Oglesby | Sharpe |
| Feton | Page | Shure |
| Fuglestad | Peterson, Ransom | Thompson, Steele |
| Holthusen | Rettke | Twichell |
| Johnson, Cass | Ritter | Wambheim |
| Moe | Saumur | |

Absent and not voting:

| | | |
|---|---|---|
| Dalzell | Ista | Schimke |
| Fitch | Larson | Williams,Stutsm'n |
| Hofstrand | Sand | |

So the bill passed and the title was agreed to.

Rep. Solberg moved that the vote by which House Bill No. 105 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

House Bill No. 274 was read the second time.

Rep. Ritter asked unanimous consent of the House to amend House Bill No. 274, to which objections were raised.

Rep. Crockett moved that House Bill No. 274 be indefinitely postponed, which motion he later withdrew.

House Bill No. 274. 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 Water Sheds, 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, Maintenance and Financing 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; Authorizing the Commission to Obligate or Pledge Monies Available in Its Operating or Construction Fund to Insure the Payment of Twenty Per Cent of the Par Value of Revenue 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 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; Validating Proceeding and Acts of the State Water Conservation Commission Done and Performed Under the Provisions of Chapter 255 of the Session Laws of 1937; 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, 80; nays, 17; absent and not voting, 13.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Haag | Rait |
| Anderson, Benson | Halvorson | Rettke |
| Anderson,M'K'nzie | Haugland | Rohde |
| Anfinson | Heckman | Saumur |
| Arneson, Nelson | Holm | Schauss |
| Arneson, Ramsey | Holthusen | Schmidt, Sheridan |
| Beede | Ireland | Scholl |
| Belzer | Jensen | Schwartz |
| Benno | Johnson, Cass | Sellens |
| Bergesen | Johnson, LaMoure | Semerad |
| Billigmeier | Joiner | Severson |
| Bingenheimer | Knutson | Sharpe |
| Boulden | Lange | Shure |
| Braun, Stark | Lunde | Singleton |
| Brown | McInnes | Skartvedt |
| Buchholz | McIntee | Solberg |
| Byrne | McIntyre | Stone |
| Culver | Myers | Stormon |
| Dike | Mittag | Thompson, Steele |
| Erickson | Mollet | Trydahl |
| Feton | Morland | Tuff |
| Fitch | Nystrom | Urschel |
| Fletcher | O'Brien | Wambheim |
| Fraser | Odegard | Westby |

| | | |
|---|---|---|
| Fuglestad | Panko | Wolf |
| Glas | Peterson,Bottineau | Mr. Speaker |
| Gray | Peterson, Ransom | |

Those voting in the negative were:

| | | |
|---|---|---|
| Blair | Keller | Page |
| Bolmeier | Levin | Ritter |
| Braun, McLean | Moe | Schmidt, McHenry |
| Crockett | Nelson, Dickey | Schimke |
| Dalzell | Oglesby | Williams,Richland |
| Dittmer | Ostgulen | |

Absent and not voting:

| | | |
|---|---|---|
| Gainor | Larson | Symington |
| Hofstrand | Nelson, Cass | Thompson,Burl'gh |
| Hultstrand | Nelson, Steele | Twichell |
| Ista | Sand | Williams,Stutsm'n |
| Kluver | | |

So the bill passed and the title was agreed to and the Emergency Clause declared carried.

Rep. Mollet moved that the vote by which House Bill No. 274 was passed be reconsidered, and the motion to reconsider be laid on the table, which motion prevailed.

Rep. Scholl moved that Senate Bill No. 259 be moved to the head of the calendar, which motion prevailed.

Rep. Twichell moved that House Bill No. 195 be moved to the head of the calendar for vote following Senate Bill No. 259, which motion prevailed.

## SECOND READING OF SENATE BILLS

Senate Bill No. 259. A Bill for an Act Authorizing the State Treasurer to Invest and Reinvest Funds of the State Fire and Tornado Fund, and Appropriating Such Funds for That Purpose.

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, 100; nays, 1; absent and not voting, 9.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Haag | Panko |
| Anderson, Benson | Halvorson | Peterson,Bottineau |
| Anderson,M'K'nzie | Haugland | Peterson, Ransom |
| Anfinson | Heckman | Rait |
| Arneson, Nelson | Holm | Rettke |
| Arneson, Ramsey | Holthusen | Ritter |
| Beede | Hultstrand | Rohde |
| Belzer | Ireland | Saumur |
| Benno | Jensen | Schauss |
| Bergesen | Johnson, Cass | Schmidt, McHenry |
| Billigmeier | Johnson, LaMoure | Schmidt, Sheridan |
| Bingenheimer | Joiner | Schimke |
| Blair | Keller | Scholl |
| Bolmeier | Knutson | Schwartz |
| Boulden | Lange | Sellens |
| Braun, McLean | Levin | Semerad |
| Braun, Stark | Lunde | Severson |
| Brown | McInnes | Sharpe |

| | | |
|---|---|---|
| Buchholz | McIntee | Shure |
| Byrne | McIntyre | Singleton |
| Crockett | Myers | Skartvedt |
| Culver | Mittag | Solberg |
| Dalzell | Moe | Stone |
| Dike | Mollet | Stormon |
| Dittmer | Morland | Thompson, Steele |
| Erickson | Nelson, Cass | Trydahl |
| Feton | Nelson, Dickey | Tuff |
| Fitch | Nystrom | Twichell |
| Fletcher | O'Brien | Urschel |
| Fraser | Odegard | Wambheim |
| Fuglestad | Oglesby | Westby |
| Gainor | Ostgulen | Wolf |
| Glas | Page | Mr. Speaker |
| Gray | | |

Those voting in the negative were:
Williams,Richland

Absent and not voting:

| | | |
|---|---|---|
| Hofstrand | Larson | Symington |
| Ista | Nelson, Steele | Thompson,Burl'gh |
| Kluver | Sand | Williams,Stutsm'n |

So the bill passed and the title was agreed to.

Rep. Haugland moved that the vote by which Senate Bill No. 259 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. 195. A Bill for an Act Providing that the State Board of Higher Education Created and Established by an Initiated Act Submitted to the Electors and Approved June 28, A. D. 1938, Shall be and Hereby is Vested With all the Rights, Powers, Duties, Obligations and Perogatives Heretofore Vested in the Board of Administration, as to Vocational Education, Vocational Rehabilitation, and of the Extension Division of the North Dakota 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, 62; nays, 38; absent and not voting, 10.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Anderson, Benson | Haugland | Page |
| Arneson, Nelson | Holm | Peterson, Ransom |
| Arneson, Ramsey | Holthusen | Saumur |
| Belzer | Hultstrand | Schauss |
| Benno | Ireland | Sellens |
| Bergesen | Jensen | Severson |
| Blair | Johnson, Cass | Sharpe |
| Bolmeier | Joiner | Shure |
| Boulden | Kluver | Singleton |
| Brown | Levin | Solberg |
| Byrne | McInnes | Stone |
| Crockett | Mittag | Stormon |
| Dalzell | Moe | Symington |

| | | |
|---|---|---|
| Dittmer | Morland | Thompson, Steele |
| Erickson | Nelson, Cass | Trydahl |
| Feton | Nelson, Steele | Twichell |
| Fitch | Nystrom | Urschel |
| Fuglestad | O'Brien | Wambheim |
| Gainor | Odegard | Westby |
| Gray | Oglesby | Wolf |
| Halvorson | Ostgulen | |

Those voting in the negative were:

| | | |
|---|---|---|
| Adam | Heckman | Rait |
| Anderson,M'K'nzie | Johnson, LaMoure | Rettke |
| Beede | Keller | Ritter |
| Billigmeier | Knutson | Rohde |
| Bingenheimer | Lange | Schmidt, McHenry |
| Braun, McLean | Lunde | Schmidt, Sheridan |
| Buchholz | McIntee | Scholl |
| Culver | McIntyre | Schwartz |
| Dike | Mollet | Semerad |
| Fletcher | Myers | Tuff |
| Fraser | Nelson, Dickey | Williams,Richland |
| Glas | Panko | Mr. Speaker |
| Haag | Peterson,Bottineau | |

Absent and not voting:

| | | |
|---|---|---|
| Anfinson | Larson | Skartvedt |
| Braun, Stark | Sand | Thompson, Burl'gh |
| Hofstrand | Schimke | Williams, Stutsm'n |
| Ista | | |

So the bill passed and the title was agreed to.

Rep. Dike: "I am entirely in sympathy with the intent of this bill but as a protest to the carelessness and abuse of the initiative privilege, I am compelled to vote 'no'."

Rep. Johnson of Cass moved that the vote by which House Bill No. 195 was passed be reconsidered, and the motion to reconsider be laid on the table, which motion prevailed.

House Bill No. 238 was read the second time.

Rep. Schauss moved that further consideration of House Bill No. 238 be indefinitely postponed, which motion was lost.

Rep. Trydahl moved for unanimous consent to amend House Bill No. 238, which consent was granted.

Rep. Trydahl offered an amendment as follows: Strike out everything after "a bill" and insert the following:

For an Act Prohibiting Possession, Purchase, Sale and Dispensing of Alcohol and Alcoholic Beverages and Beer, Outside the Limits of Any City or Village in the State of North Dakota, Prescribing a Penalty for the Violation Thereof.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. It shall be unlawful from and after the passage and approval of this Act for any person, co-partnership, firm or corporation to sell or have possession for the purpose of sale of alcohol or any alcoholic beverages and beer, as beverages, as defined by the laws of this state, outside of the limits of any city or village in the State of North Dakota.

SEC. 2. Any person violating any of the provisions of this Act shall upon conviction as a first offense be fined not more than Two Hundred and No/100 Dollars ($200.00) or imprisonment in the county jail not to exceed ninety (90) days or both such fine and imprisonment. Any subsequent offense shall be punished by a fine of not more than Five Hundred and No/100 Dollars ($500.00) or by imprisonment in the county jail of not more than six (6) months or by both such fine and imprisonment.

Rep. Solberg moved that the rules be suspended and that House Bill No. 238 be considered properly re-engrossed, placed on second reading and final passage, which motion prevailed.

## SECOND READING OF HOUSE BILLS

House Bill No. 238. A Bill for an Act Prohibiting Possession, Purchase, Sale and Dispensing of Alcohol and Alcoholic Beverages and Beer, Outside the Limits of Any City or Village in the State of North Dakota, 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, 61; nays, 39; absent and not voting, 10.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Anderson, Benson | Haugland | Page |
| Anderson,M'K'nzie | Heckman | Peterson, Ransom |
| Arneson, Nelson | Holm | Rait |
| Arneson, Ramsey | Holthusen | Saumur |
| Beede | Ireland | Schauss |
| Bergesen | Jensen | Scholl |
| Bingenheimer | Johnson, Cass | Semerad |
| Blair | Johnson, LaMoure | Severson |
| Bolmeier | Joiner | Sharpe |
| Boulden | Keller | Shure |
| Brown | Kluver | Solberg |
| Buchholz | Knutson | Stormon |
| Culver | Lunde | Symington |
| Dalzell | McIntyre | Thompson, Steele |
| Dike | Myers | Trydahl |
| Erickson | Mittag | Twichell |
| Feton | Moe | Urschel |
| Fitch | Morland | Westby |
| Fletcher | Odegard | Williams,Richland |
| Fuglestad | Oglesby | Mr. Speaker |
| Gainor | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Adam | Lange | Ritter |
| Belzer | Levin | Rohde |
| Billigmeier | McInnes | Schmidt, McHenry |
| Braun, McLean | McIntee | Schmidt, Sheridan |
| Braun, Stark | Mollet | Schimke |
| Byrne | Nelson, Cass | Schwartz |
| Crockett | Nelson, Dickey | Sellens |

| | | |
|---|---|---|
| Dittmer | Nystrom | Singleton |
| Fraser | O'Brien | Skartvedt |
| Glas | Ostgulen | Stone |
| Gray | Panko | Tuff |
| Haag | Peterson,Bottineau | Wambheim |
| Halvorson | Rettke | Wolf |

Absent and not voting:

| | | |
|---|---|---|
| Anfinson | Ista | Sand |
| Benno | Larson | Thompson,Burl'gh |
| Hofstrand | Nelson, Steele | Williams,Stutsm'n |
| Hultstrand | | |

So the bill passed and the title was agreed to.

Rep. Halvorson: "I do not think you can legislate morals and character into people. Therefore I vote 'no'."

Rep. Rettke: "This bill will set up a certain territory for bootlegging. Therefore I vote 'no'."

Rep. Stone: "I do not believe that we have the right to take the power away from the counties and not let them sell liquor outside incorporated cities and villages. Why should they not have the same right as the people in the cities? That is why I vote 'no'."

Rep. Crockett: "I vote 'no' for the reason it is a high handed scheme for the main street dealer to put the little man out of business in the towns that are not incorporated. Some people get softening of the brain and then make a bill like this."

Rep. Schauss voted 'aye' for the purpose of reconsideration.

Rep. Skartvedt moved that the House recess for a fifteen-minute period, which motion prevailed.

The Speaker called the House to order pursuant to fifteen-minute recess taken and continued on the Eleventh Order of Business.

House Bill No. 351. A Bill For an Act to Amend and Reenact Section 2346a18 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, as Amended by Section 4, Chapter 283 of the Session Laws of 1931, as Amended by Section 2, Chapter 241, Session Laws of 1937, to Repeal Section 4 of Chapter 241 Session Laws of 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, 80; nays, 6; absent and not voting, 24.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Gainor | Odegard |
| Anderson, Benson | Glas | Oglesby |
| Anfinson | Haag | Ostgulen |
| Arneson, Nelson | Halvorson | Peterson, Ransom |
| Arneson, Ramsey | Heckman | Rait |

| | | |
|---|---|---|
| Beede | Holm | Rettke |
| Benno | Holthusen | Ritter |
| Bergesen | Hultstrand | Sand |
| Billigmeier | Ireland | Saumur |
| Bingenheimer | Ista | Schmidt, Sheridan |
| Blair | Jensen | Scholl |
| Bolmeier | Johnson, Cass | Sellens |
| Boulden | Johnson, LaMoure | Semerad |
| Braun, McLean | Joiner | Severson |
| Braun, Stark | Keller | Sharpe |
| Brown | Knutson | Shure |
| Buchholz | Lunde | Skartvedt |
| Byrne | McInnes | Solberg |
| Culver | McIntee | Stormon |
| Dalzell | Myers | Symington |
| Dike | Mittag | Thompson, Steele |
| Dittmer | Moe | Trydahl |
| Erickson | Mollet | Urschel |
| Feton | Morland | Wambheim |
| Fletcher | Nelson, Cass | Westby |
| Fraser | Nelson, Dickey | Williams,Richland |
| Fuglestad | O'Brien | |

Those voting in the negative were:

| | | |
|---|---|---|
| Anderson,M'K'nzie | Schwartz | Stone |
| Rohde | Singleton | Tuff |

Absent and not voting:

| | | |
|---|---|---|
| Belzer | Larson | Schauss |
| Crockett | Levin | Schmidt, McHenry |
| Fitch | McIntyre | Schimke |
| Gray | Nelson, Steele | Thompson,Burl'gh |
| Haugland | Nystrom | Twichell |
| Hofstrand | Page | Williams,Stutsm'n |
| Kluver | Panko | Wolf |
| Lange | Peterson,Bottineau | Mr. Speaker |

So the bill passed and the title was agreed to, and the Emergency Clause was declared carried.

Rep. Brown moved that the vote by which House Bill No. 351 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 375. A Bill for an Act to Amend and Reenact Sections 11105, 11106, and 11107, Compiled Laws of the State of North Dakota, for the Year 1913 Relating to the Board of Pardons, the Powers and Duties Thereof, and the Procedure Before Such Board, and Providing for the Appointment of Parole Officers and Other Assistants, 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, 94; nays, 5; absent and not voting, 11.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Halvorson | Ostgulen |
| Anderson, Benson | Haugland | Page |
| Anderson,M'K'nzie | Heckman | Peterson,Bottineau |

| | | |
|---|---|---|
| Anfinson | Holm | Peterson, Ransom |
| Arneson, Nelson | Holthusen | Rait |
| Arneson, Ramsey | Hultstrand | Rettke |
| Beede | Ireland | Ritter |
| Benno | Ista | Rohde |
| Bergesen | Jensen | Sand |
| Billigmeier | Johnson, Cass | Saumur |
| Bingenheimer | Johnson, LaMoure | Schmidt, Sheridan |
| Blair | Joiner | Scholl |
| Bolmeier | Keller | Schwartz |
| Boulden | Kluver | Sellens |
| Braun, McLean | Knutson | Semerad |
| Braun, Stark | Levin | Severson |
| Brown | Lunde | Sharpe |
| Buchholz | McInnes | Shure |
| Byrne | McIntee | Singleton |
| Culver | McIntyre | Skartvedt |
| Dalzell | Myers | Solberg |
| Dike | Mittag | Stormon |
| Dittmer | Moe | Symington |
| Erickson | Mollet | Thompson, Steele |
| Feton | Morland | Trydahl |
| Fitch | Nelson, Cass | Urschel |
| Fletcher | Nelson, Dickey | Wambheim |
| Fraser | Nystrom | Westby |
| Fuglestad | O'Brien | Williams,Richland |
| Glas | Odegard | Wolf |
| Gray | Oglesby | Mr. Speaker |
| Haag | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Panko | Schmidt, McHenry | Tuff |
| Schauss | Stone | |

Absent and not voting:

| | | |
|---|---|---|
| Belzer | Lange | Thompson,Burl'gh |
| Crockett | Larson | Twichell |
| Gainor | Nelson, Steele | Williams,Stutsm'n |
| Hofstrand | Schimke | |

So the bill passed and the title was agreed to and the Emergency Clause declared carried.

Rep. Gray moved that the vote by which House Bill No. 375 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 392 was read the second time.

Rep. Morland asked for unanimous consent to amend House Bill No. 392 by including the emergency clause in the title and body of the bill, which consent was granted and the motion prevailed.

Rep. Morland moved that the rules be suspended and that House Bill No. 392 be considered properly re-engrossed, placed on second reading and final passage, which motion prevailed.

House Bill No. 392. A Bill for an Act Making an Appropriation of Three Hundred Forty-three Dollars ($343.00) for the Purpose of Paying the Funeral Expenses of Representative Ignatz Sticka of Stark County, 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, 79; nays, 2; absent and not voting, 29.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Heckman | Page |
| Anderson, Benson | Holthusen | Peterson,Bottineau |
| Anderson,M'K'nzie | Ireland | Peterson, Ransom |
| Anfinson | Ista | Rait |
| Arneson, Ramsey | Jensen | Rettke |
| Beede | Johnson, Cass | Ritter |
| Billigmeier | Johnson, LaMoure | Rohde |
| Bingenheimer | Joiner | Saumur |
| Blair | Keller | Schauss |
| Bolmeier | Kluver | Schmidt, Sheridan |
| Boulden | Knutson | Schwartz |
| Braun, McLean | Levin | Semerad |
| Braun, Stark | McInnes | Severson |
| Brown | McIntee | Sharpe |
| Buchholz | McIntyre | Singleton |
| Byrne | Mittag | Skartvedt |
| Dike | Moe | Solberg |
| Dittmer | Mollet | Stormon |
| Erickson | Morland | Symington |
| Feton | Nelson, Cass | Trydahl |
| Fletcher | Nelson, Dickey | Twichell |
| Gainor | Nystrom | Urschel |
| Glas | O'Brien | Westby |
| Gray | Odegard | Williams,Richland |
| Haag | Oglesby | Wolf |
| Halvorson | Ostgulen | Mr. Speaker |
| Haugland | | |

Those voting in the negative were:

| | |
|---|---|
| Thompson, Steele | Wambheim |

Absent and not voting:

| | | |
|---|---|---|
| Arneson, Nelson | Hofstrand | Schmidt, McHenry |
| Belzer | Holm | Schimke |
| Benno | Hultstrand | Scholl |
| Bergesen | Lange | Sellens |
| Crockett | Larson | Shure |
| Culver | Lunde | Stone |
| Dalzell | Myers | Thompson,Burl'gh |
| Fitch | Nelson, Steele | Tuff |
| Fraser | Panko | Williams,Stutsm'n |
| Fuglestad | Sand | |

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

House Bill No. 390. A Bill for an Act Reserving to the State of North Dakota All Rights to Minerals, Natural Gas or Oil Which May Be Found or Underlying All Lands Owned by the State of North Dakota or Hereafter Acquired by the State of North Dakota by Foreclosure, Quit Claim Deed or Otherwise; 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, 81; nays, 7; absent and not voting, 22.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Halvorson | Peterson, Ransom |
| Anderson, Benson | Haugland | Rait |
| Anfinson | Heckman | Rettke |
| Arneson, Ramsey | Holm | Rohde |
| Beede | Holthusen | Sand |
| Belzer | Ireland | Saumur |
| Bergesen | Ista | Schmidt, Sheridan |
| Billigmeier | Jensen | Scholl |
| Bingenheimer | Johnson, LaMoure | Schwartz |
| Blair | Joiner | Sellens |
| Bolmeier | Knutson | Semerad |
| Boulden | Levin | Severson |
| Braun, McLean | Lunde | Sharpe |
| Braun, Stark | McIntee | Shure |
| Brown | McIntyre | Singleton |
| Buchholz | Myers | Skartvedt |
| Culver | Mittag | Solberg |
| Dalzell | Moe | Stone |
| Dike | Morland | Stormon |
| Erickson | Nelson, Cass | Symington |
| Feton | Nelson, Dickey | Thompson, Steele |
| Fletcher | Nystrom | Tuff |
| Fraser | Odegard | Twichell |
| Fuglestad | Oglesby | Urschel |
| Gainor | Ostgulen | Wambheim |
| Glas | Page | Westby |
| Gray | Peterson,Bottineau | Williams,Richland |

Those voting in the negative were:

| | | |
|---|---|---|
| Anderson,M'K'nzie | Mollet | Wolf |
| Fitch | Ritter | Mr. Speaker |
| Keller | | |

Absent and not voting:

| | | |
|---|---|---|
| Arneson, Nelson | Johnson, Cass | Panko |
| Benno | Kluver | Schauss |
| Byrne | Lange | Schmidt, McHenry |
| Crockett | Larson | Schimke |
| Dittmer | McInnes | Thompson,Burl'gh |
| Haag | Nelson, Steele | Trydahl |
| Hofstrand | O'Brien | Williams,Stutsm'n |
| Hultstrand | | |

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

Rep. Moe moved that the vote by which House Bill No. 390 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

House Bill No. 310. A Bill for an Act to Amend and Reenact Section 2790a7 and 2790a8 of the 1925 Supplement to the Compiled Laws of the State of North Dakota; Relating to Duties of Bee Inspector and of Owners; Providing for Inspection Fees and the Collection Thereof and Repealing 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, 83; nays, 7; absent and not voting, 20.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Glas | Oglesby |
| Anderson, Benson | Gray | Ostgulen |
| Anderson,M'K'nzie | Haag | Page |
| Anfinson | Haugland | Peterson,Bottineau |
| Arneson, Ramsey | Heckman | Rait |
| Beede | Holm | Ritter |
| Belzer | Holthusen | Rohde |
| Benno | Ireland | Saumur |
| Bergesen | Ista | Schmidt, Sheridan |
| Billigmeier | Jensen | Schimke |
| Bingenheimer | Johnson, Cass | Schwartz |
| Blair | Johnson, LaMoure | Sellens |
| Bolmeier | Joiner | Semerad |
| Boulden | Keller | Sharpe |
| Braun, McLean | Kluver | Shure |
| Braun, Stark | McInnes | Singleton |
| Brown | McIntee | Skartvedt |
| Buchholz | McIntyre | Solberg |
| Culver | Myers | Stormon |
| Dike | Mittag | Trydahl |
| Dittmer | Moe | Twichell |
| Erickson | Mollet | Urschel |
| Feton | Morland | Wambheim |
| Fitch | Nelson, Cass | Westby |
| Fletcher | Nelson, Dickey | Williams,Richland |
| Fraser | Nystrom | Wolf |
| Fuglestad | O'Brien | Mr. Speaker |
| Gainor | Odegard | |

Those voting in the negative were:

| | | |
|---|---|---|
| Halvorson | Rettke | Symington |
| Knutson | Severson | Thompson, Steele |
| Levin | | |

Absent and not voting:

| | | |
|---|---|---|
| Arneson, Nelson | Larson | Schmidt, McHenry |
| Byrne | Lunde | Scholl |
| Crockett | Nelson, Steele | Stone |
| Dalzell | Panko | Thompson,Burl'gh |
| Hofstrand | Peterson, Ransom | Tuff |
| Hultstrand | Sand | Williams,Stutsm'n |
| Lange | Schauss | |

So the bill passed and the title was agreed to.

Rep. Schimke moved that the vote by which House Bill No. 310 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

House Bill No. 131. A Bill for an Act Appropriating Money for the School of Mines at the University of North Dakota, to Supplement Works Progress Administration and United States Bureau of Mines Funds for the Investigation and Development of the Lignite 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, the roll was called and there were ayes, 64; nays, 29; absent and not voting, 17.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Fuglestad | Nelson, Dickey |
| Anderson, Benson | Gainor | Nystrom |
| Anderson,M'K'nzie | Glas | O'Brien |
| Anfinson | Gray | Odegard |
| Arneson, Ramsey | Haugland | Page |
| Beede | Heckman | Rait |
| Belzer | Holm | Rettke |
| Benno | Holthusen | Ritter |
| Bergesen | Ireland | Saumur |
| Billigmeier | Ista | Schauss |
| Bingenheimer | Joiner | Schmidt, McHenry |
| Boulden | Kluver | Schmidt, Sheridan |
| Braun, Stark | Levin | Semerad |
| Brown | McInnes | Solberg |
| Buchholz | McIntee | Stormon |
| Culver | McIntyre | Trydahl |
| Dalzell | Myers | Twichell |
| Dike | Mittag | Urschel |
| Erickson | Mollet | Williams,Richland |
| Feton | Morland | Wolf |
| Fletcher | Nelson, Cass | Mr. Speaker |
| Fraser | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Blair | Moe | Sharpe |
| Bolmeier | Oglesby | Shure |
| Braun, McLean | Ostgulen | Singleton |
| Dittmer | Peterson,Bottineau | Skartvedt |
| Haag | Peterson, Ransom | Stone |
| Halvorson | Rohde | Symington |
| Johnson, Cass | Schimke | Thompson, Steele |
| Johnson, LaMoure | Schwartz | Wambheim |
| Keller | Sellens | Westby |
| Knutson | Severson | |

Absent and not voting:

| | | |
|---|---|---|
| Arneson, Nelson | Jensen | Sand |
| Byrne | Lange | Scholl |
| Crockett | Larson | Thompson,Burl'gh |
| Fitch | Lunde | Tuff |
| Hofstrand | Nelson, Steele | Williams,Stutsm'n |
| Hultstrand | Panko | |

So the bill passed and the title was agreed to.

Rep. Semerad moved that the vote by which House Bill No. 131 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

House Bill No. 354. A Bill for an Act for the Regulation of Motor Trucks, Trailers, Semi-Trailers, and Busses, Relative to Size and Weights of Vehicles and Loads, and to the Taxation and Licensing of Such Vehicles in Operation Upon the Highways of This State; and Amending and Re-enacting Sub-sections (c), (e) and (f) of Section 36, of Chapter 162 of the Session Laws of 1927, as Amended by Chapter 185, of the Session Laws of 1935, and Sub-sections (b) of Section

25, of Chapter 179, of the Session Laws of 1927, as Amended by Section 5, of Chapter 186 of the Session Laws of 1931; and Repealing Sub-section (c) of Section 25, of Chapter 179, of the 1927 Session Laws, as Amended by Chapter 180 of the Session Laws of 1935, and Sub-sections (d), (e), and (f), of Section 25, of Chapter 179, of the Session Laws of 1927; and Repealing All Other 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, 82; nays, 11; absent and not voting, 17.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Haag | Peterson,Bottineau |
| Anderson, **Benson** | Halvorson | Peterson, Ransom |
| Anderson,**M'K'nzie** | Haugland | Rait |
| Anfinson | Heckman | Rettke |
| Arneson, **Ramsey** | Holm | Ritter |
| Beede | Holthusen | Rohde |
| Belzer | Ireland | Schauss |
| Benno | Ista | Schmidt, McHenry |
| Bergesen | Johnson, Cass | Schmidt, Sheridan |
| Billigmeier | Johnson, LaMoure | Schimke |
| Bingenheimer | Joiner | Scholl |
| Bolmeier | Keller | Sellens |
| Boulden | Kluver | Semerad |
| Braun, **McLean** | Knutson | Shure |
| Braun, **Stark** | Levin | Singleton |
| Brown | McInnes | Skartvedt |
| Buchholz | McIntee | Solberg |
| Culver | McIntyre | Stormon |
| Dalzell | Myers | Symington |
| Dike | Mittag | Thompson, Steele |
| Erickson | Moe | Trydahl |
| Feton | Mollet | Twichell |
| Fletcher | Morland | Urschel |
| Fraser | Nelson, Cass | Wambheim |
| Fuglestad | Nelson, Dickey | Williams,Richland |
| Gainor | Oglesby | Wolf |
| Glas | Ostgulen | Mr. Speaker |
| Gray | Page | |

Those voting in the negative were:

| | | |
|---|---|---|
| Blair | Odegard | Sharpe |
| Dittmer | Saumur | Stone |
| Nystrom | Schwartz | Westby |
| O'Brien | Severson | |

Absent and not voting:

| | | |
|---|---|---|
| Arneson, **Nelson** | Jensen | Panko |
| Byrne | Lange | Sand |
| Crockett | Larson | Thompson,Burl'gh |
| Fitch | Lunde | Tuff |
| Hofstrand | Nelson, Steele | Williams,Stutsm'n |
| Hultstrand | | |

So the bill passed and the title was agreed to.

Rep. Rohde moved that the vote by which House Bill No.

354 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Rep. Westby: "Due to the fact that the tonnage was taken off this bill I am compelled to vote 'no'."

House Bill No. 279. A Bill for an Act to Amend and Reenact Subdivisions (a) and Section 19 of Chapter 179 of the 1927 Session Laws as Amended by Section 6 of Chapter 160 of the 1933 Session Laws; providing for the Registration of Motor Vehicles, Registration Fees for Motor Vehicles Except Trucks and Busses, and When All Motor Vehicle Fees Shall Become Delinquent, and Penalties Therefor; 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, 88; nays, 5; absent and not voting, 17.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Haag | Peterson,Bottineau |
| Anderson, Benson | Halvorson | Peterson, Ransom |
| Anderson,M'K'nzie | Haugland | Rait |
| Anfinson | Heckman | Rettke |
| Arneson, Ramsey | Holm | Ritter |
| Beede | Holthusen | Rohde |
| Belzer | Ireland | Saumur |
| Benno | Ista | Schauss |
| Bergesen | Johnson, Cass | Schmidt, Sheridan |
| Billigmeier | Johnson, LaMoure | Scholl |
| Bingenheimer | Joiner | Schwartz |
| Blair | Keller | Sellens |
| Bolmeier | Kluver | Semerad |
| Boulden | Knutson | Severson |
| Braun, McLean | Levin | Sharpe |
| Braun, Stark | McInnes | Shure |
| Brown | McIntee | Singleton |
| Buchholz | McIntyre | Skartvedt |
| Culver | Myers | Solberg |
| Dalzell | Mittag | Stormon |
| Dike | Moe | Thompson, Steele |
| Dittmer | Mollet | Trydahl |
| Erickson | Morland | Twichell |
| Feton | Nelson, Cass | Urschel |
| Fletcher | Nystrom | Wambheim |
| Fraser | O'Brien | Westby |
| Fuglestad | Odegard | Williams,Richland |
| Gainor | Oglesby | Wolf |
| Glas | Ostgulen | Mr. Speaker |
| Gray | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Nelson, Dickey | Schmidt, McHenry | Symington |
| Page | Stone | |

Absent and not voting:

| | | |
|---|---|---|
| Arneson, Nelson | Jensen | Sand |
| Byrne | Lange | Schimke |
| Crockett | Larson | Thompson, Burl'gh |
| Fitch | Lunde | Tuff |

| | | |
|---|---|---|
| Hofstrand | Nelson, Steele | Williams, Stutsm'n |
| Hultstrand | Panko | |

So the bill passed and the title was agreed to.

Rep. Belzer moved that the vote by which House Bill No. 279 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 302 was read the second time.

Rep. Bergesen asked unanimous consent to amend House Bill No. 302, which consent was granted.

Rep. Bergesen moved the following amendment to House Bill No. 302:

On page 6, Section 3, line 6, after the word "within" strike out the word "the" and insert in lieu thereof the word "a".

Which motion prevailed.

Rep. Morland moved that the rules be suspended and that House Bill No. 302 be considered properly re-engrossed, placed on Second Reading and Final Passage, which motion prevailed.

House Bill No. 302. A Bill for an Act to Amend Sections 1, 3 and 15 of Chapter 164, of the Session Laws of North Dakota for the Year 1933, and Acts Amendatory Thereof and Supplementary Thereto; Defining and Classifying Agriculture Carriers and Providing for Their Licensing, Regulations and Exemption; and Providing for the Enforcement of the Provisions of This Act, and for Penalties for the Violation 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, 93; nays, 1; absent and not voting, 16.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Halvorson | Peterson, Bottineau |
| Anderson, M'K'nzie | Haugland | Peterson, Ransom |
| Anfinson | Heckman | Rait |
| Arneson, Ramsey | Holm | Rettke |
| Beede | Holthusen | Ritter |
| Belzer | Ireland | Rohde |
| Benno | Ista | Saumur |
| Bergesen | Johnson, Cass | Schauss |
| Billigmeier | Johnson, LaMoure | Schmidt, McHenry |
| Bingenheimer | Joiner | Schmidt, Sheridan |
| Blair | Keller | Schimke |
| Bolmeier | Kluver | Scholl |
| Boulden | Knutson | Schwartz |
| Braun, McLean | Levin | Sellens |
| Braun, Stark | McInnes | Semerad |
| Brown | McIntee | Severson |
| Buchholz | McIntyre | Sharpe |
| Byrne | Myers | Shure |
| Culver | Mittag | Singleton |
| Dalzell | Mollet | Skartvedt |
| Dike | Moe | Stormon |
| Dittmer | Morland | Symington |
| Erickson | Nelson, Cass | Thompson, Steele |

| | | |
|---|---|---|
| Feton | Nelson, Dickey | Trydahl |
| Fletcher | Nystrom | Twichell |
| Fraser | O'Brien | Urschel |
| Fuglestad | Odegard | Wambheim |
| Gainor | Oglesby | Westby |
| Glas | Ostgulen | Williams,Richland |
| Gray | Page | Wolf |
| Haag | Panko | Mr. Speaker |

Those voting in the negative were:
Solberg

Absent and not voting:

| | | |
|---|---|---|
| Anderson, Benson | Jensen | Sand |
| Arneson, Nelson | Lange | Stone |
| Crockett | Larson | Thompson,Burl'gh |
| Fitch | Lunde | Tuff |
| Hofstrand | Nelson, Steele | Williams,Stutsm'n |
| Hultstrand | | |

So the bill passed and the title was agreed to and the Emergency Clause was declared carried.

Rep. Buchholz moved that the vote by which House Bill No. 302 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Rep. Ritter moved that House Bill No. 297 be placed at the foot of the calendar, which motion was lost.

House Bill No. 297. A Bill for an Act to Require That for Any Motor Vehicle, or Any Combination of Vehicles Operated as One Unit, Propelled by a Diesel Engine, the Registration Fee Shall Be Seventy-five Per Cent More Than for Any Motor Vehicle or Any Combination of Vehicles Operated as One Unit Not So Propelled; 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, 87; nays, 4; absent and not voting, 19.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Halvorson | Panko |
| Anderson,M'K'nzie | Haugland | Peterson,Bottineau |
| Anfinson | Heckman | Peterson, Ransom |
| Arneson, Ramsey | Holm | Rait |
| Beede | Holthusen | Rettke |
| Belzer | Ireland | Rohde |
| Benno | Ista | Sa mur |
| Bergesen | Johnson, Cass | Schmidt, Sheridan |
| Billigmeier | Johnson, LaMoure | Scholl |
| Bingenheimer | Joiner | Schwartz |
| Blair | Keller | Sellens |
| Bolmeier | Kluver | Semerad |
| Boulden | Knutson | Severson |
| Braun, McLean | Levin | Shure |
| Braun, Stark | McInnes | Singleton |
| Brown | McIntee | Skartvedt |
| Buchholz | McIntyre | Solberg |
| Byrne | Myers | Stone |
| Dalzell | Mittag | Stormon |

| | | |
|---|---|---|
| Dike | Moe | Symington |
| Erickson | Mollet | Thompson, Steele |
| Feton | Morland | Trydahl |
| Fletcher | Nelson, Cass | Twichell |
| Fraser | Nystrom | Urschel |
| Fuglestad | O'Brien | Wambheim |
| Gainor | Odegard | Westby |
| Glas | Oglesby | Williams,Richland |
| Gray | Ostgulen | Wolf |
| Haag | Page | Mr. Speaker |

Those voting in the negative were:

| | | |
|---|---|---|
| Ritter | Schimke | Sharpe |
| Schmidt, McHenry | | |

Absent and not voting:

| | | |
|---|---|---|
| Anderson, Benson | Hultstrand | Nelson, Steele |
| Arneson, Nelson | Jensen | Sand |
| Crockett | Lange | Schauss |
| Culver | Larson | Thompson,Burl'gh |
| Dittmer | Lunde | Tuff |
| Fitch | Nelson, Dickey | Williams,Stutsm'n |
| Hofstrand | | |

So the bill passed and the title was agreed to and the Emergency Clause was declared carried.

Rep. Westby moved that the vote by which House Bill No. 297 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Speaker Hagen: "I vote 'aye' although I think this is the wrong way to get at what we are trying to do by this bill. I would rather see a special tax on the fuel for Diesel use so that we could also get at Diesels used on construction work."

House Bill No. 331. A Bill for an Act Imposing a Tax Upon Malt Beverages Not Taxed Under Initiated Beer Law of 1933, Providing for Reports by the Vendor, Prescribing Penalties and Providing That the Proceeds of Such Tax Shall Be Paid Into the General Fund of the State, 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, 74; nays, 16; absent and not voting, 20.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Ista | Peterson, Ransom |
| Anderson,M'K'nzie | Johnson, Cass | Rait |
| Anfinson | Johnson, LaMoure | Rettke |
| Arneson, Ramsey | Joiner | Ritter |
| Beede | Keller | Rohde |
| Belzer | Kluver | Saumur |
| Bergesen | Knutson | Schmidt, Sheridan |
| Billigmeier | Levin | Scholl |

| | | |
|---|---|---|
| Bingenheimer | Lunde | Sellens |
| Boulden | McIntee | Severson |
| Buchholz | McIntyre | Sharpe |
| Byrne | Myers | Shure |
| Dalzell | Mittag | Singleton |
| Dike | Moe | Skartvedt |
| Erickson | Mollet | Solberg |
| Fletcher | Morland | Stormon |
| Fuglestad | Nelson, Cass | Symington |
| Glas | Nelson, Dickey | Thompson, Steele |
| Gray | Nystrom | Trydahl |
| Haag | O'Brien | Urschel |
| Halvorson | Odegard | Wambheim |
| Haugland | Oglesby | Williams,Richland |
| Heckman | Ostgulen | Wolf |
| Holthusen | Page | Mr. Speaker |
| Ireland | Peterson,Bottineau | |

Those voting in the negative were:

| | | |
|---|---|---|
| Blair | Fraser | Schwartz |
| Bolmeier | Gainor | Semerad |
| Braun, McLean | Holm | Stone |
| Braun, Stark | McInnes | Twichell |
| Brown | Schmidt, McHenry | Westby |
| Culver | | |

Absent and not voting:

| | | |
|---|---|---|
| Anderson, Benson | Hofstrand | Sand |
| Arneson, Nelson | Hultstrand | Schauss |
| Benno | Jensen | Schimke |
| Crockett | Lange | Thompson, Burl'gh |
| Dittmer | Larson | Tuff |
| Feton | Nelson, Steele | Williams, Stutsm'n |
| Fitch | Panko | |

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

Rep. Rohde moved that the vote by which House Bill No. 331 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 377. A Bill for an Act to Provide for the Licensing of Bee-Keepers and for Apiaries; for Issuance of License; for an Appropriation; for Penalties 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, 68; nays, 19; absent and not voting, 23.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Fuglestad | Page |
| Anderson,M'K'nzie | Gainor | Peterson, Ransom |
| Anfinson | Glas | Rait |
| Arneson, Ramsey | Gray | Rettke |
| Beede | Haag | Ritter |
| Belzer | Haugland | Rohde |
| Benno | Heckman | Saumur |
| Bergesen | Holthusen | Schmidt, McHenry |

| | | |
|---|---|---|
| Billigmeier | Ireland | Schmidt, Sheridan |
| Bingenheimer | Johnson, Cass | Sellens |
| Blair | Johnson, LaMoure | Sharpe |
| Bolmeier | Joiner | Shure |
| Braun, McLean | Keller | Singleton |
| Braun, Stark | Kluver | Skartvedt |
| Brown | McInnes | Solberg |
| Byrne | McIntee | Stormon |
| Culver | McIntyre | Symington |
| Dalzell | Myers | Twichell |
| Dike | Mittag | Westby |
| Dittmer | Mollet | Williams,Richland |
| Erickson | Nelson, Cass | Wolf |
| Fletcher | Nelson, Dickey | Mr. Speaker |
| Fraser | Nystrom | |

Those voting in the negative were:

| | | |
|---|---|---|
| Boulden | Morland | Severson |
| Buchholz | O'Brien | Stone |
| Halvorson | Oglesby | Thompson, Steele |
| Holm | Ostgulen | Trydahl |
| Knutson | Schwartz | Urschel |
| Levin | Semerad | Wambheim |
| Moe | | |

Absent and not voting:

| | | |
|---|---|---|
| Anderson, Benson | Jensen | Sand |
| Arneson, Nelson | Lange | Schauss |
| Crockett | Larson | Schimke |
| Feton | Lunde | Scholl |
| Fitch | Nelson, Steele | Thompson,Burl'gh |
| Hofstrand | Odegard | Tuff |
| Hultstrand | Panko | Williams,Stutsm'n |
| Ista | Peterson,Bottineau | |

So the bill passed and the title was agreed to and the Emergency Clause was declared carried.

Rep. Rohde moved that the vote by which House Bill No. 377 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

The House reverted to the Fifth Order of Business.

## REPORTS OF STANDING COMMITTEES

The Committee on Enrollment and Engrossment made the following report:

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

House Bill No. 302.
House Bill No. 392.
House Bill No. 385.
House Bill No. 333.
House Bill No. 306.

And find the same correctly engrossed.

OLAF OSTGULEN, Chairman.

Rep. Ostgulen 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. Speaker: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bills:

House Bill No. 238.

House Bill No. 311.

And find the same correctly re-engrossed.

OLAF OSTGULEN, Chairman.

Rep. Ostgulen moved that the report be adopted, which motion prevailed, and the report was adopted.

## SECOND READING OF HOUSE BILLS

House Bill No. 396. A Bill for an Act Amending and Reenacting Section 189b11 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, as Amended by Section 10 of Chapter 137, Laws of 1933, in Reference to State Hail Insurance, Crop Affidavit, Insurability and Liens; 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, 72; nays, 11; absent and not voting, 27.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Gray | Ostgulen |
| Anderson,M'K'nzie | Haag | Page |
| Anfinson | Halvorson | Peterson,Bottineau |
| Beede | Haugland | Peterson, Ransom |
| Belzer | Heckman | Rait |
| Benno | Holm | Rettke |
| Bergesen | Holthusen | Ritter |
| Billigmeier | Ireland | Saumur |
| Bingenheimer | Johnson, Cass | Schwartz |
| Blair | Joiner | Sellens |
| Boulden | Keller | Semerad |
| Braun, McLean | Kluver | Severson |
| Brown | Knutson | Shure |
| Buchholz | Levin | Singleton |
| Byrne | McInnes | Skartvedt |
| Culver | McIntee | Solberg |
| Dalzell | McIntyre | Symington |
| Dike | Myers | Trydahl |
| Dittmer | Mollet | Twichell |
| Erickson | Morland | Urschel |
| Fletcher | Nelson, Cass | Wambheim |
| Fraser | Nelson, Dickey | Williams,Richland |
| Gainor | Nystrom | Wolf |
| Glas | O'Brien | Mr. Speaker |

Those voting in the negative were:

| | | |
|---|---|---|
| Arneson, Ramsey | Mittag | Sharpe |
| Bolmeier | Rohde | Stone |
| Fuglestad | Schmidt, McHenry | Stormon |
| Johnson, LaMoure | Schmidt, Sheridan | |

Absent and not voting:

| | | |
|---|---|---|
| Anderson, Benson | Jensen | Sand |
| Arneson, Nelson | Lange | Schauss |

| | | |
|---|---|---|
| Braun, Stark | Larson | Schimke |
| Crockett | Lunde | Scholl |
| Feton | Moe | Thompson, Burl'gh |
| Fitch | Nelson, Steele | Thompson, Steele |
| Hofstrand | Odegard | Tuff |
| Hultstrand | Oglesby | Westby |
| Ista | Panko | Williams, Stutsm'n |

So the bill passed and the title was agreed to and the Emergency Clause was declared carried.

Rep. Peterson of Bottineau moved that the vote by which House Bill No. 396 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Rep. Twichell moved that House Bill No. 277 be placed at the foot of the calendar, which motion prevailed.

House Bill No. 150 was read the second time.

Rep. Morland moved that House Bill No. 150 be placed at the foot of the calendar, which motion was lost.

House Bill No. 150. A Bill for an Act Making an Appropriation for the State to Pay Seventy-five Per Cent (75%) of All Costs and Expenses of Maintaining and Providing for Patients at the State Hospital for the Insane, Patients at the Feeble-minded Institution, and Patients at the Tuberculosis Sanatorium, for the Biennium Beginning July 1, 1939, and Ending June 30, 1941, Seventy-five Per Cent (75%) of Such Costs of Caring for Such Patients to Be Charged to the State of North Dakota, and the Remaining Twenty-five Per Cent (25%) to Be Charged to the Counties, Now Required by Law to so Provide for Such Patients; 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, 58; nays, 25; absent and not voting, 27.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Halvorson | Peterson, Ransom |
| Anderson, M'K'nzie | Haugland | Rait |
| Anfinson | Heckman | Rettke |
| Arneson, Ramsey | Holm | Ritter |
| Beede | Ireland | Rohde |
| Belzer | Johnson, LaMoure | Schmidt, Sheridan |
| Benno | Joiner | Schwartz |
| Bergesen | Keller | Semerad |
| Billigmeier | Kluver | Severson |
| Bingenheimer | Knutson | Sharpe |
| Braun, Stark | McIntee | Singleton |
| Brown | McIntyre | Skartvedt |
| Buchholz | Myers | Solberg |
| Culver | Mittag | Stone |
| Dike | Mollet | Stormon |
| Erickson | Nelson, Dickey | Urschel |
| Fletcher | Nystrom | Williams, Richland |
| Fraser | Ostgulen | Wolf |
| Gray | Peterson, Bottineau | Mr. Speaker |
| Haag | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Blair | Johnson, Cass | Sellens |
| Bolmeier | McInnes | Shure |
| Boulden | Morland | Symington |
| Braun, McLean | Nelson, Cass | Thompson, Steele |
| Dalzell | O'Brien | Trydahl |
| Dittmer | Page | Twichell |
| Fuglestad | Saumur | Wambheim |
| Gainor | Schmidt, McHenry | Westby |
| Holthusen | | |

Absent and not voting:

| | | |
|---|---|---|
| Anderson, Benson | Ista | Oglesby |
| Arneson, Nelson | Jensen | Panko |
| Byrne | Lange | Sand |
| Crockett | Larson | Schauss |
| Feton | Levin | Schimke |
| Fitch | Lunde | Scholl |
| Glas | Moe | Thompson, Burl'gh |
| Hofstrand | Nelson, Steele | Tuff |
| Hultstrand | Odegard | Williams, Stutsm'n |

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

Rep. Peterson of Bottineau 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.

Rep. Bergesen: I vote "aye" because in the course of the last few years all of the new sources of revenue that we have devised have been revenues for the State and not for the local municipalities or the counties. On the other hand we have put more burdens on the county without giving them additional funds with which to operate.

Rep. Morland voted "no" for the purpose of reconsideration.

House Bill No. 285. A Bill for an Act to Amend Chapter 138 Session Laws of 1937, State of North Dakota, Relating to Secondary and Feeder Roads by Adding an Additional Section Designated as Section 3, Relating to Designation of a Secondary Highway System and Authorizing the State Highway Commissioner to Designate Highways in Such System; 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, 58; nays, 26; absent and not voting, 26.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Arneson, Ramsey | Gray | Ritter |
| Beede | Halvorson | Rohde |
| Belzer | Holm | Saumur |
| Bergesen | Holthusen | Schmidt, Sheridan |
| Bingenheimer | Ireland | Sellens |
| Blair | Johnson, Cass | Semerad |
| Bolmeier | Johnson, LaMoure | Severson |
| Boulden | Joiner | Sharpe |
| Braun, McLean | Keller | Skartvedt |

| | | |
|---|---|---|
| Braun, Stark | Kluver | Solberg |
| Brown | McInnes | Stormon |
| Buchholz | Mittag | Thompson, Steele |
| Byrne | Moe | Trydahl |
| Culver | Morland | Twichell |
| Dittmer | Nelson, Cass | Urschel |
| Erickson | Nystrom | Wambheim |
| Fletcher | O'Brien | Westby |
| Fraser | Peterson, Ransom | Williams,Richland |
| Fuglestad | Rettke | Wolf |
| Gainor | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Adam | Knutson | Rait |
| Anderson,M'K'nzie | Levin | Schmidt, McHenry |
| Anfinson | McIntee | Schwartz |
| Billigmeier | McIntyre | Shure |
| Dalzell | Myers | Singleton |
| Dike | Nelson, Dickey | Stone |
| Haag | Ostgulen | Symington |
| Haugland | Page | Mr. Speaker |
| Heckman | Peterson,Bottineau | |

Absent and not voting:

| | | |
|---|---|---|
| Anderson, Benson | Ista | Panko |
| Arneson, Nelson | Jensen | Sand |
| Benno | Lange | Schauss |
| Crockett | Larson | Schimke |
| Fitch | Lunde | Scholl |
| Feton | Mollet | Thompson,Burl'gh |
| Glas | Nelson, Steele | Tuff |
| Hofstrand | Odegard | Williams,Stutsm'n |
| Hultstrand | Oglesby | |

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

Rep. Johnson of Cass moved that the vote by which House Bill No. 285 was passed be reconsidered, and the motion to reconsider be laid on the table, which motion prevailed.

Rep. Shure voted 'no' for the purpose of reconsideration.

Rep. Byrne moved that the title be amended to include the emergency clause, which motion prevailed. The clerk was instructed to add the emergency clause to the title of the bill.

House Bill No. 296. A Bill for an Act to Amend Subdivision (b) of Section 25 of Chapter 179 of the Session Laws of 1927, as Amended by Chapter 186 of the Session Laws of 1931, as Amended by Chapter 160 of the Session Laws of 1933, as Amended by Chapter 180 of the Session Laws of 1935, by Adding Thereto a Proviso Increasing the Registration Fees for Trucks Propelled by Diesel Engines by Thirty-five Per Cent Over the Registration Fees for Trucks Not so Propelled; 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, 82; nays, 2; absent and not voting, 26.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Haag | Rait |
| Anderson,M'K'nzie | Halvorson | Rettke |
| Anfinson | Haugland | Ritter |
| Arneson, Nelson | Heckman | Rohde |
| Arneson, Ramsey | Holm | Saumur |
| Beede | Holthusen | Schmidt, Sheridan |
| Belzer | Ireland | Scholl |
| Benno | Johnson, Cass | Schwartz |
| Bergesen | Johnson, LaMoure | Sellens |
| Billigmeier | Joiner | Semerad |
| Bingenheimer | Keller | Severson |
| Blair | Kluver | Sharpe |
| Bolmeier | Knutson | Shure |
| Boulden | Levin | Singleton |
| Braun, McLean | McIntee | Skartvedt |
| Braun, Stark | McIntyre | Solberg |
| Brown | Myers | Stone |
| Buchholz | Mittag | Stormon |
| Byrne | Mollet | Symington |
| Culver | Morland | Thompson, Steele |
| Dalzell | Nelson, Cass | Trydahl |
| Dike | Nystrom | Twichell |
| Dittmer | O'Brien | Urschel |
| Erickson | Ostgulen | Wambheim |
| Fletcher | Page | Westby |
| Fraser | Peterson, Ransom | Wolf |
| Fuglestad | Peterson,Bottineau | Mr. Speaker |
| Gainor | | |

Those voting in the negative were:

| | |
|---|---|
| Nelson, Dickey | Schmidt, McHenry |

Absent and not voting:

| | | |
|---|---|---|
| Anderson, Benson | Jensen | Panko |
| Crockett | Lange | Sand |
| Feton | Larson | Schauss |
| Fitch | Lunde | Schimke |
| Glas | McInnes | Thompson, Burl'gh |
| Gray | Moe | Tuff |
| Hofstrand | Nelson, Steele | Williams,Richland |
| Hultstrand | Odegard | Williams, Stutsm'n |
| Ista | Oglesby | |

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

Rep. Mollet moved that the vote by which House Bill No. 296 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

House Bill No. 327 was read the second time.

Rep. Solberg moved that House Bill No. 327 be indefinitely postponed, which motion was lost.

House Bill No. 327. A Bill for an Act Prescribing the Qualifications of County Coroner.

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, 60; nays, 23; absent and not voting, 27.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Halvorson | Peterson, Ransom |
| Anderson,M'K'nzie | Haugland | Rait |
| Belzer | Heckman | Rettke |
| Benno | Holm | Saumur |
| Bergesen | Holthusen | Scholl |
| Billigmeier | Johnson, Cass | Sellens |
| Bingenheimer | Joiner | Semerad |
| Blair | Keller | Sharpe |
| Bolmeier | Kluver | Shure |
| Boulden | Knutson | Singleton |
| Braun, McLean | McIntee | Skartvedt |
| Brown | Myers | Stone |
| Buchholz | Mittag | Symington |
| Byrne | Mollet | Thompson, Steele |
| Dalzell | Nelson, Cass | Trydahl |
| Dittmer | Nelson, Dickey | Twichell |
| Erickson | Nystrom | Wambheim |
| Fletcher | Ostgulen | Westby |
| Fraser | Page | Wolf |
| Gainor | Peterson,Bottineau | Mr. Speaker |

Those voting in the negative were:

| | | |
|---|---|---|
| Anfinson | Ireland | Schmidt, McHenry |
| Arneson, Ramsey | Johnson, LaMoure | Schmidt, Sheridan |
| Beede | Levin | Schwartz |
| Braun, Stark | McIntyre | Severson |
| Culver | Morland | Solberg |
| Dike | O'Brien | Stormon |
| Fuglestad | Ritter | Urschel |
| Haag | Rohde | |

Absent and not voting:

| | | |
|---|---|---|
| Anderson, Benson | Ista | Oglesby |
| Arneson, Nelson | Jensen | Panko |
| Crockett | Lange | Sand |
| Feton | Larson | Schauss |
| Fitch | Lunde | Schimke |
| Glas | McInnes | Thompson, Burl'gh |
| Gray | Moe | Tuff |
| Hofstrand | Nelson, Steele | Williams,Richland |
| Hultstrand | Odegard | Williams, Stutsm'n |

So the bill passed and the title was agreed to.

Rep. Morland moved that the vote by which House Bill No. 327 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

House Bill No. 333 was read the second time.

Rep Twichell moved that House Bill No. 333 be placed at the foot of the calendar, which motion was lost.

House Bill No. 333. A Bill for an Act Imposing a Tax Upon Cigars, Providing for Reports by Vendors, Prescribing Penalties, and Providing That the Proceeds of Such Tax Shall be Paid Into the General Fund of the State 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, 49; nays, 30; absent and not voting, 31.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Heckman | Peterson, Bottineau |
| Anderson, M'K'nzie | Ireland | Rait |
| Arneson, Ramsey | Johnson, LaMoure | Rettke |
| Beede | Joiner | Ritter |
| Belzer | Keller | Rohde |
| Billigmeier | Knutson | Schmidt, Sheridan |
| Bingenheimer | McIntee | Scholl |
| Braun, McLean | McIntyre | Schwartz |
| Brown | Myers | Semerad |
| Buchholz | Mittag | Shure |
| Culver | Mollet | Singleton |
| Dalzell | Morland | Skartvedt |
| Erickson | Nelson, Dickey | Solberg |
| Fletcher | Nystrom | Stormon |
| Fraser | Ostgulen | Symington |
| Haag | Page | Thompson, Steele |
| Halvorson | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Benno | Holm | Sellens |
| Bergesen | Holthusen | Severson |
| Blair | Johnson, Cass | Sharpe |
| Bolmeier | Kluver | Stone |
| Boulden | Levin | Trydahl |
| Byrne | Nelson, Cass | Twichell |
| Dike | O'Brien | Wambheim |
| Dittmer | Peterson, Ransom | Westby |
| Fuglestad | Saumur | Wolf |
| Haugland | Schmidt, McHenry | Mr. Speaker |

Absent and not voting:

| | | |
|---|---|---|
| Anderson, Benson | Hultstrand | Oglesby |
| Anfinson | Ista | Panko |
| Arneson, Nelson | Jensen | Sand |
| Braun, Stark | Lange | Schauss |
| Crockett | Larson | Schimke |
| Feton | Lunde | Thompson, Burl'gh |
| Fitch | McInnes | Tuff |
| Gainor | Moe | Urschel |
| Glas | Nelson, Steele | Williams, Richland |
| Gray | Odegard | Williams, Stutsm'n |
| Hofstrand | | |

So the bill was declared lost.

Rep. Twichell moved that the vote by which House Bill No. 333 was lost be reconsidered, and the motion to reconsider be laid on the table, which motion prevailed.

Speaker Hagen: I worked hard for a high tax on liquor, beer and soft drinks, but the only thing that we seem to have been able to put across is about a 33 1/3% increase on the lowly snuss.

Rep. Solberg moved that the House do now recess until 9:00 A. M., tomorrow, which motion prevailed, and the House stood recessed.

MINNIE D. CRAIG, Chief Clerk.

## FIFTIETH DAY AFTER RECESS AND FIFTY-FIRST DAY

Bismarck, February 22, 1939.

The House convened at 9:00 A. M., pursuant to recess, Speaker Hagen presiding.

The Speaker announced that the House would be on the Fifth Order of Business.

### REPORT OF STANDING COMMITTEE

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

House Bill No. 41.

And find the same correctly engrossed.

OLAF OSTGULEN, Chairman.

Representative Ostgulen moved that the report be adopted, which motion prevailed, and the report was adopted.

### SECOND READING OF HOUSE 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 Institutions of Higher Learning of the State of North Dakota, and Providing for Offsets for Federal Aid Granted to Said Institutions and the Sub-divisions 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, 76; nays, 4; absent and not voting, 30.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Hofstrand | Peterson, Ransom |
| Anderson, M'K'nzie | Holm | Rait |
| Arneson, Nelson | Hultstrand | Rettke |
| Beede | Ireland | Ritter |
| Benno | Ista | Saumur |
| Billigmeier | Jensen | Schmidt, Sheridan |
| Bingenheimer | Johnson, Cass | Scholl |
| Blair | Joiner | Schwartz |
| Boulden | Keller | Semerad |
| Braun, McLean | Kluver | Severson |
| Braun, Stark | Lange | Sharpe |
| Brown | Larson | Shure |
| Buchholz | Levin | Singleton |
| Dalzell | McIntee | Solberg |
| Dike | Myers | Stone |

| | | |
|---|---|---|
| Feton | Mittag | Stormon |
| Fitch | Moe | Symington |
| Fraser | Morland | Trydahl |
| Fuglestad | Nelson, Dickey | Tuff |
| Gainor | Nystrom | Twichell |
| Glas | O'Brien | Wambheim |
| Gray | Odegard | Westby |
| Haag | Ostgulen | Williams,Richland |
| Halvorson | Page | Wolf |
| Haugland | Peterson,Bottineau | Mr. Speaker |
| Heckman | | |

Those voting in the negative were:

| | | |
|---|---|---|
| McIntyre | Oglesby | Rohde |
| Mollet | | |

Absent and not voting:

| | | |
|---|---|---|
| Anderson, **Benson** | Erickson | Sand |
| Anfinson | Fletcher | Schauss |
| Arneson, **Ramsey** | Holthusen | Schmidt, McHenry |
| Belzer | Johnson, LaMoure | Schimke |
| Bergesen | Knutson | Sellens |
| Bolmeier | Lunde | Skartvedt |
| Byrne | McInnes | Thompson,Burl'gh |
| Crockett | Nelson, Cass | Thompson, Steele |
| Culver | Nelson, Steele | Urschel |
| Dittmer | Panko | Williams,Stutsm'n |

So the bill passed and the title was agreed to.

Rep. Shure moved that the vote by which House Bill No. 41 was passed be reconsidered, and the motion to reconsider be laid on the table, which motion prevailed.

## MESSAGES FROM THE SENATE

Senate Chamber,
Bismarck, February 22, 1939.

Mr. Speaker: I have the honor to transmit:

Senate Bill No. 276. A Bill for an Act to Amend and Reenact Section 6, of Chapter 244, of the Session Laws of 1937, Relating to Liens and Assignments Acquired in Proceedings for the Collection of Rents to Be Applied on Real Estate Taxes; Providing for Priority of Liens Acquired by the United States Government or Any Agency Thereof, and Repealing All Acts in Conflict Herewith; Declaring an Emergency.

Senate Bill No. 222. A Bill for an Act Making an Appropriation for $5,598.30 for Payment of Fire and Tornado Insurance Premiums Upon the Transient Camp Buildings, Located at Lake Metigoshe, Belonging to the State Historical Society.

Senate Bill No. 278. A Bill for an Act Relating to the Board of University and School Lands; Relating to Its Duties and Powers in Relation to Investment of Its Funds, Management of Same; Providing for Levy to Take Care of Losses; Repealing All Acts or Parts of Acts in Conflict Therewith.

Senate Bill No. 268. A Bill for an Act to Amend and Reenact Section 1498 of the Compiled Laws of 1913, Relating to the Records of the Teachers' Insurance and Retirement Fund.

Senate Bill No. 270. A Bill for an Act Providing That the Furnishing of Transportation or Its Equivalent to School Children Shall Be Optional With the School Board of Each District; Repealing All Laws or Parts of Laws in Conflict Therewith.

Senate Bill No. 252. A Bill for an Act to Repeal Section 8 of Chapter 125 of the 1933 Session Laws Relating to Duties of State Highway Commissioner and to Dispense With the Necessity of Filing Monthly With the State Auditing Board an Itemized Statement of Materials Sold or Purchased.

Senate Bill No. 234. A Bill for an Act to Amend and Reenact Section 6 of Chapter 108 of the Session Laws of 1935 as Amended by Chapter 114 of the Session Laws of 1937 and Sections 9, 10, 17 and 18 of Chapter 108 of the Session Laws of 1935; Repealing All Inconsistent Acts; and Declaring an Emergency.

Senate Bill No. 225. A Bill for an Act Relating to the Giving of Proof of Financial Responsibility by Owners and Operators of Motor Vehicles and to Make Uniform the Law With Reference Thereto.

Senate Bill No. 242. A Bill for an Act to Re-establish the North Dakota Mill and Elevator Association and Define Its Powers and Duties; to Provide for the Establishment of a North Dakota Board of Industrial Management, Define Its Powers and Duties in Respect to the Management, Operation and Control of the Properties and Businesses of the North Dakota Mill and Elevator Association, and Repealing All Acts or Parts of Acts in Conflict Herewith.

Senate Bill No. 149. A Bill for an Act to Amend and Reenact Section 714a7 of the 1925 Supplement to the Compiled Laws of North Dakota for the Year 1913, Relating to Securities for Public Deposits.

Senate Bill No. 205. A Blil for an Act Requiring the Publication of the Proceedings of Meetings of County Welfare Boards, Repealing All Acts and Parts of Acts in Conflict Herewith, and Declaring an Emergency.

Senate Bill No. 65. A Bill for an Act Levying and Imposing a Tax to Carry Out the Provisions of That Certain Initiated Measure Adopted at the General Election November 8, 1938, Entitled "An Act Amending and Re-enacting Section 3 of Chapter 211 of the Session Laws of North Dakota for 1937, and Providing That the Amount of Assistance Which Any Person Shall Receive Shall be Sufficient When Added to All Other Income of Recipient to Provide Such Person With a Reasonable Subsistence Compatible With Decency and Health But Shall Not be Less Than a Minimum of Forty Dollars ($40.00) Per Month Except That it Shall Not be Less than a Minimum of Thirty Dollars ($30.00) Per Month for Each Recipient Where There Is More Than One Recipient in a Family and Each County Shall Reimburse the State Agency for Fifteen Per Cent of the Amount Expended for Such Assistance in Such County in Excess of the Amount Provided by the Federal Government and Repealing All Acts and Parts of Acts in Conflict Herewith"; Providing That All Funds Derived From Such Tax Shall be Paid Into the State Treasury and Shall be Deposited in the State Public Welfare Fund in Said Treasury and Disbursed by the Public Welfare Board of North Dakota as

Provided by Law; and Providing for the Submission of This Act to a Vote of the Electors of the State of North Dakota for Their Approval or Rejection and Providing That If This Act Is Rejected at Such Election it Shall be of No Force or Effect, Making an Appropriation, and Declaring an Emergency.

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

Mr. Speaker: I have the honor to return:

House Concurrent Resolution No. 391. A Concurrent Resolution Expressing the Regrets of the Legislative Assembly at the Demise of a Former Representative, Rev. R. E. Strutz.

Which the President has signed.

WM. J. LOWE, Secretary.

## SECOND READING OF HOUSE BILLS

House Bill No. 306. A Bill for an Act to Amend and Reenact Section 2 of Chapter 5 of the 1937 Session Laws.

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, 80; nays, 9; absent and not voting, 21.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Halvorson | Ostgulen |
| Anderson, Benson | Haugland | Peterson,Bottineau |
| Anderson,M'K'nzie | Heckman | Peterson, Ransom |
| Anfinson | Hofstrand | Rait |
| Arneson, Ramsey | Holm | Rettke |
| Beede | Ireland | Ritter |
| Belzer | Ista | Rohde |
| Benno | Jensen | Schmidt, Sheridan |
| Bergesen | Johnson, Cass | Scholl |
| Billigmeier | Johnson, LaMoure | Schwartz |
| Bingenheimer | Joiner | Semerad |
| Blair | Keller | Severson |
| Boulden | Kluver | Sharpe |
| Braun, McLean | Lange | Singleton |
| Braun, Stark | Larson | Solberg |
| Brown | Levin | Stone |
| Buchholz | McIntee | Stormon |
| Dike | Myers | Thompson, Steele |
| Feton | Mittag | Trydahl |
| Fitch | Mollet | Tuff |
| Fletcher | Morland | Wambheim |
| Fraser | Nelson, Cass | Westby |
| Fuglestad | Nelson, Dickey | Williams,Richland |
| Gainor | Nystrom | Williams,Stutsm'n |
| Glas | O'Brien | Wolf |
| Gray | Odegard | Mr. Speaker |
| Haag | Oglesby | |

Those voting in the negative were:

| | | |
|---|---|---|
| Dalzell | Page | Skartvedt |
| McIntyre | Schmidt, McHenry | Symington |
| Moe | Shure | Twichell |

Absent and not voting:

| | | |
|---|---|---|
| Arneson, Nelson | Holthusen | Sand |

| | | |
|---|---|---|
| **Bolmeier** | Hultstrand | **Saumur** |
| **Byrne** | Knutson | **Schauss** |
| **Crockett** | Lunde | **Schimke** |
| **Culver** | McInnes | **Sellens** |
| **Dittmer** | Nelson, Steele | **Thompson, Burl'gh** |
| **Erickson** | **Panko** | **Urschel** |

So the bill passed and the title was agreed to.

Rep. Belzer moved that the vote by which the House Bill No. 306 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

## REPORT OF STANDING COMMITTEE

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

House Bill No. 285.

And find the same correctly Re-Engrossed.

OLAF OSTGULEN, Chairman.

Rep. Ostgulen moved that the report be adopted, which motion prevailed, and the report was adopted.

## MESSAGES TO THE SENATE

House of Representatives,
Bismarck, February 22, 1939.

**Mr. President: I have the honor to transmit:**

House Bill No. 291. A Bill For an Act Declaring that Revenue Bonds Legally and Validly Issued by the State Water Conservation Commission Are Legal and Valid Investments by Banks, Trust Companies, Insurance Companies, Investment Companies, Building and Loan Associations and of Similar Financial Institutions; and Declaring an Emergency.

House Bill No. 311. A Bill for an Act Relating to the Organization of Irrigation Districts, the Powers and Functions of Such Districts, the Establishment and Construction of Irrigation Works Therein and Methods and Procedure for Financing the Cost of Purchasing or Constructing Such Irrigation Works; Amending Section 8247a1 of the Supplement to the Compiled Laws of 1913, as Amended and Reenacted by Section 1 of Chapter 142 of the Session Laws of 1933; Section 8247a2 of the Supplement to the Compiled Laws of 1913; Section 8247a3 of the Supplement to the Compiled Laws of 1913, as Amended and Re-enacted by Section 2 of Chapter 142 of the Session Laws of 1933; Section 8247a4, 8247a5, 8247a6, 8247a7, 8247a8, and 8247a9 of the Supplement to the Compiled Laws of 1913; Section 8247a10 of the Supplement to the Compiled Laws of 1913, as Amended and Re-enacted by Section 3 of Chapter 142 of the Session Laws of 1933 and Amending Sections 8247a11, 8247a12, 8247a13, 8247a14, 8247a15, 8247a16, 8247a17, 8247a18, 8247a19, 8247a20, 8247a21a, 8247a23, 8247a24, 8247a26, 8247a51, 8247a52, 8247a53, 8247a59, 8247a60, 8247a61, 8247a63, 8247a64, 8247a65 and 8247a66 of the Supplement to the Compiled Laws of 1913; Repealing Sections 8247a47, 8247a56, 8247a57 of the Supplement to the Compiled Laws of 1913 and All Acts and Parts of Acts in Conflict With the Provisions of This Act and Declaring an Emergency.

House Bill No. 392. A Bill for an Act Making an Appropriation of Three Hundred Forty-three Dollars ($343.00) for the Purpose of Paying the Funeral Expenses of Representative Ignatz Sticka of Stark County, and Declaring an Emergency.

House Bill No. 302. A Bill for an Act to Amend Sections 1, 3 and 15 of Chapter 164, and Chapter 164, of the Session Laws of North Dakota for the Year 1933, and Acts Amendatory Thereof and Supplementary Thereto; Defining and Classifying Agriculture Carriers and Providing for Their Licensing, Regulations and Exemption; and Providing for the Enforcement of the Provisions of This Act, and for Penalties for the Violation Thereof; and Declaring an Emergency.

House Bill No. 150. A Bill for an Act Making an Appropriation for the State to Pay Seventy-five Per Cent (75%) of All Costs and Expenses of Maintaining and Providing for Patients at the State Hospital for the Insane, Patients at the Feeble-minded Institution, and Patients at the Tuberculosis Sanatorium, for the Biennium Beginning July 1, 1939, and Ending June 30, 1941, Seventy-five Per Cent (75%) of Such Costs of Caring for Such Patients to Be Charged to the State of North Dakota, and the Remaining Twenty-five Per Cent (25%) to Be Charged to the Counties, Now Required by Law to so Provide for Such Patients; Repealing All Acts or Parts of Acts in Conflict Herewith, and Declaring an Emergency.

House Bill No. 377. A Bill for an Act to Provide for the Licensing of Bee-Keepers and for Apiaries; for Issuance of License; for an Appropriation; for Penalties and Declaring an Emergency.

House Bill No. 331. A Bill for an Act Imposing a Tax Upon Malt Beverages Not Taxes Under Initiated Beer Law of 1933, Providing for Reports by the Vendor, Prescribing Penalties and Providing That the Proceeds of Such Tax Shall Be Paid Into the General Fund of the State, and Declaring an Emergency.

House Bill No. 297. A Bill for an Act to Require That for Any Motor Vehicle, or Any Combination of Vehicles Operated as One Unit, Propelled by a Diesel Engine, the Registration Fee Shall Be Seventy-five Per Cent More Than for Any Motor Vehicle or Any Combination of Vehicles Operated as One Unit Not So Propelled; and Declaring an Emergency.

House Bill No. 279. A Bill for an Act to Amend and Reenact Subdivisions (a) and Section 19 of Chapter 179 of the 1927 Session Laws as Amended by Section 6 of Chapter 160 of the 1933 Session Laws; providing for the Registration of Motor Vehicles, Registration Fees for Motor Vehicles Except Trucks and Busses, and When All Motor Vehicle Fees Shall Become Delinquent, and Penalties Therefor; and Repealing all Acts and Parts of Acts in Conflict Herewith.

House Bill No. 354. A Bill for an Act for the Regulation of Motor Trucks, Trailers, Semi-Trailers, and Busses, Relative to Size and Weights of Vehicles and Loads, and to the Taxation and Licensing of Such Vehicles in Operation Upon the Highways of This State; and Amending and Re-enacting Sub-sections (c), (e) and (f) of Section 36, of Chapter 162

of the Session Laws of 1927, as Amended by Chapter 185, of the Session Laws of 1935, and Sub-sections (b) of Section 25, of Chapter 179, of the Session Laws of 1927, as Amended by Section 5, of Chapter 186 of the Session Laws of 1931; and Repealing Sub-section (c) of Section 25, of Chapter 179, of the 1927 Session Laws, as Amended by Chapter 180 of the Session Laws of 1935, and Sub-sections (d), (e), and (f), of Section 25, of Chapter 179, of the Session Laws of 1927; and Repealing All Other Acts or Parts of Acts in Conflict Herewith.

House Bill No. 310. A Bill for an Act to Amend and Reenact Section 2790a7 and 2790a8 of the 1925 Supplement to the Compiled Laws of the State of North Dakota; Relating to Duties of Bee Inspector and of Owners; Providing for Inspection Fees and the Collection Thereof and Repealing All Acts in Conflict Herewith.

House Bill No. 390. A Bill for an Act Reserving to the State of North Dakota All Rights to Minerals, Natural Gas or Oil Which May be Found or Underlying All Lands Owned by the State of North Dakota or Hereafter Acquired by the State of North Dakota by Foreclosure, Quit Claim Deed or Otherwise; Declaring an Emergency.

House Bill No. 375. A Bill for an Act to Amend and Reenact Sections 11105, 11106, and 11107, Compiled Laws of the State of North Dakota, for the Year 1913 Relating to the Board of Pardons, the Powers and Duties Thereof, and the Procedure Before Such Board, and Providing for the Appointment of Parole Officers and Other Assistants, and Declaring an Emergency.

House Bill No. 351. A Bill For an Act to Amend and Reenact Section 2346a18 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, as Amended by Section 4, Chapter 283 of the Session Laws of 1931, as Amended by Section 2, Chapter 241, Session Laws of 1937, to Repeal Section 4 of Chapter 241 Session Laws of 1937; and Declaring an Emergency.

House Bill No. 195. A Bill for an Act Providing that the State Board of Higher Education Created and Established by an Initiated Act Submitted to the Electors and Approved June 28, A. D. 1938, Shall be and Hereby is Vested With all the Rights, Powers, Duties, Obligations and Perogatives Heretofore Vested in the Board of Administration, as to Vocational Education, Vocational Rehabilitation, and of the Extension Division of the North Dakota Agricultural College.

House Bill No. 274. 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 Water Sheds, 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, Maintenance and Financing 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; Authorizing the Commission to Obligate or Pledge Monies Available in Its Operating or Construction Fund to Insure the Payment of Twenty Per Cent of the Par Value of Revenue 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 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; Validating Proceeding and Acts of the State Water Conservation Commission Done and Performed Under the Provisions of Chapter 255 of the Session Laws of 1937; Repealing Inconsistent Acts, and Declaring an Emergency.

House Bill No. 105. A Bill for an Act Creating a Division of Co-operatives in the Department of Agriculture and Labor, and Prescribing Its Functions; Creating and Establishing the Office of Director of Said Division and Prescribing His Duties; and Making an Appropriation Therefor.

House Bill No. 309. A Bill for an Act to Amend and Reenact Section 8 of Chapter 135 of the 1935 Session Laws of the State of North Dakota, Relating to the Nomination of Candidates for the Offices of Presidential Electors; for the Election of Party Precinct Committeemen; Delegates to the

National Party Conventions and National Party Committeemen and National Party Committeewomen; for the Organization of Party County and State Committees, Such Amendment Requiring that in Selecting Proxies, the Same Shall Be Taken From the Precinct, in Which the Committeemen or Committeewomen Were Elected; Repealing All Acts or Parts of Acts in Conflict Herewith.

House Bill No. 38. A Bill for an Act Making an Appropriation for Salaries, Operation, Maintenance, General and Miscellaneous Expenses for the State Laboratories Department.

House Concurrent Resolution No. 365. Relating to Amendment to Section 176 of the Constitution of the State of North Dakota.

House Bill No. 131. A Bill for an Act Appropriating Money for the School of Mines at the University of North Dakota, to Supplement Works Progress Administration and United States Bureau of Mines Funds for the Investigation and Development of the Lignite Resources Within the Bounds of the State of North Dakota.

House Bill No. 396. A Bill for an Act Amending and Reenacting Section 189b11 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, as Amended by Section 10 of Chapter 137, Laws of 1933, in Reference to State Hail Insurance, Crop Affidavit, Insurability and Liens; Repealing Acts in Conflict Herewith, and Declaring an Emergency.

House Bill No. 296. A Bill for an Act to Amend Subdivision (b) of Section 25 of Chapter 179 of the Session Laws of 1927, as Amended by Chapter 186 of the Session Laws of 1931, as Amended by Chapter 160 of the Session Laws of 1933, as Amended by Chapter 180 of the Session Laws of 1935, by Adding Thereto a Proviso Increasing the Registration Fees for Trucks Propelled by Diesel Engines by Thirty-five Per Cent Over the Registration Fees for Trucks Not so Propelled; and Declaring an Emergency.

House Bill No. 327. A Bill for an Act Prescribing the Qualifications of County Coroner.

House Bill No. 285. A Bill for an Act to Amend Chapter 138 Session Laws of 1937, State of North Dakota, Relating to Secondary and Feeder Roads by Adding an Additional Section Designated as Section 3, Relating to Designation of a Secondary Highway System and Authorizing the State Highway Commissioner to Designate Highways in Such System; and Declaring an Emergency.

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

Mr. President: I have the honor to return:

Senate Bill No. 259. A Bill for an Act Authorizing the State Treasurer to Invest and Reinvest Funds of the State Fire and Tornado Fund, and Appropriating Such Funds for That Purpose.

Which the House has passed unchanged.

MINNIE D. CRAIG, Chief Clerk.

Rep. Dike requested that the House be on the Seventh Order of Business, which request was granted.

Rep. Dike moved that the House reconsider action taken on House Bill No. 364, which motion prevailed.

Rep. Hultstrand moved that the House reconsider action taken on House Bill No. 191, which motion was lost.

Rep. Morland moved that House Bill No. 364 be placed on the calendar, which motion prevailed.

## REPORT OF STANDING COMMITTEE

The Committee on Enrollment and Engrossment respectfully reports that:

House Concurrent Resolution No. 391 was delivered to the Secretary of State at the hour of 10:00 o'clock A. M., February 22, 1939.

OLAF OSTGULEN, Chairman.

## SECOND READING OF HOUSE BILLS

House Bill No. 385. A Bill for an Act Making an Appropriation for the Operating, Administration, Salaries and Other Expenses for the State Hospital for the Insane at Jamestown, 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, 85; nays, 9; absent and not voting, 16.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Halvorson | Ostgulen |
| Anderson, Benson | Haugland | Peterson,Bottineau |
| Anderson,M'K'nzie | Heckman | Peterson, Ransom |
| Anfinson | Hofstrand | Rait |
| Arneson, Nelson | Holm | Rettke |
| Arneson, Ramsey | Hultstrand | Ritter |
| Beede | Ista | Rohde |
| Belzer | Jensen | Saumur |
| Benno | Johnson, Cass | Schmidt, Sheridan |
| Bergesen | Johnson, LaMoure | Scholl |
| Billigmeier | Joiner | Schwartz |
| Bingenheimer | Keller | Semerad |
| Blair | Kluver | Sharpe |
| Bolmeier | Lange | Shure |
| Boulden | Larson | Singleton |
| Braun, McLean | Levin | Skartvedt |
| Braun, Stark | Lunde | Stone |
| Brown | McIntee | Stormon |
| Buchholz | McIntyre | Symington |
| Dike | Myers | Tuff |
| Feton | Mittag | Twichell |
| Fitch | Moe | Urschel |
| Fletcher | Mollet | Wambheim |
| Fraser | Morland | Westby |
| Fuglestad | Nelson, Dickey | Williams,Richland |
| Gainor | Nystrom | Williams,Stutsm'n |
| Glas | O'Brien | Wolf |
| Gray | Odegard | Mr. Speaker |
| Haag | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Dalzell | Oglesby | Severson |

| | | |
|---|---|---|
| Ireland | Page | Solberg |
| Nelson, Cass | Schmidt, McHenry | Thompson, Steele |

Absent and not voting:

| | | |
|---|---|---|
| Byrne | Knutson | Schauss |
| Crockett | McInnes | Schimke |
| Culver | Nelson, Steele | Sellens |
| Dittmer | Panko | Thompson, Burl'gh |
| Erickson | Sand | Trydahl |
| Holthusen | | |

So the bill passed and the title was agreed to and the Emergency Clause was declared carried.

Rep. Morland moved that the vote by which House Bill No. 385 was passed be reconsidered, and the motion to reconsider be laid on the table, which motion prevailed.

## MESSAGE TO THE SENATE

House of Representatives,
Bismarck, February 22, 1939.

Mr. President: I have the honor to transmit:

House Bill No. 341. A Bill For an Act Assessing and Levying From April 1, 1939 to July 1, 1941 on All Licensed Dealers of Motor Vehicle Fuels, a Special License Tax of One Cent Per Gallon of Motor Vehicle Fuels Used or Sold by Them in Addition to All Other Taxes Now Imposed Upon Them, Appropriating the Proceeds of Such Special Tax to the State Highway Fund For Specific Purposes, Making All Provisions of Initiated Measures Approved June 30, 1926, and Known as the "Motor Vehicle Fuel Tax Law," Other Than Division of Proceeds Between the State and Counties and For Costs of Administration and Collection, Applicable to Said Special License Tax and Declaring an Emergency.

House Bill No. 143. A Bill for an Act Making a Deficiency Emergency Appropriation for Relief of Destitute and Necessitous Persons of the State of North Dakota for the Months of March, April, May and June, 1939, as Provided by Chapter 214 of the Session Laws of 1937, Declaring an Emergency.

House Bill No. 353. A Bill for an Act to Amend and Reenact Sections 13 and 14, of Chapter 97 of the Session Laws of 1933, as Amended by Chapter 119 of the Session Laws of 1935. Relating to the Administration of County Poor Relief; and Declaring an Emergency.

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 Institutions of Higher Learning of the State of North Dakota, and Providing for Offsets for Federal Aid Granted to Said Institutions and the Sub-divisions Thereof.

House Bill No. 306. A Bill for an Act to Amend and Reenact Section 2 of Chapter 5 of the 1937 Session Laws.

House Bill No. 385. A Bill for an Act Making an Appropriation for the Operating, Administration, Salaries and Other Expenses for the State Hospital for the Insane at Jamestown, North Dakota and Declaring an Emergency.

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

MINNIE D. CRAIG, Chief Clerk.

Rep. Trydahl moved that the rules be suspended for the purpose of amending House Bill No. 277, which motion prevailed.

Rep. Bergesen proposed the following amendments to House Bill No. 277:

In line 5 of the title, strike out the words and figures "Three and Two-tenths per cent (3.2%) and insert in lieu thereof the words and figures "less than one-half of 1 per centum."

In line 6 of title, strike out the words "or less" and after the word "by," strike out the balance of line 6 and after the words "by" insert in lieu thereof the word "volume."

Strike out line 7 of the title, line 8 and line 9 up to the word "Repealing."

In line 10, beginning with the word "and," strike out the balance of the title.

On page 2, Section 10145b1, strike out all of lines 5, 6, 7, 8, 9, 10, 11, and 12 and insert in lieu thereof the following: "The following liquors are hereby declared to be intoxicating and their intoxicating quality shall, by the courts, be presumed, viz: Alcohol, brandy, whiskey, rum, gin, beer, ale, porter and wine and in addition thereto any spirituous, vinous, malt or fermented liquor, liquids and compounds, whether medicated, proprietary, patented or not, and by whatever name called, containing one-half of 1 per centum or more of alcohol by volume."

In line 18, strike out the words "three and two-tenths (3.2%)" and in line 19, the words "per cent or less" and insert in lieu thereof the words and figures "one-half of 1 per centum."

In line 19, strike out the word "weight" and insert in lieu thereof the word "volume." After the word "volume," strike out the balance of the sentence and the remainder of the section.

Rep. Trydahl moved that the proposed amendments be adopted, which motion prevailed.

Rep. Trydahl moved that the rules be suspended and that House Bill No. 277 be considered properly re-engrossed, placed on second reading and final passage, which motion prevailed.

## SECOND READING OF HOUSE BILLS

House Bill No. 277. A Bill for an Act to Amend Section 10145b1 of the 1925 Supplement to the 1913 Compiled Laws of North Dakota, Defining Intoxicating Liquors, and Excepting Therefrom Certain Fruit Juices, Wine, Beer, Ale and Porter Containing Less Than One-Half of 1 Percent of Alcohol by Volume; Repealing All 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, 92; nays, 3; absent and not voting, 15.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Heckman | Panko |
| Anderson, Benson | Hofstrand | Peterson,Bottineau |
| Anderson,M'K'nzie | Holm | Peterson, Ransom |

| | | |
|---|---|---|
| Anfinson | Holthusen | Rait |
| Arneson, Nelson | Hultstrand | Rettke |
| Arneson, Ramsey | Ireland | Ritter |
| Bergesen | Ista | Rohde |
| Billigmeier | Jensen | Saumur |
| Bingenheimer | Johnson, LaMoure | Schmidt, McHenry |
| Blair | Joiner | Schmidt, Sheridan |
| Bolmeier | Keller | Scholl |
| Boulden | Kluver | Schwartz |
| Braun, McLean | Lange | Sellens |
| Braun, Stark | Larson | Semerad |
| Brown | McInnes | Severson |
| Buchholz | McIntee | Sharpe |
| Culver | McIntyre | Shure |
| Dalzell | Myers | Singleton |
| Dike | Mittag | Solberg |
| Dittmer | Moe | Stormon |
| Erickson | Mollet | Thompson, Steele |
| Feton | Morland | Trydahl |
| Fitch | Nelson, Cass | Twichell |
| Fletcher | Nelson, Dickey | Urschel |
| Fraser | Nelson, Steele | Wambheim |
| Fuglestad | Nystrom | Westby |
| Gainor | O'Brien | Williams,Richland |
| Glas | Odegard | Williams,Stutsm'n |
| Haag | Oglesby | Wolf |
| Halvorson | Ostgulen | Mr. Speaker |
| Haugland | Page | |

Those voting in the negative were:

| | | |
|---|---|---|
| Belzer | Stone | Tuff |

Absent and not voting:

| | | |
|---|---|---|
| Beede | Johnson, Cass | Schauss |
| Benno | Knutson | Schimke |
| Byrne | Levin | Skartvedt |
| Crockett | Lunde | Symington |
| Gray | Sand | Thompson,Burl'gh |

So the bill passed and the title was agreed to.

Rep. Page moved that the vote by which House Bill No. 277 was passed be reconsidered, and the motion to reconsider be laid on the table, which motion prevailed.

Rep. Scholl: "This is the first time that I have experienced the delegation from imperial Cass County reversing itself. Therefore I vote 'aye'."

House Bill No. 364. A Bill for an Act to Amend and Reenact Section 10322a3 of the Supplement to the Compiled Laws of 1913 as Amended by Chapter 130 of the Session Laws of 1929, Relating to the Game and Fish Department 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, 74; nays, 22; absent and not voting, 14.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Anfinson | Hofstrand | Rait |
| Arneson, Nelson | Holm | Rettke |

| | | |
|---|---|---|
| Arneson, Ramsey | Holthusen | Ritter |
| Belzer | Ireland | Rohde |
| Benno | Ista | Saumur |
| Bergesen | Johnson, Cass | Scholl |
| Billigmeier | Johnson, LaMoure | Sellens |
| Blair | Joiner | Semerad |
| Bolmeier | Kluver | Severson |
| Boulden | Larson | Shure |
| Braun, Stark | McInnes | Singleton |
| Brown | McIntee | Skartvedt |
| Buchholz | McIntyre | Solberg |
| Culver | Myers | Stormon |
| Dalzell | Moe | Symington |
| Dike | Mollet | Thompson, Steele |
| Dittmer | Morland | Trydahl |
| Feton | Nelson, Cass | Twichell |
| Fitch | Nelson, Dickey | Urschel |
| Fuglestad | Nystrom | Wambheim |
| Gainor | O'Brien | Westby |
| Gray | Odegard | Williams,Richland |
| Halvorson | Oglesby | Williams,Stutsm'n |
| Haugland | Ostgulen | Wolf |
| Heckman | Page | |

Those voting in the negative were:

| | | |
|---|---|---|
| Adam | Fraser | Peterson,Bottineau |
| Anderson, Benson | Glas | Peterson, Ransom |
| Anderson,M'K'nzie | Haag | Schmidt, McHenry |
| Beede | Hultstrand | Schmidt, Sheridan |
| Bingenheimer | Keller | Schwartz |
| Braun, McLean | Lange | Tuff |
| Erickson | Mittag | Mr. Speaker |
| Fletcher | | |

Absent and not voting:

| | | |
|---|---|---|
| Byrne | Lunde | Schimke |
| Crockett | Nelson, Steele | Sharpe |
| Jensen | Panko | Stone |
| Knutson | Sand | Thompson,Burl'gh |
| Levin | Schauss | |

So the bill passed and the title was agreed to.

Rep. Brown moved that the vote by which House Bill No. 364 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

## MESSAGE TO THE SENATE

House of Representatives,
Bismarck, February 22, 1939.

Mr. President: I have the honor to transmit:

House Bill No. 364. A Bill for an Act to Amend and Reenact Section 10322a3 of the Supplement to the Compiled Laws of 1913 as Amended by Chapter 130 of the Session Laws of 1929, Relating to the Game and Fish Department of the State of North Dakota.

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

MINNIE D. CRAIG, Chief Clerk.

## REPORT OF STANDING COMMITTEE

Mr. Speaker: Your Committee on Temperance to whom was referred House Bill No. 236, have had the same under consideration and recommend that the same be indefinitely postponed.

H. C. WILLIAMS, Chairman.

Rep. Schmidt of McHenry moved that the report be adopted, which motion prevailed and the report was adopted.

Rep. Saumur moved that the vote by which House Bill No. 236 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

## MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, February 22, 1939.

Mr. Speaker: I have the honor to transmit:

Senate Bill No. 265. A Bill for an Act Providing That the Emergency Commission Created and Established by Section 283c1 of the 1925 Supplement to the Compiled Laws of the State of North Dakota Shall Pass Upon All Expenditures From the Emergency Fund of the State Hail Insurance Department, and Declaring an Emergency.

Senate Bill No. 144. A Bill for an Act Requiring State Officers, Boards, Bureaus, Commissions, Departments, Institutions, Industries and Businesses to Prepare and File Reports, and Providing a Penalty for Failure to Comply With This Act, and Repealing All Acts or Parts of Acts in Conflict Herewith.

Senate Bill No. 215. A Bill for an Act Amending and Reenacting Section 16, of Chapter 139, of the 1937 Session Laws Relating to Motor Vehicle Drivers Licenses, to Provide for Appointment of Local Agents and Their Compensation for Issuing Licenses, and Repealing Section 17, of Said Chapter 139, of the 1937 Session Laws and All Acts or Parts of Acts in Conflict Herewith, and Declaring an Emergency.

Senate Bill No. 157. A Bill for an Act Relating to Civil Liability of Owners and Operators of Motor Vehicles, Service of Civil Process on Non-residents and Requirement That Owners of For-rent Vehicles Give Proof of Financial Responsibility and to Make Uniform the Law With Reference Thereto.

Senate Bill No. 158. A Bill for an Act to Amend and Reenact Chapter 163 of the Session Laws of the State of North Dakota for the Year 1929, Being an Act to Require Persons Convicted of Reckless Driving, or of Driving a Motor Vehicle While Under the Influence of Intoxicating Liquor or Narcotic Drugs, or of Failure to Stop in Event of an Accident Involving Injury or Death to a Person, to Furnish a Bond or Insurance Policy; Providing for the Enforcement of Such Act; and Providing a Penalty for the Violation Thereof.

Senate Bill No. 168. A Bill for an Act Relating to the Furnishing of Certified Checks or Bidder's Bonds by Contractors Submitting Proposals for the Construction of Public Improvements; Repealing All Acts or Parts of Acts in Conflict Herewith; and Declaring an Emergency.

Senate Bill No. 179. A Bill for an Act Licensing the Sale

and Use of Punch Boards, Tip Books, Tip Jars, Pull Boards and Push Boards; Providing for Certain License Fees and for Certain Taxes Thereon; for the Disposition of Monies Obtained Thereunder; Prohibiting the Sale and Use of Punch Boards, Tip Books, Tip Jars, Pull Boards and Push Boards Not Duly Stamped; Providing for the Enforcement of This Act and Penalties for the Violation Thereof; Providing for a Saving Clause; Repealing All Acts or Parts of Acts in Conflict Therewith and Declaring an Emergency.

Senate Bill No. 41. A Bill for an Act Declaring All Tax Charges Based on Original Final Values of Property Assessed by Local Assessors, in Excess of Amount That Would Have Been Charged Had Said Original Final Value Been Limited to the Full and True Value in Money, Null and Void; Providing Remedy to the Taxpayer; and Repealing All Laws or Parts of Laws in Conflict Therewith.

Senate Bill No. 261. A Bill for an Act Authorizing the State Treasurer as Trustee for the State of North Dakota to Transfer Lands Owned by Him to Owners of Other Lands of Approximately Equal Value in Exchange for Transfers of Such Other Lands, and Declaring an Emergency.

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

WM. J. LOWE, Secretary

The Chief Clerk read a letter from Lavina Amsberry.

Rey. Meyers moved that the letter be printed in the Journal, which motion prevailed.

Wheelock, N. D.
Feb. 20, 1939.

To the 26th Legislative Assembly:
Greetings:

When the House of Representatives paused for a few moments on St. Valentine's Day to pay tribute to the women of the 26th Legislative Assembly and those of past Legislatures, honors were thereby conferred upon themselves for they gladly conceded that which men of by-gone days would not do—that is, concede that women are persons and not to be classed with imbeciles merely because they are women.

As in this Legislature, the women of the 21st Legislative Assembly were privileged to labor with the finest of men and I am very grateful to my people who made it possible for me to have served them. May I not here express that the one and only reason I did not accept re-nomination was a financial one only—Mother could not be spared from the home.

It is my conviction that more women should be given the opportunity to deliberate in both Houses of the Legislature.

And now, Madame Chief Clerk, will you not pin this emblem on the lapel of the Speaker's coat with the admonition that it be so worn for the remainder of the day as a reminder that McKenzie county, too, once had a woman Representative. That woman now bids him recall that McKenzie and Williams counties once comprised the 41st District, which the writer had the honor to represent in 1929.

Thank you, each and all for the kindliness of spirit which prompted the gift of flowers to the women of the 26th Legis-

lative Assembly; the telegram to our Mrs. Lindgren and the gift of the Journal to all former women Legislators.

May you all conserve your health, curb your patience, and be filled with a spirit of helpfulness in these closing hectic days of the 26th Legislative Assembly.

Most sincerely, Lavina Amsberry.—1929.

The Chief Clerk read a report from Rep. Williams of Stutsman who had attended the funeral of Rev. R. E. Strutz of Jamestown.

Rep. Westby moved that the report of Rep. Williams be printed in the Journal, which motion prevailed.

Mr. Speaker: Being selected as a Committee of One by this body to attend the funeral services of Reverend R. E. Strutz of Jamestown, a former Member of this House two successive Sessions, 1931 and 1933;

I have known Rev. Strutz nearly thirty years and have had some business transactions with him. Rev. Strutz was a man of honesty, integrity and loyalty. Rev. Strutz, a minister of the Gospel for forty-five years was faithful to his charges. He loved the Ministry. He was forceful, a natural leader, he loved his neighbors and was devoted to his family. He also was close to the soil. He liked farming, he loved animal husbandry and was a man who held several important positions of trust.

I met one of his sons when I stopped off the train at Jamestown. When I told him my mission he replied that it was very, very, nice of the House to do that and the family appreciated the courtesy and respect of the House.

An unusually large gathering was in attendance.

Mr. Speaker, as a Committee of One, I wish to be discharged.

HENRY WILLIAMS, Dist. 23.

## REPORT OF STANDING COMMITTEE

Mr. Speaker: Your Committee on Judiciary to whom was referred House Bill No. 380, have had the same under consideration and recommend that the same be indefinitely postponed.

The committee is contemplating to propose amendments to Senate Bill No. 40, which is now before the Committee and which deals with the same subject. Some of the features in House Bill No. 380 may be incorporated as amendments to said Senate Bill No. 40 when the committee takes action thereon.

J. M. ANDERSON, Chairman.

Rep. Mittag moved that the report be adopted, which motion prevailed, and the report was adopted.

Rep. Haag moved that the vote by which House Bill No. 380 was indefinitely postponed be reconsidered, and the motion to reconsider be laid on the table, which motion prevailed.

Rep. Shure moved that House Bill No. 146 be withdrawn from the Committee on Taxes and Tax Laws, which motion prevailed.

Rep. Shure moved that House Bill No. 200 be withdrawn from the Committee on Taxes and Tax Laws, which motion prevailed.

Rep. Shure moved that House Bill No. 358 be withdrawn

from the Committee on Taxes and Tax Laws, which motion prevailed.

Rep. Shure moved that House Bill No. 383 be withdrawn from the Committee on Taxes and Tax Laws, which motion prevailed.

Rep. Shure moved that House Bill No. 384 be withdrawn from the Committee on Taxes and Tax Laws, which motion prevailed.

Rep. Shure moved that House Bill No. 146 be indefinitely postponed, which motion prevailed.

Rep. Shure moved that House Bill No. 200 be indefinitely postponed, which motion prevailed.

Rep. Shure moved that House Bill No. 358 be indefinitely postponed, which motion prevailed.

Rep. Shure moved that House Bill No. 383 be indefinitely postponed, which motion prevailed.

Rep. Shure moved that House Bill No. 384 be indefinitely postponed, which motion prevailed.

Rep. Gray moved that House Bill No. 294 be withdrawn from the Committee on Irrigation and Drainage, which motion prevailed.

Rep. Nystrom moved that House Bill No. 294 be indefinitely postponed, which motion prevailed.

Rep. Twichell moved that House Bill No. 252 be withdrawn from the Committee on State Affairs, which motion prevailed.

Rep. Dalzell moved that House Bill No. 252 be indefinitely postponed.

Rep. Twichell moved a substitute motion that consideration on House Bill No. 252 be delayed, which motion was lost.

The question being on the indefinite postponement of House Bill No. 252, the motion prevailed.

## MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, February 22, 1939.

Mr. Speaker: I have the honor to transmit:

Senate Bill No. 68. A Bill for an Act to Amend and Reenact Section 4 of Chapter 152 of the Session Laws of 1929, Relating to an Appropriation for the Necessary Costs of Investigations, Etc., of Fire Insurance Rates.

Senate Bill No. 232. A Bill for an Act Making an Appropriation for the Use and Benefit of the State Highway Department of the State of North Dakota to Pay for Equipment (Purchased From and Installed by the Addressograph Multigraph Corporation.)

Senate Bill No. 9. 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.

Senate Bill No. 239. A Bill for an Act Making an Appropriation to Pay for a Portion of the Current Operating Expense of Our Public School System as Provided for in the State Equalization Fund Law, as Provided for by Senate Bill No. 237 as Passed by the 1939 Session of the Legislature.

Senate Bill No. 141. A Bill for an Act Making an Appropriation for Relief to Destitute and Necessitous Persons for the Biennium Beginning July 1, 1939, and Ending June 30, 1941, Defining the Powers and Duties of the Public Welfare

Board in Relation Thereto, and Providing for Allocation of Funds to Counties for Relief Purposes and for Other Specified Relief Expenditures and Costs of Administration.

Senate Bill No. 140. A Bill for an Act Making an Appropriation for the Biennium Beginning July 1, 1939, and Ending June 30, 1941 to the Public Welfare Fund, Created and Established by Section 3 of Chapter 214 of the Session Laws of 1937, for Disbursement by the Public Welfare Board in Providing Public Assistance to the Needy Blind and to Dependent Children, as Provided by Chapters 209 and 210 of the Session Laws of 1937, and in Providing Child Welfare Services and Services to Crippled Children in Coordination With and Supplementary to Funds Made Available for Like Purposes in North Dakota by the Federal Government, as Provided by Chapter 221 of the Session Laws of 1935.

Senate Bill No. 123. A Bill for an Act Making an Appropriation to the State Public Welfare Fund, Established by Section 3, of Chapter 214, of the Session Laws of 1937, for the Biennium Beginning July 1, 1939, and Ending June 30, 1941, to Be Expended by the Public Welfare Board in Providing Public Assistance to the Needy Aged, as Provided by Chapter 211 of the Session Laws of 1937, and for Necessary Costs of Administration.

Senate Bill No. 281. A Bill for an Act to Amend and Reenact Section 548a1 of the 1925 Supplement to the Compiled Laws of North Dakota for the Year 1913, Relating to the Licensing of Pool Halls, Dance Halls, Theatres, Moving Picture Shows, Etc.

Senate Bill No. 204. A Bill for an Act Permitting County Commissioners to Publish Delinquent Real Estate Tax Sale Notices in the Legal Newspapers of the County, Repealing All Acts and Parts of Acts in Conflict Herewith, and Declaring an Emergency.

Senate Bill No. 198. A Bill for an Act to Amend and Reenact Section 1218 of the Supplement to the Compiled Laws for 1913, of the State of North Dakota, and Relating to the Report of the Treasurer in Common School Districts; and Repealing All Acts or Parts of Acts in Conflict Therewith.

Senate Bill No. 195. A Bill for an Act Clarifying, Confirming and Validating Chapter 86 of the Session Laws of 1937, which is an act Making an Appropriation to be expended in Providing Public Assistance to the Needy Aged, the Needy Blind, and to Dependent Children, and for Providing Child Welfare Services and Services to Crippled Children in Coordination With and Supplementary to Funds Made Available for Like Purposes in North Dakota by the Federal Government; and Declaring an Emergency.

Senate Bill 194. A Bill for an Act to Amend and Reenact Section 7971 of the Compiled Laws of the State of North Dakota for 1913, Relating to Actions Against Usurping Officers and Persons.

Senate Bill No. 197. A Bill for an Act to Amend and Reenact Section 470 of the Compiled Laws of the State of North Dakota for 1913, being Section 13 of Chapter 189, Session Laws of 1911, Relating to Penalties for Violation of the Laws Concerning the Practice of Medicine and Surgery.

Senate Bill No. 277. A Bill for an Act Making an Appro-

priation to Provide Funds for the Payment of Salaries Due Inspectors of the Motor Vehicle Registration Department; and Declaring an Emergency.

Senate Bill No. 255. A Bill for an Act Making an Appropriation for the Operation and Maintenance of the State Hail Insurance Department, for the Biennium Beginning July 1, 1939.

Senate Bill No. 248. A Bill for an Act Making an Appropriation for the Purpose of Operating and Maintaining the State Fire and Tornado Fund for the Biennium Beginning July 1, 1939.

Senate Bill No. 216. A Bill for an Act to Amend and Reenact Chapter 284, of the 1927 Session Laws of the State of North Dakota, Providing for the Investment of Monies in the Workmen's Compensation Fund, and Making an Appropriation for Such Investments.

Senate Bill No. 109. A Bill for an Act Providing for the Appointment of a Commission to Examine the Accounting Systems of State Departments and Institutions, and of Local Sub-divisions; Providing for the Establishment of Uniform Systems of Accounting, and Providing a Penalty for Violation; Providing for Biennial Examinations of the Affairs of State Departments and Institutions; Providing an Appropriation; and Repealing Sections 711, 712, 713, and 714 of the Compiled Laws of North Dakota for 1913.

Senate Bill No. 245. A Bill for an Act Making an Appropriation for the General Maintenance and Operation of the North Dakota Twine and Cordage Plant at the State Penitentiary.

Senate Bill No. 249. A Bill for an Act Making an Appropriation for the Purpose of Operating and Maintaining the State Bonding Fund for the Biennium Beginning July 1, 1939.

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

WM. J. LOWE, Secretary.

## REPORT OF STANDING COMMITTEE

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

House Bill No. 277.

And find the same correctly engrossed.

OLAF OSTGULEN, Chairman.

Rep. Ostgulen moved that the report be adopted, which motion prevailed, and the report was adopted.

## MESSAGE TO THE SENATE

House of Representatives,
Bismarck, February 22, 1939.

Mr. President: I have the honor to transmit:

House Bill No. 277. A Bill for an Act to Amend Section 10145b1 of the 1925 Supplement to the 1913 Compiled Laws of North Dakota, Defining Intoxicating Liquors, and Excepting Therefrom Certain Fruit Juices, Wine, Beer, Ale and Porter Containing Less Than One-Half of 1 Percent of Alcohol by Volume; Repealing All Acts in Conflict Therewith.

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

MINNIE D. CRAIG, Chief Clerk.

## MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, February 22, 1939.

Mr. Speaker: I have the honor to transmit:

Senate Bill No. 238. 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.

Senate Bill No. 253. A Bill for an Act Making an Appropriation for the Purpose of Defraying the Expense of the Maintenance and Operation of the State of North Dakota Doing Business as the North Dakota Mill and Elevator Association.

Senate Concurrent Resolution No. 282. A Concurrent Resolution Providing for the Amendment of the Constitution to Provide for an Appointive Board to Manage the Permanent Funds of the State, Abolishing the Board of University and School Lands, and the Local Board of Appraisal, and Repealing Sections 156 and 157 of the Constitution.

Senate Bill No. 283. A Bill for an Act Prescribing the Oath to Be Taken and Subscribed to by Professors, Instructors and Teachers in Public Schools, Colleges and Universities of the State.

Senate Bill No. 240. A Bill for an Act to Authorize the Disorganization of Counties by Petition and Election or by Judicial Procedure and for the Proceedings Therefor; and for the Elimination of County Officers and the Termination of Their Terms of Office; and for the Attachment to an Organized County for Judicial and Administrative Purposes; and Providing for the Duties of the Officers of the Organized County to Which Attached, Including the Powers and Limitations to Tax; to Maintain Separate Records, to Act as Trustee, Collect the Revenue and to Disburse the Expenses for the Remaining Operation of the Unorganized County; and for Submitting the Question if Portions of This Act Are Unconstitutional or Final Decree Denies the Petition; and for Retaining the Validity of the Remaining Provisions of This Act if Any Are Declared Unconstitutional; and for the Repeal of Acts in Conflict Herewith.

Senate Bill No. 244. A Bill for an Act Making an Appropriation for the Purpose of Defraying the Expense of the Maintenance and Operation of the Bank of North Dakota.

Senate Bill No. 284. A Bill for an Act Relating to Copyrights and Public Performing Rights in Musical Compositions and Dramatico-Musical Compositions, Requiring Lists Thereof to Be Filed, Regulating the Issue of Licenses With Respect Thereto, Prohibiting Discrimination, Providing for Service of Process, Levying a Privilege Tax, Providing Penalties, and Repealing Inconsistent Acts.

Senate Bill No. 212. A Bill For an Act Amending and Reenacting Section 2093 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, Relating to the Manner of Listing Real and Personal Property for Assessment Purposes,

and Providing That as to General Merchandise, or Any Inventory of Goods and Wares, the Average Value of the Same for the Year Preceding the Time of the Assessment, Shall Be Taken as the Value Thereof for Assessment Purposes, Repealing All Acts in Conflict Therewith and Declaring an Emergency.

Senate Bill No. 1. A Bill for an Act to Appropriate Money for the Expenses of the Executive, Legislative and Judicial Departments of the State Government, and for all of the Sub-divisions Thereof, 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 Prohibiting the Payment or Receipt of Double Compensation or Salary, Providing a Penalty for Violation Thereof, and Declaring an Emergency.

Senate Bill No. 257. A Bill for an Act Providing for Special Audits and Investigations of the North Dakota Mill and Elevator Association, the Bank of North Dakota, the State Highway Department and the Office of State Highway Commissioner, the Board of Administration, the Board of University and School Lands, the Industrial Commission and the State Securities Commission, and Such Other Offices, Departments, Institutions and Commissions of the State as the Governor Shall Designate; Providing for the Appointment of a Special Examining Commissioner and for the Prosecution of Any Action or Proceeding Which May Be Deemed Warranted as a Result of Such Audit, Investigation or Check Up; Providing for an Appropriation to Carry Out the Purposes of This Act, and Declaring an Emergency.

Senate Bill No. 136. A Bill for an Act to Encourage and Permit the Propagation of Domestic Game Birds by Private Enterprise in the State of North Dakota; Declaring an Emergency.

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

WM. J. LOWE, Secretary.

Rep. Schauss requested that the House be on the Seventh Order of Business, which request was granted.

Rep. Schauss moved that the absent members be excused, which motion prevailed.

Rep. Schimke moved that the House do now adjourn, which motion was lost.

Rep. Shure moved that House Rule No. 35 be suspended for the purpose of messaging House Bill No. 238 to the Senate.

A division was called for, which was granted.

The motion prevailed.

Rep. Bergesen moved that House Bill No. 238 be messaged to the Senate.

The Speaker advised Rep. Bergesen that the rules had been suspended and that it automatically became the Chief Clerk's duty to message House Bill No. 238 to the Senate.

Rep. Bergesen withdrew the motion.

## MESSAGE TO THE SENATE

House of Representatives,
Bismarck, February 22, 1939

Mr. President: I have the honor to transmit:

House Bill No. 238. A Bill for an Act Prohibiting Possession, Purchase, Sale and Dispensing of Alcohol and Alcoholic Beverages and Beer, Outside the Limits of Any City or Village in the State of North Dakota, Prescribing A Penalty for the Violation Thereof.

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

MINNIE D. CRAIG, Chief Clerk.

Rep. Scholl moved that the House do now adjourn, which motion prevailed.

## FIFTY-FIRST DAY

Bismarck, February 22, 1939

The House assembled at 2:00 P. M., pursuant to adjournment, Speaker Hagen presiding.

Prayer by Rev. G. W. Stewart, Mandan.

Roll Call: All Representatives present except Fitch, Gainor, Panko, Knutson.

So a quorum was declared present.

## REPORT OF STANDING COMMITTEE

Mr. Speaker: Your Committee on Revision and Correction of the Journal have carefully examined the Journal of the Forty-ninth Day After Recess and Fiftieth Day, and recommend that the same be corrected as follows:

On page 918, line 2 from the top, correct the spelling of the word "surrounding."

On page 920, roll call should read: "ayes, 79; nays, 23; aband not voting, 8." Fuglestad voted "no."

On page 930, line 23 from the bottom, substitute the name "Steele" for "Burleigh." Line 15, from the bottom, substitute the name "Burleigh" for "Steele."

On page 931, roll call should read: "ayes, 81; nays, 7; absent and not voting, 22." Bolmeier listed as absent and not voting, whereas he was present and voted "aye."

On page 947, line 6 from the bottom, strike out the balance of the sentence after the word "increase" and insert the following: "on the lowly snuss."

On page 927, Rep. Dike's explanation of vote should be shown following roll call on House Bill No. 195 on page 925.

On pages 924 and 925, roll call of House Bill No. 195, Rep. Levin is shown as voting "no," whereas he voted "aye."

On page 934, Rep. Bergesen is listed as being absent and not voting on roll call for House Bill No. 354, whereas he was present and voted "aye."

And when so amended recommend that the same be approved.

REP. GLAS, Chairman.

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

A letter from Mrs. O. C. Anderson and family was read from the desk.

Rep. Morland moved the letter be printed in the Journal, which motion prevailed.

Rutland, North Dakota,
February 21, 1939.

Mr. Oscar Hagen,
Speaker of the House of Representatives,
Bismarck, North Dakota.
Dear Mr. Hagen:

Please extend our sincere thanks and appreciation to the members of our House of Representatives and Senate for the sympathy and consideration to us in the bereavement and loss of our husband and father. Thank you so much.

We also thank you, the people from Sargent County who together sent me their letter of encouragement.

Sincerely yours,
MRS. O. C. ANDERSON
and family,
By Rudolph Anderson.

Petitions were received from 14 citizens of Williston and vicinity protesting the passage of Senate Bill No. 152, calling for deficiency judgment.

Petitions were received protesting the chain store tax from 142 citizens of Linton and vicinity and from 31 citizens of Alamo and vicinity.

## REPORT OF STANDING COMMITTEE

Mr. Speaker: Your Committee on Mileage and Per Diem to whom was referred:

Mr. George P. Braun—Mileage, 266—For attending Ignatz Sticka funeral: 266 miles at $ .10 per mile—$26.60.

Mr. E. D. Culver—Mileage, 266—For attending Ignatz Sticka funeral: 266 miles at $ .10 per mile—$26.60.

Mr. Henry Williams—Mileage, 204—For attending Rev. Strutz funeral: 204 miles at $ .10 per mile—$20.40.

Have had the same under consideration and recommend that the Chief Clerk be authorized to issue vouchers for the payment of same.

J. M. JOINER, Chairman.

Rep. Saumur moved that the report be adopted, which motion prevailed, and the report was adopted.

## ROLL CALL

The question being on the mileage for funerals, the roll was called and there were ayes, 105; nays, 0; absent and not voting, 5.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Heckman | Peterson, Ransom |
| Anderson, Benson | Hofstrand | Rait |
| Anderson,M'K'nzie | Holm | Rettke |
| Anfinson | Holthusen | Ritter |
| Arneson, Nelson | Hultstrand | Rohde |
| Arneson, Ramsey | Ireland | Sand |
| Beede | Ista | Saumur |
| Belzer | Jensen | Schauss |
| Benno | Johnson, Cass | Schmidt, McHenry |
| Bergesen | Johnson, LaMoure | Schmidt, Sheridan |
| Billigmeier | Joiner | Schimke |
| Bingenheimer | Keller | Scholl |
| Blair | Kluver | Schwartz |

| | | |
|---|---|---|
| Bolmeier | Knutson | Sellens |
| Boulden | Lange | Semerad |
| Braun, McLean | Larson | Severson |
| Braun, Stark | Levin | Sharpe |
| Brown | Lunde | Shure |
| Buchholz | McInnes | Singleton |
| Byrne | McIntee | Skartvedt |
| Crockett | McIntyre | Solberg |
| Culver | Myers | Stone |
| Dalzell | Mittag | Stormon |
| Dike | Moe | Thompson,Burl'gh |
| Dittmer | Mollet | Thompson, Steele |
| Erickson | Morland | Trydahl |
| Feton | Nelson, Cass | Tuff |
| Fletcher | Nelson, Dickey | Twichell |
| Fraser | Nystrom | Urschel |
| Fuglestad | O'Brien | Wambheim |
| Glas | Odegard | Westby |
| Gray | Oglesby | Williams,Richland |
| Haag | Ostgulen | Williams,Stutsm'n |
| Halvorson | Page | Wolf |
| Haugland | Peterson,Bottineau | Mr. Speaker |

Absent and not voting:

| | | |
|---|---|---|
| Fitch | Nelson, Steele | Symington |
| Gainor | Panko | |

So the report was adopted.

## REPORTS OF STANDING COMMITTEES

Mr. Speaker: Your Committee on Banks and Banking to whom was referred Senate Bill No. 126, have had the same under consideration and recommend that the same do pass.

GUS A. SCHAUSS, Chairman.

Rep. Bergesen moved that the report be adopted, which motion prevailed, and the report was adopted.

## FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

### HOUSE CONCURRENT RESOLUTION No. 397

Introduced by Committee on Delayed Bills

A Concurrent Resolution Commending That Higher Education Institutions Include in Teachers Training Courses Instruction Encouraging Cooperative Community Spirit and Activity.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES THE SENATE CONCURRING:

WHEREAS, the Teachers of any community are a strong force in molding the lives and shaping the future destinies of the younger generation, and

WHEREAS, their presence in a locality may be, and usually is, a moving force of great value in the social and civic life of their respective communities, and

WHEREAS, certain of our educational institutions in their courses of study have stressed the importance of teachers

taking active part in the life of the communities where they may be placed,

NOW THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES THE SENATE CONCURRING:

That the Legislature commends to the higher educational institutions of the State instruction tending to encourage prospective teachers in co-operative endeavor in their future fields of work; stressing the importance of their entering into the community life, and becoming an integral part of the localities wherever they may be placed; that they be instructed in methods calculated to best serve these respective communities; and that such instruction supplement the regular courses now presented for the education, training and upbuilding of our coming citizens and teachers, and

BE IT FURTHER RESOLVED: That copies of this Resolution be sent to the Presidents of all our higher educational institutions, to the Superintendent of Public Instruction and to each member of the State Board of Higher Education.

Was read the first time and referred to the Committee on Education upon motion by Rep. Page.

## HOUSE CONCURRENT RESOLUTION No. 398

Introduced by Reps. Scholl and Lange

A Concurrent Resolution Petitioning Congress to Make Appropriations Ample for the Road Program of the Fort Berthold Reservation.

WHEREAS, the Three Affiliated Tribes of the Fort Berthold Reservation have eight well-equipped government schools, with four busses traveling over ninety miles of poorly constructed roads in all kinds of weather, and

WHEREAS, medical and hospital service at the agency renders appreciable service to the Indians, but the work in the field is made very difficult due to poor road facilities, creating a condition unsatisfactory and dangerous, alike to the field medical service, and the members of the Three Tribes, and

WHEREAS, the construction of roads has enabled the young men of the reservation, just out of school, an opportunity to learn practical work and earn a livelihood, and

WHEREAS, the tribal council favors the construction of all-weather Indian Service roads, to serve as "life lines" to truck trails and fire suppression lanes to remote areas of the reservation, and

WHEREAS, the allotment for the past two years has been forty thousand dollars ($40,000) per annum, a much smaller amount than allowed in many jurisdictions of smaller

area, and it is believed this sum may be curtailed, and
WHEREAS, this fund does not allow for the employment
of sufficient labor to operate equipment to advantage, nor employ available man power, and this, not being supplemented
by state or other funds, makes it necessary to rely solely upon gratuitous appropriations, now therefore,
BE IT RESOLVED BY THE SENATE OF THE STATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING:
That the North Dakota Legislative Assembly urgently recommends that in the interests of health, welfare and education, that a yearly allotment of not less than seventy-
five thousand dollars ($75,000) be appropriated for the road program of the Three Affiliated tribes of the Fort Berthold Reservation, and
BE IT FURTHER RESOLVED: That the Secretary of State is instructed and directed to transmit copies of this resolution to the President of the Senate, the Speaker of the House of Representatives, each of the Members of Congress of this State, the Secretary of the Interior and the Commissioner of Indian Affairs.

Was read the first time and referred to the Committee on Highways and Bridges upon motion of Rep. Schimke.

Rep. Jensen moved that Senate Bill No. 126 be referred to the Committee on Taxes and Tax Laws, which motion prevailed.

## SECOND READING OF SENATE BILLS

Senate Bill No. 39. A Bill for an Act to Repeal Chapter 168 of the Session Laws of the State of North Dakota for 1927, as Amended by Chapter 151 of the Session Laws of North Dakota for 1929, Relating to the Investment of Funds of County Mutual Insurance Companies, and Prescribing the Character of the Investment.

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, 95; nays, 8; absent and not voting, 7.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Haugland | Ritter |
| Anderson, M'K'nzie | Heckman | Sand |
| Anfinson | Holm | Saumur |
| Arneson, Nelson | Holthusen | Schauss |
| Arneson, Ramsey | Hultstrand | Schmidt, McHenry |
| Beede | Ireland | Schmidt, Sheridan |
| Belzer | Ista | Schimke |
| Benno | Johnson, Cass | Scholl |
| Bergesen | Johnson, LaMoure | Schwartz |
| Billigmeier | Joiner | Sellens |
| Bingenheimer | Keller | Severson |
| Blair | Kluver | Sharpe |
| Bolmeier | Knutson | Shure |
| Boulden | Larson | Singleton |
| Braun, McLean | McIntee | Skartvedt |

| | | |
|---|---|---|
| Braun, Stark | McIntyre | Solberg |
| Brown | Myers | Stone |
| Buchholz | Mittag | Stormon |
| Byrne | Mollet | Symington |
| Culver | Morland | Thompson,Burl'gh |
| Dalzell | Nelson, Cass | Thompson, Steele |
| Dike | Nelson, Steele | Trydahl |
| Dittmer | Nystrom | Tuff |
| Erickson | O'Brien | Twichell |
| Feton | Odegard | Urschel |
| Fletcher | Oglesby | Wambheim |
| Fraser | Ostgulen | Westby |
| Fuglestad | Page | Williams,Richland |
| Gainor | Panko | Williams,Stutsm'n |
| Glas | Peterson,Bottineau | Wolf |
| Gray | Peterson, Ransom | Mr. Speaker |
| Halvorson | Rait | |

Those voting in the negative were:

| | | |
|---|---|---|
| Crockett | Levin | Rohde |
| Jensen | Moe | Semerad |
| Lange | Rettke | |

Absent and not voting:

| | | |
|---|---|---|
| Anderson, Benson | Hofstrand | McInnes |
| Fitch | Lunde | Nelson, Dickey |
| Haag | | |

So the bill passed and the title was agreed to.

Rep. Page moved that the vote by which Senate Bill No. 39 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Senate Bill No. 112. A Bill for an Act to Amend and Reenact Section 1 of Chapter 252 of the Session Laws of North Dakota for the Year 1937, Relating to Bounty for Tree Planting.

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, 99; nays, 4; absent and not voting, 7.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Heckman | Peterson, Ransom |
| Anderson, Benson | Holthusen | Rait |
| Anderson,M'K'nzie | Hofstrand | Rettke |
| Anfinson | Ireland | Ritter |
| Arneson, Nelson | Ista | Rohde |
| Arneson, Ramsey | Jensen | Sand |
| Beede | Johnson, Cass | Saumur |
| Benno | Johnson, LaMoure | Schauss |
| Bergesen | Joiner | Schmidt, Sheridan |
| Billigmeier | Keller | Schimke |
| Blair | Kluver | Scholl |
| Bolmeier | Lange | Schwartz |
| Boulden | Larson | Semerad |
| Braun, McLean | Levin | Severson |
| Braun, Stark | Lunde | Sharpe |
| Brown | McIntee | Shure |
| Buchholz | McIntyre | Singleton |

| | | |
|---|---|---|
| Byrne | Myers | Skartvedt |
| Crockett | Mittag | Solberg |
| Culver | Mollet | Stone |
| Dalzell | Moe | Stormon |
| Dike | Morland | Symington |
| Dittmer | Nelson, Cass | Thompson, Steele |
| Erickson | Nelson, Dickey | Trydahl |
| Feton | Nelson, Steele | Tuff |
| Fletcher | Nystrom | Twichell |
| Fraser | O'Brien | Urschel |
| Fuglestad | Odegard | Wambheim |
| Gainor | Oglesby | Westby |
| Glas | Ostgulen | Williams,Richland |
| Gray | Page | Williams,Stutsm'n |
| Haag | Panko | Wolf |
| Haugland | Peterson,Bottineau | Mr. Speaker |

Those voting in the negative were:

| | | |
|---|---|---|
| Bingenheimer | Hultstrand | Schmidt, McHenry |
| Halvorson | | |

Absent and not voting:

| | | |
|---|---|---|
| Belzer | Knutson | Sellens |
| Fitch | McInnes | Thompson,Burl'gh |
| Holm | | |

So the bill passed and the title was agreed to.

Rep. Wambheim 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.

Senate Bill No. 11 was read the second time.

Rep. Rettke moved that Senate Bill No. 11 be indefinitely postponed.

Rep. Wambheim moved to lay the motion of Rep. Rettke on the table, which motion prevailed.

Senate Bill No. 11. A Bill for an Act Prohibiting any Person Who Was a Candidate for Nomination for Office at a Primary Election and Who Was Defeated for Said Office, From Being a Candidate for the Same Office at the Ensuing General Election.

Was read the second time.

ROLL CALL

The question being on the final passage of the bill, the roll roll was called and there were ayes, 57; nays, 50; absent and not voting, 3.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Arneson, Nelson | Holm | Saumur |
| Arneson, Ramsey | Holthusen | Sellens |
| Benno | Ireland | Severson |
| Bergesen | Johnson, Cass | Sharpe |
| Blair | Kluver | Shure |
| Bolmeier | Lange | Singleton |
| Boulden | Larson | Skartvedt |
| Braun, Stark | Levin | Solberg |
| Brown | Lunde | Stone |
| Byrne | Moe | Stormon |
| Culver | Morland | Symington |
| Dalzell | Nelson, Cass | Thompson,Burl'gh |

| | | |
|---|---|---|
| Dike | Nelson, Steele | Thompson, Steele |
| Dittmer | Nystrom | Trydahl |
| Feton | O'Brien | Twichell |
| Fitch | Odegard | Wambheim |
| Fuglestad | Oglesby | Westby |
| Gainor | Page | Williams,Richland |
| Haugland | Peterson, Ransom | Williams,Stutsm'n |

Those voting in the negative were:

| | | |
|---|---|---|
| Adam | Halvorson | Peterson,Bottineau |
| Anderson, Benson | Heckman | Rait |
| Anderson,M'K'nzie | Hofstrand | Rettke |
| Anfinson | Hultstrand | Rohde |
| Beede | Ista | Sand |
| Belzer | Jensen | Schauss |
| Billigmeier | Johnson, LaMoure | Schmidt, McHenry |
| Bingenheimer | Joiner | Schmidt, Sheridan |
| Braun, McLean | Keller | Schimke |
| Buchholz | McIntee | Scholl |
| Crockett | McIntyre | Schwartz |
| Erickson | Myers | Semerad |
| Fletcher | Mittag | Tuff |
| Fraser | Mollet | Urschel |
| Glas | Nelson, Dickey | Wolf |
| Gray | Ostgulen | Mr. Speaker |
| Haag | Panko | |

Absent and not voting:

| | | |
|---|---|---|
| Knutson | McInnes | Ritter |

So the bill passed and the title was agreed to.

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

Rep. Stone moved that Senator Nye be invited to address the House, which motion prevailed.

Rep. Bergesen moved that the Speaker appoint a committee of two to escort Senator Nye to the rostrum, which motion prevailed and the Speaker appointed on that committee Reps. Bergesen and Byrne.

Reps. Bergesen and Byrne escorted Senator Nye to the rostrum.

Senator Nye addressed the assembly.

Rep. Twichell moved that Senator Nye's remarks be printed in the Journal, which motion prevailed.

Senator Nye addressed the Assembly as follows:

"Mr. Speaker and Gentlemen of this House: "This is a long way to come to have the privilege of speaking and then to have someone move that I be privileged to speak for twenty minutes when it is so nice to be away from my obligations not to have to speak at all, it is just a little bit befogging. I want to thank the Representative for the invitation and also the members of the House for the privilege of being here if for no other purpose than saying 'How-do-you-do.' I thought that because of the holiday in honor of Washington's birthday it was a good time to come out here and enjoy a day here in the Legislative Session.

"There are many things that might be said, many things that coming from Washington are of direct consideration to you people who are striving to make ends meet and striving to effect a better spirit here in the State for the next two years that is going to be an improvement over what has been

our economical misfortune. I could say to you only this, with respect as to what is to be expected in the way of legislation concerning individual security, that there is a prospect of an improved status for states like ours under the Social Security set-up. There is a splendid reason to believe at this time that Congress may afford a Social Security set-up that may let some states have the Federal aid that is afforded by some regions.

"By that I mean this: that where a state is suffering from less than average income than is being enjoyed by the nation that state should be required to put up less of the money that is required for old age assistance. I would like to say that it is an assured thing at this time but there is a lot of sentiment in Congress favoring that sort of a set-up. With the bill in its present form—the State of North Dakota by putting up a dollar for this purpose would find the Federal Government ready to match it with two dollars. The North Dakota rate would be about one-third of the total that they would have to furnish.

"On this matter of farm aid there is too much to talk about but I know definitely that this Congress is going to afford a better level of direct farm assistance ever approximated heretofore, and given the advantage of good crops in North Dakota I have every reason to say that this year is going to give the kind of legislation that is going to provide an American price for an American product, for that part of the product that the people consume.

"I shouldn't think of leaving this rostrum without thanking the House for that very splendid consideration which was afforded me some few days ago in connection with permitting me to have my explanation for my position on the WPA presented to the House. For that consideration I want to thank you. I haven't a word of criticism to offer on your condemning any action that I may have taken. I shouldn't object to such a resolution in the future. It is fine to have the feel of what the sentiment is at home. But I am quite content to believe that you know my reasons for a position on a given issue. It has promoted a better understanding between each other. There is nothing quite so necessary in this day and age as better understanding between men and women and their fellowmen as a great economical unit and this failure is very largely due not to the lack of desire on the part of all people to gain the finest ends and the best economical balance but is traceable, instead, to the fact that many people want to reach the same goal and want to accomplish it by a different route. If we can only find that our purpose is quite identical, to many opportunities that are given the larger groups, are going to be given us and we will reach the goal much more quickly than we will otherwise.

"I want to thank you for the chance to say 'hello.' I am sorry I can't stay longer. I would like to stay a number of days to visit and renew old acquaintances but I must leave tonight. I will not leave without these remarks: that you have ten days of Session left and I wish you every possible success, and when the ten days have passed you are going to be able to look back on sixty days of real accomplishment

and splendid work for the State of North Dakota. Thank you Mr. Speaker."

Rep. Morland moved that the absent members be excused, which motion prevailed.

Rep. Crockett moved that the House adjourn until 2:00 P. M., tomorrow after completion of the Thirteenth Order of Business, which motion prevailed.

FIRST READING OF SENATE BILLS

Senate Bill No. 241. A Bill for an Act to Provide for the Better Enforcement and Collection of Personal Property Taxes by Providing for the Appointment of a Special Tax Collector; Prescribing His Duties, Authority and Compensation; and Declaring an Emergency.

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

Senate Bill No. 228. A Bill for an Act Providing for Transfer of Certain School Lands Situated in Williams County, State of North Dakota, to Williams County to Be Used and Maintained as a Public Park and Authorizing the Exchange of the County Land Therefor, and Declaring an Emergency.

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

Senate Bill No. 226. A Bill for an Act to Amend and Reenact Section 2 of That Certain Initiated Law Entitled "An Act Declaring Mortgages on Growing and Unharvested Crops to Be Against the Public Policy of the State, and Abolishing the Same," Approved and Adopted by the Electors at the June 29, 1932 Primary Election; as Amended by Chapter 150 of the Session Laws of North Dakota for the Year 1933, Repealing All Acts or Parts of Acts in Conflict and Declaring an Emergency.

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

Senate Bill No. 208. A Bill for an Act to Encourage the Investment of Monies in the State of North Dakota, and to Encourage the Development of Industries and Resources in the State of North Dakota, Providing for Exempting, for a Period of Five Years, All of the Property of New Business Places, Hereafter Entered Into in the State of North Dakota, Whether the Same Be by Corporations, Firms, or Individuals, Providing That the Same Shall Only Apply Where Twenty-five Thousand Dollars or More of Capital Is Invested in Such Industry or Business Place, Within the State of North Dakota; 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 State Affairs.

Senate Bill No. 150. A Bill for an Act Amending and Reenacting the Workmen's Compensation Act by Amending and Re-enacting Sub-sections A and C of Section 3, Chapter 162, Session Laws of 1919 as Amended by Chapter 260, Session Laws of 1929 and Chapter 286, Session Laws of 1935; Paragraph F of Section 4 of Chapter 162, Session Laws of 1919, as Amended by Chapter 285, Session Laws of 1927 and Chapter 314, Session Laws of 1931; Paragraph I of Section 4 of Chapter 162, Session Laws of 1919,

as Amended by Chapter 314, Session Laws of 1931 and Chapter 286, Session Laws of 1935; the First Paragraph of Section 5 of Chapter 162, Session Laws of 1919 as Amended by Chapter 143, Session Laws of 1921 and Which Appears as Section 396a5 of the 1925 Supplement; the Ninth and Final Paragraph of Section 7 of Chapter 162, Session Laws of 1919 as Amended by Chapter 312, Session Laws of 1931; the Fourth and Fifth Paragraphs of Section 8, Chapter 162, Session Laws of 1919 as Amended by Chapter 315, Session Laws of 1931; and Section 23 of Chapter 162, Session Laws of 1919 Which Also Appears as Section 396a23 of the 1925 Supplement.

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

Senate Bill No. 79. A Bill for an Act Providing for the Closing of the Hunting Season and Prohibiting all Hunting of Upland Game Birds Until the Opening of the Hunting Season in the Year 1942; Providing a Penalty for Violation of the Provisions Hereof.

Was read the first time and referred to the Committee on Game and Fish.

Senate Bill No. 211. A Bill for an Act Appropriating Money for the Use of the Board of Railroad Commissioners for the Purpose of the Valuation and Revaluation of Public Utilities by the Board of Railroad Commissioners, as Provided by Chapter 253, Session Laws of 1935.

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

Senate Bill No. 251. A Bill for an Act to Facilitate the Co-operation of This State With Other Units of Government and to Establish an Unpaid Commission for That Purpose, and Declaring an Emergency.

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

Senate Bill No. 178. A Bill for an Act Providing That the State Board of Finance and Administration Created and Established by Senate Bill Number 37 Now Pending Before This Legislative Assembly Shall be the Successor of The Board of Administration and Vesting in and Imposing Upon Said State Board of Finance and Administration All the Rights, Powers, Duties, Obligations and Prerogatives of Said Board of Administration, and Declaring an Emergency.

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

Senate Bill No. 258. A Bill for an Act Providing Suspension of Remedies to Enforce or Effectuate Tax Liens, Certificates and Titles Affecting Lands Acquired by the State Treasurer as Trustee for the State of North Dakota Under the Provisions of Sections 2290b9 and 2290c9 of the 1925 Supplement to the 1913 Compiled Laws of North Dakota, and Acts Amendatory Thereof, Providing for Removal of Such Suspension Upon Sale of Said Lands, Providing Authority for Payment of the Original Amounts of General Taxes, and Cancellation of Liens, Certificates and Titles Based Thereon,

and Providing for Repeal of All Inconsistent Acts, Including Chapter 290 of the North Dakota Session Laws of 1931, and Declaring an Emergency.

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

Senate Bill No. 177. A Bill for an Act to Repeal That Certain Initiated Law Entitled "An Act Prohibiting Corporation Farming and Relating to Corporations Acquiring and Holding Real Estate Not Necessary in the Operation of Their Business." Approved and Adopted by the Electors at the June 29, 1932 Primary Election, as Amended by Chapter 89 of the Session Laws of the State of North Dakota for the Year 1933, and as Further Amended by Chapter 111 of the Session Laws of North Dakota for the Year 1935.

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

Senate Bill No. 171. A Bill for an Act Authorizing and Directing the North Dakota Agricultural College to Enter Into A Co-operative and License Agreement With the United States of America for Agricultural Investigational Work on Land Located in the Sheyenne River Project in Richland and Ransom Counties, State of North Dakota.

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

Senate Bill No. 203. A Bill for an Act Authorizing and Directing the President of the North Dakota Agricultural College to Enter Into a Leasing Agreement in Behalf of the North Dakota Agricultural College, with Hettinger Special School District No. 13, Leasing the Hettinger Experimental Substation Property Located Adjacent to the Village of Hettinger in the County of Adams, State of North Dakota; and Repealing Chapter 185, of the Session Laws of North Dakota for the Year 1937.

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

Senate Bill No. 263. A Bill for an Act to Amend and Reenact Section 7412 of the Compiled Laws of 1913, Relating to Power of Court, Interpleader, and Declaring an Emergency.

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

Senate Concurrent Resolution No. 271. A Concurrent Resolution Relating to the Distribution of Food Commodities by Federal Relief Agencies.

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

Senate Bill No. 260. A Bill for an Act Amending and Reenacting Chapter 102, Session Laws of the State of North Dakota for the Year 1929.

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

Senate Bill No. 115. A Bill for an Act to Amend and Reenact Chapter 242, Session Laws of 1937, Relating to the

Levying of a Tax for the Purpose of Paying 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.

Senate Bill No. 93. A Bill for an Act to Prohibit the Use of Certain Properties of the State of North Dakota and Its Political Sub-divisions in the Discharge of Private Business; Providing Penalties for the Violation 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 State Affairs.

Senate Bill No. 275. A Bill for an Act Prohibiting the Use of Motor Vehicles Owned by the State, or Any Department, Board, Bureau, Commission, Institution, or Other Agency of the State, Including the State Mill and Elevator and the Bank of North Dakota by Any State Officer or Other Public Employee, and Prohibiting the Collection and Receipt of Any Mileage or Other Traveling Expenses for the Operation of a Privately Owned Motor Vehicle by Such State Officer or Other Public Employee While Engaged in Any Political Activity, and Prescribing Penalties Therefor.

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

Senate Bill No. 149. A Bill for an Act to Amend and Re-enact Section 714a7 of the 1925 Supplement to the Compiled Laws of North Dakota for the Year 1913, Relating to Securities for Public Deposits.

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

Senate Bill No. 242. A Bill for an Act to Re-establish the North Dakota Mill and Elevator Association and Define Its Powers and Duties; to Provide for the Establishment of a North Dakota Board of Industrial Management, Define Its Powers and Duties in Respect to the Management, Operation and Control of the Properties and Businesses of the North Dakota Mill and Elevator Association, and Repealing All Acts or Parts of Acts in Conflict Herewith.

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

Senate Bill No. 225. A Bill for an Act Relating to the Giving of Proof of Financial Responsibility by Owners and Operators of Motor Vehicles and to Make Uniform the Law With Reference Thereto.

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

Senate Bill No. 283. A Bill for an Act Prescribing the Oath to Be Taken and Subscribed to by Professors, Instructors and Teachers in Public Schools, Colleges and Universities of the State.

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

Senate Concurrent Resolution No. 282. A Concurrent Resolution Providing for the Amendment of the Constitution to Provide for an Appointive Board to Manage the

Permanent Funds of the State, Abolishing the Board of University and School Lands, and the Local Board of Appraisal, and Repealing Sections 156 and 157 of the Constitution.

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

Senate Bill No. 253. A Bill for an Act Making an Appropriation for the Purpose of Defraying the Expense of the Maintenance and Operation of the State of North Dakota Doing Business as the North Dakota Mill and Elevator Association.

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

Senate Bill No. 238. 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.

Senate Bill No. 284. A Bill for an Act Relating to Copyrights and Public Performing Rights in Musical Compositions and Dramatico-Musical Compositions, Requiring Lists Thereof to Be Filed, Regulating the Issue of Licenses With Respect Thereto, Prohibiting Discrimination, Providing for Service of Process, Levying a Privilege Tax, Providing Penalties, and Repealing Inconsistent Acts.

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

Senate Bill No. 244. A Bill for an Act Making an Appropriation for the Purpose of Defraying the Expense of the Maintenance and Operation of the Bank of North Dakota.

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

Senate Bill No. 240. A Bill for an Act to Authorize the Disorganization of Counties by Petition and Election or by Judicial Procedure and for the Proceedings Therefor; and for the Elimination of County Officers and the Termination of Their Terms of Office; and for the Attachment to an Organized County for Judicial and Administrative Purposes; and Providing for the Duties of the Officers of the Organized County to Which Attached, Including the Powers and Limitations to Tax; to Maintain Separate Records, to Act as Trustee, Collect the Revenue and to Disburse the Expenses for the Remaining Operation of the Unorganized County; and for Submitting the Question if Portions of This Act Are Unconstitutional or Final Decree Denies the Petition; and for Retaining the Validity of the Remaining Provisions of This Act if Any Are Declared Unconstitutional; and for the Repeal of Acts in Conflict Herewith.

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

Senate Bill No. 234. A Bill for an Act to Amend and Reenact Section 6 of Chapter 108 of the Session Laws of 1935 as Amended by Chapter 114 of the Session Laws of 1937 and Sections 9, 10, 17 and 18 of Chapter 108 of the Session Laws of 1935; Repealing All Inconsistent Acts; and Declaring an Emergency.

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

Senate Bill No. 252. A Bill for an Act to Repeal Section 8 of Chapter 125 of the 1933 Session Laws Relating to Duties of State Highway Commissioner and to Dispense With the Necessity of Filing Monthly With the State Auditing Board an Itemized Statement of Materials Sold or Purchased.

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

Senate Bill No. 270. A Bill for an Act Providing That the Furnishing of Transportation or Its Equivalent to School Children Shall Be Optional With the School Board of Each District; Repealing All Laws or Parts of Laws in Conflict Therewith.

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

Senate Bill No. 268. A Bill for an Act to Amend and Reenact Section 1498 of the Compiled Laws of 1913, Relating to the Records of the Teachers' Insurance and Retirement Fund.

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

Senate Bill No. 278. A Bill for an Act Relating to the Board of University and School Lands; Relating to Its Duties and Powers in Relation to Investment of Its Funds, Management of Same; Providing for Levy to Take Care of Losses; Repealing All Acts or Parts of Acts in Conflict Therewith.

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

Senate Bill No. 222. A Bill for an Act Making an Appropriation for $5,598.30 for Payment of Fire and Tornado Insurance Premiums Upon the Transient Camp Buildings, Located at Lake Metigoshe, Belonging to the State Historical Society.

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

Senate Bill No. 276. A Bill for an Act to Amend and Reenact Section 6, of Chapter 244, of the Session Laws of 1937, Relating to Liens and Assignments Acquired in Proceedings for the Collection of Rents to Be Applied on Real Estate Taxes; Providing for Priority of Liens Acquired by the United States Government or Any Agency Thereof, and Repealing All Acts in Conflict Herewith; Declaring an Emergency.

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

Senate Bill No. 179. A Bill for an Act Licensing the Sale and Use of Punch Boards, Tip Books, Tip Jars, Pull Boards and Push Boards; Providing for Certain License Fees and for Certain Taxes Thereon; for the Disposition of Monies Obtained Thereunder; Prohibiting the Sale and Use of Punch Boards, Tip Boards, Tip Jars, Pull Boards and Push Boards Not Duly Stamped; Providing for the Enforcement of This Act and Penalties for the Violation Thereof; Providing for a Saving Clause; 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 Ways and Means.

Senate Bill No. 168. A Bill for an Act Relating to the Furnishing of Certified Checks or Bidder's Bonds by Contractors Submitting Proposals for the Construction of Public Improvements; 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.

Senate Bill No. 249. A Bill for an Act Making an Appropriation for the Purpose of Operating and Maintaining the State Bonding Fund for the Biennium Beginning July 1, 1939.

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

Senate Bill No. 195. A Bill for an Act Clarifying, Confirming and Validating Chapter 86 of the Session Laws of 1937, Which is an Act Making an Appropriation to Be Expended in Providing Public Assistance to the Needy Aged, the Needy Blind, and to Dependent Children, and for Providing Child Welfare Services and Services to Crippled Children in Co-ordination With and Supplementary to Funds Made Available for Like Purposes in North Dakota by the Federal Government; and Declaring an Emergency.

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

Senate Bill No. 194. A Bill for an Act to Amend and Reenact Section 7971 of the Compiled Laws of the State of North Dakota for 1913, Relating to Actions Against Usurping Officers and Persons.

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

Senate Bill No. 197. A Bill for an Act to Amend and Reenact Section 470 of the Compiled Laws of the State of North Dakota for 1913, Being Section 13, of Chapter 189, Session Laws of 1911, Relating to Penalties for Violation of the Laws Concerning the Practice of Medicine and Surgery.

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

Senate Bill No. 277. A Bill for an Act Making an Appropriation to Provide Funds for the Payment of Salaries Due Inspectors of the Motor Vehicle Registration Department; and Declaring an Emergency.

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

Senate Bill No. 255. A Bill for an Act Making an Appropriation for the Operation and Maintenance of the State Hail Insurance Department, for the Biennium Beginning July 1, 1939.

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

Senate Bill No. 248. A Bill for an Act Making an Appropriation for the Purpose of Operating and Maintaining the State Fire and Tornado Fund for the Biennium Beginning July 1, 1939.

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

Senate Bill No. 216. A Bill for an Act to Amend and Re-

enact Chapter 284, of the 1927 Session Laws of the State of North Dakota, Providing for the Investment of Monies in the Workmen's Compensation Fund, and Making an Appropriation for Such Investments.

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

Senate Bill No. 109. A Bill for an Act Providing for the Appointment of a Commission to Examine the Accounting Systems of State Departments and Institutions, and of Local Sub-divisions; Providing for the Establishment of Uniform Systems of Accounting, and Providing a Penalty for Violation; Providing for Biennial Examinations of the Affairs of State Departments and Institutions; Providing an Appropriation; and Repealing Sections 711, 712, 713, and 714 of the Compiled Laws of North Dakota for 1913.

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

Senate Bill No. 245. A Bill for an Act Making an Appropriation for the General Maintenance and Operation of the North Dakota Twine and Cordage Plant at the State Penitentiary.

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

Senate Bill No. 198. A Bill for an Act to Amend and Reenact Section 1218 of the Supplement to the Compiled Laws for 1913, of the State of North Dakota, and Relating to the Report of the Treasurer in Common School Districts; and Repealing All Acts or Parts of Acts in Conflict Therewith.

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

Senate Bill No. 204. A Bill for an Act Permitting County Commissioners to Publish Delinquent Real Estate Tax Sale Notices in the Legal Newspapers of the County, 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 Printing.

Senate Bill No. 281. A Bill for an Act to Amend and Reenact Section 548a1 of the 1925 Supplement to the Compiled Laws of North Dakota for the Year 1913, Relating to the Licensing of Pool Halls, Dance Halls, Theatres, Moving Picture Shows, Etc.

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

Senate Bill No. 123. A Bill for an Act Making an Appropriation to the State Public Welfare Fund, Established by Section 3, of Chapter 214, of the Session Laws of 1937, for the Biennium Beginning July 1, 1939, and Ending June 30, 1941, to Be Expended by the Public Welfare Board in Providing Public Assistance to the Needy Aged, as Provided by Chapter 211 of the Session Laws of 1937, and for Necessary Costs of Administration.

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

Senate Bill No. 140. A Bill for an Act Making an Appropriation for the Biennium Beginning July 1, 1939, and Ending June 30, 1941 to the Public Welfare Fund, Created and

Established by Section 3 of Chapter 214 of the Session Laws of 1937, for Disbursement by the Public Welfare Board in Providing Public Assistance to the Needy Blind and to Dependent Children, as Provided by Chapters 209 and 210 of the Session Laws of 1937, and in Providing Child Welfare Services and Services to Crippled Children in Coordination With and Supplementary to Funds Made Available for Like Purposes in North Dakota by the Federal Government, as Provided by Chapter 221 of the Session Laws of 1935.

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

Senate Bill No. 141. A Bill for an Act Making an Appropriation for Relief to Destitute and Necessitous persons for the Biennium Beginning July 1, 1939 and Ending June 30, 1941, Defining the Powers and Duties of the Public Welfare Board in Relation Thereto, and Providing for Allocation of Funds to Counties for Relief Purposes and for Other Specified Relief Expenditures and Costs of Administration.

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

Senate Bill No. 239. A Bill for an Act Making an Appropriation to Pay for a Portion of the Current Operating Expense of Our Public School System as Provided for in the State Equalization Fund Law, as Provided for by Senate Bill No. 237 as Passed by the 1939 Session of the Legislature.

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

Senate Bill No. 9. 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.

Senate Bill No. 232. A Bill for an Act Making an Appropriation for the Use and Benefit of the State Highway Department of the State of North Dakota to Pay for Equipment (Purchased From and Installed by the Addrressograph Multigraph Corporation.)

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

Senate Bill No. 68. A Bill for an Act to Amend and Reenact Section 4 of Chapter 152 of the Session Laws of 1929, Relating to an Appropriation for the Necessary Costs of Investigations, Etc., of Fire Insurance Rates.

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

Senate Bill No. 205. A Blil for an Act Requiring the Publication of the Proceedings of Meetings of County Welfare Boards, 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 Public Welfare.

Senate Bill No. 65. A Bill for an Act Levying and Imposing a Tax to Carry Out the Provisions of That Certain Initiated Measure Adopted at the General Election November 8, 1938, Entitled "An Act Amending and Re-enacting Section 3 of Chapter 211 of the Session Laws of North Da-

kota for 1937, and Providing That the Amount of Assistance Which Any Person Shall Receive Shall be Sufficient When Added to All Other Income of Recipient to Provide Such Person With a Reasonable Subsistence Compatible With Decency and Health But Shall Not be Less Than a Minimum of Forty Dollars ($40.00) Per Month Except That it Shall Not be Less than a Minimum of Thirty Dollars ($30.00) Per Month for Each Recipient Where There Is More Than One Recipient in a Family and Each County Shall Reimburse the State Agency for Fifteen Per Cent of the Amount Expended for Such Assistance in Such County in Excess of the Amount Provided by the Federal Government and Repealing All Acts and Parts of Acts in Conflict Herewith"; Providing That All Funds Derived From Such Tax Shall be Paid Into the State Treasury and Shall be Deposited in the State Public Welfare Fund in Said Treasury and Disbursed by the Public Welfare Board of North Dakota as Provided by Law; and Providing for the Submission of This Act to a Vote of the Electors of the State of North Dakota for Their Approval or Rejection and Providing That If This Act Is Rejected at Such Election it Shall be of No Force or Effect, Making an Appropriation, and Declaring an Emergency.

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

Senate Bill No. 41. A Bill for an Act Declaring All Tax Charges Based on Original Final Values of Property Assessed by Local Assessors, in Excess of Amount That Would Have Been Charged Had Said Original Final Value Been Limited to the Full and True Value in Money, Null and Void; Providing Remedy to the Taxpayer; and Repealing All Laws or Parts of Laws in Conflict Therewith.

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

Senate Bill No. 261. A Bill for an Act Authorizing the State Treasurer as Trustee for the State of North Dakota to Transfer Lands Owned by Him to Owners of Other Lands of Approximately Equal Value in Exchange for Transfers of Such Other Lands, and Declaring an Emergency.

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

Senate Bill No. 265. A Bill for an Act Providing That the Emergency Commission Created and Established by Section 283c1 of the 1925 Supplement to the Compiled Laws of the State of North Dakota Shall Pass Upon All Expenditures From the Emergency Fund of the State Hail Insurance Department, and Declaring an Emergency.

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

Senate Bill No. 144. A Bill for an Act Requiring State Officers, Boards, Bureaus, Commissions, Departments, Institutions, Industries and Businesses to Prepare and File Reports, and Providing a Penalty for Failure to Comply With This Act, and Repealing All Acts or Parts of Acts in Conflict Herewith.

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

Senate Bill No. 158. A Bill for an Act to Amend and Re-

enact Chapter 163 of the Session Laws of the State of North Dakota for the Year 1929, Being an Act to Require Persons Convicted of Reckless Driving, or of Driving a Motor Vehicle While Under the Influence of Intoxicating Liquor or Narcotic Drugs, or of Failure to Stop in Event of an Accident Involving Injury or Death to a Person, to Furnish a Bond or Insurance Policy; Providing for the Enforcement of Such Act; and Providing a Penalty for the Violation Thereof.

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

Senate Bill No. 157. A Bill for an Act Relating to Civil Liability of Owners and Operators of Motor Vehicles, Service of Civil Process on Non-residents and Requirement That Owners of For-rent Vehicles Give Proof of Financial Responsibility and to Make Uniform the Law With Reference Thereto.

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

Senate Bill No. 215. A Bill for an Act Amending and Reenacting Section 16, of Chapter 139, of the 1937 Session Laws Relating to Motor Vehicle Drivers Licenses, to Provide for Appointment of Local Agents and Their Compensation for Issuing Licenses, and Repealing Section 17, of Said Chapter 139, of the 1937 Session Laws 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 Public Safety.

Senate Bill No. 212. A Bill For an Act Amending and Reenacting Section 2093 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, Relating to the Manner of Listing Real and Personal Property for Assessment Purposes, and Providing That as to General Merchandise, or Any Inventory of Goods and Wares, the Average Value of the Same for the Year Preceding the Time of the Assessment, Shall Be Taken as the Value Thereof for Assessment Purposes, Repealing All Acts in Conflict Therewith and Declaring an Emergency.

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

Senate Bill No. 1. A Bill for an Act to Appropriate Money for the Expenses of the Executive, Legislative and Judicial Departments of the State Government, and for all of the Sub-divisions Thereof, 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 Prohibiting the Payment or Receipt of Double Compensation or Salary, Providing a Penalty for Violation Thereof, and Declaring an Emergency.

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

Senate Bill No. 257. A Bill for an Act Providing for Special Audits and Investigations of the North Dakota Mill and Elevator Association, the Bank of North Dakota, the State Highway Department and the Office of State Highway Commissioner, the Board of Administration, the Board

of University and School Lands, the Industrial Commission and the State Securities Commission, and Such Other Offices, Departments, Institutions and Commissions of the State as the Governor Shall Designate; Providing for the Appointment of a Special Examining Commissioner and for the Prosecution of Any Action or Proceeding Which May Be Deemed Warranted as a Result of Such Audit, Investigation or Check Up; Providing for an Appropriation to Carry Out the Purposes of This Act, and Declaring an Emergency.

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

Senate Bill No. 136. A Bill for an Act to Encourage and Permit the Propagation of Domestic Game Birds by Private Enterprise in the State of North Dakota; Declaring an Emergency.

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

Pursuant to Rep. Crockett's motion the House stood adjourned to 2:00 P. M., February 23rd.

MINNIE D. CRAIG, Chief Clerk.

## FIFTY-SECOND DAY

Bismarck, February 23, 1939.

The House assembled at 2:00 P. M., pursuant to adjournment, Speaker Hagen presiding.

Prayer by Rev. G. W. Stewart.

Roll Call: All Representatives present except Brown, Knutson, Ritter, Sand, Schauss, Scholl, Solberg, Twichell.

So a quorum was declared present.

### REPORTS OF STANDING COMMITTEES

Mr. Speaker: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the Fiftieth and Fifty-first day and recommends that the same be corrected as follows:

On page 953, line sixteen, correct the spelling of the word "Re-engrossed".

On page 978, twenty-nine lines from the top of the page, insert the following: "Rep. Twichell moved that the vote by which Senate Bill No. 11 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed."

On page 982, at bottom, strike out title of Senate Bill No. 160 and insert in lieu thereof;

Senate Bill No. 260. A Bill for an Act Amending and Reenacting Chapter 102, Session Laws of the State of North Dakota for the Year 1929.

And when so corrected recommends that the same be approved.

REP. GLAS, Chairman.

Rep. Lester Keller moved that the report be adopted, which motion prevailed and the report was adopted.

A communication was received from officers of the City of Maddock expressing their alarm about the taxes to be levied.

A resolution was received from the Federation of Nonpartisan Women's Clubs asking that the Legislature enact legislation to make workable the Old Age Assistance Act and also to return the administration of relief to county commissioners and township and city boards.

A petition was received from 40 signers of Jamestown asking that members of the House and Senate vote for the passage of House Bill No. 238, which prohibits the sale of intoxicating liquor outside of the city limits, and Senate Bill No. 161 which prohibits public officials from taking part in the sale of intoxicating liquors.

A communication was received from Governor John Moses transmitting a copy of a telegram signed by the Board of Education of Carpio, N. Dak., stating that if Senate Bill No. 237 becomes law it will close their high school of 54 pupils.

A communication was received from Rep. E. C. Stone which was read from the desk.

Rep. Johnson of Cass moved that Rep. Stone's communication be printed in the Journal, which motion prevailed.

Mr. Speaker: "I desire to have the following read and printed in the Journal. Yesterday, when Senator Gerald P. Nye was present in the house, I became confused and made the incorrect motion regarding Senator Nye addressing the House. I had conferred with some of the older members of the House and I drew the conclusion from such conversation that it was proper to either suspend the rules or recess in order for anyone to speak who was not a member of the House. I was anxious to have Senator Nye speak to this body and desire very much that it be understood that my motion was in no way an attempt to restrain the Senator from addressing the body, but on the contrary I wished to hear him speak and am of course sorry that I made the motion in such a manner that it might be misunderstood.

DR. E. C. STONE,
Rep. 29th Dist.

Mr. Speaker: Your Committee on Taxes and Tax Laws to whom was referred Senate Bill No. 90, have had the same under consideration and recommend that the same do pass.

N. P. JENSEN, Chairman.

Rep. Rait moved that the report be adopted, which momotion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Taxes and Tax Laws to whom was referred Senate Bill No. 115, have had the same under consideration and recommend that the same do pass.

N. P. JENSEN, Chairman.

Rep. Myers moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: 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 be amended as follows:

In Section 1, line 13 of the engrossed bill which is line 15 of the printed bill, insert a "period" after the word "district" and strike out the remainder of the section.

And when so amended recommend the same do pass.

N. P. JENSEN, Chairman.

Rep. Hofstrand moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Taxes and Tax Laws to whom was referred, Senate Bill No. 241, have had the same under consideration and recommend that the same be indefinitely postponed.

N. P. JENSEN, Chairman.

Rep. Myers moved that the report be adopted, which motion prevailed and the report was adopted.

Rep. Rohde moved that the vote by which House Bill No. 241 was indefinitely postponed be reconsidered and the

motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on Taxes and Tax Laws to whom was referred, Senate Bill No. 212, have had the same under consideration and recommend that the same do pass.

N. P. JENSEN, Chairman.

Rep. Myers moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Taxes and Tax Laws to whom was referred, Senate Bill No. 180, have had the same under consideration and recommend that the same do pass.

N. P. JENSEN, Chairman.

Rep. Mollet moved that the report be adopted, which motion prevailed and the report was adopted.

Rep. Rait: Mr. Speaker: Your Committee on Employment begs leave to report that Mrs. Helen Brastrup has resigned her position as stenographer and that no one will be employed to substitute for her at this time.

Rep. Rait moved that the report be adopted, which motion prevailed.

House Concurrent Resolution No. 399 was read.

Rep. Johnson of Cass moved that the House adopt House Concurrent Resolution No. 399, which motion prevailed and House Concurrent Resolution No. 399 was adopted.

HOUSE CONCURRENT RESOLUTION NO. 399

Introduced by Reps. Lange, Benno and Johnson of Cass

WHEREAS, there is available to the State of North Dakota, the sum of $12,555.00 in P. W. A. Funds for the paving of the State Capitol grounds at Bismarck, and

WHEREAS, in order to obtain such funds for such purpose, it will be necessary for the State to provide the sum of $15,345.00 to complete such paving, and

WHEREAS, the Board of Administration, has in its emergency Fund for State institutions, funds sufficient to make such expenditure,

NOW THEREFORE, BE IT RESOLVED by the House of Representatives of the State of North Dakota, the Senate concurring, that the Board of Administration be authorized and directed to transfer from its Emergency Fund for State institutions the sum of $15,345.00 for the purpose of matching P. W. A. funds in paving the State Capitol grounds at Bismarck, North Dakota.

MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, February 23, 1939.

Mr. Speaker: I have the honor to transmit:

Senate Bill No. 35. A Bill for an Act to Amend and Reenact Sections 859 and 860 of the Compiled Laws for the Year 1913, Relating to the Form of Party Primary Election Ballots and the Manner of Voting the Same.

Senate Bill No. 259. A Bill for an Act Authorizing the State Treasurer to Invest and Reinvest Funds of the State Fire and Tornado Fund, and Appropriating Such Funds for That Purpose.

Which the President has signed.

**WM. J. LOWE, Secretary.**

Senate Bill No. 126 was read the second time.

Rep. Myers moved that action on Senate Bill No. 126 be deferred one legislative day, which motion prevailed.

The Speaker called attention to the possibility that House Bill No. 364 might require a two-thirds majority in that it was a constitutional amendment.

Rep. Anderson of Benson called attention to the fact that House Bill No. 238 may also require a two-thirds majority. A further study would be made on these two bills and later reported to the House.

## SIGNING OF BILLS

The Chief Clerk announced that the Speaker was about to sign.

Senate Bill No. 259. A Bill for an Act Authorizing the State Treasurer to Invest and Reinvest Funds of the State Fire and Tornado Fund, and Appropriating Such Funds for That Purpose.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 35. A Bill for an Act to Amend and Reenact Sections 859 and 860 of the Compiled Laws for the Year 1913, Relating to the Form of Party Primary Election Ballots and the Manner of Voting the Same.

And the Speaker signed the same in the presence of the House.

## GENERAL ORDERS

Rep. Fitch moved that the House resolve itself into a Committee of the Whole for the consideration of general orders; which motion prevailed, and the House resolved itself into a Committee of the Whole.

When the Committee arose it submitted the following report:

Mr. Speaker: The Committee of the Whole have had under consideration:

Senate Concurrent Resolution No. 135.

On line 45 strike out after the word "had" to the end of the line.

Strike out all of line 46, and insert "by a" at the beginning of line 47.

At the beginning of line 46, re-number all lines to bottom of resolution.

And recommend the adoption of the amendments of the Standing Committee.

And when so amended recommend the same do pass.

Rep. FITCH, Chairman, Committee of the Whole.

Rep. Fitch moved the adoption of the report of the Committee of the Whole, which motion prevailed.

## MESSAGE TO THE SENATE

House of Representatives,
Bismarck, February 23, 1939.

Mr. President: I have the honor to return:

Senate Bill No. 11. A Bill for an Act Prohibiting any Person Who Was a Candidate for Nomination for Office at

a Primary Election and Who Was Defeated for Said Office, From Being a Candidate for the Same Office at the Ensuing General Election.

Senate Bill No. 39. A Bill for an Act to Repeal Chapter 168 of the Session Laws of the State of North Dakota for 1927, as Amended by Chapter 151 of the Session Laws of North Dakota for 1929, Relating to the Investment of Funds of County Mutual Insurance Companies, and Prescribing the Character of the Investment.

Senate Bill No. 112. A Bill for an Act to Amend and Reenact Section 1 of Chapter 252 of the Session Laws of North Dakota for the Year 1937, Relating to Bounty for Tree Planting.

Which the House has passed unchanged.

Senate Bill No. 259. A Bill for an Act Authorizing the State Treasurer to Invest and Reinvest Funds of the State Fire and Tornado Fund, and Appropriating Such Funds for That Purpose.

Senate Bill No. 35. A Bill for an Act to Amend and Reenact Sections 859 and 860 of the Compiled Laws for the Year 1913, Relating to the Form of Party Primary Election Ballots and the Manner of Voting the Same.

Which the Speaker has signed.

MINNIE D. CRAIG, Chief Clerk.

House Concurrent Resolution No. 400 was read from the desk.

Rep. Byrne moved the adoption of House Concurrent Resolution No. 400 and that it be printed in the Journal, which motion prevailed and the House adopted House Concurrent Resolution No. 400.

HOUSE CONCURRENT RESOLUTION No. 400

Introduced by Representatives Byrne and O'Brien.

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

WHEREAS, we have been informed that his Excellency, Eamon DeValera, President of Eire will honor our country with a visit during the coming summer;

NOW THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NORTH DAKOTA, THE SENATE CONCURRING: That we extend to him a hearty welcome to our country and express the hope that he will be able to visit our state and be welcomed again by the men and women, and the sons and daughters of those who gave so generously their support financial and moral to him when he was in this country some years ago making his valiant and finally successful effort to establish his country as a free and independent Nation.

We will welcome him to our State as a man who brought peace to his country, ended centuries of bloody warfare, ended foreign rule and established a free and independent Nation.

The thousands of descendants of those who claimed Eire as their homeland still carry a bit of Ireland in their hearts and will generously welcome him to this state.

BE IT FURTHER RESOLVED, that a copy of this resolution duly authenticated by the signatures of the Governor of this State, the President of the Senate, the Speaker of the House, and with the great seal of this state affixed be transmitted by the Secretary of State through the proper official channels to his Excellency, Eamon DeValera, President of Eire.

Rep. Crockett moved that the absent members be excused, which motion was withdrawn.

Rep. Crockett moved that the House recess to 3:00 P. M. to reconvene after the Joint Memorial Service, which motion prevailed, and the House recessed.

The Joint Session convened pursuant to recess, President Patterson presiding.

Rep. Beede moved that a committee of three be appointed to escort Governor Moses and the state officials to the rostrum, which motion prevailed.

The Speaker appointed on that committee Reps. Beede, Scholl and Senator Stucke.

The committee withdrew from the Chamber.

The Sergeant-at-Arms announced that the Committee escorting the state officers had arrived.

The committee escorted Governor Moses and the state officers to the rostrum.

The program of the Joint Session was as follows:

Prayer was offered by Rev. G. W. Stewart, Mandan.

Song by the Bismarck Men's Chorus, "The Bells of Notre Dame".

Rep. Ralph Beede read a poem written by his father, A. McG. Beede, entitled "Blinking Toward the Sun." A. McG. Beede was an early pioneer missionary who served among the Indians beginning in the year 1873.

The Secretary of the Senate read the roll of the deceased former legislators:

J. H. Shepperd, Treadwell Twichell, Robert Edward Strutz, O. C. Anderson, Albert C. Anderson, Dan R. Jones, Sven K. Knutson, A. C. Nedrud, Ignatz Sticka, Robert Rotering, William V. O'Connor, Robert J. Boyd, John Storey, A. J. Delance, Theo. Hanson, P. P. Lee, Tobias Welo, James E. Phalen, Martin Larson, James J. Dougherty, Harry H. Roberts, Nils Petterson, B. B. Moouk, David E. Towle, S. E. Ulsaker, C. S. Buck, Rollin C. Cooper, L. N. Torson, Harry F. Hunter, Chas. Gunthorp, Joseph M. Devine, John Burke, William D. Lynch, Martin Jacobson, A. A. Peck, John Brosteun, Astaag Benson, Richard McCarten, Walter A.

Laidlow, Olaf E. Loftus, Charles A. Miller, John Webber and Obert A. Olson.

The House stood in a moment of silence out of respect to the memory of the deceased.

A Resolution introduced by Senator Thorson was read from the desk.

Senator Thorson introduced the following resolutions and moved their adoption.

WHEREAS, since the close of the Twenty-fifth Legislative Assembly many former officers including 46 men who served in one or both houses of the Legislature, have been called from life,

AND WHEREAS, they all rendered a distinct and lasting service to this State not only in public office but in their private capacities by loyalty to duty and high ideals,

THEREFORE, BE IT RESOLVED, that in the death of these honorable and honored men, we severally and unitedly express our deep apreciation of them, and of the lives they lived, and of the services they rendered, not only in their public life but as earnest, loyal citizens and residents of their respective communities, and that we mourn their departure and express our deepest sympathy for the members of their families.

BE IT FURTHER RESOLVED, that the lessons we can learn from the lives of those who have preceded us are constant devotion to our country and that we must love and defend our country for our country's sake. We must faithfully and courageously discharge the duties which devolve upon us in whatever station or sphere of life we may be placed. We must transmit unimpaired to those who follow us the heritage we have received from those whose lives we memorialize today.

AND BE IT FURTHER RESOLVED, that these memorials be printed in the House Journal of this Legislative day and that duly enrolled copies thereof be sent to the present head of the surviving family of each of said deceased.

Senator Thorson moved that the resolution be adopted.

Which motion prevailed.

Rep. O'Brien moved that the biographies of the deceased members be printed in the Journal, which motion prevailed.

The death of Joseph M. Devine removed from North Dakota one of its most prominent and useful citizens. He was born in March, 1861, in what is now the state of West Virginia, but at that time a part of Virginia, just at the beginning of the war between the states. He came of an excellent family who were neither rich or not poor, but were a part of that great substantial portion of the citizens of this country on whom rests the responsibility for the stability of our government. Mr. Devine knew the necessity and the benefits of hard work. He worked his way through the University of West Virginia, from which institution he was honorably graduated.

In 1883 he came to Dakota Territory and filed on a homestead in LaMoure County and was engaged in both farming and school teaching. For fifty-five years he took an active and honorable part in the public affairs of both territory and state. He served the public in many different capacities with honor and credit to himself and great usefulness to the people.

In 1884 he was elected county superintendent of schools for that county and served ten years in that capacity. In 1896 he was elected lieutenant governor of North Dakota and in August 1898 he became governor on the death of Governor Frank Briggs. In November 1898, he was re-elected lieutenant governor. It is said he was a model presiding officer and had the respect and confidence of the entire senate during the two sessions he was in the chair.

In 1900, Mr. Devine was elected superintendent of public instruction and occupied that office until January 1, 1903. He engaged in business at Minot in 1903, but was soon called to other public positions.

He was secretary of the Board of Trustees of state normal schools from 1911 to 1913. He superintended the construction of the buildings for the normal school at Minot.

Mr. Devine was appointed superintendent of the State Training School at Mandan which position he held for more than ten years. He was then appointed state immigration commissioner and served in that capacity till the office was abolished.

Mr. Devine served the public for more than half a century and at no time did he receive more than a meager salary, but notwithstanding that, he rendered the highest degree of services he was capable of and was always true to every trust. Mr. Devine passed away at Mandan, August 31st, 1938. Mrs. Devine, one son and two daughters survive.

The Honorable John Burke was Governor of the State of North Dakota for three terms, 1907 to 1912 inclusive, appointed Treasurer of the United States on April 1st, 1913 occupying that office until 1920. He then returned to North Dakota and was elected Associate Justice of the Supreme Court in 1925, and was re-elected on succeeding terms, his death occurring early in the present term.

During this long term on the Supreme Bench of North Dakota, the deceased was twice made Chief Justice. With the death of Mr. Burke North Dakota lost one of its greatest citizens.

Judge Burke was dignified, yet most kind and companionable. His tastes were simple and his virtues rugged. He never paraded his accomplishments and comparatively few of his fellow citizens were aware of the extent of his learning in all that interests and concerns humanity. Though much of his life was given to the administration of the law, he sought its spirit rather than its letter, and so he blended mercy and consideration with moral exactitude and fidelity to principle. A pioneer of this State, he knew its history and traditions and its people as few men have kown them. The breadth of his understanding and sympathy and the sturdiness of his character, inspired a confidence in him which remained steadfast throughout his career. In all that he did and said, he exemplified the very highest type of citizenship and left a record worthy of emulation.

Death came May 14, 1937. The unfinished term is now taken over by his only son, Justice Tom Burke.

William D. Lynch was born December 24th, 1880, died April 13, 1938. He came to North Dakota in 1885, receiving his schooling in this state. He taught school in LaMoure

County for several years. He then worked with the late Congressman T. F. Marshall making surveys in northwestern North Dakota. He also worked for the Northern Pacific and Northwestern Railroads making surveys.

While working with Congressman Marshall he became interested in law and later studied at the Universities of Wisconsin and Minnesota and was a graduate of the latter. Senator Lynch was admitted to the bar in 1906 and became County Judge of LaMoure County in 1908 holding this office until 1916.

During the Wilson administration Senator Lynch was the first state prohibition director.

He was elected to the State Senate in 1923 and served until 1935. He was a member of the national, state, district and county bar association.

In 1910 Mr. Lynch married Anna C. Cruden of LaMoure, who died in 1923. In 1926 he married Agnes Dougherty of Forman. He is survived by his widow and the following children: Thomas, David, John, Marianna and William David, Jr.

Senator Lynch was a leader of men, a noted lawyer and statesman who rendered to his state, county and district a lasting service.

Obert A. Olson was born at Hayfield, Minn., April 21, 1882, and died at his home in Bismarck on August 22, 1938.

In 1906 when Bowman County was organized, he was appointed by Gov. Burke to be county auditor, being, at that time, the youngest man to hold that office in North Dakota. After serving several terms as county auditor, he continued in the real estate business and in 1916 was elected to the state legislature. In 1918 he was elected state treasurer and served one term. In 1924 was elected state senator from Burleigh County, serving one term.

John K. Brosteun was born in Ringbu, Norway, August 28, 1884. Was killed in an aeroplane accident at Cleveland, Ohio, on May 24, 1938. Senator Brosteun was elected state senator from the 41st Legislative District in 1929, again in 1933 and was serving his third term at the time of his death. Senator Brosteun was a member of the State Tax Survey Commission from March 25, 1935, to December 31, 1936. Senator Brosteun was also a member of the House before becoming a senator.

With the passing of Senator Brosteun, North Dakota has lost a leader and true friend. In him were found the ideals and qualities that are the upbuilding and furtherance of all good and honest causes. With the coming years his state and community can look back and see more of his sterling characteristics preserved in the posterity of our country.

Martin Jacobson was born November 17, 1863, at Ridgeway, Iowa, and died at Minot on November 2, 1938.

Senator Jacobson was elected and served Ward County as Senator in the North Dakota State Legislature during the sessions of 1901 and 1903. In 1913 he was a member of the State Normal Board.

It can be said of Martin Jacobson that he was a man of faith and energy, one who took life as he found it and

smiled. Senator Jacobson typified many of the traits of the pioneer in North Dakota. During his active years he was a tireless worker, a man who gave his enthusiasm to a variety of undertakings both public and private, a man whose home was a place of hospitality, whose personal life was worthy and who was found on the right side time and again.

Cheerful always, Senator Jacobson was one whose wholesome friendliness perhaps was his outstanding quality. He had a wide acquaintance—perhaps no man in the Northwest knew a larger number of old-timers by their first names. He was a mingler and a good neighbor.

Senator A. A. Peck was born at Kalamazoo, Mich., on July 23, 1874, and died at his home near Underwood on December 19, 1938.

Senator Peck served in the North Dakota Senate in the Sessions of 1923 to 1929 inclusive, representing the 46th District. Senator Peck always took a prominent part in the local and state politics, he was a close student of affairs, economic and political. From the very first of the old Equity movement, Senator Peck was in the forefront fighting the cause of the farmers.

Few men in the county had such a grasp and understanding of the agrarian problem as had Senator Peck. Few excelled him in the knowledge of the parlimentary proceedure and for this reason was invariably made chairman of many meetings and gatherings held in McLean County. These he always conducted with firmness and decorum. In debate on rules of proceedure he was never known to come out second best. One was always impressed with his logic and understanding of the question under discussion.

Those of us who knew him best recognized his sterling qualities as a man and citizen, uncompromisingly fair and honest in his private as well as in his political life. A man with few if any enemies and hosts of friends. To know him was to admire his wisdom and understanding and unfaultering devotion to his ideals. There are too few men of the type of Senator Peck. McLean County and North Dakota are better because Senator Peck lived.

Other Senators of earlier and late Legislative Sessions who have answered the Final Roll Call since the Joint Session, February 22nd, 1937.

Tobias Welo, 45th District, 1901-1911, Died June 20, 1937.

Astaag Benson, 12th District, 1903-1905, Died July 19, 1937.

Nils Petterson, 13th District, 1921-1923, Died October 20, 1937.

Richard McCarten, 13th District, 1917-1919, Died December 8, 1938.

Walter A. Laidlaw, 18th District, 1899-1901, Died October 25, 1937.

Olaf E. Loftus, 3rd District, 1901-1903, Died January 11th, 1938.

Rollin C. Cooper, 16th District, 1899-1901 (House 1895), Died March 18, 1938.

Charles A. Miller, 36th District, 1931-1933, Died December 12, 1938.

John Weber, 36th District, 1919, Died July 5, 1938.

G. L. Elken, 8th District, 1911-1913, Died October, 1938.

Treadwell Twichell was born at Hastings, Minnesota in 1864, a son of Luther Lyman Twichell and Sally Dance Twichell. He died December 24th, 1937. He was a descendant of Benjamin Twichell, a Puritan who came to America from England in 1630. Several of his ancestors fought in Indian wars in pre-Colonial days and later other ancestors marched to Concord and Lexington with the Colonists who revolted against the mother country.

Like many of his ancestors, Mr. Twichell led a colorful life. He was educated in the public schools of Minneapolis and at the age of 17 came to Mapleton, North Dakota and assumed the management of a large farm owned by his father. Later he became the largest individual resident farm owner in the state, operating over 20,000 acres in Cass County. As a side line he engaged in road building, constructing hundreds of miles of highway in the State, now a part of highway 81. For more than 50 years he was active in politics; always a progressive Republican. For years his faction of the Republican party were designated as Insurgents, with the opposing faction known as Stalwarts. He was a personal friend of Theodore Roosevelt, as well as of other nationally-known people of his days.

In 1908 Mr. Twichell ran for the Republican nomination for Governor. He was defeated and in the fall he and many of his followers supported and helped elect John Burke as Governor. In 1895 and 1897 he was a member of the House, and in 1899 was elected to the Senate. Afterwards he was sheriff of Cass county. In 1907 he was elected to the House of Representatives and served as speaker during that session. In 1915 he returned to the House and in that year served as a fellow-member with his brother, L. L. Twichell, who has been a continuous member of the House since.

Charles Gunthrop, member of the House of Representatives from LaMoure County in 1915-1917, died February 9th, 1937, at the place of his birth in 1858 at Holbeach, England. After immigrating to the United States, Mr. Gunthorp took up a homestead near Frederick, South Dakota, and later moved to Sheldon, North Dakota, where he operated a harness shop. During his later life he engaged in the real estate busniess at Edgeley, North Dakota, and served as postmaster of this city for several years. Mr. Gunthorp was twice married, both wives preceding him in death.

Robert Edward Strutz died February 17, 1939, while enroute from his home in Jamestown, North Dakota to Grand Forks, where he planned to visit a daughter. Mr. Strutz was born May 3, 1872, in Schlagenthin, Germany. With his parents he came to the United States in 1885 and settled in Grand Forks County. In his early youth he fitted himself for the ministry and in May, 1884, he was ordained to preach as a minister of the Evangelical church. In pioneer days he did missionary work in LaMoure, Dickey, Logan, McIntosh, Stutsman and Emmons counties and later was assigned to pastorates in a number of North Dakota towns, which work he carried on with outstanding success despite physical afflictions from which he suffered in his later years. On May 1896, he was united in marriage to Emma Kahl, Green Lake, Wisconsin. Four sons and four daughters were born to this union, all of whom survive: Reuben R., Fargo; Alvin C.,

Robert H., and Carl E., all of Bismarck; Mrs. Ira E. Herzberg, Grand Forks; Mrs. L. A. Kern, Waukesha, Wisconsin; Clara, Moorhead, Minnesota; Elaine, Jamestown, North Dakota. The deceased was recognized as a gifted leader and held many positions of trust during his lifetime. In 1931-1933 he served as a member of the House of Representatives from Stutsman county.

O. C. Anderson, Sargent county farmer, died at his home at Rutland on December 16, 1938. The deceased was born in Biridalen, Norway on September 23, 1869, coming to the U. S. in 1889 and three years later to Sargent county, where he homesteaded. On October 12, 1904, he married Julia Peterson and to this union were born three sons and a daughter: Melvin, Minneapolis; Rudolph, Rutland; Earl, Osceola, South Dakota; Mrs. Norma Bartunek, Grand Forks, North Dakota. Mr. Anderson gave freely of his time for public service, having served in the House of Representatives in 1923-25-27-29-31-33 and 35. In 1935 he was chairman of the House Appropriation Committee and in 1937 was a member of the state budget board. In 1938 he was again elected to the legislature but death intervened before the opening of the session. Aside from his legislative duties Mr. Anderson held various school and township offices. For one term he served on the state board of the Farmers Union and at one time he was on the board of directors of the Production Credit Association.

Albert C. Anderson, Scranton, North Dakota, member of the House of Representatives in 1935, died February 5, 1939. The deceased was born November 17, 1879, three miles south of Colton. He was the son of Mr. and Mrs. Olof Anderson, pioneer settlers of the community. He was baptized and confirmed in the Lutheran faith and attended rural schools near Colton. In 1906 he moved to Scranton and took up a homestead in that locality. On June 16, 1915, he was united in marriage to Esther Hedman and to that union were born three children, Delores, Donald and Virgil, who with his wife survive.

Dan R. Jones, Richland county, died September 5, 1937. The deceased was born on a farm near Neenah, Wisconsin, October 5, 1871. He attended Ripon College and later completed a law course at the University of Minnesota and in 1898 was admitted to the North Dakota Bar Association. On June 7, 1910, he married Ethel Koerner of Wilkes-Barre, Pa., who survives. There were no children. Mr. Jones was among the outstanding citizens of the State. In 1933 he was elected to the House of Representatives where he obtained wide recognition for his successful fight to cut state expenditures. He again served in the House in 1937.

Sven K. Knutson was born in Norway, December 11, 1858. He came with his parents to Iowa the year of 1859. Came to Belmont, Traill county, Territory of Dakota in 1877. He was prominent in public affairs during late territorial and early statehood days. He served one term in the House of Representatives in 1911. He died April 10, 1936.

A. C. Nedrud was born November 18, 1852, in Toten, Norway, coming to the United States when he was a lad of 16, a few years later he settled in Sacred Heart, Minnesota, where he was married. In 1886 he decided to go west and

came to Minot, North Dakota, just a short time before the Great Northern Railway got its tracks laid into Minot. He served as the first Representative from the 29th District after the State was admitted into the Union in 1890. He also served as Register of Deeds for two years, Auditor for eight years and Treasurer for four years of Ward County. After he retired from politics he lived on the farm where he died September 15, 1938. Had he lived until November 19th, he would have been 86 years old.

Ignatz Sticka was born at Raschstadt, Russia, on June 20, 1870, and died February 18, 1939. He was the son of John Sticka and Mary Eva Brown, both parents died in Russia. Ignatz Sticka came to America and to North Dakota in November, 1898. He was married in Russia to Teresa Selinger in 1893. His wife died October 6, 1905. November 28, 1905, he married Mary Berger.

Mr. Sticka was a co-founder of the St. Pius Church and village. He served as first president of St. Pius Verin; Farmers Union Local, and St. Pius Telephone Company. He served several terms on the School Board and was serving his third term in the State Legislature at the time of his death.

His widow and eleven children survive. A daughter Mary by his first marriage and a son John by his second marriage preceded him in death. Those surviving by his first marriage are Raphael of New England, Mrs. Vincent Jahner of St. Pius, Mrs. Arthur Heidt of Mt. Angel, Oregon and Rev. Stanislaus Sticka O.S.B. of Gladstone. Those by his second marriage are Mrs. Peter Binstock of St. Pius, John and Leo of St. Pius, Sister Stanisia, S.S. Notre Dame of New Hardec, Sister Ignatia of S. S. Notre Dame of Omak, Washington, Pauline and Julia of St. Pius still at home. Thirty-nine grandchildren and one great-grandchild survive.

Funeral services were conducted at St. Pius on Tuesday, February 21st, Father Stanislaus Sticka, son of the deceased officiating. The body was laid to rest in the St. Pius cemetery.

Representative Sticka believed in cooperation and practiced what he believed. He knew that as an individual he was nothing, but banded together with his brother farmers, he was a power. He was an unassuming man. In order to know his true worth one had to become well acquainted with him. While he was of a very serious disposition, he would appreciate a good joke as well as anyone. However, the seriousness of his thinking is reflected in the fact that he has one son who is a Priest and two daughters who are Nuns. The fact that he was elected three times to serve as Representative of his people, shows in what high esteem he was held.

Robert Rotering of Slope County, 39th District, was born Feb. 8, 1881, at Waumandee, Buffalo County, Wisconsin. He died here at Bismarck, N. D., on Jan. 10, 1939, cause of his death being heart failure. On June 21, 1911, he was married to Mary Schaffner. To this union seven children were born, Esther, Leola, Clifford, Robert, Marian, Florence and Ellen Mae, all living except Clifford, who passed on in 1929. He also leaves to mourn his passing his wife, four brothers, Lewis of New York City; Frank of Fountain City, Wisconsin;

Edwin of New England, N. D., and Alex of Grand Forks, N. D.; two sisters, Mrs. Hulda Oster of Los Angeles, California and Mrs. Esther Haines, Dodge, Wisconsin, many relatives and a host of friends. The deceased was a member of the Catholic Church at Amidon.

In 1907 he homesteaded in what is now Slope County and the family has made their home there ever since. Mr. Rotering was an able farmer, and active in the building of his own community and had served the public in many capacities. At the last election he was elected as a Member of the House of Representatives from the 39th District and served in the House until his death.

Other House Members of earlier and late Legislative Sessions who have died since the Joint Session, Washington Day Program, February 22, 1937.

William V. O'Connor, Grand Forks County, House Member, 1911-1913, Died March 8, 1937.

Robert J. Boyd, Cass County, House Member, 1921-1923, 1925, Died February 23, 1937.

John Storey, Kidder County, House Member, 1907, 1909, Died April 27, 1937.

A. J. DeLance, Mountrail County, House Member, 1911, Died June, 1937.

Theo. Hanson, Cando, N. D., House Member, 1927, Died June 20, 1937.

P. P. Lee, Ward County, House Member, 1899, Died May 31, 1937.

Tobias Welo, McHenry County, 1903, 1905, Died June 30, 1937.

James E. Phalen, Stark County, House Member, 1905, Died July 8, 1937.

Martin Larson, Nome, N. D., House Member, 1917, 1919, 1921, 1933, 1935, Died Aug. 11, 1938.

James J. Dougherty, Walsh County, House Member, 1897-1899, Died September 8, 1937.

Harry H. Roberts, Cass County, House Member, 1927, Died September 16, 1937.

Nils Petterson, Sargent County, House Member, 1913-1915, Died October 20, 1937.

B. B. Mouk, Ward County, House Member, 1921; Died November 17, 1937.

David E. Towle, Walsh County, House Member, 1897-1899, Died November 25, 1937.

S. E. Ulsaker, Cass County, House Member, 1911, Died December 3, 1937.

C. S. Buck, Stutsman County, House Member, 1913, Died February 26, 1938.

L. N. Torson, Pierce County, House Member, 1915, Died April 6, 1938.

Harry F. Hunter, Cass County, last territorial legislature in 1889. Died August 1, 1937.

C. H. Cooper, Sargent County, House Member 1911, Died July, 1938.

Dr. Frank L. Eversull was introduced by the President of the Senate, Jack Patterson.

Dr. Eversull addressed the Assembly as follows:

Mr. Governor, State Officers, Mr. President of the Senate,

Mr. Speaker, Members of the Senate of the North Dakota Legislature, Members of the House of Representatives, Guests and Friends:

I am happy to be with you today on this very, very beautiful occasion to speak briefly about the American way. February is the American month and entirely so. There is something touching and tender as we stand in the midst of winter snows, as we feel winter's blasts about our ears. This is the month in which we look back and remember. There were green days not long ago and golden days. There were weak men and strong men. There were fathers and mothers that now rest beneath the canopy of blue and we remain. Then as we peer into the crystal glow of the scarlet sun we are reminded that after a few more revolutions and again the fields will be green and once again spring will be here.

February is the American month. As you and I pause in our work for this brief time this afternoon it would be well for us to consider this month of the American way. I am reminded that this month gave to the world George Washington, gave to the world Abraham Lincoln and since these two men link their birthdays on the February calendar that again makes February the American month and that makes the American way our theme this afternoon.

As no other country on the face of the earth the American way stands for an opportunity for self expression, the development of individuality and personality. That is a Divine gift that has come to us after untold centuries of struggle. It is not something born over-night, not something that is indigenous to this State but something that resulted after struggle, after war, after bitterness. A long rest means long struggles for man's own identity. And the thing that makes it the American way is that our forefathers made it possible for one to come from the soil, to spring from the earth and grow, and the force of it is his own initiative and leadership.

Somehow or other as we turn to the month of February we can remember that out of the wilds of Indiana, and Virginia with all the hardships of pioneer life came the manhood who impressed his name across the histories of mankind and we had a George Washington. From such a beginning came a lean, gaunt lad from Kentucky, then Indiana, then Illinois and found the full stature of his manhood in the achievement of his own powers, in the expression of his own life. And you and I are here today for that same reason. For none of us has to explain the accidents of our birth nor are we called to defend our forbears. We stand on the American way which means the expression of our selfhood, the expression of our personality, the dignity of the individual.

I would also call your attention to the fact that the American way stands for growth through self. Somehow or other these vast plains of the Dakotas stretching out to the purple of the mountains beyond bespeak volumes. They tell stories of hardships. They tell of romances of living during the pioneer days in Illinois, Indiana and Wisconsin. There is something about the children of these plains that makes them God's chosen children. They have never known the privileges that come with money. They have never known the opportunities that grow out of having money.

Washington lived in obscurity and Lincoln never knew where he would get his next suit of clothes and many times he never knew where he would get his next meal. He travelled many miles to get a book to read. Throughout history it tells of the great hardships and privation that these great Americans suffered. They have become the very defenders of Democracy and have made it possible for you and me to live in what we call the American way.

As we gather this afternoon in the American month of February that those who have made America great have been those that have believed in the sanctity of the home, church and school. There is no more beautiful literature in the world either secular or religious than Washington's Farewell Address or the statements made in the Ordinance of 1787, nothing more sublime than you find in the Gettysburg Address or the Second Inaugural.

Somehow or other America believes in its home. There is nothing that touches the heart more than that statement made by the gaunt Illinois lad who said, "All that I am, all that I ever hope to be I owe to my darling mother." And the American way is a Mothers' Day every May because America believes in the sanctity of the home. Across these plains you and I enjoy the great privilege that comes from the American way for as we go by we see across the distant landscape the spires of a thousand churches all pointed with steeples reminding us of our obligation to Almighty God and on the Sabbath morn when bells ring you and I may go our separate ways but the American way permits each in his own manner to worship God. And in between are the schools, the reminders of sacrifice, patience, sentinels of a new day.

And yet somehow in spite of privation, in spite of depression, in spite of financial stringencies it has always been the American way to keep the flag floating above the little school house with the door wide open. And Washington knew that and Abraham Lincoln knew that. And you fathers and mothers knew that as did mine. And your sons and daughters know that as do mine.

And then I would call your attention to the fact that the American way is the way that has always been closest to the soil. I read with renewed interest the histories of our leaders and recognize that those who have made the greatest contribution are those who have come from the common soil. Washington was a farmer. He knew the feel of the land of old Virginia. Abraham Lincoln ranged the bluegrass fields of Kentucky. And take those that were born on the farm out of this Assembly today and I venture that there wouldn't be a baker's dozen here to carry on this meeting. I have always stood for the soil. It is dedicated to the sacredness of its production. It may be said here that as the dust we came from so to the dust we shall return. Therefore these plains have been consecrated by thousands and thousands of human beings who have mixed their lives with the common dirt of North Dakota. But the American way is the way of the soil.

And last of all I would call your attention to the fact that the American way has always been the way of dignity and ideals. If there is something of value to legislators, state officials, businessmen, school teachers it is because great op-

portunities have always been ours and the primary cause is the stars and stripes floating above our land. It is not something that has happened by chance, not something that is just out of the ordinary but it is the privations and sacrifice suffered to fulfill dreams and visions, the opportunities and work of generations dating back to 1620. We enjoy today things that are enjoyed in no other country of the world: freedom of speech, religion, expression, freedom for the opportunities to assemble, freedom from false imprisonment, freedom from anything that will tear from us our native born rights. That is the American way and took long years for George Washington to impress upon the rest of the world that that was to be the American way. There came from those days a sacred document that has steered and changed the political economy of the entire world. And when came those dark days of 1861 to 1865 it was then that Abraham Lincoln who had done everything in his power to further democratic idealism. He left Springfield and entered the White House with words of apology upon his lips, "With malice toward none and charity for all, with firmness in the right as God gives us to see the right".

The products of these privations and hardships are the present day homes and churches of America. These are the things that grow out of the American way. I don't know of any better example of this than the life of John Henry Sheppard who was born in Cariton, Iowa, January 12, 1869. He had to fight against every obstacle in the post Civil War days getting a meager education, for that was all he had in those days. He rose above obstacles of the hour and forged on in the real American way. He finally came through with a degree in 1893 and out here where the West begins he started as a humble school teacher in your newly founded Agricultural College. His contribution to the State can never be computed. It would be a dastardly trick to try to measure it in dollars and cents for this man's life can never be measured in dollars and cents. It would be an impossible task to measure in terms of value what he did to further agriculture. It would be futile to try to measure the effect upon the lives of the boys and girls he taught. They carry the result in their hearts. It can never be measured objectively. He labored on fighting against adverse fortunes, sacrificing at every turn. He spread out his influence, his good grace and his knowledge of God and man, until from these very plains his reputation spread across the seven seas and he became a leader in world agriculture.

The lengthening days brought white hairs and he gladly gave up the trust that was imposed on him a few years ago to go back to his beloved pupils, the animals. He called his sheep by name and they knew their master's voice and came when he called. He was the father of the International Livestock Show. There his word was law. His vision and insight made that the greatest agricultural show in the whole wide world. Men came from all over this land that they might meet Dr. Sheppard. His picture hangs in the Saddle and Sirloin Club, a son of this State along with those of other states who have redeemed the promise made of God that "two ears of corn would grow where one had grown before" and "that the desert would blossom as a rose."

Then three days before he passed away he came to the office which he had dignified for many days. When his familiar form graced the open door I arose as I always did when he was in my presence. He reached out his hand in his characteristic way and said "Sit down, Mr. President. I just wanted to say 'Hello'." And then he said a cheery "Good-bye" and left the campus for the last time in his life. For John Henry Sheppard was tired and weary that night. He went home. Then somehow or other he heard a still, small voice and on January 22nd he said, "I am coming", and he left. He lived the American way. He expressed his selfhood until North Dakota nor America could not longer contain him for the American way permits the expansion of personality and individuality and selfhood. He had given great sacrifice and toil and trouble and worry and care and service. He believed in the family for his own family life was like a lyric song. He believed in the common soil. He gave his life to it. He was rarely absent from church. He realized more than any other man, I ever knew, the reality that comes from closeness to the soil and above everything else he was nature's greatest democrat, a friend to all, a leader. Where leadership was asked he always gave it; he was a follower in all the fields of knowledge, understanding and wisdom. He was the example of the Democratic way.

And with a wave of the hand, with a smile of recognition, with a benediction upon their lips your colleages and pioneers, one by one, have said "Good-bye". They have left you the most sacred treasure that has been bequeathed to any generation since the beginning of time. They have left us the American way, and may God grant that in our wisdom, in our choices, in our work we will never do one thing to that way which will leave a blot or a stain upon it. That we may hand it to our children as untarnished and as beautiful as we have received it from Washington, Lincoln, Sheppard, your colleagues and those other who have made America possible.

That is my prayer for Memorial Day and the dedication of my life for you and your children.

Rep. Scholl: I want to express my sincere appreciation and the appreciation of the members of the entire Assembly for the splendid address given and I move that the speech be printed in the Journal, which motion prevailed.

A closing prayer was offered by Rev. G. W. Stewart, Mandan.

Senator Hill moved that the Joint Memorial Service be now dissolved, which motion prevailed.

And the joint assembly dissolved.

Rep. Scholl moved that the absent members be excused, which motion prevailed.

Rep. Scholl moved that the House do now adjourn, which motion prevailed and the House adjourned to 2:00 P. M., February 24th.

MINNIE D. CRAIG, Chief Clerk.

## FIFTY-THIRD DAY

Bismarck, February 24, 1939.

The House assembled at 2:00 P. M., pursuant to adjournment, Speaker Hagen presiding.

Prayer by Rev. H. G. Bens, Bismarck.

Roll call: All Representatives present except Johnson of Cass, Schauss, Twichell.

So a quorum was declared present.

### MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, February 24, 1939.

Mr. Speaker: I have the honor to inform you that Senator Braun moved that the Third House proceedings be broadcast, without cost, over KFYR this evening at 8 o'clock in due form, and that the House be notified immediately of the approval of the Senate, which motion prevailed.

Mr. Speaker: I have the honor to return:

House Bill No. 171. A Bill for an Act Providing for the Testing of Gasoline, Kerosene and Other Petroleum Products Used for Fuel and Power Purposes and Purchased for Resale; Repealing All Acts and Parts of Acts in Conflict Herewith; Providing a Penalty; Declaring an Emergency.

Which the Senate has indefinitely postponed.

House Bill No. 73. A Bill for an Act Validating, Ratifying and Confirming Warrants, and Other Instruments or Obligations Evidencing or Representing Indebtedness, or Evidencing or Representing the Borrowing of Money, or Evidencing or Representing a Charge, Lien or Encumbrance on Specific Revenues of Any County Heretofore Issued and Levies Heretofore Made by Boards of County Commissioners in any County of This State for the Purpose of Financing Poor Relief, Under the Conditions Specified in This Act, and Validating All Proceedings Heretofore Taken by Any Board of County Commissioners in Connection With the Issuance of Emergency Poor Fund Warrants and the Making of Emergency Poor Relief Levies Under the Provisions of Chapter 98, Laws of 1933, as Amended by Chapter 120, Laws of 1935, or Under Any Assumed, Implied or Purported Authority of Said Statutes.

Which the Senate has amended.

House Bill No. 243. A Bill for an Act to Amend and Reenact Section 9878 of the Compiled Laws of the State of North Dakota for the Year 1913, Relating to Unlawful Entry.

House Bill No. 242. A Bill for an Act to Amend and Re-

enact Section 9873 of the Compiled Laws of the State of North Dakota for the Year 1913, to Define the Crime of Burglary in the Third Degree.

House Bill No. 98. A Bill for an Act to Repeal Chapter 28 of the 1925 Session Laws, Being Section 1796a5 of the 1925 Supplement, Making an Appropriation for Civil War Veterans; and Declaring an Emergency.

House Bill No. 65. A Bill for an Act Assenting to the Provisions of the Act of Congress Entitled "AN ACT To Provide that the United States Shall Aid the States in Wildlife-Restoration Projects and for Other Purposes," Approved September 2, 1937.

House Bill No. 110. A Bill for an Act to Amend and Reenact Sub-section 1 of Section 32, Chapter 148, Session Laws of 1931, Relating to Fur-Bearing Animals; and Declaring an Emergency.

House Bill No. 147. A Bill for an Act Ceding to the United State Exclusive Jurisdiction Over Certain Lands in Burleigh County Which are Parts of the Fort Lincoln Military Reservation.

Which the Senate has passed unchanged.

WM. J. LOWE, Secretary.

## MESSAGES TO THE SENATE

House of Representatives,
Bismarck, February 24, 1939.

House Concurrent Resolution No. 399. A Concurrent Resolution to Authorize the Board of Administration to Transfer Funds for the Purpose of Paving the State Capitol Grounds.

House Concurrent Resolution No. 400. A Concurrent Resolution to Extend an Invitation to Eamon DeValera to Visit the State of North Dakota.

Which the House has adopted.

Mr. President: I have the honor to return:

Senate Bill No. 241. A Bill for an Act to Provide for the Better Enforcement and Collection of Personal Property Taxes by Providing for the Appointment of a Special Tax Collector; Prescribing His Duties, Authority and Compensation; and Declaring an Emergency.

Which the House has indefinitely postponed.

MINNIE D. CRAIG, Chief Clerk.

## REPORTS OF STANDING COMMITTEES

Mr. Speaker: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the Fifty-second day and recommends that the same be corrected as follows:

Page 995, 25th line from bottom, strike out the last "o" of the sum of $15,345.00."

Page 920, roll call totals on House Bill No. 105 should be 'ayes', 78; nays, 24; absent and not voting, 8. Rep. Blair voted 'nay'.

Page 1006, line 5 from bottom, change date "1918" to "1938."

And when so corrected recommends that the same be approved.

REP. GLAS, Chairman.

Rep. Bolmeier moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Public Welfare to whom was referred:

Senate Bill No. 86, have had the same under consideration and recommend that the same be amended as follows:

Sec. 2588 page 3, line 39 after the word "large" insert the following: "in cases where no county residence has been determined," insert a comma after the word "certified" in line 39.

And when so amended recommend the same do pass.

BERNT ANDERSON, Chairman.

Rep. Arneson of Nelson moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Public Welfare to whom was referred:

Senate Bill No. 98, have had the same under consideration and recommend that the same do pass.

BERNT ANDERSON, Chairman.

Rep. Arneson of Nelson moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Public Welfare to whom was referred:

Senate Bill No. 99, have had the same under consideration and recommend that the same do pass.

BERNT ANDERSON, Chairman.

Rep. Haugland moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Public Welfare to whom was referred:

Senate Bill No. 100, have had the same under consideration and recommend that the same do pass.

BERNT ANDERSON, Chairman.

Rep. Arneson of Nelson moved that the report be adopted, whch motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Public Welfare to whom was referred:

Senate Bill No. 101, have had the same under consideration and recommend that the same do pass.

BERNT ANDERSON, Chairman.

Rep. Solberg moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Public Welfare to whom was referred:

Senate Bill No. 102, have had the same under consideration and recommend that the same do pass.

BERNT ANDERSON, Chairman.

Rep. Ista moved that the report be adopted, whcih motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Taxes and Tax Laws to whom was referred Senate Bill No. 258, have had the same under consideration and recommend that the same do pass.

N. P. JENSEN, Chairman.

Rep. Rait moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: 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 amended as follows:

In line 21, strike out the figure "4" and insert in lieu thereof the figure "2".

After line 22, add the following paragraph: "Provided, however, that Park Districts having a population of less than twenty thousand as shown by the last United States census may hereafter levy an additional two mills on the dollar of the net taxable assessed valuation of the District for any current year when first approved by a two-thirds vote of the qualified electors of said District at any general election or at a special election called for that purpose."

And when so amended recommend the same do pass.

N. P. JENSEN, Chairman.

Rep. Shure moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Agriculture to whom was referred Senate Bill No. 175, have had the same under consideration and recommend that the same do pass.

CARL H. DITTMER, Chairman.

Rep. Dalzell moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Counties to whom was referred Senate Bill No. 240, have had the same under consideration and recommend that the same do pass.

JOHN BILLIGMEIER, Chairman.

Rep. Trydahl moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Judiciary to whom was referred Senate Bill No. 88, have had the same under consideration and recommend that the same do pass.

J. M. ANDERSON, Chairman.

Rep. Rettke moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Judiciary to whom was referred Senate Concurrent Resolution No. 148, have had the same under consideration and recommend that the same do pass.

J. M. ANDERSON, Chairman.

Rep. Beede moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on State Affairs to whom was referred Senate Bill No. 276, have had the same under consideration and recommend that the same be indefinitely postponed.

W. M. CROCKETT, Chairman.

Rep. Lange moved that the report be adopted, which motion prevailed and the report was adopted.

Rep. Lange moved that the vote by which Senate Bill No. 276 was indefinitely postponed be reconsidered, and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on State Affairs to whom was referred Senate Bill No. 153, have had the same under consideration and recommend that the same do pass.

W. M. CROCKETT, Chairman.

Rep. Byrne moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: 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.

W. M. CROCKETT, Chairman.

Rep. Byrne moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: 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 re-referred to Appropriations Committee with no recommendations.

W. M. CROCKETT, Chairman.

Rep. Levin moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on State Affairs to whom was referred Senate Bill No. 34, have had the same under consideration and recommend that the same do pass.

W. M. CROCKETT, Chairman.

Rep. Byrne moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on State Affairs to whom was referred Senate Bill No. 182, have had the same under consideration and recommend that the same do pass.

W. M. CROCKETT, Chairman.

Rep. Saumur moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on State Affairs to whom was referred Senate Bill No. 50, have had the same under consideration and recommend that the same be amended as follows:

Page 2, Section 1, line 30, after the word "county," insert the following: "Which petition shall have the signatures of 30% of the legal voters of such remaining portion as determined by the votes cast for governors therein at the last preceding general election."

Re-number lines accordingly.

And when so amended, recommend the same do pass.

W. M. CROCKETT, Chairman.

Rep. Byrne moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Appropriations to whom was referred Senate Bill No. 277, have had the same under consideration and recommend that the same be amended as follows:

Section 1, line 27, strike out the words "two thousand nine hundred" and insert in lieu thereof the words "two thousand four hundred".

Section 1, line 28, strike out the words and figures "fifty-four dollars and eighty-four cents ($2,954.84)" and insert in lieu thereof the words and figures "fifty-nine dollars and eighty-four cents ($2,459.84)".

And when so amended be referred back to House without recommendation.

C. P. RITTER, Acting Chairman.

Rep. Trydahl moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: 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.

W. M. CROCKETT, Chairman.

Rep. Lange moved that the report be adopted.

Rep. Morland moved a substitute motion that Senate Bill No. 134 go on the calendar, which motion prevailed.

Division was called for and granted. The motion prevailed and Senate Bill No. 134 was placed on the calendar.

Rep. Stone moved that the session of the "Third House" be broadcast, which motion was lost.

## MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, February 23, 1939.

Mr. Speaker: I have the honor to return:

House Bill No. 73. A Bill for an Act Validating, Ratifying and Confirming Warrants, and Other Instruments or Obligations Evidencing or Representing Indebtedness, or Evidencing or Representing the Borrowing of Money, or Evidencing or Representing a Charge, Lien or Encumbrance on Specific Revenues of Any County Heretofore Issued and Levies Heretofore Made by Boards of County Commissioners in any County of This State for the Purpose of Financing Poor Relief, Under the Conditions Specified in This Act, and Validating All Proceedings Heretofore Taken by Any Board of County Commissioners in Connection With the Issuance of Emergency Poor Fund Warrants and the Making of Emergency Poor Relief Levies Under the Provisions of Chapter 98, Laws of 1933, as Amended by Chapter 120, Laws of 1935, or Under Any Assumed, Implied or Purported Authority of Said Statutes.

Which the Senate has amended as follows:

Add the words "and Declaring an Emergency" to the title.

WM. J. LOWE, Secretary.

Rep. Beede moved that the House concur in the amendment of the Senate to House Bill No. 73, which motion prevailed.

Rep. Beede moved that House Bill No. 73 be considered properly re-engrossed, and placed on final passage, which motion prevailed.

## SECOND READING OF HOUSE BILLS

House Bill No. 73. A Bill for an Act Validating, Ratifying and Confirming Warrants, and Other Instruments or Obligations Evidencing or Representing Indebtedness, or Evidencing or Representing the Borrowing of Money, or Evidencing or Representing a Charge, Lien or Encumbrance on Specific Revenues of Any County Heretofore Issued and Levies Heretofore Made by Boards of County Commissioners in any County of This State for the Purpose of Financing Poor Relief, Under the Conditions Specified in This Act, and Validating All Proceedings Heretofore Taken by Any Board of County Commissioners in Connection With the Issuance of Emergency Poor Fund Warrants and the Making of Emergency Poor Relief Levies Under the Provisions of Chapter 98, Laws of 1933, as Amended by Chapter 120,

Laws of 1935, or Under Any Assumed, Implied or Purported Authority of Said Statutes, and Declaring an Emergency.

Was read the second time.

ROLL CALL

The question being on the final passage of the bill, as amended by Senate, the roll was called and there were ayes, 105; nays, 0; absent and not voting, 5.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Heckman | Peterson,Bottineau |
| Anderson, Benson | Hofstrand | Peterson, Ransom |
| Anderson,M'K'nzie | Holm | Rait |
| Anfinson | Holthusen | Rettke |
| Arneson, Nelson | Hultstrand | Ritter |
| Arneson, Ramsey | Ireland | Rohde |
| Beede | Ista | Sand |
| Belzer | Johnson, Cass | Saumur |
| Benno | Johnson, LaMoure | Schauss |
| Bergesen | Joiner | Schmidt, McHenry |
| Billigmeier | Keller | Schmidt, Sheridan |
| Bingenheimer | Kluver | Schimke |
| Blair | Knutson | Schwartz |
| Bolmeier | Lange | Sellens |
| Braun, McLean | Larson | Semerad |
| Braun, Stark | Levin | Severson |
| Brown | Lunde | Sharpe |
| Buchholz | McInnes | Shure |
| Byrne | McIntee | Singleton |
| Crockett | McIntyre | Skartvedt |
| Culver | Myers | Solberg |
| Dalzell | Mittag | Stone |
| Dike | Mollet | Stormon |
| Dittmer | Moe | Symington |
| Erickson | Morland | Thompson,Burl'gh |
| Feton | Nelson, Cass | Thompson, Steele |
| Fletcher | Nelson, Dickey | Trydahl |
| Fraser | Nelson, Steele | Tuff |
| Fuglestad | Nystrom | Urschel |
| Gainor | O'Brien | Wambheim |
| Glas | Odegard | Westby |
| Gray | Oglesby | Williams,Richland |
| Haag | Ostgulen | Williams,Stutsm'n |
| Halvorson | Page | Wolf |
| Haugland | Panko | Mr. Speaker |

Absent and not voting:

| | | |
|---|---|---|
| Boulden | Jensen | Twichell |
| Fitch | Scholl | |

So the bill passed and the title was agreed to and the Emergency Clause was declared carried.

MESSAGE TO THE SENATE

House of Representatives,
Bismarck, February 24, 1939.

Mr. President: I have the honor to inform you that the House has concurred in the Senate amendment to:

House Bill No. 73. A Bill for an Act Validating, Ratifying and Confirming Warrants, and Other Instruments or Obligations Evidencing or Representing Indebtedness, or

Evidencing or Representing the Borrowing of Money, or Evidencing or Representing a Charge, Lien or Encumbrance on Specific Revenues of Any County Heretofore Issued and Levies Heretofore Made by Boards of County Commissioners in any County of This State for the Purpose of Financing Poor Relief, Under the Conditions Specified in This Act, and Validating All Proceedings Heretofore Taken by Any Board of County Commissioners in Connection With the Issuance of Emergency Poor Fund Warrants and the Making of Emergency Poor Relief Levies Under the Provisions of Chapter 98, Laws of 1933, as Amended by Chapter 120, Laws of 1935, or Under Any Assumed, Implied or Purported Authority of Said Statutes, and Declaring an Emergency.

MINNIE D. CRAIG, Chief Clerk.

The Message from the Senate in regard to broadcasting the "Third House" session was read.

Rep. Holm moved that since the House had already refused to have this broadcast go on, that the Senate be informed of the House action, which motion prevailed.

## MESSAGE TO THE SENATE

House of Representatives,
Bismarck, February 24, 1939.

Mr. President: I have the honor to inform you that members of the House of Representatives have passed a motion declaring themselves opposed to the broadcasting of The Third House Program.

MINNIE D. CRAIG, Chief Clerk.

Senate Bill No. 90 was read the second time.

Rep. Bergesen asked unanimous consent to amend Senate Bill No. 90 which was granted.

Rep. Bergesen moved to amend Senate Bill No. 90 as follows:

Line 8, after word "operator" insert the words "except drivers license fees."

Rep. Dike moved that action on Senate Bill No. 90 be deferred one legislative day which motion was lost.

Rep. Solberg moved that Senate Bill No. 90 be considered properly re-engrossed and placed on final passage, which motion prevailed.

## SECOND READING OF SENATE BILLS

Senate Bill No. 90. A Bill for an Act to Amend and Reenact Chapter 166 of the Session Laws of North Dakota for the Year 1937, Relating to the Application to Highway Purposes of All Special Taxes on Motor Vehicle 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, 90; nays, 12; absent and not voting, 8.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Gray | Ostgulen |
| Anderson,M'K'nzie | Haugland | Page |
| Anfinson | Heckman | Peterson, Ransom |
| Arneson, Nelson | Hofstrand | Rettke |

| | | |
|---|---|---|
| Arneson, **Ramsey** | Holm | Sand |
| Beede | Holthusen | Saumur |
| Belzer | Hultstrand | Schauss |
| Benno | Ista | Schmidt, Sheridan |
| Bergesen | Ireland | Schimke |
| Bolmeier | Johnson, **LaMoure** | Scholl |
| Boulden | Joiner | Schwartz |
| Blair | Keller | Sellens |
| Braun, **McLean** | Kluver | Semerad |
| Braun, **Stark** | Knutson | Severson |
| Brown | Lange | Sharpe |
| Buchholz | Larson | Shure |
| Byrne | Lunde | Singleton |
| Crockett | McInnes | Skartvedt |
| Culver | McIntee | Solberg |
| Dalzell | McIntyre | Stone |
| Dike | Mittag | Stormon |
| Dittmer | Moe | Symington |
| Erickson | Mollet | Thompson,Burl'gh |
| Feton | Morland | Thompson, Steele |
| Fitch | Nelson, Cass | Trydahl |
| Fletcher | Nelson, Dickey | Tuff |
| Fraser | Nelson, Steele | Urschel |
| Fuglestad | Nystrom | Wambheim |
| Gainor | O'Brien | Williams,Richland |
| Glas | Oglesby | Williams,Stutsm'n |

Those voting in the negative were:

| | | |
|---|---|---|
| Billigmeier | Odegard | Rohde |
| Bingenheimer | Peterson,Bottineau | Schmidt, McHenry |
| Haag | Rait | Westby |
| Halvorson | Ritter | Mr. Speaker |

Absent and not voting:

| | | |
|---|---|---|
| Anderson, **Benson** | Levin | Twichell |
| Jensen | Myers | Wolf |
| Johnson, Cass | Panko | |

So the bill passed and the title was agreed to, and the emergency clause was declared carried.

Rep. Dalzell moved that the vote by which Senate Bill No. 90 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 115. A Bill for an Act to Amend and Reenact Chapter 242, Session Laws of 1937, Relating to the Levying of a Tax for the Purpose of Paying 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, 11; nays, 91; absent and not voting, 8.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Boulden | Nystrom | Sharpe |
| Byrne | Page | Shure |
| Jensen | Saumur | Wambheim |
| McInnes | Scholl | |

Those voting in the negative were:

| | | |
|---|---|---|
| Adam | Halvorson | Ostgulen |
| Anderson,M'K'nzie | Haugland | Peterson,Bottineau |
| Anfinson | Heckman | Peterson, Ransom |
| Arneson, Nelson | Hofstrand | Rait |
| Arneson, Ramsey | Holm | Rettke |
| Beede | Holthusen | Ritter |
| Belzer | Hultstrand | Rohde |
| Benno | Ireland | Sand |
| Bergesen | Ista | Schauss |
| Billigmeier | Johnson, LaMoure | Schmidt, McHenry |
| Bingenheimer | Joiner | Schmidt, Sheridan |
| Blair | Keller | Schimke |
| Bolmeier | Kluver | Schwartz |
| Braun, McLean | Knutson | Sellens |
| Braun, Stark | Lange | Semerad |
| Brown | Larson | Severson |
| Buchholz | Levin | Singleton |
| Crockett | Lunde | Solberg |
| Culver | McIntee | Stone |
| Dalzell | McIntyre | Stormon |
| Dike | Mittag | Symington |
| Dittmer | Moe | Thompson,Burl'gh |
| Erickson | Mollet | Thompson, Steele |
| Feton | Morland | Trydahl |
| Fletcher | Nelson, Cass | Tuff |
| Fraser | Nelson, Dickey | Urschel |
| Fuglestad | Nelson, Steele | Westby |
| Gainor | O'Brien | Williams,Richland |
| Glas | Odegard | Williams,Stutsm'n |
| Gray | Oglesby | Mr. Speaker |
| Haag | | |

Absent and not voting:

| | | |
|---|---|---|
| Anderson, Benson | Myers | Twichell |
| Fitch | Panko | Wolf |
| Johnson, Cass | Skartvedt | |

So the bill was lost.

Rep. Trydahl voted "no" for the purpose of reconsideration.

Senate Bill No. 212. A Bill For an Act Amending and Reenacting Section 2093 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, Relating to the Manner of Listing Real and Personal Property for Assessment Purposes, and Providing That as to General Merchandise, or Any Inventory of Goods and Wares, the Average Value of the Same for the Year Preceding the Time of the Assessment, Shall Be Taken as the Value Thereof for Assessment Purposes, 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, 71; nays, 32; absent and not voting, 7.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Heckman | Rait |
| Anderson,M'K'nzie | Hofstrand | Rettke |

| | | |
|---|---|---|
| Anfinson | Hultstrand | Rohde |
| Arneson, Ramsey | Ireland | Sand |
| Beede | Ista | Saumur |
| Belzer | Jensen | Schauss |
| Billigmeier | Johnson, LaMoure | Schmidt, McHenry |
| Braun, McLean | Joiner | Schmidt, Sheridan |
| Braun, Stark | Keller | Schimke |
| Buchholz | Knutson | Scholl |
| Brown | Larson | Schwartz |
| Byrne | McInnes | Sellens |
| Crockett | McIntee | Semerad |
| Culver | McIntyre | Singleton |
| Dalzell | Mittag | Skartvedt |
| Dike | Moe | Solberg |
| Erickson | Mollet | Stormon |
| Fraser | Morland | Thompson, Steele |
| Fuglestad | Nelson, Dickey | Tuff |
| Glas | Odegard | Urschel |
| Gray | Ostgulen | Williams,Richland |
| Haag | Page | Wolf |
| Halvorson | Panko | Mr. Speaker |
| Haugland | Peterson,Bottineau | |

Those voting in the negative were:

| | | |
|---|---|---|
| Arneson, Nelson | Holm | Peterson, Ransom |
| Benno | Holthusen | Severson |
| Bergesen | Kluver | Sharpe |
| Bingenheimer | Lange | Shure |
| Blair | Levin | Stone |
| Bolmeier | Lunde | Symington |
| Boulden | Nelson, Cass | Thompson,Burl'gh |
| Dittmer | Nelson, Steele | Trydahl |
| Feton | Nystrom | Westby |
| Fletcher | O'Brien | Williams,Stutsm'n |
| Gainor | Oglesby | |

Absent and not voting:

| | | |
|---|---|---|
| Anderson, Benson | Myers | Twichell |
| Fitch | Ritter | Wambheim |
| Johnson, Cass | | |

So the bill passed and the title was agreed to and the emergency clause was declared carried.

Rep. Crockett moved that the vote by which Senate Bill No. 212 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

## MESSAGES FROM THE SENATE

Senate Chamber,
Bismarck, February 24, 1939.

Mr. Speaker: I have the honor to transmit:

Senate Bill No. 11. A Bill for an Act Prohibiting any Person Who Was a Candidate for Nomination for Office at a Primary Election and Who Was Defeated for Said Office, From Being a Candidate for the Same Office at the Ensuing General Election.

Senate Bill No. 39. A Bill for an Act to Repeal Chapter 168 of the Session Laws of the State of North Dakota for 1927, as Amended by Chapter 151 of the Session Laws

of North Dakota for 1929, Relating to the Investment of Funds of County Mutual Insurance Companies, and Prescribing the Character of the Investment.

Senate Bill No. 112. A Bill for an Act to Amend and Reenact Section 1 of Chapter 252 of the Session Laws of North Dakota for the Year 1937, Relating to Bounty for Tree Planting.

Which the President has signed and your signature is respectfully requested.

WM. J. LOWE, Secretary.

Senate Bill No. 180 was read the second time.

Rep. Levin moved that action on Senate Bill No. 180 be deferred for one legislative day.

Rep. Boulden moved to lay the motion of Rep. Levin on the table, which motion prevailed.

## SECOND READING OF SENATE BILLS

Senate Bill No. 180. A Bill for an Act to Repeal Sections 1326a1, 1326a2, 1326a3, 1326a4 and 1326a5 of the Supplement to the 1913 Compiled Laws of North Dakota, Relating to a Petition by Electors to Increase Debt Limit of School Districts.

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, 94; absent and not voting, 2.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Arneson, Ramsey | Johnson, Cass | Shure |
| Billigmeier | Nelson, Cass | Skartvedt |
| Bolmeier | Page | Stormon |
| Fuglestad | Peterson, Ransom | Thompson, Steele |
| Haag | Severson | |

Those voting in the negative were:

| | | |
|---|---|---|
| Adam | Hofstrand | Panko |
| Anderson, Benson | Holm | Peterson,Bottineau |
| Anderson,M'K'nzie | Holthusen | Rait |
| Anfinson | Hultstrand | Rettke |
| Arneson, Nelson | Ireland | Ritter |
| Beede | Ista | Rohde |
| Belzer | Jensen | Sand |
| Benno | Johnson, LaMoure | Saumur |
| Bergesen | Joiner | Schauss |
| Bingenheimer | Keller | Schmidt, McHenry |
| Blair | Kluver | Schmidt, Sheridan |
| Boulden | Knutson | Schimke |
| Braun, McLean | Lange | Scholl |
| Braun, Stark | Larson | Schwartz |
| Brown | Levin | Sellens |
| Buchholz | Lunde | Semerad |
| Byrne | McInnes | Sharpe |
| Crockett | McIntee | Singleton |
| Culver | McIntyre | Solberg |
| Dalzell | Myers | Stone |
| Dike | Mittag | Symington |
| Dittmer | Moe | Thompson,Burl'gh |
| Erickson | Mollet | Trydahl |

| | | |
|---|---|---|
| Feton | Morland | Tuff |
| Fletcher | Nelson, Dickey | Urschel |
| Fraser | Nelson, Steele | Wambheim |
| Gainor | Nystrom | Westby |
| Glas | O'Brien | Williams,Richland |
| Gray | Odegard | Williams,Stutsm'n |
| Halvorson | Oglesby | Wolf |
| Haugland | Ostgulen | Mr. Speaker |
| Heckman | | |

Absent and not voting:

| | |
|---|---|
| Fitch | Twichell |

So the bill was declared lost.

Rep. Dike voted "no" for the purpose of reconsideration.

Senate Concurrent Resolution No. 135 was read the second time.

Rep. Ritter moved that Senate Concurrent Resolution No. 135 be indefinitely postponed.

Rep. Morland moved to lay Rep. Ritter's motion on the table, which motion was lost.

The question being on the motion of Rep. Ritter to indefinitely postpone Senate Concurrent Resolution No. 135, which motion was lost.

Rep. Beede moved that Rule No. 28 be suspended for the purpose of amending Senate Concurrent Resolution No. 135, which motion prevailed.

Rep. Beede: I move the following amendment: In line 25, strike out the word "majority" and in lieu thereof insert the word "sixty." Make similar change in line 27.

Rep. Morland: I move that the rules be suspended and that Senate Concurrent Resolution No. 135 be considered properly re-engrossed and placed on final passage, which motion prevailed.

## SECOND READING OF SENATE CONCURRENT RESOLUTIONS

**Senate Concurrent Resolution No. 135. A Concurrent Resolution Providing for the Amendment of Sections 167, 170, 172 and 173 and the Repeal of Section 171 of the Constitution of North Dakota.**

Was read the second time.

## ROLL CALL

The question being on the final passage of the Senate Concurrent Resolution, as amended, the roll was called and there were ayes, 96; nays, 10; absent and not voting, 4.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Haag | Odegard |
| Anderson, Benson | Halvorson | Oglesby |
| Anderson,M'K'nzie | Haugland | Ostgulen |
| Anfinson | Heckman | Page |
| Arneson, Nelson | Hofstrand | Panko |
| Arneson, Ramsey | Holm | Peterson,Bottineau |
| Beede | Holthusen | Peterson, Ransom |
| Belzer | Hultstrand | Rait |
| Benno | Ireland | Rettke |
| Bergesen | Ista | Saumur |
| Billigmeier | Jensen | Schmidt, Sheridan |
| Bingenheimer | Johnson, Cass | Schwartz |

| | | |
|---|---|---|
| Blair | Johnson, LaMoure | Sellens |
| Bolmeier | Joiner | Semerad |
| Boulden | Keller | Sharpe |
| Braun, McLean | Kluver | Singleton |
| Braun, Stark | Knutson | Skartvedt |
| Brown | Lange | Solberg |
| Buchholz | Larson | Stone |
| Byrne | Levin | Stormon |
| Crockett | Lunde | Symington |
| Culver | McIntee | Thompson, Steele |
| Dalzell | McIntyre | Thompson, Burl'gh |
| Dike | Myers | Trydahl |
| Dittmer | Mittag | Tuff |
| Erickson | Moe | Urschel |
| Feton | Morland | Wambheim |
| Fitch | Nelson, Cass | Westby |
| Fletcher | Nelson, Dickey | Williams, Richland |
| Fraser | Nelson, Steele | Williams, Stutsm'n |
| Glas | Nystrom | Wolf |
| Gray | O'Brien | Mr. Speaker |

Those voting in the negative were:

| | | |
|---|---|---|
| Fuglestad | Rohde | Schimke |
| McInnes | Sand | Severson |
| Mollet | Schmidt, McHenry | Shure |
| Ritter | | |

Absent and not voting:

| | | |
|---|---|---|
| Gainor | Scholl | Twichell |
| Schauss | | |

So the Senate Concurrent Resolution passed and the title was agreed to.

Rep. Adam moved that the vote by which Senate Concurrent Resolution No. 135 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Senate Bill No. 126 was read the second time.

Rep. Schimke moved that Senate Bill No. 126 be referred back to the Committee, which motion prevailed.

The Speaker referred Senate Bill No. 126 to the Committee on Banks and Banking.

## GENERAL ORDERS

Rep. Crockett moved that the House resolve itself into a Committee of the Whole for the consideration of general orders; which motion prevailed, and the House resolved itself into a Committee of the Whole.

The Speaker called Rep. Crockett to the Chair.

When the committee arose it submitted the following report:

Mr. Speaker: The Committee of the Whole have had under consideration:

Senate Bill No. 183.

In section 1, line 13 of the engrossed bill, which is line 15 of the printed bill, insert a "period" after the word "district" and strike out the remainder of the section.

**And recommend the adoption of the amendments of the Standing Committee.**

**And when so amended recommend the same do pass.**

**W. M. CROCKETT, Chairman, Committee of the Whole.**

## FIRST READING OF HOUSE BILLS

### HOUSE CONCURRENT RESOLUTION No. 401

Introduced by Representatives Culver and Crockett.

A RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NORTH DAKOTA, THE SENATE CONCURRING:

WHEREAS: Experience of the past half century has demonstrated that large areas in western North Dakota now partially under cultivation are unsuited other than grazing in the production of livestock, and

WHEREAS: Owing to the Land Policy of the United States Government, much of such land was homesteaded and broken into small tracts, and

WHEREAS: This lack of proper land use policy has been to some extent at least, responsible for over-production of grains, and

WHEREAS: Much of this land is now owned by counties, the state and various federal loaning agencies and by private non-resident owners, and is not now economically productive and it appears that it would be possible to block out units of such land (which could now be secured at low cost) on which operators could profitably produce livestock. And it appearing that units of not to exceed four sections per operator would be adaptable to such use.

NOW, THEREFORE: BE IT RESOLVED that the Congress of the United States be, by this Resolution, memorialized to consider and establish such agency as shall be necessary for the purpose of setting up grazing units in the western part of our State by acquisition of lands for such purposes and to safeguard such lands so acquired from being brought under cultivation again; to provide credit for worthy operators to acquire livestock and otherwise utilize such units in conjunction with their owned land; to establish reasonable rental values for such lands so acquired, (a portion of which may be used to defray cost of purchase) and the balance of which shall be paid to counties in lieu of taxes, thus producing revenue for the counties in which such lands are situated and from which land little or no revenue is now derived; to provide for control of the use of the lands so acquired to prevent over-grazing and other abuses and to provide generally for the rehabilitation of this area so that the people living therein can again become self-sustaining.

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to each of our Representatives in the United States Government for their attention.

Was read the first time and referred to the Committee on State Affairs.

Rep. Schwartz moved that the absent members be excused, which motion prevailed.

Rep. Ritter moved that the House do now adjourn, which motion prevailed and the House adjourned to 2:00 P. M., February 25th.

MINNIE D. CRAIG, Chief Clerk.

## FIFTY-FOURTH DAY

Bismarck, February 25, 1939.

The House assembled at 2:00 P. M., pursuant to adjournment, Speaker Hagen presiding.

Prayer by Rev. H. G. Bens, Bismarck.

Roll call: All Representatives present except Ista, Skartvedt, Twichell.

So a quorum was declared present.

### REPORT OF STANDING COMMITTEE

Mr. Speaker: Your Committee on Revision and Correction of the Journal have carefully examined the Journal of the Fifty-third Day and recommends that the same be corrected as follows:

On page 1022 on roll call, the figures "15" should be "14," and on the nays, the figures "93" should be "94."

On page 1022 Rep. Moe was listed as voting "aye," whereas he voted "nay."

And when so amended recommend that the same be approved.

REP. GLAS, Chairman.

Rep. Symington moved that the report be adopted, which motion prevailed and the report was adopted.

Petitions were received from 121 signers from Watford City and community protesting against chain store taxes. A like petition was received from 23 signers of Valley City.

A communication from Mrs. Ignatz Sticka and family was read from the desk.

Rep. Braun of Stark moved that the communication from Mrs. Ignatz Sticka and family be printed in the Journal, which motion prevailed.

St. Pius, N. D.,
P. O. New England, N. D.,
February 22, 1939.

To the Honorable Members of the House of Representatives, Twenty-sixth Legislative Assembly:

Accept our heartfelt gratitude for the beautiful floral offerings during the illness of our beloved husband and father, and for all the kind acts, the respect, and tribute you paid to the memory of our dear one.

Gratefully yours,
MRS. IGNATZ STICKA
and family.

Mr. Speaker: Your Committee on Enrollment and En-

grossment respectfully report that they have examined the following bills:

House Bill No. 65;
House Bill No. 98;
House Bill No. 110;
House Bill No. 147;
House Bill No. 242;
House Bill No. 243, and
House Bill No. 73.

And find the same properly enrolled.

OLAF OSTGULEN, Chairman.

Rep. Ostgulen moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Agriculture 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 second line of the title of the bill, after the words "Section 6," insert a comma (,), and strike out the word "and."

In the second line of the title of the bill, after the words "Section 8," add the following words: "and Section 9."

In Section 3, page 10, line 212, strike out the words "two thirds" and insert in lieu thereof, "three-fourths."

In Section 3, page 10, line 215, strike out the words "two-thirds" and insert in lieu thereof, the words "three-fourths."

After Section 3, in the printed bill, add a new section called "Section 4," which will read as follows: "SECTION 4. AMENDMENT.) That Section 9, of Chapter 9, of the Session Laws of 1937 is hereby amended and re-enacted to read as follows: Section 9. Enforcement of Land-Use Regulations.) The supervisors shall have authority to go upon any land within the District to determine whether land-use regulations adopted under the provisions of Sec. 8 of this Act are being observed."

Re-number Section 4 in the printed bill, number "5," and re-number the lines in Section 4 and Section 5 accordingly.

And when so amended recommend the same do pass.

CARL H. DITTMER, Chairman.

Rep. Levin moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Judiciary to whom was referred, Senate Bill No. 40, have had the same under consideration and recommend that the same be amended as follows:

After the title insert the following: WHEREAS; The members of the Twenty-Sixth Legislative Assembly of the State of North Dakota, being cognizant of the distress of the farmers, the laborers, the businessmen, the tenants and the property owners of the state, due to the extremely low prices of the products of the farm and the factory, and the large number of unemployed, the severe financial and economic distress prevailing throughout this and other states of the nation during the past several years, and the further damage from grasshoppers and black rust of the past two years, and WHEREAS; Many owners of property by reason of said conditions are unable, and it is believed will for some time be unable, to meet all payments as they become

due of taxes, interest and principal of mortgages or other liens on their properties, or to make the payments due on contracts for the purchase of real estate, and are therefore threatened with loss of such properties through mortgage or other foreclosure, judicial sale, or cancellation thereof, and

WHEREAS, It is believed that the owners of such property will suffer irrepairable loss and damage if mortgage or lien foreclosure, or cancellation of contracts, or execution of property is had, because of lack of purchasers financially able to bid an adequate price therefore, and

WHEREAS, It has been reported that at many mortgage foreclosure or execution sales the property was bid in for prices much below what was believed to be its real value, and often for much less than the mortgage or judgment indebtedness against the same, thereby resulting in large deficiency judgments being entered against debtors, and

WHEREAS, Chapter 158 of the Session Laws of North Dakota for the year 1933, prohibiting the foreclosure of mortgages on real estate by advertisement in certain cases, is of doubtful validity insofar as it is made to apply to mortgage contracts in existence at the time the act was passed and approved, and

WHEREAS, Chapter 159 of the Session Laws of North Dakota for the year 1937 prohibiting the obtaining of a deficiency judgment on mortgage foreclosure, is of doubtful validity insofar as it applies to mortgage contracts in existence at the time it was passed and approved, and

WHEREAS, It is the opinion of, and believed by the Legislature of the State of North Dakota that the conditions existing as hereinbefore set forth, has created an emergency of such nature that justifies and validates legislation for the extension of the time of redemption from mortgage foreclosure or other lien or judicial sales on execution or evictions and other relief of a like character, and

WHEREAS, The State of North Dakota has the right, in the opinion of its Legislative Assembly, to safeguard the vital interests of its people, and

WHEREAS, The State of North Dakota possesses the right under its police power to declare a state of emergency to exist, and

WHEREAS, The inherent and fundamental purpose of our government is to safeguard the public and promote the general welfare of the people, and

WHEREAS, Under existing conditions, foreclosure of real estate mortgages or other liens by advertisement would prevent fair, open and competitive bidding at the time of sale in the manner now contemplated by law, and

WHEREAS, It is believed, and the Legislature of North Dakota hereby declares its belief that the conditions existing, as hereinbefore set forth, have created an emergency of such a nature that justifies and validates changes in legislation providing for the temporary method, terms and conditions upon which mortgages or other lien foreclosures may be had or postponed, and jurisdiction to administer equitable relief in connection therewith may be conferred upon the district court.

**In Section 2, line 42, of the printed Bill, after the word "inadequate" insert the following: "or that the equity or equities of the mortgagor or mortgagors have been seriously impaired by the sale price,"**

In Section 1 after line 32 insert the following:

(b) When any mortgagee or lienor, vendor or 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 post office 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 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 provisions of this Act, such mortgagee, lienor or vendor shall be permitted to institute such action.

Strike out Section 10 of the printed Bill and insert in lieu thereof the following:

SECTION 10. The provisions of this Act shall apply generally to all mortgages, liens and contracts, but shall not apply to any mortgage, lien, contract or lease while such mortgage is held by the United States or any agency, department, bureau, board, instrumentality or commission thereof, as security or pledge of the maker, its executors or assigns, nor to any mortgage held as security or pledge to secure payment of a public debt, or to secure payment of the deposit of public funds, nor to notes and obligations incurred under Title 1, or to Insured mortgages issued under Title 2 of the National Housing Act, but this Act shall include the Federal Land Bank, the Land Bank Commissioner and the Federal Farm Mortgage Corporation. This Act shall not include any Federal Intermediate Credit Bank, or Production Credit Association, nor any Bank for Co-operatives, nor the Regional Agricultural Credit Corporation.

In line 125 of the printed Bill, strike out the word "then" and insert in lieu thereof the word "than".

In line 160 of the printed Bill, strike out the word "cannot" and insert in lieu thereof the word "will".

In line 202 of the printed Bill, strike out the words "one

year from the date of entry of judgment" and insert in lieu thereof the words "July 1st, 1941".

And when so amended recommend the same do pass.

J. M. ANDERSON, Chairman.

Rep. Mittag moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Cities and Municipal Corporations to whom was referred Senate Bill No. 146, have had the same under consideration and recommend that the same be amended as follows:

Section 2, line 10 after the word authority add a comma (,) and the following words "when authorized by a majority vote, of the electors of the city or village voting at any election held for that purpose".

And when so amended recommend the same do pass.

FRANK FLETCHER, Chairman.

Rep. E. C. Stone moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Cities and Municipal Corporations to whom was referred Senate Bill No. 147, have had the same under consideration and recommend that the same do pass.

FRANK FLETCHER, Chairman.

Rep. W. H. Shure moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Cities and Municipal Corporations to whom was referred Senate Bill No. 164, have had the same under consideration and recommend that the same be indefinitely postponed.

FRANK FLETCHER, Chairman.

Rep. W. H. Shure moved that the report be adopted, which motion prevailed and the report was adopted.

Rep. Stone moved that the vote by which Senate Bill No. 164 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on Appropriations to whom was referred Senate Bill No. 235, have had the same under consideration and recommend that the same do pass as amended by the Senate.

C. P. RITTER, Acting Chairman.

Rep. Odegard moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Appropriations to whom was referred Senate Bill No. 140, have had the same under consideration and recommend that the same do pass as amended by Senate.

And when so amended recommend the same do pass.

C. P. RITTER, Acting Chairman.

Rep. Johnson of Cass moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Insurance to whom was referred Senate Bill No. 68, have had the same under consideration and recommend that the same be re-referred to the Appropriations Committee.

PETER PETERSON, Chairman.

Rep. Fitch moved that the report be adopted, which motion prevailed and the report was adopted.

## MESSAGES FROM THE SENATE

Senate Chamber,
Bismarck, February 25, 1939.

Mr. Speaker: The Senate requests the return of:

House Bill No. 171. A Bill for an Act Providing for the Testing of Gasoline, Kerosene and Other Petroleum Products Used for Fuel and Power Purposes and Purchased for Resale; Repealing All Acts and Parts of Acts in Conflict Herewith; Providing a Penalty; Declaring an Emergency.

WM. J. LOWE, Secretary.

## MESSAGES TO THE SENATE

House of Representatives,
Bismarck, February 25, 1939.

Mr. President: I have the honor to return:

**Senate Concurrent Resolution No. 135. A Concurrent Resolution Providing for the Amendment of Sections 167, 170, 172 and 173 and the Repeal of Section 171 of the Constitution of North Dakota.**

Senate Bill No. 90. A Bill for an Act to Amend and Reenact Chapter 166 of the Session Laws of North Dakota for the Year 1937, Relating to the Application to Highway Purposes of All Special Taxes on Motor Vehicle Transportation and Declaring an Emergency.

Which the House has amended.

Senate Bill No. 276. A Bill for an Act to Amend and Reenact Section 6, of Chapter 244, of the Session Laws of 1937, Relating to Liens and Assignments Acquired in Proceedings for the Collection of Rents to Be Applied on Real Estate Taxes; Providing for Priority of Liens Acquired by the United States Government or Any Agency Thereof, and Repealing All Acts in Conflict Herewith; Declaring an Emergency.

Which the House has indefinitely postponed.

Senate Bill No. 212. A Bill For an Act Amending and Reenacting Section 2093 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, Relating to the Manner of Listing Real and Personal Property for Assessment Purposes, and Providing That as to General Merchandise, or Any Inventory of Goods and Wares, the Average Value of the Same for the Year Preceding the Time of the Assessment, Shall Be Taken as the Value Thereof for Assessment Purposes, Repealing All Acts in Conflict Therewith and Declaring an Emergency.

Which the House has passed unchanged.

MINNIE D. CRAIG, Chief Clerk.

## REPORT OF SELECT COMMITTEE

Mr. Speaker: Your Conference Committee to whom was referred:

House Concurrent Resolution No. 91.

Have had the same under consideration and recommend:

That the Senate recedes from the following amendment which reads as follows: In line 12, strike out the words "any measure" and in line 13, strike out the "period" after the word "petition" and add the following: "Any measure intro-

duced in or amended and rejected by the Legislative Assembly in the regular or special session next preceding such election."

The House accepts the remainder of the Senate amendments.

For the Senate:
M. R. Young
Andrew Skarvold
Rob. Greiser

For the House:
J. M. Anderson
Leonas Myers

Rep. Anderson of Benson moved that the House accept the report of the Conference Committee on House Concurrent Resolution No. 91, which motion prevailed.

Rep. Myers moved that the rules be suspended and that House Concurrent Resolution No. 91 be considered properly re-engrossed, placed on second reading and final passage, as amended.

Rep. Bergesen moved a substitute motion that action on House Concurrent Resolution No. 91 be deferred one legislative day, which motion prevailed.

Rep. Lange moved that House Bill No. 171 be returned to the Senate as requested, which motion prevailed.

## MESSAGE TO THE SENATE

Senate Chamber,
Bismarck, February 25, 1939.

Mr. President: I have the honor to return:

House Bill No. 171. A Bill for an Act Providing for the Testing of Gasoline, Kerosene and Other Petroleum Products Used for Fuel and Power Purposes and Purchased for Resale; Repealing All Acts and Parts of Acts in Conflict Herewith; Providing a Penalty; Declaring an Emergency.

Which the Senate has asked for.

MINNIE D. CRAIG, Chief Clerk.

House Resolution "M" was read from the desk.

Rep. Myers moved that House Resolution "M" be indefinitely postponed.

Rep. Byrne moved the previous question, which motion prevailed.

The question being on the indefinite postponement of House Resolution "M" the motion prevailed.

## HOUSE RESOLUTION "M"

Introduced by Rep. Donald K. Dike

### A RESOLUTION

Ordering and Directing that the State Industrial Commission Arrange a Hearing before the House of Representatives Upon the matters Relating to the Operation and Conduct of the State Mill and Elevator.

WHEREAS, certain measures relating to the future management and control of the State Mill and Elevator are now pending before the Legislative Assembly;

And whereas, it is desirable that the members of the Legislative Assembly have full information before them to assist in determining what legislation is essential or desirable for the best interests of the state;

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

That the State Industrial Commission of the State of North Dakota be, and it is ordered and required to arrange a hearing before the House of Representatives at the next convening of said House, or as soon thereafter as may be, and that said Commission produce at said hearing the last audits made of the accounts and affairs of the Mill and Elevator, and have before this House such operatives of the Mill and Elevator and such other employees as may be necessary to enable the House of Representatives to examine into the affairs and conduct of said Mill and Elevator; and that said Commission generally make provisions for a full hearing and disclosure of the affairs, accounts and methods of operation of said Mill and Elevator before the House of Representatives at the Capitol.

That at such hearing the members of the legislature be afforded a full opportunity to examine audits, records, persons and employees engaged in the operation of the Mill and Elevator and any other witnesses deemed necessary to a full hearing upon the matters aforesaid.

That among other things, the purpose of such hearing is to determine the present condition of the State Mill and Elevator, the methods and activities connected with the past operation thereof, and the policy and procedure best adapted to the successful operation thereof at the present time and in the future.

## REPORTS OF STANDING COMMITTEES

Mr. Speaker: Your Committee on Education to whom was referred Senate Concurrent Resolution No. 25, have had the same under consideration and recommend that the same be adopted.

C. H. HOFSTRAND, Chairman.

Rep. Schmidt (Sheridan) moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Education to whom was referred Senate Bill No. 29, have had the same under consideration and recommend that the same do pass.

C. H. HOFSTRAND, Chairman.

Rep. Holm moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on State Affairs to whom was referred Senate Bill No. 56, have had the same under consideration and recommend that the same do pass.

W. M. CROCKETT, Chairman.

Rep. Lange moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on State Affairs to whom was referred Senate Bill No. 252, have had the same under consideration and recommend that the same do pass.

W. M. CROCKETT, Chairman.

Rep. Dalzell moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on State Affairs to whom was referred Senate Bill No. 73, have had the same under consideration and recommend that the same be indefinitely postponed.

W. M. CROCKETT, Chairman.

Rep. Dalzell moved that the report be adopted, which motion prevailed and the report was adopted.

Rep. Crockett moved that the vote by which Senate Bill No. 73 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on State Affairs to whom was referred Senate Bill No. 184, have had the same under consideration and recommend thot the same do pass.

W. M. CROCKETT, Chairman.

Rep. Dalzell moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on State Affairs to whom was referred House Concurrent Resolution No. 401, have had the same under consideration and recommend that the same be adopted.

Found on page 1025, House Journal.

W. M. CROCKETT, Chairman.

Rep. Wambheim moved that the report be adopted, which motion prevailed and the report was adopted.

## SIGNING OF BILLS

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 11. A Bill for an Act Prohibiting any Person Who Was a Candidate for Nomination for Office at a Primary Election and Who Was Defeated for Said Office, From Being a Candidate for the Same Office at the Ensuing General Election.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 39. A Bill for an Act to Repeal Chapter 168 of the Session Laws of the State of North Dakota for 1927, as Amended by Chapter 151 of the Session Laws of North Dakota for 1929, Relating to the Investment of Funds of County Mutual Insurance Companies, and Prescribing the Character of the Investment.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 112. A Bill for an Act to Amend and Reenact Section 1 of Chapter 252 of the Session Laws of North Dakota for the Year 1937, Relating to Bounty for Tree Planting.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 147. A Bill for an Act Ceding to the United State Exclusive Jurisdiction Over Certain Lands in Burleigh County Which are Parts of the Fort Lincoln Military Reservation.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 98. A Bill for an Act to Repeal Chapter 28 of the 1925 Session Laws, Being Section 1796a5 of the 1925 Supplement, Making an Appropriation for Civil War Veterans; and Declaring an Emergency.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 65. A Bill for an Act Assenting to the Provisions of the Act of Congress Entitled "AN ACT To Provide that the United States Shall Aid the States in Wildlife-Restoration Projects and for Other Purposes," Approved September 2, 1937.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 243. A Bill for an Act to Amend and Reenact Section 9878 of the Compiled Laws of the State of North Dakota for the Year 1913 Relating to Unlawful Entry.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 73. A Bill for an Act Validating, Ratifying and Confirming Warrants, and Other Instruments or Obligations Evidencing or Representing Indebtedness, or Evidencing or Representing the Borrowing of Money, or Evidencing or Representing a Charge, Lien or Encumbrance on Specific Revenues of Any County Heretofore Issued and Levies Heretofore Made by Boards of County Commissioners in any County of This State for the Purpose of Financing Poor Relief, Under the Conditions Specified in This Act, and Validating All Proceedings Heretofore Taken by Any Board of County Commissioners in Connection With the Issuance of Emergency Poor Fund Warrants and the Making of Emergency Poor Relief Levies Under the Provisions of Chapter 98, Laws of 1933, as Amended by Chapter 120, Laws of 1935, or Under Any Assumed, Implied or Purported Authority of Said Statutes, and Declaring an Emergency.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 242. A Bill for an Act to Amend and Reenact Section 9873 of the Compiled Laws of the State of North Dakota for the Year 1913 to Define the Crime of Burglary in the Third Degree.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 110. A Bill for an Act to Amend and Reenact Sub-section 1 of Section 32, Chapter 148, Session

Laws of 1931, Relating to Fur-Bearing Animals; and Declaring an Emergency.

And the Speaker signed the same in the presence of the House.

## SECOND READING OF SENATE BILLS

Senate Bill No. 98. A Bill for an Act to Amend and Reenact Sections 506a2, 506a3, 506a4, 506a5, 506a6 as Amended by Chapter 208 of the Session Laws of 1927, 506a7, 506a9 as Amended by Chapter 208 of the Session Laws of 1927, 506a11, 506a12, 506a18, and 506a19 of the 1925 Supplement to the 1913 Compiled Laws of North Dakota, Relating to Creating a Board of Nurse Examiners, Providing for the Appointment of an Inspector of Schools of Nursing, and for the Examination, Registration, Re-registration, and Regulation of Graduated Nurses, and Exempting Practical Nurses from Registration, and Empowering the Board to Prescribe the Minimum Course of Study and Standards for Schools of Nursing, and Prescribing a Penalty for the Violation Thereof. Also, Defining Terms as Used in 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, as amended, the roll was called and there were ayes, 76; nays, 25; absent and not voting, 9.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Fuglestad | Peterson,Bottineau |
| Anderson, Benson | Gainor | Panko |
| Anderson,M'K'nzie | Gray | Rait |
| Anfinson | Haag | Rettke |
| Arneson, Ramsey | Haugland | Rohde |
| Arneson, Nelson | Heckman | Sand |
| Beede | Holm | Saumur |
| Belzer | Holthusen | Schmidt, Sheridan |
| Benno | Ireland | Scholl |
| Billigmeier | Ista | Schwartz |
| Bingenheimer | Johnson, Cass | Sellens |
| Blair | Johnson, LaMoure | Shure |
| Bolmeier | Keller | Solberg |
| Boulden | Kluver | Stone |
| Braun, Stark | Lange | Stormon |
| Brown | Larson | Thompson,Burl'gh |
| Buchholz | Lunde | Thompson, Steele |
| Byrne | McInnes | Trydahl |
| Culver | McIntee | Tuff |
| Dike | Mittag | Urschel |
| Dittmer | Nelson, Cass | Wambheim |
| Erickson | Nelson, Dickey | Westby |
| Feton | Nelson, Steele | Williams,Stutsm'n |
| Fitch | Odegard | Wolf |
| Fletcher | Ostgulen | Mr. Speaker |
| Fraser | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Braun, McLean | Moe | Schmidt, McHenry |
| Crockett | Mollet | Schimke |
| Dalzell | Morland | Semerad |

| | | |
|---|---|---|
| Glas | Nystrom | Severson |
| Halvorson | O'Brien | Sharpe |
| Jensen | Oglesby | Singleton |
| Joiner | Peterson, Ransom | Symington |
| Levin | Ritter | Williams,Richland |
| Myers | | |

Absent and not voting:

| | | |
|---|---|---|
| Bergesen | Knutson | Schauss |
| Hofstrand | McIntyre | Skartvedt |
| Hultstrand | Page | Twichell |

So the bill passed and the title was agreed to and the Emergency Clause was declared carried.

Rep. Fitch 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.

## MESSAGES FROM THE SENATE

Senate Chamber,
Bismarck, February 25, 1939.

Mr. Speaker: I have the honor to return:

House Bill No. 34. A Bill for an Act Making an Appropriation for Inquest and Burial of Penal Inmates, Headstones for Soldiers and Sailors, Actions to Release Insane, and List of New Taxable Lands.

House Bill No. 25. A Bill for an Act Making an Appropriation for the Purpose of Refunding Money Erroneously Paid Into or Credited to the General Fund.

House Bill No. 23. 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.

House Bill No. 39. A Bill for an Act Making an Appropriation to Pay the Expenses and Per Diem of Presidential Electors as Prescribed by Section 1038 of the Compiled Laws of 1913.

House Bill No. 28. 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.

House Bill No. 21. 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.

House Bill No. 7. 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.

House Bill No. 27. 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.

House Bill No. 126. A Bill for an Act to Amend and Reenact Section 336, Compiled Laws of 1913, as Amended by Chapter 177, Laws of 1925, Relating to the Leasing and Sale of School and Other Public Lands of the State, and Declaring an Emergency.

House Concurrent Resolution No. 132. A Concurrent Resolution Relating to an Amendment of the Enabling Act of February 22, 1889.

House Bill No. 184. A Bill for an Act Relating to Vital Statistics Records of Illegitimate Children, and to Provide for the Making of a New Certificate for a Child Legitimatized by Marriage of Parents and for a Child Legitimatized by Adoption.

House Bill No. 4. A Bill for an Act Making an Appropriation for the Glanders and Dourine Indemnity Fund.

Which the Senate has passed unchanged.

House Bill No. 97. A Bill for an Act Making an Appropriation of $362.00 for the Purpose of Paying the Funeral Expenses of Representative Robert Rotering of Slope County, and Declaring an Emergency.

House Bill No. 392. A Bill for an Act Making an Appropriation of Three Hundred Forty-three Dollars ($343.00) for the Purpose of Paying the Funeral Expenses of Representative Ignatz Sticka of Stark County, and Declaring an Emergency.

House Bill No. 22. 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.

House Bill No. 103. 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 Therefore.

House Bill No. 223. A Bill for an Act to Amend and Reenact Section 4847 of the Civil Code of the Compiled Laws of North Dakota for 1913.

Which the Senate has amended.

WM. J. LOWE, Secretary.

## MESSAGE TO THE SENATE

**House of Representatives,**
Bismarck, February 25, 1939.

**Mr. President: I have the honor to transmit:**

House Bill No. 65. A Bill for an Act Assenting to the Provisions of the Act of Congress Entitled "AN ACT To Provide that the United States Shall Aid the States in Wildlife-Restoration Projects and for Other Purposes," Approved September 2, 1937.

House Bill No. 147. A Bill for an Act Ceding to the United States Exclusive Jurisdiction Over Certain Lands in Burleigh County Which are Parts of the Fort Lincoln Military Reservation.

House Bill No. 110. A Bill for an Act to Amend and Reenact Sub-section 1 of Section 32, Chapter 148, Session Laws of 1931, Relating to Fur-Bearing Animals; and Declaring an Emergency.

House Bill No. 98. A Bill for an Act to Repeal Chapter 28 of the 1925 Session Laws, Being Section 1796a5 of the 1925 Supplement, Making an Appropriation for Civil War Veterans; and Declaring an Emergency.

House Bill No. 243. A Bill for an Act to Amend and Reenact Section 9878 of the Compiled Laws of the State of North Dakota for the Year 1913, Relating to Unlawful Entry.

House Bill No. 242. A Bill for an Act to Amend and Reenact Section 9873 of the Compiled Laws of the State of North Dakota for the Year 1913, to Define the Crime of Burglary in the Third Degree.

House Bill No. 73. A Bill for an Act Validating, Ratifying and Confirming Warrants, and Other Instruments or Obligations Evidencing or Representing Indebtedness, or Evidencing or Representing the Borrowing of Money, or Evidencing or Representing a Charge, Lien or Encumbrance on Specific Revenues of Any County Heretofore Issued and Levies Heretofore Made by Boards of County Commissioners in any County of This State for the Purpose of Financing Poor Relief, Under the Conditions Specified in This Act, and Validating All Proceedings Heretofore Taken by Any Board of County Commissioners in Connection With the Issuance of Emergency Poor Fund Warrants and the Making of Emergency Poor Relief Levies Under the Provisions of Chapter 98, Laws of 1933, as Amended by Chapter 120, Laws of 1935, or Under Any Assumed, Implied or Purported Authority of Said Statutes, and Declaring an Emergency.

Which the Speaker has signed and your signature is respectfully requested.

Senate Bill No. 11. A Bill for an Act Prohibiting any Person Who Was a Candidate for Nomination for Office at a Primary Election and Who Was Defeated for Said Office, From Being a Candidate for the Same Office at the Ensuing General Election.

Senate Bill No. 112. A Bill for an Act to Amend and Reenact Section 1 of Chapter 252 of the Session Laws of North Dakota for the Year 1937, Relating to Bounty for Tree Planting.

Senate Bill No. 39. A Bill for an Act to Repeal Chapter 168 of the Session Laws of the State of North Dakota for 1927, as Amended by Chapter 151 of the Session Laws of North Dakota for 1929, Relating to the Investment of Funds of County Mutual Insurance Companies, and Prescribing the Character of the Investment.

Which the Speaker has signed.

MINNIE D. CRAIG, Chief Clerk.

## SECOND READING OF SENATE BILLS

Senate Bill No. 99. A Bill for an Act to Amend and Reenact Section 2 of Chapter 210 of the Session Laws of 1937, Known as the Aid to the Blind Act, and Providing for Eligi-

bility for Assistance to the Needy Blind, 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, 100; nays, 0; absent and not voting, 10.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Halvorson | Panko |
| Anderson, Benson | Haugland | Peterson, Ransom |
| Anderson,M'K'nzie | Heckman | Rait |
| Anfinson | Holm | Ritter |
| Arneson, Nelson | Holthusen | Rettke |
| Arneson, Ramsey | Hultstrand | Rohde |
| Beede | Ireland | Sand |
| Belzer | Ista | Saumur |
| Benno | Jensen | Schauss |
| Bergesen | Johnson, LaMoure | Schmidt, McHenry |
| Billigmeier | Joiner | Schmidt, Sheridan |
| Bingenheimer | Keller | Schimke |
| Blair | Kluver | Schwartz |
| Bolmeier | Lange | Sellens |
| Boulden | Larson | Semerad |
| Braun, McLean | Levin | Severson |
| Braun, Stark | Lunde | Sharpe |
| Brown | McInnes | Shure |
| Buchholz | McIntee | Singleton |
| Byrne | McIntyre | Solberg |
| Crockett | Myers | Stormon |
| Culver | Mittag | Symington |
| Dalzell | Moe | Thompson,Burl'gh |
| Dike | Mollet | Thompson, Steele |
| Erickson | Morland | Trydahl |
| Feton | Nelson, Cass | Tuff |
| Fitch | Nelson, Dickey | Urschel |
| Fletcher | Nystrom | Wambheim |
| Fraser | O'Brien | Westby |
| Fuglestad | Odegard | Williams,Richland |
| Gainor | Oglesby | Williams,Stutsm'n |
| Glas | Ostgulen | Wolf |
| Gray | Page | Mr. Speaker |
| Haag | | |

Absent and not voting:

| | | |
|---|---|---|
| Dittmer | Nelson, Steele | Skartvedt |
| Hofstrand | Peterson,Bottineau | Stone |
| Johnson, Cass | Scholl | Twichell |
| Knutson | | |

So the bill passed and the title was agreed to, and the emergency clause was declared carried.

Rep. Schimke moved that the vote by which Senate Bill No. 99 was passed be reconsidered, and the motion to reconsider be laid on the table, which motion prevailed.

MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, February 25, 1939.

Mr. Speaker: I have the honor to inform you that the Senate has concurred in the House amendment to:

Senate Bill No. 90. A Bill for an Act to Amend and Reenact Chapter 166 of the Session Laws of North Dakota for the Year 1937, Relating to the Application to Highway Purposes of All Special Taxes on Motor Vehicle Transportation and Declaring an Emergency.

WM. J. LOWE, Secretary.

SECOND READING OF SENATE BILLS

Senate Bill No. 100. A Bill for an Act Amending and Reenacting Sections 1 and 9 of Chapter 161 of the Session Laws of 1923, Being Sections 5099b1 and 5099b9 of the 1925 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, the roll was called and there were ayes, 81; nays, 20; absent and not voting, 9.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Haugland | Panko |
| Anderson, Benson | Heckman | Rait |
| Anderson,M'K'nzie | Hofstrand | Rettke |
| Anfinson | Holm | Ritter |
| Arneson, Nelson | Holthusen | Rohde |
| Benno | Ireland | Sand |
| Bergesen | Ista | Saumur |
| Billigmeier | Jensen | Schauss |
| Bolmeier | Johnson, LaMoure | Schmidt, Sheridan |
| Braun, McLean | Joiner | Schimke |
| Braun, Stark | Kluver | Schwartz |
| Brown | Lange | Semerad |
| Byrne | Larson | Severson |
| Crockett | Lunde | Sharpe |
| Culver | McInnes | Shure |
| Dalzell | McIntee | Singleton |
| Dike | Mollet | Solberg |
| Erickson | Moe | Symington |
| Feton | Morland | Thompson, Steele |
| Fletcher | Nelson, Cass | Tuff |
| Fraser | Nelson, Dickey | Urschel |
| Fuglestad | Nelson, Steele | Wambheim |
| Gainor | Nystrom | Westby |
| Glas | O'Brien | Williams,Richland |
| Gray | Odegard | Williams,Stutsm'n |
| Haag | Ostgulen | Wolf |
| Halvorson | Page | Mr. Speaker |

Those voting in the negative were:

| | | |
|---|---|---|
| Arneson, Ramsey | Hultstrand | Peterson, Ransom |
| Beede | Keller | Schmidt, McHenry |
| Belzer | Levin | Sellens |
| Bingenheimer | McIntyre | Stormon |
| Blair | Myers | Thompson,Burl'gh |
| Boulden | Mittag | Trydahl |
| Buchholz | Oglesby | |

Absent and not voting:

| | | |
|---|---|---|
| Dittmer | Knutson | Skartvedt |
| Fitch | Peterson,Bottineau | Stone |
| Johnson, Cass | Scholl | Twichell |

So the bill passed and the title was agreed to, and the emergency clause was declared carried.

Rep. Westby moved that the vote by which Senate Bill No. 100 was passed be reconsidered, and the motion to reconsider be laid on the table, which motion prevailed.

Rep. Myers: This bill provides for the licensing of a home taking in an orphan child, but it doesn't state the amount of license. I don't believe in licensing everything in the State.

## MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, February 25, 1939.

Mr. Speaker: I have the honor to inform you that the Senate has refused to concur in the House amendment to:

**Senate Concurrent Resolution No. 135. A Concurrent Resolution Providing for the Amendment of Sections 167, 170, 172 and 173 and the Repeal of Section 171 of the Constitution of North Dakota.**

And the President has appointed as a conference committee to act with a like committee from the House, Senators: Wog, Blaisdell and Watt.

WM. J. LOWE, Secretary.

## SECOND READING OF SENATE BILLS

Senate Bill No. 101. A Bill for an Act Amending and Reenacting Sections 1, 6 and 16 of Chapter 209 of the Session Laws of 1937, Being Those Parts of the Aid to Dependent Children Act Defining a Dependent Child; Naming Relatives; Providing the Amount of Assistance; and Method of Disbursement of Aid to Dependent Children Fund; 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, 62; nays, 38; absent and not voting, 10.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Heckman | Oglesby |
| Anderson, Benson | Hultstrand | Ostgulen |
| Anderson,M'K'nzie | Holm | Page |
| Anfinson | Holthusen | Rait |
| Arneson, Nelson | Ireland | Saumur |
| Benno | Ista | Schmidt, Sheridan |
| Bergesen | Johnson, LaMoure | Scholl |
| Billigmeier | Joiner | Sellens |
| Bolmeier | Larson | Severson |
| Braun, Stark | Levin | Sharpe |
| Brown | Lunde | Shure |
| Dalzell | McIntee | Singleton |
| Dike | McIntyre | Solberg |
| Dittmer | Myers | Symington |
| Erickson | Mittag | Thompson,Burl'gh |
| Feton | Moe | Thompson, Steele |
| Fletcher | Morland | Westby |
| Fuglestad | Nelson, Cass | Williams,Richland |
| Gainor | Nelson, Steele | Williams,Stutsm'n |
| Haag | O'Brien | Mr. Speaker |
| Haugland | Odegard | |

Those voting in the negative were:

| | | |
|---|---|---|
| Arneson, Ramsey | Hofstrand | Sand |
| Beede | Jensen | Schauss |
| Belzer | Keller | Schmidt, McHenry |
| Bingenheimer | Kluver | Schimke |
| Blair | Knutson | Schwartz |
| Boulden | Mollet | Semerad |
| Braun, McLean | Nelson, Dickey | Stone |
| Buchholz | Nystrom | Stormon |
| Crockett | Panko | Trydahl |
| Culver | Peterson, Ransom | Tuff |
| Glas | Rettke | Urschel |
| Gray | Ritter | Wolf |
| Halvorson | Rohde | |

Absent and not voting:

| | | |
|---|---|---|
| Byrne | Lange | Skartvedt |
| Fitch | McInnes | Twichell |
| Fraser | Peterson,Bottineau | Wambheim |
| Johnson, Cass | | |

So the bill passed and the title was agreed to, and the Emergency Clause was declared lost.

Rep. Belzer moved that the vote by which Senate Bill No. 101 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

## MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, February 25, 1939.

Mr. Speaker: I have the honor to inform you that the Senate has accepted the Conference Committee report on:

House Concurrent Resolution No. 91. Providing for the Amendment of Section 25, of Article 2, of the Constitution of the State of North Dakota, Relating to the Legislative Power of the State, and the Initiative and Referendum.

WM. J. LOWE, Secretary.

Senate Bill No. 102 was read the second time.

Rep. Johnson of Cass moved that action on Senate Bill No. 102 be deferred one legislative day, which motion prevailed.

Senate Bill No. 258 was read the second time.

Rep. Morland moved that action on Senate Bill No. 258 be deferred one legislative day, which motion was lost.

## SECOND READING OF SENATE BILLS

Senate Bill No. 258. A Bill for an Act Providing Suspension of Remedies to Enforce or Effectuate Tax Liens, Certificates and Titles Affecting Lands Acquired by the State Treasurer as Trustee for the State of North Dakota Under the Provisions of Sections 2290b9 and 2290c9 of the 1925 Supplement to the 1913 Compiled Laws of North Dakota, and Acts Amendatory Thereof, Providing for Removal of Such Suspension Upon Sale of Said Lands, Providing Authority for Payment of the Original Amounts of General Taxes, and Cancellation of Liens, Certificates and Titles Based Thereon, and Providing for Repeal of All Inconsistent Acts, Including Chapter 290 of the North Dakota Session Laws of 1931, 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, 74; nays, 24; absent and not voting, 12.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Haag | O'Brien |
| Anderson, Benson | Halvorson | Ostgulen |
| Anderson,M'K'nzie | Haugland | Pago |
| Anfinson | Heckman | Panko |
| Arneson, Ramsey | Hofstrand | Rait |
| Beede | Holthusen | Rettke |
| Belzer | Hultstrand | Ritter |
| Benno | Jensen | Rohde |
| Bergesen | Johnson, LaMoure | Sand |
| Billigmeier | Joiner | Schmidt, Sheridan |
| Bolmeier | Keller | Scholl |
| Braun, McLean | Kluver | Schwartz |
| Braun, Stark | Knutson | Semerad |
| Buchholz | Lange | Severson |
| Culver | Larson | Singleton |
| Dalzell | Levin | Symington |
| Dike | Lunde | Trydahl |
| Dittmer | McIntee | Tuff |
| Erickson | McIntyre | Urschel |
| Feton | Myers | Westby |
| Fletcher | Mittag | Williams,Richland |
| Fraser | Mollet | Williams,Stutsm'n |
| Fuglestad | Nelson, Cass | Wolf |
| Glas | Nelson, Dickey | Mr. Speaker |
| Gray | Nystrom | |

Those voting in the negative were:

| | | |
|---|---|---|
| Arneson, Nelson | Moe | Sellens |
| Bingenheimer | Morland | Sharpe |
| Blair | Odegard | Shure |
| Boulden | Oglesby | Solberg |
| Brown | Peterson, Ransom | Stone |
| Fitch | Saumur | Stormon |
| Holm | Schauss | Thompson,Burl'gh |
| Ireland | Schmidt, McHenry | Thompson, Steele |

Absent and not voting:

| | | |
|---|---|---|
| Byrne | Jonnson, Cass | Schimke |
| Crockett | McInnes | Skartvedt |
| Gainor | Nelson, Steele | Twichell |
| Ista | Peterson,Bottineau | Wambheim |

So the bill passed and the title was agreed to and the Emergency Clause was declared carried.

Rep. Jensen voted "aye" for the purpose of reconsideration.

Rep. Ritter voted "aye" for the purpose of reconsideration.

Rep. Morland voted "no" for the purpose of reconsideration.

Rep. Shure moved that the House reconsider action taken on Senate Bill No. 258, which motion prevailed.

Rep. Shure moved that Senate Bill No. 258 be re-referred to the Committee on Tax and Tax Laws, which motion prevailed.

Rep. Scholl moved that the House recess for a twenty-minute period, which motion prevailed.

The Speaker called the House to order pursuant to recess taken.

Rep. Trydahl requested that the House be on the Seventh Order of Business, which request was granted.

Rep. Trydahl moved that the House reconsider the vote by which Senate Bill No. 115 was indefinitely postponed, which motion prevailed.

Rep. Trydahl moved that Senate Bill No. 115 be placed at the foot of the calendar.

The House continued on the Fourteenth Order of Business.

Senate Bill No. 175 was read the second time.

Rep. Crockett moved that Senate Bill No. 175 be indefinitely postponed.

Rep. Knutson moved that House Rule No. 28 be suspended for the purpose of amending Senate Bill No. 175.

Rep. Nelson of Cass moved that the motion of Rep. Knutson be laid on the table, which motion prevailed.

Rep. Ritter moved that Senate Bill No. 175 be re-referred to General Orders, which motion was lost.

The question being on the motion of Rep. Crockett to indefinitely postponed Senate Bill No. 175, the motion was lost.

Senate Bill No. 175. A Bill for an Act Providing for the Establishment of, License Fee for, and Setting up Regulations to Govern Muskrat Propagation 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, 90; nays, 16; absent and not voting, 4.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Haugland | Peterson,Bottineau |
| Anderson, Benson | Heckman | Peterson, Ransom |
| Anfinson | Hofstrand | Rait |
| Arneson, Nelson | Holm | Rettke |
| Arneson, Ramsey | Holthusen | Ritter |
| Benno | Huitstrand | Rohde |
| Bergesen | Ireland | Saumur |
| Billigmeier | Ista | Schauss |
| Bingenheimer | Joiner | Schmidt, Sheridan |
| Blair | Keller | Schimke |
| Bolmeier | Kluver | Sellens |
| Boulden | Knutson | Severson |
| Braun, McLean | Lange | Sharpe |
| Braun, Stark | Larson | Shure |
| Brown | Lunde | Singleton |
| Buchholz | McInnes | Solberg |
| Crockett | McIntee | Stone |
| Culver | Myers | Stormon |
| Dalzell | Mittag | Symington |
| Dike | Moe | Thompson,Burl'gh |
| Dittmer | Mollet | Thompson, Steele |
| Erickson | Morland | Trydahl |
| Feton | Nelson, Cass | Tuff |
| Fletcher | Nelson, Dickey | Urschel |

| | | |
|---|---|---|
| Fraser | Nystrom | Wambheim |
| Fuglestad | O'Brien | Westby |
| Gainor | Odegard | Williams,Richland |
| Glas | Oglesby | Williams,Stutsm'n |
| Gray | Ostgulen | Wolf |
| Haag | Page | Mr. Speaker |

Those voting in the negative were:

| | | |
|---|---|---|
| Anderson,M'K'nzie | Jensen | Panko |
| Beede | Johnson, Cass | Schmidt, McHenry |
| Belzer | Johnson, LaMoure | Scholl |
| Byrne | Levin | Schwartz |
| Fitch | McIntyre | Semerad |
| Halvorson | | |

Absent and not voting:

| | | |
|---|---|---|
| Nelson, Steele | Skartvedt | Twichell |
| Sand | | |

So the bill passed and the title was agreed to.

Rep. Crockett voted "aye" for the purpose of reconsideration.

The House reverted to the Fifth Order of Business.

REPORT OF STANDING COMMITTEE

Mr. Speaker: Your Committee on Taxes and Tax Laws to whom was referred Senate Bill No. 65, have had the same under consideration and recommend that the same be indefinitely postponed for the reasons that the Committee does not wish to assume the responsibility of forcing a special election upon the people of North Dakota and that this measure would not produce sufficient revenue to adequately finance Old Age Pensons.

N. P. JENSEN, Chairman.

Rep. Rohde moved that the report be adopted, which motion prevailed and the report was adopted.

Rep. Mollet moved that the vote by which Senate Bill No. 65 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

The House continued on the Fourteenth Order of Business.

Senate Bill No. 240 was read the second time.

Rep. Beede moved that action on Senate Bill No. 240 be deferred one legislative day, which motion prevailed.

SECOND READING OF SENATE BILLS

Senate Bill No. 88. A Bill for an Act Providing for a Recodification and Revision of the Laws of North Dakota; Authorizing the Supreme Court to Create a Code Revision Commission; Defining Its Powers and Duties; 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, 59; nays, 43; absent and not voting, 8.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Anderson, Benson | Haag | Page |
| Beede | Halvorson | Peterson, Ransom |

| | | |
|---|---|---|
| Benno | Haugland | Ritter |
| Bergesen | Hofstrand | Saumur |
| Billigmeier | Holthusen | Schauss |
| Blair | Ireland | Schmidt, Sheridan |
| Bolmeier | Johnson, Cass | Schimke |
| Boulden | Kluver | Sellens |
| Brown | Larson | Severson |
| Byrne | Levin | Sharpe |
| Crockett | Lunde | Shure |
| Culver | McInnes | Singleton |
| Dalzell | Mittag | Solberg |
| Dike | Morland | Stone |
| Dittmer | Nelson, Cass | Symington |
| Feton | Nelson, Dickey | Trydahl |
| Fitch | Nystrom | Wambheim |
| Fletcher | O'Brien | Westby |
| Fuglestad | Oglesby | Williams,Stutsm'n |
| Gainor | Ostgulen | |

Those voting in the negative were:

| | | |
|---|---|---|
| Adam | Hultstrand | Rait |
| Anderson,M'K'nzie | Ista | Rettke |
| Anfinson | Jensen | Rohde |
| Arneson, Nelson | Johnson, LaMoure | Schmidt, McHenry |
| Arneson, Ramsey | Keller | Scholl |
| Belzer | Knutson | Schwartz |
| Bingenheimer | Lange | Semerad |
| Braun, McLean | McIntee | Stormon |
| Braun, Stark | Myers | Thompson,Burl'gh |
| Buchholz | Moe | Thompson, Steele |
| Erickson | Mollet | Tuff |
| Fraser | Odegard | Urschel |
| Gray | Panko | Wolf |
| Heckman | Peterson,Bottineau | Mr. Speaker |
| Holm | | |

Absent and not voting:

| | | |
|---|---|---|
| Glas | Nelson, Steele | Twichell |
| Joiner | Sand | Williams,Richland |
| McIntyre | Skartvedt | |

So the bill passed and the title was agreed to.

Rep. Bergesen 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 was declared lost.

Rep. Adam: "I want to explain my vote and have it recorded. I wanted to vote 'aye' on this bill. We need this recodification very badly. But for certain reasons I can not do so. We have no money to care for the aged, for relief and for schools and a lot of other necessities of life. Therefore I vote 'no'."

Rep. Rettke: "I see that this is a law that should be passed but knowing that the people back home would believe that I was extravagant at a time that I should have been saving I therefore vote 'no'."

Rep. Schmidt of Sheridan: "What is the use of making laws if the people are handicapped in their interpretation? Therefore I vote 'aye'."

Thompson of Burleigh: "I know that this is badly needed but we have had to turn down a hundred things in this legislature that were needed just as badly and after we got the laws codified the lawyers will still be fighting anyway two years from now. We can see that every day. And furthermore, they claim it is a farmer's bill, but I am so near broke that it wouldn't do any good for a lawyer to sue me anyway."

Speaker Hagen voted "aye" for the purpose of reconsideration.

Rep. Jensen: "I am not an obstructionist. I don't get any enjoyment on voting 'no' on a lot of appropriation bills. How are we going to keep on appropriating when we have already appropriated over twenty-five million dollars and have only half that amount to finance with. I vote 'no'."

Speaker Hagen changed his vote from "aye" to "no."

A roll call was demanded and granted.

ROLL CALL

The question being on the motion of Rep. Bergesen that the vote by which Senate Bill No. 88 was passed be reconsidered and the motion to reconsider be laid on the table there were ayes, 44; nays, 54; absent and not voting, 12.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Arneson, Nelson | Fuglestad | Schauss |
| Benno | Holm | Schmidt, Sheridan |
| Bergesen | Holthusen | Sellens |
| Billigmeier | Johnson, Cass | Severson |
| Blair | Larson | Sharpe |
| Bolmeier | Lunde | Shure |
| Boulden | McInnes | Symington |
| Brown | Morland | Singleton |
| Byrne | Nelson, Cass | Stone |
| Crockett | Nystrom | Thompson, Steele |
| Culver | O'Brien | Trydahl |
| Dalzell | Oglesby | Wambheim |
| Dittmer | Page | Westby |
| Feton | Peterson, Ransom | Williams,Stutsm'n |
| Fitch | Saumur | |

Those voting in the negative were:

| | | |
|---|---|---|
| Adam | Halvorson | Odegard |
| Anderson, Benson | Heckman | Ostgulen |
| Arneson, Ramsey | Hofstrand | Panko |
| Anfinson | Hultstrand | Peterson,Bottineau |
| Anderson,M'K'nzie | Ireland | Rait |
| Beede | Ista | Rettke |
| Belzer | Jensen | Rohde |
| Bingenheimer | Johnson, LaMoure | Schmidt, McHenry |
| Braun, McLean | Keller | Scholl |
| Braun, Stark | Kluver | Schwartz |
| Buchholz | Knutson | Semerad |
| Dike | Levin | Solberg |
| Erickson | McIntee | Stormon |
| Fletcher | Myers | Thompson,Burl'gh |
| Fraser | Mittag | Tuff |
| Gainor | Moe | Urschel |

| | | |
|---|---|---|
| Gray | Mollet | Wolf |
| Haag | Nelson, Dickey | Mr. Speaker |

Absent and not voting:

| | | |
|---|---|---|
| Glas | McIntyre | Schimke |
| Haugland | Nelson, Steele | Skartvedt |
| Joiner | Ritter | Twichell |
| Lange | Sand | Williams,Richland |

So the motion was declared lost.

Rep. Anderson of Benson: "I vote 'no' on this motion. I feel that members should have time to think it over for consideration as they see fit. Therefore I vote 'no'."

Rep. Hagen moved that the House recess for an hour and fifteen minutes, which motion prevailed, and the House recessed.

The House convened at 7:45 P. M., pursuant to recess.

The Speaker announced the House would be on the Twelfth Order of Business.

House Bill No. 97 was returned from the Senate, amended as follows:

In line 5, after the word "North Dakota," strike out the comma, and insert a period, also the word "to-wit:."

Strike out all of lines 6, 7, 8 and 9.

Re-number all lines in numerical order.

Rep. Page moved that the House concur in the Senate amendments to House Bill No. 97, which motion prevailed.

Rep. Trydahl moved that the rules be suspended and that House Bill No. 97 be considered properly re-engrossed, placed on second reading and final passage, as amended, which motion prevailed.

## SECOND READING OF HOUSE BILLS

House Bill No. 97. A Bill for an Act Making an Appropriation of $362.00 for the Purpose of Paying the Funeral Expenses of Representative Robert Rotering of Slope County, and Declaring an Emergency.

Was read the second time.

## ROLL CALL

The question being on the final passage of the bill, as amended by the Senate, the roll was called and there were ayes, 81; nays, 0; absent and not voting, 29.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Heckman | Panko |
| Anderson, Benson | Holm | Peterson,Bottineau |
| Anderson,M'K'nzie | Holthusen | Peterson, Ransom |
| Anfinson | Hultstrand | Rait |
| Arneson, Nelson | Ireland | Rettke |
| Arneson, Ramsey | Ista | Rohde |
| Beede | Jensen | Schmidt, McHenry |
| Belzer | Johnson, Cass | Schmidt, Sheridan |
| Bergesen | Johnson, LaMoure | Scholl |
| Bingenheimer | Keller | Schwartz |
| Bolmeier | Kluver | Sellens |
| Boulden | Levin | Semerad |
| Braun, McLean | Lunde | Severson |
| Braun, Stark | McIntee | Sharpe |
| Brown | Myers | Shure |
| Buchholz | Mittag | Singleton |

| | | |
|---|---|---|
| Dalzell | Moe | Solberg |
| Dike | Mollet | Stone |
| Dittmer | Morland | Stormon |
| Erickson | Nelson, Cass | Symington |
| Feton | Nelson, Dickey | Trydahl |
| Fletcher | Nystrom | Tuff |
| Fraser | O'Brien | Urschel |
| Gainor | Odegard | Wambheim |
| Gray | Oglesby | Williams,Stutsm'n |
| Haag | Ostgulen | Wolf |
| Halvorson | Page | Mr. Speaker |

Absent and not voting:

| | | |
|---|---|---|
| Benno | Hofstrand | Saumur |
| Billigmeier | Joiner | Schauss |
| Blair | Knutson | Schimke |
| Byrne | Lange | Skartvedt |
| Crockett | Larson | Thompson,Burl'gh |
| Culver | McInnes | Thompson, Steele |
| Fitch | McIntyre | Twichell |
| Fuglestad | Nelson, Steele | Westby |
| Glas | Ritter | Williams,Richland |
| Haugland | Sand | |

So the bill passed and the title was agreed to, and the emergency clause was declared carried.

House Bill No. 392 was returned from the Senate, amended as follows:

In line 5, after the words "North Dakota," strike out the comma and insert a period, also strike out the word "to-wit:".

Strike out all of lines 6, 7, 8 and 9.

Re-number all lines in numerical order.

Rep. Semerad moved that the House concur in the Senate amendments to House Bill No. 392, which motion prevailed.

Rep. Trydahl moved that the rules be suspended and that House Bill No. 392 be considered properly re-engrossed, placed on second reading and final passage, as amended, which motion prevailed.

## SECOND READING OF HOUSE BILLS

House Bill No. 392. A Bill for an Act Making an Appropriation of Three Hundred Forty-three Dollars ($343.00) for the Purpose of Paying the Funeral Expenses of Representative Ignatz Sticka of Stark County, and Declaring an Emergency.

Was read the second time.

## ROLL CALL

The question being on the final passage of the bill, as amended by the Senate, the roll was called and there were ayes, 84; nays, 0; absent and not voting, 26.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Heckman | Peterson,Bottineau |
| Anderson, Benson | Holm | Peterson, Ransom |
| Anderson,M'K'nzie | Holthusen | Rait |
| Arneson, Nelson | Hultstrand | Rettke |
| Arneson, Ramsey | Ireland | Rohde |
| Anfinson | Ista | Schmidt, McHenry |
| Beede | Jensen | Schmidt, Sheridan |
| Belzer | Johnson, Cass | Schimke |

| | | |
|---|---|---|
| Bergesen | Johnson, LaMoure | Scholl |
| Billigmeier | Keller | Schwartz |
| Bingenheimer | Kluver | Semerad |
| Bolmeier | Levin | Severson |
| Boulden | Lunde | Sharpe |
| Braun, McLean | McIntee | Shure |
| Braun, Stark | Myers | Singleton |
| Brown | Mittag | Solberg |
| Buchholz | Moe | Stone |
| Byrne | Mollet | Stormon |
| Dalzell | Morland | Symington |
| Dike | Nelson, Cass | Trydahl |
| Dittmer | Nelson, Dickey | Tuff |
| Erickson | Nystrom | Twichell |
| Feton | O'Brien | Urschel |
| Fraser | Odegard | Wambheim |
| Gainor | Oglesby | Westby |
| Gray | Ostgulen | Williams,Stutsm'n |
| Haag | Page | Wolf |
| Halvorson | Panko | Mr. Speaker |

Absent and not voting:

| | | |
|---|---|---|
| Benno | Hofstrand | Sand |
| Blair | Joiner | Saumur |
| Crockett | Knutson | Schauss |
| Culver | Lange | Sellens |
| Fitch | Larson | Skartvedt |
| Fletcher | McInnes | Thompson,Burl'gh |
| Fuglestad | McIntyre | Thompson, Steele |
| Glas | Nelson, Steele | Williams,Richland |
| Haugland | Ritter | |

So the bill passed and the title was agreed to. And the Emergency Clause was declared carried.

House Bill No. 223 was returned from the Senate, amended as follows:

In line 34, begin a new paragraph with the word "The".

In line 46 strike out the word "its" and insert in lieu thereof the word "his".

Rep. Nelson of Cass moved that the House do concur in the Senate amendments to House Bill No. 223, which motion prevailed.

Rep. Nelson of Cass moved that the rules be suspended and that House Bill No. 223 be considered properly re-engrossed and placed on second reading and final passage as amended, which motion prevailed.

## SECOND READING OF HOUSE BILLS

House Bill No. 223. A Bill for an Act to Amend and Reenact Section 4847 of the Civil Code of the Compiled Laws of North Dakota for 1913.

Was read the second time.

## ROLL CALL

The question being on the final passage of the bill, as amneded, by the Senate, the roll was called and there were aye, 84; nays, 2; absent and not voting, 24.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Halvorson | Peterson, Ransom |
| Anderson, Benson | Heckman | Rait |

| | | |
|---|---|---|
| Anderson,M'K'nzie | Holm | Rettke |
| Anfinson | Holthusen | Rohde |
| Arneson, Nelson | Ireland | Schmidt, McHenry |
| Arneson, Ramsey | Ista | Schmidt, Sheridan |
| Beede | Jensen | Schimke |
| Belzer | Johnson, Cass | Scholl |
| Bergesen | Johnson, LaMoure | Schwartz |
| Billigmeier | Keller | Sellens |
| Bingenheimer | Kluver | Semerad |
| Bolmeier | Levin | Severson |
| Boulden | Lunde | Sharpe |
| Braun, McLean | McIntee | Shure |
| Braun, Stark | Myers | Singleton |
| Brown | Mittag | Solberg |
| Buchholz | Mollet | Stone |
| Byrne | Morland | Stormon |
| Dalzell | Nelson, Cass | Symington |
| Dike | Nelson, Dickey | Trydahl |
| Dittmer | Nystrom | Tuff |
| Erickson | O'Brien | Twichell |
| Feton | Odegard | Urschel |
| Fletcher | Oglesby | Wambheim |
| Fraser | Ostgulen | Westby |
| Gainor | Page | Williams,Stutsm'n |
| Gray | Panko | Wolf |
| Haag | Peterson,Bottineau | Mr. Speaker |

Those voting in the negative were:

| | |
|---|---|
| Hultstrand | Moe |

Absent and not voting:

| | | |
|---|---|---|
| Benno | Hofstrand | Ritter |
| Blair | Joiner | Sand |
| Crockett | Knutson | Saumur |
| Culver | Lange | Schauss |
| Fitch | Larson | Skartvedt |
| Fuglestad | McInnes | Thompson,Burl'gh |
| Glas | McIntyre | Thompson, Steele |
| Haugland | Nelson, Steele | Williams,Richland |

So the bill passed and the title was agreed to.

House Bill No. 103 was returned from the Senate, amended as follows:

As amended on page 330 of the Senate Journal. Also

Strike out the Emergency Clause in the Title, and strike out Section 4 entirely.

Rep. Holthusen moved that the House do concur in the Senate amendments to House Bill No. 103, which motion prevailed.

Rep. Holthusen moved that the rules be suspended and that House Bill No. 103 be considered properly re-engrossed, placed on second reading and final passage as amended, which motion prevailed.

## SECOND READING OF HOUSE BILLS

House Bill No. 103. 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 Con-

cessions, 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 Therefore.

Was read the second time.

ROLL CALL

The question being on the final passage of the bill, as amended, by Senate, the roll was called and there were ayes, 84; nays, 0; absent and not voting, 26.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Heckman | Peterson,Bottineau |
| Anderson, Benson | Holm | Peterson, Ransom |
| Anderson,M'K'nzie | Holthusen | Rait |
| Anfinson | Hultstrand | Rettke |
| Arneson, Nelson | Ireland | Rohde |
| Arneson, Ramsey | Ista | Schmidt, Sheridan |
| Beede | Jensen | Scholl |
| Belzer | Johnson, Cass | Schwartz |
| Bergesen | Johnson, LaMoure | Sellens |
| Billigmeier | Keller | Semerad |
| Bingenheimer | Kluver | Severson |
| Bolmeier | Levin | Sharpe |
| Boulden | Lunde | Shure |
| Braun, McLean | McIntee | Singleton |
| Braun, Stark | Myers | Solberg |
| Brown | Mittag | Stone |
| Buchholz | Moe | Stormon |
| Byrne | Mollet | Symington |
| Dalzell | Morland | Thompson,Burl'gh |
| Dike | Nelson, Cass | Trydahl |
| Dittmer | Nelson, Dickey | Tuff |
| Erickson | Nystrom | Twichell |
| Feton | O'Brien | Urschel |
| Fletcher | Odegard | Wambheim |
| Fraser | Oglesby | Westby |
| Gainor | Ostgulen | Williams,Stutsm'n |
| Haag | Page | Wolf |
| Halvorson | Panko | Mr. Speaker |

Absent and not voting:

| | | |
|---|---|---|
| Benno | Hofstrand | Sand |
| Blair | Joiner | Saumur |
| Crockett | Knutson | Schauss |
| Culver | Lange | Schmidt, McHenry |
| Fitch | Larson | Schimke |
| Fuglestad | McInnes | Skartvedt |
| Glas | McIntyre | Thompson, Steele |
| Gray | Nelson, Steele | Williams,Richland |
| Haugland | Ritter | |

So the bill passed and the title was agreed to.

House Bill No. 22 was returned from the Senate, amended as follows:

In line 3, strike out the figures "$40,000.00" and insert in lieu thereof the figures "$25,000.00."

Rep. Johnson of Cass moved that the House do concur in the senate amendments to House Bill No. 22.

Rep. Scholl moved that the House do not concur in the Senate amendments to House Bill No. 22, which motion was lost.

The question being on the motion of Rep. Johnson of Cass that the House do concur in the Senate amendments to House Bill No. 22, the motion prevailed.

Rep. Johnson of Cass moved that the rules be suspended and that House Bill No. 22 be considered properly re-engrossed, placed on second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILLS

House Bill No. 22. 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.

ROLL CALL

The question being on the final passage of the bill, as amended by the Senate, the roll was called and there were ayes, 54; nays, 32; absent and not voting, 24.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Arneson, Nelson | Ireland | Rohde |
| Arneson, Ramsey | Ista | Schmidt, McHenry |
| Bergesen | Jensen | Sellens |
| Billigmeier | Johnson, Cass | Semerad |
| Blair | Kluver | Severson |
| Bolmeier | Lunde | Sharpe |
| Boulden | Moe | Shure |
| Braun, Stark | Mollet | Singleton |
| Brown | Morland | Solberg |
| Culver | Nelson, Cass | Stone |
| Dalzell | Nelson, Dickey | Stormon |
| Dike | Nystrom | Symington |
| Dittmer | Odegard | Thompson,Burl'gh |
| Feton | Oglesby | Trydahl |
| Gainor | Page | Urschel |
| Gray | Peterson,Bottineau | Wambheim |
| Holm | Peterson, Ransom | Westby |
| Holthusen | Rait | Williams,Stutsm'n |

Those voting in the negative were:

| | | |
|---|---|---|
| Adam | Halvorson | Panko |
| Anderson, Benson | Heckman | Rettke |
| Anderson,M'K'nzie | Hultstrand | Schmidt, Sheridan |
| Anfinson | Johnson, LaMoure | Schimke |
| Beede | Keller | Scholl |
| Belzer | Levin | Schwartz |
| Bingenheimer | McIntee | Tuff |
| Braun, McLean | Myers | Twichell |
| Buchholz | Mittag | Wolf |
| Fletcher | O'Brien | Mr. Speaker |
| Fraser | Ostgulen | |

Absent and not voting:

| | | |
|---|---|---|
| Benno | Haugland | Nelson, Steele |
| Byrne | Hofstrand | Ritter |

| | | |
|---|---|---|
| Crockett | Joiner | Sand |
| Erickson | Knutson | Saumur |
| Fitch | Lange | Schauss |
| Fuglestad | Larson | Skartvedt |
| Glas | McInnes | Thompson, Steele |
| Haag | McIntyre | Williams,Richland |

So the bill was declared lost for lack of constitutional majority.

Rep. Twichell changed his vote from "aye" to "no" for the purpose of reconsideration.

Rep. Johnson of Cass requested that the House be on the Seventh Order of Business, which request was granted.

Rep. Johnson of Cass moved for reconsideration of action taken on Senate Bill No. 102 and that further action be deferred until Monday, February 27th, which motion prevailed.

The Speaker announced that the House would be on the Fifteenth Order of Business.

## GENERAL ORDERS

Rep. Byrne moved that the House resolve itself into a Committee of the Whole for the consideration of general orders; which motion prevailed, and the House resolved itself into a committee of the whole.

The Speaker called Rep. Byrne to the chair.

When the committee arose it submitted the following report:

Mr. Speaker: The Committee of the Whole have had under consideration:

Senate Bill No. 86.

Sec. 2588, page 3, line 39 after the word "large" insert the following: "in cases where no county residence has been determined,".

Insert a "comma" after the word "certified" in line 39.

And recommend the adoption of the amendments of the Standing Committee.

And when so amended recommend the same do pass.

Senate Bill No. 82.

And recommend the same be indefinitely postponed.

Senate Bill No. 50.

Page 2, section 1, line 30 after the word "county," insert the following: "Which petition shall have the signatures of 30% of the legal voters of such remaining portion as determined by the votes cast for governors therein at the last preceding general election."

Re-number lines accordingly.

And recommend the adoption of the amendments of the Standing Committee.

And when so amended recommend the same do pass.

Senate Bill No. 277.

Section 1, line 27, strike out the words "two thousand nine hundred" and insert in lieu thereof the words "two thousand four hundred".

Section 1, line 28, strike out the words and figures "fifty-four dollars and eighty-four cents ($2,954.84)" and insert in lieu thereof the words and figures "fifty-nine dollars and eighty-four cents ($2,459.84)".

And recommend the adoption of the amendments of the Standing Committee.

And the further amendments:

In line 2 of the title after the word "Salaries" insert the words "and Expenses".

In line 8 after the word "services" insert the words "and paid expenses".

In line 12 after the word "services" insert the words "and paid expenses" and in the same line after the word "rendered" insert the words "and paid expenses paid by them".

In line 19 after the word "salaries" insert the words "and expenses".

In line 21 after the word "salaries" insert the words "and expenses".

In line 29 after the word "salaries" insert the words "and expenses".

In line 31 after the word "services" insert the words "and paid expenses".

In line 35 after the word "salaries" insert the words "and expenses".

And when so amended recommend the same do pass.

REP. JOS. D. BYRNE, Chairman, Committee of the Whole.

Rep. Schimke moved the adoption of the report of the Committee of the Whole, which motion prevailed.

Rep. Ostgulen requested that the House be on the Seventh Order of Business, which request was granted.

Rep. Ostgulen moved that action taken on Senate Bill No. 88 be reconsidered.

Rep. Bergesen demanded a call of the House, which request was granted.

The roll was called to ascertain who the absent members were so that the Sergeant-at-Arms could be instructed to notify them of the call of the House.

Upon completion of the roll call Rep. Bergesen asked that further proceedings on call of the House be dispensed with, which request was granted.

Rep. Bergesen moved that action on Senate Bill No. 88 be made a special order of business at 11:00 A. M., Monday morning, February 27th.

Rep. Bergesen moved a substitute motion that Senate Bill No. 88 be made a special order of business at 2:30 P. M., Monday, February 27th.

Rep. Hagen moved that the motions of Rep. Bergesen be laid on the table.

Rep. Bergesen withdrew his motions that action on Senate Bill No. 88 be made a special order of business on Monday, February 27th.

Rep. Twichell moved that the rules be suspended and that action on Senate Bill No. 88 be made a special order of business at 2:00 P. M., Monday, February 27th, which motion prevailed.

The Speaker announced that the House would be on the Fourteenth Order of Business.

## SECOND READING OF SENATE CONCURRENT RESOLUTION

**Senate Concurrent Resolution No. 148. A Concurrent**

**Resolution Providing for the Amendment of Article 33 of the Constitution of North Dakota, Relating to the Recall.**

Was read the second time.

ROLL CALL

The question being on the final passage of the resolution, the roll was called and there were ayes, 67; nays, 23; absent and not voting, 20.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Haag | Ostgulen |
| Anderson, Benson | Halvorson | Panko |
| Anderson,M'K'nzie | Haugland | Peterson,Bottineau |
| Anfinson | Heckman | Peterson, Ransom |
| Arneson, Nelson | Holm | Rait |
| Arneson, Ramsey | Holthusen | Rettke |
| Beede | Ireland | Rohde |
| Belzer | Ista | Schmidt, McHenry |
| Bergesen | Jensen | Schmidt, Sheridan |
| Billigmeier | Joiner | Scholl |
| Bingenheimer | Keller | Schwartz |
| Bolmeier | Kluver | Semerad |
| Boulden | Lunde | Shure |
| Braun, McLean | McIntee | Singleton |
| Braun, Stark | Myers | Solberg |
| Brown | Mittag | Stormon |
| Buchholz | Mollet | Trydahl |
| Byrne | Morland | Tuff |
| Dike | Nelson, Cass | Twichell |
| Dittmer | Nelson, Dickey | Urschel |
| Erickson | O'Brien | Wolf |
| Fletcher | Odegard | Mr. Speaker |
| Gainor | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Blair | Oglesby | Stone |
| Culver | Page | Symington |
| Dalzell | Saumur | Thompson,Burl'gh |
| Feton | Schauss | Thompson, Steele |
| Hultstrand | Schimke | Wambheim |
| Moe | Sellens | Westby |
| Nelson, Steele | Severson | Williams,Stutsm'n |
| Nystrom | Sharpe | |

Absent and not voting:

| | | |
|---|---|---|
| Benno | Hofstrand | McInnes |
| Crockett | Johnson, Cass | McIntyre |
| Fitch | Johnson, LaMoure | Ritter |
| Fraser | Knutson | Sand |
| Fuglestad | Lange | Skartvedt |
| Glas | Larson | Williams,Richland |
| Gray | Levin | |

So the resolution passed and the title was agreed to.

Rep. Schauss changed his vote from "aye" to "no" for the purpose of reconsideration.

## SECOND READING OF SENATE BILLS

Senate Bill No. 153. A Bill for an Act to Amend and Re-enact Section 1 of Chapter 92 of the Session Laws of North

Dakota for the Year 1931, Relating to Public Airports and Landing Fields 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, 79; nays, 9; absent and not voting, 22.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Halvorson | Rait |
| Anderson, Benson | Haugland | Rettke |
| Anderson,M'K'nzie | Heckman | Rohde |
| Anfinson | Holm | Saumur |
| Arneson, Nelson | Holthusen | Schmidt, Sheridan |
| Arneson, Ramsey | Hultstrand | Scholl |
| Beede | Ireland | Schwartz |
| Bergesen | Ista | Sellens |
| Billigmeier | Joiner | Severson |
| Bingenheimer | Keller | Sharpe |
| Blair | Kluver | Shure |
| Bolmeier | McIntee | Singleton |
| Boulden | Myers | Solberg |
| Braun, McLean | Mittag | Stormon |
| Braun, Stark | Mollet | Symington |
| Brown | Morland | Thompson,Burl'gh |
| Buchholz | Nelson, Cass | Thompson, Steele |
| Byrne | Nelson, Steele | Trydahl |
| Culver | Nystrom | Tuff |
| Dalzell | Odegard | Twichell |
| Dike | Oglesby | Urschel |
| Dittmer | Ostgulen | Wambheim |
| Erickson | Page | Westby |
| Fletcher | Panko | Williams,Stutsm'n |
| Gainor | Peterson,Bottineau | Wolf |
| Gray | Peterson, Ransom | Mr. Speaker |
| Haag | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Belzer | Moe | Schmidt, McHenry |
| Jensen | Nelson, Dickey | Schimke |
| Lunde | Schauss | Semerad |

Absent and not voting:

| | | |
|---|---|---|
| Benno | Johnson, Cass | McIntyre |
| Crockett | Johnson, LaMoure | O'Brien |
| Feton | Knutson | Ritter |
| Fitch | Lange | Sand |
| Fraser | Larson | Skartvedt |
| Fuglestad | Levin | Stone |
| Glas | McInnes | Williams,Richland |
| Hofstrand | | |

So the bill passed and the title was agreed to and the Emergency Clause was declared carried.

Senate Bill No. 163. A Bill for an Act to Amend and Reenact Section 6, of Chapter 104, of the Session Laws of North Dakota for the Year 1937, Relating to Revenue Bonds of 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, 66; nays, 24; absent and not voting, 20.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Fletcher | Odegard |
| Anderson, Benson | Gainor | Ostgulen |
| Anderson,M'K'nzie | Haag | Page |
| Anfinson | Haugland | Panko |
| Arneson, Nelson | Heckman | Peterson, Ransom |
| Arneson, Ramsey | Holm | Rait |
| Beede | Holthusen | Rettke |
| Bergesen | Hultstrand | Rohde |
| Boulden | Ireland | Saumur |
| Billigmeier | Ista | Schmidt, Sheridan |
| Braun, McLean | Keller | Scholl |
| Braun, Stark | Kluver | Sellens |
| Brown | Levin | Solberg |
| Buchholz | McIntee | Stormon |
| Byrne | Myers | Thompson,Burl'gh |
| Crockett | Mittag | Trydahl |
| Culver | Mollet | Tuff |
| Dalzell | Morland | Twichell |
| Dike | Nelson, Cass | Wambheim |
| Dittmer | Nelson, Dickey | Westby |
| Erickson | Nystrom | Williams,Stutsm'n |
| Feton | O'Brien | Mr. Speaker |

Those voting in the negative were:

| | | |
|---|---|---|
| Belzer | Moe | Semerad |
| Bingenheimer | Nelson, Steele | Severson |
| Bolmeier | Oglesby | Sharpe |
| Gray | Peterson,Bottineau | Shure |
| Halvorson | Schauss | Singleton |
| Jensen | Schmidt, McHenry | Symington |
| Joiner | Schimke | Thompson, Steele |
| Lunde | Schwartz | Wolf |

Absent and not voting:

| | | |
|---|---|---|
| Benno | Johnson, Cass | Ritter |
| Blair | Johnson, LaMoure | Sand |
| Fitch | Knutson | Skartvedt |
| Fraser | Lange | Stone |
| Fuglestad | Larson | Urschel |
| Glas | McInnes | Williams,Richland |
| Hofstrand | McIntyre | |

So the bill passed and the title was agreed to, and the emergency clause was declared carried.

Rep. Bergesen voted "aye" for the purpose of reconsideration.

Senate Bill No. 34. A Bill for an Act to Amend and Reenact Section 5 and Section 9 of Chapter 4 of the Session Laws of North Dakota for 1935.

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, 88; nays, 1; absent and not voting, 21.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Heckman | Rait |
| Anderson, Benson | Holm | Rettke |
| Anderson,M'K'nzie | Holthusen | Rohde |
| Anfinson | Hultstrand | Saumur |
| Arneson, Nelson | Ireland | Schauss |
| Arneson, Ramsey | Ista | Schmidt, McHenry |
| Beede | Jensen | Schmidt, Sheridan |
| Belzer | Joiner | Schimke |
| Bergesen | Keller | Scholl |
| Billigmeier | Kluver | Schwartz |
| Bingenheimer | Levin | Sellens |
| Blair | Lunde | Semerad |
| Bolmeier | McIntee | Severson |
| Boulden | Myers | Sharpe |
| Braun, McLean | Mittag | Shure |
| Braun, Stark | Moe | Singleton |
| Brown | Mollet | Solberg |
| Buchholz | Morland | Stormon |
| Crockett | Nelson, Cass | Symington |
| Culver | Nelson, Dickey | Thompson, Steele |
| Dalzell | Nelson, Steele | Trydahl |
| Dike | Nystrom | Tuff |
| Dittmer | O'Brien | Twichell |
| Erickson | Odegard | Urschel |
| Feton | Oglesby | Wambheim |
| Fletcher | Ostgulen | Westby |
| Gainor | Panko | Williams,Stutsm'n |
| Haag | Peterson,Bottineau | Wolf |
| Halvorson | Peterson, Ransom | Mr. Speaker |
| Haugland | | |

Those voting in the negative were:

Page

Absent and not voting:

| | | |
|---|---|---|
| Benno | Hofstrand | McIntyre |
| Byrne | Johnson, Cass | Ritter |
| Fitch | Johnson, LaMoure | Sand |
| Fraser | Knutson | Skartvedt |
| Fuglestad | Lange | Stone |
| Glas | Larson | Thompson,Burl'gh |
| Gray | McInnes | Williams,Richland |

So the bill passed and the title was agreed to.

Senate Bill No. 182 was read the second time.

Rep. Bergesen moved that further action on Senate Bill No. 182 be deferred until Monday, February 27th, which motion prevailed.

Senate Bill No. 134. A Bill for an Act Permitting the Killing of Dogs, Wolves and Coyotes Kept as Domestic Animals When Caught in the Act of Killing, Chasing, Worrying or Damaging Livestock or Poultry, Providing Owners of Livestock and Poultry Killing Such Animals Shall Not Be Held Civilly Liable, 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, 67; nays, 20; absent and not voting, 23.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Haugland | Saumur |
| Anderson, Benson | Heckman | Schauss |
| Anderson,M'K'nzie | Holm | Schmidt, Sheridan |
| Arneson, Nelson | Holthusen | Schimke |
| Arneson, Ramsey | Ireland | Scholl |
| Belzer | Keller | Schwartz |
| Billigmeier | Kluver | Sellens |
| Blair | Lunde | Semerad |
| Bolmeier | McIntee | Severson |
| Boulden | Myers | Singleton |
| Braun, Stark | Mittag | Solberg |
| Brown | Moe | Stormon |
| Culver | Morland | Symington |
| Dalzell | Nelson, Cass | Thompson, Steele |
| Dike | Nelson, Steele | Trydahl |
| Dittmer | Nystrom | Tuff |
| Erickson | Oglesby | Twichell |
| Feton | Ostgulen | Wambheim |
| Fletcher | Page | Westby |
| Gainor | Peterson, Ransom | Williams,Stutsm'n |
| Gray | Rait | Wolf |
| Haag | Rettke | Mr. Speaker |
| Halvorson | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Anfinson | Joiner | Peterson,Bottineau |
| Beede | Levin | Rohde |
| Bergesen | Mollet | Schmidt, McHenry |
| Bingenheimer | Nelson, Dickey | Sharpe |
| Braun, McLean | O'Brien | Shure |
| Buchholz | Odegard | Urschel |
| Hultstrand | Panko | |

Absent and not voting:

| | | |
|---|---|---|
| Benno | Ista | McIntyre |
| Byrne | Jensen | Ritter |
| Crockett | Johnson, Cass | Sand |
| Fitch | Johnson, LaMoure | Skartvedt |
| Fraser | Knutson | Stone |
| Fuglestad | Lange | Thompson,Burl'gh |
| Glas | Larson | Williams,Richland |
| Hofstrand | McInnes | |

So the bill passed and the title was agreed to and the Emergency Clause was declared carried.

Rep. Keller moved that the vote by which Senate Bill No. 134 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 Fix the Tax Levy Limitation for School Districts Which Have Heretofore Voted to Increase the Tax Levy Limit Therein; 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, as amended, the roll was called and there were ayes, 39; nays, 49; absent and not voting, 22.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Fletcher | Odegard |
| Anderson, Benson | Gray | Page |
| Anderson,M'K'nzie | Haag | Rait |
| Anfinson | Heckman | Rettke |
| Arneson, Nelson | Holthusen | Saumur |
| Billigmeier | Hultstrand | Schimke |
| Boulden | McIntee | Trydahl |
| Brown | Myers | Twichell |
| Buchholz | Mittag | Wambheim |
| Byrne | Morland | Westby |
| Dike | Nelson, Dickey | Williams,Stutsm'n |
| Erickson | Nystrom | Wolf |
| Feton | O'Brien | Mr. Speaker |

Those voting in the negative were:

| | | |
|---|---|---|
| Arneson, Ramsey | Joiner | Schmidt, McHenry |
| Beede | Keller | Schmidt, Sheridan |
| Belzer | Kluver | Scholl |
| Bergesen | Levin | Schwartz |
| Bingenheimer | Lunde | Sellens |
| Blair | Moe | Semerad |
| Bolmeier | Mollet | Severson |
| Braun, McLean | Nelson, Cass | Sharpe |
| Braun, Stark | Nelson, Steele | Shure |
| Culver | Oglesby | Singleton |
| Dalzell | Ostgulen | Solberg |
| Dittmer | Panko | Stormon |
| Gainor | Peterson,Bottineau | Symington |
| Halvorson | Peterson, Ransom | Thompson, Steele |
| Haugland | Rohde | Tuff |
| Holm | Schauss | Urschel |
| Ireland | | |

Absent and not voting:

| | | |
|---|---|---|
| Benno | Jensen | McIntyre |
| Crockett | Johnson, Cass | Ritter |
| Fitch | Johnson, LaMoure | Sand |
| Fraser | Knutson | Skartvedt |
| Fuglestad | Lange | Stone |
| Glas | Larson | Thompson,Burl'gh |
| Hofstrand | McInnes | Williams,Richland |
| Ista | | |

So the bill was declared lost.

Rep. Beede moved that further action on Senate Bill No. 115 be deferred until Monday, February 27th, which motion prevailed.

The Speaker announced the appointment of Reps. Beede, Schmidt of Sheridan and Morland on the conference committee to act with a like committee from the Senate to consider Senate Concurrent Resolution No. 135.

Rep. Scholl moved that a conference committee be appointed

to act with a like committee from the Senate for consideration on House Bill No. 22, which motion prevailed.

Rep. Schwartz moved that the absent members be excused, which motion prevailed.

Rep. Scholl moved that the House do now adjourn and reconvene at 12:30 P. M., Monday, February 27th, which motion prevailed.

MINNIE D. CRAIG, Chief Clerk.

## FIFTY-FIFTH DAY AFTER ADJOURNMENT AND FIFTY-SIXTH DAY

Bismarck, February 27, 1939

The House assembled at 12:30 P. M., pursuant to adjournment, Speaker Hagen presiding.

The Speaker announced the House would be on the Fifteenth Order of Business.

### GENERAL ORDERS

Rep. Jensen moved that the House resolve itself into a Committee of the Whole for the consideration of general orders; which motion prevailed, and the House resolved itself into a Committee of the Whole .

The Speaker called Rep. Jensen to the chair.

When the committee arose it submitted the following report:

Mr. Speaker: The Committee of the Whole have had under consideration:

Senate Bill No. 89.

In the second line of the title of the bill, after the words "Section 6," insert a comma (,), and strike out the word "and."

In the second line of the title of the bill, after the words "Section 8," add the following words: "and Section 9."

In Section 3, page 10, line 212, strike out the words "two thirds" and insert in lieu thereof, "three-fourths."

In Section 3, page 10, line 215, strike out the words "two-thirds" and insert in lieu thereof, the words "three-fourths."

After Section 3, in the printed bill, add a new section called "Section 4," which will read as follows: "SECTION 4. AMENDMENT.) That Section 9, of Chapter 9, of the Session Laws of 1937 is hereby amended and re-enacted to read as follows: Section 9. Enforcement of Land-Use Regulations.) The supervisors shall have authority to go upon any land within the District to determine whether land-use regulations adopted under the provisions of Sec. 8 of this Act are being observed."

Re-number Section 4 in the printed bill, number "5," and re-number the lines in Section 4 and Section 5 accordingly.

And recommend the adoption of the amendments of the Standing Committee.

And when so amended, recommend the same do pass.

Senate Bill No. 40.

After the title insert the following: WHEREAS; The members of the Twenty-Sixth Legislative Assembly of the

State of North Dakota, being cognizant of the distress of the farmers, the laborers, the businessmen, the tenants and the property owners of the state, due to the extremely low prices of the products of the farm and the factory, and the large number of unemployed, the severe financial and economic distress prevailing throughout this and other states of the nation during the past several years, and the further damage from grasshoppers and black rust of the past two years, and WHEREAS; Many owners of property by reason of said conditions are unable, and it is believed will for some time be unable, to meet all payments as they become due of taxes, interest and principal of mortgages or other liens on their properties, or to make the payments due on contracts for the purchase of real estate, and are therefore threatened with loss of such properties through mortgage or other foreclosure, judicial sale, or cancellation thereof, and

WHEREAS, It is believed that the owners of such property will suffer irrepairable loss and damage if mortgage or lien foreclosure, or cancellation of contracts, or execution of property is had, because of lack of purchasers financially able to bid an adequate price therefore, and

WHEREAS, It has been reported that at many mortgage foreclosure or execution sales the property was bid in for prices much below what was believed to be its real value, and often for much less than the mortgage or judgment indebtedness against the same, thereby resulting in large deficiency judgments being entered against debtors, and

WHEREAS, Chapter 158 of the Session Laws of North Dakota for the year 1933, prohibiting the foreclosure of mortgages on real estate by advertisement in certain cases, is of doubtful validity insofar as it is made to apply to mortgage contracts in existence at the time the act was passed and approved, and

WHEREAS, Chapter 159 of the Session Laws of North Dakota for the year 1937 prohibiting the obtaining of a deficiency judgment on mortgage foreclosure, is of doubtful validity insofar as it applies to mortgage contracts in existence at the time it was passed and approved, and

WHEREAS, It is the opinion of, and believed by the Legislature of the State of North Dakota that the conditions existing as hereinbefore set forth, has created an emergency of such nature that justifies and validates legislation for the extension of the time of redemption from mortgage foreclosure or other lien or judicial sales on execution or evictions and other relief of a like character, and

WHEREAS, The State of North Dakota has the right, in the opinion of its Legislative Assembly, to safeguard the vital interests of its people, and

WHEREAS, The State of North Dakota possesses the right under its police power to declare a state of emergency to exist, and

WHEREAS, The inherent and fundamental purpose of our government is to safeguard the public and promote the general welfare of the people, and

WHEREAS, Under existing conditions, foreclosure of real estate mortgages or other liens by advertisement would

prevent fair, open and competitive bidding at the time of sale in the manner now contemplated by law, and

WHEREAS, It is believed, and the Legislature of North Dakota hereby declares its belief that the conditions existing, as hereinbefore set forth, have created an emergency of such a nature that justifies and validates changes in legislation providing for the temporary method, terms and conditions upon which mortgages or other lien foreclosures may be had or postponed, and jurisdiction to administer equitable relief in connection therewith may be conferred upon the district court.

In Section 2, line 42, of the printed Bill, after the word "inadequate" insert the following: "or that the equity or equities of the mortgagor or mortgagors have been seriously impaired by the sale price,"

In Section 1 after line 32 insert the following:

(b) When any mortgagee or lienor, vendor or 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 post office 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 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 provisions of this Act, such mortgagee, lienor or vendor shall be permitted to institute such action.

Strike out Section 10 of the printed Bill and insert in lieu thereof the following:

SECTION 10. The provisions of this Act shall apply generally to all mortgages, liens and contracts, but shall not apply to any mortgage, lien, contract or lease while such mortgage is held by the United States or any agency, department, bureau, board, instrumentality or commission thereof, as security or pledge of the maker, its executors or assigns, nor to any mortgage held as security or pledge to secure payment of a public debt, or to secure payment of the deposit of public funds, nor to notes and obligations incurred under Title 1, or to Insured mortgages issued under Title 2 of the National Housing Act, but this Act shall include the Federal Land

Bank, the Land Bank Commissioner and the Federal Farm Mortgage Corporation. This Act shall not include any Federal Intermediate Credit Bank, or Production Credit Association, nor any Bank for Co-operatives, nor the Regional Agricultural Credit Corporation.

In line 125 of the printed Bill, strike out the word "then" and insert in lieu thereof the word "than".

In line 160 of the printed Bill, strike out the word "cannot" and insert in lieu thereof the word "will".

In line 202 of the printed Bill, strike out the words "one year from the date of entry of judgment" and insert in lieu thereof the words "July 1st, 1941".

And recommend the adoption of the amendments of the Standing Committee.

And when so amended, recommend the same do pass.

Senate Bill No. 146.

And recommend the same be indefinitely postponed.

NELS P. JENSEN, Chairman, Committee of the Whole.

Rep. Westby moved adoption of the report of the Committee of the Whole, which motion prevailed.

Rep. O'Brien moved that the House reconsider the action whereby Senate Bill No. 82 was indefinitely postponed, which motion was lost.

The Speaker announced the House would be on the Fifth Order of Business.

## REPORTS OF STANDING COMMITTEES

Mr. Speaker: Your Committee on Appropriations to whom was referred:

Senate Bill No. 47, have had the same under consideration and recommend that the same be returned to the House without recommendation.

C. P. RITTER, Acting Chairman.

Rep. Trydahl moved that the report be adopted, which motion prevailed and the report was adopted.

Rep. Ritter moved that Senate Bill No. 47 be placed on the calendar, which motion prevailed.

Mr. Speaker: Your Committee on Appropriations to whom was referred:

Senate Bill No. 248, have had the same under consideration and recommend that the same do pass, as amended by Senate.

C. P. RITTER, Acting Chairman.

Rep. Johnson of Cass moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Appropriations to whom was referred:

Senate Bill No. 94, have had the same under consideration and recommend that the same be amended as follows:

Section 1, line 47, strike out the word "shall" and insert in lieu thereof the word "may."

Line 49, after the word "used" strike out the words "in the development of the" and in line 50, strike out the words "International Peace Garden and" and insert in lieu thereof the word "exclusively."

And when so amended recommend the same be referred to the House without recommendation.

C. P. RITTER, Acting Chairman.

Rep. Symington moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Banks and Banking to whom was referred:

Senate Bill No. 126, have had the same under consideration and recommend that the same do pass.

GUS A. SCHAUSS, Chairman.

Rep. Schimke moved that the report was adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Banks and Banking to whom was referred:

Senate Bill No. 234, have had the same under consideration and recommend that the same do pass.

GUS A. SCHAUSS, Chairman.

Rep. Blair moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Banks and Banking to whom was referred:

Senate Bill No. 149, have had the same under consideration and recommend that the same do pass.

GUS A. SCHAUSS, Chairman.

Rep. Blair moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Taxes and Tax Laws to whom was referred Senate Bill No. 41, have had the same under consideration and recommend that the same be returned to the House without recommendation.

N. P. JENSEN, Chairman.

Rep. Rait moved that the report be adopted, which motion prevailed, and the report was adopted.

Rep. Beede moved that Senate Bill No. 41 be placed on the calendar, which motion prevailed.

Mr. Speaker: Your Committee on Taxes and Tax Laws, to whom was referred Senate Bill No. 71, have had the same under consideration and recommend that the same be indefinitely postponed.

NELS P. JENSEN, Chairman.

Rep. Ostgulen moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Taxes and Tax Laws 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 50, Sec. 4, strike out the numbers "244" and insert in lieu thereof the numbers "240."

In line 51, Sec. 4, strike out the numbers "1935" and insert in lieu thereof the numbers "1937."

And when so amended, recommend the same do pass.

N. P. JENSEN, Chairman.

Rep. Arneson (Ramsey) moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Public Safety to whom was referred Senate Bill No. 215, have had the same under consideration and recommend that the same do pass.

F. T. SCHMIDT, Chairman.

Rep. J. T. Peterson moved that the report be adopted, which motion prevailed, and the report was adopted.

## HOUSE COMMITTEE ON ENROLLMENT AND ENGROSSMENT

Mr. Speaker: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bills:

House Bill No. 4;
House Bill No. 27;
House Bill No. 34;
House Bill No. 126;
House Bill No. 132;
House Bill No. 23;
House Bill No. 39;
House Bill No. 25;
House Bill No. 184;
House Bill No. 7;
House Bill No. 28, and
House Bill No. 21.

And find the same correctly enrolled.

OLAF OSTGULEN, Chairman.

Rep. Ostgulen moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bills:

House Bill No. 97;
House Bill No. 103;
House Bill No. 223, and
House Bill No. 392.

And find the same correctly enrolled.

OLAF OSTGULEN, Chairman.

Rep. Ostgulen moved that the report be adopted, which motion prevailed, and the report was adopted.

## SIGNING OF BILLS

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 4. A Bill for an Act Making an Appropriation for the Glanders and Dourine Indemnity Fund.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 103. 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 Therefore.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 223. A Bill for an Act to Amend and Reenact Section 4847 of the Civil Code of the Compiled Laws of North Dakota for 1913.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 392. A Bill for an Act Making an Appropriation of Three Hundred Forty-three Dollars ($343.00) for the Purpose of Paying the Funeral Expenses of Representative Ignatz Sticka of Stark County, and Declaring an Emergency.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 97. A Bill for an Act Making an Appropriation of $362.00 for the Purpose of Paying the Funeral Expenses of Representative Robert Rotering of Slope County, and Declaring an Emergency.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Concurrent Resolution No. 132. A Concurrent Resolution Relating to an Amendment of the Enabling Act of February 22, 1889.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 126. A Bill for an Act to Amend and Reenact Section 336, Compiled Laws of 1913, as Amended by Chapter 177, Laws of 1925, Relating to the Leasing and Sale of School and Other Public Lands of the State, and Declaring an Emergency.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 28. 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.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 34. A Bill for an Act Making an Appropriation for Inquest and Burial of Penal Inmates, Headstones for Soldiers and Sailors, Actions to Release Insane, and List of New Taxable Lands.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 21. 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.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 7. 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.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 25. A Bill for an Act Making an Appropriation for the Purpose of Refunding Money Erroneously Paid Into or Credited to the General Fund.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 27. 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.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 23. 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.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 39. A Bill for an Act Making an Appropriation to Pay the Expenses and Per Diem of Presidential Electors as Prescribed by Section 1038 of the Compiled Laws of 1913.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 184. A Bill for an Act Relating to Vital Statistics Records of Illegitimate Children, and to Provide for the Making of a New Certificate for a Child Legitimatized by Marriage of Parents and for a Child Legitimatized by Adoption.

And the Speaker signed the same in the presence of the House.

Rep. Schwartz moved that the absent members be excused, which motion prevailed.

Rep. Page moved that the House do now adjourn, which motion prevailed.

## FIFTY-SIXTH DAY

Bismarck, February 27, 1939

The House assembled at 2:00 P. M., pursuant to adjournment, Speaker Hagen presiding.

Prayer by Rev. H. G. Bens, Bismarck.

Roll Call: All Representatives present except Glas, Mittag, Panko.

So a quorum was declared present.

## MESSAGE FROM THE GOVERNOR

State of North Dakota
OFFICE OF THE GOVERNOR
Bismarck

February 24, 1939.

To the House of Representatives of the
State of North Dakota:

This is to notify you that I have to-day approved and filed with the Secretary of State:

House Bill No. 193. A Bill for an Act to Amend and Reenact Section 869 of the Compiled Laws of North Dakota for the Year 1913; and Repealing All Acts or Parts of Acts in Conflict Herewith.

JOHN MOSES, Governor.

JM:F

## MESSAGES TO THE SENATE

House of Representatives,
Bismarck, February 27, 1939.

Mr. President: I have the honor to inform you that the House has concurred in the Senate amendments to:

House Bill No. 97. A Bill for an Act Making an Appropriation of $362.00 for the Purpose of Paying the Funeral Expenses of Representative Robert Rotering of Slope County, and Declaring an Emergency.

House Bill No. 392. A Bill for an Act Making an Appropriation of Three Hundred Forty-three Dollars ($343.00) for the Purpose of Paying the Funeral Expenses of Representative Ignatz Sticka of Stark County, and Declaring an Emergency.

House Bill No. 223. A Bill for an Act to Amend and Reenact Section 4847 of the Civil Code of the Compiled Laws of North Dakota for 1913.

House Bill No. 103. 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 Therefore.

Mr. President: I have the honor to return:

Senate Bill No. 134. A Bill for an Act Permitting the Killing of Dogs, Wolves and Coyotes Kept as Domestic Animals When Caught in the Act of Killing, Chasing, Worrying or Damaging Livestock or Poultry, Providing Owners of Livestock and Poultry Killing Such Animals Shall Not Be Held Civilly Liable, and Declaring an Emergency.

Senate Bill No. 34. A Bill for an Act to Amend and Reenact Section 5 and Section 9 of Chapter 4 of the Session Laws of North Dakota for 1935.

Senate Bill No. 163. A Bill for an Act to Amend and Reenact Section 6, of Chapter 104, of the Session Laws of North Dakota for the Year 1937, Relating to Revenue Bonds of Municipalities, and Declaring an Emergency.

Senate Bill No. 153. A Bill for an Act to Amend and Reenact Section 1 of Chapter 92 of the Session Laws of North Dakota for the Year 1931, Relating to Public Airports and Landing Fields and Declaring an Emergency.

Senate Concurrent Resolution No. 148. A Concurrent Resolution Providing for the Amendment of Article 33 of the Constitution of North Dakota, Relating to the Recall.

Senate Concurrent Resolution No. "25." A Concurrent Resolution Urging Enactment of the Harrison-Fletcher Bill for the Benefit of Needy Schools, and for the Expansion of the Smith-Hughes Act.

Senate Bill No. 101. A Bill for an Act Amending and Reenacting Sections 1, 6 and 16 of Chapter 209 of the Session Laws of 1937, Being Those Parts of the Aid to Dependent Children Act Defining a Dependent Child; Naming Relatives; Providing the Amount of Assistance; and Method of Disbursement of Aid to Dependent Children Fund; and Declaring an Emergency.

Senate Bill No. 100. A Bill for an Act Amending and Reenacting Sections 1 and 9 of Chapter 161 of the Session Laws of 1923, Being Sections 5099b1 and 5099b9 of the 1925 Supplement to the 1913 Compiled Laws of North Dakota; and Declaring an Emergency.

Senate Bill No. 99. A Bill for an Act to Amend and Reenact Section 2 of Chapter 210 of the Session Laws of 1937, Known as the Aid to the Blind Act, and Providing for Eligibility for Assistance to the Needy Blind, Declaring an Emergency.

Senate Bill No. 98. A Bill for an Act to Amend and Reenact Sections 506a2, 506a3, 506a4, 506a5, 506a6 as Amended by Chapter 208 of the Session Laws of 1927, 506a7, 506a9 as Amended by Chapter 208 of the Session Laws of 1927, 506a11, 506a12, 506a18, and 506a19 of the 1925 Supplement to the 1913 Compiled Laws of North Dakota, Relating to Creating a Board of Nurse Examiners, Providing for the Appointment of an Inspector of Schools of Nursing, and for the Examination, Registration, Re-registration, and Regulation of Graduated Nurses, and Exempting Practical Nurses from Registration, and Empowering the Board to Prescribe the Minimum Course of Study and Standards for Schools of Nursing, and Prescribing a Penalty for the Violation Thereof.

Also, Defining Terms as Used in This Act; Repealing All Acts or Parts of Acts in Conflict Herewith; and Declaring an Emergency.

Which the House has passed unchanged.

Mr. President: I have the honor to transmit:

House Bill No. 184. A Bill for an Act Relating to Vital Statistics Records of Illegitimate Children, and to Provide for the Making of a New Certificate for a Child Legitimatized by Marriage of Parents and for a Child Legitimatized by Adoption.

House Bill No. 39. A Bill for an Act Making an Appropriation to Pay the Expenses and Per Diem of Presidential Electors as Prescribed by Section 1038 of the Compiled Laws of 1913.

House Bill No. 23. 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.

House Bill No. 27. 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.

House Bill No. 25. A Bill for an Act Making an Appropriation for the Purpose of Refunding Money Erroneously Paid Into or Credited to the General Fund.

House Bill No. 7. 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.

House Bill No. 21. 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.

House Bill No. 34. A Bill for an Act Making an Appropriation for Inquest and Burial of Penal Inmates, Headstones for Soldiers and Sailors, Actions to Release Insane, and List of New Taxable Lands.

House Bill No. 28. 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.

House Bill No. 126. A Bill for an Act to Amend and Reenact Section 336, Compiled Laws of 1913, as Amended by Chapter 177, Laws of 1925, Relating to the Leasing and Sale of School and Other Public Lands of the State, and Declaring an Emergency.

Which the Speaker has signed and your signature is respectfully requested.

MINNIE D. CRAIG, Chief Clerk.

## REPORT OF STANDING COMMITTEE

Mr. Speaker: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the 54th day and recommend that the same be corrected as follows:

Page 1028 after line 9 insert "and find the same correctly engrossed."

Page 1049, strike out the 5th paragraph.

Page 1058, roll call totals should read "Ayes, 67; Nays, 23; Absent and not voting, 20. Rep. Schauss voted No."

And when so corrected recommends that the same be approved.

REP. FETON, Acting Chairman.

Rep. Bolmeier moved that the report be adopted, which motion prevailed, and the report was adopted.

A communication was received from Rep. Wm. Lemke in regard to the method of handling the grasshopper control.

A communication from Mrs. R. E. Strutz and family was read.

Rep. Feton moved that the communication be printed in the Journal, which motion prevailed.

To the Members of the House of Representatives:

Though the passing of our beloved father is an experience of great sorrow to our family, we have been comforted by the thoughtfulness and help of our friends. Words are too meager to tell you our feeling of gratitude for your kindness but please accept these words as our sincere expression of thanks for all you have done to help us bear the load of our sorrow.

Mrs. R. E. Strutz and Family.

A communication from Wilhelm M. de Morgenstierne, minister of Norway, was read.

Rep. Solberg moved that the communication be printed in the Journal, which motion prevailed.

COMMUNICATION

Royal Norwegian Legation,
Washington, D. C.,
February 23, 1939.

The Honorable James D. Gronna,
Secretary of State of North Dakota,
Bismarck, North Dakota.

Dear Sir:

I beg to acknowledge with my best thanks the receipt of your letter of the 10th instant, transmitting House Concurrent Resolution No. 230, same being an invitation to Their Royal Highnesses the Crown Prince and Crown Princess of Norway to visit the State of North Dakota and the International Peace Garden this summer.

Allow me to say in reply that I have been pleased to forward this invitation to Their Royal Highnesses the Crown Prince and Crown Princess, and that I have also informed the Chairman of the reception committee for the State of North Dakota, Hon. A. I. Johnson, Vice Consul for Norway, Fargo, North Dakota, of the Concurrent Resolution adopted by the House.

As soon as a decision has been made as to whether it has been possible to include the International Peace Garden in the itinerary of Their Royal Highnesses, I shall be pleased to inform you.

Yours very truly,
(Signed) W. MORGENSTIERNE,
Minister of Norway.

## MESSAGE FROM THE GOVERNOR

State of North Dakota
OFFICE OF THE GOVERNOR
Bismarck

February 27, 1939.

To the Speaker and the Members of the House of Representatives,
Twenty-sixth Legislative Assembly,
Bismarck, North Dakota.
Ladies and Gentlemen:

I have heretofore called your attention to the financial condition of the State Mill and Elevator. The last audit covering the operations up to and until December 31, 1938, has just been completed. This audit shows the Mill to be in a desperate financial condition as far as operations are concerned.

Your attention is respectfully called to the fact that the loss of the Mill and Elevator Association during the calendar year of 1938 is $544,509.75, as shown on page nine of the attached audit report.

This audit shows the Mill and Elevator to be indebted to the Bank of North Dakota in a sum amounting to $556,269.03, plus interest amounting to $5,124.69. (This loan does not include the amount borrowed from the Bank in connection with the durum wheat program). The law (Section 368c6 of the 1925 Supplement) provides, among other things, that the Industrial Commission is expressly authorized to borrow money from The Bank of North Dakota for the conduct of its business, but "the total amount of such money so loaned the association shall at no time exceed the sum of $500,000.00 over and above the amount due The Bank of North Dakota * * * at the time of the passage and approval of this Act."

I am a member of the Industrial Commission and feel bound to observe the law. Therefore, if the Mill is to continue to operate I feel the State must, in some manner, advance the money for such operation. I am just in receipt of the audit referred to herein, together with a letter from J. M. Shirek, the Auditor, and have gone over the matter with John Graham, the State Examiner.

For your information, I transmit a copy of Mr. Shirek's letter, together with a copy of the last audit. I respectfully request that this letter and the remarks of the Auditor be called to the attention of all the members of the Senate and House.

May I suggest that each body of the Legislature appoint a committee to go over the Mill situation with the Auditor and the State Examiner and myself.

I have consistently maintained that the State Mill would have a better chance of success were it not controlled by officials dependent upon election, and have advocated a non-political board to handle its affairs. May I suggest that you consider this audit in connection with those bills that have as their object the control of our industries by such a Board?

JOHN MOSES,
Governor.

Hon. John Moses, Governor,
State of North Dakota,
Bismarck, North Dakota.
Sir:

I call your attention to the attached tentative audit of the North Dakota Mill and Elevator at Grand Forks, North Dakota. I regret that the immense amount of work involved, made it impossible for me to get this report to you at an earlier date.

The total deficit of this industry from its inception to December 31, 1938, is $4,737,038.12 of which amount $4,440,-019.08 has been contributed by the taxpayers of North Dakota.

You will note that the original operating capital of $1,500,-000.00 is very nearly exhausted, when consideration is taken of Cash, Receivables and Inventories of Grain, Feed, and Feed Products, less Current Liabilities.

On March 16th, 1935 the Mill audit shows quick assets of the Mill less the Current liabilities totaled.....$ 1,570,902.04
On Dec. 31st, 1938, the same items total..... 292,468.02

Showing a depletion of operating capital of.....$ 1,278,434.02 for a period of the past 45½ months or an average depletion of operating capital per month of $28,097.45. It is plain that this industry cannot long continue on this basis.

A comparison of manufacturing costs per barrel of flour has risen as per the following table:

| YEAR | BBLS. MFG. | AMT OF MFG. COSTS | MFG. COSTS PER BBL. |
|---|---|---|---|
| 1935 | 703,345 | $303,263.17 | $ .431 |
| 1936 | 913,231 | 399,173.22 | .437 |
| 1937 | 485,067 | 341,869.84 | .704 |
| 1938 | 501,035 | 346,179.67 | .691 |

The total loss per barrel on Flour sold has risen as per the following table:

| YEAR | BBLS. SOLD | TOTAL LOSS PER BBL. |
|---|---|---|
| 1935 | 711,602 | $ .104 |
| 1936 | 894,575 | .814 |
| 1937 | 490,932 | .811 |
| 1938 | 505,908 | .967 |

The payroll in the **Milling Department** only, for the past four years rose as per following figures:

| | MFG. PAYROLL | | SELLING & DELIV., ADV. & GEN. | | |
|---|---|---|---|---|---|
| YEAR | NUMBER BBLS. MFG. | PER BBL. COST | NUMBER BBLS. SOLD | PER BBL. EXPENSE | TOTAL PAYROLL |
| 1935 | 703,345 | $ .181 | 711,602 | $ .111 | $206,378.41 |
| 1936 | 913,231 | .178 | 894,575 | .107 | 258,912.19 |
| 1937 | 485,067 | .321 | 490,932 | .219 | 263,799.64 |
| 1938 | 501,035 | .346 | 505,908 | .183 | 265,821.67 |

On unfilled flour contracts, current on December 31, 1938, when delivered the Mill will lose $28,562.21 as per the following analysis:

| BOOKINGS | NO. BBLS. UNFILLED | TOTAL AMT. OF PROFIT OR LOSS ON CONTRACT | AV. PROFIT OR LOSS PER BBL. |
|---|---|---|---|
| Eastern | 51,714. | $27,286.48 Loss | $.5276 Loss |
| Western | 11,886.375 | 413.91 Loss | .0348 Loss |
| City Warehouse | 6,614.100 | 629.40 Loss | .0979 Loss |
| Outside Warehouse | 3,336.725 | 494.59 Loss | .1482 Loss |
| N. Dak. Distributors | 7,950.075 | 262.17 Profit | .0330 Profit |
| | 81,501.275 | $28,562.21 Loss | $.3505 Loss |

Following is a summary of the funds expended for:

| YEAR | ADVERTISING | LEGAL |
|---|---|---|
| 1935 | $ 10,387.24 | $ 2,935.22 |
| 1936 | 52,735.19 | 4,626.92 |
| 1937 | 34,580.65 | 6,941.16 |
| 1938 | 47,441.38 | 5,452.02 |
| 1938 | 18,000.00 | ** |
| | $163,144.46 | $19,955.32 |

**J. W. Bacon, contract carried as special expense.

| YEAR | AUDIT | INVESTIGATION | PROCESSING TAX REFUNDS |
|---|---|---|---|
| 1935 | $ 60.00 | $ ..... | $ ..... |
| 1936 | 19,171.46 | ..... | ..... |
| 1937 | 4,580.01 | 18,027.98 | 101,217.08 |
| 1938 | 10,000.00 | 1,886.25 | 114,226.61 |
| | $33,811.47 | $19,914.23 | $215,443.69 |

Of the audit expense $20,787.50 was paid to the firm of Harvey and Castle, Grand Forks, North Dakota. The amount of Processing Tax Refunds $215,443.69. The Mill was under no obligation to refund.

For advertising detail refer to, beginning on page 26 and legal expense beginning on page 46 of the tentative report.

We direct your attention to $11,250.00 on page 25 of the report, expended for air conditioning equipment. It is apparent that a further expenditure will be necessary to supply the necessary water for this installation.

This audit shows the Mill indebted to the Bank of North Dakota $556,269.03 and accrued interest $5,124.69. This does not include the liability of $605,238.13 on the Durum Wheat program shown on page 61 of the audit.

It is clear that the Mill will continue to lose money unless the overhead expense is reduced in line with production. A strict credit policy adopted; deliveries of unfilled flour sales contracts that have expired or are about to expire enforced; flour sales made above cost of production instead of below cost of production, and a general tightening up on advertising and commission contracts.

J. M. SHIREK, Auditor.

## MESSAGE TO THE SENATE

Bismarck, February 27, 1939.
House of Representatives,

Mr. President: I have the honor to transmit:

House Bill No. 97. A Bill for an Act Making an Appropriation of $362.00 for the Purpose of Paying the Funeral Expenses of Representative Robert Rotering of Slope County, and Declaring an Emergency.

House Bill No. 392. A Bill for an Act Making an Appropriation of Three Hundred Forty-Three Dollars ($343.00) for the Purpose of Paying the Funeral Expenses of Representative Ignatz Sticka of Stark County, and Declaring an Emergency.

House Bill No. 223. A Bill for an Act to Amend and Reenact Section 4847 of the Civil Code of the Compiled Laws of North Dakota for 1913.

House Bill No. 103. 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 Therefore.

House Bill No. 4. A Bill for an Act Making an Appropriation for the Glanders and Dourine Indemnity Fund.

House Concurrent Resolution No. 132. A Concurrent Resolution Relating to an Amendment of the Enabling Act of February 22, 1889.

Which the Speaker has signed and your signature is respectfully requested.

MINNIE D. CRAIG, Chief Clerk.

## REPORTS OF STANDING COMMITTEES

Mr. Speaker: Your Committee on Judiciary to whom was referred Senate Bill No. 96, have had the same under consideration and recommend that the same be amended as follows:

In Section 9, page 6, line 121, of the printed bill, insert a period after the word "same" and strike out balance of the line.

Strike out all of line 122.

In line 148, page 8, of the printed bill, strike out the letter "s" from the word "districts."

And when so amended, recommend the same do pass.

J. M. ANDERSON, Chairman.

Rep. Bingenheimer moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Judiciary to whom was referred Senate Bill No. 139, have had the same under consideration and recommend that the same do pass.

J. M. ANDERSON, Chairman.

Rep. Beede moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Judiciary to whom was referred Senate Bill No. 143, have had the same under consideration and recommend that the same be indefinitely postponed.

J. M. ANDERSON, Chairman.

Rep. Rettke moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Judiciary to whom was referred Senate Bill No. 145, have had the same under consideration and recommend that the same be indefinitely postponed.

J. M. ANDERSON, Chairman.

Rep. Mittag moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Judiciary to whom was referred Senate Bill No. 256, have had the same under consideration and recommend that the same do pass.

J. M. ANDERSON, Chairman.

Rep. Shure moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Judiciary to whom was referred Senate Bill No. 30, have had the same under consideration and recommend that the same be indefinitely postponed.

J. M. ANDERSON, Chairman.

Rep. Bingenheimer moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on State Affairs to whom was referred Senate Bill No. 55, have had the same under consideration and recommend that the same do pass as formerly amended by the committee on Page 476 of the House Journal.

W. M. CROCKETT, Chairman.

Rep. Byrne moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Judiciary to whom was referred Senate Bill No. 193, have had the same under consideration and recommend that the same do pass.

J. M. ANDERSON, Chairman.

Rep. Shure moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on State Affairs to whom was referred:

Senate Bill No. 251, have had the same under consideration and recommend that the same be indefinitely postponed.

W. M. CROCKETT, Chairman.

Rep. Joiner moved that the report be adopted, which motion prevailed, and the report was adopted.

Rep. Lange moved that the vote by which Senate Bill No. 251 was indefinitely postponed be reconsidered and the action to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on State Affairs to whom was referred:

Senate Bill No. 162, have had the same under consideration and recommend that the same do pass.

W. M. CROCKETT, Chairman.

Rep. Byrne moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: 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.

W. M. CROCKETT, Chairman.

Rep. Dalzell moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on State Affairs to whom was referred:

Senate Bill No. 172, have had the same under consideration and recommend that the same do pass.

W. M. CROCKETT, Chairman.

Rep. Dalzell moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on State Affairs to whom was referred:

Senate Bill No. 109, have had the same under consideration and recommend that the same be indefinitely postponed.

W. M. CROCKETT, Chairman.

Rep. Levin moved that the report be adopted.

Rep. Trydahl moved a substitute motion that Senate Bill No. 109 be placed on the calendar, which motion prevailed.

The House took up the special order of business designated for 2:30 P. M., on the question of the motion of Rep. Ostgulen that action taken on Senate Bill No. 88 be reconsidered.

The question being on Rep. Ostgulen's motion that action on Senate Bill No. 88 be reconsidered, the motion was lost.

The House reverted to the Fifth Order of Businss.

## REPORTS OF STANDING COMMITTEES

Mr. Speaker: Your Committee on State Affairs to whom was referred:

Senate Bill No. 186, have had the same under consideration and recommend that the same be indefinitely postponed.

W. M. CROCKETT, Chairman.

Rep. Dalzell moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on State Affairs to whom was referred:

Senate Bill No. 151, have had the same under consideration and recommend that the same be indefinitely postponed.

W. M. CROCKETT, Chairman.

Rep. Lange moved that the report be adopted.

Rep. Blair moved a substitute motion that Senate Bill No. 151 be placed on the calendar, which motion was lost.

The question being on the report of the Committee on State Affairs that Senate Bill No. 151 be indefinitely postponed, the motion prevailed.

Rep. Lange moved that the vote by which Senate Bill No. 151 was indefinitely postponed be reconsidered and the mo-

tion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: 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.

W. M. CROCKETT, Chairman.

Rep. Byrne moved that the report be adopted, which motion prevailed, and the report be adopted.

Mr. Speaker: Your Committee on State Affairs to whom was referred:

Senate Concurrent Resolution No. 185, have had the same under consideration and recommend that the same be adopted.

W. M. CROCKETT, Chairman.

Rep. Twichell moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on State Affairs to whom was referred:

Senate Bill No. 250, have had the same under consideration and recommend that the same be indefinitely postponed.

W. M. CROCKETT, Chairman.

Rep. Dalzell moved that the report be adopted, which moton prevailed and the report was adopted.

Mr. Speaker: Your Committee on State Affairs to whom was referred:

Senate Bill No. 203, have had the same under consideration and recommend that the same do pass.

W. M. CROCKETT, Chairman.

Rep. Twichell moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on State Affairs to whom was referred:

Senate Bill No. 265, have had the same under consideration and recommend that the same do pass.

W. M. CROCKETT, Chairman.

Rep. Dalzell moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on State Affairs to whom was referred:

Senate Bill No. 208, have had the same under consideration and recommend that the same be indefinitely postponed.

W. M. CROCKETT, Chairman.

Rep. Holthusen moved that the report be adopted, which motion prevailed, and the report was adopted.

Rep. Hultstrand moved that the vote by which Senate Bill No. 208 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on State Affairs to whom was referred:

Senate Bill No. 233, have had the same under consideration and recommend that the same be indefinitely postponed.

W. M. CROCKETT, Chairman.

Rep. Levin moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on State Affairs to whom was referred:

Senate Bill No. 262, have had the same under consideration and recommend that the same do pass.

W. M. CROCKETT, Chairman.

Rep. Byrne moved that the report be adopted,, wiich motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on State Affairs to whom was referred Senate Bill No. 171, have had the same under consideration and recommend that the same do pass.

W. M. CROCKETT, Chairman.

Rep. Joiner moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on State Affairs to whom was referred Senate Bill No. 181, have had the same under consideration and recommend that the same do pass.

W. M. CROCKETT, Chairman.

Rep. Byrne moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on State Affairs to whom was referred Senate Bill No. 247, have had the same under consideration and recommend that the same do pass.

W. M. CROCKETT, Chairman.

Rep. Byrne moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on State Affairs to whom was referred Senate Bill No. 130, have had the same under consideration and recommend that the same do pass.

W. M. CROCKETT, Chairman.

Rep. Byrne moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on State Affairs to whom was referred Senate Bill No. 261, have had the same under consideration and recommend that the same do pass.

W. M. CROCKETT, Chairman.

Rep. Levin moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Insurance to whom was referred Senate Bill No. 69, have had the same under consideration and recommend that the same do pass.

PETER PETERSON, Chairman.

Rep. E. C. Stone moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on State Affairs to whom was referred Senate Bill No. 93, have had the same under consideration and recommend that the same be indefinitely postponed.

W. M. CROCKETT, Chairman.

Rep. Byrne moved that the report be adopted, which motion prevailed, and the report was adopted.

Rep. Crockett moved that the vote by which Senate Bill No. 93 was indefinitely postponed be reconsidered, and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on Insurance to whom was referred Senate Bill No. 95, have had the same under

consideration and recommend that the same be indefinitely postponed.

PETER PETERSON, Chairman.

Rep. Stone moved that the report be adopted, which motion prevailed, and the report was adopted.

Rep. Fitch moved that the vote by which Senate Bill No. 95 was indefinitely postponed be reconsidered, and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on Insurance to whom was referred Senate Bill No. 105, have had the same under consideration and recommend that the same be amended as follows:

In line 19 of the printed bill, between the words "beneficiary" and "within," insert the following: "Provided, however, that the amount payable to any Governmental Agency or unit shall not exceed the amount of aid received by the insured from such Governmental Agency or unit."

And when so amended, recommend the same do pass.

PETER PETERSON, Chairman.

Rep. Fitch moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Insurance to whom was referred Senate Bill No. 120, have had the same under consideration and recommend that the same do pass.

PETER PETERSON, Chairman.

Rep. E. C. Stone moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Insurance to whom was referred Senate Bill No. 121, have had the same under consideration and recommend that the same do pass.

PETER PETERSON, Chairman.

Rep. Carl Anfinson moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Insurance to whom was referred Senate Bill No. 150, have had the same under consideration and recommend that the same do pass.

PETER PETERSON, Chairman.

Rep. Holm moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: A majority of your Committee on Appropriations to whom was referred:

Senate Bill No. 232, have had the same under consideration and recommend that the same be amended as follows:

Section 1, line 3, strike out the figures "$20,000.00" and insert in lieu thereof the figures "$25,567.00."

CALVIN SCHIMKE
J. M. ANDERSON
MANDUS HULTSTRAND
JOHN J. ADAM
HARRY O'BRIEN
L. C. ODEGARD
J. URSCHEL
HARRY SEMERAD
HARRY STORMON

And when so amended recommend the same do pass.

Mr. Speaker: A minority of your Committee on Appropriations to whom was referred:

Senate Bill No. 232, have had the same under consideration and recommend that the same be indefinitely postponed.

EARL SYMINGTON
ARTHUR C. JOHNSON
TARGIE TRYDAHL
L. K. MORLAND.

Rep. Hultstrand moved that the report of the majority be adopted.

Rep. Trydahl moved that the report of the minority be substituted for the report of the majority, which motion was lost.

The question being on the adoption of the report of the majority, the motion prevailed.

Rep. Bergesen moved the House stand in tribute to Mrs. H. C. Williams on the occasion of her birthday anniversary. The House stood.

Rep. Scholl moved that the House do now recess for a thirty-minute period, which motion prevailed.

The House was called to order pursuant to thirty-minute recess taken, Speaker Hagen presiding.

The Speaker announced the appointment of Rep. Schimke to substitute for Rep. Beede on the conference committee appointed to deliberate on Senate Concurrent Resolution No. 135.

The Speaker announced the House would be on the Fourteenth Order of Business.

## SECOND READING OF SENATE BILLS

Senate Bill No. 147. A Bill for an Act to Amend and Reenact Section 3725 of the 1913 Compiled Laws of the State of North Dakota, Relating to Special Assessments.

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, 82; nays, 12; absent and not voting, 16.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Anderson, Benson | Gray | Oglesby |
| Anfinson | Haag | Page |
| Arneson, Nelson | Halvorson | Panko |
| Arneson, Ramsey | Haugland | Peterson, Ransom |
| Beede | Heckman | Rait |
| Belzer | Holm | Rohde |
| Benno | Holthusen | Saumur |
| Bergesen | Ista | Schauss |
| Billigmeier | Johnson, Cass | Schwartz |
| Blair | Johnson, LaMoure | Sellens |
| Bolmeier | Keller | Sharpe |
| Boulden | Kluver | Shure |
| Braun, McLean | Larson | Singleton |
| Braun, Stark | Levin | Skartvedt |
| Brown | Lunde | Stormon |
| Buchholz | McInnes | Symington |
| Crockett | McIntee | Thompson, Burl'gh |
| Culver | McIntyre | Thompson, Steele |
| Dalzell | Myers | Trydahl |
| Dike | Moe | Twichell |

| | | |
|---|---|---|
| Dittmer | Mollet | Urschel |
| Erickson | Morland | Wambheim |
| Feton | Nelson, Cass | Westby |
| Fitch | Nelson, Dickey | Williams,Richland |
| Fletcher | Nelson, Steele | Williams,Stutsm'n |
| Fraser | Nystrom | Wolf |
| Fuglestad | O'Brien | Mr. Speaker |
| Gainor | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Anderson,M'K'nzie | Ostgulen | Semerad |
| Bingenheimer | Schmidt, McHenry | Severson |
| Ireland | Schmidt, Sheridan | Solberg |
| Knutson | Schimke | Tuff |

Absent and not voting:

| | | |
|---|---|---|
| Adam | Joiner | Rettke |
| Byrne | Lange | Ritter |
| Glas | Mittag | Sand |
| Hofstrand | Odegard | Scholl |
| Hultstrand | Peterson,Bottineau | Stone |
| Jensen | | |

So the bill passed and the title was agreed to, and the Emergency Clause was declared carried.

Senate Bill No. 235. 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.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 39; nays, 64; absent and not voting, 7.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Arneson, Nelson | Larson | Sand |
| Arneson, Ramsey | Lunde | Saumur |
| Benno | McInnes | Schauss |
| Bergesen | Moe | Sellens |
| Bolmeier | Morland | Sharpe |
| Brown | Nelson, Cass | Solberg |
| Dike | Nelson, Steele | Stormon |
| Fitch | Nystrom | Symington |
| Fuglestad | O'Brien | Thompson,Burl'gh |
| Holm | Odegard | Thompson, Steele |
| Holthusen | Oglesby | Wambheim |
| Ireland | Peterson, Ransom | Westby |
| Kluver | Ritter | Williams,Stutsm'n |

Those voting in the negative were:

| | | |
|---|---|---|
| Adam | Gray | Page |
| Anderson, Benson | Haag | Panko |
| Anderson,M'K'nzie | Halvorson | Peterson,Bottineau |
| Anfinson | Haugland | Rait |
| Beede | Heckman | Rohde |
| Belzer | Hultstrand | Schmidt, McHenry |

| | | |
|---|---|---|
| Billigmeier | Ista | Schmidt, Sheridan |
| Bingenheimer | Jensen | Schimke |
| Blair | Johnson, Cass | Scholl |
| Boulden | Johnson, LaMoure | Schwartz |
| Braun, McLean | Joiner | Semerad |
| Braun, Stark | Keller | Severson |
| Buchholz | Knutson | Shure |
| Crockett | Lange | Singleton |
| Culver | Levin | Skartvedt |
| Dalzell | McIntee | Trydahl |
| Dittmer | McIntyre | Tuff |
| Erickson | Myers | Urschel |
| Feton | Mollet | Williams,Richland |
| Fletcher | Nelson, Dickey | Wolf |
| Fraser | Ostgulen | Mr. Speaker |
| Gainor | | |

Absent and not voting:

| | | |
|---|---|---|
| Byrne | Mittag | Stone |
| Glas | Rettke | Twichell |
| Hofstrand | | |

So the bill was declared lost.

Rep. Knutson moved that the vote by which Senate Bill No. 235 was lost be reconsidered and the motoin to reconsider be laid on the table, which motion prevailed.

Rep. Thompson of Burleigh: "I believe this man actually deserves his salary. I don't believe in cutting out a man's salary and his actual expenses and adding them on to some other fellow's and try to raise his salary and appropriation who hasn't done anything."

Rep. Beede moved that Senate Bill No. 140 be taken from the calendar and referred to General Orders, which motion prevailed.

Senate Bill No. 29. A Bill for an Act to Amend and Reenact Section 1189 of the Compiled Laws of 1913, as Amended by Chapter 236 of the 1931 Session Laws of North Dakota; and to Provide for Minimum Attendance Under Which School Boards May Discontinue a School.

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, 95; nays, 8; absent and not voting, 7.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Hofstrand | Peterson, Ransom |
| Anderson, Benson | Holm | Rait |
| Anderson,M'K'nzie | Holthusen | Ritter |
| Anfinson | Hultstrand | Rohde |
| Arneson, Nelson | Ireland | Sand |
| Arneson, Ramsey | Ista | Saumur |
| Beede | Jensen | Schmidt, Sheridan |
| Belzer | Johnson, LaMoure | Schimke |
| Benno | Joiner | Scholl |
| Bergesen | Keller | Schwartz |
| Billigmeier | Kluver | Sellens |
| Bingenheimer | Knutson | Semerad |
| Blair | Lange | Severson |

| | | |
|---|---|---|
| Bolmeier | Larson | Sharpe |
| Braun, McLean | Levin | Shure |
| Braun, Stark | Lunde | Singleton |
| Brown | McInnes | Skartvedt |
| Buchholz | McIntee | Solberg |
| Byrne | McIntyre | Stormon |
| Crockett | Myers | Thompson,Burl'gh |
| Culver | Mollet | Thompson, Steele |
| Dalzell | Nelson, Dickey | Trydahl |
| Dike | Nelson, Cass | Tuff |
| Dittmer | Nelson, Steele | Twichell |
| Erickson | Nystrom | Urschel |
| Feton | O'Brien | Wambheim |
| Fletcher | Odegard | Westby |
| Gainor | Oglesby | Williams,Richland |
| Gray | Ostgulen | Williams,Stutsm'n |
| Haag | Page | Wolf |
| Halvorson | Panko | Mr. Speaker |
| Heckman | Peterson,Bottineau | |

Those voting in the negative were:

| | | |
|---|---|---|
| Boulden | Haugland | Schmidt. McHenry |
| Fraser | Moe | Symington |
| Fuglestad | Morland | |

Absent and not voting:

| | | |
|---|---|---|
| Fitch | Mittag | Schauss |
| Glas | Rettke | Stone |
| Johnson, Cass | | |

So the bill passed and the title was agreed to.

Rep. Holm 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.

Senate Bill No. 56 was read the second time.

Rep. Beede asked unanimous consent to amend Senate Bill No. 56 as follows: Strike out the Senate amendment which reads as follows: "Strike out all of Section 5 and insert in lieu thereof 'This Act shall be in full force and effect from and after January 1, 1941'," and insert in lieu thereof "Section 5" as originally printed in the bill.

Reinstate the emergency clause in the title.

Which motion prevailed.

Rep. Beede moved that the rules be suspended and that Senate Bill No. 56 be placed on Second Reading and Final Passage, as amended, which motion prevailed.

Senate Bill No. 56. A Bill for an Act Amending and Reenacting the Initiated Measure Entitled: "An Act Reducing and Fixing Allowances for Mileage and Travel Expense 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 30, 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," Adopted and Approved by the Electors at the June 29, 1932, Primary Election, Fixing Allowances for Mileage and Travel Expense of County Officials and Their Deputies; and Repealing Chapter 199, Session Laws of 1931, and 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, 72; nays, 30; absent and not voting, 8.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Hofstrand | Page |
| Anderson, Benson | Holm | Panko |
| Anderson,M'K'nzie | Holthusen | Peterson,Bottineau |
| Anfinson | Ireland | Rohde |
| Arneson, Nelson | Ista | Sand |
| Arneson, Ramsey | Jensen | Saumur |
| Beede | Johnson, LaMoure | Schmidt, Sheridan |
| Belzer | Joiner | Schimke |
| Benno | Keller | Scholl |
| Billigmeier | Kluver | Schwartz |
| Bingenheimer | Knutson | Semerad |
| Braun, McLean | Lange | Shure |
| Braun, Stark | Larson | Singleton |
| Brown | Levin | Solberg |
| Buchholz | McInnes | Stone |
| Dalzell | McIntyre | Stormon |
| Dike | Myers | Symington |
| Erickson | Mittag | Trydahl |
| Feton | Mollet | Tuff |
| Fletcher | Morland | Urschel |
| Fraser | Nelson, Dickey | Wambheim |
| Haag | Odegard | Williams,Richland |
| Halvorson | Oglesby | Williams,Stutsm'n |
| Haugland | Ostgulen | Mr. Speaker |

Those voting in the negative were:

| | | |
|---|---|---|
| Blair | Johnson, Cass | Schauss |
| Bolmeier | Lunde | Schmidt, McHenry |
| Crockett | McIntee | Sellens |
| Culver | Moe | Severson |
| Dittmer | Nelson, Cass | Sharpe |
| Fuglestad | Nelson, Steele | Thompson, Burl'gh |
| Gainor | Nystrom | Thompson, Steele |
| Gray | O'Brien | Twichell |
| Heckman | Peterson, Ransom | Westby |
| Hultstrand | Rait | Wolf |

Absent and not voting:

| | | |
|---|---|---|
| Bergesen | Fitch | Ritter |
| Boulden | Glas | Skartvedt |
| Byrne | Rettke | |

So the bill was declared lost for the lack of a constitutional majority.

Rep. Crockett: I vote "no" on this bill for the reason that the sheriffs ran for office expecting to get this mileage. I don't think they are getting too much. In the winter time they have to hire teams and get only ten cents per mile. Therefore I vote "no."

Speaker Hagen: I vote "aye" on this bill in order to bring the mileage on county agents, secretaries to the Welfare Boards and others down to the same rate as that received by state officials.

Rep. Semerad moved that the House reconsider action taken on Senate Bill No. 56, which motion prevailed.

Rep. Page moved that Senate Bill No. 56 be placed at the head of the calendar.

Rep. Beede moved a substitute motion that Senate Bill No. 56 be placed in General Orders.

Rep. Page withdrew his motion.

The question being on the motion of Rep. Beede that Senate Bill No. 56 be placed in General Orders, the motion prevailed.

## MESSAGES FROM THE SENATE

Senate Chamber,
Bismarck, February 27, 1939.

Mr. Speaker: I have the honor to return:

House Bill No. 385. A Bill for an Act Making an Appropriation for the Operating, Administration, Salaries and Other Expenses for the State Hospital for the Insane at Jamestown, North Dakota and Declaring an Emergency.

House Bill No. 337. A Bill for an Act Amending and Reenacting Section 4444 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, Relating to the Consent of Parents or Guardians of Children Involved in Adoption Proceedings, Relating to the Giving of Consent Therein by the State Board of Administration or its Successor, Providing Service of Notice of Such Adoption Proceedings Upon Such Parents, Guardians and/or Said Board of Administration, or its Successor, and Providing for Exceptions Thereto; Providing for Method by Which Decrees of Adoption May Be Attacked and Time When Such Proceedings Therefor May Be Commenced; Specifying the Procedure by Which Custody of Children Involved in Such Proceedings May Be Changed; and Declaring That an Emergency Exists.

House Concurrent Resolution No. 240. A Resolution Requesting Congress to Enact Legislation to Secure Lost AAA Payments for Mountrail County Farmers Misinformed on Compliance Regulations.

Which the Senate has amended.

House Bill No. 55. A Bill for an Act to Amend Chapter 269 of the Session Laws of the State of North Dakota for the Year 1935.

House Bill No. 144. A Bill for an Act Providing for the Conduct of Elections on all Municipal Bond Issues; Providing a Separate Ballot Box for the Ballots of Voters Owning Real Property and a Separate Ballot Box for the Ballots of Other Voters; and Requiring a Two-thirds Vote of Both Such Real Property Owners and Such Other Voters, for all Municipal Bond Issues; Repealing all Acts and Parts of Acts in Conflict Herewith; and Declaring an Emergency.

Which the Senate has indefinitely postponed.

House Bill No. 372. A Bill for an Act to Amend and Reenact Section 10954, Compiled Laws of North Dakota for 1913 Relating to Probation of Persons Convicted of Crime and the Duties of the Clerks of Court in Such Cases.

House Bill No. 349. A Bill for an Act to Make Uniform the Law on Fresh Pursuit and Authorizing This State to Cooperate With Other States Therein; Providing for Arrests in

This State by Officers of Other States, Defining the Terms "Fresh Pursuit," Providing for Certification to Other States; Saving Clause.

House Bill No. 293. A Bill for an Act to Amend and Reenact Section 8235 of the Compiled Laws of 1913, Relating to Waters Subject to Beneficial Appropriation and Declaring an Emergency.

House Bill No. 300. A Bill for an Act to Amend and Reenact Section 14, Chapter 309 of the Laws of North Dakota, 1931, Providing for the Furnishing Without Charge of Copies of Public Records; Repealing All Acts in Conflict and Declaring an Emergency.

House Bill No. 328. A Bill for an Act to Amend and Re-enact Section 6 of That Certain Initiated Measure Adopted by the Electors of the State of North Dakota on September 22, 1933, Relating to the Manufacture, Sale and Distribution of Beer, as Amended by Chapter 98 of the Session Laws of North Dakota for the Year 1935, and Chapter 98 of the Session Laws of North Dakota for the Year 1937; Repealing All Acts and Parts of Acts in Conflict Herewith, and Declaring an Emergency.

House Bill No. 26. A Bill for an Act Providing an Appropriation for the Paying of 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.

House Bill No. 260. A Bill for an Act to Create a North Dakota Poultry Improvement Board; to Define Its Powers and Duties; to Provide for Licenses and Fees for Poultry Processers, Packers, Hatching, Baby Chick Jobbers, Record of Performance Breeders and Poultry Feed Manufacturers and Wholesalers, and for the Disposition of the Proceeds Thereof; to Require the Filing of Reports by Carriers and Shippers of Poultry and Poultry Products, and Fixing Penalties for the Violation Hereof.

House Bill No. 171. A Bill for an Act Providing for the Testing of Gasoline, Kerosene and Other Petroleum Products Used for Fuel and Power Purposes and Purchased for Resale; Repealing All Acts and Parts of Acts in Conflict Herewith; Providing a Penalty; Declaring an Emergency.

Which the Senate has passed unchanged.

House Bill No. 110. A Bill for an Act to Amend and Reenact Sub-section 1 of Section 32, Chapter 148, Session Laws of 1931, Relating to Fur-Bearing Animals; and Declaring an Emergency.

House Bill No. 65. A Bill for an Act Assenting to the Provisions of the Act of Congress Entitled "AN ACT To Provide that the United States Shall Aid the States in Wildlife-Restoration Projects and for Other Purposes," Approved September 2, 1937.

House Bill No. 147. A Bill for an Act Ceding to the United States Exclusive Jurisdiction Over Certain Lands in Burleigh County Which are Parts of the Fort Lincoln Military Reservation.

House Bill No. 73. A Bill for an Act Validating, Ratifying and Confirming Warrants, and Other Instruments or Obligations Evidencing or Representing Indebtedness, or

Evidencing or Representing the Borrowing of Money, or Evidencing or Representing a Charge, Lien or Encumbrance on Specific Revenues of Any County Heretofore Issued and Levies Heretofore Made by Boards of County Commissioners in any County of This State for the Purpose of Financing Poor Relief, Under the Conditions Specified in This Act, and Validating All Proceedings Heretofore Taken by Any Board of County Commissioners in Connection With the Issuance of Emergency Poor Fund Warrants and the Making of Emergency Poor Relief Levies Under the Provisions of Chapter 98, Laws of 1933, as Amended by Chapter 120, Laws of 1935, or Under Any Assumed, Implied or Purported Authority of Said Statutes, and Declaring an Emergency.

House Bill No. 242. A Bill for an Act to Amend and Reenact Section 9873 of the Compiled Laws of the State of North Dakota for the Year 1913, to Define the Crime of Burglary in the Third Degree.

House Bill No. 243. A Bill for an Act to Amend and Reenact Section 9878 of the Compiled Laws of the State of North Dakota for the Year 1913, Relating to Unlawful Entry.

House Bill No. 98. A Bill for an Act to Repeal Chapter 28 of the 1925 Session Laws, Being Section 1796a5 of the 1925 Supplement, Making an Appropriation for Civil War Veterans; and Declaring an Emergency.

Which the President has signed.

WM. J. LOWE, Secretary.

## REPORT OF STANDING COMMITTEE

The Committee on Enrollment and Engrossment respectfully reports that:

House Bill No. 110;
House Bill No. 98;
House Bill No. 243;
House Bill No. 242;
House Bill No. 73;
House Bill No. 147, and
House Bill No. 65

Were delivered to the Governor for his approval at the hour of 4:45 o'clock P. M., February 27, 1939.

OLAF OSTGULEN, Chairman.

Rep. Fuglestad moved that House Concurrent Resolution No. 91 be placed at the head of the calendar, which motion prevailed.

## SECOND READING OF HOUSE CONCURRENT RESOLUTION

House Concurrent Resolution No. 91. Providing for the Amendment of Section 25 of Article 2 of the Constitution of the State of North Dakota, Relating to the Legislative Power of the State, and the Initiative and Referendum.

Was read the second time.

## ROLL CALL

The question being on the final passage of the Concurrent Resolution, as amended, the roll was called and there were ayes, 96; nays, 2; absent and not voting, 12.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Hofstrand | Peterson,Bottineau |

| | | |
|---|---|---|
| **Anfinson** | Holm | Peterson, Ransom |
| Arneson, **Nelson** | Holthusen | **Rait** |
| Arneson, **Ramsey** | Hultstrand | **Rettke** |
| **Beede** | Ireland | **Rohde** |
| **Belzer** | Ista | **Sand** |
| **Benno** | Jensen | **Saumur** |
| **Billigmeier** | Johnson, Cass | **Schauss** |
| **Bingenheimer** | Johnson, LaMoure | **Schmidt, McHenry** |
| **Blair** | Joiner | **Schmidt, Sheridan** |
| **Bolmeier** | Keller | **Scholl** |
| **Boulden** | Lange | **Schwartz** |
| **Braun, McLean** | Larson | **Sellens** |
| **Braun, Stark** | Levin | **Semerad** |
| **Brown** | Lunde | **Severson** |
| **Buchholz** | McInnes | **Sharpe** |
| **Crockett** | McIntee | **Shure** |
| **Culver** | McIntyre | **Singleton** |
| **Dalzell** | Myers | **Skartvedt** |
| **Dike** | Mittag | **Solberg** |
| **Dittmer** | Moe | **Stormon** |
| **Erickson** | Mollet | **Symington** |
| **Feton** | Morland | **Thompson,Burl'gh** |
| **Fletcher** | Nelson, Cass | **Thompson, Steele** |
| **Fraser** | Nelson, Dickey | **Trydahl** |
| **Fuglestad** | Nelson, Steele | **Tuff** |
| **Gainor** | O'Brien | **Urschel** |
| **Gray** | Odegard | **Westby** |
| **Haag** | Oglesby | **Williams,Richland** |
| **Halvorson** | Ostgulen | **Williams,Stutsm'n** |
| **Haugland** | Page | **Wolf** |
| **Heckman** | Panko | **Mr. Speaker** |

**Those voting in the negative were:**

| | |
|---|---|
| **Nystrom** | **Wambheim** |

**Absent and not voting:**

| | | |
|---|---|---|
| **Anderson, Benson** | **Fitch** | **Ritter** |
| **Anderson,M'K'nzie** | **Glas** | **Schimke** |
| **Bergesen** | **Kluver** | **Stone** |
| **Byrne** | **Knutson** | **Twichell** |

So the Concurrent Resolution passed and the title was agreed to.

Rep. Fuglestad moved that the vote by which House Concurrent Resolution No. 91 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. 252. A Bill for an Act to Repeal Section 8 of Chapter 125 of the 1933 Session Laws Relating to Duties of State Highway Commissioner and to Dispense With the Necessity of Filing Monthly With the State Auditing Board an Itemized Statement of Materials Sold or Purchased.

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, 78; absent and not voting, 8.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Arneson, Nelson | McInnes | Saumur |
| Arneson, Ramsey | Moe | Sellens |
| Benno | Nelson, Cass | Shure |
| Bolmeier | Nystrom | Skartvedt |
| Crockett | O'Brien | Trydahl |
| Holm | Odegard | Wambheim |
| Holthusen | Peterson, Ransom | Westby |
| Hultstrand | Sand | Williams, Stutsm'n |

Those voting in the negative were:

| | | |
|---|---|---|
| Adam | Halvorson | Page |
| Anderson, Benson | Haugland | Panko |
| Anfinson | Heckman | Peterson, Bottineau |
| Beede | Hofstrand | Rait |
| Belzer | Ireland | Rettke |
| Billigmeier | Ista | Rohde |
| Bingenheimer | Jensen | Schauss |
| Blair | Johnson, Cass | Schmidt, McHenry |
| Boulden | Johnson, LaMoure | Schmidt, Sheridan |
| Braun, McLean | Joiner | Schimke |
| Braun, Stark | Keller | Scholl |
| Brown | Knutson | Schwartz |
| Buchholz | Lange | Semerad |
| Culver | Larson | Severson |
| Dalzell | Levin | Sharpe |
| Dike | Lunde | Singleton |
| Dittmer | McIntee | Solberg |
| Erickson | McIntyre | Stormon |
| Feton | Myers | Symington |
| Fitch | Mittag | Thompson, Burl'gh |
| Fletcher | Mollet | Thompson, Steele |
| Fraser | Morland | Tuff |
| Fuglestad | Nelson, Dickey | Urschel |
| Gainor | Nelson, Steele | Williams, Richland |
| Gray | Oglesby | Wolf |
| Haag | Ostgulen | Mr. Speaker |

Absent and not voting:

| | | |
|---|---|---|
| Anderson, M'K'nzie | Glas | Stone |
| Bergesen | Kluver | Twichell |
| Byrne | Ritter | |

So the bill was declared lost.

Rep. Schimke moved that the vote by which Senate Bill No. 252 was lost be reconsidered, and the motion to reconsider be laid on the table, which motion prevailed.

Senate Bill No. 184 was read the second time.

The Chief Clerk announced the mis-spelling of the word "storage" in line 11 of the engrossed bill as received by the House from the Senate.

Rep. Trydahl asked unanimous consent to amend the engrossed Senate Bill No. 184, which consent was granted.

Rep. Trydahl moved that the correct spelling of the word "storage" be inserted in line 11 of Senate Bill No. 184, which motion prevailed.

Rep. Trydahl moved that the rules be suspended, and that Senate Bill No. 184 be placed on Second Reading and Final Passage, as amended, which motion prevailed.

Senate Bill No. 184. A Bill for an Act Authorizing the Adjutant General to Expend the Sum of $8,000.00 From the Balance Remaining in the "Returned Soldiers Fund" for the Purpose of Registering and Compiling Records of the Graves of Deceased Soldiers, Sailors, or Marines Buried in This State and for Caring for and Preserving of Soldier Records, and Declaring an Emergency.

Was read the second time.

ROLL CALL

The question being on the final passage of the bill, as as amended, the roll was called and there were ayes, 98; nays, 4; absent and not voting, 8.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Holthusen | Peterson, Ransom |
| Anderson, Benson | Hultstrand | Rait |
| Anderson,M'K'nzie | Ireland | Rettke |
| Anfinson | Ista | Rohde |
| Arneson, Nelson | Jensen | Sand |
| Arneson, Ramsey | Johnson, Cass | Saumur |
| Beede | Johnson, LaMoure | Schauss |
| Belzer | Joiner | Schmidt, Sheridan |
| Benno | Keller | Schimke |
| Bergesen | Knutson | Scholl |
| Bingenheimer | Lange | Schwartz |
| Blair | Larson | Sellens |
| Bolmeier | Levin | Semerad |
| Braun, McLean | Lunde | Severson |
| Braun, Stark | McInnes | Sharpe |
| Brown | McIntee | Shure |
| Buchholz | McIntyre | Skartvedt |
| Byrne | Myers | Solberg |
| Crockett | Mittag | Stormon |
| Culver | Moe | Symington |
| Dalzell | Mollet | Thompson,Burl'gh |
| Dike | Morland | Thompson, Steele |
| Erickson | Nelson, Cass | Trydahl |
| Fletcher | Nelson, Dickey | Tuff |
| Fraser | Nelson, Steele | Twichell |
| Fuglestad | Nystrom | Urschel |
| Gainor | O'Brien | Wambheim |
| Gray | Odegard | Westby |
| Halvorson | Oglesby | Williams,Richland |
| Haugland | Ostgulen | Williams,Stutsm'n |
| Heckman | Page | Wolf |
| Hofstrand | Panko | Mr. Speaker |
| Holm | Peterson,Bottineau | |

Those voting in the negative were:

| | | |
|---|---|---|
| Billigmeier | Schmidt, McHenry | Singleton |
| Haag | | |

Absent and not voting:

| | | |
|---|---|---|
| Boulden | Fitch | Ritter |
| Dittmer | Glas | Stone |
| Feton | Kluver | |

So the bill passed and the title was agreed to and the Emergency Clause declared carried.

House Concurrent Resolution No. 401. A Concurrent

Resolution Memorializing the Congress of the United States to Establish an Agency to Set Up Grazing Units Within the State of North Dakota.

Was read the second time.

ROLL CALL

The question being on the final passage of the Concurrent Resolution, as amended, the roll was called and there were ayes, 39; nays, 58; absent and not voting, 13.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Arneson, Nelson | Haugland | Saumur |
| Bergesen | Holm | Schauss |
| Blair | Holthusen | Sellens |
| Bolmeier | Ireland | Severson |
| Braun, Stark | Joiner | Sharpe |
| Byrne | Levin | Singleton |
| Crockett | McInnes | Solberg |
| Culver | Morland | Thompson,Burl'gh |
| Dike | Nelson, Cass | Thompson, Steele |
| Feton | Nelson, Steele | Twichell |
| Fuglestad | Nystrom | Wambheim |
| Gainor | O'Brien | Williams,Richland |
| Halvorson | Odegard | Williams,Stutsm'n |

Those voting in the negative were:

| | | |
|---|---|---|
| Anderson, Benson | Ista | Peterson,Bottineau |
| Anderson,M'K'nzie | Jensen | Peterson, Ransom |
| Anfinson | Johnson, Cass | Rait |
| Arneson, Ramsey | Johnson, LaMoure | Rettke |
| Belzer | Keller | Rohde |
| Benno | Knutson | Schmidt, McHenry |
| Billigmeier | Lange | Schmidt, Sheridan |
| Bingenheimer | Larson | Schimke |
| Boulden | Lunde | Scholl |
| Braun, McLean | McIntee | Schwartz |
| Buchholz | McIntyre | Semerad |
| Dalzell | Myers | Shure |
| Dittmer | Mittag | Skartvedt |
| Erickson | Moe | Stormon |
| Fletcher | Mollet | Trydahl |
| Fraser | Nelson, Dickey | Tuff |
| Gray | Oglesby | Urschel |
| Haag | Ostgulen | Wolf |
| Heckman | Page | Mr. Speaker |
| Hultstrand | | |

Absent and not voting were:

| | | |
|---|---|---|
| Adam | Hofstrand | Sand |
| Beede | Kluver | Stone |
| Brown | Panko | Symington |
| Fitch | Ritter | Westby |
| Glas | | |

So the Concurrent Resolution was declared lost.

Senate Bill No. 102 was read the second time.

Rep. Gray moved that Senate Bill No. 102 be indefinitely postponed, which motion prevailed.

Rep. Schauss moved that the vote by which Senate Bill No.

102 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Rep. Beede moved that Senate Bill No. 240 be placed at the foot of the calendar, which motion prevailed.

## SECOND READING OF SENATE BILLS

Senate Bill No. 86. A Bill for an Act to Amend and Reenact Section 2588 of the Supplement to the Compiled Laws of 1913, as Amended by Chapter 251 of the Session Laws of 1929, Relating to the Treatment of Patients at the North Dakota Tuberculosis Sanitarium, 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, 99; nays, 1; absent and not voting, 10.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Heckman | Panko |
| Anderson,M'K'nzie | Hofstrand | Peterson,Bottineau |
| Anderson, Benson | Holm | Peterson, Ransom |
| Anfinson | Holthusen | Rait |
| Arneson, Nelson | Hultstrand | Rettke |
| Arneson, Ramsey | Ireland | Ritter |
| Beede | Ista | Rohde |
| Belzer | Jensen | Saumur |
| Benno | Johnson, LaMoure | Schmidt, McHenry |
| Bergesen | Joiner | Schmidt, Sheridan |
| Billigmeier | Keller | Schimke |
| Bingenheimer | Kluver | Schwartz |
| Blair | Knutson | Sellens |
| Bolmeier | Lange | Semerad |
| Boulden | Larson | Severson |
| Braun, McLean | Levin | Sharpe |
| Braun, Stark | Lunde | Shure |
| Brown | McInnes | Singleton |
| Buchholz | McIntee | Skartvedt |
| Byrne | McIntyre | Solberg |
| Culver | Myers | Stormon |
| Dalzell | Mittag | Symington |
| Dike | Moe | Thompson,Burl'gh |
| Dittmer | Mollet | Thompson, Steele |
| Erickson | Nelson, Cass | Trydahl |
| Feton | Nelson, Dickey | Tuff |
| Fletcher | Nelson, Steele | Twichell |
| Fraser | Nystrom | Urschel |
| Gainor | O'Brien | Wambheim |
| Gray | Odegard | Williams,Richland |
| Haag | Oglesby | Williams,Stutsm'n |
| Halvorson | Ostgulen | Wolf |
| Haugland | Page | Mr. Speaker |

Those voting in the negative were:

Fuglestad

Absent and not voting:

| | | |
|---|---|---|
| Crockett | Morland | Scholl |

| | | |
|---|---|---|
| Fitch | Sand | Stone |
| Glas | Schauss | Westby |
| Johnson, Cass | | |

So the bill passed and the title was agreed to, and the emergency clause was declared carried.

Senate Bill No. 50. A Bill for an Act to Amend and Reenact Sections 1 and 13 of Chapter 92 of the Session Laws of 1933, Providing for the Consolidation of Counties and Parts of Counties, the Petition Therefor, and the Liabilities and Debts of Counties Affected; and Repealing 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, 81; nays, 21; absent and not voting, 8.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Anderson, Benson | Holm | Peterson, Ransom |
| Arneson, Nelson | Holthusen | Rait |
| Arneson, Ramsey | Hultstrand | Saumur |
| Beede | Ireland | Schauss |
| Benno | Jensen | Schmidt, McHenry |
| Bergesen | Johnson, Cass | Scholl |
| Billigmeier | Joiner | Sellens |
| Blair | Keller | Semerad |
| Bolmeier | Kluver | Severson |
| Boulden | Knutson | Sharpe |
| Braun, McLean | Lange | Shure |
| Braun, Stark | Larson | Singleton |
| Brown | Levin | Skartvedt |
| Buchholz | Lunde | Solberg |
| Culver | McInnes | Stormon |
| Dalzell | McIntee | Symington |
| Dike | Myers | Thompson,Burl'gh |
| Dittmer | Mittag | Thompson, Steele |
| Feton | Moe | Trydahl |
| Fletcher | Nelson, Cass | Tuff |
| Gainor | Nelson, Dickey | Twichell |
| Gray | Nelson, Steele | Urschel |
| Haag | Nystrom | Wambheim |
| Halvorson | Odegard | Westby |
| Haugland | Ostgulen | Williams,Stutsm'n |
| Heckman | Page | Wolf |
| Hofstrand | Panko | Mr. Speaker |

Those voting in the negative were:

| | | |
|---|---|---|
| Adam | Fuglestad | Rettke |
| Anderson,M'K'nzie | Ista | Ritter |
| Anfinson | Johnson, LaMoure | Rohde |
| Belzer | McIntyre | Schmidt, Sheridan |
| Bingenheimer | Mollet | Schimke |
| Erickson | O'Brien | Schwartz |
| Fraser | Oglesby | Williams,Richland |

Absent and not voting:

| | | |
|---|---|---|
| Byrne | Glas | Sand |

| | | |
|---|---|---|
| Crockett | Morland | Stone |
| Fitch | Peterson,Bottineau | |

So the bill passed and the title was agreed to.

Rep. Page moved that the vote by which Senate Bill No. 50 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Rep. Twichell requested that the House be on the Seventh Order of Business, which request was granted.

Rep. Twichell moved that action taken on House Bill No. 22 be reconsidered, which motion prevailed.

Rep. Bergesen moved that the House request the Senate for the return of Senate Bill No. 163, which motion prevailed.

Rep. Crockett moved that the House reconsider action taken on Senate Bill No. 265, which motion prevailed.

Rep. Joiner moved that action on Senate Bill No. 115 be deferred one legislative day, which motion prevailed.

Senate Bill No. 277. A Bill for an Act Making an Appropriation to Provide Funds for the Payment of Salaries and Expenses Due Inspectors of the Motor Vehicle Registration Department; 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, 60; nays, 40; absent and not voting, 10.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Gray | Mollet |
| Anderson, Benson | Haag | Morland |
| Anderson,M'K'nzie | Haugland | Nelson, Dickey |
| Anfinson | Heckman | Odegard |
| Beede | Hofstrand | Ostgulen |
| Benno | Holthusen | Panko |
| Bergesen | Hultstrand | Peterson,Bottineau |
| Billigmeier | Ista | Rait |
| Bingenheimer | Johnson, LaMoure | Rettke |
| Braun, McLean | Joiner | Rohde |
| Braun, Stark | Keller | Schauss |
| Buchholz | Kluver | Schmidt, Sheridan |
| Crockett | Knutson | Schimke |
| Culver | Lange | Scholl |
| Dike | Larson | Schwartz |
| Dittmer | Levin | Semerad |
| Erickson | McIntee | Tuff |
| Feton | McIntyre | Williams,Richland |
| Fletcher | Myers | Wolf |
| Fraser | Mittag | Mr. Speaker |

Those voting in the negative were:

| | | |
|---|---|---|
| Arneson, Nelson | McInnes | Singleton |
| Arneson, Ramsey | Moe | Skartvedt |
| Blair | Nelson, Steele | Solberg |
| Bolmeier | Nystrom | Stormon |
| Boulden | Oglesby | Symington |
| Brown | Page | Thompson,Burl'gh |
| Dalzell | Peterson, Ransom | Thompson, Steele |

| | | |
|---|---|---|
| Fuglestad | Saumur | Trydahl |
| Gainor | Schmidt, McHenry | Twichell |
| Halvorson | Sellens | Urschel |
| Holm | Severson | Wambheim |
| Ireland | Sharpe | Westby |
| Johnson, Cass | Shure | Williams,Stutsm'n |
| Lunde | | |

Absent and not voting were:

| | | |
|---|---|---|
| Belzer | Jensen | Ritter |
| Byrne | Nelson, Cass | Sand |
| Fitch | O'Brien | Stone |
| Glas | | |

So the bill passed and the title was agreed to and the Emergency Clause was declared lost.

Rep. Lange moved that the vote by which Senate Bill No. 277 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 182 was read the second time.

Rep. Bergesen asked unanimous consent to amend Senate Bill No. 182, as follows:

In line 3, Section 1, strike out the words "to read" and insert in lieu thereof the words "by adding Section 7."

Which motion prevailed.

Rep. Bergesen moved that the rules be suspended and that Senate Bill No. 182 be placed on Second Reading and Final Passage, as amended, which motion prevailed.

Senate Bill No. 182. A Bill for an Act Relating to the Status of Municipal Civil Service in Municipalities Which Change Their Form of Government and Amending Chapter 173 of the Session Laws of the State of North Dakota for the Year 1937.

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, 54; absent and not voting, 11.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Arneson, Nelson | Holm | Schauss |
| Beede | Holthusen | Sellens |
| Bergesen | Ireland | Severson |
| Blair | Jensen | Sharpe |
| Bolmeier | Lange | Shure |
| Boulden | Larson | Singleton |
| Braun, Stark | Levin | Solberg |
| Brown | Myers | Symington |
| Culver | Morland | Thompson,Burl'gh |
| Dalzell | Nelson, Cass | Thompson, Steele |
| Dike | Nystrom | Trydahl |
| Erickson | O'Brien | Twichell |
| Fuglestad | Page | Wambheim |
| Gainor | Peterson, Ransom | Westby |
| Gray | Saumur | Williams,Richland |

Those voting in the negative were:

| | | |
|---|---|---|
| Adam | Heckman | Oglesby |

| | | |
|---|---|---|
| Anderson, Benson | Hofstrand | Ostgulen |
| Anderson,M'K'nzie | Hultstrand | Panko |
| Anfinson | Ista | Peterson,Bottineau |
| Arneson, Ramsey | Johnson, Cass | Rait |
| Belzer | Johnson, LaMoure | Rettke |
| Benno | Joiner | Ritter |
| Billigmeier | Keller | Rohde |
| Bingenheimer | Kluver | Schmidt, McHenry |
| Braun, McLean | Knutson | Schmidt, Sheridan |
| Buchholz | Lunde | Schwartz |
| Dittmer | McInnes | Semerad |
| Feton | McIntee | Stormon |
| Fletcher | McIntyre | Tuff |
| Fraser | Mittag | Urschel |
| Haag | Mollet | Williams,Stutsm'n |
| Halvorson | Nelson, Dickey | Wolf |
| Haugland | Odegard | Mr. Speaker |

Absent and not voting:

| | | |
|---|---|---|
| Byrne | Moe | Scholl |
| Crockett | Nelson, Steele | Skartvedt |
| Fitch | Sand | Stone |
| Glas | Schimke | |

So the bill was declared lost.

Senate Bill No. 240 was read the second time.

Rep. Beede asked unanimous consent to amend Senate Bill No. 240 as follows:

On page 2, Section 1, line 2, after the word "State," insert the following: "having a population of less than four thousand (4,000) according to the last preceding official state or federal census or thereafter."

In the Senate amendment inserted after the word "Act" in line 89, Section 8, in the first line of the amendment after the word "that," strike out the word "the" and insert in lieu thereof the word "each," and strike off the letter "s" on the word "officers."

In Section 11, line 154, after the word "any," insert the word "county."

In Section 12, line 171, strike out the words "it deems" and insert in lieu thereof the words "shall be."

Rep. Beede moved the adoption of these amendments, which motion prevailed.

Rep. Beede moved that the rules be suspended and that Senate Bill No. 240 be placed on Second Reading and Final Passage, as amended, which motion prevailed.

Senate Bill No. 240. A Bill for an Act to Authorize the Disorganization of Counties by Petition and Election or by Judicial Procedure and for the Proceedings Therefor; and for the Elimination of County Officers and the Termination of Their Terms of Office; and for the Attachment to an Organized County for Judicial and Administrative Purposes; and Providing for the Duties of the Officers of the Organized County to Which Attached, Including the Powers and Limitations to Tax; to Maintain Separate Records, to Act as Trustee, Collect the Revenue and to Disburse the Expenses for the Operation of the Unorganized County; and for Submitting the Question if Portions of This Act Are

Unconstitutional or Final Decree Denies the Petition; and for Retaining the Validity of the Remaining Provisions of This Act if Any Are Declared Unconstitutional; and for the Repeal 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, 98; nays, 3; absent and not voting, 9.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Haugland | Peterson,Bottineau |
| Anderson, Benson | Heckman | Peterson, Ransom |
| Anderson,M'K'nzie | Hofstrand | Rait |
| Anfinson | Holm | Rettke |
| Arneson, Nelson | Holthusen | Rohde |
| Arneson, Ramsey | Hultstrand | Saumur |
| Beede | Ireland | Schauss |
| Belzer | Ista | Schmidt, McHenry |
| Benno | Jensen | Schmidt, Sheridan |
| Billigmeier | Johnson, Cass | Scholl |
| Bolmeier | Johnson, LaMoure | Schwartz |
| Bingenheimer | Joiner | Sellens |
| Blair | Keller | Semerad |
| Boulden | Kluver | Severson |
| Braun, McLean | Knutson | Sharpe |
| Braun, Stark | Larson | Shure |
| Brown | Levin | Singleton |
| Buchholz | Lunde | Solberg |
| Byrne | McInnes | Stormon |
| Crockett | McIntee | Symington |
| Culver | McIntyre | Thompson,Burl'gh |
| Dalzell | Myers | Thompson, Steele |
| Dike | Mittag | Trydahl |
| Dittmer | Mollet | Tuff |
| Erickson | Morland | Twichell |
| Feton | Nelson, Dickey | Urschel |
| Fletcher | Nelson, Cass | Wambheim |
| Fraser | Nystrom | Westby |
| Fuglestad | O'Brien | Williams,Richland |
| Gainor | Odegard | Williams,Stutsm'n |
| Gray | Oglesby | Wolf |
| Haag | Page | Mr. Speaker |
| Halvorson | Panko | |

Those voting in the negative were:

| | | |
|---|---|---|
| Moe | Ritter | Schimke |

Absent and not voting:

| | | |
|---|---|---|
| Bergesen | Lange | Sand |
| Fitch | Nelson, Steele | Skartvedt |
| Glas | Ostgulen | Stone |

So the bill passed and the title was agreed to and the Emergency Clause was declared carried.

Rep. Brown moved that the vote by which Senate Bill No. 240 was passed be reconsidered, and the motion to reconsider be laid on the table, which motion prevailed.

House Bill No. 385 was received from the Senate amended as follows:

In line 2, after the word "monies," insert the following: "paid by counties for care of patients at the State Hospital, which is now."

In line 3, strike out the figures "$115,500.00" and insert in lieu thereof the figures "$110,000.00."

Rep. Scholl moved that the House do not concur in the Senate amendments to House Bill No. 385 and that conference committee be appointed to act with a like committee from the Senate in deliberations on House Bill No. 385, which motion prevailed.

House Concurrent Resolution No. 240 was received from the Senate, amended as follows:

In line 4, after the word "County," insert the following: "and any other County,".

Rep. Rohde moved that the House do concur in the Senate amendments to House Concurrent Resolution No. 240, which motion prevailed.

Rep. Morland moved that the rules be suspended and that House Concurrent Resolution No. 240 be considered properly re-engrossed, placed on Second Reading and Final Passage, as amended, which motion prevailed.

House Concurrent Resolution No. 240. A Resolution Requesting Congress to Enact Legislation to Secure Lost AAA Payments for Mountrail County Farmers Misinformed on Compliance Regulations.

Was read the second time.

ROLL CALL

The question being on the final passage of Concurrent Resolution, as amended by Senate, the roll was called and there were ayes, 86; nays, 7; absent and not voting, 17.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Ireland | Rettke |
| Anderson, Benson | Ista | Ritter |
| Anderson,M'K'nzie | Jensen | Rohde |
| Anfinson | Johnson, Cass | Schauss |
| Arneson, Nelson | Johnson, LaMoure | Schmidt, Sheridan |
| Arneson, Ramsey | Joiner | Schimke |
| Belzer | Keller | Scholl |
| Benno | Knutson | Schwartz |
| Billigmeier | Lange | Sellens |
| Bingenheimer | Larson | Semerad |
| Braun, McLean | Lunde | Severson |
| Brown | Levin | Sharpe |
| Buchholz | McIntee | Shure |
| Byrne | McIntyre | Singleton |
| Crockett | Myers | Solberg |
| Dalzell | Mittag | Stormon |
| Dike | Mollet | Symington |
| Erickson | Morland | Thompson,Burl'gh |
| Feton | Nelson, Cass | Thompson, Steele |
| Fletcher | Nelson, Dickey | Trydahl |
| Fraser | Nelson, Steele | Tuff |
| Fuglestad | Nystrom | Twichell |

| | | |
|---|---|---|
| Gainor | O'Brien | Urschel |
| Gray | Odegard | Westby |
| Haag | Oglesby | Williams,Richland |
| Halvorson | Page | Williams,Stutsm'n |
| Heckman | Panko | Wolf |
| Holm | Peterson,Bottineau | Mr. Speaker |
| Holthusen | Rait | Sticka |

Those voting in the negative were:

| | | |
|---|---|---|
| Blair | Moe | Saumur |
| Boulden | Peterson, Ransom | Wambheim |
| McInnes | | |

Absent and not voting:

| | | |
|---|---|---|
| Beede | Fitch | Ostgulen |
| Bergesen | Glas | Sand |
| Bolmeier | Haugland | Schmidt, McHenry |
| Braun, Stark | Hofstrand | Skartvedt |
| Culver | Hultstrand | Stone |
| Dittmer | Kluver | |

So the Concurrent Resolution passed and the title was agreed to.

## MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, February 27, 1939.

Mr. Speaker: I have the honor to return:

House Bill No. 337. A Bill for an Act Amending and Reenacting Section 4444 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, Relating to the Consent of Parents or Guardians of Children Involved in Adoption Proceedings, Relating to the Giving of Consent Therein by the State Board of Administration or its Successor, Providing Service of Notice of Such Adoption Proceedings Upon Such Parents, Guardians and or Said Board of Administration or its Successor, and Providing for Exceptions Thereto; Providing for Method by Which Decrees of Adoption May be Attacked and Time When Such Proceedings Therefor May be Commenced; Specifying the Procedure by Which Custody of Children Involved in Such Proceedings May be Changed; and Declaring an Emergency Exists.

Which the Senate has amended as follows:

In the title after the word "administration" in lines 6 and 8, add the words "or its successor,"

Also,

In line 5, section 1, after the word "administration," add "or its successor."

In line 14, section 1, after the word "administration," add "or its successor."

WM. J. LOWE, Secretary.

Rep. Nelson of Cass moved that the House do concur in the Senate amendments to House Bill No. 337, which motion prevailed.

Rep. Nelson of Cass moved that the rules be suspended and that House Bill No. 337 be considered properly re-en-

grossed, placed on second reading and final passage, as amended, which motion prevailed.

SECOND READING OF HOUSE BILLS

House Bill No. 337. A Bill for an Act Amending and Reenacting Section 4444 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, Relating to the Consent of Parents or Guardians of Children Involved in Adoption Proceedings, Relating to the Giving of Consent Therein by the State Board of Administration or its Successor, Providing Service of Notice of Such Adoption Proceedings Upon Such Parents, Guardians and or Said Board of Administration or its Successor. and Providing for Exceptions Thereto; Providing for Method by Which Decrees of Adoption May be Attacked and Time When Such Proceedings Therefor May be Commenced; Specifying the Procedure by Which Custody of Children Involved in Such Proceedings May be Changed; and Declaring an Emergency Exists.

Was read the second time.

ROLL CALL

The question being on the final passage of the bill, as amended by the Senate, the roll was called and there were ayes, 81; nays, 13; absent and not voting, 16.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Holthusen | Page |
| Anderson, Benson | Hultstrand | Panko |
| Anderson,M'K'nzie | Ireland | Peterson,Bottineau |
| Anfinson | Ista | Peterson, Ransom |
| Arneson, Nelson | Jensen | Rettke |
| Arneson, Ramsey | Johnson, Cass | Saumur |
| Belzer | Johnson, LaMoure | Schauss |
| Benno | Joiner | Schmidt, Sheridan |
| Billigmeier | Keller | Scholl |
| Bingenheimer | Kluver | Schwartz |
| Blair | Lange | Sharpe |
| Boulden | Larson | Shure |
| Brown | Levin | Singleton |
| Buchholz | Lunde | Skartvedt |
| Byrne | McInnes | Solberg |
| Crockett | McIntyre | Symington |
| Dalzell | Myers | Thompson,Burl'gh |
| Dike | Mittag | Thompson, Steele |
| Erickson | Mollet | Trydanl |
| Feton | Moe | Twichell |
| Fletcher | Morland | Urschel |
| Fraser | Nelson, Cass | Wambheim |
| Fuglestad | Nelson, Dickey | Westby |
| Gainor | Nystrom | Williams,Richland |
| Gray | O'Brien | Williams,Stutsm'n |
| Halvorson | Odegard | Wolf |
| Holm | Oglesby | Mr. Speaker |

Those voting in the negative were:

| | | |
|---|---|---|
| Beede | McIntee | Schimke |
| Braun, McLean | Rait | Semerad |

| | | |
|---|---|---|
| Dittmer | Ritter | Severson |
| Haag | Rohde | Tuff |
| Heckman | | |

Absent and not voting:

| | | |
|---|---|---|
| Bergesen | Haugland | Sand |
| Bolmeier | Hofstrand | Schmidt, McHenry |
| Braun, Stark | Knutson | Sellens |
| Culver | Nelson, Steele | Stone |
| Fitch | Ostgulen | Stormon |
| Glas | | |

So the bill passed and the title was agreed to.

The Speaker announced the appointment of Rep. Anderson of Benson, Anderson of McKenzie and Williams of Stutsman as a conference committee to act with a like committee from the Senate to deliberate on House Bill No. 385.

The House reverted to the Fifth Order of Business.

## REPORTS OF STANDING COMMITTEES

Mr. Speaker: Your Committee on Insurance to whom was referred Senate Bill No. 246, have had the same under consideration and recommend that the same do pass.

PETER PETERSON, Chairman.

Rep. Holm moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Insurance to whom was referred Senate Bill No. 32, have had the same under consideration and recommend that the same do pass.

PETER PETERSON, Chairman.

Rep. Levin moved that the report be adopted, which motion prevailed and the report was adopted.

The Speaker announced the House would be on the Fourteenth Order of Business.

Senate Bill No. 89 was read the second time.

Rep. Boulden moved that Senate Bill No. 89 be indefinitely postponed.

The Speaker called Rep. Symington to the chair.

Speaker Hagen moved that the motion of Rep. Boulden be laid on the table, which motion prevailed.

## SECOND READING OF SENATE BILLS

Senate Bill No. 89. A Bill for an Act to Amend and Reenact Sub-section (a) and Sub-section (f) of Section 5, Section 6, Section 8 and Section 9 of Chapter 9 of the Session Laws of North Dakota for 1937; Relating to the Organization of Soil Conservation Districts, the Election, Qualification and Tenure of Supervisors Thereof; and Relating to the Adoption and Enforcement of Land-use Regulations, 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, 55; nays, 31; absent and not voting, 24.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Hofstrand | Nystrom |
| Anderson,M'K'nzie | Holm | O'Brien |
| Anfinson | Holthusen | Odegard |
| Arneson, Nelson | Ireland | Panko |
| Beede | Ista | Peterson,Bottineau |
| Belzer | Johnson, LaMoure | Rait |
| Bingenheimer | Joiner | Saumur |
| Brown | Keller | Schmidt, Sheridan |
| Buchholz | Lange | Sharpe |
| Dike | Larson | Shure |
| Dittmer | Lunde | Singleton |
| Erickson | McInnes | Thompson,Burl'gh |
| Feton | McIntee | Tuff |
| Fletcher | McIntyre | Wambheim |
| Fraser | Myers | Westby |
| Fuglestad | Mittag | Williams,Stutsm'n |
| Gray | Morland | Wolf |
| Halvorson | Nelson, Cass | Mr. Speaker |
| Heckman | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Arneson, Ramsey | Levin | Schwartz |
| Billigmeier | Mollet | Semerad |
| Blair | Moe | Severson |
| Boulden | Nelson, Dickey | Skartvedt |
| Braun, McLean | Oglesby | Solberg |
| Byrne | Page | Stormon |
| Crockett | Peterson, Ransom | Symington |
| Dalzell | Rettke | Thompson, Steele |
| Haag | Rohde | Urschel |
| Hultstrand | Schimke | Williams,Richland |
| Jensen | | |

Absent and not voting:

| | | |
|---|---|---|
| Anderson, Benson | Glas | Sand |
| Benno | Haugland | Schauss |
| Bergesen | Johnson, Cass | Schmidt, McHenry |
| Bolmeier | Kluver | Scholl |
| Braun, Stark | Knutson | Sellens |
| Culver | Nelson, Steele | Stone |
| Fitch | Ostgulen | Trydahl |
| Gainor | Ritter | Twichell |

So the bill was declared lost.

Rep. Byrne voted "no" for the purpose of reconsideration.

Rep. Blair: "It takes more than a little grass seed to have me support this measure and I feel that I am capable of managing my own farm. Therefore I vote 'no'."

Rep. Fraser: "It seems to me that some of those people who have tried to farm for the past fifty years have made a

failure out of it and if the Federal Government wants to help us out a little bit, I think it is only right they should accept that help. Therefore I vote 'aye'."

Rep. Beede moved that the House do now recess until 12:30 P. M., Tuesday, February 28th, which motion prevailed.

And the House stood recessed.

MINNIE D. CRAIG, Chief Clerk.

## FIFTY-SIXTH DAY AFTER RECESS AND FIFTY-SEVENTH DAY

Bismarck, February 28th, 1939.

The House convened at 12:30 P. M., pursuant to recess, Speaker Hagen presiding.

The Speaker announced the House would be on the Fifteenth Order of Business.

### GENERAL ORDERS

Rep. Schauss moved that the House resolve itself into a committee of the whole for the consideration of general orders; which motion prevailed, and the House resolved itself into a committee of the whole.

The Speaker called Rep. Schauss to the chair.

When the committee arose it submitted the following report:

Mr. Speaker: The Committee of the Whole have had under consideration:

Senate Bill No. 94.

Section 1, line 47, strike out the word "shall" and insert in lieu thereof the word "may."

Line 49, after the word "used" strike out the words "in the development of the" and in line 50, strike out the words "International Peace Garden and" and insert in lieu thereof the word "exclusively."

And recommend the adoption of the amendments of the Standing Committee.

And when so amended recommend the same do pass.

Senate Bill No. 104.

And recommend that action be deferred.

Senate Bill No. 96.

In Section 9, page 6, line 121, of the printed bill, insert a period after the word "same" and strike out balance of the line.

Strike out all of line 122.

In line 148, page 8, of the printed bill, strike out the letter "s" from the word "districts".

And recommend the adoption of the amendments of the Standing Committee.

And when so amended recommend the same do pass.

Senate Bill No. 105.

In line 19 of the printed bill, between the words "beneficiary" and "within," insert the following: "Provided, however, that the amount payable to any Government Agency or unit shall not exceed the amount of aid received by the insured from such Governmental Agency or unit."

And recommend the adoption of the amendments of the Standing Committee.

And when so amended recommend the same do pass.

Senate Bill No. 232.

Section 1, line 3, strike out the figures "$20,000.00" and insert in lieu thereof the figures "$25,567.00."

And recommend the adoption of the amendments of the Standing Committee.

And when so amended recommend the same do pass.

Senate Bill No. 140.

On page 2, Section 1, line 6, of the amended bill strike out the figures "$940,000" and insert in lieu thereof the figures $1,088,267".

On page 2, Section 3, line 26, of the amended bill strike out the figures "$800,000" and insert in lieu thereof the figures "$944,667".

On page 3, Section 5, line 36, of the amended bill strike out the figures "$20,000" and insert in lieu thereof the figures "$23,600".

On page 3, Section 7, line 49, of the amended bill strike out the figures "$940,000" and insert in lieu thereof the figures "$1,088,267".

On page 3, line 51, strike out the figures "$99,990" and insert in lieu thereof the figures "$88,473".

On page 4, line 55, strike out the figures "$80,000" and insert in lieu thereof the figures "$67,286".

On page 4, line 56, strike out the figures "$10,000" and insert in lieu thereof the figures "$9,474".

On page 4, line 57, strike out the figures "$2,500" and insert in lieu thereof the figures "$2,170".

On page 4, line 58, strike out the figures "$800" and insert in lieu thereof the figures "$825".

On page 4, line 59, strike out the figures "$2,500" and insert in lieu thereof the figures "$2,347".

On page 4, line 60, strike out the figures "$1,000" and insert in lieu thereof the figures "$1,430".

On page 4, line 61, strike out the figures "$1,500" and insert in lieu thereof the figures "$2,144".

On page 4, line 62, strike out the figures "$600" and insert in lieu thereof the figures "$400".

On page 4, line 63, strike out the figures "$1,000" and insert in lieu thereof the figures "$1,397".

Add line 63 (a) as follows: "Board member expense, $1,000".

On page 4, line 64, strike out the figures "$99,900" and insert in lieu thereof the figures "$88,473".

And recommend the adoption of the amendments of the Committee of the Whole.

And when so amended recommend the same do pass.

Senate Bill No. 56.

And recommend that the same be adopted as it came from the Senate.

And recommend the adoption of the amendments of the Committee of the Whole.

And when so amended recommend the same do pass.

GUS A. SCHAUSS, Chairman, Committee of the Whole.

Rep. Gray moved the adoption of the report of the Committee of the Whole, which motion prevailed.

Rep. Lange moved that the absent members be excused, which motion prevailed.

Rep. Lange moved that the House do now adjourn, which motion prevailed.

## FIFTY-SEVENTH DAY

Bismarck, February 28, 1939.

The House assembled at 2:00 P. M., pursuant to adjournment, Speaker Hagen presiding.

Prayer by Rev. Asher T. Katz, Bismarck.

Roll Call: All Representatives present except Dittmer, Glas, Hofstrand, Jensen, Johnson of Cass, Nelson of Cass, Sharpe, Shure, Twichell.

So a quorum was declared present.

## MESSAGE TO THE SENATE

House of Representatives,
Bismarck, February 28, 1939.

Mr. President: I have the honor to inform you that the House requests the return of:

Senate Bill No. 163. A Bill for an Act to Amend and Reenact Section 6, of Chapter 104, of the Session Laws of North Dakota for the Year 1937, Relating to Revenue Bonds of Municipalities, and Declaring an Emergency.

Mr. President: I have the honor to return:

Senate Bill No. 50. A Bill for an Act to Amend and Reenact Sections 1 and 13 of Chapter 92 of the Session Laws of 1933, Providing for the Consolidation of Counties and Parts of Counties, the Petition Therefor, and the Liabilities and Debts of Counties Affected; and Repealing All Acts in Conflict Herewith.

Senate Bill No. 277. A Bill for an Act Making an Appropriation to Provide Funds for the Payment of Salaries and Expenses Due Inspectors of the Motor Vehicle Registration Department; and Declaring an Emergency.

Senate Bill No. 240. A Bill for an Act to Authorize the Disorganization of Counties by Petition and Election or by Judicial Procedure and for the Proceedings Therefor; and for the Elimination of County Officers and the Termination of Their Terms of Office; and for the Attachment to an Organized County for Judicial and Administrative Purposes; and Providing for the Duties of the Officers of the Organized County to Which Attached, Including the Powers and Limitations to Tax; to Maintain Separate Records, to Act as Trustee, Collect the Revenue and to Disburse the Expenses for the Operation of the Unorganized County; and for Submitting the Question if Portions of This Act Are Unconstitutional or Final Decree Denies the Petition; and for Retaining the Validity of the Remaining Provisions of This Act if Any Are Declared Unconstitutional; and for the Repeal of Acts in Conflict Herewith, and Declaring an Emergency.

Which the House has amended.

Mr. President: I have the honor to inform you that the House has concurred in the Senate amendment to:

House Bill No. 337. A Bill for an Act Amending and Reenacting Section 4444 of the 1925 Supplement to the Com-

piled Laws of North Dakota for 1913, Relating to the Consent of Parents or Guardians of Children Involved in Adoption Proceedings, Relating to the Giving of Consent Therein by the State Board of Administration or its Successor, Providing Service of Notice of Such Adoption Proceedings Upon Such Parents, Guardians and/or Said Board of Administration, or its Successor, and Providing for Exceptions Thereto; Providing for Method by Which Decrees of Adoption May Be Attacked and Time When Such Proceedings Therefor May Be Commenced; Specifying the Procedure by Which Custody of Children Involved in Such Proceedings May Be Changed; and Declaring That an Emergency Exists.

House Concurrent Resolution No. 240. A Resolution Requesting Congress to Enact Legislation to Secure Lost AAA Payments for Mountrail County Farmers Misinformed on Compliance Regulations.

Mr. President: I have the honor to inform you that the House has refused to concur in the Senate amendment to:

House Bill No. 385. A Bill for an Act Making an Appropriation for the Operating, Administration, Salaries and Other Expenses for the State Hospital for the Insane at Jamestown, North Dakota and Declaring an Emergency.

And the Speaker has appointed as a Conference Committee, House members:

Rep. Anderson of Benson,
Rep. Anderson of McKenzie,
Rep. Williams of Stutsman.

Mr. President: I have the honor to return:

Senate Bill No. 88. A Bill for an Act Providing for a Recodification and Revision of the Laws of North Dakota; Authorizing the Supreme Court to Create a Code Revision Commission; Defining Its Powers and Duties; Making an Appropriation Therefor; and Declaring an Emergency.

Senate Bill No. 29. A Bill for an Act to Amend and Reenact Section 1189 of the Compiled Laws of 1913, as Amended by Chapter 236 of the 1931 Session Laws of North Dakota; and to Provide for Minimum Attendance Under Which School Boards May Discontinue a School.

Senate Bill No. 175. A Bill for an Act Providing for the Establishment of, License Fee for, and Setting up Regulations to Govern Muskrat Propagation in the State of North Dakota.

Which the House has passed unchanged.

Mr. President: I have the honor to return:

Senate Bill No. 95. A Bill for an Act to Amend and Reenact Section 4914, Compiled Laws of North Dakota for the Year 1913, Relating to the Limit of Risks to Which Insurance Companies Shall Be Exposed.

Senate Bill No. 65. A Bill for an Act Levying and Imposing a Tax to Carry Out the Provisions of That Certain Initiated Measure Adopted at the General Election November 8, 1938, Entitled "An Act Amending and Re-enacting Section 3 of Chapter 211 of the Session Laws of North Dakota for 1937, and Providing That the Amount of Assistance Which Any Person Shall Receive Shall be Sufficient When Added to All Other Income of Recipient to Provide Such Person With a Reasonable Subsistence Compatible With

Decency and Health But Shall Not be Less Than a Minimum of Forty Dollars ($40.00) Per Month Except That it Shall Not be Less than a Minimum of Thirty Dollars ($30.00) Per Month for Each Recipient Where There Is More Than One Recipient in a Family and Each County Shall Reimburse the State Agency for Fifteen Per Cent of the Amount Expended for Such Assistance in Such County in Excess of the Amount Provided by the Federal Government and Repealing All Acts and Parts of Acts in Conflict Herewith"; Providing That All Funds Derived From Such Tax Shall be Paid Into the State Treasury and Shall be Deposited in the State Public Welfare Fund in Said Treasury and Disbursed by the Public Welfare Board of North Dakota as Provided by Law; and Providing for the Submission of This Act to a Vote of the Electors of the State of North Dakota for Their Approval or Rejection and Providing That If This Act Is Rejected at Such Election it Shall be of No Force or Effect, Making an Appropriation, and Declaring an Emergency.

Senate Bill No. 164. A Bill for an Act Relating to the Enactment of Ordinances in Cities Having the Commission Form of Government and Validating Ordinances Heretofore Enacted in Such Cities.

Senate Bill No. 73. A Bill for an Act to Amend and Reenact Section 29 of Chapter 179 of the Session Laws of 1927 as Amended by Chapter 165 of the Session Laws of 1929 and Chapter 186 of the Session Laws of 1931, Relating to When Fees on Motor Vehicles Become Delinquent, Providing Penalties, Providing for the Collection Thereof, and Declaring an Emergency.

Senate Bill No. 180. A Bill for an Act to Repeal Sections 1326a1, 1326a2, 1326a3, 1326a4 and 1326a5 of the Supplement to the 1913 Compiled Laws of North Dakota, Relating to a Petition by Electors to Increase Debt Limit of School Districts.

Senate Bill No. 82. A Bill for an Act to Amend and Reenact Section Six of Chapter 235 of the Session Laws of the State of North Dakota for the year 1929, Relating to Park District Tax Levies.

Senate Bill No. 183. A Bill for an Act to Fix the Tax Levy Limitation for School Districts Which Have Heretofore Voted to Increase the Tax Levy Limit Therein; and Repealing Acts or Parts of Acts in Conflict Herewith.

Senate Bill No. 252. A Bill for an Act to Repeal Section 8 of Chapter 125 of the 1933 Session Laws Relating to Duties of State Highway Commissioner and to Dispense With the Necessity of Filing Monthly With the State Auditing Board an Itemized Statement of Materials Sold or Purchased.

Senate Bill No. 208. A Bill for an Act to Encourage the Investment of Monies in the State of North Dakota, and to Encourage the Development of Industries and Resources in the State of North Dakota, Providing for Exempting, for a Period of Five Years, All of the Property of New Business Places, Hereafter Entered Into in the State of North Dakota, Whether the Same Be by Corporations, Firms, or Individuals, Providing That the Same Shall Only Apply Where Twenty-five Thousand Dollars or More of Capital Is Invested in Such Industry or Business Place, Within the State of North Da-

kota; Repealing All Acts and Parts of Acts in Conflict Herewith and Declaring an Emergency.

Senate Bill No. 151. A Bill for an Act to Amend and Reenact Section 189b7 of the 1925 Supplement to the Compiled Laws of 1913, as Last Amended by Section 3 of Chapter 137 of the Session Laws of the State of North Dakota for the Year 1933, Relating to State Hail Insurance, Providing for the Levy of a Hail Indemnity Tax, Fixing the Priority of the Lien Therefor; Declaring That Any and All Existing Hail Indemnity Taxes, Which Have Not Heretofore Been Sold to Private Parties, Shall be Liens Subsequent and Inferior to Mortgages, Liens and Judgments Executed Prior to the Levy of Such Hail Indemnity Taxes; and Declaring an Emergency.

Senate Bill No. 251. A Bill for an Act to Facilitate the Co-operation of This State With Other Units of Government and to Establish an Unpaid Commission for That Purpose, and Declaring an Emergency.

Which the House has indefinitely postponed.

MINNIE D. CRAIG, Chief Clerk.

## MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, February 28, 1939.

Mr. Speaker: I have the honor to return:

Senate Bill No. 163. A Bill for an Act to Amend and Reenact Section 6, of Chapter 104, of the Session Laws of North Dakota for the Year 1937, Relating to Revenue Bonds of Municipalities, and Declaring an Emergency.

Which the House has requested.

WM. J. LOWE, Secretary.

## REPORT OF STANDING COMMITTEE

Mr. Speaker: Your Committee on Revision and Correction of the Journal have carefully examined the Journal of the Fifty-fifth and Fifty-sixth day and recommend that the same be corrected as follows:

Page 1068 on line 28, strike out the word "whom."

Page 1107, line 15 from bottom, insert the following: "The Speaker called Rep. Symington to the chair."

Page 1090, roll call totals should read 'Aye" 72; 'Nays,' 30; absent and not voting, 8. Arneson of Ramsey voted 'Aye.'

And when so corrected recommend that the same be approved.

REP. FETON, Acting Chairman.

Rep. Bolmeier moved that the report be adopted, which motion prevailed, and the report was adopted.

## MESSAGE FROM THE GOVERNOR

State of North Dakota
OFFICE OF THE GOVERNOR
Bismarck

February 27, 1939.

Honorable Oscar W. Hagen,
Speaker of the House of Representatives,
Bismarck, North Dakota.

Dear Mr. Speaker:

I respectfully submit herewith a Message to the Members

of the Legislature, and ask that the same be given consideration.

I may state that an identical Message has this day been submitted to the Senate.

JOHN MOSES, Governor.

Rep. Trydahl moved that the recommendations of the Governor be printed in the Journal, which motion prevailed.

State of North Dakota
OFFICE OF THE GOVERNOR
Bismarck

February 27, 1939.

To the Members of the
Twenty-sixth Legislative Assembly
State of North Dakota

Ladies and Gentlemen:

It is increasingly apparent that there has not been available to the members of the Legislature sufficient information dealing with some of the greatest problems which face us as a people and as a State. Underlying all of the labor of this Legislative Assembly, now fast drawing to a close, have been the serious problems of relief, and with that, the question of pensions. Coupled with this is the plight of our municipal sub-divisions, in particular counties and school districts. The education of our children is a matter of grave concern; particularly is the fate and future of our common schools in danger. More than half of our counties are, to all intents and purposes, now insolvent; unless conditions are improved, many more are approaching insolvency. It is apparent to everyone that it is not possible for the members of the Legislature to make a proper evaluation of the relief and pension problem nor the muncipal debt situation within the sixty-day period available to them in the regular session, nor is it possible for the members to make the necessary changes and improvements in the present relief system unless there is available to the Legislature reliable, complete and authentic information concerning all angles of the matter.

It is my belief that this Legislature should make provision for an immediate practical survey of these problems, a survey which will not only take into consideration the present debt condition of the counties and school districts that are in financial difficulty, but also review all angles of the relief and pension problem. It is my thought that this survey should be an actual field survey, a "grass roots" survey, so to speak, that will go into the fundamentals as well as the details of these problems.

In respect to the relief and pension problems, I think such a survey and investigation should undertake to touch the following aspects of these problems:

1. An inquiry into the operations of the present relief set-up in the counties and in the State, with a view of ascertaining whether there is any waste or unnecessary expenditure of relief funds in the administration of such funds, and if waste and unnecessary expenditures appear, to consider ways and means of establishing more economical and efficient procedure for the administration of relief.

2. An inquiry into the actual relief necessities of the

persons now receiving relief and applicants therefor, to determine particularly whether relief is being paid to persons who do not actually need public assistance, whether too much or too little relief is being extended to persons in any particular community or communities in the State, and to determine whether there are any persons, particularly women and children, who are in need of relief, but who for any reason are not receiving the assistance to which they are entitled; and to determine as nearly as possible what, in the aggregate, are the fair and reasonable relief requirements which the State will be obliged to carry in the next year or two.

3. An inquiry into the old age relief situation, particularly with a view of ascertaining, as nearly as possible, how much money will be required to meet the demands of persons qualifying for pensions under the State Pension Law as amended by the recent initiated measure, which law, as construed by the Supreme Court, requires the State to fix such old age pension allowances on the basis-of-need formula; that is to say, a formula under which the income of the applicant is taken into consideration in determining the specific amount which shall be provided by the State in order to afford such applicant a standard of subsistence equal to $40 per month.

4. An inquiry into the question of the distribution of the relief and pension burdens as between the several counties and the State, particularly with a view of determining, as nearly as possible, what proportion of such financial burden can be carried by the drouth-stricken counties in Western North Dakota; and to recommend a formula for the distribution of such financial burdens.

In respect to the municipal debt problem, I feel that such a survey should undertake to develop the following facts:

1. What particular school districts are now insolvent, and the degree and extent of such insolvency.

2. What particular school districts are operating on a basis wherein the expenditures exceed the tax revenues, and the degree of such discrepancies.

3. What particular counties are now insolvent, and the extent and degree of such insolvency, including a particular statements of the bonded and funded indebtedness of such counties.

4. What particular counties are operating on a basis wherein the expenditures exceed the tax revenues, and the extent of such discrepancies.

5. An inquiry into the extent of the State assistance required in order to maintain reasonable school facilities in the insolvent school districts, and a study of the methods according to which State assistance is now being afforded such school districts, together with recommendations for an improvement in such procedure in cases where the present system of distributing state aid does not appear to work out fairly and equitably.

6. An inquiry into the administrative methods heretofore followed in the conduct of the business functions of insolvent political subdivisions, with a particular view of discovering wherein the waste and needless expense has occurred, and considering ways and means whereby the essential functions

of such political subdivisions would be conducted in a more economical manner.

In order to accomplish these objectives, I respectfully recommend the establishment by this Legislative Assembly of a State Relief and Debt Survey Commission, to consist of not more than seven members, to be appointed by the Governor, if that meets with your approval, two of which should be members of the House of Representatives and two of which should be members of the Senate. When this commission is selected, I think that it should begin its work as soon as possible, with a view of finishing its task not later than December 31, 1939.

It would be necessary for the Legislative Assembly to make an appropriation sufficient to cover necessary expenses for the work of such commission and reasonable compensation to the members for their services. While I am reluctant to incur additional expense at this particular time, yet I feel that a careful and thorough-going study of the facts relating to these problems is so important that I believe we are entirely justified in incurring some expense in order to achieve the results desired.

In bringing this matter to your attention, I am mindful of the almost unsurmountable difficulties which have confronted the members of this Legislative Assembly in dealing with these particular problems of an emergency character. Candidly, I do not believe that it has been possible for the Legislature, in the short time at its disposal, to solve wisely some of these problems. But the fact that these problems are difficult, and some of them apparently unsurmountable at the moment, should not deter us from making every effort possible to reach a solution. Believing as I do that more reliable information of a factual character is necessary for the practical treatment of these problems, I feel warranted in urging your special and favorable consideration to the recommendations contained in this Message.

JOHN MOSES, Governor.

## MESSAGE FROM THE SENATE

Senate Chamber
Bismarck, February 28, 1939.

Mr. Speaker: I have the honor to inform you that the Senate has concurred in the House amendment to:

Senate Bill No. 277. A Bill for an Act Making an Appropriation to Provide Funds for the Payment of Salaries and Expenses Due Inspectors of the Motor Vehicle Registration Department; and Declaring an Emergency.

Mr. Speaker: I have the honor to inform you that the Senate has concurred in the House amendment to:

Senate Bill No. 240. A Bill for an Act to Authorize the Disorganization of Counties by Petition and Election or by Judicial Procedure and for the Proceedings Therefor; and for the Elimination of County Officers and the Termination of Their Terms of Office; and for the Attachment to an Organized County for Judicial and Administrative Purposes; and Providing for the Duties of the Officers of the Organized County to Which Attached, Including the Powers and Limitations to Tax; to Maintain Separate Records, to Act as Trustee, Collect the Revenue and to Disburse the Expenses

for the Operation of the Unorganized County; and for Submitting the Question if Portions of This Act Are Unconstitutional or Final Decree Denies the Petition; and for Retaining the Validity of the Remaining Provisions of This Act if Any Are Declared Unconstitutional; and for the Repeal of Acts in Conflict Herewith, and Declaring an Emergency.

Mr. Speaker: I have the honor to inform you that the Senate has concurred in the House amendment to:

Senate Bill No. 50. A Bill for an Act to Amend and Reenact Sections 1 and 13 of Chapter 92 of the Session Laws of 1933, Providing for the Consolidation of Counties and Parts of Counties, the Petition Therefor, and the Liabilities and Debts of Counties Affected; and Repealing All Acts in Conflict Herewith.

Mr. Speaker: I have the honor to inform you that the President has appointed as a conference committee to act with a like committee from the House, Senators: Watt, Guthrie, and Thorson. Relative to Senate amendments on:

House Bill No. 385. A Bill for an Act Making an Appropriation for the Operating, Administration, Salaries and Other Expenses for the State Hospital for the Insane at Jamestown, North Dakota and Declaring an Emergency.

WM. J. LOWE, Secretary.

## REPORTS OF STANDING COMMITTEES

Mr. Speaker: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bills:

House Bill No. 91;
House Bill No. 372;
House Bill No. 349;
House Bill No. 293;
House Bill No. 300;
House Bill No. 328;
House Bill No. 26;
House Bill No. 260;
House Bill No. 171;
House Bill No. 337;
Also,
House Bill No. 240.

And find the same correctly Enrolled.

OLAF OSTGULEN, Chairman.

Rep. Ostgulen moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Judiciary to whom was referred:

Senate Bill No. 263, have had the same under consideration and recommend that the same be indefinitely postponed.

J. M. ANDERSON, Chairman.

Rep. Tuff moved that the report be adopted, which motion prevailed, and the report was adopted.

Rep. Lange moved that the vote by which Senate Bill No. 263 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on Appropriations to whom was referred:

Senate Bill No. 122, have had the same under consideration and recommend that the same be amended as follows:

Section 1, line 6, after the word "of" strike out the word "Seven" and insert in lieu thereof the word "Five."

Line 7, strike out the figure "($7.00)" and insert in lieu thereof the figure "($5.00)."

And when so amended recommend the same do pass.

C. P. RITTER, Acting Chairman.

Rep. Semerad moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Appropriations to whom was referred:

Senate Bill No. 124, have had the same under consideration and recommend that the same do pass.

C. P. RITTER, Acting Chairman.

Rep. Wolf moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Appropriations to whom was referred:

Senate Bill No. 132, have had the same under consideration and recommend that the same do pass.

C. P. RITTER, Acting Chairman.

Rep. Morland moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Appropriations to whom was referred:

Senate Bill No. 236, have had the same under consideration and recommend that the same do pass.

C. P. RITTER, Acting Chairman.

Rep. Johnson of Cass moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Appropriations to whom was referred:

Senate Bill No. 239, have had the same under consideration and recommend that the same be amended as follows:

Section 1, line 3, strike out the figures "$4,140,000.00" and insert in lieu thereof the figures "$5,664,000.00."

Section 1, line 16, strike out the figures "$4,000,000.00" and insert in lieu thereof the figures "$5,524,000.00."

Section 1, line 17, strike out the figures "$4,140,000.00" and insert in lieu thereof the figures "$5,664,000.00."

And when so amended recommend the same do pass.

C. P. RITTER, Acting Chairman.

Rep. Adam moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Appropriations to whom was referred:

Senate Bill No. 249, have had the same under consideration and recommend that the same be amended as follows:

Section 1, line 3, strike out the words "twenty-five thousand, five hundred and eighty-five" and in line 4, strike out the words and figures "dollars and fifty-nine cents ($25,585.59) and insert in lieu thereof the words and figures

"twenty-eight thousand, eight hundred and eighty-five dollars and fifty-nine cents ($28,885.59)."

Line 9, strike out the figures "$6,880.00" and insert in lieu thereof the figures "$8,160.00."

Line 10, strike out the figures "$1,000.00" and insert in lieu thereof the figures "$1,500.00."

Insert a new line 15 "Ass't. Attorney General—Salary $1,500.00."

Line 16, strike out the figures "$9,910.00" and insert in lieu thereof the figures "$13,210.00."

Re-number beginning with line 16, change to line 15 and continue re-numbering to the end of the section.

And when so amended recommend the same do pass.

C. P. RITTER, Acting Chairman.

Rep. Johnson of Cass moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Appropriations to whom was referred:

Senate Bill No. 253, have had the same under consideration and recommend that the same do pass.

C. P. RITTER, Acting Chairman.

Rep. Johnson of Cass moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Appropriations to whom was referred:

Senate Bill No. 222, have had the same under consideration and recommend that the same do pass as amended by Senate.

C. P. RITTER, Acting Chairman.

Rep. Buchholz moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Appropriations to whom was referred:

Senate Bill No. 68, have had the same under consideration and recommend that the same do pass.

C. P. RITTER, Acting Chairman.

Rep. Johnson of Cass moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: 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 indefinitely postponed.

CARL ANFINSON, Chairman.

Rep. Fitch moved that the report be adopted, which motion prevailed and the report was adopted.

Rep. Braun of McLean moved that the vote by which Senate Bill No. 218 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on Ways and Means to whom was referred Senate Bill No. 179, have had the same under consideration and recommend that the same do pass.

CARL ANFINSON, Chairman.

Rep. Fitch moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: A majority of Your Committee on Agriculture to whom was referred:

Senate Bill No. 177,

Have had the same under consideration and recommend that the same do pass.

CARL ERICKSON,
BJORN FUGLESTAD,
JOHN BILLIGMEIER,
W. R. SINGLETON,
ED HAAG,
ALEX DALZELL,
HARRY STORMON,
FRANK FLETCHER.
CARL H. DITTMER, Chairman.

Mr. Speaker: A minority of your Committee on Agriculture to whom was referred:

Senate Bill No. 177.

Have had the same under consideration and recommend that the same be indefinitely postponed.

J. H. HECKMAN,
BRYNHILD HAUGLAND,
GEO. SCHWARTZ,
ANDERSON, McKenzie,
W. E. BINGENHEIMER,
GEORGE H. LANGE,
PALMER LEVIN.

Rep. Dalzell moved that the report of the majority be adopted.

Rep. Lange moved to substitute the report of the minority for that of the majority, which motion was declared carried and Senate Bill No. 177 was indefinitely postponed.

Rep. Solberg moved that the vote by which Senate Bill No. 177 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on Insurance to whom was referred Senate Bill No. 159, have had the same under consideration and recommend that the same do pass.

PETER PETERSON, Chairman.

Rep. Fitch moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Insurance to whom was referred Senate Bill No. 216, have had the same under consideration and recommend that the same do pass.

PETER PETERSON, Chairman.

Rep. Levin moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Insurance to whom was referred Senate Bill No. 119, have had the same under consideration and recommend that the same be indefinitely postponed.

PETER PETERSON, Chairman.

Rep. Schauss moved that the report be adopted, which motion prevailed and the report was adopted.

Rep. Lange moved that the vote by which Senate Bill No. 119 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on State Affairs to whom was referred Senate Bill No. 61, have had the same under consideration and recommend that the same be amended as follows:

In Section 4, page 4, line 87 of the original bill, after the word "than" strike out the figure "50" and insert in lieu thereof the figure "30".

In Section 5, page 4, line 94 of the original bill, after the word "shall" insert the following "in case of dispute".

In Section 9, page 6, line 172 of the original bill, strike out the following words "all revenue derived under authority of this Act shall be used for the enforcement of the provisions thereof."

In Section 9, page 7, line 176 of the original bill after the word "be" strike out the words "properly recorded by him and" and insert in lieu thereof the word "promptly".

In Section 9, page 7, line 177 of the original bill after the word "Dakota" strike out the "period" and insert in lieu thereof a "comma", and insert the following words "for deposit in the general fund".

And when so amended recommend the same do pass.

W. M. CROCKETT, Chairman.

Rep. Dalzell moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on State Affairs to whom was referred Senate Bill No. 265, have had the same under consideration and recommend that the same be amended as follows:

Strike out all words and figures after the words "A bill" and insert in lieu thereof the following:

"For an Act Providing for an Emergency Commission Consisting of the Commissioner of Insurance, the Governor and the Attorney General, to Pass Upon All Expenditures of the Emergency Fund of the State Hail Insurance Department; and Declaring an Emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

Section 1. EMERGENCY COMMISSION ESTABLISHED. There is hereby created and established, a State Emergency Commission of the State Hail Insurance Department, which shall consist of the Commissioner of Insurance, the Governor and the Attorney General, whose duty it shall be to audit and pass upon all expenditures made from the Emergency Fund of the State Hail Insurance Department, and a majority of such Board shall constitute a quorum for the purpose of passing upon, or authorizing any expenditures therefrom.

Section 2. 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.

W. M. CROCKETT, Chairman.

Rep. Lange moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on State Affairs to whom was referred Senate Bill No. 178, have had the same under

consideration and recommend that the same be indefinitely postponed.

W. M. CROCKETT, Chairman.

Rep. Fraser moved that the report be adopted.

Rep. Symington moved that Senate Bill No. 178 be placed on the calendar, which motion was lost.

The question being on the indefinite postponement of Senate Bill No. 178, the motion prevailed.

Rep. Lange moved that the vote by which Senate Bill No. 178 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on State Affairs to whom was referred Senate Bill No. 228, have had the same under consideration and recommend that the same be amended as follows:

In the title of the Bill strike out all the words and figures after the words "A Bill" and insert in lieu thereof the following:

"For an Act Providing for Transfer of Certain School Lands Situated in Williams and Barnes Counties, Respectively State of North Dakota, to Williams and Barnes Counties to Be Used and Maintained as Public Parks, and Authorizing the Exchange of Lands Belonging to Said Counties Therefor; and Declaring an Emergency."

And when so amended recommend the same do pass.

W. M. CROCKETT, Chairman.

Rep. Halvorson moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on State Affairs to whom was referred Senate Bill No. 257, have had the same under consideration and recommend that the same be indefinitely postponed.

W. M. CROCKETT, Chairman.

Rep. Knutson moved that the report be adopted.

Rep. Morland moved a substitute motion that Senate Bill No. 257 be placed on the calendar, which motion was declared lost.

A roll call was demanded and granted.

ROLL CALL

The question being on the motion to place Senate Bill No. 257 on the calendar the roll was called and there were ayes, 43; nays, 57; absent and not voting, 10.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Arneson, Nelson | Holthusen | Saumur |
| Arneson, Ramsey | Ireland | Schauss |
| Benno | Johnson, Cass | Sellens |
| Bergesen | Lunde | Severson |
| Blair | McInnes | Solberg |
| Bolmeier | Moe | Stone |
| Brown | Morland | Stormon |
| Byrne | Nelson, Cass | Symington |
| Dalzell | Nelson, Steele | Thompson, Burl'gh |
| Dittmer | Nystrom | Thompson, Steele |
| Feton | O'Brien | Twichell |
| Fitch | Oglesby | Wambheim |

| | | |
|---|---|---|
| Fuglestad | Page | Westby |
| Gainor | Peterson, Ransom | Williams, Stutsm'n |
| Holm | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Adam | Haag | Odegard |
| Anderson, Benson | Halvorson | Ostgulen |
| Anderson, M'K'nzie | Haugland | Panko |
| Anfinson | Heckman | Peterson, Bottineau |
| Beede | Hultstrand | Rait |
| Belzer | Ista | Rettke |
| Billigmeier | Jensen | Ritter |
| Bingenheimer | Joiner | Rohde |
| Boulden | Keller | Sand |
| Braun, McLean | Knutson | Schmidt, McHenry |
| Braun, Stark | Lange | Schmidt, Sheridan |
| Crockett | Larson | Schimke |
| Culver | Levin | Scholl |
| Dike | McIntee | Schwartz |
| Erickson | McIntyre | Semerad |
| Fletcher | Myers | Tuff |
| Fraser | Mittag | Urschel |
| Glas | Mollet | Williams, Richland |
| Gray | Nelson, Dickey | Mr. Speaker |

Absent and not voting:

| | | |
|---|---|---|
| Buchholz | Sharpe | Skartvedt |
| Hofstrand | Shure | Trydahl |
| Johnson, LaMoure | Singleton | Wolf |
| Kluver | | |

So the motion was declared lost.

Rep. Ritter: "I wanted to vote "aye" on this bill but the appropriation carried with this bill is $50,000. I am not willing to appropriate $50,000 but I would be willing to give them about $35,000."

Rep. Thompson of Burleigh: "We have been trying to pass bills here where they go contrary to law and allow them to pay these bills and now if we have the chance to investigate, we don't seem to want to find out where they are crooked, and I, for one, want to find out whether there is anything crooked."

Rep. Schauss: "I vote 'aye' on this bill because it was requested both by the former Governor Langer and now by our present Governor Moses."

Rep. Ireland: "Last fall in the campaign at most every meeting I appeared at it was thrown up to my face that if anything is wrong, I should try to do something about it. We have tried to do something about it. Both the former governor and the present Governor Moses are in favor of it. I believe the $50,000 would be well spent if we could find out where the $500,000 went. Therefore I vote 'aye'."

Speaker Hagen: "I vote 'no' on this bill because I think the State needs the money for relief a whole lot more than for political investigations."

Rep. Boulden changed his vote from "aye" to "no" for the purpose of reconsideration.

## REPORTS OF STANDING COMMITTEES

Mr. Speaker: Your Committee on State Affairs to whom

was referred Senate Bill No. 144, have had the same under consideration and recommend that the same be indefinitely postponed.

W. M. CROCKETT, Chairman.

Rep. Dalzell moved that the report be adopted, which motion prevailed and the report was adopted.

Rep. Scholl moved that the vote by which Senate Bill No. 144 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on State Affairs to whom was referred:

Senate Bill No. 125, have had the same under consideration recommend that the same be indefinitely postponed.

W. M. CROCKETT, Chairman.

Rep. Twichell moved that the report be adopted, which motion prevailed, and the report was adopted.

Rep. Blair moved that the vote by which Senate Bill No. 125 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on State Affairs to whom was referred:

Senate Bill No. 74, have had the same under consideration and recommend that the same be indefinitely postponed.

W. M. CROCKETT, Chairman.

Rep. Williams of Richland moved that the report be adopted, which motion prevailed, and the report was adopted.

Rep. Lange moved that the vote by which Senate Bill No. 74 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on State Affairs to whom was referred:

Senate Bill No. 37, have had the same under consideration and recommend that the same be indefinitely postponed.

W. M. CROCKETT, Chairman.

Rep. Fletcher moved that the report be adopted.

Rep. Symington moved a substitute motion that Senate Bill No. 37 be placed on the calendar, which motion was lost.

The question being on the report of the Committee on State Affairs for the indefinite postponement of Senate Bill No. 37, the motion prevailed.

A roll call was demanded and granted.

ROLL CALL

The question being on Indefinite Postponement of Senate Bill No. 37, the roll was called and there were ayes, 53; nays, 50; absent and not voting, 7.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Heckman | Ostgulen |
| Anderson, Benson | Hofstrand | Panko |
| Anderson,M'K'nzie | Hultstrand | Peterson,Bottineau |
| Anfinson | Ista | Rait |
| Beede | Jensen | Rettke |
| Belzer | Johnson, LaMoure | Rohde |
| Bingenheimer | Joiner | Sand |
| Braun, Stark | Keller | Schmidt, McHenry |

| | | |
|---|---|---|
| Brown | Knutson | Schmidt, Sheridan |
| Crockett | Lange | Schimke |
| Culver | Levin | Scholl |
| Dike | McIntee | Schwartz |
| Erickson | McIntyre | Semerad |
| Fletcher | Myers | Tuff |
| Fraser | Mittag | Urschel |
| Glas | Mollet | Williams,Richland |
| Haag | Nelson, Dickey | Mr. Speaker |
| Halvorson | Odegard | |

Those voting in the negative were:

| | | |
|---|---|---|
| Arneson, Nelson | Holm | Ritter |
| Arneson, Ramsey | Holthusen | Saumur |
| Benno | Ireland | Schauss |
| Bergesen | Johnson, Cass | Sellens |
| Billigmeier | Kluver | Severson |
| Blair | Larson | Singleton |
| Bolmeier | Lunde | Skartvedt |
| Boulden | McInnes | Solberg |
| Braun, McLean | Moe | Stone |
| Byrne | Morland | Stormon |
| Dalzell | Nelson, Cass | Symington |
| Dittmer | Nelson, Steele | Thompson,Burl'gh |
| Feton | Nystrom | Thompson, Steele |
| Fitch | O'Brien | Twichell |
| Fuglestad | Oglesby | Wambheim |
| Gainor | Page | Williams,Stutsm'n |
| Gray | Peterson, Ransom | |

Absent and not voting:

| | | |
|---|---|---|
| Buchholz | Shure | Westby |
| Haugland | Trydahl | Wolf |
| Sharpe | | |

So Senate Bill No. 37 was indefinitely postponed.

Rep. Knutson moved that the vote by which Senate Bill No. 37 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on Education to whom was referred:

Senate Bill No. 189, have had the same under consideration and recommend that the same be amended as follows:

In Sec. 1, sub-division 2, line 30, after the word "Act," strike out the words "it shall" and in line 31, strike out the words "be the duty of."

In line 31, after the word "Board," insert "may in its discretion and at its option" and in the same line strike out the word "to" before the word "pay."

And when so amended recommend the same do pass.

C. H. HOFSTRAND, Chairman.

Rep. Holm moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Education to whom was referred:

Senate Bill No. 270, have had the same under consideration and recommend that the same be indefinitely postponed.

C. H. HOFSTRAND, Chairman.

Rep. Peter Peterson moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Education to whom was referred:

Senate Bill No. 133, have had the same under consideration and recommend that the same do pass.

C. H. HOFSTRAND, Chairman.

Rep. Schmidt (Sheridan) moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Education to whom was referred:

Senate Concurrent Resolution No. 282, have had the same under consideration and recommend that the same be amended as follows:

In section 1, line 12, after the word "assembly" insert a "period" and strike out the remainder of the section.

In section 2, line 15, after the word "assembly" insert a "period" and strike out the remainder of the Section.

In section 4, line 20, strike out the words "or by initiated measure."

And when so amended recommend the same be adopted.

C. H. HOFSTRAND, Chairman.

Rep. Jensen moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Education to whom was referred Senate Bill No. 268, have had the same under consideration and recommend that the same be indefinitely postponed.

C. H. HOFSTRAND, Chairman.

Rep. McIntyre moved that the report be adopted, which motion prevailed and the report was adopted.

Rep. Keller moved that the vote by which Senate Bill No. 268 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on Education to whom was referred Senate Bill No. 127, have had the same under consideration and recommend that the same be re-referred to the Committee on Elections and Election Privileges.

C. H. HOFSTRAND, Chairman.

Rep. Jensen moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Education to whom was referred House Concurrent Resolution No. 397, have had the same under consideration and recommend that the same be adopted.

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C. H. HOFSTRAND, Chairman.

Rep. Ostgulen moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Education to whom was referred Senate Bill No. 190, have had the same under consideration and recommend that the same do pass.

C. H. HOFSTRAND, Chairman.

Rep. Jensen moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Education to whom was referred Senate Bill No. 283, have had the same under consideration and recommend that the same do pass.

C. H. HOFSTRAND, Chairman.

Rep. Nelson (Dickey) moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Education to whom was referred Senate Bill No. 77, have had the same under consideration and recommend that the same do pass.

C. H. HOFSTRAND, Chairman.

Rep.. Ostgulen moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Education to whom was referred Senate Bill No. 187, have had the same under consideration and recommend that the same do pass.

C. H. HOFSTRAND, Chairman.

Rep. Schmidt (Sheridan) moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Public Welfare to whom was referred Senate Bill No. 205, have had the same under consideration and recommend that the same do pass.

BERNT ANDERSON, Chairman.

Rep. Sellens moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Public Printing to whom was referred Senate Bill No. 204, have had the same under consideration and recommend that the same do pass.

R. G. BEEDE, Chairman.

Rep. Sellens moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Public Welfare to whom was referred Senate Bill No. 195, have had the same under consideration and recommend that the same do pass.

BERNT ANDERSON, Chairman.

Rep. Sellens moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Public Welfare to whom was referred Senate Concurrent Resolution No. 271, have had the same under consideration and recommend that the same do pass.

BERNT ANDERSON, Chairman.

Rep. Arneson of Nelson moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Agriculture to whom was referred Senate Bill No. 226, have had the same under consideration and recommend that the same be amended as follows:

Section 1, line 14 on the printed bill, strike out the words, "which the borrower declares is" and after the word "paying" in the same line, add the word "government".

In line 15, insert a period (.) after the word "premiums" and strike out the rest of the line and also lines 16, 17, and 18.

Re-number the lines in Section 2 and Section 3 accordingly.

And when so amended recommend the same do pass.

CARL H. DITTMER, Chairman.

Rep. Fuglestad moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Public Welfare to whom was referred Senate Bill No. 103, have had the same under consideration and recommend that the same do pass.

BERNT ANDERSON, Chairman.

Rep. Haugland moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Game and Fish to whom was referred Senate Bill No. 79, have had the same under consideration and recommend that the same be indefinitely postponed.

REP. LEVIN, Chairman.

Rep. Gray moved that the report be adopted, which motion prevailed and the report was adopted.

Rep. Blair moved that the vote by which Senate Bill No. 79 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Rep. Lange moved that the House recess for a thirty-minute period, which motion prevailed.

The House was called to order by the Speaker pursuant to thirty-minute recess taken.

## MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, February 28, 1939.

Mr. Speaker: I have the honor to transmit:

Senate Bill No. 212. A Bill For an Act Amending and Reenacting Section 2093 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, Relating to the Manner of Listing Real and Personal Property for Assessment Purposes, and Providing That as to General Merchandise, or Any Inventory of Goods and Wares, the Average Value of the Same for the Year Preceding the Time of the Assessment, Shall Be Taken as the Value Thereof for Assessment Purposes, Repealing All Acts in Conflict Therewith and Declaring an Emergency.

Senate Bill No. 90. A Bill for an Act to Amend and Reenact Chapter 166 of the Session Laws of North Dakota for the Year 1937, Relating to the Application to Highway Purposes of All Special Taxes on Motor Vehicle Transportation and Declaring an Emergency.

Which the President has signed and your signature is respectfully requested.

Mr. Speaker: I have the honor to return:

House Bill No. 4. A Bill for an Act Making an Appropriation for the Glanders and Dourine Indemnity Fund.

House Bill No. 103. 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 Therefore.

House Bill No. 223. A Bill for an Act to Amend and Reenact Section 4847 of the Civil Code of the Compiled Laws of North Dakota for 1913.

House Bill No. 392. A Bill for an Act Making an Appropriation of Three Hundred Forty-three Dollars ($343.00) for the Purpose of Paying the Funeral Expenses of Representative Ignatz Sticka of Stark County, and Declaring an Emergency.

House Bill No. 97. A Bill for an Act Making an Appropriation of $362.00 for the Purpose of Paying the Funeral Expenses of Representative Robert Rotering of Slope County, and Declaring an Emergency.

House Bill No. 126. A Bill for an Act to Amend and Reenact Section 336, Compiled Laws of 1913, as Amended by Chapter 177, Laws of 1925, Relating to the Leasing and Sale of School and Other Public Lands of the State, and Declaring an Emergency.

House Bill No. 28. 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.

House Bill No. 34. A Bill for an Act Making an Appropriation for Inquest and Burial of Penal Inmates, Headstones for Soldiers and Sailors, Actions to Release Insane, and List of New Taxable Lands.

House Bill No. 21. 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.

House Bill No. 7. 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.

House Bill No. 25. A Bill for an Act Making an Appropriation for the Purpose of Refunding Money Erroneously Paid Into or Credited to the General Fund.

House Bill No. 27. 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.

House Bill No. 23. 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.

House Bill No. 39. A Bill for an Act Making an Appropriation to Pay the Expenses and Per Diem of Presidential Electors as Prescribed by Section 1038 of the Compiled Laws of 1913.

House Bill No. 184. A Bill for an Act Relating to Vital Statistics Records of Illegitimate Children, and to Provide for the Making of a New Certificate for a Child Legitimatized by Marriage of Parents and for a Child Legitimatized by Adoption.

House Concurrent Resolution No. 132. A Concurrent Resolution Relating to an Amendment of the Enabling Act of February 22, 1889.

Which the President has signed.

House Bill No. 301. A Bill for an Act to Make Uniform the Law on Criminal Indictment and Information; Defining Terms Included in This Act; Providing What an Indictment or Information Must or Need Not Contain; Setting Forth Forms Thereof; Providing for Bills of Particular; in General Covering and Interpreting the Laws Pertaining to Indictments and Informations, and Repealing All Acts or Parts of Acts in Conflict Herewith.

House Bill No. 185. A Bill for an Act Relating to the Issuance of Tax Sale Certificates; the Payment of Subsequent Taxes; the Issuance of Subsequent Tax Sale Certificates; Amending and Re-enacting Section 2192, as Amended by Chapter 298, Session Laws of 1931, of the Supplement to the Compiled Laws of 1913; and to Make the Records of the County Auditor Evidence of the Rights of the County; and Dispensing With the Necessity of Issuing Tax Sale Certificates and Subsequent Tax Sale Certificates to the Counties; Declaring an Emergency.

House Bill No. 186. A Bill for an Act Providing for the Resale of Lands Acquired by the State on Foreclosure of Mortgages Given to Secure Loans of Permanent School Funds, or by Deed Given in Lieu of Foreclosure; Giving a Preference to Mortgagors Whose Lands Are Resold or to Their Heirs; Providing for the Terms and Conditions of Resale; and Declaring an Emergency.

House Bill No. 216. A Bill for an Act to Amend and Reenact Section 8175 of the Compiled Laws of the State of North Dakota for 1913 Relating to Actions Against the State of North Dakota.

House Bill No. 31. 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.

House Bill No. 30. A Bill for an Act Making an Appropriation to Provide Funds for the Arrest and Return of Fugitives from Justice as Provided by Section 11162, Compiled Laws of 1913, as Amended and Re-enacted by Chapter 160, Laws of 1915, the same being Section 11162 of the Supplement to the 1913 Compiled Laws of North Dakota.

Which the Senate has passed unchanged.

House Bill No. 95. A Bill for an Act to Make Farming Unlawful in the State of North Dakota by Anyone Other Than an Actual Bona Fide Farmer; Defining a "Bona Fide Farmer"; Providing a Penalty and Declaring an Emergency.

House Bill No. 121. A Bill for an Act to Amend and Reenact Article 41, Chapter 38, 1913 Compiled Laws, to Regulate the Licensing, Registration, Sale, Inspection, Sampling and Analysis of Commercial Fertilizers, Superphosphates and Fertilizer Materials in the State of North Dakota, and to Repeal All Laws and Parts of Laws in Conflict Therewith.

Which the Senate has indefinitely postponed.

House Bill No. 15. 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.

House Bill No. 16. 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.

House Bill No. 17. 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.

House Bill No. 18. A Bill for an Act Making an Appropriation for St. John's Orphanage of Fargo, North Dakota, Providing the Mehods of Expenditure and Audit Thereof; Supervision and Inspection Therefor.

House Bill No. 19. 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.

House Bill No. 20. 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, Providing the Methods of Expenditure and Audit Thereof; Supervision and Inspection Therefor.

House Bill No. 99. A Bill for an Act to Authorize County Commissioners to Lease Real Property Acquired by Tax Deed and Not Sold or Leased; to Limit Term of Lease; to Permit Longer Leases to Co-operative Grazing Associations, Soil Conservation Districts, and Individuals; to Limit Expense of Supervising and Collecting Rentals; to Provide That Net Revenue be Distributed to Taxing Districts; to Repeal Any Acts in Conflict; and to Declare an Emergency. priation Out of the Teachers' Insurance and Retirement Fund in the State Treasury for Operation and Maintenance, Equipment, Supplies, Travel and Miscellaneous Expenses for the Teachers' Insurance and Retirement Fund.

House Bill No. 46. A Bill for an Act Making an Appropriation Out of the Teachers' Insurance and Retirement Fund in the State Treasury for Operation and Maintenance, Equipment, Supplies, Travel and Miscellaneous Expenses for the Teachers' Insurance and Retirement Fund.

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 Workmen's Compensation Bureau.

House Bill No. 29. A Bill for an Act Making an Appropriation for the North Dakota Soldiers' Home at Lisbon, North Dakota; Providing for Reports and Deductions.

House Bill No. 311. A Bill for an Act Relating to the Organization of Irrigation Districts, the Powers and Functions of Such Districts, the Establishment and Construction of Irrigation Works Therein and Methods and Procedure for Financing the Cost of Purchasing or Constructing Such Irrigation Works; Amending Section 8247a1 of the Supplement to the Compiled Laws of 1913, as Amended and Reenacted by Section 1 of Chapter 142 of the Session Laws of

1933; Section 8247a2 of the Supplement to the Compiled Laws of 1913; Section 8247a3 of the Supplement to the Compiled Laws of 1913, as Amended and Re-enacted by Section 2 of Chapter 142 of the Session Laws of 1933; Section 8247a4, 8247a5, 8247a6, 8247a7, 8247a8, and 8247a9 of the Supplement to the Compiled Laws of 1913; Section 8247a10 of the Supplement to the Compiled Laws of 1913, as Amended and Re-enacted by Section 3 of Chapter 142 of the Session Laws of 1933 and Amending Sections 8247a11, 8247a12, 8247a13, 8247a14, 8247a15, 8247a16, 8247a17, 8247a18, 8247a19, 8247a20, 8247a21a, 8247a23, 8247a24, 8247a26, 8247a51, 8247a52, 8247a53, 8247a59, 8247a60, 8247a61, 8247a63, 8247a64, 8247a65 and 8247a66 of the Supplement to the Compiled Laws of 1913; Repealing Sections 8247a47, 8247a56, 8247a57 of the Supplement to the Compiled Laws of 1913 and All Acts and Parts of Acts in Conflict With the Provisions of This Act and Declaring an Emergency.

House Bill No. 309. A Bill for an Act to Amend and Reenact Section 8 of Chapter 135 of the 1935 Session Laws of the State of North Dakota, Relating to the Nomination of Candidates for the Offices of Presidential Electors; for the Election of Party Precinct Committeemen; Delegates to the National Party Conventions and National Party Committeemen and National Party Committeewomen; for the Organization of Party County and State Committees, Such Amendment Requiring that in Selecting Proxies, the Same Shall Be Taken From the Precinct, in Which the Committeemen or Committeewomen Were Elected; Repealing All Acts or Parts of Acts in Conflict Herewith.

Which the Senate has amended.

WM. J. LOWE, Secretary.

The Speaker announced his decision on the clincher motion made by Rep. Anderson of Benson on the roll call for indefinite postponement of Senate Bill No. 257.

The Speaker announced his decision on the validity of the clincher motion made by Rep. Anderson of Benson on the roll call by which Senate Bill No. 257 was indefinitely postponed and stated that the proper course of action was to hold up all action after roll call, and that the vote on the report of the committee should be held up for twenty-four hours.

Rep. Twichell moved that the record on Senate Bill No. 257 be expunged subsequent to announcement of the roll call in which Rep. Boulden served notice of reconsideration, which motion prevailed.

Rep. Schwartz moved that action on Senate Bill No. 82 be reconsidered, which motion prevailed.

Rep. Schwartz moved that Senate Bill No. 82 be re-referred to the Committee on Cities and Municipal Corporations, which motion prevailed.

Rep. Bergesen moved that action taken on Senate Bill No. 163 be reconsidered for the purpose of amendment, which motion prevailed.

Rep. Bergesen moved that Senate Bill No. 163 be re-referred to the Committee on State Affairs, which motion prevailed.

Rep. Byrne moved that action taken on Senate Bill No. 89 be reconsidered, which motion prevailed.

Rep. Byrne moved that Senate Bill No. 89 be placed at the head of the calendar, which motion prevailed.

## REPORT OF STANDING COMMITTEE

Mr. Speaker: Your Committee on Railroads to whom was referred Senate Bill No. 211, have had the same under consideration and recommend that the same do pass.

HARRY SEMERAD, Chairman.

Rep. Tuff moved that the report be adopted, which motion prevailed and the report was adopted.

Rep. Hofstrand moved that the House reconsider action taken on Senate Bill No. 182, which motion prevailed.

Rep. Schauss moved that Senate Bill No. 182 be placed on the calendar, which motion prevailed.

## MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, February 28, 1939.

Mr. Speaker: I have the honor to return:

House Bill No. 309. A Bill for an Act to Amend and Reenact Section 8 of Chapter 135 of the 1935 Session Laws of the State of North Dakota, Relating to the Nomination of Candidates for the Offices of Presidential Electors; for the Election of Party Precinct Committeemen; Delegates to the National Party Conventions and National Party Committeemen and National Party Committeewomen; for the Organization of Party County and State Committees, Such Amendment Requiring that in Selecting Proxies, the Same Shall Be Taken From the Precinct, in Which the Committeemen or Committeewomen Were Elected; Repealing All Acts or Parts of Acts in Conflict Herewith.

Which the Senate has amended as follows:

Page 2, line 7, strike out the word "members" and insert the word "nominees and hold-over members."

WM. J. LOWE, Secretary.

Rep. Twichell moved that the House do concur in the Senate amendments to House Bill No. 309, which motion prevailed.

Rep. Twichell moved that the rules be suspended and that House Bill No. 309 be considered properly re-engrossed, placed on second reading and final passage, which motion prevailed.

## SECOND READING OF HOUSE BILLS

House Bill No. 309. A Bill for an Act to Amend and Reenact Section 8 of Chapter 135 of the 1935 Session Laws of the State of North Dakota, Relating to the Nomination of Candidates for the Offices of Presidential Electors; for the Election of Party Precinct Committeemen; Delegates to the National Party Conventions and National Party Committeemen and National Party Committeewomen; for the Organization of Party County and State Committees, Such Amendment Requiring that in Selecting Proxies, the Same Shall Be Taken From the Precinct, in Which the Committeemen or Committeewomen Were Elected; Repealing All

Acts or Parts of Acts in Conflict Herewith.

Was read the second time.

ROLL CALL

The question being on the final passage of the bill, as amended by Senate, the roll was called and there were ayes, 64; nays, 39; absent and not voting, 7.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Arneson, Nelson | Haag | Peterson,Bottineau |
| Arneson, Ramsey | Haugland | Peterson, Ransom |
| Benno | Holm | Schwartz |
| Bergesen | Holthusen | Sellens |
| Billigmeier | Ireland | Severson |
| Bingenheimer | Johnson, Cass | Singleton |
| Blair | Keller | Skartvedt |
| Bolmeier | Kluver | Solberg |
| Boulden | Larson | Stone |
| Braun, Stark | Levin | Stormon |
| Brown | Lunde | Symington |
| Byrne | McInnes | Thompson, Burl'gh |
| Culver | Moe | Thompson, Steele |
| Dalzell | Morland | Trydahl |
| Dike | Nelson, Cass | Twichell |
| Dittmer | Nelson, Steele | Urschel |
| Feton | Nystrom | Wambheim |
| Fitch | O'Brien | Westby |
| Fletcher | Odegard | Williams,Richland |
| Fuglestad | Oglesby | Williams, Stutsm'n |
| Gainor | Page | Wolf |
| Gray | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Adam | Hofstrand | Nelson, Dickey |
| Anderson, Benson | Hultstrand | Ostgulen |
| Anderson,M'K'nzie | Ista | Panko |
| Anfinson | Jensen | Rait |
| Beede | Johnson, LaMoure | Rettke |
| Belzer | Joiner | Rohde |
| Braun, McLean | Knutson | Schmidt, McHenry |
| Buchholz | Lange | Schmidt, Sheridan |
| Erickson | McIntee | Schimke |
| Fraser | McIntyre | Scholl |
| Glas | Myers | Semerad |
| Halvorson | Mittag | Tuff |
| Heckman | Mollet | Mr. Speaker |

Absent and not voting:

| | | |
|---|---|---|
| Crockett | Saumur | Sharpe |
| Ritter | Schauss | Shure |
| Sand | | |

So the bill passed and the title was agreed to.

Rep. Arneson of Ramsey moved that the vote by which House Bill No. 309 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Rep. Myers: "I didn't get the full significance of that in time to say anything before the bill was put on roll call. I vote 'no' for the reason that it would make holdover members

of the Senate members of the committee but the House members would not. The nominees of the party as far as the House is concerned would be members of the committee and the nominees for the Senate and holdover members of the Senate would be members of that committee. I don't think that is a very fair decision, so I vote 'no'."

Rep. Byrne: "I vote 'aye' on this amendment because I feel that it will give equal consideration of vote to the Senate and House members because of the fact that the House members are elected for a two-year period and during that time naturally they are still members of the committee."

House Bill No. 15 was received from the Senate amended.

The Chief Clerk announced a discrepancy in amendments attached to the report of the Senate on House Bill No. 15.

Rep. Twichell moved that House Bill No. 15 be returned to the Senate for correction of their report on the same, which motion prevailed.

## MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, February 28, 1939.

Mr. Speaker: I have the honor to return:

House Bill No. 311. A Bill for an Act Relating to the Organization of Irrigation Districts, the Powers and Functions of Such Districts, the Establishment and Construction of Irrigation Works Therein and Methods and Procedure for Financing the Cost of Purchasing or Constructing Such Irrigation Works; Amending Section 8247a1 of the Supplement to the Compiled Laws of 1913, as Amended and Re-enacted by Section 1 of Chapter 142 of the Session Laws of 1933; Section 8247a2 of the Supplement to the Compiled Laws of 1913; Section 8247a3 of the Supplement to the Compiled Laws of 1913, as Amended and Re-enacted by Section 2 of Chapter 142 of the Session Laws of 1933; Section 8247a4, 8247a5, 8247a6, 8247a7, 8247a8, and 8247a9 of the Supplement to the Compiled Laws of 1913; Section 8247a10 of the Supplement to the Compiled Laws of 1913, as Amended and Re-enacted by Section 3 of Chapter 142 of the Session Laws of 1933 and Amending Sections 8247a11, 8247a12, 8247a13, 8247a14, 8247a15, 8247a16, 8247a17, 8247a18, 8247a19, 8247a20, 8247a21a, 8247a23, 8247a24, 8247a26, 8247a51, 8247a52, 8247a53, 8247a59, 8247a60, 8247a61, 8247a63, 8247a64, 8247a65 and 8247a66 of the Supplement to the Compiled Laws of 1913; Repealing Sections 8247a47, 8247a56, 8247a57 of the Supplement to the Compiled Laws of 1913 and All Acts and Parts of Acts in Conflict With the Provisions of This Act and Declaring an Emergency.

Which the Senate has amended as follows:

1. Amend title of the Bill to read as follows:

A BILL

For an Act Relating to the Organization of Irrigation Districts, the Powers and Functions of Such Districts, the Establishment and Construction of Irrigation Works Therein and Methods and Procedure for Financing the Cost of Purchasing or Constructing Such Irrigation Works; Amending Section 8247a1 of the Supplement to the Com-

piled Laws of 1913, as Amended and Re-enacted by Section 1 of Chapter 142 of the Session Laws of 1933; Section 8247a2 of the Supplement to the Compiled Laws of 1913; Section 8247a3 of the Supplement to the Compiled Laws of 1913, as Amended and Re-enacted by Section 2 of Chapter 142 of the Session Laws of 1933; Sections 8247a4, 8247a5, 8247a6, 8247a7, 8247a8, and 8247a9 of the Supplement to the Compiled Laws of 1913; Section 8247a10 of the Supplement to the Compiled Laws of 1913, as Amended and Re-enacted by Section 3 of Chapter 142 of the Session Laws of 1933 and Amending Sections 8247a11, 8247a12, 8247a13, 8247a14, 8247a15, 8247a16, 8247a17, 8247a18, 8247a19, 8247a20, 8247a21a, 8247a23, 8247a24, 8247a26, 8247a47, 8247a51, 8247a52, 8247a53, 8247a56, 8247a57, 8247a59, 8247a60, 8247a61, 8247a63, 8247a64, 8247a65, and 8247a66 of the Supplement to the Compiled Laws of 1913; Validating Organization and Acts of Certain Irirgation Districts; Repealing All Acts and Parts of Acts in Conflict With the Provisions of This Act and Declaring an Emergency.

2. In line 26, Section 1, page 3, of the printed Bill, after the word "owning" insert the following: "not less than ten acres of".

3. In line 32, Section 1, page 3 of the printed Bill, after the word "district", strike out the "period", insert in lieu thereof a "semi-colon" and add the following:

"Provided, however, that in irrigation districts embracing or containing less than five hundred acres the word 'elector' shall include any person owning any land therein".

4. In Section 3, page 7, line 12 of the printed Bill, insert a new sentence after the "period" which appears after the word "provided", such new sentence to read as follows:

"The State Engineer shall divide the district, if it embraces five hundred acres of land, or more, into three subdivisions which shall be as nearly equal in size as may be practicable, and which shall be numbered, and one director shall be elected by and from each division".

5. In Section 3, sub-division 3, page 9 of the printed Bill, strike out the word "five" in line 61 and insert in lieu thereof the word "three".

6. In sub-division 4 of Section 3, page 10, in line 67 of the printed Bill, strike out the word "five" and insert in lieu thereof the word "three".

7. In Section 3, sub-division 4, page 10, in line 67 of the printed bill, strike out the words "Two directors" and insert in lieu thereof the words "One director;" and in line 68 of said sub-division 4, Section 3, page 10, strike out the word "two" and insert in lieu thereof the word "one."

8. In section 5, page 14 of the printed bill in line 6, strike out the words "Two directors" and insert in lieu thereof the words "One director;" and in line 7 of said section and page after the word "year," strike out the words "Two directors" and insert in lieu thereof the words "One director."

9. In Section 5, page 17, line 70 of the printed bill, strike out the word "Monday" and insert in lieu thereof the word "Tuesday;" and in line 71 of section 5, page 17 of the printed bill, strike out the word "March" and insert in lieu thereof the word "April."

10. In section 8, page 21, in line 6 of the printed bill, after the word "first," strike out the balance of the sentence and insert in lieu thereof the following: "Tuesday in March after each election and canvass returns."

11. In section 11, page 27 of the printed bill, line 5, after the word and figures "section 8247a10," strike out the first sentence and insert in lieu thereof the following:

"The board of directors shall hold regular meetings at their office or usual place of meeting on the first Tuesday of each month, commencing at two o'clock in the afternoon of said day, and the board may also hold such special meetings as may be required for the transaction of business."

12. Strike out all of Section 26 of the printed bill.

13. Renumber sections 27, 28, 29 and 30 of the printed bill to read sections 26, 27, 28 and 29, respectively.

14. Strike out all of section 31 of the printed bill and in lieu thereof insert a new section to read as follows:

"Section 30. Amendment. That section 8247a47 of the Supplement to the Compiled Laws of 1913 is hereby amended and re-enacted to read as follows:

"Section 8247a47. RE-DIVISION OF DISTRICT: DIRECTORS. In case of the inclusion of any land within any district by proceedings under this act the board of directors shall, if such district contains, or will contain after the inclusion of such land, five hundred acres or more, at least thirty days prior to the next succeeding general election, make an order redividing such district into three divisions as nearly equal in size as may be practicable, which shall be numbered, and one director shall thereafter be elected by and from each division."

15. Renumber Sections 32, 33 and 34 of the printed bill as sections 31, 32, and 33, respectively.

16. Strike out all of section 35 of the printed bill and insert in lieu thereof a new section to read as follows:

"Section 34. Amendment. That section 8247a56 of the Supplement to the Compiled Laws of 1913 is hereby amended and re-enacted to read as follows:

"Section 8247a56. EFFECT OF CHANGE ON OFFICE OF DIRECTOR: VACANCY. If the lands excluded from any district shall embrace the greater portion of any division of such district, then the office of director for such division shall become and be vacant at the expiration of ten days from the final order of the board excluding the lands, and such vacancy shall be filled by appointment by the other directors of the district. A director thus appointed shall hold office for the balance of the term in which the vacancy occurs."

17. Strike out all of Section 36 of the printed bill and in lieu thereof insert a new section to read as follows:

"Section 35. Amendment. That Section 8247a57 of the Supplement to the Compiled Laws of 1913 be and the same is hereby amended and re-enacted to read as follows:

"Section 8247a57. REDIVISION OF DISTRICT. At least thirty days before the next general election of such district the board of directors thereof shall, if such district embraces or contains five hundred acres of land, or more, make an order dividing said district into three divisions as nearly

equal in size as practicable, which shall be numbered, and one director shall be elected by and from each division."

18. Renumber sections 37, 38, 39, 40, 41, 42, 43, 44, 45, 46 and 47 as sections 36, 37, 38, 39, 40, 41, 42, 43, 44, 45 and 46, respectively.

WM. J. LOWE, Secretary.

Rep. Fitch moved that the House do not concur in the Senate amendments to House Bill No. 311 and that a conference committee be appointed to act with a like committee from the Senate in deliberation on House Bill No. 311, which motion prevailed and the Speaker appointed on that committee Reps. Gray, Ritter and Byrne.

## MESSAGES FROM THE SENATE

Senate Chamber,
Bismarck, February 28, 1939.

Mr. Speaker: I have the honor to return:

House Bill No. 29. A Bill for an Act Making an Appropriation for the North Dakota Soldiers' Home at Lisbon, North Dakota; Providing for Reports and Deductions.

Which the Senate has amended as follows:

In line 3 after the figure "$15,000.00" insert the following language: "and such monies as may come to the interest and income and Federal Aid Funds or so much thereof as may be necessary not to exceed the sum of $40,274.00".

In line 7 strike out the figure "$3,750.00" and insert in lieu thereof the figure "$13,818.50".

Following Section 1 insert a new section to read as follows:

SECTION 2. The Appropriation herein provided for the biennium July 1, 1939, to June 30, 1941, shall be used for the following:

| | | |
|---|---|---|
| 1 | Expense and per diem of Board Members | $ 1,400.00 |
| 2 | Salaries, Staff Members | 9,960.00 |
| 3 | Expense and per diem, Auditor | 144.00 |
| 4 | Employees and Home Members Employed | 9,600.00 |
| 5 | Maintenance and Operation | 34,170.00 |
| 6 | TOTAL | $ 55,274.00 |

Re-number Section 2 to read Section 3.

Re-number all lines in numerical order.

WM. J. LOWE, Secretary.

Rep. Byrne moved that the House do concur in the Senate amendments to House Bill No. 29, which motion prevailed.

Rep. Byrne moved that the rules be suspended and that House Bill No. 29 be considered properly re-engrossed, placed on second reading and final passage, which motion prevailed.

## SECOND READING OF HOUSE BILLS

House Bill No. 29. A Bill for an Act Making an Appropriation for the North Dakota Soldiers' Home at Lisbon, North Dakota; Providing for Reports and Deductions.

Was read the second time.

## ROLL CALL

The question being on the final passage of the bill, as amended by the Senate, the roll was called and there were ayes, 92; nays, 10; absent and not voting, 8.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Haag | Oglesby |
| Anderson, Benson | Halvorson | Ostgulen |
| Anderson,M'K'nzie | Haugland | Page |
| Anfinson | Heckman | Panko |
| Arneson, Nelson | Hofstrand | Peterson,Bottineau |
| Arneson, Ramsey | Holm | Peterson, Ransom |
| Beede | Holthusen | Rait |
| Belzer | Hultstrand | Rettke |
| Bergesen | Ireland | Ritter |
| Billigmeier | Ista | Saumur |
| Bingenheimer | Johnson, LaMoure | Schmidt, McHenry |
| Bolmeier | Joiner | Schmidt, Sheridan |
| Boulden | Kluver | Schimke |
| Braun, McLean | Knutson | Scholl |
| Braun, Stark | Lange | Schwartz |
| Brown | Larson | Sellens |
| Buchholz | Levin | Severson |
| Byrne | McInnes | Singleton |
| Culver | McIntee | Skartvedt |
| Dalzell | McIntyre | Solberg |
| Dike | Myers | Stormon |
| Dittmer | Mittag | Symington |
| Erickson | Moe | Thompson,Burl'gh |
| Feton | Mollet | Thompson, Steele |
| Fitch | Morland | Trydahl |
| Fletcher | Nelson, Cass | Urschel |
| Fraser | Nelson, Dickey | Westby |
| Fuglestad | Nelson, Steele | Williams,Richland |
| Gainor | Nystrom | Williams,Stutsm'n |
| Glas | O'Brien | Mr. Speaker |
| Gray | Odegard | |

Those voting in the negative were:

| | | |
|---|---|---|
| Blair | Semerad | Twichell |
| Johnson, Cass | Stone | Wambheim |
| Keller | Tuff | Wolf |
| Rohde | | |

Absent and not voting:

| | | |
|---|---|---|
| Benno | Lunde | Sharpe |
| Crockett | Sand | Shure |
| Jensen | Schauss | |

So the bill passed and the title was agreed to.

Rep. Trydahl cast his vote as "aye" for the purpose of reconsideration.

## MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, February 28, 1939.

Mr. Speaker: I have the honor to return:

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 Workmen's Compensation Bureau.

Which the Senate has amended as follows:

In line 4 strike out the figure "$163,420.00" and insert in lieu thereof the figure "$159,920.00".

In line 13 strike out the figure "$78,680.00" and insert in lieu thereof the figure "$79,680.00".

In line 16 strike out the figure "$5,000.00" and insert in lieu thereof the figure "$4,000.00".

In line 18 strike out the figure "$7,000.00" and insert in lieu thereof the figure "$5,000.00".

In line 19 strike out the figure "$7,500.00" and insert in lieu thereof the figure "$6,000.00".

In line 25 strike out the figure "$163,420.00" and insert in lieu thereof the figure "$159,920.00".

WM. J. LOWE, Secretary.

Rep. Trydahl moved that the House do concur in the Senate amendments to House Bill No. 42, which motion prevailed.

Rep. Trydahl moved that the rules be suspended and that House Bill No. 42 be considered properly re-engrossed, placed on second reading and final passage, which motion prevailed.

## SECOND READING OF HOUSE 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 Workmen's Compensation Bureau.

Was read the second time.

## ROLL CALL

The question being on the final passage of the bill, as amended by Senate, the roll was called and there were ayes, 97; nays, 5; absent and not voting, 8.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Heckman | Panko |
| Anderson, Benson | Hofstrand | Peterson, Bottineau |
| Anderson, M'K'nzie | Holm | Peterson, Ransom |
| Anfinson | Holthusen | Rait |
| Arneson, Nelson | Hultstrand | Rettke |
| Arneson, Ramsey | Ireland | Ritter |
| Beede | Ista | Rohde |
| Belzer | Johnson, Cass | Saumur |
| Benno | Johnson, LaMoure | Schauss |
| Billigmeier | Joiner | Schmidt, McHenry |
| Bingenheimer | Kluver | Schmidt, Sheridan |
| Bolmeier | Knutson | Schimke |
| Boulden | Lange | Schwartz |
| Braun, McLean | Larson | Sellens |
| Braun, Stark | Levin | Semerad |
| Brown | Lunde | Severson |
| Buchholz | McIntee | Singleton |
| Byrne | McIntyre | Skartvedt |
| Culver | Myers | Solberg |
| Dalzell | Mittag | Stone |
| Dike | Moe | Stormon |
| Erickson | Mollet | Symington |
| Feton | Morland | Thompson, Steele |
| Fitch | Nelson, Cass | Trydahl |
| Fletcher | Nelson, Dickey | Tuff |
| Fraser | Nelson, Steele | Twichell |
| Fuglestad | Nystrom | Urschel |
| Gainor | O'Brien | Westby |
| Glas | Odegard | Williams, Richland |
| Gray | Oglesby | Williams, Stutsm'n |

| | | |
|---|---|---|
| Haag | Ostgulen | Wolf |
| Halvorson | Page | Mr. Speaker |
| Haugland | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Blair | Scholl | Wambheim |
| Dittmer | Keller | |

Absent and not voting:

| | | |
|---|---|---|
| Bergesen | McInnes | Shure |
| Crockett | Sand | Thompson, Burl'gh |
| Jensen | Sharpe | |

So the bill passed and the title was agreed to.

## MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, February 28, 1939.

Mr. Speaker: I have the honor to return:

House Bill No. 46. A Bill for an Act Making an Appropriation Out of the Teachers' Insurance and Retirement Fund in the State Treasury for Operation and Maintenance, Equipment, Supplies, Travel and Miscellaneous Expenses for the Teachers' Insurance and Retirement Fund.

Which the Senate has amended as follows:

In line 16 after the word "Miscellaneous" insert a comma and the words "including card index".

WM. J. LOWE, Secretary.

Rep. Johnson of Cass moved that the House do concur in the Senate amendments to House Bill No. 46, which motion prevailed.

Rep. Johnson of Cass moved that the rules be suspended and that House Bill No. 46 be considered properly re-engrossed, placed on second reading and final passage, which motion prevailed.

## SECOND READING OF HOUSE BILLS

House Bill No. 46. A Bill for an Act Making an Appropriation Out of the Teachers' Insurance and Retirement Fund in the State Treasury for Operation and Maintenance, Equipment, Supplies, Travel and Miscellaneous Expenses for the Teachers' Insurance and Retirement Fund.

Was read the second time.

## ROLL CALL

The question being on the final passage of the bill, as amended by Senate, the roll was called and there were ayes, 102; nays, 0; absent and not voting, 8.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Heckman | Panko |
| Anderson, Benson | Hofstrand | Peterson,Bottineau |
| Anderson,M'K'nzie | Holm | Peterson, Ransom |
| Anfinson | Holthusen | Rait |
| Arneson, Nelson | Hultstrand | Rettke |
| Arneson, Ramsey | Ireland | Ritter |
| Beede | Ista | Rohde |
| Belzer | Johnson, Cass | Sand |
| Benno | Johnson, LaMoure | Saumur |
| Bergesen | Joiner | Schmidt, McHenry |
| Billigmeier | Keller | Schmidt, Sheridan |
| Bingenheimer | Kluver | Schimke |

| | | |
|---|---|---|
| Blair | Knutson | Scholl |
| Bolmeier | Lange | Schwartz |
| Boulden | Larson | Sellens |
| Braun, McLean | Levin | Semerad |
| Braun, Stark | Lunde | Severson |
| Brown | McInnes | Singleton |
| Buchholz | McIntee | Skartvedt |
| Culver | McIntyre | Solberg |
| Dike | Myers | Stone |
| Dittmer | Mittag | Stormon |
| Erickson | Moe | Symington |
| Feton | Mollet | Thompson, Steele |
| Fitch | Morland | Trydahl |
| Fletcher | Nelson, Cass | Tuff |
| Fraser | Nelson, Dickey | Twichell |
| Fuglestad | Nelson, Steele | Urschel |
| Gainor | Nystrom | Wambheim |
| Glas | O'Brien | Westby |
| Gray | Odegard | Williams, Richland |
| Haag | Oglesby | Williams, Stutsm'n |
| Halvorson | Ostgulen | Wolf |
| Haugland | Page | Mr. Speaker |

Absent and not voting:

| | | |
|---|---|---|
| Byrne | Jensen | Shure |
| Crockett | Schauss | Thompson, Burl'gh |
| Dalzell | Sharpe | |

So the bill passed and the title was agreed to.

## MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, February 28, 1939.

Mr. Speaker: I have the honor to return:

House Bill No. 99. A Bill for an Act to Authorize County Commissioners to Lease Real Property Acquired by Tax Deed and Not Sold or Leased; to Limit Term of Lease; to Permit Longer Leases to Co-operative Grazing Associations, Soil Conservation Districts, and Individuals; to Limit Expense of Supervising and Collecting Rentals; to Provide That Net Revenue be Distributed to Taxing Districts; to Repeal Any Acts in Conflict; and to Declare an Emergency.

Which the Senate has amended as follows:

In line 5 of Section 2 of the Engrossed bill after the word "any" strike out the word "such" and in the same line after the word "of" insert the word "grazing".

In line 6 of Section 2 after the word "leased" insert the words "for grazing purposes".

In line 8 of Section 4, at the end of the line insert the word "state".

WM. J. LOWE, Secretary.

Rep. Beede moved that the House do concur in the Senate amendments to House Bill No. 99.

Rep. Morland moved a substitute motion that the House do not concur in the Senate amendments to House Bill No. 99, which motion was lost.

The question being on the motion of Rep. Beede that the House do concur in the Senate amendments to House Bill No. 99, the motion prevailed.

Rep. Beede moved that the rules be suspended and that

House Bill No. 99 be considered properly re-engrossed, placed on second reading and final passage, which motion prevailed.

## SECOND READING OF HOUSE BILLS

House Bill No. 99. A Bill for an Act to Authorize County Commissioners to Lease Real Property Acquired by Tax Deed and Not Sold or Leased; to Limit Term of Lease; to Permit Longer Leases to Co-operative Grazing Associations, Soil Conservation Districts, and Individuals; to Limit Expense of Supervising and Collecting Rentals; to Provide That Net Revenue be Distributed to Taxing Districts; to Repeal Any Acts in Conflict; and to Declare an Emergency.

Was read the second time.

## ROLL CALL

The question being on the final passage of the bill, as amended by Senate, the roll was called and there were ayes, 94; nays, 3; absent and not voting, 13.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Haugland | Oglesby |
| Anderson, Benson | Heckman | Ostgulen |
| Anderson,M'K'nzie | Hofstrand | Page |
| Anfinson | Holm | Panko |
| Arneson, Nelson | Holthusen | Peterson, Ransom |
| Arneson, Ramsey | Hultstrand | Rait |
| Beede | Ireland | Rettke |
| Belzer | Ista | Ritter |
| Bergesen | Jensen | Rohde |
| Billigmeier | Johnson, Cass | Sand |
| Bingenheimer | Johnson, LaMoure | Saumur |
| Blair | Joiner | Schmidt, McHenry |
| Bolmeier | Keller | Schmidt, Sheridan |
| Braun, McLean | Kluver | Schimke |
| Brown | Knutson | Scholl |
| Buchholz | Larson | Schwartz |
| Byrne | Levin | Sellens |
| Culver | Lunde | Semerad |
| Dalzell | McInnes | Severson |
| Dike | McIntee | Singleton |
| Dittmer | McIntyre | Solberg |
| Erickson | Myers | Thompson, Burl'gh |
| Feton | Mittag | Thompson, Steele |
| Fitch | Mollet | Trydahl |
| Fletcher | Morland | Tuff |
| Fraser | Nelson, Cass | Urschel |
| Fuglestad | Nelson, Dickey | Westby |
| Gainor | Nelson, Steele | Williams,Richland |
| Glas | Nystrom | Williams,Stutsm'n |
| Gray | O'Brien | Wolf |
| Haag | Odegard | Mr. Speaker |
| Halvorson | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Moe | Skartvedt | Symington |

Absent and not voting:

| | | |
|---|---|---|
| Benno | Peterson,Bottineau | Stone |
| Boulden | Schauss | Stormon |
| Braun, Stark | Sharpe | Twichell |
| Crockett | Shure | Wambheim |
| Lange | | |

So the bill passed and the title was agreed to, and the emergency clause was declared carried.

Rep. Morland voted "aye" for the purpose of reconsideration.

## MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, February 28, 1939.

Mr. Speaker: I have the honor to return:

House Bill No. 15. 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.

Which the Senate has amended as follows:

In line 5, strike out the word "Children's," and in line 6 strike out "Welfare Bureau" and insert in lieu thereof "State Welfare Board."

In line 6, strike out the word "directors" and insert in lieu thereof the words "executive secretary."

House Bill No. 16. 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.

Which the Senate has amended as follows:

Section 1, line 6, after the word "executive" strike out the word "secretary" and insert the word "director."

Section 3, line 23, after the word "administration" insert the words "or its successor," and

In line 24, strike out the words "in the Child Welfare Act," and insert the words "by law."

In line 5, strike out the word "Children's," and in line 6 strike out "Welfare Bureau" and insert in lieu thereof "State Welfare Board."

In line 6, strike out the word "director" and insert in lieu thereof the words "executive director."

House Bill No. 17. 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.

Which the Senate has amended as follows:

In line 6, after the word "its," insert the word "executive."

In line 26, after the word "Administration," insert the words "or its successor."

In line 26, after the word "for" strike out the rest of the sentence and insert in lieu thereof the words, "by law," and

In line 12, after the word "or," strike out the word "mother" and insert the word "mothers."

In line 5, strike out the word "Children's," and in line 6, strike out "Welfare Bureau" and insert in lieu thereof "State Welfare Board."

In line 6, strike out the word "director" and insert in lieu thereof the words "executive secretary."

House Bill No. 18. A Bill for an Act Making an Appropriation for St. John's Orphanage of Fargo, North Dakota,

Providing the Mehods of Expenditure and Audit Thereof; Supervision and Inspection Therefor.

Which the Senate has amended as follows:

In line 22, after the word "administration," add the words "or its successors."

In line 22, after the word "for," insert the words "by law" and strike out the remainder of the sentence.

In line 6, after the word "its," insert the word "executive."

In line 5, strike out the word "Children's," and in line 6 strike out "Welfare Bureau" and insert in lieu thereof "State Welfare Board."

In line 6, strike out the word "director" and insert in lieu thereof the words "executive secretary."

House Bill No. 19. 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.

Which the Senate has amended as follows:

In line 6, after the word "its," insert the word "executive."

In line 23, after the word "Administration," add the words "or its successor."

In line 24, after the word "provided," strike out the balance of the line and insert the words "for by law."

In line 5, strike out the word "Children's," and in line 6, strike out "Welfare Bureau" and insert in lieu thereof "State Welfare Board."

In line 6, strike out the word "director" and insert in lieu thereof the words "executive secretary."

House Bill No. 20. 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, Providing the Methods of Expenditure and Audit Thereof; Supervision and Inspection Therefor.

Which the Senate has amended as follows:

In line 6, after the word "its," insert the word "executive."

In line 28, after the word "administration," insert the words "or its successors."

In line 28, after the word "provided," insert the words "by law" and strike out the remainder of the line.

In line 6, strike out the words "Children's Welfare Bureau" and insert in lieu thereof the words "State Welfare Board."

In line 6 strike out the word "director" and insert in lieu thereof the words "executive secretary."

WM. J. LOWE, Secretary.

Rep. Twichell moved that the House refuse to concur in Senate amendments to House Bill Nos. 15, 16, 17, 18, 19, 20 and that a conference committee be appointed to act with a like committee from the Senate in deliberation on these bills and that the House committee be instructed to demand that the appropriation be not turned back to the Welfare Board for administration, which motion prevailed.

The Speaker appointed on that committee Reps. Twichell, Beede and Ritter.

Rep. Trydahl moved that the House request the Senate for the return of Senate Bill Nos. 100 and 101, which motion prevailed.

Rep. Kluver moved that the House request the return from the Senate of Senate Bill No. 82, which motion prevailed.

Rep. Beede moved that the House request the return from the Senate of Senate Bill No. 276, which motion prevailed.

## MESSAGE TO THE SENATE

House of Representatives,
Bismarck, February 28, 1939.

Mr. President: The House requests the return of:

Senate Bill No. 100. A Bill for an Act Amending and Reenacting Sections 1 and 9 of Chapter 161 of the Session Laws of 1923, Being Sections 5099b1 and 5099b9 of the 1925 Supplement to the 1913 Compiled Laws of North Dakota; and Declaring an Emergency.

Senate Bill No. 101. A Bill for an Act Amending and Reenacting Sections 1, 6 and 16 of Chapter 209 of the Session Laws of 1937, Being Those Parts of the Aid to Dependent Children Act Defining a Dependent Child; Naming Relatives; Providing the Amount of Assistance; and Method of Disbursement of Aid to Dependent Children Fund; and Declaring an Emergency.

Senate Bill No. 82. A Bill for an Act to Amend and Reenact Section Six of Chapter 235 of the Session Laws of the State of North Dakota for the year 1929, Relating to Park District Tax Levies.

Senate Bill No. 276. A Bill for an Act to Amend and Reenact Section 6, of Chapter 244, of the Session Laws of 1937, Relating to Liens and Assignments Acquired in Proceedings for the Collection of Rents to Be Applied on Real Estate Taxes; Providing for Priority of Liens Acquired by the United States Government or Any Agency Thereof, and Repealing All Acts in Conflict Herewith; Declaring an Emergency.

MINNIE D. CRAIG, Chief Clerk.

Senate Bill No. 115 was read the second time.

Rep. Trydahl asked unanimous consent to amend Senate Bill No. 115, which consent was refused.

Rep. Dalzell moved that Senate Bill No. 115 be indefinitely postponed, which motion was lost.

## SECOND READING OF SENATE BILLS

Senate Bill No. 115. A Bill for an Act to Amend and Reenact Chapter 242, Session Laws of 1937, Relating to the Levying of a Tax for the Purpose of Paying 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, 41; nays, 57; absent and not voting, 12.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Anderson, Benson | Heckman | Page |
| Anderson,M'K'nzie | Hultstrand | Panko |

| | | |
|---|---|---|
| Anfinson | Ista | Rait |
| Beede | Johnson, LaMoure | Rohde |
| Belzer | Joiner | Sand |
| Benno | Kluver | Saumur |
| Billigmeier | Lange | Schauss |
| Bingenheimer | Larson | Schimke |
| Braun, McLean | Levin | Scholl |
| Erickson | McIntyre | Schwartz |
| Fletcher | Myers | Stone |
| Fraser | Mittag | Trydahl |
| Glas | O'Brien | Wambheim |
| Haag | Ostgulen | |

Those voting in the negative were:

| | | |
|---|---|---|
| Adam | Haugland | Rettke |
| Arneson, Nelson | Hofstrand | Ritter |
| Arneson, Ramsey | Holm | Schmidt, McHenry |
| Bergesen | Holthusen | Schmidt, Sheridan |
| Blair | Ireland | Sellens |
| Bolmeier | Jensen | Semerad |
| Boulden | Keller | Severson |
| Braun, Stark | Lunde | Singleton |
| Brown | McIntee | Solberg |
| Buchholz | Moe | Stormon |
| Culver | Mollet | Symington |
| Dalzell | Morland | Thompson,Burl'gh |
| Dike | Nelson, Cass | Thompson, Steele |
| Dittmer | Nelson, Dickey | Urschel |
| Feton | Nelson, Steele | Westby |
| Fitch | Nystrom | Williams,Richland |
| Fuglestad | Odegard | Williams,Stutsm'n |
| Gray | Oglesby | Wolf |
| Halvorson | Peterson, Ransom | Mr. Speaker |

Absent and not voting:

| | | |
|---|---|---|
| Byrne | Knutson | Shure |
| Crockett | McInnes | Skartvedt |
| Gainor | Peterson,Bottineau | Tuff |
| Johnson, Cass | Sharpe | Twichell |

So the bill was declared lost.

Rep. Dalzell moved that the vote by which Senate Bill No. 115 was lost be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

## SECOND READING OF HOUSE BILLS

House Bill No. 22. 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.

## ROLL CALL

The question being on the final passage of the bill, as amended by Senate, the roll was called and there were ayes, 77; nays, 29; absent and not voting, 4.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Glas | Page |
| Anderson, Benson | Gray | Rait |
| Anderson, M'K'nzie | Haag | Rettke |
| Anfinson | Haugland | Ritter |
| Arneson, Nelson | Heckman | Rohde |
| Benno | Hofstrand | Sand |
| Bergesen | Holm | Saumur |
| Billigmeier | Holthusen | Schauss |
| Bingenheimer | Hultstrand | Schimke |
| Blair | Ista | Scholl |
| Bolmeier | Johnson, Cass | Sellens |
| Boulden | Kluver | Singleton |
| Braun, McLean | Lange | Skartvedt |
| Braun, Stark | Larson | Stone |
| Brown | Levin | Symington |
| Buchholz | McInnes | Thompson, Burl'gh |
| Byrne | McIntee | Trydahl |
| Culver | Myers | Tuff |
| Dalzell | Mittag | Twichell |
| Dike | Moe | Urschel |
| Dittmer | Mollet | Wambheim |
| Erickson | Morland | Westby |
| Feton | Nelson, Cass | Williams, Stutsm'n |
| Fletcher | Nystrom | Wolf |
| Fraser | O'Brien | Mr. Speaker |
| Gainor | Odegard | |

Those voting in the negative were:

| | | |
|---|---|---|
| Arneson, Ramsey | Knutson | Schmidt, McHenry |
| Beede | Lunde | Schmidt, Sheridan |
| Belzer | McIntyre | Schwartz |
| Fuglestad | Nelson, Dickey | Semerad |
| Halvorson | Nelson, Steele | Severson |
| Ireland | Oglesby | Solberg |
| Jensen | Ostgulen | Stormon |
| Johnson, LaMoure | Panko | Thompson, Steele |
| Joiner | Peterson, Bottineau | Williams, Richland |
| Keller | Peterson, Ransom | |

Absent and not voting:

| | | |
|---|---|---|
| Crockett | Sharpe | Shure |
| Fitch | | |

So the bill passed and the title was agreed to.

Rep. Twichell moved that the vote by which House Bill. No. 22 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

## MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, February 28, 1939.

Mr. Speaker: I have the honor to return:

Senate Bill No. 82. A Bill for an Act to Amend and Reenact Section Six of Chapter 235 of the Session Laws of the State of North Dakota for the year 1929, Relating to Park District Tax Levies.

Senate Bill No. 276. A Bill for an Act to Amend and Reenact Section 6, of Chapter 244, of the Session Laws of 1937,

Relating to Liens and Assignments Acquired in Proceedings for the Collection of Rents to Be Applied on Real Estate Taxes; Providing for Priority of Liens Acquired by the United States Government or Any Agency Thereof, and Repealing All Acts in Conflict Herewith; Declaring an Emergency.

Which the House requested.

WM. J. LOWE, Secretary.

## SECOND READING OF SENATE BILLS

Senate Bill No. 40. 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 by the Senate, the roll was called and there were ayes, 72; nays, 25; absent and not voting, 13.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Haugland | Nelson, Dickey |
| Anderson, Benson | Heckman | Nystrom |
| Anderson,M'K'nzie | Hofstrand | O'Brien |
| Anfinson | Holm | Odegard |
| Arneson, Nelson | Holthusen | Ostgulen |
| Beede | Hultstrand | Panko |
| Belzer | Ireland | Peterson,Bottineau |
| Bergesen | Ista | Rait |
| Billigmeier | Jensen | Rettke |
| Bingenheimer | Johnson, LaMoure | Ritter |
| Braun, McLean | Joiner | Rohde |
| Braun, Stark | Keller | Saumur |
| Brown | Kluver | Schmidt, McHenry |
| Culver | Knutson | Schmidt, Sheridan |
| Dalzell | Lange | Schimke |
| Dike | Larson | Schwartz |
| Erickson | Levin | Semerad |
| Fletcher | Lunde | Solberg |
| Fraser | McIntee | Tuff |
| Gainor | McIntyre | Urschel |
| Glas | Myers | Williams,Richland |
| Gray | Mittag | Williams,Stutsm'n |
| Haag | Moe | Wolf |
| Halvorson | Mollet | Mr. Speaker |

Those voting in the negative were:

| | | |
|---|---|---|
| Arneson, Ramsey | Morland | Stone |
| Blair | Oglesby | Stormon |

| | | |
|---|---|---|
| Bolmeier | Page | Symington |
| Boulden | Peterson, Ransom | Thompson,Burl'gh |
| Dittmer | Sellens | Thompson, Steele |
| Feton | Severson | Trydahl |
| Fuglestad | Singleton | Twichell |
| Johnson, Cass | Skartvedt | Wambheim |
| McInnes | | |

Absent and not voting:

| | | |
|---|---|---|
| Benno | Nelson, Cass | Scholl |
| Buchholz | Nelson, Steele | Sharpe |
| Byrne | Sand | Shure |
| Crockett | Schauss | Westby |
| Fitch | | |

So the bill passed and the title was agreed to and the emergency clause was declared carried.

Rep. Schimke 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.

Senate Bill No. 89 was placed on Final Passage.

Rep. Oglesby moved that action on Senate Bill No. 89 be laid over for one legislative day, which motion was lost.

## SECOND READING OF SENATE BILLS

Senate Bill No. 89. A Bill for an Act to Amend and Reenact Sub-section (a) and Sub-section (f) of Section 5, Section 6, Section 8 and Section 9 of Chapter 9 of the Session Laws of North Dakota for 1937; Relating to the Organization of Soil Conservation Districts, the Election, Qualification and Tenure of Supervisors Thereof; and Relating to the Adoption and Enforcement of Land-use Regulations, 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, 56; nays, 41; absent and not voting, 13.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Anderson,M'K'nzie | Gray | Morland |
| Arneson, Nelson | Halvorson | Nelson, Dickey |
| Beede | Hofstrand | Nystrom |
| Belzer | Holm | O'Brien |
| Benno | Holthusen | Odegard |
| Bingenheimer | Ireland | Ostgulen |
| Braun, Stark | Ista | Panko |
| Brown | Johnson, LaMoure | Ritter |
| Byrne | Joiner | Rohde |
| Culver | Keller | Saumur |
| Dike | Kluver | Schmidt, Sheridan |
| Dittmer | Knutson | Scholl |
| Erickson | Lange | Sellens |
| Feton | Larson | Solberg |
| Fletcher | McInnes | Thompson,Burl'gh |
| Fraser | McIntee | Tuff |
| Fuglestad | McIntyre | Williams,Stutsm'n |
| Gainor | Myers | Mr. Speaker |
| Glas | Mittag | |

Those voting in the negative were:

| | | |
|---|---|---|
| Adam | Heckman | Semerad |
| Anderson, Benson | Johnson, Cass | Severson |
| Anfinson | Levin | Singleton |
| Arneson, Ramsey | Lunde | Skartvedt |
| Bergesen | Moe | Stone |
| Billigmeier | Mollet | Stormon |
| Blair | Nelson, Cass | Symington |
| Bolmeier | Oglesby | Thompson, Steele |
| Boulden | Page | Trydahl |
| Braun, McLean | Peterson, Ransom | Urschel |
| Buchholz | Rait | Wambheim |
| Dalzell | Rettke | Williams,Richland |
| Haag | Schmidt, McHenry | Wolf |
| Haugland | Schwartz | |

Absent and not voting:

| | | |
|---|---|---|
| Crockett | Peterson,Bottineau | Sharpe |
| Fitch | Sand | Shure |
| Hultstrand | Schauss | Twichell |
| Jensen | Schimke | Westby |
| Nelson, Steele | | |

So the bill was declared lost for lack of constitutional majority.

Rep. Wambheim moved that the vote by which Senate Bill No. 89 was lost be reconsidered and the motion to reconsider be laid on the table.

Which motion was lost.

Senate Bill No. 182. A Bill for an Act Relating to the Status of Municipal Civil Service in Municipalities Which Change Their Form of Government and Amending Chapter 173 of the Session Laws of the State of North Dakota for the Year 1937.

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, 58; nays, 41; absent and not voting, 11.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Arneson, Nelson | Gray | Morland |
| Arneson, Ramsey | Halvorson | Nelson, Cass |
| Beede | Haugland | Nystrom |
| Belzer | Hofstrand | O'Brien |
| Benno | Holm | Ritter |
| Bergesen | Holthusen | Saumur |
| Billigmeier | Ireland | Scholl |
| Blair | Ista | Sellens |
| Bolmeier | Jensen | Semerad |
| Boulden | Johnson, Cass | Singleton |
| Braun, McLean | Joiner | Skartvedt |
| Braun, Stark | Kluver | Solberg |
| Brown | Knutson | Stormon |
| Byrne | Lange | Thompson,Burl'gh |
| Culver | Larson | Thompson, Steele |
| Dike | Levin | Trydahl |
| Dittmer | Lunde | Tuff |
| Erickson | McInnes | Twichell |

| | | |
|---|---|---|
| Fuglestad | Myers | Wambheim |
| Gainor | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Adam | Keller | Rettke |
| Anderson,M'K'nzie | McIntee | Rohde |
| Anfinson | McIntyre | Schmidt, McHenry |
| Bingenheimer | Mittag | Schmidt, Sheridan |
| Buchholz | Mollet | Schwartz |
| Dalzell | Nelson, Dickey | Severson |
| Feton | Odegard | Stone |
| Fletcher | Oglesby | Symington |
| Fraser | Ostgulen | Urschel |
| Glas | Page | Williams,Richland |
| Haag | Panko | Williams,Stutsm'n |
| Heckman | Peterson,Bottineau | Wolf |
| Hultstrand | Peterson, Ransom | Mr. Speaker |
| Johnson, LaMoure | Rait | |

Absent and not voting:

| | | |
|---|---|---|
| Anderson, Benson | Nelson, Steele | Sharpe |
| Crockett | Sand | Shure |
| Fitch | Schauss | Westby |
| Moe | Schimke | |

So the bill passed and the title was agreed to.

Rep. Saumur moved that the vote by which Senate Bill No. 182 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 47. 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-fifth Session of the Legislative Assembly of the State 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, 88; nays, 10; absent and not voting, 12.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Hofstrand | Page |
| Anderson,M'K'nzie | Holm | Panko |
| Anfinson | Holthusen | Rait |
| Arneson, Nelson | Hultstrand | Ritter |
| Arneson, Ramsey | Ireland | Rohde |
| Beede | Ista | Schauss |
| Belzer | Jensen | Schmidt, McHenry |
| Benno | Johnson, Cass | Schmidt, Sheridan |
| Bergesen | Johnson, LaMoure | Schimke |
| Billigmeier | Joiner | Scholl |
| Bingenheimer | Kluver | Schwartz |
| Boulden | Knutson | Sellens |
| Braun, McLean | Lange | Semerad |
| Braun, Stark | Larson | Severson |
| Brown | Levin | Singleton |
| Buchholz | Lunde | Skartvedt |
| Byrne | McInnes | Solberg |
| Culver | McIntee | Stormon |

| | | |
|---|---|---|
| Dalzell | McIntyre | Symington |
| Erickson | Myers | Thompson,Burl'gh |
| Dike | Mittag | Trydahl |
| Dittmer | Mollet | Tuff |
| Feton | Morland | Twichell |
| Fletcher | Nelson, Cass | Urschel |
| Fraser | Nelson, Dickey | Wambheim |
| Gainor | Nystrom | Williams,Richland |
| Glas | O'Brien | Williams,Stutsm'n |
| Haag | Odegard | Wolf |
| Haugland | Ostgulen | Mr. Speaker |
| Heckman | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Blair | Halvorson | Peterson, Ransom |
| Bolmeier | Keller | Stone |
| Fuglestad | Oglesby | Thompson, Steele |
| Gray | | |

Absent and not voting:

| | | |
|---|---|---|
| Anderson, Benson | Nelson, Steele | Saumur |
| Crockett | Peterson,Bottineau | Sharpe |
| Fitch | Rettke | Shure |
| Moe | Sand | Westby |

So the bill passed and the title was agreed to and the Emergency Clause was declared carried.

Rep. Lange 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.

Rep. Blair moved to send Senate Bill No. 248 back to the committee for the purpose of itemizing, which motion was lost.

Senate Bill No. 248. A Bill for an Act Making an Appropriation for the Purpose of Operating and Maintaining the State Fire and Tornado Fund for the Biennium Beginning July 1, 1939.

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, 80; nays 18; absent and not voting, 12.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Haugland | Panko |
| Anderson,M'K'nzie | Heckman | Peterson,Bottineau |
| Anfinson | Hofstrand | Peterson, Ransom |
| Arneson, Nelson | Holm | Rait |
| Beede | Hultstrand | Rettke |
| Belzer | Ireland | Ritter |
| Benno | Ista | Rohde |
| Bergesen | Jensen | Saumur |
| Billigmeier | Johnson, LaMoure | Schauss |
| Bingenheimer | Joiner | Schmidt, McHenry |
| Braun, McLean | Keller | Schimke |
| Braun, Stark | Kluver | Schwartz |
| Brown | Knutson | Sellens |
| Buchholz | Lange | Semerad |
| Byrne | Larson | Skartvedt |

| | | |
|---|---|---|
| Culver | Levin | Solberg |
| Dalzell | McInnes | Stormon |
| Dike | McIntee | Symington |
| Dittmer | McIntyre | Thompson, Steele |
| Erickson | Myers | Trydahl |
| Fletcher | Mittag | Tuff |
| Fraser | Moe | Urschel |
| Gainor | Morland | Wambheim |
| Glas | Nelson, Dickey | Williams,Richland |
| Gray | O'Brien | Wolf |
| Haag | Odegard | Mr. Speaker |
| Halvorson | Ostgulen | |

Those voting in the negative were:

| | | |
|---|---|---|
| Arneson, Ramsey | Johnson, Cass | Schmidt, Sheridan |
| Blair | Lunde | Severson |
| Bolmeier | Mollet | Singleton |
| Boulden | Nelson, Cass | Stone |
| Feton | Nystrom | Twichell |
| Fuglestad | Oglesby | Williams,Stutsm'n |

Absent and not voting:

| | | |
|---|---|---|
| Anderson, Benson | Nelson, Steele | Sharpe |
| Crockett | Page | Shure |
| Fitch | Sand | Thompson,Burl'gh |
| Holthusen | Scholl | Westby |

So the bill passed and the title was agreed to.

Rep. Semerad 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. 126 was read the second time.

Rep. Myers moved that Senate Bill No. 126 be indefinitely postponed, which motion prevailed.

Rep. Rohde moved that the vote by which Senate Bill No. 126 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Senate Bill No. 234. A Bill for an Act to Amend and Reenact Section 6 of Chapter 108 of the Session Laws of 1935 as Amended by Chapter 114 of the Session Laws of 1937 and Sections 9, 10, 17 and 18 of Chapter 108 of the Session Laws of 1935; Repealing All Inconsistent Acts; 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, 78; nays, 12; absent and not voting, 20.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Holm | Rait |
| Anfinson | Holthusen | Rettke |
| Arneson, Nelson | Ireland | Ritter |
| Arneson, Ramsey | Ista | Rohde |
| Beede | Jensen | Saumur |
| Belzer | Johnson, Cass | Schmidt, McHenry |
| Benno | Johnson, LaMoure | Schmidt, Sheridan |
| Bergesen | Joiner | Schimke |
| Blair | Keller | Scholl |

| | | |
|---|---|---|
| Bolmeier | Kluver | Schwartz |
| Boulden | Lange | Sellens |
| Braun, Stark | Larson | Semerad |
| Brown | Levin | Singleton |
| Buchholz | McInnes | Skartvedt |
| Culver | McIntyre | Solberg |
| Dalzell | Myers | Stormon |
| Dike | Mittag | Thompson, Steele |
| Dittmer | Moe | Trydahl |
| Feton | Morland | Tuff |
| Fletcher | Nelson, Cass | Twichell |
| Fuglestad | Nelson, Dickey | Urschel |
| Gainor | Nystrom | Wambheim |
| Gray | O'Brien | Williams, Stutsm'n |
| Halvorson | Odegard | Williams, Richland |
| Haugland | Ostgulen | Wolf |
| Heckman | Peterson, Ransom | Mr. Speaker |

Those voting in the negative were:

| | | |
|---|---|---|
| Anderson, M'K'nzie | Glas | Panko |
| Billigmeier | Haag | Severson |
| Braun, McLean | McIntee | Stone |
| Erickson | Nelson, Steele | Symington |

Absent and not voting:

| | | |
|---|---|---|
| Anderson, Benson | Hultstrand | Sand |
| Bingenheimer | Knutson | Schauss |
| Byrne | Lunde | Sharpe |
| Crockett | Mollet | Shure |
| Fitch | Oglesby | Thompson, Burl'gh |
| Fraser | Page | Westby |
| Hofstrand | Peterson, Bottineau | |

So the bill passed and the title was agreed to, and the emergency clause was declared carried.

Rep. Lange moved that the vote by which Senate Bill No. 234 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Rep. Beede moved that House Rule 34 be suspended for the purpose of reconsidering action taken on Senate Bill No. 276, which motion prevailed.

Rep. Beede moved that action taken on Senate Bill No. 276 be reconsidered, which motion prevailed.

Rep. Beede moved that Senate Bill No. 276 be placed in General Orders, which motion prevailed.

Rep. Lange moved that the House recess for a period of one hour and thirty minutes, which motion prevailed, and the House stood recessed.

The House reconvened pursuant to recess taken, Speaker Hagen presiding.

The Speaker announced the House would be on the Eighth Order of Business.

## SIGNING OF BILLS

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 372. A Bill for an Act to Amend and Reenact Section 10954, Compiled Laws of North Dakota for

1913 Relating to Probation of Persons Convicted of Crime and the Duties of the Clerks of Court in Such Cases.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 349. A Bill for an Act to Make Uniform the Law on Fresh Pursuit and Authorizing This State to Cooperate With Other States Therein; Providing for Arrests in This State by Officers of Other States, Defining the Terms "Fresh Pursuit," Providing for Certification to Other States; Saving Clause.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 212. A Bill For an Act Amending and Reenacting Section 2093 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, Relating to the Manner of Listing Real and Personal Property for Assessment Purposes, and Providing That as to General Merchandise, or Any Inventory of Goods and Wares, the Average Value of the Same for the Year Preceding the Time of the Assessment, Shall Be Taken as the Value Thereof for Assessment Purposes, Repealing All Acts in Conflict Therewith and Declaring an Emergency.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 90. A Bill for an Act to Amend and Reenact Chapter 166 of the Session Laws of North Dakota for the Year 1937, Relating to the Application to Highway Purposes of All Special Taxes on Motor Vehicle Transportation and Declaring an Emergency.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 26. A Bill for an Act Providing an Appropriation for the Paying of 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.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Concurrent Resolution No. 240. A Resolution Requesting Congress to Enact Legislation to Secure Lost AAA Payments for Mountrail County Farmers Misinformed on Compliance Regulations.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 300. A Bill for an Act to Amend and Re-

enact Section 14, Chapter 309 of the Laws of North Dakota, 1931, Providing for the Furnishing Without Charge of Copies of Public Records; Repealing All Acts in Conflict and Declaring an Emergency.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 293. A Bill for an Act to Amend and Reenact Section 8235 of the Compiled Laws of 1913, Relating to Waters Subject to beneficial appropriation and Declaring an Emergency.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 171. A Bill for an Act Providing for the Testing of Gasoline, Kerosene and Other Petroleum Products Used for Fuel and Power Purposes and Purchased for Resale; Repealing All Acts and Parts of Acts in Conflict Herewith; Providing a Penalty; Declaring an Emergency.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 260. A Bill for an Act to Create a North Dakota Poultry Improvement Board; to Define Its Powers and Duties; to Provide for Licenses and Fees for Poultry Processers, Packers, Hatching, Baby Chick Jobbers, Record of Performance Breeders and Poultry Feed Manufacturers and Wholesalers, and for the Disposition of the Proceeds Thereof; to Require the Filing of Reports by Carriers and Shippers of Poultry and Poultry Products, and Fixing Penalties for the Violation Hereof.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Concurrent Resolution No. 91. Providing for the Amendment of Section 25, of Article 2, of the Constitution of the State of North Dakota, Relating to the Legislative Power of the State, and the Initiative and Referendum.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign.

House Bill No. 328. A Bill for an Act to Amend and Re-enact Section 6 of That Certain Initiated Measure Adopted by the Electors of the State of North Dakota on September 22, 1933, Relating to the Manufacture, Sale and Distribution of Beer, as Amended by Chapter 98 of the Session Laws of North Dakota for the Year 1935, and Chapter 98 of the Session Laws of Nortth Dakota for the Year 1937; Repealing All Acts and Parts of Acts in Conflict Herewith, and Declaring an Emergency.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 337. A Bill for an Act Amending and Reenacting Section 4444 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, Relating to the Consent of Parents or Guardians of Children Involved in Adoption Proceedings, Relating to the Giving of Consent Therein by the State Board of Administration or its Successor, Providing Service of Notice of Such Adoption Proceedings Upon Such Parents, Guardians and/or Said Board of Administration or its Successor, and Providing for Exceptions Thereto; Providing for Method by Which Decrees of Adoption May be Attacked and Time When Such Proceedings Therefor May be Commenced; Specifying the Procedure by Which Custody of Children Involved in Such Proceedings May be Changed; and Declaring an Emergency Exists.

And the Speaker signed the same in the presence of the House.

## SECOND READING OF SENATE BILLS

Senate Bill No. 149. A Bill for an Act to Amend and Reenact Section 714a7 of the 1925 Supplement to the Compiled Laws of North Dakota for the Year 1913, Relating to Securities for Public Deposits.

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, 64; nays, 13; absent and not voting, 33.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Haugland | Ostgulen |
| Anderson, Benson | Heckman | Peterson, Ransom |
| Anderson,M'K'nzie | Holm | Rettke |
| Anfinson | Holthusen | Schimke |
| Beede | Ireland | Scholl |
| Belzer | Ista | Semerad |
| Benno | Joiner | Severson |
| Billigmeier | Keller | Singleton |
| Blair | Kluver | Solberg |
| Boulden | Knutson | Stone |
| Braun, McLean | Lange | Stormon |
| Braun, Stark | Larson | Thompson, Steele |
| Brown | Levin | Trydahl |
| Dike | McIntyre | Twichell |
| Erickson | Mittag | Urschel |
| Feton | Nelson, Dickey | Wambheim |
| Fletcher | Nelson, Steele | Westby |
| Fuglestad | Nystrom | Williams,Richland |
| Gainor | O'Brien | Williams,Stutsm'n |
| Glas | Odegard | Wolf |
| Haag | Ogiesby | Mr. Speaker |
| Halvorson | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Arneson, Nelson | Dittmer | Nelson, Cass |
| Bingenheimer | McIntee | Peterson,Bottineau |
| Bolmeier | Moe | Schwartz |
| Buchholz | Morland | Symington |
| Dalzell | | |

Absent and not voting:

| | | |
|---|---|---|
| Arneson, Ramsey | Johnson, Cass | Sand |
| Bergesen | Johnson, LaMoure | Saumur |
| Byrne | Lunde | Schauss |
| Crockett | McInnes | Schmidt, McHenry |
| Culver | Myers | Schmidt, Sheridan |
| Fitch | Mollet | Sellens |
| Fraser | Page | Sharpe |
| Gray | Panko | Shure |
| Hofstrand | Rait | Skartvedt |
| Hultstrand | Ritter | Thompson,Burl'gh |
| Jensen | Rohde | Tuff |

So the bill passed and the title was agreed to.

Rep. Twichell voted 'aye' for the purpose of reconsideration.

Rep. Beede moved that Senate Bill No. 41 be placed at the foot of the calendar, which motion prevailed.

Senate Bill No. 215 was read the second time.

Rep. Stone moved that Senate Bill No. 215 be indefinitely postponed.

Rep. Fitch moved that the motion of Rep. Stone be laid on the table, which motion was lost.

The question being on the motion of Rep. Stone to indefinitely postpone Senate Bill No. 215, which motion prevailed.

Rep. Stone moved that the vote by which Senate Bill No. 215 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Senate Bill No. 139. A Bill for an Act to Amend and Reenact Subdivision 4 of Section 7426 of the Compiled Laws of North Dakota for 1913, Relating to Service of Summons on a Domestic Corporation, and Providing for Service by Publication on Any Domestic Corporation, the Charter of Which Has Been Forfeited.

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, 103; nays, 1; absent and not voting, 6.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Haugland | Page |
| Anderson, Benson | Heckman | Panko |
| Anderson,M'K'nzie | Hofstrand | Peterson,Bottineau |
| Anfinson | Holm | Peterson, Ransom |
| Arneson, Nelson | Holthusen | Rait |
| Arneson, Ramsey | Hultstrand | Rettke |
| Beede | Ireland | Ritter |
| Belzer | Ista | Rohde |
| Benno | Jensen | Schmidt, Sheridan |
| Billigmeier | Johnson, Cass | Schimke |
| Bingenheimer | Johnson, LaMoure | Scholl |
| Blair | Joiner | Schwartz |
| Bolmeier | Keller | Sellens |
| Boulden | Kluver | Semerad |
| Braun, McLean | Knutson | Severson |
| Braun, Stark | Lange | Sharpe |

| | | |
|---|---|---|
| Brown | Larson | Singleton |
| Buchholz | Levin | Skartvedt |
| Byrne | Lunde | Solberg |
| Crockett | McInnes | Stone |
| Culver | McIntee | Stormon |
| Dalzell | McIntyre | Symington |
| Dike | Myers | Thompson,Burl'gh |
| Dittmer | Mittag | Thompson, Steele |
| Erickson | Mollet | Trydahl |
| Feton | Morland | Tuff |
| Fitch | Nelson, Cass | Twichell |
| Fletcher | Nelson, Dickey | Urschel |
| Fraser | Nelson, Steele | Wambheim |
| Fuglestad | Nystrom | Westby |
| Gainor | O'Brien | Williams,Richland |
| Glas | Odegard | Williams,Stutsm'n |
| Gray | Oglesby | Wolf |
| Haag | Ostgulen | Mr. Speaker |
| Halvorson | | |

Those voting in the negative were:
Moe

Absent and not voting:

| | | |
|---|---|---|
| Bergesen | Saumur | Schmidt, McHenry |
| Sand | Schauss | Shure |

So the bill passed and the title was agreed to.

Rep. Lange moved that the vote by which Senate Bill No. 139 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Senate Bill No. 256. A Bill for an Act to Amend and Reenact Sub-division (1) of Section 811 of the Supplement to the Compiled Laws of North Dakota for 1913, as Amended by Chapter 143, of the Session Laws of North Dakota for 1933, Relating to the Distribution of State Bar Funds to the Bar Association of 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, 92; nays, 9; absent and not voting, 9.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Anderson, Benson | Hofstrand | Ostgulen |
| Anfinson | Holm | Page |
| Arneson, Nelson | Holthusen | Peterson,Bottineau |
| Arneson, Ramsey | Hultstrand | Peterson, Ransom |
| Beede | Ireland | Rait |
| Belzer | Ista | Rettke |
| Benno | Jensen | Ritter |
| Billigmeier | Johnson, Cass | Schmidt, Sheridan |
| Bingenheimer | Johnson, LaMoure | Schimke |
| Blair | Joiner | Scholl |
| Bolmeier | Keller | Sellens |
| Boulden | Kluver | Semerad |
| Byrne | Knutson | Severson |
| Crockett | Lange | Sharpe |
| Culver | Larson | Singleton |

| | | |
|---|---|---|
| Dalzell | Levin | Solberg |
| Dike | Lunde | Stormon |
| Dittmer | McIntee | Symington |
| Erickson | McIntyre | Thompson,Burl'gh |
| Feton | Myers | Thompson, Steele |
| Fitch | Mittag | Trydahl |
| Fletcher | Moe | Tuff |
| Fraser | Mollet | Twichell |
| Fuglestad | Morland | Urschel |
| Gainor | Nelson, Cass | Wambheim |
| Glas | Nelson, Dickey | Westby |
| Gray | Nelson, Steele | Williams,Richland |
| Haag | Nystrom | Williams,Stutsm'n |
| Halvorson | O'Brien | Wolf |
| Haugland | Odegard | Mr. Speaker |
| Heckman | Oglesby | |

Those voting in the negative were:

| | | |
|---|---|---|
| Anderson,M'K'nzie | Buchholz | Schwartz |
| Braun, McLean | Panko | Skartvedt |
| Braun, Stark | Rohde | Stone |

Absent and not voting:

| | | |
|---|---|---|
| Adam | McInnes | Schauss |
| Bergesen | Sand | Schmidt, McHenry |
| Brown | Saumur | Shure |

So the bill passed and the title was agreed to and the Emergency clause was declared carried.

Rep. Schimke moved that the vote by which Senate Bill No. 256 was passed be reconsidered and the motion to reconsider be laid on the table, whch motion prevailed.

Senate Bill No. 55. A Bill for an Act to Amend and Reenact Chapter 195, Session Laws of 1935 as Amended Relating to Funding and Refunding Existing Indebtedness of Municipalities, Validating Proceedings Thereunder, 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, 74; nays, 31; absent and not voting, 5.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Gray | Ostgulen |
| Anderson, Benson | Haag | Page |
| Anderson,M'K'nzie | Halvorson | Peterson, Ransom |
| Anfinson | Haugland | Rait |
| Arneson, Nelson | Heckman | Ritter |
| Belzer | Hofstrand | Schmidt, Sheridan |
| Benno | Holm | Scholl |
| Bergesen | Holthusen | Schwartz |
| Billigmeier | Hultstrand | Sellens |
| Blair | Ireland | Severson |
| Bolmeier | Ista | Sharpe |
| Boulden | Johnson, Cass | Singleton |
| Braun, McLean | Kluver | Skartvedt |
| Braun, Stark | Larson | Stone |
| Buchholz | Levin | Symington |
| Crockett | McInnes | Thompson, Steele |

| | | |
|---|---|---|
| Dike | McIntee | Trydahl |
| Dittmer | Mittag | Twichell |
| Erickson | Moe | Urschel |
| Feton | Nelson, Cass | Wambheim |
| Fitch | Nelson, Steele | Westby |
| Fletcher | Nystrom | Williams,Stutsm'n |
| Fraser | O'Brien | Wolf |
| Fuglestad | Odegard | Mr. Speaker |
| Glas | Oglesby | |

Those voting in the negative were:

| | | |
|---|---|---|
| Arneson, Ramsey | Knutson | Rettke |
| Beede | Lange | Rohde |
| Bingenheimer | Lunde | Schmidt, McHenry |
| Brown | McIntyre | Schimke |
| Byrne | Myers | Semerad |
| Culver | Mollet | Solberg |
| Dalzell | Morland | Stormon |
| Jensen | Nelson, Dickey | Thompson,Burl'gh |
| Johnson, LaMoure | Panko | Tuff |
| Joiner | Peterson,Bottineau | Williams,Richland |
| Keller | | |

Absent and not voting:

| | | |
|---|---|---|
| Gainor | Saumur | Shure |
| Sand | Schauss | |

So the bill passed and the title was agreed to, and the emergency clause was declared carried.

Rep. Crockett moved that the vote by which Senate Bill No. 55 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Rep. Byrne voted "no" for the purpose of reconsideration.

Senate Bill No. 193. A Bill for an Act Permitting the County Court to Make Decrees of Distribution and Close Estates Without the Payment of Real Estate Taxes Levied Upon Real Property of the Estate.

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, 101; nays, 5; absent and not voting, 4.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Halvorson | Panko |
| Anderson, Benson | Haugland | Peterson,Bottineau |
| Anderson,M'K'nzie | Heckman | Peterson, Ransom |
| Anfinson | Hofstrand | Rait |
| Arneson, Nelson | Holthusen | Rettke |
| Arneson, Ramsey | Hultstrand | Ritter |
| Beede | Ireland | Rohde |
| Belzer | Ista | Schauss |
| Benno | Jensen | Schmidt, McHenry |
| Bergesen | Johnson, Cass | Schmidt, Sheridar |
| Billigmeier | Johnson, LaMoure | Schimke |
| Bingenheimer | Joiner | Scholl |
| Bolmeier | Keller | Schwartz |
| Boulden | Kluver | Sellens |
| Braun, McLean | Knutson | Semerad |

| | | |
|---|---|---|
| Braun, Stark | Lange | Severson |
| Brown | Larson | Sharpe |
| Buchholz | Levin | Singleton |
| Byrne | Lunde | Skartvedt |
| Crockett | McInnes | Solberg |
| Culver | McIntee | Stone |
| Dalzell | McIntyre | Stormon |
| Dike | Myers | Symington |
| Dittmer | Mittag | Thompson,Burl'gh |
| Erickson | Mollet | Thompson, Steele |
| Feton | Morland | Tuff |
| Fitch | Nelson, Cass | Urschel |
| Fletcher | Nelson, Dickey | Wambheim |
| Fraser | Nelson, Steele | Westby |
| Fuglestad | Nystrom | Williams,Richland |
| Gainor | O'Brien | Williams,Stutsm'n |
| Glas | Odegard | Wolf |
| Gray | Oglesby | Mr. Speaker |
| Haag | Ostgulen | |

Those voting in the negative were:

| | | |
|---|---|---|
| Blair | Moe | Twichell |
| Holm | Trydahl | |

Absent and not voting:

| | | |
|---|---|---|
| Page | Saumur | Shure |
| Sand | | |

So the bill passed and the title was agreed to.

Rep. Dalzell moved that the vote by which Senate Bill No. 193 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Rep. Holm: This is another loop hole that permits a taxpayer to postpone payment of his taxes when the money is available.

Senate Bill No. 162 was read the second time.

Rep. Schauss moved that Senate Bill No. 162 be indefinitely postponed, which motion prevailed.

Rep. Schauss moved that the vote by which Senate Bill No. 162 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Senate Bill No. 168. A Bill for an Act Relating to the Furnishing of Certified Checks or Bidder's Bonds by Contractors Submitting Proposals for the Construction of Public Improvements; 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, 25; nays, 82; absent and not voting 3.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Belzer | Lange | Rohde |
| Erickson | McIntyre | Schmidt, Sheridan |
| Fletcher | Myers | Schimke |
| Fraser | Moe | Thompson, Burl'gh |
| Ista | Nelson, Dickey | Trydahl |
| Johnson, LaMoure | Ostgulen | Tuff |

| | | |
|---|---|---|
| Joiner | Panko | Westby |
| Kluver | Rait | Williams,Richland |
| Knutson | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Adam | Glas | Oglesby |
| Anderson, Benson | Gray | Page |
| Anderson,M'K'nzie | Haag | Peterson,Bottineau |
| Anfinson | Halvorson | Peterson, Ransom |
| Arneson, Nelson | Haugland | Rettke |
| Arneson, Ramsey | Heckman | Ritter |
| Beede | Hofstrand | Schauss |
| Benno | Holm | Schmidt, McHenry |
| Bergesen | Holthusen | Scholl |
| Billigmeier | Hultstrand | Schwartz |
| Bingenheimer | Ireland | Sellens |
| Blair | Jensen | Semerad |
| Bolmeier | Johnson, Cass | Severson |
| Boulden | Keller | Sharpe |
| Braun, McLean | Larson | Singleton |
| Braun, Stark | Levin | Skartvedt |
| Brown | Lunde | Solberg |
| Buchholz | McInnes | Stone |
| Byrne | McIntee | Stormon |
| Crockett | Mittag | Symington |
| Culver | Mollet | Thompson, Steele |
| Dalzell | Morland | Twichell |
| Dike | Nelson, Cass | Urschel |
| Dittmer | Nelson, Steele | Wambheim |
| Feton | Nystrom | Williams, Stutsm'n |
| Fitch | O'Brien | Wolf |
| Fuglestad | Odegard | Mr. Speaker |
| Gainor | | |

Absent and not voting:

| | | |
|---|---|---|
| Sand | Saumur | Shure |

So the bill was declared lost.

Rep. Skartvedt moved that the vote by which Senate Bill No. 168 was lost be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 172. A Bill for an Act to Repeal Chapter 255 of the Session Laws of the State of North Dakota for 1931.

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, 86; nays, 19; absent and not voting, 5.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Haag | Panko |
| Anderson, Benson | Halvorson | Peterson, Ransom |
| Anderson,M'K'nzie | Haugland | Rait |
| Anfinson | Heckman | Rettke |
| Arneson, Nelson | Hofstrand | Ritter |
| Arneson, Ramsey | Holthusen | Rohde |
| Beede | Hultstrand | Schauss |
| Belzer | Ireland | Schmidt, McHenry |

| | | |
|---|---|---|
| Benno | Ista | Schmidt, Sheridan |
| Bergesen | Jensen | Scholl |
| Billigmeier | Johnson, Cass | Schwartz |
| Bingenheimer | Joiner | Semerad |
| Braun, McLean | Knutson | Sharpe |
| Braun, Stark | Lange | Singleton |
| Brown | Larson | Skartvedt |
| Buchholz | Levin | Solberg |
| Byrne | Lunde | Stone |
| Crockett | McIntee | Stormon |
| Culver | McIntyre | Symington |
| Dalzell | Myers | Thompson, Steele |
| Dike | Mittag | Trydahl |
| Erickson | Mollet | Tuff |
| Fitch | Morland | Twichell |
| Fletcher | Nelson, Dickey | Urschel |
| Fraser | Nelson, Steele | Williams,Richland |
| Fuglestad | Nystrom | Williams,Stutsm'n |
| Gainor | O'Brien | Wolf |
| Glas | Odegard | Mr. Speaker |
| Gray | Ostgulen | |

Those voting in the negative were:

| | | |
|---|---|---|
| Blair | Keller | Peterson,Bottineau |
| Bolmeier | Kluver | Schimke |
| Boulden | McInnes | Sellens |
| Dittmer | Moe | Thompson,Burl'gh |
| Feton | Oglesby | Wambheim |
| Holm | Page | Westby |
| Johnson, LaMoure | | |

Absent and not voting:

| | | |
|---|---|---|
| Nelson, Cass | Saumur | Shure |
| Sand | Severson | |

So the bill passed and the title was agreed to.

Rep. Morland voted 'aye' for the purpose of reconsideration.

Senate Bill No. 109 was read the second time.

Rep. Page moved that Senate Bill No. 109 be indefinitely postponed, which motion prevailed.

Rep. Schauss moved that the vote by which Senate Bill No. 109 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Senate Bill No. 196. A Bill for an Act to Amend and Reenact Section 6 of Chapter 198 of the Session Laws of 1937, 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 second time.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 92; nays, 12; absent and not voting, 6.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Hultstrand | Panko |
| Anfinson | Ireland | Peterson,Bottineau |

| | | |
|---|---|---|
| Beede | Ista | Peterson, Ransom |
| Belzer | Jensen | Rait |
| Benno | Johnson, Cass | Rettke |
| Bergesen | Johnson, LaMoure | Rohde |
| Billigmeier | Joiner | Schauss |
| Bingenheimer | Keller | Schmidt, McHenry |
| Blair | Kluver | Schmidt, Sheridan |
| Boulden | Knutson | Scholl |
| Braun, Stark | Lange | Schwartz |
| Brown | Larson | Sellens |
| Byrne | Levin | Semerad |
| Crockett | Lunde | Sharpe |
| Culver | McInnes | Singleton |
| Dalzell | McIntee | Solberg |
| Dike | McIntyre | Stone |
| Erickson | Myers | Stormon |
| Fitch | Mittag | Symington |
| Fraser | Moe | Thompson, Burl'gh |
| Fuglestad | Mollet | Trydahl |
| Gainor | Morland | Tuff |
| Glas | Nelson, Cass | Twichell |
| Gray | Nelson, Dickey | Urschel |
| Haag | Nelson, Steele | Wambheim |
| Halvorson | Nystrom | Westby |
| Haugland | O'Brien | Williams, Richland |
| Heckman | Odegard | Williams, Stutsm'n |
| Hofstrand | Oglesby | Wolf |
| Holm | Ostgulen | Mr. Speaker |
| Holthusen | Page | |

Those voting in the negative were:

| | | |
|---|---|---|
| Anderson, Benson | Bolmeier | Feton |
| Anderson, M'K'nzie | Braun, McLean | Fletcher |
| Arneson, Nelson | Buchholz | Skartvedt |
| Arneson, Ramsey | Dittmer | Thompson, Steele |

Absent and not voting:

| | | |
|---|---|---|
| Ritter | Saumur | Severson |
| Sand | Schimke | Shure |

So the bill passed and the title was agreed to.

Rep. Dalzell moved that the vote by which Senate Bill No. 196 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Senate Bill No. 203 was read the second time.

Rep. Byrne asked unanimous consent to amend Senate Bill No. 203 on page 2, section 2, to change the year "1935" as written in the printed bill to "1937," 'which motion prevailed.

Rep. Byrne moved that the rules be suspended and that Senate Bill No. 203 be placed on second reading and final passage, which motion prevailed.

Senate Bill No. 203. A Bill for an Act Authorizing and Directing the President of the North Dakota Agricultural College to Enter Into a Leasing Agreement in Behalf of the North Dakota Agricultural College, with Hettinger Special School District No. 13, Leasing the Hettinger Experimental Substation Property Located Adjacent to the Village of Hettinger in the County of Adams, State of North Dakota; and

Repealing Chapter 185, of the Session Laws of North Dakota for the Year 1937.

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, 102; nays, 0; absent and not voting, 8.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Haag | Ostgulen |
| Anderson, Benson | Halvorson | Page |
| Anderson,M'K'nzie | Haugland | Panko |
| Anfinson | Heckman | Peterson, Ransom |
| Arneson, Nelson | Hofstrand | Rait |
| Arneson, Ramsey | Holm | Rettke |
| Beede | Holthusen | Ritter |
| Belzer | Hultstrand | Rohde |
| Benno | Ireland | Schauss |
| Bergesen | Ista | Schmidt, McHenry |
| Billigmeier | Johnson, Cass | Schmidt, Sheridan |
| Bingenheimer | Johnson, LaMoure | Schimke |
| Blair | Joiner | Scholl |
| Bolmeier | Keller | Schwartz |
| Boulden | Kluver | Sellens |
| Braun, McLean | Knutson | Semerad |
| Braun, Stark | Lange | Sharpe |
| Brown | Larson | Singleton |
| Buchholz | Levin | Skartvedt |
| Byrne | Lunde | Solberg |
| Culver | McInnes | Stone |
| Crockett | McIntee | Stormon |
| Dalzell | Myers | Symington |
| Dike | Mittag | Thompson, Burl'gh |
| Dittmer | Moe | Thompson, Steele |
| Erickson | Mollet | Tuff |
| Feton | Morland | Twichell |
| Fitch | Nelson, Cass | Urschel |
| Fletcher | Nelson, Dickey | Wambheim |
| Fraser | Nelson, Steele | Westby |
| Fuglestad | Nystrom | Williams,Richland |
| Gainor | O'Brien | Williams, Stutsm'n |
| Glas | Odegard | Wolf |
| Gray | Oglesby | Mr. Speaker |

Absent and not voting:

| | | |
|---|---|---|
| Jensen | Sand | Shure |
| McIntyre | Saumur | Trydahl |
| Peterson,Bottineau | Severson | |

So the bill passed and the title was agreed to.

Senate Bill No. 262. A Bill for an Act Authorizing Investment of All Trust Funds by Legal Custodian; Providing Appropriations of Trust Funds for Investment Purposes and Repealing All 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, 99; nays, 1; absent and not voting, 10.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Halvorson | Peterson, Ransom |
| Anderson, Benson | Haugland | Rait |
| Anderson,M'K'nzie | Heckman | Rettke |
| Anfinson | Hofstrand | Rohde |
| Arneson, Nelson | Holm | Schauss |
| Arneson, Ramsey | Hultstrand | Schmidt, McHenry |
| Beede | Ireland | Schmidt, Sheridan |
| Belzer | Ista | Schimke |
| Benno | Jensen | Scholl |
| Bergesen | Johnson, Cass | Schwartz |
| Billigmeier | Johnson, LaMoure | Sellens |
| Bingenheimer | Joiner | Semerad |
| Blair | Keller | Severson |
| Bolmeier | Knutson | Sharpe |
| Braun, McLean | Lange | Shure |
| Braun, Stark | Larson | Singleton |
| Brown | Levin | Skartvedt |
| Buchholz | Lunde | Solberg |
| Crockett | McInnes | Stone |
| Culver | McIntee | Stormon |
| Dalzell | McIntyre | Symington |
| Dike | Myers | Thompson,Burl'gh |
| Dittmer | Mittag | Thompson, Steele |
| Erickson | Mollet | Trydahl |
| Feton | Morland | Tuff |
| Fitch | Nelson, Dickey | Twichell |
| Fletcher | Nelson, Steele | Urschel |
| Fraser | Nystrom | Wambheim |
| Fuglestad | O'Brien | Westby |
| Gainor | Odegard | Williams,Richland |
| Glas | Oglesby | Williams,Stutsm'n |
| Gray | Ostgulen | Wolf |
| Haag | Page | Mr. Speaker |

Those voting in the negative were:
Moe

Absent and not voting:

| | | |
|---|---|---|
| Boulden | Nelson, Cass | Ritter |
| Byrne | Panko | Sand |
| Holthusen | Peterson,Bottineau | Saumur |
| Kluver | | |

So the bill passed and the title was agreed to.

Rep. Ritter moved that the vote by which Senate Bill No. 262 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Senate Bill No. 171. A Bill for an Act Authorizing and Directing the North Dakota Agricultural College to Enter Into A Co-operative and License Agreement With the United States of America for Agricultural Investigational Work on Land Located in the Sheyenne River Project in Richland and Ransom Counties, 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, 93; nays, 3; absent and not voting, 14.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Haag | Oglesby |
| Anderson, Benson | Halvorson | Ostgulen |
| Anderson,M'K'nzie | Haugland | Page |
| Anfinson | Heckman | Panko |
| Arneson, Nelson | Hofstrand | Peterson, Ransom |
| Arneson, Ramsey | Holm | Rait |
| Beede | Hultstrand | Rettke |
| Belzer | Ireland | Rohde |
| Benno | Ista | Schmidt, Sheridan |
| Bergesen | Jensen | Schimke |
| Billigmeier | Johnson, LaMoure | Schwartz |
| Bingenheimer | Joiner | Sellens |
| Blair | Keller | Semerad |
| Bolmeier | Kluver | Severson |
| Braun, McLean | Knutson | Sharpe |
| Brown | Lange | Singleton |
| Buchholz | Larson | Solberg |
| Byrne | Levin | Stone |
| Crockett | Lunde | Stormon |
| Culver | McInnes | Symington |
| Dalzell | McIntee | Thompson,Burl'gh |
| Dike | McIntyre | Thompson, Steele |
| Erickson | Myers | Tuff |
| Feton | Mittag | Twichell |
| Fitch | Mollet | Urschel |
| Fletcher | Morland | Wambheim |
| Fraser | Nelson, Dickey | Westby |
| Fuglestad | Nelson, Steele | Williams,Richland |
| Gainor | Nystrom | Williams,Stutsm'n |
| Glas | O'Brien | Wolf |
| Gray | Odegard | Mr. Speaker |

Those voting in the negative were:

| | | |
|---|---|---|
| Moe | Skartvedt | Trydahl |

Absent and not voting:

| | | |
|---|---|---|
| Boulden | Nelson, Cass | Schauss |
| Braun, Stark | Peterson,Bottineau | Schmidt, McHenry |
| Dittmer | Ritter | Scholl |
| Holthusen | Sand | Shure |
| Johnson, Cass | Saumur | |

So the bill passed and the title was agreed to.

Rep. Gray moved that the vote by which Senate Bill No. 171 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Senate Bill No. 181. A Bill for an Act to Amend and Reenact Section 15, Chapter 309, Laws of North Dakota, 1931, Providing for Commitment of Veterans, 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, 99; nays, 1; absent and not voting, 10.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Haugland | Panko |

| | | |
|---|---|---|
| Anderson, Benson | Heckman | Peterson,Bottineau |
| Anderson,M'K'nzie | Hofstrand | Peterson, Ransom |
| Anfinson | Holm | Rait |
| Arneson, Nelson | Hultstrand | Rettke |
| Arneson, Ramsey | Ireland | Ritter |
| Beede | Ista | Rohde |
| Belzer | Jensen | Schauss |
| Benno | Johnson, Cass | Schmidt, McHenry |
| Bergesen | Johnson, LaMoure | Schmidt, Sheridan |
| Billigmeier | Joiner | Schimke |
| Bingenheimer | Keller | Schwartz |
| Blair | Kluver | Sellens |
| Bolmeier | Knutson | Severson |
| Boulden | Lange | Sharpe |
| Braun, Stark | Larson | Singleton |
| Brown | Levin | Skartvedt |
| Buchholz | Lunde | Solberg |
| Byrne | McInnes | Stone |
| Crockett | McIntee | Stormon |
| Culver | McIntyre | Symington |
| Dalzell | Myers | Thompson, Burl'gh |
| Dike | Mittag | Thompson, Steele |
| Erickson | Moe | Trydahl |
| Feton | Mollet | Tuff |
| Fitch | Morland | Twichell |
| Fletcher | Nelson, Dickey | Urschel |
| Fuglestad | Nelson, Steele | Wambheim |
| Gainor | O'Brien | Westby |
| Glas | Odegard | Williams,Richland |
| Gray | Oglesby | Williams,Stutsm'n |
| Haag | Ostgulen | Wolf |
| Halvorson | Page | Mr. Speaker |

Those voting in the negative were:
Braun, McLean

Absent and not voting:

| | | |
|---|---|---|
| Dittmer | Nystrom | Scholl |
| Fraser | Sand | Semerad |
| Holthusen | Saumur | Shure |
| Nelson, Cass | | |

So the bill passed and the title was agreed to, and the emergency clause was declared carried.

Senate Bill No. 247. A Bill for an Act Amending Section 9991 of the 1925 Supplement of the Compiled Laws of 1913. Relating to Misuse of Fraternal and Other Emblems to Victimize Charitably Disposed Persons Through False Personification.

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, 96; nays, 3; absent and not voting, 11.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Halvorson | Ostgulen |
| Anderson, Benson | Haugland | Page |
| Anderson,M'K'nzie | Heckman | Panko |
| Anfinson | Hofstrand | Peterson,Bottineau |

| | | |
|---|---|---|
| Arneson, Nelson | Holm | Peterson, Ransom |
| Arneson, Ramsey | Hultstrand | Rait |
| Beede | Ireland | Rettke |
| Belzer | Ista | Rohde |
| Benno | Jensen | Schauss |
| Bergesen | Johnson, Cass | Schmidt, Sheridan |
| Billigmeier | Johnson, LaMoure | Schimke |
| Bingenheimer | Joiner | Schwartz |
| Blair | Keller | Sellens |
| Bolmeier | Kluver | Semerad |
| Boulden | Knutson | Severson |
| Braun, Stark | Lange | Sharpe |
| Brown | Larson | Singleton |
| Buchholz | Lunde | Solberg |
| Byrne | McInnes | Stone |
| Crockett | McIntee | Stormon |
| Culver | McIntyre | Symington |
| Dalzell | Myers | Thompson,Burl'gh |
| Dike | Mittag | Thompson, Steele |
| Erickson | Moe | Trydahl |
| Feton | Mollet | Tuff |
| Fitch | Nelson, Cass | Twichell |
| Fletcher | Nelson, Dickey | Urschel |
| Fraser | Nelson, Steele | Wambheim |
| Gainor | Nystrom | Westby |
| Glas | O'Brien | Williams,Stutsm'n |
| Gray | Odegard | Wolf |
| Haag | Oglesby | Mr. Speaker |

Those voting in the negative were:

| | | |
|---|---|---|
| Braun, McLean | Fuglestad | Schmidt, McHenry |

Absent and not voting:

| | | |
|---|---|---|
| Dittmer | Ritter | Shure |
| Holthusen | Sand | Skartvedt |
| Levin | Saumur | Williams,Richland |
| Morland | Scholl | |

So the bill passed and the title was agreed to.

Rep. Anderson of Benson moved that the title of Senate Bill No. 247 be amended as follows:

In line 2 of the title of the printed bill strike out the word "By-Laws" and insert in lieu thereof the words "Compiled Laws," which motion prevailed.

Senate Bill No. 130. A Bill for an Act Providing for the Protection of Pre-historic Deposits, Relics, Indian Mounds, Graves, Village Sites and Other Archaeological Material; Providing for Licensing Persons Engaged in Exploring and Excavating for Ancient Ruins and Archaeological Materials, Restricting Such Exploration and Excavation on State-Owned Lands and Requiring That One-Half of Such Materials be Delivered to the State Historical Society and Providing a Penalty for Violation of This Act.

Was read the second time.

ROLL CALL

The question being on the final passage of the bill, as as amended, the roll was called and there were ayes, 95; nays, 0; absent and not voting, 15.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Gray | Ostgulen |
| Anderson, Benson | Haag | Page |
| Anderson,M'K'nzie | Halvorson | Peterson, Ransom |
| Anfinson | Haugland | Rait |
| Arneson, Nelson | Heckman | Rettke |
| Arneson, Ramsey | Hofstrand | Ritter |
| Beede | Holm | Rohde |
| Belzer | Hultstrand | Schmidt, Sheridan |
| Benno | Ireland | Schimke |
| Bergesen | Ista | Scholl |
| Billigmeier | Johnson, Cass | Schwartz |
| Bingenheimer | Johnson, LaMoure | Sellens |
| Blair | Joiner | Semerad |
| Bolmeier | Keller | Severson |
| Boulden | Kluver | Sharpe |
| Braun, McLean | Knutson | Singleton |
| Braun, Stark | Larson | Solberg |
| Brown | Levin | Stone |
| Buchholz | Lunde | Stormon |
| Byrne | McInnes | Symington |
| Culver | McIntee | Thompson,Burl'gh |
| Dalzell | McIntyre | Thompson, Steele |
| Dike | Myers | Trydahl |
| Dittmer | Mittag | Tuff |
| Erickson | Mollet | Urschel |
| Feton | Morland | Wambheim |
| Fitch | Nelson, Dickey | Westby |
| Fletcher | Nelson, Steele | Williams,Richland |
| Fraser | Nystrom | Williams,Stutsm'n |
| Fuglestad | O'Brien | Wolf |
| Gainor | Odegard | Mr. Speaker |
| Glas | Oglesby | |

Absent and not voting:

| | | |
|---|---|---|
| Crockett | Nelson, Cass | Schauss |
| Holthusen | Panko | Schmidt, McHenry |
| Jensen | Peterson,Bottineau | Shure |
| Lange | Sand | Skartvedt |
| Moe | Saumur | Twichell |

So the bill passed and the title was agreed to.

Rep. Beede: "I vote 'aye' on this bill with some reluctance. I believe that when it comes to digging around in old Indian graves the Indians should have something to say about it themselves. And this does afford some protection. Therefore I vote 'aye'."

Senate Bill No. 261. A Bill for an Act Authorizing the State Treasurer as Trustee for the State of North Dakota to Transfer Lands Owned by Him to Owners of Other Lands of Approximately Equal Value in Exchange for Transfers of Such Other Lands, 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, 98; nays, 3; absent and not voting, 9.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Haag | Ostgulen |

| | | |
|---|---|---|
| Anderson, Benson | Halvorson | Page |
| Anderson,M'K'nzie | Haugland | Peterson, Ransom |
| Anfinson | Heckman | Rait |
| Arneson, Nelson | Hofstrand | Rettke |
| Arneson, Ramsey | Holm | Ritter |
| Beede | Hultstrand | Rohde |
| Belzer | Ireland | Schmidt, Sheridan |
| Benno | Ista | Schimke |
| Bergesen | Johnson, Cass | Scholl |
| Billigmeier | Johnson, LaMoure | Schwartz |
| Bingenheimer | Joiner | Sellens |
| Bolmeier | Keller | Semerad |
| Boulden | Kluver | Severson |
| Braun, McLean | Knutson | Sharpe |
| Braun, Stark | Lange | Singleton |
| Brown | Larson | Skartvedt |
| Buchholz | Levin | Solberg |
| Byrne | Lunde | Stone |
| Crockett | McInnes | Stormon |
| Culver | McIntee | Symington |
| Dalzell | McIntyre | Thompson,Burl'gh |
| Dike | Myers | Thompson, Steele |
| Dittmer | Mittag | Trydahl |
| Erickson | Mollet | Tuff |
| Feton | Morland | Urschel |
| Fitch | Nelson, Cass | Wambheim |
| Fletcher | Nelson, Dickey | Westby |
| Fraser | Nelson, Steele | Williams,Richland |
| Fuglestad | Nystrom | Williams,Stutsm'n |
| Gainor | O'Brien | Wolf |
| Glas | Odegard | Mr. Speaker |
| Gray | Oglesby | |

Those voting in the negative were:

| | | |
|---|---|---|
| Blair | Moe | Panko |

Absent and not voting:

| | | |
|---|---|---|
| Holthusen | Sand | Schmidt, McHenry |
| Jensen | Saumur | Shure |
| Peterson,Bottineau | Schauss | Twichell |

So the bill passed and the title was agreed to, and the emergency clause was declared carried.

Rep. Lange moved that the vote by which Senate Bill No. 261 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 69. A Bill for an Act to Amend and Reenact Section 4924, Compiled Laws of North Dakota for the Year 1913, as Amended by Chapter 79 of the Session Laws of 1921, Relating to the Taxation of 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, 98; nays, 1; absent and not voting, 11.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Haag | Oglesby |

| | | |
|---|---|---|
| Anderson,M'K'nzie | Halvorson | Ostgulen |
| Anfinson | Haugland | Page |
| Arneson, Nelson | Heckman | Panko |
| Arneson, Ramsey | Hofstrand | Peterson, Ransom |
| Beede | Holm | Rait |
| Belzer | Hultstrand | Rettke |
| Benno | Ireland | Ritter |
| Bergesen | Ista | Rohde |
| Billigmeier | Jensen | Schmidt, Sheridan |
| Bingenheimer | Johnson, Cass | Schimke |
| Blair | Johnson, LaMoure | Scholl |
| Bolmeier | Joiner | Schwartz |
| Boulden | Keller | Sellens |
| Braun, McLean | Kluver | Semerad |
| Braun, Stark | Knutson | Severson |
| Brown | Lange | Sharpe |
| Buchholz | Larson | Singleton |
| Byrne | Levin | Skartvedt |
| Crockett | Lunde | Solberg |
| Culver | McInnes | Stone |
| Dalzell | McIntee | Stormon |
| Dike | Myers | Thompson, Steele |
| Dittmer | Mittag | Trydahl |
| Erickson | Moe | Tuff |
| Feton | Mollet | Twichell |
| Fitch | Morland | Wambheim |
| Fletcher | Nelson, Cass | Westby |
| Fraser | Nelson, Dickey | Williams,Richland |
| Fuglestad | Nelson, Steele | Williams,Stutsm'n |
| Gainor | Nystrom | Wolf |
| Glas | O'Brien | Mr. Speaker |
| Gray | Odegard | |

Those voting in the negative were:
McIntyre

Absent and not voting were:

| | | |
|---|---|---|
| Anderson, Benson | Saumur | Symington |
| Holthusen | Schauss | Thompson,Burl'gh |
| Peterson,Bottineau | Schmidt, McHenry | Urschel |
| Sand | Shure | |

So the bill passed and the title was agreed to.

Rep. Crockett moved that the vote by which Senate Bill No. 69 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 120. A Bill for an Act to Amend and Reenact Section 4907, Compiled Laws of the State of North Dakota for 1913, to Make More Certain the Requirement That All Foreign Insurance Companies Have a Capital of Two Hundred and Fifty Thousand Dollars ($250,000.00) as a Condition to Writing Fidelity and Surety Risks 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, 97; nays, 3; absent and not voting, 10.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Halvorson | Oglesby |
| Anderson,M'K'nzie | Haugland | Ostgulen |
| Anfinson | Heckman | Page |
| Arneson, Nelson | Hofstrand | Panko |
| Arneson, Ramsey | Holm | Peterson, Ransom |
| Beede | Hultstrand | Rait |
| Belzer | Ireland | Rettke |
| Benno | Ista | Ritter |
| Bergesen | Jensen | Rohde |
| Billigmeier | Johnson, Cass | Schauss |
| Bingenheimer | Johnson, LaMoure | Schmidt, Sheridan |
| Blair | Joiner | Schimke |
| Bolmeier | Keller | Schwartz |
| Boulden | Kluver | Sellens |
| Braun, McLean | Knutson | Semerad |
| Braun, Stark | Lange | Sharpe |
| Brown | Levin | Skartvedt |
| Buchholz | Lunde | Solberg |
| Crockett | McInnes | Stone |
| Culver | McIntee | Stormon |
| Dalzell | McIntyre | Symington |
| Dike | Myers | Thompson, Steele |
| Dittmer | Mittag | Trydahl |
| Erickson | Mollet | Tuff |
| Feton | Moe | Twichell |
| Fitch | Morland | Urschel |
| Fletcher | Nelson, Cass | Wambheim |
| Fraser | Nelson, Dickey | Westby |
| Fuglestad | Nelson, Steele | Williams,Richland |
| Gainor | Nystrom | Williams,Stutsm'n |
| Glas | O'Brien | Wolf |
| Gray | Odegard | Mr. Speaker |
| Haag | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Schmidt, McHenry | Severson | Singleton |

Absent and not voting:

| | | |
|---|---|---|
| Anderson, Benson | Peterson,Bottineau | Scholl |
| Byrne | Sand | Shure |
| Holthusen | Saumur | Thompson,Burl'gh |
| Larson | | |

So the bill passed and the title was agreed to.

Rep. Knutson 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.

Senate Bill No. 121. A Bill for an Act to Amend and Reenact Chapter 161, of the Session Laws of 1931, Relating to the Admission of Foreign 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, 97; nays, 2; absent and not voting, 11.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Haugland | Panko |
| Anderson,M'K'nzie | Heckman | Peterson, Ransom |

| | | |
|---|---|---|
| Anfinson | Hofstrand | Rait |
| Arneson, Nelson | Holm | Rettke |
| Arneson, Ramsey | Hultstrand | Ritter |
| Beede | Ireland | Rohde |
| Belzer | Ista | Schauss |
| Benno | Jensen | Schmidt, McHenry |
| Bergesen | Johnson, Cass | Schmidt, Sheridan |
| Billigmeier | Johnson, LaMoure | Schimke |
| Bingenheimer | Joiner | Schwartz |
| Blair | Keller | Sellens |
| Bolmeier | Kluver | Semerad |
| Boulden | Knutson | Severson |
| Braun, McLean | Lange | Sharpe |
| Braun, Stark | Larson | Singleton |
| Brown | Levin | Skartvedt |
| Buchholz | Lunde | Solberg |
| Crockett | McInnes | Stone |
| Culver | McIntee | Stormon |
| Dalzell | McIntyre | Symington |
| Dike | Myers | Thompson, Steele |
| Dittmer | Mittag | Trydahl |
| Erickson | Moe | Tuff |
| Feton | Mollet | Twichell |
| Fitch | Nelson, Cass | Urschel |
| Fletcher | Nelson, Dickey | Wambheim |
| Fraser | Nystrom | Westby |
| Fuglestad | O'Brien | Williams,Richland |
| Gainor | Odegard | Williams,Stutsm'n |
| Glas | Oglesby | Wolf |
| Gray | Page | Mr. Speaker |
| Haag | | |

Those voting in the negative were:

| | |
|---|---|
| Halvorson | Ostgulen |

Absent and not voting:

| | | |
|---|---|---|
| Anderson, Benson | Nelson, Steele | Scholl |
| Byrne | Peterson,Bottineau | Shure |
| Holthusen | Sand | Thompson,Burl'gh |
| Morland | Saumur | |

So the bill passed and the title was agreed to, and the emergency clause was declared carried.

Rep. Fitch moved that the vote by which Senate Bill No. 121 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 150. A Bill for an Act Amending and Re-enacting the Workmen's Compensation Act by Amending and Re-enacting Sub-sections A and C of Section 3, Chapter 162, Session Laws of 1919 as Amended by Chapter 260, Session Laws of 1929 and Chapter 286, Session Laws of 1935; Paragraph F of Section 4 of Chapter 162, Session Laws of 1919, as Amended by Chapter 285, Session Laws of 1927 and Chapter 314, Session Laws of 1931; Paragraph I of Section 4 of Chapter 162, Session Laws of 1919, as Amended by Chapter 314, Session Laws of 1931 and Chapter 286, Session Laws of 1935; the First Paragraph of Section 5 of Chapter 162, Session Laws of 1919 as Amended by Chapter 143, Session Laws of 1921 and Which

Appears as Section 396a5 of the 1925 Supplement; the Ninth and Final Paragraph of Section 7 of Chapter 162, Session Laws of 1919 as Amended by Chapter 312, Session Laws of 1931; the Fourth and Fifth Paragraphs of Section 8, Chapter 162, Session Laws of 1919 as Amended by Chapter 315, Session Laws of 1931; and Section 23 of Chapter 162, Session Laws of 1919 Which Also Appears as Section 396a23 of the 1925 Supplement.

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, 98; nays, 5; absent and not voting, 7.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Haugland | Peterson,Bottineau |
| Anderson,M'K'nzie | Heckman | Peterson, Ransom |
| Anfinson | Hofstrand | Rait |
| Arneson, Nelson | Holm | Rettke |
| Arneson, Ramsey | Hultstrand | Ritter |
| Beede | Ista | Rohde |
| Belzer | Jensen | Schauss |
| Benno | Johnson, Cass | Schmidt, McHenry |
| Bergesen | Johnson, LaMoure | Schmidt, Sheridan |
| Billigmeier | Joiner | Schimke |
| Bingenheimer | Keller | Scholl |
| Blair | Kluver | Schwartz |
| Bolmeier | Knutson | Sellens |
| Boulden | Lange | Semerad |
| Braun, McLean | Larson | Severson |
| Braun, Stark | Levin | Sharpe |
| Brown | Lunde | Singleton |
| Buchholz | McInnes | Skartvedt |
| Byrne | McIntee | Stone |
| Crockett | McIntyre | Stormon |
| Culver | Myers | Symington |
| Dalzell | Mittag | Thompson, Steele |
| Dike | Mollet | Trydahl |
| Erickson | Morland | Tuff |
| Feton | Nelson, Cass | Twichell |
| Fitch | Nelson, Dickey | Urschel |
| Fletcher | Nystrom | Wambheim |
| Fraser | O'Brien | Westby |
| Fuglestad | Odegard | Williams,Richland |
| Gainor | Oglesby | Williams,Stutsm'n |
| Glas | Ostgulen | Wolf |
| Gray | Page | Mr. Speaker |
| Haag | Panko | |

Those voting in the negative were:

| | | |
|---|---|---|
| Dittmer | Moe | Solberg |
| Ireland | Nelson, Steele | |

Absent and not voting:

| | | |
|---|---|---|
| Anderson, Benson | Sand | Shure |
| Halvorson | Saumur | Thompson,Burl'gh |
| Holthusen | | |

So the bill passed and the title was agreed to.

Senate Bill No. 246. A Bill for an Act Exempting Em-

ployes Who Are Residents of and Who Are Insured Under the Workmen's Compensation Act or Similar Statute of Another State From the Application of the North Dakota Workmen's Compensation Act Where Such Other State Recognizes Extra-territorial Coverage Furnished to North Dakota Employers for Their Employes While Working in Such Other State.

Was read the second time.

ROLL CALL

The question being on the final passage of the bill, the roll was called and the were ayes, 96; nays, 5; absent and not voting, 9.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Anderson, M'K'nzie | Heckman | Peterson, Bottineau |
| Anfinson | Hofstrand | Peterson, Ransom |
| Arneson, Nelson | Holm | Rait |
| Arneson, Ramsey | Hultstrand | Rettke |
| Beede | Ireland | Ritter |
| Belzer | Ista | Rohde |
| Benno | Jensen | Schauss |
| Bergesen | Johnson, LaMoure | Schmidt, Sheridan |
| Billigmeier | Joiner | Schimke |
| Blair | Kluver | Scholl |
| Bolmeier | Knutson | Schwartz |
| Boulden | Lange | Sellens |
| Braun, Stark | Larson | Semerad |
| Brown | Levin | Severson |
| Buchholz | Lunde | Sharpe |
| Byrne | McInnes | Singleton |
| Crockett | McIntee | Skartvedt |
| Culver | McIntyre | Solberg |
| Dalzell | Myers | Stone |
| Dike | Mittag | Stormon |
| Dittmer | Mollet | Symington |
| Erickson | Morland | Thompson, Steele |
| Feton | Nelson, Cass | Trydahl |
| Fitch | Nelson, Dickey | Tuff |
| Fletcher | Nelson, Steele | Twichell |
| Fraser | Nystrom | Urschel |
| Fuglestad | O'Brien | Wambheim |
| Gainor | Odegard | Westby |
| Glas | Oglesby | Williams, Richland |
| Gray | Ostgulen | Williams, Stutsm'n |
| Haag | Page | Wolf |
| Haugland | Panko | Mr. Speaker |

Those voting in the negative were:

| | | |
|---|---|---|
| Bingenheimer | Keller | Schmidt, McHenry |
| Braun, McLean | Moe | |

Absent and not voting:

| | | |
|---|---|---|
| Adam | Holthusen | Saumur |
| Anderson, Benson | Johnson, Cass | Shure |
| Halvorson | Sand | Thompson, Burl'gh |

So the bill passed and the title was agreed to.

Rep. Fitch 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. 32 was read the second time.

Rep. Fitch moved that Senate Bill No. 32 be indefinitely postponed, which motion prevailed.

Rep. Schauss moved that the vote by which Senate Bill No. 32 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Senate Bill No. 41 was read the second time.

Rep. Schauss moved that Senate Bill No. 41 be indefinitely postponed, which motion was lost.

Senate Bill No. 41. A Bill for an Act Declaring All Tax Charges Based on Original Final Values of Property Assessed by Local Assessors, in Excess of Amount That Would Have Been Charged Had Said Original Final Value Been Limited to the Full and True Value in Money, Null and Void; Providing Remedy to the Taxpayer; and Repealing All Laws or Parts of Laws 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, 66; nays, 35; absent and not voting, 9.

Those voting in the affirmative were.

| | | |
|---|---|---|
| Adam | Glas | Nelson, Dickey |
| Anderson,M'K'nzie | Gray | Nelson, Steele |
| Anfinson | Haag | O'Brien |
| Beede | Halvorson | Ostgulen |
| Belzer | Haugland | Page |
| Bergesen | Heckman | Panko |
| Billigmeier | Hultstrand | Peterson,Bottineau |
| Bingenheimer | Ireland | Peterson, Ransom |
| Bolmeier | Ista | Rait |
| Boulden | Johnson, LaMoure | Ritter |
| Braun, McLean | Joiner | Rohde |
| Braun, Stark | Keller | Schmidt, McHenry |
| Brown | Kluver | Schmidt, Sheridan |
| Byrne | Knutson | Schimke |
| Crockett | Lange | Schwartz |
| Culver | Larson | Semerad |
| Dalzell | McIntyre | Skartvedt |
| Erickson | Myers | Solberg |
| Feton | Mittag | Tuff |
| Fitch | Mollet | Urschel |
| Fletcher | Morland | Williams,Stutsm'n |
| Fraser | Nelson, Cass | Mr. Speaker |

Those voting in the negative were:

| | | |
|---|---|---|
| Arneson, Nelson | Levin | Singleton |
| Arneson, Ramsey | Lunde | Stone |
| Benno | McInnes | Stormon |
| Blair | McIntee | Symington |
| Buchholz | Moe | Thompson, Steele |
| Dike | Nystrom | Trydahl |
| Dittmer | Odegard | Twichell |
| Fuglestad | Oglesby | Wambheim |

| | | |
|---|---|---|
| Gainor | Rettke | Westby |
| Holm | Scholl | Williams,Richland |
| Jensen | Severson | Wolf |
| Johnson, Cass | Sharpe | |

Absent and not voting:

| | | |
|---|---|---|
| Anderson, Benson | Sand | Sellens |
| Hofstrand | Saumur | Shure |
| Holthusen | Schauss | Thompson,Burl'gh |

So the bill passed and the title was agreed to.

Rep. Beede moved that the vote by which Senate Bill No. 41 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Rep. Rettke: "It takes a certain amount of money to run a township, county or state and when you reduce the valuation you have to raise your mill because it takes that much and therefore I vote 'no'."

Speaker Hagen: "I vote 'aye' on this bill because I believe that this will be a declaration of war to the people of North Dakota and they will have to pass the gross income tax to make up for this revenue."

Rep. Scholl moved that the House do now recess until 12:00 noon, March 1st, which motion prevailed, and the House stood recessed.

MINNIE D. CRAIG, Chief Clerk.

## FIFTY-SEVENTH DAY AFTER RECESS AND FIFTY-EIGHTH DAY

Bismarck, March 1, 1939.

The House convened at 12:00 noon, pursuant to recess, Speaker Hagen presiding.

### MESSAGES TO THE SENATE

House of Representatives,
Bismarck, March 1, 1939.

**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. 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.

House Bill No. 16. 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.

House Bill No. 17. 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.

House Bill No. 18. A Bill for an Act Making an Appropriation for St. John's Orphanage of Fargo, North Dakota, Providing the Methods of Expenditures and Audit Thereof; Supervision and Inspection Therefor.

House Bill No. 19. 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.

House Bill No. 20. 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, Providing the Methods of Expenditure and Audit Thereof; Supervision and Inspection Therefor.

And the Speaker has appointed as a conference committee to act with a like committee from the Senate, Representatives:

L. L. Twichell,
R. G. Beede,
C. P. Ritter.

**Mr. President:** I have the honor to return:

Senate Bill No. 55. A Bill for an Act to Amend and Re-

enact Chapter 195, Session Laws of 1935 as Amended Relating to Funding and Refunding Existing Indebtedness of Municipalities, Validating Proceedings Thereunder, and Declaring an Emergency.

Senate Bill No. 247. A Bill for an Act Amending Section 9991 of the 1925 Supplement of the Compiled Laws of 1913. Relating to Misuse of Fraternal and Other Emblems to Victimize Charitably Disposed Persons Through False Personification.

Senate Bill No. 40. 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.

Senate Bill No. 203. A Bill for an Act Authorizing and Directing the President of the North Dakota Agricultural College to Enter Into a Leasing Agreement in Behalf of the North Dakota Agricultural College, with Hettinger Special School District No. 13, Leasing the Hettinger Experimental Substation Property Located Adjacent to the Village of Hettinger in the County of Adams, State of North Dakota; and Repealing Chapter 185, of the Session Laws of North Dakota for the Year 1937.

Senate Bill No. 182. A Bill for an Act Relating to the Status of Municipal Civil Service in Municipalities Which Change Their Form of Government and Amending Chapter 173 of the Session Laws of the State of North Dakota for the Year 1937.

Senate Bill No. 86. A Bill for an Act to Amend and Reenact Section 2588 of the Supplement to the Compiled Laws of 1913, as Amended by Chapter 251 of the Session Laws of 1929, Relating to the Treatment of Patients at the North Dakota Tuberculosis Sanitarium, and Declaring an Emergency.

Senate Bill No. 184. A Bill for an Act Authorizing the Adjutant General to Expend the Sum of $8,000.00 From the Balance Remaining in the "Returned Soldiers Fund" for the Purpose of Registering and Compiling Records of the Graves of Deceased Soldiers, Sailors, or Marines Buried in This State and for Caring for and Preserving of Soldier Records, and Declaring an Emergency.

Which the House has amended.

Senate Bill No. 256. A Bill for an Act to Amend and Reenact Sub-division (1) of Section 811 of the Supplement to the Compiled Laws of North Dakota for 1913, as Amended by Chapter 143, of the Session Laws of North Dakota for 1933, Relating to the Distribution of State Bar Funds to

the Bar Association of North Dakota and Declaring an Emergency.

Senate Bill No. 121. A Bill for an Act to Amend and Reenact Chapter 161, of the Session Laws of 1931, Relating to the Admission of Foreign Mutual Insurance Companies.

Senate Bill No. 120. A Bill for an Act to Amend and Reenact Section 4907, Compiled Laws of the State of North Dakota for 1913, to Make More Certain the Requirement That All Foreign Insurance Companies Have a Capital of Two Hundred and Fifty Thousand Dollars ($250,000 00) as a Condition to Writing Fidelity and Surety Risks in This State.

Senate Bill No. 69. A Bill for an Act to Amend and Reenact Section 4924, Compiled Laws of North Dakota for the Year 1913, as Amended by Chapter 79 of the Session Laws of 1921, Relating to the Taxation of Insurance Companies.

Senate Bill No. 41. A Bill for an Act Declaring All Tax Charges Based on Original Final Values of Property Assessed by Local Assessors, in Excess of Amount That Would Have Been Charged Had Said Original Final Value Been Limited to the Full and True Value in Money, Null and Void; Providing Remedy to the Taxpayer; and Repealing All Laws or Parts of Laws in Conflict Therewith.

Senate Bill No. 261. A Bill for an Act Authorizing the State Treasurer as Trustee for the State of North Dakota to Transfer Lands Owned by Him to Owners of Other Lands of Approximately Equal Value in Exchange for Transfers of Such Other Lands, and Declaring an Emergency.

Senate Bill No. 181. A Bill for an Act to Amend and Reenact Section 15, Chapter 309, Laws of North Dakota, 1931, Providing for Commitment of Veterans, Repealing All Acts and Parts of Acts in Conflict Herewith and Declaring an Emergency.

Senate Bill No. 171. A Bill for an Act Authorizing and Directing the North Dakota Agricultural College to Enter Into A Co-operative and License Agreement With the United States of America for Agricultural Investigational Work on Land Located in the Sheyenne River Project in Richland and Ransom Counties, State of North Dakota.

Senate Bill No. 262. A Bill for an Act Authorizing Investment of All Trust Funds by Legal Custodian; Providing Appropriations of Trust Funds for Investment Purposes and Repealing All Acts in Conflict Herewith.

Senate Bill No. 196. A Bill for an Act to Amend and Reenact Section 6 of Chapter 198 of the Session Laws of 1937, 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.

Senate Bill No. 172. A Bill for an Act to Repeal Chapter 255 of the Session Laws of the State of North Dakota for 1931.

Senate Bill No. 193. A Bill for an Act Permitting the County Court to Make Decrees of Distribution and Close

Estates Without the Payment of Real Estate Taxes Levied Upon Real Property of the Estate.

Senate Bill No. 248. A Bill for an Act Making an Appropriation for the Purpose of Operating and Maintaining the State Fire and Tornado Fund for the Biennium Beginning July 1, 1939.

Senate Bill No. 234. A Bill for an Act to Amend and Reenact Section 6 of Chapter 108 of the Session Laws of 1935 as Amended by Chapter 114 of the Session Laws of 1937 and Sections 9, 10, 17 and 18 of Chapter 108 of the Session Laws of 1935; Repealing All Inconsistent Acts; and Declaring an Emergency.

Senate Concurrent Resolution No. 185. A Concurrent Resolution Memorializing Congress to Increase the Minimum Number of Employees Required in Agricultural States Under the Unemployment Compensation Act.

Senate Bill No. 246. A Bill for an Act Exempting Employes Who Are Residents of and Who Are Insured Under the Workmen's Compensation Act or Similar Statute of Another State From the Application of the North Dakota Workmen's Compensation Act Where Such Other State Recognizes Extra-territorial Coverage Furnished to North Dakota Employers for Their Employes While Working in Such Other State.

Senate Bill No. 150. A Bill for an Act Amending and Reenacting the Workmen's Compensation Act by Amending and Re-enacting Sub-sections A and C of Section 3, Chapter 162, Session Laws of 1919 as Amended by Chapter 260, Session Laws of 1929 and Chapter 286, Session Laws of 1935; Paragraph F of Section 4 of Chapter 162, Session Laws of 1919, as Amended by Chapter 285, Session Laws of 1927 and Chapter 314, Session Laws of 1931; Paragraph I of Section 4 of Chapter 162, Session Laws of 1919, as Amended by Chapter 314, Session Laws of 1931 and Chapter 286, Session Laws of 1935; the First Paragraph of Section 5 of Chapter 162, Session Laws of 1919 as Amended by Chapter 143, Session Laws of 1921 and Which Appears as Section 396a5 of the 1925 Supplement; the Ninth and Final Paragraph of Section 7 of Chapter 162, Session Laws of 1919 as Amended by Chapter 312, Session Laws of 1931; the Fourth and Fifth Paragraphs of Section 8, Chapter 162, Session Laws of 1919 as Amended by Chapter 315, Session Laws of 1931; and Section 23 of Chapter 162, Session Laws of 1919 Which Also Appears as Section 396a23 of the 1925 Supplement.

Senate Bill No. 147. A Bill for an Act to Amend and Reenact Section 3725 of the 1913 Compiled Laws of the State of North Dakota, Relating to Special Assessments.

Which the House has passed unchanged.

Senate Bill No. 90. A Bill for an Act to Amend and Reenact Chapter 166 of the Session Laws of North Dakota for the Year 1937, Relating to the Application to Highway Purposes of All Special Taxes on Motor Vehicle Transportation and Declaring an Emergency.

Senate Bill No. 212. A Bill For an Act Amending and Reenacting Section 2093 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, Relating to the Manner of

Listing Real and Personal Property for Assessment Purposes, and Providing That as to General Merchandise, or Any Inventory of Goods and Wares, the Average Value of the Same for the Year Preceding the Time of the Assessment, Shall Be Taken as the Value Thereof for Assessment Purposes, Repealing All Acts in Conflict Therewith and Declaring an Emergency.

Which the Speaker has signed.

MINNIE D. CRAIG, Chief Clerk

Mr. President: I have the honor to transmit:

House Bill No. 337. A Bill for an Act Amending and Reenacting Section 4444 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, Relating to the Consent of Parents or Guardians of Children Involved in Adoption Proceedings, Relating to the Giving of Consent Therein by the State Board of Administration or its Successor, Providing Service of Notice of Such Adoption Proceedings Upon Such Parents, Guardians and/or Said Board of Administration or its Successor, and Providing for Exceptions Thereto; Providing for Method by Which Decrees of Adoption May be Attacked and Time When Such Proceedings Therefor May be Commenced; Specifying the Procedure by Which Custody of Children Involved in Such Proceedings May be Changed; and Declaring an Emergency Exists.

House Bill No. 372. A Bill for an Act to Amend and Reenact Section 10954, Compiled Laws of North Dakota for 1913 Relating to Probation of Persons Convicted of Crime and the Duties of the Clerks of Court in Such Cases.

House Bill No. 349. A Bill for an Act to Make Uniform the Law on Fresh Pursuit and Authorizing This State to Cooperate With Other States Therein; Providing for Arrests in This State by Officers of Other States, Defining the Terms "Fresh Pursuit," Providing for Certification to Other States; Saving Clause.

House Bill No. 26. A Bill for an Act Providing an Appropriation for the Paying of 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.

House Concurrent Resolution No. 240. A Resolution Requesting Congress to Enact Legislation to Secure Lost AAA Payments for Mountrail County Farmers Misinformed on Compliance Regulations.

House Bill No. 300. A Bill for an Act to Amend and Reenact Section 14, Chapter 309 of the Laws of North Dakota, 1931, Providing for the Furnishing Without Charge of Copies of Public Records; Repealing All Acts in Conflict and Declaring an Emergency.

House Bill No. 293. A Bill for an Act to Amend and Reenact Section 8235 of the Compiled Laws of 1913, Relating to Waters Subject to Beneficial Appropriation and Declaring an Emergency.

House Bill No. 171. A Bill for an Act Providing for the Testing of Gasoline, Kerosene and Other Petroleum Products Used for Fuel and Power Purposes and Purchased for Resale; Repealing All Acts and Parts of Acts in Conflict Herewith; Providing a Penalty; Declaring an Emergency.

House Bill No. 260. A Bill for an Act to Create a North Dakota Poultry Improvement Board; to Define Its Powers and Duties; to Provide for Licenses and Fees for Poultry Processers, Packers, Hatching, Baby Chick Jobbers, Record of Performance Breeders and Poultry Feed Manufacturers and Wholesalers, and for the Disposition of the Proceeds Thereof; to Require the Filing of Reports by Carriers and Shippers of Poultry and Poultry Products, and Fixing Penalties for the Violation Hereof.

House Bill No. 328. A Bill for an Act to Amend and Re-enact Section 6 of That Certain Initiated Measure Adopted by the Electors of the State of North Dakota on September 22, 1933, Relating to the Manufacture, Sale and Distribution of Beer, as Amended by Chapter 98 of the Session Laws of North Dakota for the Year 1935, and Chapter 98 of the Session Laws of Nortth Dakota for the Year 1937; Repealing All Acts and Parts of Acts in Conflict Herewith, and Declaring an Emergency.

House Concurrent Resolution No. 91. Providing for the Amendment of Section 25 of Article 2 of the Constitution of the State of North Dakota, Relating to the Legislative Power of the State, and the Initiative and Referendum.

Which the Speaker has signed and your signature is respectfully requested.

Mr. President: I have the honor to inform you that the House has refused to concur in the Senate amendment to:

House Bill No. 311. A Bill for an Act Relating to the Organization of Irrigation Districts, the Powers and Functions of Such Districts, the Establishment and Construction of Irrigation Works Therein and Methods and Procedure for Financing the Cost of Purchasing or Constructing Such Irrigation Works; Amending Section 8247a1 of the Supplement to the Compiled Laws of 1913, as Amended and Reenacted by Section 1 of Chapter 142 of the Session Laws of 1933; Section 8247a2 of the Supplement to the Compiled Laws of 1913; Section 8247a3 of the Supplement to the Compiled Laws of 1913, as Amended and Re-enacted by Section 2 of Chapter 142 of the Session Laws of 1933; Sections 8247a4, 8247a5, 8247a6, 8247a7, 8247a8, and 8247a9 of the Supplement to the Compiled Laws of 1913; Section 8247a10 of the Supplement to the Compiled Laws of 1913, as Amended and Re-enacted by Section 3 of Chapter 142 of the Session Laws of 1933 and Amending Sections 8247a11, 8247a12, 8247a13, 8247a14, 8247a15, 8247a16, 8247a17, 8247a18, 8247a19, 8247a20, 8247a21a, 8247a23, 8247a24, 8247a26, 8247a47, 8247a51, 8247a52, 8247a53, 8247a56, 8247a57, 8247a59, 8247a60, 8247a61, 8247a63, 8247a64, 8247a65, and 8247a66 of the Supplement to the Compiled Laws of 1913; Validating Organization and Acts of Certain Irrigation Districts; Repealing All Acts and Parts of Acts in Conflict With the Provisions of This Act and Declaring an Emergency.

And the Speaker has appointed as a conference committee to act with a like committee from the Senate, Representatives:

R. T. Gray,
C. P. Ritter,
Joseph Byrne.

Mr. President. I have the honor to inform you that the House has concurred in the Senate amendments to:

House Bill No. 29. A Bill for an Act Making an Appropriation for the North Dakota Soldiers' Home at Lisbon, North Dakota; Providing for Reports and Deductions.

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 Workmen's Compensation Bureau.

House Bill No. 46. A Bill for an Act Making an Appropriation Out of the Teachers' Insurance and Retirement Fund in the State Treasury for Operation and Maintenance, Equipment, Supplies, Travel and Miscellaneous Expenses for the Teachers' Insurance and Retirement Fund.

House Bill No. 22. 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.

MINNIE D. CRAIG, Chief Clerk.

## REPORTS OF STANDING COMMITTEES

The Committee on Enrollment and Engrossment respectfully reports that:

House Bill No. 4.
House Bill No. 126.
House Bill No. 28.
House Bill No. 34.
House Bill No. 7.
House Bill No. 21.
House Bill No. 184.
House Bill No. 39.
House Bill No. 23.
House Bill No. 27.
House Bill No. 25.
House Bill No. 97.
House Bill No. 392.
House Bill No. 103; and
House Bill No. 223.

Were delivered to the Governor for his approval at the hour of 12:30 o'clock P. M., March 1, 1939.

OLAF OSTGULEN, Chairman.

The Committee on Enrollment and Engrossment respectfully reports that:

House Concurrent Resolution No. 132.

Was delivered to the Secretary of State at the hour of 12:30 o'clock P. M., March 1, 1939.

OLAF OSTGULEN, Chairman.

Rep. Page moved that the rules be suspended that the House may be on the Fifteenth Order of Business for consideration of bills in General Orders on today's calendar, March 1st, which motion prevailed.

## GENERAL ORDERS

Rep. Page moved that the House resolve itself into a

committee of the whole for the consideration of general orders; which motion prevailed, and the House resolved itself into a committee of the whole.

The Speaker called Rep. Page to the chair.

When the committee arose it submitted the following report:

Mr. Speaker: The Committee of the Whole have had under consideration:

Senate Bill No. 104.

In line 50, Sec. 4, strike out the numbers "244" and insert in lieu thereof the numbers "240."

In line 51, Sec. 4, strike out the numbers "1935" and insert in lieu thereof the numbers "1937."

And recommend the adoption of the amendments of the Standing Committee.

And when so amended recommend the same do pass.

Senate Bill No. 122.

Section 1, line 6, after the word "of" strike out the word "Seven" and insert in lieu thereof the word "Five".

Line 7, strike out the figure "($7.00)" and insert in lieu thereof the figure "($5.00)".

And recommend the same be indefinitely postponed.

Senate Bill No. 239.

Section 1, line 3, strike out the figures "$4,140,000.00" and insert in lieu thereof the figures "$5,664,000.00".

Section 1, line 16, strike out the figures "$4,000,000.00" and insert in lieu thereof the figures "$5,524,000.00".

Section 1, line 17, strike out the figures "$4,140,000.00" and insert in lieu thereof the figures "$5,664,000.00".

And recommend the adoption of the amendments of the Standing Committee.

And when so amended recommend the same do pass.

Senate Bill No. 249.

Section 1, line 3, strike out the words "twenty-five thousand, five hundred and eighty-five" and in line 4, strike out the words and figures "dollars and fifty-nine cents ($25,-585.59) and insert in lieu thereof the words and figures "twenty-eight thousand, eight hundred and eighty-five dollars and fifty nine cents ($28,885.59)."

Line 9, strike out the figures "$6,880.00" and insert in lieu thereof the figures "$8,160.00."

Line 10, strike out the figures "$1,000.00" and insert in lieu thereof the figures "$1,500.00".

Insert a new line 15 "Ass't. Attorney General—Salary $1,-500.00."

Line 16, strike out the figures "$9,910.00" and insert in lieu thereof the figures "$13,210.00."

Re-number beginning with line 16, change to line 15 and continue re-numbering to the end of the section.

And recommend the adoption of the amendments of the Standing Committee.

And when so amended recommend the same do pass.

Senate Bill No. 61.

In Section 4, page 4, line 87 of the original bill, after the word "than" strike out the figure "50" and insert in lieu thereof the figure "30".

In Section 5, page 4, line 94 of the original bill, after the word "shall" insert the following "in case of dispute".

In Section 9, page 6, line 172 of the original bill, strike out the following words "all revenue derived under authority of this Act shall be used for the enforcement of the provisions thereof".

In Section 9, page 7, line 176 of the original bill after the word "be" strike out the words "properly recorded by him and" and insert in lieu thereof the word "promptly".

In Section 9, page 7, line 177 of the original bill after the word "Dakota" strike out the "period" and insert in lieu thereof a "comma", and insert the following words "for deposit in the general fund."

And recommend the adoption of the amendments of the Standing Committee.

And when so amended recommend the same do pass.

Senate Bill No. 265

Strike out all words and figures after the words "A Bill" and insert in lieu thereof the following:

"For an Act Providing for an Emergency Commission Consisting of the Commissioner of Insurance, the Governor and the Attorney General, to Pass Upon All Expenditures of the Emergency Fund of the State Hail Insurance Department; and Declaring an Emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

Section 1. EMERGENCY COMMISSION ESTABLISHED. There is hereby created and established, a State Emergency Commission of the State Hail Insurance Department, which shall consist of the Commissioner of Insurance, the Governor and the Attorney General, whose duty it shall be to audit and pass upon all expenditures made from the Emergency Fund of the State Hail Insurance Department, and a majority of such Board shall constitute a quorum for the purpose of passing upon, or authorizing any expenditures therefrom.

Section 2. 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 recommend the adoption of the amendments of the Standing Committee.

And when so amended recommend the same do pass.

Senate Bill No. 228.

In the title of the Bill strike out all the words and figures after the words "A Bill" and insert in lieu thereof the following:

"For an Act Providing for Transfer of Certain School Lands Situated in Williams and Barnes Counties, Respectively State of North Dakota, to Williams and Barnes Counties to Be Used and Maintained as Public Parks, and Authorizing the Exchange of Lands Belonging to Said Counties Therefor; and Declaring an Emergency."

And recommend the adoption of the amendments of the Standing Committee.

And when so amended recommend the same do pass.

Senate Bill No. 189.

In Sec. 1, sub-division 2, line 30, after the word "Act" strike out the words "it shall" and in line 31, strike out the words "be the duty of".

In line 31, after the word "Board", insert "may in its discretion and at its option" and in the same line strike out the word "to" before the word "pay".

And recommend the adoption of the amendments of the Standing Committee.

And further amendment:

On Page 3, line 40 of the printed bill, strike out the figure "7" and insert in lieu thereof the figures "11".

And when so amended recommend the same do pass.

Senate Bill No. 282.

In Section 1, line 12, after the word "assembly" insert a "period" and strike out the remainder of the Section.

In Section 2, line 15, after the word "assembly" insert a "period" and strike out the remainder of the Section.

In Section 4, line 20, strike out the words "or by initiated measure."

And recommend the adoption of the amendments of the Standing Committee.

And when so amended recommend the same do pass.

Senate Bill No. 226.

Section 1, line 14 of the printed bill, strike out the words, "which the borrower declares is" and after the word "paying" in the same line, add the word "government".

In line 15, insert a period (.) after the word "premiums" and strike out the rest of the line and also lines 16, 17, and 18.

Re-number the lines in Section 2 and Section 3 accordingly.

And recommend the adoption of the amendments of the Standing Committee.

And when so amended recommend the same do pass.

Senate Bill No. 276.

On page 2, strike out all of lines 9, 10, 11, 12 and 13 and insert in lieu thereof the following: "required herein; provided however, that the payments of the rent provided for in the order of the court shall be subject and inferior to any lien which the government of the United States or any agency thereof may acquire as security for the payment of any seed, feed or crop production loans."

And recommend the adoption of the amendments of the Committee of the Whole.

And when so amended recommend the same do pass.

FRANKLIN PAGE, Chairman, Committee of the Whole.

Rep. Page retained the chair pursuant to General Orders.

Rep. Myers moved the adoption of the report of the Committee of the Whole, which motion prevailed.

Rep. Schwartz moved that action taken on Senate Bill No. 82 be reconsidered, which motion prevailed.

Rep. Schwartz moved that Senate Bill No. 82 be re-referred to the Committee on Cities and Municipal Corporations, which motion prevailed.

## MESSAGES FROM THE SENATE

Senate Chamber,
Bismarck, March 1, 1939.

Mr. Speaker: I have the honor to inform you that the Senate refuses to return:

Senate Bill No. 100. A Bill for an Act Amending and Reenacting Sections 1 and 9 of Chapter 161 of the Session Laws

of 1923, Being Sections 5099b1 and 5099b9 of the 1925 Supplement to the 1913 Compiled Laws of North Dakota; and Declaring an Emergency.

Senate Bill No. 101. A Bill for an Act Amending and Reenacting Sections 1, 6 and 16 of Chapter 209 of the Session Laws of 1937, Being Those Parts of the Aid to Dependent Children Act Defining a Dependent Child; Naming Relatives; Providing the Amount of Assistance; and Method of Disbursement of Aid to Dependent Children Fund; and Declaring an Emergency.

Due to the fact that they have been enrolled and signed by the President.

Mr. Speaker: I have the honor to inform you that the Senate has concurred in the House amendment to:

Senate Bill No. 55. A Bill for an Act to Amend and Reenact Chapter 195, Session Laws of 1935 as Amended Relating to Funding and Refunding Existing Indebtedness of Municipalities, Validating Proceedings Thereunder, and Declaring an Emergency.

Mr. Speaker: I have the honor to inform you that the Senate has concurred in the House amendment to:

Senate Bill No. 247. A Bill for an Act Amending Section 9991 of the 1925 Supplement of the Compiled Laws of 1913. Relating to Misuse of Fraternal and Other Emblems to Victimize Charitably Disposed Persons Through False Personification.

WM. J. LOWE, Secretary.

Rep. Williams of Richland moved that action taken on Senate Bill No. 55 be reconsidered, which motion was lost.

Rep. Scholl moved that the absent members be excused, which motion prevailed.

Rep. Scholl moved that the House do now adjourn, which motion prevailed and the House stood adjourned.

## FIFTY-EIGHTH DAY

Bismarck, March 1, 1939.

The House assembled at 2:00 P. M., pursuant to adjournment, Speaker Hagen presiding.

Prayer by Rev. Asher T. Katz, Bismarck.

Roll Call: All Representatives present except Adam, Blair, Boulden, Byrne, Culver, Hultstrand, Ireland, Johnson of Cass, Joiner, Lange, Morland, O'Brien, Odegard, Ritter, Sand, Saumur, Schauss, Schimke, Semerad, Symington, Trydahl, Wolf.

So a quorum was declared present.

The Speaker announced that the Committee on Appropriations was excused for the reason that they were out on business.

Rep. Fitch requested that the House be on the Seventh Order of Business, which request was granted.

Rep. Fitch moved that action taken on Senate Bill No. 119 be reconsidered, which motion prevailed.

Rep. Fitch moved that Senate Bill No. 119 be placed at the head of the calendar, which motion prevailed.

The House returned to the Third Order of Business.

Mr. Speaker: Your Committee on Revision and Correc-

tion of the Journal has carefully examined the Journal of Fifty-sixth and Fifty-seventh day and recommends that the same be corrected as follows:

On page 1135, on line 13 from the bottom, strike out the name "Beede" and insert in lieu thereof, the name "Boulden."

On page 1171 above the eleventh line from the bottom, insert the following words "which motion prevailed."

On page 1183, 3 lines from bottom, strike out the words "P. M." and insert in lieu thereof the word "noon."

And when so corrected recommends that the same be approved.

REP. GLAS, Chairman.

Rep. Keller moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bills:

House Bill No. 30.
House Bill No. 301.
House Bill No. 185.
House Bill No. 186.
House Bill No. 216.
House Bill No. 31.
House Bill No. 309.
House Bill No. 46.
House Bill No. 42. Also
House Bill No. 22.

And find the same correctly enrolled.

OLAF OSTGULEN, Chairman.

Rep. Ostgulen moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Judiciary to whom was referred:

Senate Bill No. 284, have had the same under consideration and recommend that the same be amended as follows:

In line 61, page 4 of the printed bill, after the word "state" insert the following: "at the expense of the person or persons making the request."

In line 164, page 8, after the word "at" strike out the words "his option to" and insert in lieu thereof the following: "his direction and at the expense of."

In line 165, strike out the entire line and insert in lieu thereof the words "requesting the same."

In line 166, page 8, strike out the words "Secretary of State for such work."

And when so amended recommend the same do pass.

J. M. ANDERSON, Chairman.

Rep. Bingenheimer moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Cities and Municipal Corporations to whom was referred:

Senate Bill No. 82, have had the same under consideration and recommend that the same be amended as follows:

In line 21, strike out the figure "4" and insert in lieu thereof the figure "2."

In line 22, strike out the period ( . ) and insert a semicolon ( ; ) and add the following: "provided, however, that park districts having a population of less than twenty thou-

sand as shown by the last United States Census may hereafter levy an additional two mills on the dollar of the net taxable assessed valuation of the district for the current year for park district purposes, exclusive of levies to pay interest on bonded debt and levies to pay and discharge the principal thereof, when first approved by a two-thirds vote of the votes cast at any general or special election called for that purpose."

And when so amended recommend the same do pass.

FRANK FLETCHER, Chairman.

Rep. E. C. Stone moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Ways and Means to whom was referred Senate Bill No. 154, have had the same under consideration and recommend that the same be indefinitely postponed.

CARL ANFINSON, Chairman.

Rep. Fitch moved that the report be adopted, which motion prevailed and the report was adopted.

Rep. Lange moved that the vote by which Senate Bill No. 154 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on Insurance to whom was referred Senate Bill No. 157, have had the same under consideration and recommend that the same do pass.

PETER PETERSON, Chairman.

Rep. Fitch moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Insurance to whom was referred Senate Bill No. 131, have had the same under consideration and recommend that the same do pass.

PETER PETERSON, Chairman.

Rep. Fitch moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Insurance to whom was referred Senate Bill No. 225, have had the same under consideration and recommend that the same do pass.

PETER PETERSON, Chairman.

Rep. Fitch moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Elections and Election Privileges to whom was referred Senate Bill No. 127, have had the same under consideration and recommend that the same be indefinitely postponed.

Due to the fact a quorum was not present the following members signed for indefinite postponement.

D. S. BLAIR
H. W. McINNES
A. O. ARNESON
G. I. FETON
C. O. ARNESON
ED McINTEE
W. H. SHURE
OLAF OSTGULEN
PETER PETERSON
LEONAS MYERS, Chairman.

Rep. McInnes moved that the report be adopted, which motion prevailed and the report was adopted.

Rep. Schmidt, of Sheridan, moved that the vote by which Senate Bill No. 127 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on State Affairs to whom was referred Senate Bill No. 275, have had the same under consideration and recommend that the same do pass.

W. M. CROCKETT, Chairman.

Rep. Twichell moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on State Affairs to whom was referred Senate Bill No. 281, have had the same under consideration and recommend that the same be amended as follows:

Page 1, Section 548a1, line 23, in original bill, after the word "operation" insert a "period". Strike out the balance of paragraph.

Re-number lines accordingly.

And when so amended recommend the same do pass.

W. M. CROCKETT, Chairman.

Rep. Knutson moved that the report be adopted, which tion prevailed and the report was adopted.

Mr. Speaker: 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:

Page 2, Section 6, line 25, in original bill, strike out the word and figures "sixty (60) and insert in lieu thereof the word and figures "one hundred and twenty (120)."

And when so amended recommend the same do pass.

W. M. CROCKETT, Chairman.

Rep. Knutson moved that the report be adopted which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on State Affairs to whom was referred Senate Bill No. 136, have the same under consideration and recommend that the same be indefinitely postponed.

W. M. CROCKETT, Chairman.

Rep. Twichell moved that the report be adopted.

Rep. Holthusen moved a substitute motion that Senate Bill No. 136 be placed on the calendar, whch motion was lost.

The question being on the report of the Committee on State Affairs for indefinite postponement of Senate Bill No. 136, the motion prevailed.

Rep. Twichell 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.

## SECOND READING OF SENATE BILLS

Senate Bill No. 119. A Bill for an Act to Amend and Reenact Paragraph (c) of Section 7, Chapter 164, of the Session Laws of 1919, the Same Being Paragraph (c) of Section 4881a7 of 1925 Supplement to the 1913 Compiled Laws of North Dakota, Relating to Mutual Insurance Companies.

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, 54; nays, 31; absent and not voting, 25.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Arneson, Nelson | Holm | Peterson, Ransom |
| Belzer | Holthusen | Rait |
| Benno | Ista | Rohde |
| Bergesen | Jensen | Schauss |
| Billigmeier | Johnson, LaMoure | Schmidt, McHenry |
| Bolmeier | Larson | Scholl |
| Boulden | Lunde | Sellens |
| Brown | McInnes | Sharpe |
| Culver | Myers | Shure |
| Dalzell | Mittag | Singleton |
| Dike | Mollet | Skartvedt |
| Fitch | Nelson, Cass | Stone |
| Fuglestad | Nelson, Dickey | Twichell |
| Gainor | Nelson, Steele | Wambheim |
| Gray | Nystrom | Westby |
| Haag | Oglesby | Williams,Richland |
| Haugland | Ostgulen | Williams,Stutsm'n |
| Heckman | Page | Mr. Speaker |

Those voting in the negative were:

| | | |
|---|---|---|
| Anderson,M'K'nzie | Glas | Panko |
| Anfinson | Halvorson | Peterson,Bottineau |
| Arneson, Ramsey | Keller | Rettke |
| Blair | Kluver | Schmidt, Sheridan |
| Braun, McLean | Knutson | Schwartz |
| Braun, Stark | Lange | Severson |
| Buchholz | Levin | Solberg |
| Dittmer | McIntee | Stormon |
| Erickson | McIntyre | Thompson, Steele |
| Fletcher | Moe | Tuff |
| Fraser | | |

Absent and not voting:

| | | |
|---|---|---|
| Adam | Ireland | Saumur |
| Anderson, Benson | Johnson, Cass | Schimke |
| Beede | Joiner | Semerad |
| Bingenheimer | Morland | Symington |
| Byrne | O'Brien | Thompson,Burl'gh |
| Crockett | Odegard | Trydahl |
| Feton | Ritter | Urschel |
| Hofstrand | Sand | Wolf |
| Hultstrand | | |

So the bill was declared lost for lack of a Constitutional majority of 57.

Senate Bill No. 94. A Bill for an Act Appropriating Five Thousand Dollars ($5,000.00) to the State Historical Society for the Development of the International Peace Garden, American Section, in Rolette County, 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, 68; nays, 16; absent and not voting, 26.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Anderson,M'K'nzie | Glas | Nystrom |
| Anfinson | Gray | Ostgulen |
| Arneson, Nelson | Haugland | Page |
| Arneson, Ramsey | Heckman | Panko |
| Beede | Hofstrand | Peterson,Bottineau |
| Belzer | Holm | Peterson, Ransom |
| Benno | Holthusen | Rait |
| Bergesen | Ista | Rettke |
| Blair | Johnson, LaMoure | Rohde |
| Bolmeier | Joiner | Schmidt, Sheridan |
| Boulden | Kluver | Scholl |
| Braun, Stark | Knutson | Schwartz |
| Brown | Larson | Sellens |
| Buchholz | Levin | Sharpe |
| Culver | Lunde | Singleton |
| Dalzell | McInnes | Skartvedt |
| Dike | Myers | Stormon |
| Dittmer | Mittag | Thompson, Steele |
| Erickson | Moe | Tuff |
| Fletcher | Mollet | Williams,Richland |
| Fraser | Nelson, Cass | Williams,Stutsm'n |
| Fuglestad | Nelson, Dickey | Mr. Speaker |
| Gainor | Nelson, Steele | |

Those voting in the negative were:

| | | |
|---|---|---|
| Billigmeier | Lange | Severson |
| Braun, McLean | McIntee | Shure |
| Haag | McIntyre | Solberg |
| Halvorson | Oglesby | Stone |
| Jensen | Schmidt, McHenry | Wambheim |
| Keller | | |

Absent and not voting:

| | | |
|---|---|---|
| Adam | Johnson, Cass | Semerad |
| Anderson, Benson | Morland | Symington |
| Bingenheimer | O'Brien | Thompson,Burl'gh |
| Byrne | Odegard | Trydahl |
| Crockett | Ritter | Twichell |
| Feton | Sand | Urschel |
| Fitch | Saumur | Westby |
| Hultstrand | Schauss | Wolf |
| Ireland | Schimke | |

So the bill passed and the title was agreed to.

Rep. Blair moved that the vote by which Senate Bill No. 94 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Senate Bill No. 96. A Bill for an Act to Provide for the Removal of Certain Public Officers in Said Act Enumerated and Establishing the Procedure Therefor and Repealing Sections 685, 686, 688, 689, 690, 691, 692, 693, 694, and 695 of the 1925 Supplemnet to the Compiled Laws of the State of North Dakota for the Year 1913, Sections 687, 10467, 10468, 10469, 10470, 10471, 10472, 10473, 10474, 10475, 10476, 10477, 10478, 10479, 10480, 10481 and 10482 of the Compiled Laws of the State of North Dakota for the Year 1913, and Chapter

230, of the Session Laws of the State of North Dakota for the Year 1927.

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, 46; absent and not voting, 24.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Anfinson | Fitch | Nystrom |
| Arneson, Nelson | Fuglestad | Oglesby |
| Benno | Gainor | Page |
| Bergesen | Gray | Peterson, Ransom |
| Blair | Holm | Sellens |
| Bolmeier | Holthusen | Severson |
| Braun, Stark | Kluver | Sharpe |
| Byrne | Larson | Shure |
| Crockett | Lunde | Singleton |
| Culver | McInnes | Thompson, Steele |
| Dalzell | Moe | Twichell |
| Dike | Nelson, Cass | Wambheim |
| Dittmer | Nelson, Steele | Williams,Stutsm'n |
| Feton | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Anderson,M'K'nzie | Heckman | Ostgulen |
| Arneson, Ramsey | Ista | Panko |
| Beede | Jensen | Peterson,Bottineau |
| Belzer | Johnson, LaMoure | Rait |
| Billigmeier | Joiner | Rettke |
| Bingenheimer | Keller | Rohde |
| Boulden | Knutson | Schmidt, McHenry |
| Braun, McLean | Lange | Schmidt, Sheridan |
| Brown | Levin | Scholl |
| Buchholz | McIntee | Schwartz |
| Erickson | McIntyre | Solberg |
| Fletcher | Myers | Stone |
| Fraser | Mittag | Tuff |
| Glas | Mollet | Williams,Richland |
| Haag | Nelson, Dickey | Mr. Speaker |
| Halvorson | | |

Absent and not voting:

| | | |
|---|---|---|
| Adam | O'Brien | Skartvedt |
| Anderson, Benson | Odegard | Stormon |
| Haugland | Ritter | Symington |
| Hofstrand | Sand | Thompson,Burl'gh |
| Hultstrand | Saumur | Trydahl |
| Ireland | Schauss | Urschel |
| Johnson, Cass | Schimke | Westby |
| Morland | Semerad | Wolf |

So the bill was declared lost.

Rep. Solberg changed his vote from "no" to "aye" for the purpose of reconsideration.

MESSAGES FROM THE SENATE

Senate Chamber,
Bismarck, March 1, 1939.

Mr. Speaker: I have the honor to transmit:
Senate Bill No. 100. A Bill for an Act Amending and Re-

enacting Sections 1 and 9 of Chapter 161 of the Session Laws of 1923, Being Sections 5099b1 and 5099b9 of the 1925 Supplement to the 1913 Compiled Laws of North Dakota; and Declaring an Emergency.

Senate Concurrent Resolution No. 148. A Concurrent Resolution Providing for the Amendment of Article 33 of the Constitution of North Dakota, Relating to the Recall.

Senate Bill No. 134. A Bill for an Act Permitting the Killing of Dogs, Wolves and Coyotes Kept as Domestic Animals When Caught in the Act of Killing, Chasing, Worrying or Damaging Livestock or Poultry, Providing Owners of Livestock and Poultry Killing Such Animals Shall Not Be Held Civilly Liable, and Declaring an Emergency.

Senate Bill No. 153. A Bill for an Act to Amend and Reenact Section 1 of Chapter 92 of the Session Laws of North Dakota for the Year 1931, Relating to Public Airports and Landing Fields and Declaring an Emergency.

Senate Bill No. 88. A Bill for an Act Providing for a Recodification and Revision of the Laws of North Dakota; Authorizing the Supreme Court to Create a Code Revision Commission; Defining Its Powers and Duties; Making an Appropriation Therefor; and Declaring an Emergency.

Senate Bill No. 175. A Bill for an Act Providing for the Establishment of, License Fee for, and Setting up Regulations to Govern Muskrat Propagation in the State of North Dakota.

Senate Concurrent Resolution No. "25." A Concurrent Resolution Urging Enactment of the Harrison-Fletcher Bill for the Benefit of Needy Schools, and for the Expansion of the Smith-Hughes Act.

Senate Bill No. 34. A Bill for an Act to Amend and Reenact Section 5 and Section 9 of Chapter 4 of the Session Laws of North Dakota for 1935.

Senate Bill No. 98. A Bill for an Act to Amend and Reenact Sections 506a2, 506a3, 506a4, 506a5, 506a6 as Amended by Chapter 208 of the Session Laws of 1927, 506a7, 506a9 as Amended by Chapter 208 of the Session Laws of 1927, 506a11, 506a12, 506a18, and 506a19 of the 1925 Supplement to the 1913 Compiled Laws of North Dakota, Relating to Creating a Board of Nurse Examiners, Providing for the Appointment of an Inspector of Schools of Nursing, and for the Examination, Registration, Re-registration, and Regulation of Graduated Nurses, and Exempting Practical Nurses from Registration, and Empowering the Board to Prescribe the Minimum Course of Study and Standards for Schools of Nursing, and Prescribing a Penalty for the Violation Thereof. Also, Defining Terms as Used in This Act; Repealing All Acts or Parts of Acts in Conflict Herewith; and Declaring an Emergency.

Senate Bill No. 50. A Bill for an Act to Amend and Reenact Sections 1 and 13 of Chapter 92 of the Session Laws of 1933, Providing for the Consolidation of Counties and Parts of Counties, the Petition Therefor, and the Liabilities and Debts of Counties Affected; and Repealing All Acts in Conflict Herewith.

Senate Bill No. 99. A Bill for an Act to Amend and Reenact Section 2 of Chapter 210 of the Session Laws of 1937,

Known as the Aid to the Blind Act, and Providing for Eligibility for Assistance to the Needy Blind, Declaring an Emergency.

Senate Bill No. 29. A Bill for an Act to Amend and Reenact Section 1189 of the Compiled Laws of 1913, as Amended by Chapter 236 of the 1931 Session Laws of North Dakota; and to Provide for Minimum Attendance Under Which School Boards May Discontinue a School.

Senate Bill No. 101. A Bill for an Act Amending and Reenacting Sections 1, 6 and 16 of Chapter 209 of the Session Laws of 1937, Being Those Parts of the Aid to Dependent Children Act Defining a Dependent Child; Naming Relatives; Providing the Amount of Assistance; and Method of Disbursement of Aid to Dependent Children Fund; and Declaring an Emergency.

Which the President has signed and your signature is respectfully requested.

Mr. Speaker: I have the honor to return:

House Bill No. 327. A Bill for an Act Prescribing the Qualifications of County Coroner.

House Bill No. 181. A Bill for an Act to Repeal Section 2173 of the Compiled Laws of North Dakota for 1913; Being an Act Authorizing the County Commissioners to Contract With the Sheriff for the Collection of Delinquent Personal Property Taxes for Additional Compensation.

House Bill No. 321. A Bill for an Act to Amend and Reenact Chapter 5-a of the 1925 Supplement to the 1913 Compiled Laws of North Dakota by Inserting and Adding Thereto Section 10500a6a, Providing for Joint and Several Liability by More Than One Possible Father and Declaring an Emergency.

House Bill No. 139. A Bill for an Act Making an Appropriation to the State Public Welfare Fund, Established by Section 3 of Chapter 214 of the Session Laws of 1937, for the Biennium Beginning July 1, 1939, and Ending June 30, 1941; to be Expended by the Public Welfare Board in Providing Public Assistance to the Needy Aged, as Provided by Chapter 211 of the Session Laws of 1937 as Amended by the Initiated Act Approved November 8, 1938; Repealing all Acts and Parts of Acts in Conflict Herewith.

House Bill No. 287. A Bill for an Act Defining, Licensing, Regulating the Practice of Naturopathy in the State of North Dakota; Creating a Board of Naturopathic Examiners to Examine and License Persons to Practice Naturopathy; Providing for the Enforcement of the Provisions of This Act and Prescribing Penalties for the Violation Thereof.

House Bill No. 364. A Bill for an Act to Amend and Reenact Section 10322a3 of the Supplement to the Compiled Laws of 1913 as Amended by Chapter 130 of the Session Laws of 1929, Relating to the Game and Fish Department of the State of North Dakota.

Which the Senate has indefinitely postponed.

Mr. Speaker: I have the honor to return:

House Bill No. 172. A Bill for an Act to Amend and Reenact Sections 5, 6, 7, 8 and 9 of Chapter 91 of the 1935 Session Laws of 1935, Relating to an Act Creating the State Athletic Commission, Prescribing Its Powers and Duties,

**Providing Penalties for Violations and Repealing All Acts or Parts of Acts in Conflict Therewith; and Providing an Appropriation Therefor.**

Which the Senate has amended as follows:

Strike out all amendments put on by the State Affairs Committee, on page 388 of the Senate Journal, also

Section 6, line 3, after the word "appropriated" strike out the balance of the line and line 4 up to the word "the".

House Bill No. 36. 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.

Which the Senate has amended as follows:

Line 1, page 670, of the Senate Journal, strike out the words "by N. H. Darton."

House Bill No. 70. A Bill for an Act Permitting the Purchase of Gasoline to be Used Solely for Agricultural and Industrial Purposes Without the Payment of a Gasoline Tax on the Purchase Price Thereof; Licensing Purchasers and Sellers; Providing Penalties; Repealing Chapter 189 of the Session Laws of North Dakota for 1931.

Which the Senate has amended as follows:

Section 3, line 4 of the Engrossed Bill, strike out the words "One Dollar" and insert in lieu thereof the words "Fifty Cents", also

Strike the Emergency clause from the title, and

Strike out all of Section 12 of the bill.

Mr. Speaker: I have the honor to transmit:

Senate Concurrent Resolution No. 285. A concurrent Resolution Memorializing the Members of the United States Congress Urging Congress to Pass a Bill to Establish a National Land Policy and to Provide Homesteads Free of Debt for Actual Farm Families, Which Bill is Now Pending in Congress Known as S. 136.

Which the Senate has passed and your favorable consideration is requested.

Mr. Speaker: I have the honor to return:

House Concurrent Resolution No. 248. A Concurrent Resolution Memorializing Congress to Enact the Frazier-Lemke Refinancing Act.

House Concurrent Resolution No. 225. Memorializing Congress to Pass $4,000,000.00 Appropriation Bill to Be Allotted Several U. S. Indian Reservations.

House Bill No. 356. A Bill for an Act to Amend and Reenact Section 3186 of the Compiled Laws of North Dakota for 1913, Relating to the Preferment for Official Appointment, and Providing for Repeal of Any Acts in Conflict Herewith.

House Bill No. 351. A Bill For an Act to Amend and Reenact Section 2346a18 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, as Amended by Section 4, Chapter 283 of the Session Laws of 1931, as Amended by Section 2, Chapter 241, Session Laws of 1937, to Repeal Section 4 of Chapter 241 Session Laws of 1937; and Declaring an Emergency.

Which the Senate has passed unchanged.

Mr. Speaker: I have the honor to inform you that the President has appointed as a conference committee to act with a like committee from the House, Senators: Gronvold, Troxel, and Aasen, relative to Senate Amendments on:

House Bill No. 311. A Bill for an Act Relating to the Organization of Irrigation Districts, the Powers and Functions of Such Districts, the Establishment and Construction of Irrigation Works Therein and Methods and Procedure for Financing the Cost of Purchasing or Constructing Such Irrigation Works; Amending Section 8247a1 of the Supplement to the Compiled Laws of 1913, as Amended and Reenacted by Section 1 of Chapter 142 of the Session Laws of 1933; Section 8247a2 of the Supplement to the Compiled Laws of 1913; Section 8247a3 of the Supplement to the Compiled Laws of 1913, as Amended and Re-enacted by Section 2 of Chapter 142 of the Session Laws of 1933; Sections 8247a4, 8247a5, 8247a6, 8247a7, 8247a8, and 8247a9 of the Supplement to the Compiled Laws of 1913; Section 8247a10 of the Supplement to the Compiled Laws of 1913, as Amended and Re-enacted by Section 3 of Chapter 142 of the Session Laws of 1933 and Amending Sections 8247a11, 8247a12, 8247a13, 8247a14, 8247a15, 8247a16, 8247a17, 8247a18, 8247a19, 8247a20, 8247a21a, 8247a23, 8247a24, 8247a26, 8247a47, 8247a51, 8247a52, 8247a53, 8247a56, 8247a57, 8247a59, 8247a60, 8247a61, 8247a63, 8247a64, 8247a65, and 8247a66 of the Supplement to the Compiled Laws of 1913; Validating Organization and Acts of Certain Irrigation Districts; Repealing All Acts and Parts of Acts in Conflict With the Provisions of This Act and Declaring an Emergency.

Mr. Speaker: I have the honor to inform you that the Senate has concurred in the House amendments to:

Senate Bill No. 203. A Bill for an Act Authorizing and Directing the President of the North Dakota Agricultural College to Enter Into a Leasing Agreement in Behalf of the North Dakota Agricultural College, with Hettinger Special School District No. 13, Leasing the Hettinger Experimental Substation Property Located Adjacent to the Village of Hettinger in the County of Adams, State of North Dakota; and Repealing Chapter 185, of the Session Laws of North Dakota for the Year 1937.

Senate Bill No. 182. A Bill for an Act Relating to the Status of Municipal Civil Service in Municipalities Which Change Their Form of Government and Amending Chapter 173 of the Session Laws of the State of North Dakota for the Year 1937.

Senate Bill No. 86. A Bill for an Act to Amend and Reenact Section 2588 of the Supplement to the Compiled Laws of 1913, as Amended by Chapter 251 of the Session Laws of 1929, Relating to the Treatment of Patients at the North Dakota Tuberculosis Sanitarium, and Declaring an Emergency.

Senate Bill No. 184. A Bill for an Act Authorizing the Adjutant General to Expend the Sum of $8,000.00 From the Balance Remaining in the "Returned Soldiers Fund" for the Purpose of Registering and Compiling Records of the Graves of Deceased Soldiers, Sailors, or Marines Buried in

This State and for Caring for and Preserving of Soldier Records, and Declaring an Emergency.

Mr. Speaker: I have the honor to inform you that the President has appointed as a conference committee to act with a like committee from the House, Senators: Watt, Aandahl, and Guthrie, relative to Senate amendments to:

House Bill No. 15. 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.

House Bill No. 16. 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.

House Bill No. 17. 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.

House Bill No. 18. A Bill for an Act Making an Appropriation for St. John's Orphanage of Fargo, North Dakota, Providing the Methods of Expenditures and Audit Thereof; Supervision and Inspection Therefor.

House Bill No. 19. 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.

House Bill No. 20. 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, Providing the Methods of Expenditure and Audit Thereof; Supervision and Inspection Therefor.

WM. J. LOWE, Secretary.

Senate Bill No. 105 was read the second time.

Rep. Schauss moved that further action on Senate Bill No. 105 be indefinitely postponed, which motion prevailed.

Rep. Lange moved that the House recess for a period of forty minutes, which motion prevailed.

The House reconvened pursuant to recess taken, Speaker Hagen presiding.

Rep. Scholl moved that the Appropriations Committee, which was out on business, be notified that the House was in Session, which motion prevailed and the Sergeant-at-Arms was instructed to so do.

The House continued on the Fourteenth Order of Business.

## MESSAGE TO THE SENATE

House of Representatives,
Bismarck, March 1, 1939.

Mr. President: I have the honor to inform you that the House has concurred in the Senate amendment to:

House Bill No. 309. A Bill for an Act to Amend and Reenact Section 8 of Chapter 135 of the 1935 Session Laws of the State of North Dakota, Relating to the Nomination of Candidates for the Offices of Presidential Electors; for the Election of Party Precinct Committeemen; Delegates to the National Party Conventions and National Party Commit-

teemen and National Party Committeewomen; for the Organization of Party County and State Committees, Such Amendment Requiring that in Selecting Proxies, the Same Shall Be Taken From the Precinct, in Which the Committeemen or Committeewomen Were Elected; Repealing All Acts or Parts of Acts in Conflict Herewith.

MINNIE D. CRAIG, Chief Clerk.

## MESSAGE FROM THE GOVERNOR

State of North Dakota
OFFICE OF THE GOVERNOR
Bismarck, March 1, 1939.

To the House of Representatives of the
State of North Dakota:

This is to notify you that I have to-day approved and filed with the Secretary of State:

House Bill No. 73. A Bill for an Act Validating, Ratifying and Confirming Warrants, and Other Instruments or Obligations Evidencing or Representing Indebtedness, or Evidencing or Representing the Borrowing of Money, or Evidencing or Representing a Charge, Lien or Encumbrance on Specific Revenues of Any County Heretofore Issued and Levies Heretofore Made by Boards of County Commissioners in any County of This State for the Purpose of Financing Poor Relief, Under the Conditions Specified in This Act, and Validating All Proceedings Heretofore Taken by Any Board of County Commissioners in Connection With the Issuance of Emergency Poor Fund Warrants and the Making of Emergency Poor Relief Levies Under the Provisions of Chapter 98, Laws of 1933, as Amended by Chapter 120, Laws of 1935, or Under Any Assumed, Implied or Purported Authority of Said Statutes, and Declaring an Emergency.

Also

House Bill No. 98. A Bill for an Act to Repeal Chapter 28 of the 1925 Session Laws, Being Section 1796a5 of the 1925 Supplement, Making an Appropriation for Civil War Veterans; and Declaring an Emergency.

Also

House Bill No. 110. A Bill for an Act to Amend and Reenact Sub-section 1 of Section 32, Chapter 148, Session Laws of 1931, Relating to Fur-Bearing Animals; and Declaring an Emergency.

Also,

House Bill No. 147. A Bill for an Act Ceding to the United States Exclusive Jurisdiction Over Certain Lands in Burleigh County Which are Parts of the Fort Lincoln Military Reservation.

Also,

House Bill No. 242. A Bill for an Act to Amend and Reenact Section 9873 of the Compiled Laws of the State of North Dakota for the Year 1913, to Define the Crime of Burglary in the Third Degree.

Also,

House Bill No. 243. A Bill for an Act to Amend and Reenact Section 9878 of the Compiled Laws of the State of North Dakota for the Year 1913, Relating to Unlawful Entry.

Also,

House Bill No. 65. A Bill for an Act Assenting to the Provisions of the Act of Congress Entitled "AN ACT To Provide That the United States Shall Aid the States in Wildlife-Restoration Projects and for Other Purposes," Approved September 2, 1937.

JOHN MOSES,
Governor.

JM:F

## SECOND READING OF SENATE BILLS

Senate Bill No. 232. A Bill for an Act Making an Appropriation for the Use and Benefit of the State Highway Department of the State of North Dakota to Pay for Equipment (Purchased From and Installed by the Addressograph Multigraph Corporation.)

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, 59; nays, 46; absent and not voting, 5.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Holm | Peterson, Bottineau |
| Anfinson | Hultstrand | Rait |
| Beede | Ista | Rettke |
| Bergesen | Jensen | Ritter |
| Bingenheimer | Johnson, LaMoure | Rohde |
| Bolmeier | Keller | Sand |
| Braun, McLean | Kluver | Schauss |
| Braun, Stark | Knutson | Schmidt, McHenry |
| Buchholz | Lange | Schmidt, Sheridan |
| Byrne | Larson | Schimke |
| Crockett | Levin | Scholl |
| Culver | McIntee | Schwartz |
| Dike | McIntyre | Sellens |
| Erickson | Myers | Semerad |
| Fitch | Mittag | Stormon |
| Fraser | Mollet | Tuff |
| Glas | Nelson, Dickey | Urschel |
| Gray | Odegard | Wolf |
| Haugland | Ostgulen | Mr. Speaker |
| Hofstrand | Panko | |

Those voting in the negative were:

| | | |
|---|---|---|
| Arneson, Nelson | Heckman | Severson |
| Arneson, Ramsey | Holthusen | Sharpe |
| Belzer | Ireland | Shure |
| Benno | Johnson, Cass | Singleton |
| Billigmeier | Joiner | Skartvedt |
| Blair | Lunde | Solberg |
| Boulden | McInnes | Stone |
| Brown | Moe | Symington |
| Dalzell | Morland | Thompson, Steele |
| Dittmer | Nelson, Cass | Thompson, Burl'gh |
| Feton | Nelson, Steele | Trydahl |
| Fletcher | Nystrom | Twichell |
| Fuglestad | Oglesby | Wambheim |
| Gainor | Page | Westby |
| Haag | Peterson, Ransom | Williams, Richland |
| Halvorson | | |

Absent and not voting:

| | | |
|---|---|---|
| Anderson, Benson | O'Brien | Williams, Stutsm'n |
| Anderson, M'K'nzie | Saumur | |

So the bill passed and the title was agreed to.

Rep. Schwartz moved that the vote by which Senate Bill No. 232 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Rep. Blair: By supporting this measure we are placing our stamp of approval upon an appropriation for a machine purchased by a state employee who did not have the authority to do so. The principle is wrong. Therefore I take great pleasure in voting "no".

Rep. Twichell: I vote "no" for two reasons: First because the sale was made illegally and secondly because any saving that has been attributed to this machine must come only from throwing people out of employment. That is the only possible saving there is. I therefore vote "no".

Rep. Holm: I am going to vote for this bill for the simple reason that we are facing a thing here which I think most of us will admit is an illegal transaction. Nevertheless the State of North Dakota, I think, should not be placed in a class whereby it cannot be depended upon; and furthermore, for the simple reason, as already stated here that the appropriation has already been cut down approximately $30,000. For that reason I think the machine is going to pay for itself. Therefore I vote "aye".

Rep. Kluver: I feel that this an obligation of our state contracted in good faith and as such should be paid. Therefore I vote "aye".

Rep. Boulden requested that the House be on the Seventh Order of Business, which request was granted.

Rep. Boulden moved that action taken on Senate Bill No. 257 be reconsidered.

A roll call was demanded and granted.

ROLL CALL

The question being on the motion to reconsider Senate Bill No. 257, the roll was called and there were ayes, 53; nays, 52; absent and not voting, 4; passed, 1.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Arneson, Nelson | Haugland | Schauss |
| Arneson, Ramsey | Holm | Sellens |
| Benno | Holthusen | Severson |
| Bergesen | Ireland | Sharpe |
| Blair | Johnson, Cass | Shure |
| Bolmeier | Kluver | Singleton |
| Boulden | Larson | Skartvedt |
| Braun, Stark | Lunde | Solberg |
| Brown | McInnes | Stone |
| Byrne | Moe | Stormon |
| Culver | Morland | Symington |
| Dalzell | Nelson, Cass | Thompson, Burl'gh |
| Dike | Nelson, Steele | Thompson, Steele |
| Dittmer | Nystrom | Trydahl |
| Feton | O'Brien | Twichell |
| Fitch | Oglesby | Wambheim |

| | | |
|---|---|---|
| Fuglestad | Page | Westby |
| Gainor | Peterson, Ransom | |

Those voting in the negative were:

| | | |
|---|---|---|
| Adam | Hultstrand | Panko |
| Anfinson | Ista | Peterson,Bottineau |
| Beede | Jensen | Rait |
| Belzer | Johnson, LaMoure | Rettke |
| Billigmeier | Joiner | Ritter |
| Bingenheimer | Keller | Rohde |
| Braun, McLean | Knutson | Sand |
| Buchholz | Lange | Schmidt, McHenry |
| Crockett | Levin | Schmidt, Sheridan |
| Erickson | McIntee | Schimke |
| Fletcher | McIntyre | Scholl |
| Fraser | Myers | Schwartz |
| Glas | Mittag | Semerad |
| Gray | Mollet | Urschel |
| Haag | Nelson, Dickey | Williams,Richland |
| Halvorson | Odegard | Wolf |
| Heckman | Ostgulen | Mr. Speaker |
| Hofstrand | | |

Absent and not voting:

| | | |
|---|---|---|
| Anderson, Benson | Saumur | Williams,Stutsm'n |
| Anderson,M'K'nzie | | |

Passed:
Tuff

Rep. Crockett: "I would like to vote 'aye' on this bill if it was drawn properly. If this House would see fit to have a committee appointed from the House consisting of three members and two members from the Senate on that committee to do this investigating and investigate everything and not use it for a political football, I would vote 'aye', and I would be glad to entertain a motion at any time from the floor of this House to that effect. I would go so far as to name two I.V.A.'s from the Senate and two Democrats from the House."

Rep. Fitch moved a substitute motion that Senate Bill No. 257 be placed in General Orders, which motion prevailed.

Senate Bill No. 140. A Bill for an Act Making an Appropriation for the Biennium Beginning July 1, 1939, and Ending June 30, 1941 to the Public Welfare Fund, Created and Established by Section 3 of Chapter 214 of the Session Laws of 1937, for Disbursement by the Public Welfare Board in Providing Public Assistance to the Needy Blind and to Dependent Children, as Provided by Chapters 209 and 210 of the Session Laws of 1937, and in Providing Child Welfare Services and Services to Crippled Children in Coordination With and Supplementary to Funds Made Available for Like Purposes in North Dakota by the Federal Government, as Provided by Chapter 221 of the Session Laws of 1935.

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, 84; nays, 13; absent and not voting, 13.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Hofstrand | Odegard |
| Anfinson | Holm | Oglesby |
| Arneson, Ramsey | Holthusen | Ostgulen |
| Arneson, Nelson | Hultstrand | Page |
| Beede | Ireland | Panko |
| Belzer | Ista | Peterson,Bottineau |
| Bergesen | Jensen | Peterson, Ransom |
| Billigmeier | Johnson, Cass | Rait |
| Bingenheimer | Johnson, LaMoure | Rettke |
| Bolmeier | Joiner | Rohde |
| Braun, Stark | Keller | Sand |
| Brown | Kluver | Schauss |
| Buchholz | Knutson | Schmidt, Sheridan |
| Culver | Larson | Schimke |
| Dalzell | Levin | Schwartz |
| Dike | Lunde | Semerad |
| Dittmer | McInnes | Sharpe |
| Erickson | McIntee | Shure |
| Fitch | McIntyre | Singleton |
| Fletcher | Myers | Skartvedt |
| Fraser | Mittag | Solberg |
| Gainor | Moe | Thompson, Steele |
| Glas | Mollet | Twichell |
| Gray | Nelson, Cass | Wambheim |
| Haag | Nelson, Dickey | Westby |
| Halvorson | Nelson, Steele | Williams,Richland |
| Haugland | Nystrom | Williams,Stutsm'n |
| Heckman | O'Brien | Mr. Speaker |

Those voting in the negative were:

| | | |
|---|---|---|
| Blair | Fuglestad | Sellens |
| Boulden | Lange | Severson |
| Braun, McLean | Schmidt, McHenry | Stone |
| Crockett | Scholl | Tuff |
| Feton | | |

Absent and not voting:

| | | |
|---|---|---|
| Anderson,M'K'nzie | Ritter | Thompson,Burl'gh |
| Anderson, Benson | Saumur | Trydahl |
| Benno | Stormon | Urschel |
| Byrne | Symington | Wolf |
| Morland | | |

So the bill passed and the title was agreed to.

Senate Bill No. 56. A Bill for an Act Amending and Reenacting the Initiated Measure Entitled: "An Act Reducing and Fixing Allowances for Mileage and Travel Expense 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 30, 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," Adopted and Approved by the Electors at the June 29, 1932, Primary Election, Fixing Allowances for Mileage and Travel Expense of County Officials and Their Deputies; and Repealing Chapter 119, Session Laws of 1931, 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, 73; nays, 16; absent and not voting, 20; passed, 1.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Anderson, Benson | Haag | Peterson, Ransom |
| Arneson, Ramsey | Halvorson | Nelson, Dickey |
| Beede | Haugland | Oglesby |
| Belzer | Heckman | Page |
| Benno | Hofstrand | Panko |
| Billigmeier | Holm | Peterson,Bottineau |
| Bingenheimer | Holthusen | Rait |
| Blair | Ista | Rettke |
| Bolmeier | Johnson, LaMoure | Rohde |
| Boulden | Joiner | Sand |
| Braun, McLean | Keller | Schmidt, Sheridan |
| Brown | Kluver | Scholl |
| Buchholz | Knutson | Schwartz |
| Byrne | Lange | Sellens |
| Dalzell | Levin | Shure |
| Dike | Larson | Skartvedt |
| Dittmer | Lunde | Stone |
| Erickson | McInnes | Stormon |
| Feton | McIntyre | Tuff |
| Fitch | Myers | Twichell |
| Fletcher | Mittag | Wambheim |
| Fraser | Moe | Williams,Richland |
| Fuglestad | Mollet | Williams,Stutsm'n |
| Glas | Nelson, Cass | Mr. Speaker |
| Gray | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Anderson,M'K'nzie | McIntee | Sharpe |
| Arneson, Nelson | Nelson, Steele | Singleton |
| Crockett | Nystrom | Solberg |
| Culver | Schmidt, McHenry | Thompson, Steele |
| Gainor | Severson | Westby |
| Jensen | | |

Absent and not voting:

| | | |
|---|---|---|
| Adam | O'Brien | Semerad |
| Bergesen | Odegard | Symington |
| Braun, Stark | Ostgulen | Thompson,Burl'gh |
| Hultstrand | Ritter | Trydahl |
| Ireland | Saumur | Urschel |
| Johnson, Cass | Schauss | Wolf |
| Morland | Schimke | |

Passed:
Anfinson

So the bill was declared lost for lack of a Constitutional majority of two-thirds.

Rep. Jensen changed his vote from "aye" to "no" for the purpose of reconsideration.

Senate Bill No. 124. A Bill for an Act Making an Appropriation for a Pension for Patricia Ann Crites and Dennis Duane Crites, Minor Children of National Guardsman, John E. Crites.

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, 89; nays, 0; absent and not voting, 21.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Anderson,M'K'nzie | Gray | Oglesby |
| Anfinson | Haag | Ostgulen |
| Arneson, Nelson | Halvorson | Page |
| Arneson, Ramsey | Haugland | Panko |
| Beede | Heckman | Peterson,Bottineau |
| Belzer | Hofstrand | Peterson, Ransom |
| Benno | Holm | Rait |
| Bergesen | Holthusen | Rettke |
| Billigmeier | Ista | Rohde |
| Bingenheimer | Jensen | Sand |
| Blair | Johnson, LaMoure | Schmidt, McHenry |
| Bolmeier | Joiner | Schmidt, Sheridan |
| Boulden | Keller | Scholl |
| Braun, McLean | Kluver | Schwartz |
| Braun, Stark | Knutson | Sellens |
| Brown | Lange | Severson |
| Buchholz | Larson | Sharpe |
| Byrne | Levin | Shure |
| Culver | Lunde | Singleton |
| Dalzell | McInnes | Skartvedt |
| Dike | McIntee | Solberg |
| Dittmer | McIntyre | Thompson, Steele |
| Erickson | Myers | Tuff |
| Feton | Mittag | Twichell |
| Fitch | Mollet | Wambheim |
| Fletcher | Moe | Westby |
| Fraser | Nelson, Cass | Williams,Richland |
| Fuglestad | Nelson, Dickey | Williams,Stutsm'n |
| Gainor | Nelson, Steele | Mr. Speaker |
| Glas | Nystrom | |

Absent and not voting:

| | | |
|---|---|---|
| Adam | O'Brien | Stone |
| Anderson, Benson | Odegard | Stormon |
| Crockett | Ritter | Symington |
| Hultstrand | Saumur | Thompson,Burl'gh |
| Ireland | Schauss | Trydahl |
| Johnson, Cass | Schimke | Urschel |
| Morland | Semerad | Wolf |

So the bill passed and the title was agreed to.

Senate Bill No. 132. A Bill for an Act to Make an Appropriation for the Financing of the Operations of the State Soil Conservation Committee or the Activities of the State Soil Conservation 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, 61; nays, 26; absent and not voting, 23.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Anderson, Benson | Glas | Mollet |
| Anderson,M'K'nzie | Gray | Nelson, Cass |
| Anfinson | Halvorson | Nelson, Dickey |

| | | |
|---|---|---|
| Arneson, Nelson | Haugland | Nelson, Steele |
| Arneson, Ramsey | Heckman | Nystrom |
| Beede | Holthusen | Panko |
| Belzer | Hofstrand | Peterson,Bottineau |
| Benno | Holm | Rait |
| Bergesen | Ista | Rettke |
| Bingenheimer | Jensen | Rohde |
| Bolmeier | Johnson, LaMoure | Sand |
| Braun, Stark | Joiner | Scholl |
| Brown | Kluver | Sharpe |
| Buchholz | Larson | Singleton |
| Byrne | Levin | Solberg |
| Dike | Lunde | Twichell |
| Dittmer | McIntee | Westby |
| Erickson | McIntyre | Williams,Richland |
| Fletcher | Myers | Williams,Stutsm'n |
| Fraser | Mittag | Mr. Speaker |
| Gainor | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Billigmeier | Keller | Schwartz |
| Blair | Knutson | Sellens |
| Boulden | Moe | Severson |
| Braun, McLean | Oglesby | Shure |
| Crockett | Ostgulen | Skartvedt |
| Dalzell | Page | Stone |
| Feton | Peterson, Ransom | Thompson, Steele |
| Fuglestad | Schmidt, McHenry | Tuff |
| Haag | Schmidt, Sheridan | |

Absent and not voting:

| | | |
|---|---|---|
| Adam | Morland | Stormon |
| Culver | O'Brien | Symington |
| Fitch | Odegard | Thompson,Burl'gh |
| Hultstrand | Ritter | Trydahl |
| Ireland | Saumur | Urschel |
| Johnson, Cass | Schauss | Wambheim |
| Lange | Schimke | Wolf |
| McInnes | Semerad | |

So the bill passed and the title was agreed to.

Rep. Westby 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.

Senate Bill No. 236. A Bill for an Act to Amend and Reenact Section 3 of Chapter 255 of the Session Laws of 1937, Relating to the Creation of State Water Conservation Commission.

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, 51; absent and not voting, 21.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Anderson, Benson | Gainor | Nystrom |
| Benno | Glas | Oglesby |
| Blair | Haugland | Page |
| Bolmeier | Holm | Peterson, Ransom |

| | | |
|---|---|---|
| Boulden | Holthusen | Sellens |
| Brown | Jensen | Severson |
| Buchholz | Kluver | Sharpe |
| Byrne | Larson | Singleton |
| Dike | Levin | Thompson, Steele |
| Dittmer | Lunde | Twichell |
| Erickson | McInnes | Wambheim |
| Fletcher | Nelson, Cass | Williams,Stutsm'n |
| Fuglestad | Nelson, Steele | |

Those voting in the negative were:

| | | |
|---|---|---|
| Anderson,M'K'nzie | Heckman | Rait |
| Anfinson | Hofstrand | Rettke |
| Arneson, Nelson | Ista | Rohde |
| Arneson, Ramsey | Johnson, LaMoure | Sand |
| Beede | Joiner | Schauss |
| Belzer | Keller | Schmidt, McHenry |
| Bergesen | Knutson | Schmidt, Sheridan |
| Billigmeier | Lange | Scholl |
| Bingenheimer | McIntee | Schwartz |
| Braun, McLean | McIntyre | Shure |
| Crockett | Myers | Skartvedt |
| Dalzell | Mittag | Solberg |
| Feton | Mollet | Stone |
| Fraser | Nelson, Dickey | Tuff |
| Gray | Ostgulen | Westby |
| Haag | Panko | Williams,Richland |
| Halvorson | Peterson,Bottineau | Mr. Speaker |

Absent and not voting:

| | | |
|---|---|---|
| Adam | Moe | Semerad |
| Braun, Stark | Morland | Stormon |
| Culver | O'Brien | Symington |
| Fitch | Odegard | Thompson,Burl'gh |
| Hultstrand | Ritter | Trydahl |
| Ireland | Saumur | Urschel |
| Johnson, Cass | Schimke | Wolf |

So the bill was declared lost for lack of Constitutional majority.

## MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, March 1, 1939.

Mr. Speaker: I have the honor to return:

House Bill No. 36. 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.

Which the Senate has amended as follows:

Line 1, page 670, of the Senate Journal, strike out the words "by N. H. Darton."

In line 3, strike out the figures "$12,530.00" and insert in lieu thereof the figures "$14,530.00."

Following line 21, insert a new line to read as follows: "St. Topographic Map by N. H. Darton" and insert the figures "$2,000.00."

In line 22, strike out the figures "$12,530.00" and insert in lieu thereof the figures "$14,530.00."

Renumber all lines in numerical order.

WM. J. LOWE, Secretary.

Rep. Shure moved that the House do not concur in the Senate amendments to House Bill No. 36 and that a conference committee be apponted to act with a like committee from the Senate in deliberation on House Bill No. 36, which motion prevailed and the Speaker appointed on that committee Rep. Shure, McIntyre and Lange.

House Bill No. 172 was received from the Senate amended.

Rep. Fitch moved that the House do not concur in the Senate amendments to House Bill No. 172 and that a conference committee be appointed to act with a like committee from the Senate in deliberation on House Bill No. 172, which motion prevailed.

Rep. Lange moved that the House do concur in the Senate amendments to House Bill No. 70, which motion prevailed.

Rep. Lange moved that the rules be suspended and that House Bill No. 70 be considered properly re-engrossed, placed on second reading and final passage, which motion prevailed.

## SECOND READING OF HOUSE BILLS

House Bill No. 70. A Bill for an Act Permitting the Purchase of Gasoline to be Used Solely for Agricultural and Industrial Purposes Without the Payment of a Gasoline Tax on the Purchase Price Thereof; Licensing Purchasers and Sellers; Providing Penalties; Repealing Chapter 189 of the Session Laws of North Dakota for 1931.

Was read the second time.

## ROLL CALL

The question being on the final passage of the bill, as amended by Senate, the roll was called and there were ayes, 87; nays, 2; absent and not voting, 21.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Anderson, Benson | Glas | Ostgulen |
| Anderson,M'K'nzie | Gray | Page |
| Anfinson | Haag | Panko |
| Arneson, Nelson | Halvorson | Peterson, Ransom |
| Arneson, Ramsey | Heckman | Rait |
| Beede | Hofstrand | Rettke |
| Belzer | Holm | Rohde |
| Benno | Holthusen | Sand |
| Bergesen | Ista | Schauss |
| Billigmeier | Jensen | Schmidt, McHenry |
| Bingenheimer | Johnson, LaMoure | Schmidt, Sheridan |
| Blair | Joiner | Scholl |
| Bolmeier | Keller | Schwartz |
| Boulden | Kluver | Sellens |
| Braun, McLean | Knutson | Severson |
| Braun, Stark | Lange | Sharpe |
| Brown | Larson | Shure |
| Buchholz | Levin | Singleton |
| Culver | Lunde | Skartvedt |
| Dalzell | McIntee | Solberg |
| Dike | McIntyre | Stone |
| Dittmer | Myers | Thompson, Steele |
| Erickson | Mittag | Tuff |
| Feton | Mollet | Twichell |
| Fitch | Nelson, Cass | Wambheim |

| | | |
|---|---|---|
| **Fletcher** | **Nelson, Dickey** | **Westby** |
| **Fraser** | **Nelson, Steele** | **Williams,Richland** |
| **Fuglestad** | **Nystrom** | **Williams,Stutsm'n** |
| **Gainor** | **Oglesby** | **Mr. Speaker** |

**Those voting in the negative were:**

| | |
|---|---|
| **Moe** | McInnes |

**Absent and not voting:**

| | | |
|---|---|---|
| **Adam** | **Morland** | **Semerad** |
| **Byrne** | **O'Brien** | **Stormon** |
| **Crockett** | **Odegard** | **Symington** |
| **Haugland** | **Peterson,Bottineau** | **Thompson,Burl'gh** |
| **Hultstrand** | **Ritter** | **Trydahl** |
| **Ireland** | **Saumur** | **Urschel** |
| **Johnson, Cass** | **Schimke** | **Wolf** |

So the bill passed and the title was agreed to.

## REPORT OF SELECT COMMITTEE

The Conference Committee on House Bill No. 385 made the following report:

Mr. Speaker: Your Conference Committee of the House to whom was referred:

House Bill No. 385. A Bill for an Act, Making an Appropriation for the Operating, Administration, Salaries and Other Expenses for the State Hospital for the Insane at Jamestown, North Dakota and Declaring an Emergency.

Have had the same under consideration and recommend:

The House accepts Senate amendment in line 2 of the printed Bill which is as follows: "paid by counties for care of patients at the State Hospital, which is now".

The Senate recedes from its amendment to line 3 of the printed Bill, thus fixing the amount to be appropriated at $115,500.00.

| For the Senate: | For the House: |
|---|---|
| Wm. Watt | J. M. Anderson, of Benson |
| Herman Thorson | Henry Williams |
| James W. Guthrie | Bernt Anderson of McKenzie |

Rep. Anderson of Benson moved that the report be adopted, which motion prevailed and the report was adopted.

Rep. Anderson of Benson moved that the rules be suspended and that House Bill No. 385 be considered properly re-engrossed, placed on second reading and final passage as amended by the Conference Committee, which motion prevailed.

## SECOND READING OF HOUSE BILLS

House Bill No. 385. A Bill for an Act Making an Appropriation for the Operating, Administration, Salaries and Other Expenses for the State Hospital for the Insane at Jamestown, 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 by Conference Committee, the roll was called and there were ayes, 80; nays, 1; absent and not voting, 29.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Anderson, Benson | Gray | Oglesby |
| Anderson, M'K'nzie | Haag | Ostgulen |
| Anfinson | Halvorson | Page |
| Arneson, Nelson | Heckman | Panko |
| Beede | Hofstrand | Peterson, Bottineau |
| Belzer | Holm | Peterson, Ransom |
| Benno | Holthusen | Rait |
| Bergesen | Ista | Rohde |
| Billigmeier | Johnson, LaMoure | Schauss |
| Bingenheimer | Joiner | Schmidt, McHenry |
| Bolmeier | Keller | Schmidt, Sheridan |
| Boulden | Kluver | Schwartz |
| Braun, McLean | Lange | Sellens |
| Braun, Stark | Larson | Severson |
| Brown | Levin | Sharpe |
| Buchholz | Lunde | Shure |
| Culver | McInnes | Singleton |
| Dalzell | McIntee | Skartvedt |
| Dike | McIntyre | Stone |
| Dittmer | Myers | Thompson, Steele |
| Erickson | Mittag | Tuff |
| Feton | Moe | Wambheim |
| Fletcher | Mollet | Westby |
| Fraser | Nelson, Cass | Williams, Richland |
| Fuglestad | Nelson, Dickey | Williams, Stutsm'n |
| Gainor | Nelson, Steele | Mr. Speaker |
| Glas | Nystrom | |

Those voting in the negative were:
Solberg

Absent and not voting:

| | | |
|---|---|---|
| Adam | Johnson, Cass | Scholl |
| Arneson, Ramsey | Knutson | Semerad |
| Blair | Morland | Stormon |
| Byrne | O'Brien | Symington |
| Crockett | Odegard | Thompson, Burl'gh |
| Fitch | Rettke | Trydahl |
| Haugland | Ritter | Twichell |
| Hultstrand | Sand | Urschel |
| Ireland | Saumur | Wolf |
| Jensen | Schimke | |

So the bill passed and the title was agreed to.

The Speaker announced the House would be on the Eighth Order of Business.

Rep. Lange moved that the House recess until 8:00 P. M. after completion of the Eighth Order of Business, which motion prevailed.

## SIGNING OF BILLS

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 34. A Bill for an Act to Amend and Reenact Section 5 and Section 9 of Chapter 4 of the Session Laws of North Dakota for 1935.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 98. A Bill for an Act to Amend and Reenact Sections 506a2, 506a3, 506a4, 506a5, 506a6 as Amended by Chapter 208 of the Session Laws of 1927, 506a7, 506a9 as Amended by Chapter 208 of the Session Laws of 1927, 506a11, 506a12, 506a18, and 506a19 of the 1925 Supplement to the 1913 Compiled Laws of North Dakota, Relating to Creating a Board of Nurse Examiners, Providing for the Appointment of an Inspector of Schools of Nursing, and for the Examination, Registration, Re-registration, and Regulation of Graduated Nurses, and Exempting Practical Nurses from Registration, and Empowering the Board to Prescribe the Minimum Course of Study and Standards for Schools of Nursing, and Prescribing a Penalty for the Violation Thereof. Also, Defining Terms as Used in This Act; Repealing All Acts or Parts of Acts in Conflict Herewith; and Declaring an Emergency.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 50. A Bill for an Act to Amend and Reenact Sections 1 and 13 of Chapter 92 of the Session Laws of 1933, Providing for the Consolidation of Counties and Parts of Counties, the Petition Therefor, and the Liabilities and Debts of Counties Affected; and Repealing All Acts in Conflict Herewith.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 29. A Bill for an Act to Amend and Reenact Section 1189 of the Compiled Laws of 1913, as Amended by Chapter 236 of the 1931 Session Laws of North Dakota; and to Provide for Minimum Attendance Under Which School Boards May Discontinue a School.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 101. A Bill for an Act Amending and Reenacting Sections 1, 6 and 16 of Chapter 209 of the Session Laws of 1937, Being Those Parts of the Aid to Dependent Children Act Defining a Dependent Child; Naming Relatives; Providing the Amount of Assistance; and Method of Disbursement of Aid to Dependent Children Fund; and Declaring an Emergency.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Senate Concurrent Resolution No. "25." A Concurrent Resolution Urging Enactment of the Harrison-Fletcher Bill for the Benefit of Needy Schools, and for the Expansion of the Smith-Hughes Act.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 175. A Bill for an Act Providing for the Establishment of, License Fee for, and Setting up Regulations to Govern Muskrat Propagation in the State of North Dakota.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 88. A Bill for an Act Providing for a Recodification and Revision of the Laws of North Dakota; Authorizing the Supreme Court to Create a Code Revision Commission; Defining Its Powers and Duties; Making an Appropriation Therefor; and Declaring an Emergency.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 99. A Bill for an Act to Amend and Reenact Section 2 of Chapter 210 of the Session Laws of 1937, Known as the Aid to the Blind Act, and Providing for Eligibility for Assistance to the Needy Blind, Declaring an Emergency.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 100. A Bill for an Act Amending and Reenacting Sections 1 and 9 of Chapter 161 of the Session Laws of 1923, Being Sections 5099b1 and 5099b9 of the 1925 Supplement to the 1913 Compiled Laws of North Dakota; and Declaring an Emergency.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Senate Concurrent Resolution No. 148. A Concurrent Resolution Providing for the Amendment of Article 33 of the Constitution of North Dakota, Relating to the Recall.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 134. A Bill for an Act Permitting the Killing of Dogs, Wolves and Coyotes Kept as Domestic Animals When Caught in the Act of Killing, Chasing, Worrying or Damaging Livestock or Poultry, Providing Owners of Livestock and Poultry Killing Such Animals Shall Not Be Held Civilly Liable, and Declaring an Emergency.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 153. A Bill for an Act to Amend and Re-enact Section 1 of Chapter 92 of the Session Laws of North Dakota for the Year 1931, Relating to Public Airports and Landing Fields and Declaring an Emergency.

And the Speaker signed the same in the presence of the House.

The House stood recessed pursuant to Rep. Lange's motion to be called to order at 8:00 P. M.

The House reconvened pursuant to recess taken, Speaker Oscar Hagen presiding.

The Speaker announced the House would be on the Eighth Order of Business.

## SIGNING OF BILLS

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 309. A Bill for an Act to Amend and Re-enact Section 8 of Chapter 135 of the 1935 Session Laws of the State of North Dakota, Relating to the Nomination of Candidates for the Offices of Presidential Electors; for the Election of Party Precinct Committeemen; Delegates to the National Party Conventions and National Party Committeemen and National Party Committeewomen; for the Organization of Party County and State Committees, Such Amendment Requiring That in Selecting Proxies, the Same Shall Be Taken From the Precinct in Which the Committeemen or Committeewomen Were Elected; Repealing All Acts or Parts of Acts in Conflict Herewith.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 30. A Bill for an Act Making an Appropriation to Provide Funds for the Arrest and Return of Fugitives from Justice as Provided by Section 11162, Compiled Laws of 1913, as Amended and Re-enacted by Chapter 160, Laws of 1915, the same being Section 11162 of the Supplement to the 1913 Compiled Laws of North Dakota.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

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 Workmen's Compensation Bureau.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 46. A Bill for an Act Making an Appropriation Out of the Teachers' Insurance and Retirement Fund in the State Treasury for Operation and Maintenance,

Equipment, Supplies, Travel and Miscellaneous Expenses for the Teachers' Insurance and Retirement Fund.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 31. 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.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 22. 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 the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 301. A Bill for an Act to Make Uniform the Law on Criminal Indictment and Information; Defining Terms Included in This Act; Providing What an Indictment or Information Must or Need Not Contain; Setting Forth Forms Thereof; Providing for Bills of Particular; in General Covering and Interpreting the Laws Pertaining to Indictments and Informations, and Repealing All Acts or Parts of Acts in Conflict Herewith.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 216. A Bill for an Act to Amend and Reenact Section 8175 of the Compiled Laws of the State of North Dakota for 1913 Relating to Actions Against the State of North Dakota.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 185. A Bill for an Act Relating to the Issuance of Tax Sale Certificates; the Payment of Subsequent Taxes; the Issuance of Subsequent Tax Sale Certificates; Amending and Re-enacting Section 2192, as Amended by Chapter 298, Session Laws of 1931, of the Supplement to the Compiled Laws of 1913; and to Make the Records of the County Auditor Evidence of the Rights of the County; and Dispensing With the Necessity of Issuing Tax Sale Certificates and Subsequent Tax Sale Certificates to the Counties; Declaring an Emergency.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 186. A Bill for an Act Providing for the Resale of Lands Acquired by the State on Foreclosure of Mortgages Given to Secure Loans of Permanent School Funds, or by Deed Given in Lieu of Foreclosure; Giving a Preference to Mortgagors Whose Lands Are Resold or to Their Heirs; Providing for the Terms and Conditions of Resale; and Declaring an Emergency.

And the Speaker signed the same in the presence of the House.

The Speaker announced the House would be on the Fifth Order of Business.

## REPORTS OF STANDING COMMITTEES

Mr. Speaker: Your Committee on Taxes and Tax Laws to whom was referred:

Senate Bill No. 78, have had the same under consideration and recommend that the same be indefinitely postponed.

N. P. JENSEN, Chairman.

Rep. Hofstrand moved that the report be adopted.

Rep. Lange moved a substitute motion that Senate Bill No. 78 be placed on the calendar, which motion was lost.

The question being on the report of the committee to indefinitely postpone Senate Bill No. 78, the motion prevailed.

Rep. Fitch moved that the vote by which Senate Bill No. 78 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on Taxes and Tax Laws, to whom was referred:

Senate Bill No. 258, have had the same under consideration and recommend that the same be amended as follows:

In section 3, line 38, strike out the word "may" and insert in lieu thereof the word "shall."

And when so amended, recommend the same do pass.

NELS P. JENSEN, Chairman.

Rep. Myers moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Taxes and Tax Laws to whom was referred:

Senate Bill No. 26, have had the same under consideration and recommend that the same be amended as follows:

In the amendment appearing on page 499 of the House Journal, amend the amendment as follows: in line 6 of the amendment, after the word "materials," strike out the "comma" and insert in lieu thereof the word "and," and in the same line after the word "supplies," strike out the words "and equipment."

And when so amended recommend the same do pass.

N. P. JENSEN, Chairman.

Rep. Myers moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Education to whom was referred Senate Bill No. 191, have had the same under consideration and recommend that the same be returned to the House without any recommendation whatsoever.

C. H. HOFSTRAND, Chairman.

Rep. Jensen moved that the report be adopted.

Rep. Joiner moved that Senate Bill No. 191 be indefinitely postponed.

Rep. McIntyre moved a substitute motion that Senate Bill No. 191 be placed on the calendar, which motion was withdrawn.

Rep. Solberg moved that Senate Bill No. 191 be placed on the calendar, which motion prevailed.

Mr. Speaker: Your Committee on Education to whom was referred Senate Bill No. 198, have had the same under consideration and recommend that the same do pass.

C. H. HOFSTRAND, Chairman.

Rep. McIntyre moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Education to whom was referred Senate Bill No. 278, have had the same under consideration and recommend that the same be indefinitely postponed.

C. H. HOFSTRAND, Chairman.

Rep. Dike moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Education to whom was referred Senate Bill No. 170, have had the same under consideration and recommend that the same do pass.

C. H. HOFSTRAND, Chairman.

Rep. Ostgulen moved that the report be adopted, which motion prevailed and the report was adopted.

Rep. Jensen moved that Senate Concurrent Resolution No. 285 be adopted, which motion prevailed and the House adopted Senate Concurrent Resolution No. 285.

Rep. Anderson of Benson moved that action taken on Senate Bill No. 89 be reconsidered, which motion prevailed.

Rep. Anderson of Benson moved that Senate Bill No. 89 be placed on the calendar, which motion prevailed.

Rep. Fitch moved that the House reconsider the action taken to appoint a conference committee to act with a like committee from the Senate in deliberation on Senate Bill No. 172, which motion prevailed.

Rep. Fitch moved that the House do concur in the Senate amendments to House Bill No. 172, which motion prevailed.

Rep. Fitch moved that the rules be suspended and that House Bill No. 172 be considered properly re-engrossed, placed on second reading and final passage, as amended by the Senate, which motion prevailed.

## SECOND READING OF HOUSE BILLS

House Bill No. 172. A Bill for an Act to Amend and Reenact Sections 5, 6, 7, 8 and 9 of Chapter 91 of the 1935 Session Laws of 1935, Relating to an Act Creating the State Athletic Commission, Prescribing Its Powers and Duties, Providing Penalties for Violations and Repealing All Acts

or Parts of Acts in Conflict Therewith; and Providing an Appropriation Therefor.

Was read the second time.

ROLL CALL

The question being on the final passage of the bill, as amended by Senate, the roll was called and there were ayes, 76; nays, 11; absent and not voting, 23.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Glas | Nystrom |
| Anderson, Benson | Gray | Oglesby |
| Anderson, M'K'nzie | Haag | Ostgulen |
| Anfinson | Halvorson | Panko |
| Arneson, Nelson | Heckman | Rait |
| Arneson, Ramsey | Hofstrand | Rettke |
| Beede | Holthusen | Scholl |
| Belzer | Ista | Schwartz |
| Benno | Jensen | Sellens |
| Bergesen | Johnson, LaMoure | Severson |
| Billigmeier | Joiner | Sharpe |
| Bingenheimer | Kluver | Shure |
| Bolmeier | Knutson | Singleton |
| Boulden | Lange | Skartvedt |
| Braun, Stark | Larson | Solberg |
| Buchholz | Lunde | Stormon |
| Culver | McInnes | Symington |
| Dalzell | McIntee | Thompson, Burl'gh |
| Dike | McIntyre | Tuff |
| Erickson | Myers | Twichell |
| Feton | Mittag | Wambheim |
| Fitch | Mollet | Westby |
| Fletcher | Nelson, Cass | Williams, Richland |
| Fraser | Nelson, Dickey | Williams, Stutsm'n |
| Fuglestad | Nelson, Steele | Mr. Speaker |
| Gainor | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Blair | Keller | Schmidt, McHenry |
| Braun, McLean | Moe | Schmidt, Sheridan |
| Brown | Peterson, Ransom | Thompson, Steele |
| Holm | Rohde | |

Absent and not voting:

| | | |
|---|---|---|
| Byrne | Morland | Schauss |
| Crockett | O'Brien | Schimke |
| Dittmer | Odegard | Semerad |
| Haugland | Page | Stone |
| Hultstrand | Peterson, Bottineau | Trydahl |
| Ireland | Ritter | Urschel |
| Johnson, Cass | Sand | Wolf |
| Levin | Saumur | |

So the bill passed and the title was agreed to.

Rep. Panko moved that the vote by which House Bill No. 172 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed .

Rep. Dalzell moved that Senate Bill No. 253 be placed at the foot of the calendar, which motion prevailed.

Rep. Dalzell moved that Senate Bill No. 222 be placed at the foot of the calendar, which motion prevailed.

Rep. Fitch moved that Senate Bill Nos. 68, 179 and 159 be placed at the foot of the calendar, for the reason that the Committee on Appropriations was absent on business, which motion prevailed.

Senate Bill No. 216 was read the second time.

Rep. Fitch moved that further action on Senate Bill No. 216 be indefinitely postponed, which motion was withdrawn.

Rep. Lange moved that Senate Bill No. 216 be placed at the foot of the calendar, which motion prevailed.

Senate Bill No. 133 was read the second time.

Rep. Stone moved that Senate Bill No. 133 be indefinitely postponed.

Rep. Solberg moved a substitute motion that Senate Bill No. 133 be re-referred to the Committee on Education, which motion was withdrawn.

The question being on the motion of Rep. Stone that Senate Bill No. 133 be indefinitely postponed, the motion was lost.

## SECOND READING OF SENATE BILLS

Senate Bill No. 133. A Bill for an Act Relating to the Duties of County Auditors and County Treasurers, With Relation to the Levy, Collection and Record of Municipal Bonds Sinking Funds.

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, 57; nays, 24; absent and not voting, 29.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Anderson, Benson | Fraser | Nelson, Cass |
| Anderson,M'K'nzie | Fuglestad | Nelson, Dickey |
| Anfinson | Gainor | Nelson, Steele |
| Arneson, Nelson | Gray | Oglesby |
| Arneson, Ramsey | Haugland | Peterson, Ransom |
| Belzer | Heckman | Rait |
| Benno | Hofstrand | Rohde |
| Bergesen | Holm | Scholl |
| Bingenheimer | Ista | Schwartz |
| Blair | Jensen | Severson |
| Bolmeier | Joiner | Sharpe |
| Braun, McLean | Keller | Shure |
| Brown | Knutson | Singleton |
| Culver | Lunde | Skartvedt |
| Dalzell | McInnes | Thompson, Steele |
| Dike | McIntyre | Twichell |
| Erickson | Myers | Wambheim |
| Feton | Mittag | Williams,Richland |
| Fitch | Moe | Mr. Speaker |
| Fletcher | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Beede | Johnson, LaMoure | Peterson,Bottineau |
| Billigmeier | Lange | Schmidt, McHenry |
| Boulden | Larson | Schmidt, Sheridan |
| Buchholz | McIntee | Sellens |
| Glas | Mollet | Solberg |

| | | |
|---|---|---|
| Haag | Nystrom | Stone |
| Halvorson | Ostgulen | Tuff |
| Holthusen | Panko | Westby |

Absent and not voting:

| | | |
|---|---|---|
| Adam | Morland | Schimke |
| Braun, Stark | O'Brien | Semerad |
| Byrne | Odegard | Stormon |
| Crockett | Page | Symington |
| Dittmer | Rettke | Thompson,Burl'gh |
| Hultstrand | Ritter | Trydahl |
| Ireland | Sand | Urschel |
| Johnson, Cass | Saumur | Williams,Stutsm'n |
| Kluver | Schauss | Wolf |
| Levin | | |

So the bill passed and the title was agreed to, and the emergency clause was declared carried.

House Concurrent Resolution No. 397 was read the second time.

The question being on the adoption of House Concurrent Resolution No. 397, the question was put and the House adopted House Concurrent Resolution No. 397.

Senate Bill No. 190. A Bill for an Act Authorizing the Board of Trustees of the Teachers' Insurance and Retirement Fund to Employ an Actuary and Clerical Assistance and Making an Appropriation 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, 82; nays, 5; absent and not voting, 23.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Anderson, Benson | Halvorson | Oglesby |
| Anderson,M'K'nzie | Haugland | Ostgulen |
| Anfinson | Heckman | Page |
| Arneson, Nelson | Hofstrand | Panko |
| Arneson, Ramsey | Holm | Peterson,Bottineau |
| Beede | Holthusen | Peterson, Ransom |
| Belzer | Ista | Rait |
| Benno | Jensen | Rohde |
| Bergesen | Johnson, LaMoure | Schauss |
| Billigmeier | Joiner | Schmidt, McHenry |
| Bingenheimer | Keller | Schmidt, Sheridan |
| Boulden | Knutson | Scholl |
| Brown | Lange | Schwartz |
| Buchholz | Larson | Sellens |
| Byrne | Levin | Severson |
| Culver | Lunde | Sharpe |
| Dalzell | McInnes | Shure |
| Dike | McIntee | Singleton |
| Erickson | McIntyre | Skartvedt |
| Feton | Myers | Solberg |
| Fitch | Mittag | Tuff |
| Fletcher | Moe | Twichell |
| Fraser | Mollet | Wambheim |
| Fuglestad | Nelson, Cass | Westby |
| Gainor | Nelson, Dickey | Williams,Richland |

| | | |
|---|---|---|
| Glas | Nelson, Steele | Williams,Stutsm'n |
| Gray | Nystrom | Mr. Speaker |
| Haag | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Bolmeier | Dittmer | Thompson, Steele |
| Braun, McLean | Rettke | |

Absent and not voting:

| | | |
|---|---|---|
| Adam | Morland | Stone |
| Blair | O'Brien | Stormon |
| Braun, Stark | Odegard | Symington |
| Crockett | Ritter | Thompson,Burl'gh |
| Hultstrand | Sand | Trydahl |
| Ireland | Saumur | Urschel |
| Johnson, Cass | Schimke | Wolf |
| Kluver | Semerad | |

So the bill passed and the title was agreed to.

Senate Bill No. 283. A Bill for an Act Prescribing the Oath to Be Taken and Subscribed to by Professors, Instructors and Teachers in Public Schools, Colleges and Universities of the 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, 83; nays, 6; absent and not voting, 21.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Anderson, Benson | Gray | Page |
| Anderson,M'K'nzie | Haag | Panko |
| Anfinson | Haugland | Peterson,Bottineau |
| Arneson, Nelson | Heckman | Peterson, Ransom |
| Arneson, Ramsey | Hofstrand | Rait |
| Beede | Holthusen | Rettke |
| Belzer | Ista | Rohde |
| Benno | Jensen | Schauss |
| Bergesen | Johnson, LaMoure | Schmidt, Sheridan |
| Billigmeier | Joiner | Scholl |
| Bingenheimer | Keller | Schwartz |
| Bolmeier | Kluver | Sellens |
| Boulden | Knutson | Severson |
| Braun, McLean | Lange | Sharpe |
| Brown | Larson | Shure |
| Buchholz | Lunde | Singleton |
| Byrne | McInnes | Skartvedt |
| Culver | McIntee | Solberg |
| Dalzell | McIntyre | Stone |
| Dike | Myers | Stormon |
| Dittmer | Mittag | Thompson, Steele |
| Erickson | Mollet | Tuff |
| Feton | Nelson, Cass | Twichell |
| Fitch | Nelson, Dickey | Wambheim |
| Fletcher | Nelson, Steele | Westby |
| Fraser | Nystrom | Williams, Stutsm'n |
| Fuglestad | Oglesby | Mr. Speaker |
| Gainor | Ostgulen | |

Those voting in the negative were:

| | | |
|---|---|---|
| Halvorson | Moe | Schimke |
| Levin | Schmidt, McHenry | Williams,Richland |

Absent and not voting:

| | | |
|---|---|---|
| Adam | Ireland | Saumur |
| Blair | Johnson, Cass | Semerad |
| Braun, Stark | Morland | Symington |
| Crockett | O'Brien | Thompson, Burl'gh |
| Glas | Odegard | Trydahl |
| Holm | Ritter | Urschel |
| Hultstrand | Sand | Wolf |

So the bill passed and the title was agreed to.

Senate Bill No. 77. A Bill for an Act Providing for Reciprocity in Fixing Tuition Fees of Non-resident Students Attending Institutions of Higher Education in the State of North Dakota and Defining Non-resident Students, and Fixing Registration and Tuition Fees of Non-resident Students Residing in Foreign Countries Other Than the Dominion of Canada.

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, 85; nays, 5; absent and not voting, 20.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Anderson, Benson | Haugland | Panko |
| Anderson,M'K'nzie | Heckman | Peterson,Bottineau |
| Anfinson | Hofstrand | Peterson, Ransom |
| Arneson, Ramsey | Holm | Rait |
| Beede | Holthusen | Rettke |
| Belzer | Ista | Rohde |
| Benno | Jensen | Schauss |
| Bergesen | Johnson, LaMoure | Schmidt, McHenry |
| Billigmeier | Joiner | Schmidt, Sheridan |
| Bingenheimer | Keller | Schimke |
| Boulden | Kluver | Scholl |
| Braun, McLean | Knutson | Schwartz |
| Brown | Lange | Sellens |
| Buchholz | Larson | Severson |
| Byrne | Lunde | Sharpe |
| Culver | McInnes | Shure |
| Dalzell | McIntee | Singleton |
| Dike | McIntyre | Skartvedt |
| Dittmer | Myers | Solberg |
| Erickson | Mittag | Stone |
| Feton | Moe | Stormon |
| Fletcher | Mollet | Thompson, Steele |
| Fraser | Nelson, Cass | Tuff |
| Fuglestad | Nelson, Dickey | Twichell |
| Gainor | Nelson, Steele | Wambheim |
| Glas | Nystrom | Williams,Richland |
| Gray | Oglesby | Williams,Stutsm'n |
| Haag | Page | Mr. Speaker |
| Halvorson | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Arneson, Nelson | Levin | Westby |
| Bolmeier | Ostgulen | |

Absent and not voting:

| | | |
|---|---|---|
| Adam | Johnson, Cass | Semerad |
| Blair | Morland | Symington |
| Braun, Stark | O'Brien | Thompson,Burl'gh |
| Crockett | Odegard | Trydahl |
| Fitch | Ritter | Urschel |
| Hultstrand | Sand | Wolf |
| Ireland | Saumur | |

So the bill passed and the title was agreed to.

Senate Bill No. 187 was read the second time.

Rep. Arneson of Ramsey moved that further consideration of Senate Bill No. 187 be indefinitely postponed.

Rep. Schimke moved that the motion of Rep. Arneson of Nelson for indefinite postponement of Senate Bill No. 187 be laid on the table, which motion prevailed.

Senate Bill No. 187. A Bill for an Act to Permit School Districts, Discontinuing High Schools, to Furnish for High School Students, Transportation to Other School Districts Having High School Facilities.

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, 56; absent and not voting, 21.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Anderson, Benson | Holm | Nelson, Steele |
| Arneson, Nelson | Johnson, LaMoure | Ostgulen |
| Belzer | Lange | Peterson, Ransom |
| Brown | Larson | Rohde |
| Byrne | Levin | Schmidt, Sheridan |
| Culver | Lunde | Scholl |
| Dike | McInnes | Sellens |
| Erickson | McIntee | Solberg |
| Fletcher | McIntyre | Westby |
| Gainor | Myers | Williams,Stutsm'n |
| Hofstrand | Nelson, Cass | Mr. Speaker |

Those voting in the negative were:

| | | |
|---|---|---|
| Anderson,M'K'nzie | Glas | Page |
| Anfinson | Gray | Panko |
| Arneson, Ramsey | Haag | Rait |
| Beede | Halvorson | Rettke |
| Benno | Haugland | Schauss |
| Bergesen | Heckman | Schmidt, McHenry |
| Billigmeier | Holthusen | Schwartz |
| Bingenheimer | Ista | Severson |
| Blair | Jensen | Sharpe |
| Bolmeier | Joiner | Shure |
| Boulden | Keller | Singleton |
| Braun, McLean | Kluver | Skartvedt |
| Buchholz | Knutson | Stone |
| Dalzell | Mittag | Thompson, Steele |
| Dittmer | Moe | Tuff |
| Feton | Mollet | Twichell |

| | | |
|---|---|---|
| Fitch | Nelson, Dickey | Wambheim |
| Fraser | Nystrom | Williams,Richland |
| Fuglestad | Oglesby | |

Absent and not voting:

| | | |
|---|---|---|
| Adam | O'Brien | Semerad |
| Braun, Stark | Odegard | Stormon |
| Crockett | Peterson,Bottineau | Symington |
| Hultstrand | Ritter | Thompson,Burl'gh |
| Ireland | Sand | Trydahl |
| Johnson, Cass | Saumur | Urschel |
| Morland | Schimke | Wolf |

So the bill was declared lost.

Senate Bill No. 205. A Blil for an Act Requiring the Publication of the Proceedings of Meetings of County Welfare Boards, 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, 49; nays, 39; absent and not voting, 22.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Anderson,M'K'nzie | Haag | Nelson, Dickey |
| Anfinson | Halvorson | Ostguien |
| Arneson, Nelson | Hofstrand | Page |
| Arneson, Ramsey | Holthusen | Panko |
| Beede | Jensen | Schauss |
| Belzer | Joiner | Schmidt, McHenry |
| Billigmeier | Keller | Scholl |
| Bingenheimer | Knutson | Schwartz |
| Boulden | Lange | Sellens |
| Braun, McLean | Levin | Severson |
| Buchholz | Lunde | Skartvedt |
| Dalzell | McInnes | Stone |
| Dike | McIntee | Thompson, Steele |
| Dittmer | Myers | Westby |
| Feton | Mittag | Williams, Stutsm'n |
| Fletcher | Nelson, Cass | Mr. Speaker |
| Fuglestad | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Anderson, Benson | Gray | Peterson, Ransom |
| Benno | Haugland | Rait |
| Bergesen | Heckman | Rettke |
| Blair | Holm | Rohde |
| Bolmeier | Ista | Schmidt, Sheridan |
| Brown | Johnson, LaMoure | Sharpe |
| Byrne | Kluver | Shure |
| Culver | Larson | Singleton |
| Erickson | McIntyre | Solberg |
| Fitch | Nelson, Steele | Tuff |
| Fraser | Nystrom | Twichell |
| Gainor | Oglesby | Wambheim |
| Glas | Peterson,Bottineau | Williams,Richland |

Absent and not voting:

| | | |
|---|---|---|
| Adam | Morland | Semerad |

| | | |
|---|---|---|
| Braun, Stark | O'Brien | Stormon |
| Crockett | Odegard | Symington |
| Hultstrand | Ritter | Thompson, Burl'gh |
| Ireland | Sand | Trydahl |
| Johnson, Cass | Saumur | Urschel |
| Moe | Schimke | Wolf |
| Mollet | | |

So the bill was declared lost.

Rep. Rettke: "The way I see it the cost would be much more than the benefit and I therefore vote 'no'."

Rep. Stone: "I vote 'aye' on this bill because I know from Ward County alone there has been a bad deal from the County Welfare Board in regard to not the poor people but to the medical profession. They chiseled in and got money that was not entitled to them and kept it away from the newspaper and that is the reason that I vote 'aye' on this bill so they get a fair and square deal."

Senate Bill No. 204 was read the second time.

Rep. Schauss moved that further consideration of Senate Bill No. 204 be indefinitely postponed.

Rep. Wambheim moved that the motion of Rep. Schauss that further consideration of Senate Bill No. 204 be indefinitely postponed be laid on the table, which motion was lost.

The question being on the motion of Rep. Schauss that Senate Bill No. 204 be indefinitely postponed, the motion prevailed.

Rep. Lange moved that the House recess for a ten-minute period, which motion prevailed.

Senate Bill No. 195. A Bill for an Act Clarifying, Confirming and Validating Chapter 86 of the Session Laws of 1937, Which is an Act Making an Appropriation to Be Expended in Providing Public Assistance to the Needy Aged, the Needy Blind, and to Dependent Children, and for Providing Child Welfare Services and Services to Crippled Children in Co-ordination With and Supplementary to Funds Made Available for Like Purposes in North Dakota by the Federal Government; 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, 73; nays, 8; absent and not voting, 29.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Holm | Peterson, Bottineau |
| Anderson, Benson | Holthusen | Peterson, Ransom |
| Anderson, M'K'nzie | Hultstrand | Rettke |
| Anfinson | Ireland | Rohde |
| Arneson, Nelson | Ista | Schauss |
| Arneson, Ramsey | Johnson, LaMoure | Scholl |
| Beede | Joiner | Schwartz |
| Belzer | Keller | Sellens |
| Bergesen | Kluver | Sharpe |
| Billigmeier | Lange | Shure |
| Bingenheimer | Larson | Singleton |
| Brown | Levin | Skartvedt |

| | | |
|---|---|---|
| Buchholz | Lunde | Solberg |
| Culver | McIntee | Stone |
| Dalzell | McIntyre | Thompson,Burl'gh |
| Dike | Myers | Thompson, Steele |
| Erickson | Mittag | Tuff |
| Fletcher | Mollet | Twichell |
| Fraser | Morland | Urschel |
| Glas | Nelson, Cass | Wambheim |
| Gray | Nelson, Dickey | Westby |
| Haag | Nelson, Steele | Williams,Richland |
| Halvorson | O'Brien | Williams,Stutsm'n |
| Heckman | Ostgulen | Mr. Speaker |
| Hofstrand | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Benno | Knutson | Sand |
| Braun, McLean | McInnes | Schmidt, McHenry |
| Braun, Stark | Moe | Schmidt, Sheridan |
| Byrne | Nystrom | Schimke |
| Crockett | Odegard | Semerad |
| Fitch | Page | Severson |
| Gainor | Panko | Stormon |
| Haugland | Rait | Symington |
| Jensen | Ritter | Wolf |
| Johnson, Cass | Saumur | |

Absent and not voting:

| | | |
|---|---|---|
| Blair | Dittmer | Oglesby |
| Bolmeier | Feton | Trydahl |
| Boulden | Fuglestad | |

So the bill passed and the title was agreed to.

Senate Concurrent Resolution No. 271 was read the second time.

The question being on the adoption of Senate Concurrent Resolution No. 271 the question was put and the House adopted Senate Concurrent Resolution No. 271.

Senate Bill No. 103. A Bill for an Act Amending and Reenacting Sections 2 and 11 of Chapter 211 of the Session Laws of 1937 and Validating Payments Heretofore Made to Certain Non-citizen Old Age Assistance Clients, 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, 94; nays, 0; absent and not voting, 16.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Halvorson | Ostgulen |
| Anderson, Benson | Haugland | Page |
| Anderson,M'K'nzie | Heckman | Panko |
| Anfinson | Hofstrand | Peterson,Bottineau |
| Arneson, Nelson | Holm | Peterson, Ransom |
| Arneson, Ramsey | Holthusen | Rait |
| Beede | Hultstrand | Rettke |
| Belzer | Ireland | Ritter |
| Benno | Ista | Rohde |

| | | |
|---|---|---|
| Bergesen | Johnson, Cass | Schmidt, McHenry |
| Billigmeier | Johnson, LaMoure | Schmidt, Sheridan |
| Bingenheimer | Joiner | Schwartz |
| Blair | Keller | Sellens |
| Bolmeier | Kluver | Severson |
| Braun, McLean | Knutson | Sharpe |
| Brown | Lange | Shure |
| Buchholz | Levin | Singleton |
| Byrne | Lunde | Skartvedt |
| Crockett | McInnes | Solberg |
| Culver | McIntee | Stone |
| Dalzell | McIntyre | Stormon |
| Dike | Myers | Thompson, Burl'gh |
| Erickson | Mittag | Thompson, Steele |
| Feton | Moe | Tuff |
| Fitch | Mollet | Twichell |
| Fletcher | Morland | Urschel |
| Fraser | Nelson, Cass | Wambheim |
| Fuglestad | Nelson, Dickey | Westby |
| Gainor | Nelson, Steele | Williams, Richland |
| Glas | Nystrom | Williams, Stutsm'n |
| Gray | Oglesby | Mr. Speaker |
| Haag | | |

Absent and not voting:

| | | |
|---|---|---|
| Boulden | Odegard | Scholl |
| Braun, Stark | Sand | Semerad |
| Dittmer | Saumur | Symington |
| Jensen | Schauss | Trydahl |
| Larson | Schimke | Wolf |
| O'Brien | | |

So the bill passed and the title was agreed to and the Emergency Clause was declared carried.

Rep. Crockett requested that the House be on the Seventh Order of Business, which request was granted.

Rep. Crockett moved that the report of the committee appointed to investigate the affairs at the State Hospital at Jamestown be read from the desk, which motion prevailed.

Rep. Fitch moved that the report of the committee charged with the investigation of affairs at the State Hospital at Jamestown be printed in the Journal, which motion prevailed.

## REPORT OF THE SPECIAL LEGISLATIVE COMMITTEE INVESTIGATING THE AFFAIRS OF THE STATE HOSPITAL FOR THE INSANE AT JAMESTOWN, N. DAK.

To the Members of the House of Representatives, Twenty-sixth Legislative Assembly of the State of North Dakota:

Your Committee appointed for the purpose of investigating and reporting upon affairs at the State Hospital for the Insane at Jamestown begs leave to make the following report:

It should be understood that your Committee has had an arduous task in undertaking to pass upon the conditions which prevail at the Institution, and which apparently resulted in adverse criticism as well as adverse newspaper publicity, in the short time allowed. At the same time it

must be understood that the Members of the Committee have had their regular work as Members of this House; and the final details of this Report have been worked out during spare moments.

In view of the fact that complaints have been filed against two Members of the Board of Administration, and that testimony is now being taken and will be submitted to the Governor for action, and in view of the further fact that our time has been so limited, we do not feel that it would be becoming for us to attempt to either criticise or commend the Board of Administration nor the individual Members thereof, excepting insofar as it may be done incidentally through this Report.

The Committee adjourned to the State Hospital and held hearings which lasted several days. At these hearings we examined twenty-five witnesses. Their testimony has been reduced to writing, and constitutes a file of more than 300 pages. In addition to this, former Governor William Langer has filed a written statement covering forty-three pages; and Mrs. Jennie Ulsrud, a Member of the Board of Administration, has filed the testimony taken at a former investigation consisting of over 300 pages, besides a number of statements and exhibits making up an additional 100 pages; so that the total of all the testimony considered in connection with this hearing comprises over 700 pages. Obviously, it is impractical and impossible to submit this complete record. However, the record should be filed; and any Member of the House desiring to examine the same will have the right to do so.

From the testimony taken the Committee does not hesitate to state that much of the difficulty at Jamestown has been caused through unnecessary and undue outside and inside as well as political, interference. This interference cannot be charged entirely to one party nor one faction; but it must be charged to a number of persons in and out of the institution and particularly to some of the so-called leading citizens of Jamestown, as well as to almost every political faction in the State.

It might be well to say that when Dr. John D. Carr was removed, the appointment of Dr. Lorenzen should be credited or charged to former Governor Langer. Governor Langer himself makes this statement with reference to the appointment:

> "So I immediately got in touch with the Board of Administration, and told them there was a boycott, and they might worry the lives out of the people of the State who had relatives in the Institution; and I recommended Dr. Lorenzen, in my opinion one of the outstanding doctors, farmers and businessmen in the State of North Dakota—a man who had a large, sympathetic heart ***
>
> "I knew that he was an officer of the bank down there; I knew that he built his own hospital; I knew that he owned a drug store, which he built himself out of the profits of his business. *** The Doctor down there had a farm, four or five sections, I suppose; the finest set of buildings in the county. *** He had thousands of head of sheep; and in selecting him for that place I

figured you had to have not only a first class doctor but a man who had had all this farming operation experience and everything else; and I didn't know of a better qualified man than Dr. Lorenzen."

The fact that the Board Members merely confirmed the appointment is further established by the testimony of Dr. Lorenzen, who testified as follows:

"Q. How did you receive your appointment, Doctor?

A. From the Board and Governor Langer.

Q. Governor Langer? Was Governor Langer an influence in your appointment?

A. I don't know; I suppose so. He usually is recommended through the Governor.

Q. You made application to the Board, however?

A. No.

Q. They contacted you?

A. Yes."

So it must be conceded his appointment, while made by the Board, was the direct result of the activity and recommendations of former Governor Langer.

While we hesitated to come to the conclusion, nevertheless, the testimony taken convinces the Committee that Dr. Lorenzen was not qualified for the position to which he was appointed either by experience or by temperament; and the record amply sustains both of these conclusions.

However, it may be said that not all of the difficulty existing at Jamestown was the result of lack of experience or temperament on the part of Dr. Lorenzen. The Committee does not hesitate to say that a great part of the difficulty at Jamestown is the result of the activities of persons activiated either through personal feelings or through political prejudice, both inside and outside of the Institution. This charge may be leveled against all political factions, and some definite arrangement shoud be made to prevent these activities in the future.

Your Committee found that political clubs representing the Nonpartisan League, the IVA's and the Democrats, all had been holding meetings in the Institution. These meetings naturally resulted in unrest, and interfered with the normal operation of the Institution.

Another factor which results in much of the apparent disturbance in the Institution is the fact that while the law requires that certain property be bought upon sealed bids, many of the items furnished the Institution have been purchased without bids; and your Committee found that there was strife between the people as well as business institutions in the City of Jamestown. The extent of the business done with the Institution by the Jamestown people can only be visualized when we say to you that between November 1, 1936, and October 31, 1938, the total business done with local businessmen represented the sum of $251,004.83, one firm alone doing as much as $20,000.00 worth of business during that period of time.

The Committee would suggest that in the future a great deal of dissatisfaction could be avoided if this purchasing

were done upon sealed bids only, or through some other Purchasing Agent of the State.

Your Committee also found that some dissatisfaction was engendered through the fact that the employees of the Institution have frequently been solicited for donations, not only to various political factions, but for the purpose of purchasing certain gifts for members of the Superintendent's family. While your Committee would not be understood as saying that a reasonable gift or remembrance would not be proper, yet evidence was found to the effect that one gift purchased represented an outlay of between six and eight hundred dollars. Some of these who were solicited felt that they personally, needed the money so contributed, and at the same time had the feeling that if they did not contribute there might be danger of losing their positions. Such practices ought to be stopped.

While your Committee was not requested to check the financial affairs of the Institution we might say that they operate what is known as the Patients' Store. This store does a very substantial business during the course of the year; patients and employees are permitted to buy. We found that some of the heads of Departments were purchasing on credit, and were indebted to the Store in a considerable sum. That condition creates dissatisfaction; and if the Store is to be continued it should do business only upon a strictly cash basis, and particularly should this be true with respect to purchases by the officers or employees of the Institution. So far we were able to learn no audit has ever been made; and some check-up should be taken and records kept.

Much has been heard about employees receiving their jobs through political recommendations, and some charges have been made that these positions were sold for a consideration. Your Committee finds that there is some truth to this charge, but does not hesitate to say that the charge applies to almost all political factions. In one instance we found that the applicant claimed to have paid $25.00 to a Nonpartisan; in another instance payment of $200.00 is claimed to have been made to a Democrat, while in still another instance some borrowed money so that they might retain their positions. These matters should be checked into, and all activity of this kind should be stopped at once.

As a result of purchasing property for the Institution without receiving sealed bids, your Committee is of the opinion that at least $700.00 worth of almost worthless property has been unloaded onto the Institution during the past six months, or since the death of Mr. Miller. This property consists of oversized overalls and jackets, large, discontinued and outmoded overshoes, shirts and shoes. So far as actual value is concerned this property is almost worthless. We cannot recommend too strongly that this practice be stopped immediately.

In checking through all of the testimony offered before your Committee and received at the previous investigation, your Committee is unable to find any very serious neglect of the patients; but on the contrary all of the witnesses testify that as a general proposition the patients are about as well cared for as they are in other similar Institutions. It is true there is some testimony with reference to patients being injured; some with reference to unkempt conditions

of the Institution, and some with reference to other and similar apparent faults. But upon examining witnesses who who have had experience in Institutions of a similar character your Committee is convinced that these things are no more prevalent in the State ospital at Jamestown than in other Institutions of a similar character. It is regrettable that they occur at all, but it must be understood that the Institution represents a city of about two thousand people, most of whom are subnormal; and it is to be expected that accidents will happen, and that inmates will die; that even some of them will have decayed teeth which ought to be removed. However, as stated, this seems to be about in keeping with other similar Institutions.

If your Committee were asked to point to the outstanding reason for the apparent difficulties at Jamestown the Members all agree that there should be no hesitancy in saying that it is perhaps impossible to find any one person who would make a competent Superintendent of the Asylum and at the same time a competent business manager.

We would therefore recommend that the Board of Administration work out some plan whereby the Superintendent will be in charge of the Institution proper; have absolute control over the employees within the Institution, and have charge of the patients; while he be relieved of the duty of looking after the physical properties belonging to the Institution.

As stated, it is too much to expect that one person can have the qualifications required for managing and looking after the health of the great number of patients, and at the same time manage an Institution which represents an annual expenditure in excess of one million dollars.

Your Committee further recommends that an interim committee be appointed with the power and responsibility of making occasional visits to the Hospital during the next two years, and charged with the duty of making definite recommendations to the 1941 Legislative Assembly.

Respectfully submitted,
W. M. CROCKETT, Chairman.
PALMER LEVIN
K. A. FITCH,

Rep. Schauss moved that action taken on Senate Bill No. 162 be reconsidered, which motion prevailed.

Rep. Lange moved that action on Senate Bill No. 205 be reconsidered, which motion prevailed.

Rep. Schauss moved that the House recess for five-minute period to listen to a short program of songs by a Scandinavian male chorus under the direction of Helmer Twito. The chorus was escorted to the rostrum where their short program of Norwegian songs was rendered.

The Speaker called the House to order pursuant to recess taken.

Rep. Lange moved that Senate Bill No. 205 be placed at the head of the calendar, which motion prevailed.

## SECOND READING OF SENATE BILLS

Senate Bill No. 205. A Bill for an Act Requiring the Publication of the Proceedings of Meetings of County Wel-

fare Boards, 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, 62; nays, 39; absent and not voting, 9.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Hultstrand | Schmidt, Sheridan |
| Anderson,M'K'nzie | Ireland | Schimke |
| Arneson, Ramsey | Jensen | Scholl |
| Billigmeier | Joiner | Schwartz |
| Boulden | Keller | Sellens |
| Culver | Lange | Semerad |
| Buchholz | Levin | Severson |
| Byrne | Lunde | Shure |
| Crockett | McInnes | Skartvedt |
| Dalzell | McIntee | Solberg |
| Dike | Myers | Stone |
| Erickson | Morland | Stormon |
| Feton | Nelson, Cass | Symington |
| Fletcher | Nelson, Dickey | Thompson, Burl'gh |
| Fuglestad | O'Brien | Trydahl |
| Gainor | Odegard | Tuff |
| Haag | Ostgulen | Urschel |
| Halvorson | Page | Westby |
| Hofstrand | Panko | Williams, Stutsm'n |
| Holm | Rait | Wolf |
| Holthusen | Schmidt, McHenry | Mr. Speaker |

Those voting in the negative were:

| | | |
|---|---|---|
| Anderson, Benson | Haugland | Oglesby |
| Arneson, Nelson | Heckman | Peterson,Bottineau |
| Belzer | Ista | Peterson, Ransom |
| Benno | Johnson, Cass | Rettke |
| Bergesen | Johnson, LaMoure | Ritter |
| Bingenheimer | Kluver | Rohde |
| Blair | Larson | Sharpe |
| Bolmeier | McIntyre | Singleton |
| Braun, McLean | Mittag | Thompson, Steele |
| Brown | Moe | Twichell |
| Fraser | Mollet | Wambheim |
| Glas | Nelson, Steele | Williams,Richland |
| Gray | Nystrom | |

Absent and not voting:

| | | |
|---|---|---|
| Anfinson | Dittmer | Sand |
| Beede | Fitch | Saumur |
| Braun, Stark | Knutson | Schauss |

So the bill passed and the title was agreed to, and the Emergency Clause was declared lost.

Rep. Shure voted "aye" for the purpose of reconsideration.

Senate Bill No. 211. A Bill for an Act Appropriating Money for the Use of the Board of Railroad Commissioners for the Purpose of the Valuation and Revaluation of Public

Utilities by the Board of Railroad Commissioners, as Provided by Chapter 253, 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, 87; nays, 18; absent and not voting, 5.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Holm | Peterson,Bottineau |
| Anderson, Benson | Holthusen | Rait |
| Anderson,M'K'nzie | Hultstrand | Rettke |
| Anfinson | Ireland | Ritter |
| Arneson, Ramsey | Ista | Rohde |
| Beede | Jensen | Schauss |
| Belzer | Johnson, Cass | Schmidt, McHenry |
| Bergesen | Johnson, LaMoure | Schmidt, Sheridan |
| Billigmeier | Joiner | Schimke |
| Bingenheimer | Keller | Scholl |
| Braun, McLean | Lange | Schwartz |
| Brown | Larson | Semerad |
| Buchholz | Levin | Sharpe |
| Byrne | Lunde | Shure |
| Crockett | McInnes | Singleton |
| Culver | McIntee | Solberg |
| Dike | McIntyre | Stone |
| Dittmer | Myers | Stormon |
| Erickson | Mittag | Thompson, Burl'gh |
| Fitch | Mollet | Thompson, Steele |
| Fletcher | Morland | Trydahl |
| Fraser | Nelson, Cass | Tuff |
| Glas | Nelson, Dickey | Twichell |
| Gray | Nelson, Steele | Urschel |
| Haag | Nystrom | Wambheim |
| Halvorson | O'Brien | Williams,Richland |
| Haugland | Odegard | Williams, Stutsm'n |
| Heckman | Ostgulen | Wolf |
| Hofstrand | Panko | Mr. Speaker |

Those voting in the negative were:

| | | |
|---|---|---|
| Arneson, Nelson | Feton | Page |
| Benno | Fuglestad | Peterson, Ransom |
| Blair | Gainor | Sellens |
| Bolmeier | Kluver | Severson |
| Boulden | Moe | Symington |
| Dalzell | Oglesby | Westby |

Absent and not voting:

| | | |
|---|---|---|
| Braun, Stark | Sand | Skartvedt |
| Knutson | Saumur | |

So the bill passed and the title was agreed to.

Rep. Tuff moved that the vote by which Senate Bill No. 211 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Rep. Jensen moved that the House reconsider the action taken on Senate Bill No. 56, which motion prevailed.

Rep. Jensen moved that Senate Bill No. 56 be placed at the head of the calendar, which motion prevailed.

Senate Bill No. 56. A Bill for an Act Amending and Reenacting the Initiated Measure Entitled: "An Act Reducing and Fixing Allowances for Mileage and Travel Expense 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 30, 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," Adopted and Approved by the Electors at the June 29, 1932, Primary Election, Fixing Allowances for Mileage and Travel Expense of County Officials and Their Deputies; and Repealing Chapter 119, Session Laws of 1931, 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, 94; nays, 9; absent and not voting, 7.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Haugland | Page |
| Anderson, Benson | Heckman | Panko |
| Anderson,M'K'nzie | Hofstrand | Peterson,Bottineau |
| Anfinson | Holm | Rait |
| Arneson, Nelson | Holthusen | Rettke |
| Arneson, Ramsey | Hultstrand | Rohde |
| Beede | Ireland | Schauss |
| Belzer | Ista | Schmidt, Sheridan |
| Benno | Jensen | Schimke |
| Billigmeier | Johnson, Cass | Scholl |
| Bingenheimer | Johnson, LaMoure | Schwartz |
| Blair | Joiner | Sellens |
| Bolmeier | Keller | Semerad |
| Boulden | Kluver | Shure |
| Braun, McLean | Knutson | Singleton |
| Brown | Lange | Skartvedt |
| Buchholz | Larson | Solberg |
| Byrne | Lunde | Stone |
| Dalzell | McInnes | Stormon |
| Dike | McIntee | Symington |
| Dittmer | McIntyre | Thompson,Burl'gh |
| Erickson | Myers | Thompson, Steele |
| Feton | Mittag | Trydahl |
| Fitch | Moe | Tuff |
| Fletcher | Mollet | Twichell |
| Fraser | Morland | Urschel |
| Fuglestad | Nelson, Dickey | Wambheim |
| Gainor | O'Brien | Williams,Richland |
| Glas | Odegard | Williams,Stutsm'n |
| Gray | Oglesby | Wolf |
| Haag | Ostgulen | Mr. Speaker |
| Halvorson | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Bergesen | Nystrom | Severson |
| Culver | Peterson, Ransom | Sharpe |
| Nelson, Steele | Schmidt, McHenry | Westby |

Absent and not voting:

| | | |
|---|---|---|
| Braun, Stark | Nelson, Cass | Sand |

| | | |
|---|---|---|
| Crockett | Ritter | Saumur |
| Levin | | |

So the bill passed and the title was agreed to, and the emergency clause was declared carried.

Rep. Rohde moved that the vote by which Senate Bill No. 56 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 Making an Appropriation for $5,598.30 for Payment of Fire and Tornado Insurance Premiums Upon the Transient Camp Buildings, Located at Lake Metigoshe, Belonging to 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, 74; nays, 27; absent and not voting, 9.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Heckman | O'Brien |
| Anderson, Benson | Hofstrand | Odegard |
| Anderson,M'K'nzie | Holm | Ostgulen |
| Anfinson | Holthusen | Panko |
| Arneson, Nelson | Hultstrand | Peterson,Bottineau |
| Beede | Ista | Rait |
| Belzer | Jensen | Rettke |
| Benno | Johnson, Cass | Ritter |
| Bergesen | Johnson, LaMoure | Rohde |
| Billigmeier | Joiner | Schmidt, Sheridan |
| Bingenheimer | Kluver | Schwartz |
| Bolmeier | Knutson | Sellens |
| Brown | Lange | Semerad |
| Buchholz | Larson | Sharpe |
| Culver | Levin | Skartvedt |
| Dalzell | McInnes | Thompson,Burl'gh |
| Dike | McIntee | Thompson, Steele |
| Erickson | McIntyre | Trydahl |
| Fitch | Myers | Tuff |
| Fletcher | Mittag | Wambheim |
| Fraser | Mollet | Williams,Richland |
| Gainor | Morland | Williams,Stutsm'n |
| Glas | Nelson, Cass | Wolf |
| Gray | Nelson, Dickey | Mr. Speaker |
| Haugland | Nystrom | |

Those voting in the negative were:

| | | |
|---|---|---|
| Arneson, Ramsey | Ireland | Shure |
| Blair | Keller | Singleton |
| Boulden | Lunde | Solberg |
| Braun, McLean | Moe | Stone |
| Dittmer | Oglesby | Stormon |
| Feton | Peterson, Ransom | Symington |
| Fuglestad | Schmidt, McHenry | Twichell |
| Haag | Schimke | Urschel |
| Halvorson | Severson | Westby |

Absent and not voting:

| | | |
|---|---|---|
| Braun, Stark | Nelson, Steele | Saumur |

| | | |
|---|---|---|
| **Byrne** | **Page** | **Schauss** |
| **Crockett** | **Sand** | **Scholl** |

So the bill passed and the title was agreed to.

Rep. Anderson of Benson moved that Senate Bill No. 89 be placed at the head of the calendar, which motion prevailed.

Senate Bill No. 89. A Bill for an Act to Amend and Reenact Sub-section (a) and Sub-section (f) of Section 5, Section 6, Section 8 and Section 9 of Chapter 9 of the Session Laws of North Dakota for 1937; Relating to the Organization of Soil Conservation Districts, the Election, Qualification and Tenure of Supervisors Thereof; and Relating to the Adoption and Enforcement of Land-use Regulations, 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, 70; nays, 22; absent and not voting, 18.

Those voting in the affirmative were:

| | | |
|---|---|---|
| **Adam** | **Haag** | **Nelson, Dickey** |
| **Anderson, Benson** | **Haugland** | **Nystrom** |
| **Anderson,M'K'nzie** | **Heckman** | **O'Brien** |
| **Anfinson** | **Hofstrand** | **Odegard** |
| **Arneson, Nelson** | **Holm** | **Ostgulen** |
| **Beede** | **Holthusen** | **Panko** |
| **Belzer** | **Ireland** | **Peterson,Bottineau** |
| **Benno** | **Ista** | **Rait** |
| **Bergesen** | **Johnson, LaMoure** | **Ritter** |
| **Billigmeier** | **Joiner** | **Rohde** |
| **Brown** | **Keller** | **Scholl** |
| **Buchholz** | **Kluver** | **Sellens** |
| **Byrne** | **Knutson** | **Sharpe** |
| **Culver** | **Lange** | **Shure** |
| **Dike** | **Larson** | **Singleton** |
| **Dittmer** | **Lunde** | **Solberg** |
| **Erickson** | **McInnes** | **Stone** |
| **Feton** | **McIntee** | **Thompson,Burl'gh** |
| **Fitch** | **McIntyre** | **Tuff** |
| **Fletcher** | **Myers** | **Westby** |
| **Fraser** | **Mittag** | **Williams,Stutsm'n** |
| **Fuglestad** | **Mollet** | **Wolf** |
| **Glas** | **Morland** | **Mr. Speaker** |
| **Gray** | | |

Those voting in the negative were:

| | | |
|---|---|---|
| **Arneson, Ramsey** | **Johnson, Cass** | **Schmidt, McHenry** |
| **Bingenheimer** | **Levin** | **Schwartz** |
| **Blair** | **Moe** | **Severson** |
| **Bolmeier** | **Oglesby** | **Skartvedt** |
| **Boulden** | **Page** | **Thompson, Steele** |
| **Crockett** | **Peterson, Ransom** | **Trydahl** |
| **Dalzell** | **Rettke** | **Williams,Richland** |
| **Halvorson** | | |

Absent and not voting:

| | | |
|---|---|---|
| **Braun, McLean** | **Nelson, Steele** | **Semerad** |
| **Braun, Stark** | **Sand** | **Stormon** |

| | | |
|---|---|---|
| Gainor | Saumur | Symington |
| Hultstrand | Schauss | Twichell |
| Jensen | Schmidt, Sheridan | Urschel |
| Nelson, Cass | Schimke | Wambheim |

So the bill passed and the title was agreed to, and the emergency clause was declared carried.

Rep. Fraser moved that the vote by which Senate Bill No. 89 was passed be reconsidered, and the motion to reconsider be laid on the table, which motion prevailed.

Rep. Blair: I prefer to remain just as far away as possible from Hitler and Mussolini. Therefore I vote "no."

Rep. Thompson of Burleigh: I have been farming for a good many years and went broke at it and if the Government can show me any way to make a farm self-sustaining and put this country back on a paying basis, I am willing to take that help. I notice that a lot of them are taking money in the last few years even though they are not even Democrats. I vote "aye."

Rep. Moe: I will read line 171 and 172 of the bill as the explanation of my vote: "supervisors of any district shall have authority to formulate regulations governing the use of lands within the district." I vote "no."

Senate Bill No. 68. A Bill for an Act to Amend and Reenact Section 4 of Chapter 152 of the Session Laws of 1929, Relating to an Appropriation for the Necessary Costs of Investigations, Etc., of Fire Insurance Rates.

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, 68; nays, 20; absent and not voting, 22.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Anderson, Benson | Glas | Ostgulen |
| Anderson,M'K'nzie | Gray | Panko |
| Anfinson | Haag | Peterson,Bottineau |
| Arneson, Nelson | Halvorson | Rait |
| Arneson, Ramsey | Heckman | Rettke |
| Beede | Hofstrand | Rohde |
| Belzer | Holthusen | Schauss |
| Benno | Ireland | Schmidt, McHenry |
| Bergesen | Ista | Schmidt, Sheridan |
| Billigmeier | Johnson, Cass | Schimke |
| Bingenheimer | Johnson, LaMoure | Scholl |
| Blair | Joiner | Schwartz |
| Brown | Keller | Sharpe |
| Buchholz | Kluver | Shure |
| Byrne | Knutson | Singleton |
| Crockett | Lange | Skartvedt |
| Culver | Lunde | Solberg |
| Dike | McIntee | Thompson, Steele |
| Erickson | Myers | Tuff |
| Fitch | Mittag | Twichell |
| Fletcher | Mollet | Wambheim |
| Fraser | Nelson, Dickey | Mr. Speaker |
| Gainor | Nystrom | |

Those voting in the negative were:

| | | |
|---|---|---|
| Bolmeier | Haugland | Sellens |
| Boulden | Holm | Semerad |
| Braun, McLean | Moe | Stone |
| Dalzell | Nelson, Cass | Westby |
| Dittmer | Oglesby | Williams,Richland |
| Feton | Page | Williams,Stutsm'n |
| Fuglestad | Peterson, Ransom | |

Absent and not voting:

| | | |
|---|---|---|
| Adam | Morland | Severson |
| Braun, Stark | Nelson, Steele | Stormon |
| Hultstrand | O'Brien | Symington |
| Jensen | Odegard | Thompson,Burl'gh |
| Larson | Ritter | Trydahl |
| Levin | Sand | Urschel |
| McInnes | Saumur | Wolf |
| McIntyre | | |

So the bill passed and the title was agreed to.

Rep. Lange 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.

Rep. Bergesen moved that further consideration of Senate Bill No. 179 be indefinitely postponed.

A roll call was demanded and granted.

Senate Bill No. 179. A Bill for an Act Licensing the Sale and Use of Punch Boards, Tip Books, Tip Jars, Pull Boards and Push Boards; Providing for Certain License Fees and for Certain Taxes Thereon; for the Disposition of Monies Obtained Thereunder; Prohibiting the Sale and Use of Punch Boards, Tip Boards, Tip Jars, Pull Boards and Push Boards Not Duly Stamped; Providing for the Enforcement of This Act and Penalties for the Violation Thereof; Providing for a Saving Clause; 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 Indefinite Postponement of Senate Bill No. 179, the roll was called and there were ayes, 59; nays, 27; absent and not voting, 24.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Anderson,M'K'nzie | Heckman | Peterson, Ransom |
| Arneson, Nelson | Holthusen | Rait |
| Arneson, Ramsey | Ireland | Rettke |
| Benno | Ista | Schmidt, Sheridan |
| Bergesen | Johnson, Cass | Schimke |
| Bingenheimer | Joiner | Schwartz |
| Blair | Keller | Sellens |
| Bolmeier | Kluver | Severson |
| Boulden | Lunde | Sharpe |
| Brown | McIntee | Shure |
| Byrne | McIntyre | Singleton |
| Culver | Myers | Skartvedt |
| Dalzell | Mittag | Solberg |
| Dittmer | Moe | Thompson, Steele |
| Feton | Nelson, Cass | Twichell |

| | | |
|---|---|---|
| Fletcher | Nystrom | Wambheim |
| Fraser | Oglesby | Williams,Richland |
| Fuglestad | Ostgulen | Williams,Stutsm'n |
| Gainor | Page | Mr. Speaker |
| Haugland | Panko | |

Those voting in the negative were:

| | | |
|---|---|---|
| Anderson, Benson | Fitch | Mollet |
| Anfinson | Glas | Nelson, Dickey |
| Belzer | Haag | Peterson,Bottineau |
| Billigmeier | Halvorson | Rohde |
| Braun, McLean | Hofstrand | Schauss |
| Buchholz | Holm | Schmidt, McHenry |
| Crockett | Johnson, LaMoure | Stone |
| Dike | Lange | Tuff |
| Erickson | Levin | Westby |

Absent and not voting:

| | | |
|---|---|---|
| Adam | McInnes | Scholl |
| Beede | Morland | Semerad |
| Braun, Stark | Nelson, Steele | Stormon |
| Gray | O'Brien | Symington |
| Hultstrand | Odegard | Thompson, Burl'gh |
| Jensen | Ritter | Trydahl |
| Knutson | Sand | Urschel |
| Larson | Saumur | Wolf |

So the bill was indefinitely postponed.

Rep. Schimke voted "aye" for the purpose of reconsideration.

Rep. Crockett: "I am going to vote 'no' on this motion for the reason that these punch boards are here in the State of North Dakota. We are trying to get money for old age pensions, relief for the little children going to school, and for the further reason that we have an ex-states attorney from imperial Cass County and I challenge him while he was states attorney whether he ever had one conviction in Cass County while he was states attorney."

Rep. Ireland: "I vote 'aye' on this for the reason that I don't believe in robbing the kids to raise money for the old folks when we couldn't raise enough anyhow."

Rep. Schimke: "I vote 'aye' for the purpose of reconsideration."

Rep. Singleton: "I am coming to pretty near the age when I will be eligible for the old age pension and I am sorry to think that there are so many gentlemen in this crowd who are voting 'no' on this bill, to think that they will vote to have a mechanical robber come here and take away the money from the little children. I would rather work with a pick as long as I was possibly able rather than do that."

Rep. Williams of Richland: "I am voting 'aye' on this because I know it is wrong. It is either right or wrong. If we have to turn our state into a gambling den to keep our old people, I would rather die of old age."

Rep. Lange: "The reason I vote 'no' for this bill is we had the law in the State for a long time. So now we are going to vote to tax them so they may be able to drive them out."

Rep. Holm: "For the simple reason that if we can get rid of slot machines, I think this isn't a bit worse and therefore I vote 'no'."

Senate Bill No. 159 was read the second time.

Rep. Crockett moved that Senate Bill No. 159 be placed in General Orders, which motion prevailed.

Rep. Twichell moved that the House do now recess until 12 o'clock noon tomorrow, March 2, which motion prevailed, and the House stood recessed.

MINNIE D. CRAIG, Chief Clerk.

## FIFTY-EIGHTH DAY AFTER RECESS AND FIFTY-NINTH DAY

The House convened at 12:00 o'clock noon, pursuant to recess, Speaker Hagen presiding.

The Speaker announced the House would be on the Fifteenth Order of Business.

### MESSAGE TO THE SENATE

House of Representatives,
Bismarck, March 2, 1939.

Mr. President: I have the honor to return:

Senate Bill No. 89. A Bill for an Act to Amend and Reenact Sub-section (a) and Sub-section (f) of Section 5, Section 6, Section 8 and Section 9 of Chapter 9 of the Session Laws of North Dakota for 1937; Relating to the Organization of Soil Conservation Districts, the Election, Qualification and Tenure of Supervisors Thereof; and Relating to the Adoption and Enforcement of Land-use Regulations, and Declaring an Emergency.

Which the House has amended.

Senate Concurrent Resolution No. 271. A Concurrent Resolution Relating to the Distribution of Food Commodities by Federal Relief Agencies.

Senate Concurrent Resolution No. 285. A Concurrent Resolution Memorializing the Members of the United States Congress Urging Congress to Pass a Bill to Establish a National Land Policy and to Provide Homesteads Free of Debt for Actual Farm Families, Which Bill is Now Pending in Congress Known as S. 136.

Which the House has adopted.

Mr. President: I have the honor to inform you that the House has refused to concur in the Senate amendment to:

House Bill No. 36. 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.

And the Speaker has appointed as a conference committee to act with a like committee from the Senate:

Representatives, Shure, Lange and McIntyre.

Mr. President: I have the honor to inform you that the House has concurred in the Senate amendment to:

House Bill No. 172. A Bill for an Act to Amend and Reenact Sections 5, 6, 7, 8 and 9 of Chapter 91 of the 1935 Session Laws of 1935, Relating to an Act Creating the State Athletic Commission, Prescribing Its Powers and Duties,

Providing Penalties for Violations and Repealing All Acts or Parts of Acts in Conflict Therewith; and Providing an Appropriation Therefor.

House Bill No. 70. A Bill for an Act Permitting the Purchase of Gasoline to be Used Solely for Agricultural and Industrial Purposes Without the Payment of a Gasoline Tax on the Purchase Price Thereof; Licensing Purchasers and Sellers; Providing Penalties; Repealing Chapter 189 of the Session Laws of North Dakota for 1931.

Mr. President: I have the honor to return:

Senate Bill No. 130. A Bill for an Act Providing for the Protection of Pre-historic Deposits, Relics, Indian Mounds, Graves, Village Sites and Other Archaeological Material; Providing for Licensing Persons Engaged in Exploring and Excavating for Ancient Ruins and Archaeological Materials, Restricting Such Exploration and Excavation on State-Owned Lands and Requiring That One-Half of Such Materials be Delivered to the State Historical Society and Providing a Penalty for Violation of This Act.

Senate Bill No. 139. A Bill for an Act to Amend and Reenact Subdivision 4 of Section 7426 of the Compiled Laws of North Dakota for 1913, Relating to Service of Summons on a Domestic Corporation, and Providing for Service by Publication on Any Domestic Corporation, the Charter of Which Has Been Forfeited.

Senate Bill No. 132. A Bill for an Act to Make an Appropriation for the Financing of the Operations of the State Soil Conservation Committee or the Activities of the State Soil Conservation Districts.

Senate Bill No. 56. A Bill for an Act Amending and Reenacting the Initiated Measure Entitled: "An Act Reducing and Fixing Allowances for Mileage and Travel Expense 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 30, 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," Adopted and Approved by the Electors at the June 29, 1932, Primary Election, Fixing Allowances for Mileage and Travel Expense of County Officials and Their Deputies; and Repealing Chapter 119, Session Laws of 1931, and All Acts and Parts of Acts in Conflict Herewith.

Senate Bill No. 47. 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-fifth Session of the Legislative Assembly of the State of North Dakota, and Declaring an Emergency.

Senate Bill No. 149. A Bill for an Act to Amend and Reenact Section 714a7 of the 1925 Supplement to the Compiled Laws of North Dakota for the Year 1913, Relating to Securities for Public Deposits.

Senate Bill No. 68. A Bill for an Act to Amend and Reenact Section 4 of Chapter 152 of the Session Laws of 1929, Relating to an Appropriation for the Necessary Costs of Investigations, Etc., of Fire Insurance Rates.

Senate Bill No. 211. A Bill for an Act Appropriating Money for the Use of the Board of Railroad Commissioners

**for the Purpose of the Valuation and Revaluation of Public Utilities by the Board of Railroad Commissioners, as Provided by Chapter 253, Session Laws of 1935.**

**Which the House has passed unchanged.**

Senate Concurrent Resolution No. "25." A Concurrent Resolution Urging Enactment of the Harrison-Fletcher Bill for the Benefit of Needy Schools, and for the Expansion of the Smith-Hughes Act.

**Senate Bill No. 175. A Bill for an Act Providing for the Establishment of, License Fee for, and Setting up Regulations to Govern Muskrat Propagation in the State of North Dakota.**

Senate Bill No. 88. A Bill for an Act Providing for a Recodification and Revision of the Laws of North Dakota; Authorizing the Supreme Court to Create a Code Revision Commission; Defining Its Powers and Duties; Making an Appropriation Therefor; and Declaring an Emergency.

Senate Bill No. 99. A Bill for an Act to Amend and Reenact Section 2 of Chapter 210 of the Session Laws of 1937, Known as the Aid to the Blind Act, and Providing for Eligibility for Assistance to the Needy Blind, Declaring an Emergency.

Senate Bill No. 100. A Bill for an Act Amending and Reenacting Sections 1 and 9 of Chapter 161 of the Session Laws of 1923, Being Sections 5099b1 and 5099b9 of the 1925 Supplement to the 1913 Compiled Laws of North Dakota; and Declaring an Emergency.

**Senate Concurrent Resolution No. 148. A Concurrent Resolution Providing for the Amendment of Article 33 of the Constitution of North Dakota, Relating to the Recall.**

Senate Bill No. 134. A Bill for an Act Permitting the Killing of Dogs, Wolves and Coyotes Kept as Domestic Animals When Caught in the Act of Killing, Chasing, Worrying or Damaging Livestock or Poultry, Providing Owners of Livestock and Poultry Killing Such Animals Shall Not Be Held Civilly Liable, and Declaring an Emergency.

Senate Bill No. 153. A Bill for an Act to Amend and Reenact Section 1 of Chapter 92 of the Session Laws of North Dakota for the Year 1931, Relating to Public Airports and Landing Fields and Declaring an Emergency.

Senate Bill No. 98. A Bill for an Act to Amend and Reenact Sections 506a2, 506a3, 506a4, 506a5, 506a6 as Amended by Chapter 208 of the Session Laws of 1927, 506a7, 506a9 as Amended by Chapter 208 of the Session Laws of 1927, 506a11, 506a12, 506a18, and 506a19 of the 1925 Supplement to the 1913 Compiled Laws of North Dakota, Relating to Creating a Board of Nurse Examiners, Providing for the Appointment of an Inspector of Schools of Nursing, and for the Examination, Registration, Re-registration, and Regulation of Graduated Nurses, and Exempting Practical Nurses from Registration, and Empowering the Board to Prescribe the Minimum Course of Study and Standards for Schools of Nursing, and Prescribing a Penalty for the Violation Thereof. Also, Defining Terms as Used in This Act; Repealing All Acts or Parts of Acts in Conflict Herewith; and Declaring an Emergency.

Senate Bill No. 34. A Bill for an Act to Amend and Reenact Section 5 and Section 9 of Chapter 4 of the Session Laws of North Dakota for 1935.

Senate Bill No. 50. A Bill for an Act to Amend and Reenact Sections 1 and 13 of Chapter 92 of the Session Laws of 1933, Providing for the Consolidation of Counties and Parts of Counties, the Petition Therefor, and the Liabilities and Debts of Counties Affected; and Repealing All Acts in Conflict Herewith.

Senate Bill No. 29. A Bill for an Act to Amend and Reenact Section 1189 of the Compiled Laws of 1913, as Amended by Chapter 236 of the 1931 Session Laws of North Dakota; and to Provide for Minimum Attendance Under Which School Boards May Discontinue a School.

Senate Bill No. 101. A Bill for an Act Amending and Reenacting Sections 1, 6 and 16 of Chapter 209 of the Session Laws of 1937, Being Those Parts of the Aid to Dependent Children Act Defining a Dependent Child; Naming Relatives; Providing the Amount of Assistance; and Method of Disbursement of Aid to Dependent Children Fund; and Declaring an Emergency.

Which the Speaker has signed.

Mr. President: I have the honor to transmit:

House Bill No. 186. A Bill for an Act Providing for the Resale of Lands Acquired by the State on Foreclosure of Mortgages Given to Secure Loans of Permanent School Funds, or by Deed Given in Lieu of Foreclosure; Giving a Preference to Mortgagors Whose Lands Are Resold or to Their Heirs; Providing for the Terms and Conditions of Resale; and Declaring an Emergency.

House Bill No. 185. A Bill for an Act Relating to the Issuance of Tax Sale Certificates; the Payment of Subsequent Taxes; the Issuance of Subsequent Tax Sale Certificates; Amending and Re-enacting Section 2192, as Amended by Chapter 298, Session Laws of 1931, of the Supplement to the Compiled Laws of 1913; and to Make the Records of the County Auditor Evidence of the Rights of the County; and Dispensing With the Necessity of Issuing Tax Sale Certificates and Subsequent Tax Sale Certificates to the Counties; Declaring an Emergency.

House Bill No. 216. A Bill for an Act to Amend and Reenact Section 8175 of the Compiled Laws of the State of North Dakota for 1913 Relating to Actions Against the State of North Dakota.

House Bill No. 301. A Bill for an Act to Make Uniform the Law on Criminal Indictment and Information; Defining Terms Included in This Act; Providing What an Indictment or Information Must or Need Not Contain; Setting Forth Forms Thereof; Providing for Bills of Particular; in General Covering and Interpreting the Laws Pertaining to Indictments and Informations, and Repealing All Acts or Parts of Acts in Conflict Herewith.

House Bill No. 22. 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 Sec-

tion 283c10 of the Supplement to the 1913 Compiled Laws of North Dakota.

House Bill No. 31. 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.

House Bill No. 46. A Bill for an Act Making an Appropriation Out of the Teachers' Insurance and Retirement Fund in the State Treasury for Operation and Maintenance, Equipment, Supplies, Travel and Miscellaneous Expenses for the Teachers' Insurance and Retirement Fund.

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 Workmen's Compensation Bureau.

House Bill No. 30. A Bill for an Act Making an Appropriation to Provide Funds for the Arrest and Return of Fugitives from Justice as Provided by Section 11162, Compiled Laws of 1913, as Amended and Re-enacted by Chapter 160, Laws of 1915, the same being Section 11162 of the Supplement to the 1913 Compiled Laws of North Dakota.

House Bill No. 309. A Bill for an Act to Amend and Reenact Section 8 of Chapter 135 of the 1935 Session Laws of the State of North Dakota, Relating to the Nomination of Candidates for the Offices of Presidential Electors; for the Election of Party Precinct Committeemen; Delegates to the National Party Conventions and National Party Committeemen and National Party Committeewomen; for the Organization of Party County and State Committees, Such Amendment Requiring That in Selecting Proxies, the Same Shall Be Taken From the Precinct in Which the Committeemen or Committeewomen Were Elected; Repealing All Acts or Parts of Acts in Conflict Herewith.

Which the Speaker has signed and your signature is respectfully requested.

House Concurrent Resolution No. 397. A Concurrent Resolution Commending That Higher Education Institutions Include in Teachers Training Courses Instruction Encouraging Cooperative Community Spirit and Activity.

Which the House has passed and your favorable consideration is requested.

MINNIE D. CRAIG, Chief Clerk.

## GENERAL ORDERS

Rep. Shure moved that the House resolve itself into a Committee of the Whole for the consideration of General Orders; which motion prevailed, and the House resolved itself into a Committee of the Whole.

The Speaker called Rep. Shure to the chair.

When the committee arose it submitted the following report:

Mr. Speaker: The Committee of the Whole have had under consideration:

Senate Bill No. 284.

In line 61, page 4 of the printed bill, after the word "state" insert the following: "at the expense of the person or persons making the request."

In line 164, page 8, after the word "at" strike out the words

"his option to" and insert in lieu thereof the following: "his direction and at the expense of."

In line 165, strike out the entire line and insert in lieu thereof the words "requesting the same."

In line 166, page 8, strike out the words "Secretary of State for such work."

And recommend the adoption of the amendments of the Standing Committee.

And when so amended recommend the same do pass.

Senate Bill No. 82.

In line 21, strike out the figure "4" and insert in lieu thereof the figure "2."

In line 22, strike out the period ( . ) and insert a semicolon ( ; ) and add the following: "provided, however, that park districts having a population of less than twenty thousand as shown by the last United States Census may hereafter levy an additional two mills on the dollar of the net taxable assessed valuation of the district for the current year for park district purposes, exclusive of levies to pay interest on bonded debt and levies to pay and discharge the principal thereof, when first approved by a two-thirds vote of the votes cast at any general or special election called for that purpose."

And recommend the adoption of the amendments of the Standing Committee.

And when so amended recommend the same do pass.

Senate Bill No. 281.

Page 1, Section 548a1, line 23, in original bill, after the word "operation" insert a "period." Strike out the balance of paragraph.

Re-number lines accordingly.

And recommend the adoption of the amendments of the Standing Committee.

And the further amendment to the amendment of the Standing Committee:

Strike out the word and figure "Page 1" and insert in lieu thereof the word and figure "Page 2."

And when so amended recommend the same do pass.

Senate Bill No. 163.

Page 2, Section 6, line 25, in original bill, strike out the word and figures "sixty (60) and insert in lieu thereof the word and figures "one hundred and twenty (120)."

And recommend the adoption of the amendments of the Standing Committee.

And when so amended, recommend the same do pass.

Senate Bill No. 257.

On page 6, line 108, strike out the figures "$50,000" and insert in lieu thereof the figures "$2,500."

In section 1, line 1, strike out the words "The Governor is hereby authorized, directed and empowered without compensation," and insert in lieu thereof the following: "The Speaker of the House and the President of the Senate are hereby authorized, directed and empowered to appoint a committee of five consisting of three members from the House and two members from the Senate who shall serve without compensation and receive only per diem and actual expenses."

And recommend the adoption of the amendments of the Standing Committee.

And when so amended recommend the same do pass.

Senate Bill No. 258.

In section 3, line 38, strike out the word "may" and insert in lieu thereof the word "shall."

And recommend the adoption of the amendments of the Standing Committee.

And when so amended recommend the same do pass.

Senate Bill No. 26.

In the amendment appearing on page 499 of the House Journal, amend the amendment as follows: in line 6 of the amendment, after the word "materials," strike out the "comma" and insert in lieu thereof the word "and," and in the same line after the word "supplies," strike out the words "and equipment."

And recommend the adoption of the amendments of the Standing Committee.

And when so amended recommend the same do pass.

Senate Bill No. 159.

On page 35, section 10, strike out all of lines 20 to 29 inclusive, and in line 30 strike out the word "functions."

And recommend the adoption of the amendments of the Committee of the Whole.

And when so amended, recommend the same do pass.

W. H. SHURE, Chairman, Committee of the Whole.

Rep. Fitch moved that the report of the Committee of the Whole be divided as to Senate Bill No. 257 and that Senate Bill No. 257 be acted on separately, which motion prevailed.

Rep. Westby moved the adoption of the report of the Committee of the Whole with the exception to Senate Bill No. 257, which motion prevailed.

Rep. Fitch moved that further consideration of Senate Bill No. 257 be indefinitely postponed.

Rep. Fitch moved a substitute motion that consideration of Senate Bill No. 257 be taken up at 4:00 p. m. this afternoon.

Rep. Fitch withdrew his motion that further consideration of Senate Bill No. 257 be indefinitely postponed.

The question being on the substitute motion of Rep. Fitch that action on Senate Bill No. 257 be taken up at 4:00 this afternoon, the motion prevailed.

Rep. Anderson of Benson moved that the absent members be excused, which motion prevailed.

Rep. Anderson of Benson moved that the House do now adjourn, which motion prevailed and the House stood adjourned.

## FIFTY-NINTH DAY

Bismarck, March 2, 1939.

The House assembled at 2:00 P. M., pursuant to adjournment, Speaker Hagen presiding.

Prayer by Rev. Asher T. Katz, Bismarck.

Roll call: All Representatives present except: Beede, Bingenheimer, Braun of McLean, Crockett, Fraser, Glas, Holthusen, Johnson of Cass, Morland, Panko, Sand, Schauss, Schmidt of McHenry, Schimke, Shure, Skartvedt, Stone, Trydahl, Twichell.

So a quorum was declared present.

The Appropriations Committee was out on special business.

## MESSAGE TO THE SENATE

House of Representatives,
Bismarck, March 2, 1939.

Mr. President: I have the honor to return:

Senate Bill No. 232. A Bill for an Act Making an Appropriation for the Use and Benefit of the State Highway Department of the State of North Dakota to Pay for Equipment (Purchased From and Installed by the Addressograph Multigraph Corporation.)

Which the House has amended.

MINNIE D. CRAIG, Chief Clerk.

## MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, March 2, 1939.

Mr. Speaker: I have the honor to return:

House Bill No. 44. A Bill for an Act Making an Appropriation Out of the Liquor Fund in the State Treasury, for the Operation, Maintenance and Enforcement of the State Liquor Control Act.

House Bill No. 6. 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.

House Bill No. 131. A Bill for an Act Appropriating Money for the School of Mines at the University of North Dakota, to Supplement Works Progress Administration and United States Bureau of Mines Funds for the Investigation and Development of the Lignite Resources Within the Bounds of the State of North Dakota.

House Bill No. 24. 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.

House Bill No. 270. A Bill for an Act to Create a State Board of Photographic Examiners and to Regulate the Practice of Professional Photograpy and to Provide for Licensing and Registration of Persons Engaged in the Practice of Professional Photography and to Protect the Public From Fraud Practiced by Unscrupulous and Irresponsible Persons Through Misrepresentation and Other Unconscionable Artifices and the Obtaining of the Possession of Property Without Returning Value Therefor and for the Protection of the Public Health and Safety; Providing for the Enforcement of the Provisions of This Act and for the Punishment for Violation Thereof.

House Bill No. 195. A Bill for an Act Providing that the State Board of Higher Education Created and Established

by an Initiated Act Submitted to the Electors and Approved June 28, A. D. 1938, Shall be and Hereby is Vested With all the Rights, Powers, Duties, Obligations and Perogatives Heretofore Vested in the Board of Administration, as to Vocational Education, Vocational Rehabilitation, and of the Extension Division of the North Dakota Agricultural College.

House Bill No. 291. A Bill For an Act Declaring that Revenue Bonds Legally and Validly Issued by the State Water Conservation Commission Are Legal and Valid Investments by Banks, Trust Companies, Insurance Companies, Investment Companies, Building and Loan Associations and of Similar Financial Institutions; and Declaring an Emergency.

House Bill No. 257. A Bill for an Act to Amend and Reenact Chapter 106 of the 1933 Session Laws, Relating to Marihuana, and Defining Marihuana as a Narcotic and a Habit-forming Drug; Prohibiting the Sale or Gift Thereof; Providing a Penalty for Violation; and Declaring an Emergency.

House Bill No. 61. A Bill for an Act Relating to the Application of the Bang's Test in Counties in North Dakota Under the Direction of the North Dakota Livestock Sanitary Board by Petition of Sixty-five Per Cent of the Freeholders or Livestock Owners in Such Counties, and Declaring an Emergency.

House Bill No. 320. A Bill for an Act to Amend and Reenact Section 2 of Chapter 156 of the Session Laws of 1935, Relating to Hail Tax Refund, and Declaring an Emergency.

House Bill No. 82. A Bill for an Act to Amend and Reenact Section 2761 of the Compiled Laws of the State of North Dakota for 1913 as Amended by Chapter 64, Session Laws of 1915, Prohibiting the Sale of Purebred Cattle and Nonregistered Bulls for Any Other Purpose Except Slaughter, Unless Accompanied by a Certificate of Health, and Providing a Penalty Therefore.

House Bill No. 310. A Bill for an Act to Amend and Reenact Section 2790a7 and 2790a8 of the 1925 Supplement to the Compiled Laws of the State of North Dakota; Relating to Duties of Bee Inspector and of Owners; Providing for Inspection Fees and the Collection Thereof and Repealing All Acts in Conflict Herewith.

Joint Resolution "A." A Resolution Relative to the United States Flag Association and Indorsing a National Patriotic Revival.

Which the Senate has passed unchanged.

House Bill No. 120. A Bill for an Act Establishing Rules and Regulations and Sanitary Conditions for Cream Buying Stations; Sanitary Requirements for Haulers of Cream; Equipment and Care of Equipment; Care of Cream Held in the Station; Care of Cream in Transit; Repealing Acts in Conflict Herewith; Providing Penalties, and Declaring an Emergency.

House Bill No. 157. A Bill for an Act Making an Appropriation for the Maintenance and Operation of the North Dakota State Criminal Identification Bureau for the Period

From January 1st, 1939 to June 30th, 1939, and Declaring an Emergency.

House Bill No. 12. A Bill for an Act Making an Appropriation for the Purpose of Paying Salaries, Clerkhire and General Expenses of the Division of Child Hygiene.

House Bill No. 175. A Bill for an Act to Provide Revenue by Means of a Transaction Tax Upon Sales of Certain Alcoholic Beverages by Licensed Wholesale Liquor Dealers; Authorizing the State Treasurer to Prescribe Rules and Regulations for the Collection Thereof; Prescribing the Method of Payment of the Tax to, and Collections by, the State Treasurer, and Providing Penalty.

House Bill No. 8. A Bill for an Act Making an Appropriation for the Purpose of Paying Salary Clerk Hire, and General Expenses of the State Historical Society.

House Bill No. 13. 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.

House Bill No. 11. A Bill for an Act Making an Appropriation for the Purpose of Paying Salary, Clerkhire and General Expenses of the Public Health Laboratories.

House Bill No. 10. A Bill for an Act Making an Appropriation for the Purpose of Paying Salary, Clerk Hire, and General Expenses of the Department of Public Health.

Which the Senate has amended.

House Bill No. 396. A Bill for an Act Amending and Reenacting Section 189b11 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, as Amended by Section 10 of Chapter 137, Laws of 1933, in Reference to State Hail Insurance, Crop Affidavit, Insurability and Liens; Repealing Acts in Conflict Herewith, and Declaring an Emergency.

House Concurrent Resolution No. 399. A Concurrent Resolution to Authorize the Board of Administration to Transfer Funds for the Purpose of Paving the State Capitol Grounds.

House Concurrent Resolution No. 179. Authorizing and Directing the Governor, Tax Commissioner and Attorney General to Ascertain What Provision Has Been Made by the Federal Government for Making Payments in Lieu of Taxes on Lands Acquired in This State by Various Departments, Bureaus and Agencies of the Government and Authorizing and Directing the Governor, Attorney General and Tax Commissioner to File With the Secretary of State Proposals or Commitments Submitted by Such Departments, Bureaus or Agencies With Reference Thereto.

House Bill No. 176. A Bill for an Act to Amend and Reenact Section 34, Chapter 94, Session Laws of 1931, Pertaining to Examination of Building and Loan Associations.

House Bill No. 375. A Bill for an Act to Amend and Reenact Sections 11105, 11106, and 11107, Compiled Laws of the State of North Dakota, for the Year 1913 Relating to the Board of Pardons, the Powers and Duties Thereof, and the Procedure Before Such Board, and Providing for the Appointment of Parole Officers and Other Assistants, and Declaring an Emergency.

House Bill No. 259. A Bill for an Act Amending Section

7316 of the Compiled Laws of 1913, Relating to the Enforcement of Penalty; Forfeiture and Punishment of Violators of a Statute That Has Been Repealed; and Declaring an Emergency.

House Concurrent Resolution No. 368. A Concurrent Resolution Relating to Payments of Old Age Assistance, Aid to the Blind, and Aid to Dependent Children Grants to Ward Indians.

House Bill No. 353. A Bill for an Act to Amend and Reenact Sections 13 and 14, of Chapter 97 of the Session Laws of 1933, as Amended by Chapter 119 of the Session Laws of 1935, Relating to the Administration of County Poor Relief; and Declaring an Emergency.

House Bill No. 250. A Bill for an Act Authorizing the Public Welfare Board of North Dakota, With the Approval of the Attorney General, to Enter Into Reciprocal Agreements With Other States Having Like Authority Relative to Residence, Care and Transportation of Indigent Persons; and Declaring an Emergency.

House Bill No. 106. A Bill for an Act to Amend and Reenact Section 1 of Chapter 128 of the Session Laws of the State of North Dakota for the Year 1925, Being Section 3163a1 of the Supplement to the 1913 Compiled Laws of the State of North Dakota, Defining a Public Dancing Place.

House Bill No. 211. A Bill for an Act to Amend and Reenact Section 45 of Chapter 94 of the Session Laws of 1931 Relating to Building and Loan Associations and Making Provision for Appointment of Federal Savings and Loan Insurance Corporation as Receiver or Co-receiver of Associations in Liquidation Which Are Insured by Said Insurance Corporation.

House Bill No. 210. A Bill for an Act to Amend and Reenact Section 14, of Chapter 94, Session Laws of 1931, Providing for Investment in Shares of Building and Loan Associations by Fiduciaries, Trusts, Insurance Companies, and Banks.

House Concurrent Resolution No. 400. A Concurrent Resolution to Extend an Invitation to Eamon DeValera to Visit the State of North Dakota.

House Bill No. 263. A Bill for an Act to Amend and Reenact Sections 10169a4, and 10169a5 of the 1925 Supplement to the Compiled Laws of North Dakota, 1913, of the North Dakota Beverage Inspection Act, to Include Alcoholic Beverages, Defining the Beverages Coming Within the Provisions of That Act, and Fixing the License Fee Required to Be Paid, and Declaring an Emergency.

House Bill No. 32. A Bill for an Act Making an Appropriation Into the Administrative Fund for General Administrative and Cperative Expenses of the Water Conservation Commission, According to Chapter 255, Session Laws of 1937 and Section 31, Thereof, Providing for Reimbursement and Providing for Validity.

House Bill No. 290. A Bill for an Act to Amend and Reenact Section 8 of Chapter 145 of the Session Laws of North Dakota, for the Year 1937, Relating to All Benevolent Corporations, Associations or Societies Operating on Voluntary

**or Involuntary Assessment or Contribution Plan.**
**Which the Senate has amended.**

**House Bill No. 113. A Bill for an Act Requiring Boards of County Commissioners or Any Other Public Boards Administering Poor Relief to Give Equal Consideration to Legally Licensed Practitioners of Medicine, Osteopathy, Chiropractic, Dentistry, Optometry, and Any Other Legally Licensed Practitioner, 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.**

**House Bill No. 150. A Bill for an Act Making an Appropriation for the State to Pay Seventy-five Per Cent (75%) of All Costs and Expenses of Maintaining and Providing for Patients at the State Hospital for the Insane, Patients at the Feeble-minded Institution, and Patients at the Tuberculosis Sanatorium, for the Biennium Beginning July 1, 1939, and Ending June 30, 1941, Seventy-five Per Cent (75%) of Such Costs of Caring for Such Patients to Be Charged to the State of North Dakota, and the Remaining Twenty-five Per Cent (25%) to Be Charged to the Counties, Now Required by Law to so Provide for Such Patients; Repealing All Acts or Parts of Acts in Conflict Herewith, and Declaring an Emergency.**

House Bill No. 128. A Bill for an Act to Amend and Reenact Chapter 123 of the 1935 Session Laws of the State of North Dakota, Being an Act to Amend and Re-enact Section 25 of Chapter 98 of the 1933 Session Laws of the State of North Dakota; Relating to Relief for the Poor; Describing the Establishment of a County Relief Board by the Board of County Commissioners, Constituting the County Commissioners in the Respective Counties to Replace the County Welfare Board; Repealing All Acts and Parts of Acts in Conflict Herewith; and Declaring an Emergency.

**House Bill No. 312. A Bill for an Act to Amend and Reenact Section 2373 of the Supplement to the 1913 Compiled Laws of North Dakota Relating to Appointment and Election of Officers Under the Provisions of the Military Code; Declaring an Emergency.**

House Bill No. 234. A Bill for an Act to Amend and Reenact Section 3802, Compiled Laws of North Dakota for the Year 1913, Relating to Salaries Under the Commission Form of Government.

House Bill No. 246. A Bill for an Act to Amend and Reenact Subdivision (5) of Section 4059 of the Compiled Laws of 1913, as Amended by Chapter 180 of the Session Laws of 1929, Relating to Elections and Powers of Park Commissioners; Repealing All Acts or Parts of Acts in Conflict Herewith.

House Bill No. 331. A Bill for an Act Imposing a Tax Upon Malt Beverages Not Taxes Under Initiated Beer Law of 1933, Providing for Reports by the Vendor, Prescribing Penalties and Providing That the Proceeds of Such Tax Shall Be Paid Into the General Fund of the State, and Declaring an Emergency.

**House Bill No. 198. A Bill for an Act Imposing a Tax Upon Theatre and Entertainment Tickets to be Applied to**

the Old Age Assistance Fund; to Provide for the Collection of Such Tax; Requiring Reports; Naming Exemptions; Establishing a Lien for the Payment of Such Tax; Fixing Fines and Penalties for Violations; Repealing Laws in Conflict Herewith and Declaring an Emergency.

House Bill No. 238. A Bill for an Act Prohibiting Possession, Purchase, Sale and Dispensing of Alcohol and Alcoholic Beverages and Beer, Outside the Limits of Any City or Village in the State of North Dakota, Prescribing A Penalty for the Violation Thereof.

Which the Senate has indefinitely postponed.

WM. J. LOWE, Secretary.

## REPORT OF STANDING COMMITTEE

Mr. Speaker: Your Committee on Revision and Correction of the Journal have carefully examined the Journal of the Fifty-Seventh and Fifty-Eighth day and recommends that the same be corrected as follows:

Page 1196, 8 paragraphs from top, in list of enrolled bills add "House Bill No. 31."

And when so corrected recommend that the same be approved.

REP. GLAS, Chairman.

Representative Joiner moved that the report be adopted, which motion prevailed and the report was adopted.

Representative Scholl moved that action taken on Senate Bill No. 215 be reconsidered, which motion prevailed.

Representative Scholl moved that Senate Bill No. 215 be placed on the calendar, which motion prevailed.

## REPORT OF STANDING COMMITTEE

Mr. Speaker: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bills:

House Bill No. 351.
House Bill No. 356.
House Bill No. 385.
House Bill No. 70.
House Bill No. 172.
House Conc. Res. 225.
House Conc. Res. 248.

And find the same correctly enrolled.

OLAF OSTGULEN, Chairman.

Representative Ostgulen moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bills:

House Bill No. 29.
House Bill No. 99

And find the same correctly Enrolled.

OLAF OSTGULEN, Chairman.

Rep. Ostgulen moved that the report be adopted, which motion prevailed, and the report was adopted.

## REPORTS OF STANDING COMMITTEES

Mr. Speaker: Your Committee on Appropriations to whom was referred:

Senate Bill No. 255, have had the same under consideration and recommend that the same be amended as follows:

Section 1, line 3, strike out the words "One Hundred Eighty-eight Thousand," and in line 4, strike out the words and figures "Two Hundred and Ninety Dollars ($188,290.00)" and insert in lieu thereof the words and figures "Two Hundred and One Thousand, Five Hundred Dollars ($201,500.00)."

Line 9, strike out the figures "$5,640.00" and insert in lieu thereof the figures "$6,600.00."

Line 11, strike out the figures "$1,500.00" and insert in lieu thereof the figures "$3,000.00."

Line 21, strike out the figures "$1,000.00" and insert in lieu thereof the figures "$3,000.00."

Line 23, strike out the figures "$5,000.00" and insert in lieu thereof the figures "$8,000.00."

Line 26, strike out the figures "$650.00" and insert in lieu thereof the figures "$800.00."

Line 31, strike out the figures "$15,000.00" and insert in lieu thereof the figures "$20,000.00."

Insert a new line 33½ "Legal Service $600.00."

Line 36, strike out the figures "$188,290.00" and insert in lieu thereof the figures "$201,500.00."

And when so amended recommend the same do pass.

C. P. RITTER, Acting Chairman.

Rep. Johnson of Cass moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Appropriations to whom was referred:

Senate Bill No. 238, have had the same under consideration and recommend the same be amended as follows:

Section 1, line 6, after the word "of" strike out the words "Two Hundred Four" and in line 7, strike out the words and figures Thousand and no/100 ($204,000.00) Dollars, and insert in lieu thereof the words and figures "Two Hundred Thousand and no/100 ($200,000.00) Dollars."

Line 17, strike out the comma and after the word "Engineer" and the words "not to exceed" strike out the figures "$12,000.00" and insert in lieu thereof the figures "$8,000.00."

Strike out all of lines 18 and 19, "Effective during present contract, after which not to exceed $10,000.00."

Line 24, strike out the figures "$204,000.00" and insert in lieu thereof the figures "$200,000.00."

Re-number beginning with line 20, change to line 18 and continue re-numbering to the end of the section.

And when so amended recommend the same do pass.

C. P. RITTER, Acting Chairman.

Rep. Morland moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Appropriations to whom was referred:

Senate Bill No. 9, have had the same under consideration and recommend that the same be amended as follows:

Section 1, line 3, strike out the figures "$172,700.00" and insert in lieu thereof the figures "$174,700.00."

Line 10, strike out the figures "$60,000.00" and insert in lieu thereof the figures "$66,000.00."

Line 11, strike out the figures "$40,000.00" and insert in lieu thereof the figures "$42,000.00."

Strike out all of line 19, "For Inspection by Patrolmen $6,000.00."

Line 20, strike out the figures "$172,700.00" and insert in lieu thereof the figures "$174,700.00."

And when so amended recommend the same do pass.

C. P. RITTER, Acting Chairman.

Rep. Trydahl moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Appropriations to whom was referred:

Senate Bill No. 8, have had the same under consideration and recommend that the same be amended as follows:

Section 1, line 2, strike out the figures "$1,134,800.00" and insert in lieu thereof the figures "$1,185,000.00."

Line 10, strike out the figures "$14,800.00" and insert in lieu thereof the figures "$20,000.00."

Line 12, strike out the figures "$374,000.00" and insert in lieu thereof the figures "$380,000.00."

Line 35, strike out the figures "$46,000.00" and insert in lieu thereof the figures "$60,000.00."

Line 36, strike out the figures "$265,000.00" and insert in lieu thereof the figures "$290,000.00."

Line 53, strike out the figures "$1,134,800.00" and insert in lieu thereof the figures "$1,185,000.00."

And when so amended recommend the same do pass.

C. P. RITTER, Acting Chairman.

Rep. Odegard moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Appropriations to whom was referred:

Senate Bill No. 6, have had the same under consideration and recommend that the same be amended as follows:

Section 1, line 6, strike out the figures "$291,964.64" and insert in lieu thereof the figures "$298,964.64."

Line 31, strike out the figures "$15,000.00" and insert in lieu thereof the figures "$18,000.00".

Line 36, strike out the figures "$12,000.00" and insert in lieu thereof the figures "$16,000.00."

Line 39, strike out the figures "$357,914.64" and insert in lieu thereof the figures "$364,914.64."

Line 51, strike out the figures "$378,964.64" and insert in lieu thereof the figures "$385,964.64."

Insert a new division—1a—STATE CRIMINAL IDENTIFICATION BUREAU.

| | |
|---|---|
| Officer in charge | $ 4,000.00 |
| Finger print expert | 2,620.00 |
| Travel expense | 2,200.00 |
| Workmen's compensation | 175.00 |
| Radio Service & Special Bulletins | 2,050.00 |

| | |
|---|---|
| Telephone & Telegraph | 600.00 |
| Equipment & Supplies | 375.00 |
| Postage & Printing | 500.00 |
| TOTAL | $12,520.40 |

And when so amended recommend the same do pass.

C. P. RITTER, Acting Chairman.

Rep. Semerad moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Appropriations to whom was referred:

Senate Bill No. 4, have had the same under consideration and recommend that the same do pass, as amended by the Senate.

C. P. RITTER, Acting Chairman.

Rep. Symington moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Appropriations to whom was referred:

Senate Bill No. 5, have had the same under consideration and recommend that the same be amended as follows:

Section 1, line 4, strike out the figures "$132,884.80" and insert in lieu thereof the figures "$139,884.80."

Line 22, strike out the figures "$3,000.00" and insert in lieu thereof the figures "$5,000.00."

Line 27, strike out the figures "$25,000.00" and insert in lieu thereof the figures "$30,000.00."

Line 33, strike out the figures "$463,192.38" and insert in lieu thereof the figures "$470,192.38."

Line 48, strike out the figures "$482,486.88" and insert in lieu thereof the figures "$489,486.88."

And when so amended recommend the same do pass.

C. P. RITTER, Acting Chairman.

Rep. Hultstrand moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Appropriations to whom was referred:

Senate Bill No. 3, have had the same under consideration and recommend that the same do pass, as amended by the Senate.

C. P. RITTER, Acting Chairman.

Rep. Stormon moved that the report be adopted, which motion prevailed and report was adopted.

Mr. Speaker: Your Committee on Appropriations to whom was referred:

Senate Bill No. 2, have had the same under consideration and recommend that the same do pass as amended by the Senate.

C. P. RITTER, Acting Chairman.

Rep. Morland moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Insurance to whom was referred Senate Bill No. 158, have had the same under con-

sideration and recommend that the same be indefinitely postponed.

PETER PETERSON, Chairman.

Representative Byrne moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Highways and Bridges to whom was referred Senate Bill No. 84, have had the same under consideration and recommend that the same be amended as follows:

To line 5 page 1 add the words "hard surfaced."

In line 9 page 1 strike "a" and insert "any hard surface."

And when so amended recommend the same do pass.

C. P. RITTER, Acting Chairman.

Representative Odegard moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Highways and Bridges to whom was referred House Concurrent Resolution No. 398, have had the same under consideration and recommend that the same do pass.

C. P. RITTER, Acting Chairman.

Representative Odegard moved that the report be adopted, which motion prevailed and the report was adopted.

Representative Scholl moved that House Concurrent Resolution No. 398 be placed on the calendar, which motion prevailed.

## REPORT OF SELECT COMMITTEE

The Conference Committee on House Bill No. 311 made the following report:

Mr. Speaker: Your Conference Committee to whom was referred House Bill No. 311, have had the same under consideration and recommend the House Conference Committee do concur with the Senate Amendments to House Bill No. 311.

| For the Senate: | For the House: |
|---|---|
| F. T. Gronvold | C. P. Ritter |
| C. S. Aasen | R. T. Gray |
| Walter Troxel | Joe Byrne |

Rep. Ritter moved that the report be adopted, which motion prevailed and the report was adopted.

Rep. Byrne moved that the rules be suspended and that House Bill No. 311 be considered properly re-engrossed, placed on second reading and final passage, which motion prevailed.

## SECOND READING OF HOUSE BILLS

**House Bill No. 311. A Bill for an Act Relating to the Organization of Irrigation Districts, the Powers and Functions of Such Districts, the Establishment and Construction of Irrigation Works Therein and Methods and Procedure for Financing the Cost of Purchasing or Constructing Such Irrigation Works; Amending Section 8247a1 of the Supplement to the Compiled Laws of 1913, as Amended and Re-enacted by Section 1 of Chapter 142 of the Session Laws of 1933; Section 8247a2 of the Supplement to the Compiled Laws of 1913; Section 8247a3 of the Supplement to the Compiled Laws of 1913, as Amended and Re-enacted by Section 2 of Chapter 142 of the Session Laws of 1933; Sections 8247a4, 8247a5, 8247a6, 8247a7, 8247a8, and 8247a9**

of the Supplement to the Compiled Laws of 1913; Section 8247a10 of the Supplement to the Compiled Laws of 1913, as Amended and Re-enacted by Section 3 of Chapter 142 of the Session Laws of 1933 and Amending Sections 8247a11, 8247a12, 8247a13, 8247a14, 8247a15, 8247a16, 8247a17, 8247a18, 8247a19, 8247a20, 8247a21a, 8247a23, 8247a24, 8247a26, 8247a47, 8247a51, 8247a52, 8247a53, 8247a56, 8247a57, 8247a59, 8247a60, 8247a61, 8247a63, 8247a64, 8247a65, and 8247a66 of the Supplement to the Compiled Laws of 1913; Validating Organization and Acts of Certain Irrigation Districts; Repealing All Acts and Parts of Acts in Conflict 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 by the Senate, the roll was called and there were ayes, 88; nays, 6; absent and not voting, 16.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Holthusen | Peterson,Bottineau |
| Anderson,M'K'nzie | Hultstrand | Peterson, Ransom |
| Anfinson | Ireland | Rettke |
| Arneson, Nelson | Ista | Ritter |
| Arneson, Ramsey | Jensen | Rohde |
| Beede | Johnson, Cass | Schauss |
| Belzer | Johnson, LaMoure | Schmidt, McHenry |
| Bergesen | Joiner | Scholl |
| Billigmeier | Keller | Schwartz |
| Bolmeier | Kluver | Sellens |
| Braun, McLean | Knutson | Semerad |
| Braun, Stark | Lange | Severson |
| Brown | Larson | Sharpe |
| Buchholz | Levin | Singleton |
| Byrne | Lunde | Solberg |
| Dalzell | McInnes | Stormon |
| Dike | McIntee | Symington |
| Dittmer | McIntyre | Thompson,Burl'gh |
| Erickson | Myers | Thompson, Steele |
| Feton | Mittag | Trydahl |
| Fletcher | Mollet | Tuff |
| Fraser | Nelson, Cass | Twichell |
| Fuglestad | Nelson, Dickey | Urschel |
| Gray | Nelson, Steele | Wambheim |
| Haag | Nystrom | Westby |
| Halvorson | O'Brien | Williams,Richland |
| Haugland | Odegard | Williams,Stutsm'n |
| Heckman | Ostgulen | Wolf |
| Hofstrand | Page | Mr. Speaker |
| Holm | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Blair | Gainor | Oglesby |
| Boulden | Moe | Shure |

Absent and not voting:

| | | |
|---|---|---|
| Anderson, Benson | Glas | Saumur |
| Benno | Morland | Schmidt, Sheridan |
| Bingenheimer | Panko | Schimke |
| Crockett | Rait | Skartvedt |

| | | |
|---|---|---|
| Culver | Sand | Stone |
| Fitch | | |

So the bill passed and the title was agreed to and the Emergency Clause was declared carried.

Rep. Scholl moved that the House do now recess for a thirty-minute period, which motion prevailed, and the House recessed.

The House was called to order pursuant to thirty-minute recess taken.

Speaker Hagen presiding.

Rep. McInnes requested that the House be on the Seventh Order of Business, which request was granted.

Rep. McInnes moved that action taken on Senate Bill No. 187 be reconsidered, which motion prevailed.

Rep. McInnes moved that Senate Bill No. 187 be placed on the calendar, which motion prevailed.

Rep. Anderson of Benson moved that Senate Bill No. 284 be made a special order of business at 5:00 P. M. this afternoon, which motion prevailed.

The question now being on the motion of Rep. Fitch that further consideration of Senate Bill No. 257 be indefinitely postponed, which motion was made a special order of business at 4:00 P. M., the motion was put.

A roll call was demanded and granted.

## SECOND READING OF SENATE BILLS

Senate Bill No. 257. A Bill for an Act Providing for Special Audits and Investigations of the North Dakota Mill and Elevator Association, the Bank of North Dakota, the State Highway Department and the Office of State Highway Commissioner, the Board of Administration, the Board of University and School Lands, the Industrial Commission and the State Securities Commission, and Such Other Offices, Departments, Institutions and Commissions of the State as the Governor Shall Designate; Providing for the Appointment of a Special Examining Commissioner and for the Prosecution of Any Action or Proceeding Which May Be Deemed Warranted as a Result of Such Audit, Investigation or Check Up; Providing for an Appropriation to Carry Out the Purposes of This Act, and Declaring an Emergency.

Was read the second time.

## ROLL CALL

The question being on the indefinite postponement of Senate Bill No. 257 there were ayes, 61; nays, 47; absent and not voting, 2.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Arneson, Nelson | Holm | Ritter |
| Arneson, Ramsey | Holthusen | Saumur |
| Benno | Jensen | Sellens |
| Bergesen | Johnson, Cass | Semerad |
| Billigmeier | Joiner | Severson |
| Blair | Keller | Sharpe |
| Bolmeier | Kluver | Shure |
| Boulden | Lange | Singleton |
| Byrne | Larson | Skartvedt |
| Dalzell | Lunde | Stone |

| | | |
|---|---|---|
| Dittmer | McInnes | Stormon |
| Feton | Moe | Symington |
| Fitch | Nelson, Dickey | Thompson,Burl'gh |
| Fuglestad | Nelson, Steele | Thompson, Steele |
| Gainor | Nystrom | Trydahl |
| Glas | Oglesby | Twichell |
| Gray | Ostgulen | Wambheim |
| Haag | Page | Westby |
| Haugland | Peterson, Ransom | Williams,Richland |
| Heckman | Rait | Williams,Stutsm'n |
| Hofstrand | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Adam | Fraser | Peterson,Bottineau |
| Anderson, Benson | Halvorson | Rettke |
| Anderson,M'K'nzie | Hultstrand | Rohde |
| Anfinson | Ireland | Sand |
| Beede | Ista | Schauss |
| Belzer | Johnson, LaMoure | Schmidt, McHenry |
| Bingenheimer | Levin | Schmidt, Sheridan |
| Braun, McLean | McIntee | Schimke |
| Braun, Stark | McIntyre | Scholl |
| Brown | Myers | Schwartz |
| Buchholz | Mittag | Solberg |
| Crockett | Mollet | Tuff |
| Culver | Morland | Urschel |
| Dike | O'Brien | Wolf |
| Erickson | Odegard | Mr. Speaker |
| Fletcher | Panko | |

Absent and not voting:

| | |
|---|---|
| Knutson | Nelson, Cass |

So Senate Bill No. 257 was declared indefinitely postponed.

Rep. Williams of Richland moved that the vote by which Senate Bill No. 257 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Rep. Arneson of Ramsey: "If this had been a real investigation, I would have voted for it but as it is now I am voting against it, I vote 'aye'."

Rep. Holm: "Mr. Speaker, I would like to explain my vote on this Senate Bill No. 257 and I am going to vote for its indefinite postponement for the simple reason that in the first place very few investigations have ever brought any results. I wish to say this: that if the state had been in a condition financially to carry on any investigation that would be broad in its scope and take in all state institutions and state departments, I would have voted for that. I think there are things going on behind the curtains in the last few years that no one has any idea of. I am satisfied in my mind; but nevertheless, at this time the poor people of our state and the schools which are about to close their doors should be considered. Therefore I vote 'aye'."

Rep. Nelson of Dickey: "I think if we had plenty of money, we should have an investigation alright, but we should go back 25 or 30 years and start the investigation and clean up to the present time but in the condition that the state is

in at the present time I don't think we should have an investigation so therefore I vote 'aye'."

Rep. Panko: "I want to explain my vote. I cannot see where we can afford to spend $50,000 or $2,500 for an investigation when we have so many people in this wonderful State of North Dakota depending upon us to give them something to eat and drink. Therefore I vote 'no'."

Rep. Ritter: "Since the bill is amended it doesn't mean a thing. We can't accomplish what we want to, therefore I vote 'aye'."

Rep. Stone: "I vote 'aye' for this bill because the Nonpartisan League doesn't want to have that investigation and it doesn't want to find out what took place in the last few years. That is the reason I vote 'aye'."

Rep. Thompson of Burleigh: "I am not in favor of an investigation. I am not in favor of this bill for investigation because it carries a little bit too much of an appropriation. We could get along with less but the bill as amended now is practically worthless. I thought the fellows were honest in the investigation so I am going to vote 'aye' because the bill as it is is worthless."

Rep. Twichell: "I had hoped to be able to vote for a bill that would appropriate $25,000 or $30,000 for an adequate investigation. I feel that kind of an investigation would bring out all the true facts of the last two years. In view of the fact that it is cut down and the money available has been cut down to $2,500, the bill is simply a joke."

Rep. Buchholz: "I never was opposed to any honest investigation and since this House conducted an honest legislative investigation, therefore a vote of 'aye' would stop this. Therefore I vote 'no', on this believing in an honest investigation."

## REPORTS OF STANDING COMMITTEES

Mr. Speaker: 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:

Section 1, line 4, strike out the figures "$247,637.00" and insert in lieu thereof the figures "$252,637.00".

Line 26, strike out the figures "$4,500.00" and insert in lieu thereof the figures "$5,000.00".

Insert a new line 39a "Replacement of Hot Water Boilers $1,000.00".

Line 41, strike out the figures "$2,000.00" and insert in lieu thereof the figures "$4,500.00".

Line 46, strike out the figures "$1,000.00" and insert in lieu thereof the figures "$2,000.00".

Line 55, strike out the figures "$262,637.00" and insert in lieu thereof the figures "$267,637.00".

And when so amended recommend the same do pass.

C. P. RITTER, Acting Chairman.

Rep. Morland moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Appropriations to whom was referred Senate Bill No. 123, have had the same under

consideration and recommend that the same be amended as follows:

Section 1, line 5, strike out the figures $1,034,942.00" and insert in lieu thereof the figures "$2,038,900.00".

Section 2, line 10, strike out the figures "$1,034,942.00" and insert in lieu thereof the figures "$2,038,900.00".

Line 12, strike out the figures "$116,942.00" and insert in lieu thereof the figures "$104,248.00".

Line 20, strike out the figures "$81,442.00" and insert in lieu thereof the figures "$72,298.00".

Line 21, strike out the figures "$16,800.00" and insert in lieu thereof the figures "$15,120.00".

Line 22, strike out the figures "$8,000.00" and insert in lieu thereof the figures "$7,200.00".

Line 23, strike out the figures "$600.00" and insert in lieu thereof the figures "$540.00".

Line 24, strike out the figures "$4,800.00" and insert in lieu thereof the figures "$4,320.00".

Line 25, strike out the figures "$1,500.00" and insert in lieu thereof the figures "$1,350.00".

Line 26, strike out the figures "$600.00" and insert in lieu thereof the figures "$540.00".

Line 27, strike out the figures "$1,000.00" and insert in lieu thereof the figures "$900.00".

Line 28, strike out the figures "$2,200.00" and insert in lieu thereof the figures "$1,980.00".

Line 29, strike out the figures "$116,942.00" and insert in lieu thereof the figures "$104,248.00".

And when so amended recommend the same do pass.

C. P. RITTER, Acting Chairman.

Rep. Ireland moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Appropriations to whom was referred Senate Bill No. 141, have had the same under consideration and recommend that the same be amended as follows:

Section 3, line 32, strike out the figures "68,500.00" and insert in lieu thereof the figures "$61,650.00".

Line 44, strike out the figures "$40,000.00" and insert in lieu thereof the figures "$36,000.00".

Line 45, strike out the figures "$7,000.00" and insert in lieu thereof the figures "$6,300.00".

Line 46, strike out the figures "$2,500.00" and insert in lieu thereof the figures "$2,250.00".

Line 47, strike out the figures "$2,000.00" and insert in lieu thereof the figures "$1,800.00".

Line 48, strike out the figures "$10,000.00" and insert in lieu thereof the figures "$9,000.00".

Line 49, strike out the figures "$2,500.00" and insert in lieu thereof the figures "$2,250.00".

Line 50, strike out the figures "$1,000.00" and insert in lieu thereof the figures "$900.00".

Line 51, strike out the figures "$1,000.00" and insert in lieu thereof the figures "$900.00".

Line 52, strike out the figures "$2,500.00" and insert in lieu thereof the figures "$2,250.00".

Line 53, strike out the figures "$68,500.00" and insert in lieu thereof the figures "$61,650.00".

And when so amended recommend the same do pass.

C. P. RITTER, Acting Chairman.

Rep. Johnson of Cass moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Appropriations to whom was referred Senate Bill No. 244, have had the same under consideration and recommend that the same be amended as follows:

Section 1, line 4, strike out the figures "$608,848.00" and insert in lieu thereof the figures "$596,848.00".

Line 32, strike out the figures "$9,000.00" and insert in lieu thereof the figures "$7,000.00".

Line 42, strike out the figures "$238,532.00" and insert in lieu thereof the figures "$236,532.00".

Line 62, strike out the figures "$70,000.00" and insert in lieu thereof the figures "$60,000.00".

Line 68, strike out the figures "370,316.00" and insert in lieu thereof the figures "$360,316.00".

Line 69, strike out the figures "$608,848.00" and insert in lieu thereof the figures "$596,848.00".

And when so amended recommend the same do pass.

C. P. RITTER, Acting Chairman.

Rep. Odegard moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your Committee on Appropriations to whom was referred Senate Bill No. 245, have had the same under consideration and recommend that the same be amended as follows:

Section 1, line 3, strike out the figures "$1,459,053.75" and insert in lieu thereof the figures "$1,259,053.75".

Line 30, strike out the figures "$350,000.00" and insert in lieu thereof the figures "$150,000.00".

Line 42, strike out the figures "$1,459,053.75" and insert in lieu thereof the figures "$1,259,053.75".

And when so amended recommend the same do pass.

C. P. RITTER, Acting Chirman.

Rep. Buchholz moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Speaker: Your select committee on the House Historic Photograph present herewith the photograph of the members of the 26th Legislative assembly, one finish as per agreement with the Butler studio. together with a bill for the payment of same, and recommend that the same be paid.

FRANKLIN PAGE, Chairman,

Rep. Ista moved that the bill be paid and charged to legislative expense.

Statement

Bismarck, N. D., March 1st, 1939.

Twenty-Sixth Legislative Assembly

Legislative Expense

In Account With

THE BUTLER STUDIO

Phone 249 Bismarck, N. Dak.

To 1 Composite Photo of Members of N. D.

| | |
|---|---|
| House of Representatives, 1939 | $ 116.00 |
| Sales Tax | 2.32 |
| Total | $ 118.32 |

ROLL CALL

The question being on the bill for a photograph of the House Members the roll was called and there were ayes, 105; nays, 2; absent and not voting, 3.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Haugland | Peterson, Ransom |
| Anderson, Benson | Heckman | Rait |
| Anderson,M'K'nzie | Hofstrand | Rettke |
| Anfinson | Holm | Ritter |
| Arneson, Nelson | Holthusen | Rohde |
| Arneson, Ramsey | Hultstrand | Sand |
| Beede | Ireland | Saumur |
| Belzer | Ista | Schauss |
| Benno | Jensen | Schmidt, McHenry |
| Bergesen | Johnson, Cass | Schmidt, Sheridan |
| Billigmeier | Johnson, LaMoure | Scholl |
| Bingenheimer | Joiner | Schwartz |
| Blair | Keller | Sellens |
| Bolmeier | Kluver | Semerad |
| Boulden | Knutson | Severson |
| Braun, McLean | Lange | Sharpe |
| Braun, Stark | Larson | Shure |
| Brown | Levin | Singleton |
| Buchholz | Lunde | Skartvedt |
| Byrne | McInnes | Solberg |
| Crockett | McIntee | Stone |
| Culver | McIntyre | Stormon |
| Dalzell | Myers | Symington |
| Dike | Mittag | Thompson,Burl'gh |
| Dittmer | Mollet | Thompson, Steele |
| Erickson | Morland | Trydahl |
| Feton | Nelson, Steele | Tuff |
| Fletcher | Nystrom | Twichell |
| Fraser | O'Brien | Urschel |
| Fuglestad | Odegard | Wambheim |
| Gainor | Oglesby | Westby |
| Glas | Ostgulen | Williams,Richland |
| Gray | Page | Williams,Stutsm'n |
| Haag | Panko | Wolf |
| Halvorson | Peterson,Bottineau | Mr. Speaker |

Those voting in the negative were:

| | |
|---|---|
| Moe | Nelson, Dickey |

Absent and not voting:

| | | |
|---|---|---|
| Fitch | Nelson, Cass | Schimke |

So the bill was allowed.

MESSAGE FROM THE SENATE

Senate Chamber
Bismarck, March 2, 1939.

Mr. Speaker: I have the honor to return:

House Bill No. 277. A Bill for an Act to Amend Section 10145b1 of the 1925 Supplement to the 1913 Compiled Laws of North Dakota, Defining Intoxicating Liquors,

and Excepting Therefrom Certain Fruit Juices, Wine, Beer, Ale and Porter Containing Less Than One-Half of 1 Percent of Alcohol by Volume; Repealing All Acts in Conflict Therewith.

Which the Senate has amended as follows:

In line 4 of the title, strike out the words "fruit juices" and in line 14, Section 1, strike out the words "sweet fruit juices or."

Strike out everything after the word "A BILL" and substitute the following:

For an Act to Amend Section 10145B1 of the 1925 Supplement to the 1913 Compiled Laws of North Dakota, Defining Intoxicating Liquors, and Excepting Therefrom Certain Fruit Juices, Wine, Beer, Ale and Porter Containing Three and Two Tenths Per Cent (3.2%) of Alcohol or Less by Weight, Prohibiting the Sale of the Same on Sunday, Making Unlawful the Sale Thereof to Certain Persons, Repealing Section 10105 of the 1925 Supplement to the 1913 Compiled Laws of North Dakota and Acts Amendatory Thereof.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) That Section 10145B1 of the 1925 Supplement to the 1913 Compiled Laws of North Dakota be amended to read as follows:

SECTION 10145B1. DEFINING INTOXICATING LIQUORS.)

The following liquors are hereby declared to be intoxicating and the following shall be presumed by the Courts to be intoxicating, viz: Alcohol, whiskey, brandy, rum and gin; in addition to the foregoing, any beer, ale, porter and wine, liquids and compounds, whether medicated, proprietary, patented or not, and by whatever name called, containing in excess of three and two tenths (3.2%) per cent of alcohol by weight, which are fit or intended for use for beverage purposes; provided that the foregoing definition shall not extend to sweet fruit juices or de-alcoholized wine nor to any beverage or liquid produced by the process by which beer, ale and porter and wine are produced, if it contains three and two tenths (3.2%) per cent or less of alcohol by weight; provided, further that none of such beverages defined as non-intoxicating shall be sold on Sunday, and provided further that no retailer or wholesaler of any such beverage as herein defined, or any brewery established within this state, shall be permitted to sell any such beverage as herein defined to a minor, incompetent person, Indian as defined by Federal law, or a person who is an inebriate or habitual drunkard.

SECTION 2. Any person violating the provisions of this Act shall be guilty of a misdemeanor and upon conviction therefore shall be punished by a fine of not less than one hundred ($100.00) dollars, nor more than one thousand ($1,000.00) dollars or imprisonment in the county jail, for a period of not more than six months, or both; for a second offense the same penalties shall be assessed, and in addition thereto the license of the offender shall be revoked.

SECTION 3. REPEAL.) Sction 10105 of the 1913 Com-

piled Laws of the State of North Dakota and Acts Amendatory thereof, and all Acts and Parts of Acts in Conflict herewith are hereby repealed.

WM. J. LOWE, Secretary.

Rep. Schimke moved that the House do not concur in the Senate amendments to House Bill No. 277, and that a conference committee be appointed to act with a like committee from the Senate in deliberation on House Bill No. 277.

Rep. Anderson of Benson moved that the House do concur in the Senate amendments to House Bill No. 277, which motion was lost.

The question being on the motion of Rep. Schimke that the House do not concur in the Senate amendments to House Bill No. 277, and that a conference committee be appointed to act with a like committee from the Senate in deliberation on House Bill No. 277, the motion prevailed.

## MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, March 1, 1939.

Mr. Speaker: I have the honor to return:

House Bill No. 253. A Bill for an Act to Amend and Reenact Section 1 of Chapter 174 of the Session Laws of North Dakota for the Year 1937, Relating to Pensions for Policemen and Dependents in Cities Now or Hereafter Having a Population in Excess of Ten Thousand (10,000) Inhabitants.

Which the Senate has amended as follows:

In line 5 of the title, as amended, change the words and figures "Fifteen Thousand (15,000)" to "Ten Thousand (10,000)".

In the last line of the title strike out the words "Twenty-five Thousand" and insert in lieu thereof the words "Ten Thousand (10,000)" and in lines 5 and 6 change "Twenty-five Thousand (25,000)" to "Ten Thousand (10,000)".

Strike out everything after the word "years" in line 29 and up to the word "unless" in line 31.

WM. J. LOWE, Secretary.

Rep. Twichell moved that the House do concur in the Senate amendments to House Bill No. 253, which motion prevailed.

Rep. Fitch moved that the rules be suspended and that House Bill No. 253 be considered properly re-engrossed, placed on second reading and final passage as amended by the Senate, which motion prevailed.

## SECOND READING OF HOUSE BILLS

House Bill No. 253. A Bill for an Act to Amend and Reenact Section 1 of Chapter 174 of the Session Laws of North Dakota for the Year 1937, Relating to Pensions for Policemen and Dependents in Cities Now or Hereafter Having a Population in Excess of Ten Thousand (10,000) Inhabitants.

Was read the second time.

## ROLL CALL

The question being on the final passage of the bill, as amended by the Senate, the roll was called and there were ayes, 90; nays, 14; absent and not voting, 6.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Gainor | Panko |
| Anderson, Benson | Glas | Peterson,Bottineau |
| Anderson,M'K'nzie | Gray | Peterson, Ransom |
| Anfinson | Haag | Rait |
| Arneson, Nelson | Haugland | Rettke |
| Arneson, Ramsey | Heckman | Ritter |
| Beede | Hofstrand | Schauss |
| Belzer | Holm | Schmidt, Sheridan |
| Benno | Holthusen | Schimke |
| Bergesen | Hultstrand | Scholl |
| Billigmeier | Ista | Schwartz |
| Blair | Jonnson, Cass | Sellens |
| Bolmeier | Joiner | Sharpe |
| Boulden | Keller | Shure |
| Braun, McLean | Lange | Singleton |
| Braun, Stark | Larson | Skartvedt |
| Brown | Lunde | Stone |
| Buchholz | McInnes | Stormon |
| Byrne | McIntee | Symington |
| Crockett | McIntyre | Thompson,Burl'gh |
| Culver | Myers | Thompson, Steele |
| Dalzell | Mittag | Tuff |
| Dike | Morland | Twichell |
| Dittmer | Nelson, Dickey | Urschel |
| Erickson | Nelson, Steele | Wambheim |
| Feton | Nystrom | Westby |
| Fitch | Odegard | Williams,Richland |
| Fletcher | Oglesby | Williams,Stutsm'n |
| Fraser | Ostgulen | Wolf |
| Fuglestad | Pago | Mr. Speaker |

Those voting in the negative were:

| | | |
|---|---|---|
| Bingenheimer | Kluver | Semerad |
| Halvorson | Mollet | Severson |
| Ireland | Rohde | Solberg |
| Jensen | Saumur | Trydahl |
| Johnson, LaMoure | Schmidt, McHenry | |

Absent and not voting:

| | | |
|---|---|---|
| Knutson | Moe | O'Brien |
| Levin | Nelson, Cass | Sand |

So the bill passed and the title was agreed to.

Rep. Twichell 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.

Rep. Stone: "I am voting 'aye' on this bill because the representatives who do not live in the city are willing to tax somebody else who does live in the city."

## MESSAGES FROM THE SENATE

Senate Chamber,
Bismarck, March 2, 1939.

Mr. Speaker: I have the honor to inform you that the Senate has adopted the Conference Committee report on:

House Bill No. 311. A Bill for an Act Relating to the Organization of Irrigation Districts, the Powers and Functions of Such Districts, the Establishment and Construction of

Irrigation Works Therein and Methods and Procedure for Financing the Cost of Purchasing or Constructing Such Irrigation Works; Amending Section 8247a1 of the Supplement to the Compiled Laws of 1913, as Amended and Re-enacted by Section 1 of Chapter 142 of the Session Laws of 1933; Section 8247a2 of the Supplement to the Compiled Laws of 1913; Section 8247a3 of the Supplement to the Compiled Laws of 1913, as Amended and Re-enacted by Section 2 of Chapter 142 of the Session Laws of 1933; Sections 8247a4, 8247a5, 8247a6, 8247a7, 8247a8, and 8247a9 of the Supplement to the Compiled Laws of 1913; Section 8247a10 of the Supplement to the Compiled Laws of 1913, as Amended and Re-enacted by Section 3 of Chapter 142 of the Session Laws of 1933 and Amending Sections 8247a11, 8247a12, 8247a13, 8247a14, 8247a15, 8247a16, 8247a17, 8247a18, 8247a19, 8247a20, 8247a21a, 8247a23, 8247a24, 8247a26, 8247a47, 8247a51, 8247a52, 8247a53, 8247a56, 8247a57, 8247a59, 8247a60, 8247a61, 8247a63, 8247a64, 8247a65, and 8247a66 of the Supplement to the Compiled Laws of 1913; Validating Organization and Acts of Certain Irrigation Districts; Repealing All Acts and Parts of Acts in Conflict With the Provisions of This Act and Declaring an Emergency.

And,

House Bill No. 385. A Bill for an Act Making an Appropriation for the Operating, Administration, Salaries and Other Expenses for the State Hospital for the Insane at Jamestown, North Dakota and Declaring an Emergency.

Mr. Speaker: I have the honor to inform you that the Senate has concurred in the House amendment to:

Senate Bill No. 232. A Bill for an Act Making an Appropriation for the Use and Benefit of the State Highway Department of the State of North Dakota to Pay for Equipment (Purchased From and Installed by the Addressograph Multigraph Corporation.)

And,

Senate Bill No. 89. A Bill for an Act to Amend and Reenact Sub-section (a) and Sub-section (f) of Section 5, Section 6, Section 8 and Section 9 of Chapter 9 of the Session Laws of North Dakota for 1937; Relating to the Organization of Soil Conservation Districts, the Election, Qualification and Tenure of Supervisors Thereof; and Relating to the Adoption and Enforcement of Land-use Regulations, and Declaring an Emergency.

Mr. Speaker: I have the honor to inform you that the President has appointed as a conference committee to act with a like committee from the House, Senators:

F. G. Aandahl,
N. N. Nelson, Grand Forks,
Wm. Kamrath.

Relative to:

House Bill No. 36. 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.

Mr. Speaker: I have the honor to inform you that the Senate adopted the Conference Committee report on:

**Senate Concurrent Resolution No. 135. A Concurrent**

**Resolution Providing for the Amendment of Sections 167, 170, 172 and 173 and the Repeal of Section 171 of the Constitution of North Dakota.**

Mr. Speaker: I have the honor to inform you that the Senate has refused to concur in the House amendment to:

Senate Bill No. 40. 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 the President has appointed as a conference committee to act with a like committee from the House, Senators:

A. W. Fowler,
J. W. Guthrie,
W. A. Thatcher.

WM. J. LOWE, Secretary.

Rep. Anderson of Benson moved that Senate Bill No. 284 be placed at the head of the calendar pursuant to his motion that Senate Bill No. 284 be made a special order of business at 5:00 P. M., which motion prevailed.

## MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, March 2, 1939.

Mr. Speaker: I have the honor to transmit:

House Bill No. 296. A Bill for an Act to Amend Subdivision (b) of Section 25 of Chapter 179 of the Session Laws of 1927, as Amended by Chapter 186 of the Session Laws of 1931, as Amended by Chapter 160 of the Session Laws of 1933, as Amended by Chapter 180 of the Session Laws of 1935, by Adding Thereto a Proviso Increasing the Registration Fees for Trucks Propelled by Diesel Engines by Thirty-five Per Cent Over the Registration Fees for Trucks Not so Propelled; and Declaring an Emergency.

House Bill No. 297. A Bill for an Act to Require That for Any Motor Vehicle, or Any Combination of Vehicles Operated as One Unit, Propelled by a Diesel Engine, the Registration Fee Shall Be Seventy-five Per Cent More Than for Any Motor Vehicle or Any Combination of Vehicles Operated as One Unit Not So Propelled; and Declaring an Emergency.

House Bill No. 346. A Bill for an Act Requiring and Fixing Hours of Labor Per Week of All State, County and Municipal Officers and Employees and Providing for Deduction of Salary and Pay.

Which the Senate has indefinitely postponed.

House Concurrent Resolution No. 397. A Concurrent Resolution Commending That Higher Education Institutions In-

clude in Teachers Training Courses Instruction Encouraging Cooperative Community Spirit and Activity.

Which the Senate has passed unchanged.

WM. J. LOWE, Secretary.

Rep. Bergesen moved that the House do now recess to convene at 7:30 P. M., with Senate Bill No. 284 as a special order of business and that debate be continued at that time, which motion prevailed, and the House stood recessed.

The Speaker called the House to order at 7:30 P. M., pursuant to recess taken and announced that the House would continue debate on Senate Bill No. 284.

Rep. Joiner moved that Senate Bill No. 284 be indefinitely postponed, which motion was lost.

## SECOND READING OF SENATE BILLS

Senate Bill No. 284. A Bill for an Act Relating to Copyrights and Public Performing Rights in Musical Compositions and Dramatico-Musical Compositions, Requiring Lists Thereof to Be Filed, Regulating the Issue of Licenses With Respect Thereto, Prohibiting Discrimination, Providing for Service of Process, Levying a Privilege Tax, Providing Penalties, and Repealing Inconsistent Acts.

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, 69; nays 33; absent and not voting, 7; passed, 1.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Gainor | Rait |
| Anderson, Benson | Glas | Ritter |
| Arneson, Ramsey | Halvorson | Sand |
| Anfinson | Haugland | Saumur |
| Beede | Hultstrand | Schauss |
| Benno | Ista | Schmidt, Sheridan |
| Bingenheimer | Jensen | Schimke |
| Blair | Keller | Sellens |
| Boulden | Kluver | Semerad |
| Braun, McLean | Lange | Severson |
| Braun, Stark | Larson | Shure |
| Brown | Levin | Skartvedt |
| Buchholz | Lunde | Stone |
| Byrne | McInnes | Stormon |
| Crockett | McIntee | Symington |
| Culver | Mittag | Thompson,Burl'gh |
| Dalzell | Morland | Thompson, Steele |
| Erickson | Nelson, Steele | Trydahl |
| Feton | O'Brien | Twichell |
| Fitch | Oglesby | Urschel |
| Fletcher | Ostgulen | Williams,Stutsm'n |
| Fraser | Page | Wolf |
| Fuglestad | Peterson, Ransom | Mr. Speaker |

Those voting in the negative were:

| | | |
|---|---|---|
| Anderson,M'K'nzie | Holthusen | Rohde |
| Arneson, Nelson | Ireland | Schmidt, McHenry |
| Belzer | Johnson, LaMoure | Scholl |
| Billigmeier | Joiner | Schwartz |
| Bolmeier | McIntyre | Sharpe |

| | | |
|---|---|---|
| **Dike** | **Myers** | **Singleton** |
| **Dittmer** | **Moe** | **Solberg** |
| **Haag** | **Mollet** | **Tuff** |
| **Heckman** | Nelson, **Dickey** | **Wambheim** |
| **Hofstrand** | **Nystrom** | **Westby** |
| **Holm** | **Odegard** | **Williams,Richland** |

Absent and not voting:

| | | |
|---|---|---|
| **Gray** | Nelson, **Cass** | **Peterson,Bottineau** |
| Johnson, **Cass** | **Panko** | **Rettke** |
| Knutson | | |

Passed:
Bergesen

**So the bill passed and the title was agreed to.**

Rep. Twichell moved that the vote by which Senate Bill No. 284 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

The Speaker announced the appointment of Reps. Scholl, Beede and Dalzell to act as a conference committee to act with a like committee from the Senate in deliberation on Senate Bill No. 40.

The Speaker announced the appointment of Reps. Anderson of Benson, Skartvedt and Gray to act as a conference committee to act with a like committee from the Senate in deliberation on House Bill No. 277.

## REPORTS OF SELECT COMMITTEES

The Conference Committee on Senate Concurrent Resolution No. 135 made the following report:

Mr. Speaker: Your Committee to whom was referred Senate Concurrent Resolution No. 135, have had the same under consideration and recommend:

In lines 25-27 and 40, strike out the word "Majority" and in lieu thereof, insert the word "Fifty-five per cent".

| For the Senate: | For the House: |
|---|---|
| J. C. Blaisdell, Jr. | Calvin Schimke |
| Gust Wog | L. K. Morland |
| | John A. Schmidt |

Rep. Schimke moved that the report be adopted and the Committee be discharged, which motion prevailed and the report was adopted.

Rep. Schimke moved that the rules be suspended and that Senate Concurrent Resolution No. 135 be placed on second reading and final passage as amended by conference committee, which motion prevailed.

## SECOND READING OF SENATE CONCURRENT RESOLUTION

**Senate Concurrent Resolution No. 135. A Concurrent Resolution Providing for the Amendment of Sections 167, 170, 172 and 173 and the Repeal of Section 171 of the Constitution of North Dakota.**

**Was read the second time.**

## ROLL CALL

The question being on the final passage of the concurrent resolution, as amended by Conference Committee, the roll

was called and there were ayes, 96; nays, 6; absent and not voting, 8.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Halvorson | Peterson, Ransom |
| Anderson, Benson | Haugland | Rait |
| Anfinson | Heckman | Rettke |
| Arneson, Nelson | Hofstrand | Ritter |
| Arneson, Ramsey | Holm | Sand |
| Belzer | Holthusen | Saumur |
| Benno | Ireland | Schauss |
| Bergesen | Ista | Schmidt, Sheridan |
| Billigmeier | Jensen | Schimke |
| Bingenheimer | Johnson, LaMoure | Scholl |
| Blair | Joiner | Schwartz |
| Bolmeier | Keller | Sellens |
| Boulden | Kluver | Semerad |
| Braun, McLean | Lange | Severson |
| Braun, Stark | Larson | Sharpe |
| Brown | Levin | Shure |
| Buchholz | Lunde | Singleton |
| Byrne | McInnes | Skartvedt |
| Crockett | McIntee | Solberg |
| Culver | McIntyre | Stone |
| Dalzell | Myers | Stormon |
| Dike | Mittag | Symington |
| Dittmer | Morland | Thompson,Burl'gh |
| Erickson | Nelson, Dickey | Thompson, Steele |
| Feton | Nelson, Steele | Trydahl |
| Fitch | Nystrom | Tuff |
| Fletcher | O'Brien | Urschel |
| Fraser | Odegard | Wambheim |
| Fuglestad | Oglesby | Westby |
| Gainor | Ostgulen | Williams,Richland |
| Glas | Page | Williams,Stutsm'n |
| Haag | Peterson,Bottineau | Mr. Speaker |

Those voting in the negative were:

| | | |
|---|---|---|
| Anderson,M'K'nzie | Moe | Rohde |
| Hultstrand | Mollet | Schmidt, McHenry |

Absent and not voting:

| | | |
|---|---|---|
| Beede | Knutson | Twichell |
| Gray | Nelson, Cass | Wolf |
| Johnson, Cass | Panko | |

So the concurrent resolution passed and the title was agreed to.

Rep. Schmidt of Sheridan moved that the vote by which Senate Concurrent Resolution No. 135 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

## MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, March 2, 1939.

Mr. Speaker: I have the honor to return:

House Bill No. 194. 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, 1938. Permitting Pay-

ments in Ten Installments. Providing Manner of Payments. Suspending Operation of Law and Collection of Delinquent Taxes. Permitting Suit by Civil Action and Declaring an Emergency.

Which the Senate has amended as follows:

On page 678 of the Senate Journal:

Lines 13, 13a and 14, strike out the words "his property located within said County" and insert the words "the property described in said contract.""

Strike out everything after the words "A BILL" and substitute the following:

For an Act to Amend and Re-enact Chapter 240 of the Session Laws of North Dakota for 1937 Providing for an Adjustment of Delinquent Taxes for 1937 and Prior Years, Authorizing Boards of County Commissioners to Make Extension Contracts for the Payment of Delinquent Taxes and for the Cancellation of Such Contracts, Providing for the Suspension of Tax Collection and Tax Deed Laws as to Taxes Affected by Such Contracts, Repealing All Acts and 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. That Section 1, Chapter 240 of the Session Laws of North Dakota for 1937 be amended and re-enacted to read as follows:

SECTION 1. (1) All delinquent real and personal property taxes, except as hereinafter provided, for the year 1937 and prior years, together with accrued interest and penalties thereon, shall be cancelled and discharged in full upon payment of the full amount of the original tax; provided that all payments hereunder must be made on or before March 1, 1940; and, provided, further, that such taxes shall remain payable separately according to years and any person, or corporation, having an interest in, or lien, or mortgage upon any property affected by this Act shall be entitled to take advantage of the provisions hereof. This Act shall not apply to any real estate taxes, the tax certificates for which have been sold or assigned to any purchaser other than the County, nor to special assessments levied for local improvements, nor special assessments levied by drainage or irrigation districts.

(2) The auditors and treasurers of each county shall accept in full payment and discharge of all such delinquent real estate taxes,

including interest and penalty thereon, payments made in accordance with the provisions of this Act, and the Sheriff of each County shall accept in full payment of all delinquent personal property taxes, including interest and penalties, payments made hereunder.

(3) The Board of County Commissioners may, upon application of any person owning property upon which taxes, either real or personal, are delinquent for the year 1937, or prior years, permit the payment of any such delinquent taxes, except special assessments levied for local improvements and special assessments levied by drainage or irrigation districts, on the reduced amounts hereinbefore provided for, in not to exceed ten (10) annual installments, without interest, payable on or before October 15th of each years, provided that ten (10%) per cent of the principal is paid when the extension is allowed, ten (10%) per cent, on the following October 15th, and ten (10%) per cent on each succeeding year until the amount is fully paid; and upon the payment in full of such installments, with accrued interest, such delinquent taxes shall be cancelled and discharged of record.

SECTION 2. That Section 2 of Chapter 240, of the Session Laws of North Dakota for 1937 be and the same is hereby amended and re-enacted as follows:

SECTION 2. The Board of County Commissioners shall require the owner of the property upon which there is delinquent taxes and who applies for an extension hereunder, to enter into a contract with the county wherein the owner agrees to pay the full amount of the balance of the principal of such delinquent taxes; provided that no owner shall be entitled to enter into such an extension contract unless he shall have first paid any delinquent taxes for the year 1938, and subsequent years; and, provided, further, that such owner shall stipulate in his contract that if he fails to pay taxes subsequently to become due against his property located

within said County on or before the date of delinquency, his contract may be cancelled.

SECTION 3. That Section 3 of Chapter 240 of the Session Laws of North Dakota for 1937 be and the same is hereby amended and re-enacted, as follows:

SECTION 3. Upon the execution and delivery of an extension contract as herein provided, all proceedings for the collection of delinquent taxes, including any tax deed proceedings, which may be pending, shall be suspended and shall remain suspended while such contract is in force; provided ,that upon the failure of the owner, or his successor in interest, to pay one or more installments due upon such contract, or upon the failure to pay any installments of taxes for the year 1938, or any subsequent years, prior to the date of delinquency, the Board of County Commissioners shall have the power, in its discretion, to declare such contract cancelled, and thereupon the proper officers shall proceed to enforce the collection, in the manner provided by law, of the full amount of the unpaid delinquent taxes, with penalty and interest, as though no extension contract had been made.

SECTION 4. That Section 4 of Chapter 240 of the Session Laws of North Dakota for 1937 be amended and re-enacted to read as follows:

SECTION 4. Any owner who has entered into an extension contract under the provisions of Chapter 240 of the Session Laws of North Dakota for 1937 and which contract is in force when this goes into effect, shall be entitled to take advantage of the provisions of this Act upon complying with all of the provisions hereof. Any owner who has entered into an extension contract, or his successor in interest, or any lien or mortgage holder, shall have the right to pay the full amount remaining unpaid upon such extension contract, at any time while such contract is in force.

SECTION 5. It is hereby declared to be the object and purpose of this Act to provide for the payment of the delinquent taxes

herein specified upon the reduced basis herein provided in order to permit taxpayers to place themselves upon a current tax-paying basis but it is also declared to be the future fixed policy of this State that no further reductions in the payment of taxes shall be given, and that no further extension of the period of redemption from tax sales or suspension of the issuance of tax deeds shall be granted.

SECTION 6. All Acts and Parts of Acts in Conflict herewith are hereby repealed, except that such Parts of Chapter 240 of the Session Laws of North Dakota for 1937 as may be necessary for the enforcement of any contracts made pursuant thereto, shall remain in force.

SECTION 7.An emergency is hereby declared to exist and this Act shall be in full force and effect from and after its passage and approval.

WM. J. LOWE, Secretary.

Rep. Jensen moved that the House do not concur in the Senate amendments to House Bill No. 194 and that a conference committee be appointed to act with a like committee from the Senate in deliberation on House Bill No. 194, which motion prevailed and the Speaker appointed on that committee Rep. Jensen, Hofstrand and Page.

## MESSAGES FROM THE SENATE

Senate Chamber,
Bismarck, March 2, 1939.

Mr. Speaker: I have the honor to return:

House Concurrent Resolution No. 400. A Concurrent Resolution to Extend an Invitation to Eamon DeValera to Visit the State of North Dakota.

Which the Senate has amended as follows:

In line 2, strike out the word President and insert in lieu thereof the word "Premier."

In line 24, strike out the word "President" and insert in lieu thereof the word "Premier."

WM. J. LOWE, Secretary.

Rep. Byrne moved that the House do concur in the Senate amendments to House Concurrent Resolution 400, which motion prevailed.

Rep. Byrne moved that the rules be suspended and that House Concurrent Resolution No. 400 be considered properly re-engrossed, and that the House adopt House Concurrent Resolution No. 400 as amended, which motion prevailed and the House adopted House Concurrent Resolution No. 400.

## MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, March 2, 1939.

Mr. Speaker: I have the honor to return:

House Bill No. 263. A Bill for an Act to Amend and Reenact Sections 10169a4, and 10169a5 of the 1925 Supplement to the Compiled Laws of North Dakota, 1913, of the North Dakota Beverage Inspection Act, to Include Alcoholic Beverages, Defining the Beverages Coming Within the Provisions of That Act, and Fixing the License Fee Required to Be Paid, and Declaring an Emergency.

Which the Senate has amended as follows:

In line 56, strike out the figures "$75.00" and insert in lieu thereof "$50.00."

WM. J. LOWE, Secretary.

Rep. Page moved that the House do concur in the Senate amendments to House Bill No. 263, which motion prevailed.

Rep. Page moved that the rules be suspended and that House Bill No. 263 be considered properly re-engrossed, placed on second reading and final passage as amended, which motion prevailed.

## SECOND READING OF HOUSE BILLS

House Bill No. 263. A Bill for an Act to Amend and Reenact Sections 10169a4, and 10169a5 of the 1925 Supplement to the Compiled Laws of North Dakota, 1913, of the North Dakota Beverage Inspection Act, to Include Alcoholic Beverages, Defining the Beverages Coming Within the Provisions of That Act, and Fixing the License Fee Required to Be Paid, and Declaring an Emergency.

Was read the second time.

## ROLL CALL

The question being on the final passage of the bill, as amended by Senate, the roll was called and there were ayes, 101; nays, 3; absent and not voting, 6.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Haugland | Peterson, Bottineau |
| Anderson, Benson | Heckman | Peterson, Ransom |
| Anfinson | Hofstrand | Rait |
| Arneson, Nelson | Holm | Rettke |
| Arneson, Ramsey | Holthusen | Ritter |
| Beede | Hultstrand | Saumur |
| Belzer | Ireland | Schauss |
| Benno | Ista | Schmidt, McHenry |
| Bingenheimer | Jensen | Schimke |
| Bergesen | Johnson, Cass | Scholl |
| Billigmeier | Johnson, LaMoure | Schwartz |
| Blair | Joiner | Sellens |
| Bolmeier | Keller | Semerad |
| Boulden | Kluver | Severson |
| Braun, McLean | Knutson | Sharpe |
| Braun, Stark | Larson | Shure |
| Brown | Levin | Singleton |
| Buchholz | Lunde | Skartvedt |
| Byrne | McInnes | Solberg |
| Crockett | McIntee | Stone |
| Culver | McIntyre | Stormon |
| Dalzell | Myers | Symington |

| | | |
|---|---|---|
| Dike | Mittag | Thompson,Burl'gh |
| Dittmer | Moe | Thompson, Steele |
| Erickson | Mollet | Trydahl |
| Feton | Morland | Tuff |
| Fitch | Nelson, Dickey | Urschel |
| Fletcher | Nelson, Steele | Wambheim |
| Fraser | Nystrom | Westby |
| Fuglestad | O'Brien | Williams,Richland |
| Gainor | Odegard | Williams,Stutsm'n |
| Glas | Oglesby | Wolf |
| Haag | Ostgulen | Mr. Speaker |
| Halvorson | Page | |

Those voting in the negative were:

| | | |
|---|---|---|
| Anderson,M'K'nzie | Rohde | Schmidt, Sheridan |

Absent and not voting:

| | | |
|---|---|---|
| Gray | Nelson, Cass | Sand |
| Lange | Panko | Twichell |

So the bill passed and the title was agreed to and the Emergency Clause was declared carried.

Rep. Westby moved that the vote by which House Bill No. 263 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

## MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, March 2, 1939.

Mr. Speaker: I have the honor to return:

House Bill No. 290. A Bill for an Act to Amend and Reenact Section 8 of Chapter 145 of the Session Laws of North Dakota, for the Year 1937, Relating to All Benevolent Corportions, Associations or Societies Operating on Voluntary or Involuntary Assessment or Contribution Plan.

Which the Senate has amended as follows:

In line 18, strike out the word "members" and insert in lieu thereof the word "member's."

Strike out the last two words in line 23, "the rate" and the first word in line 24 "of" and insert in lieu thereof "an amount equal to."

WM. J. LOWE, Secretary.

Rep. Schauss moved that the House do concur in the Senate amendments to House Bill No. 290, which motion prevailed.

Rep. Schauss moved that the rules be suspended and that House Bill No. 290 be considered properly re-engrossed, placed on second reading and final passage as amended, whihc motion prevailed.

## SECOND READING OF HOUSE BILLS

House Bill No. 290. A Bill for an Act to Amend and Reenact Section 8 of Chapter 145 of the Session Laws of North Dakota, for the Year 1937, Relating to All Benevolent Corportions, Associations or Societies Operating on Voluntary or Involuntary Assessment or Contribution Plan.

Was read the second time.

## ROLL CALL

The question being on the final passage of the bill, as amended by Senate, the roll was called and there were ayes, 97; nays, 3; absent and not voting, 10.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Haugland | Peterson,Bottineau |
| Anderson, Benson | Heckman | Peterson, Ransom |
| Anderson,M'K'nzie | Hofstrand | Rait |
| Anfinson | Holm | Rettke |
| Arneson, Nelson | Holthusen | Ritter |
| Arneson, Ramsey | Hultstrand | Schauss |
| Beede | Ireland | Schmidt, McHenry |
| Belzer | Ista | Schmidt, Sheridan |
| Benno | Jensen | Schimke |
| Bergesen | Johnson, Cass | Schwartz |
| Billigmeier | Johnson, LaMoure | Sellens |
| Bolmeier | Joiner | Semerad |
| Bingenheimer | Keller | Severson |
| Blair | Kluver | Sharpe |
| Braun, McLean | Knutson | Shure |
| Braun, Stark | Lange | Singleton |
| Brown | Larson | Skartvedt |
| Buchholz | Levin | Solberg |
| Byrne | Lunde | Stone |
| Crockett | McInnes | Stormon |
| Culver | McIntee | Symington |
| Dalzell | McIntyre | Thompson,Burl'gh |
| Dike | Myers | Thompson, Steele |
| Dittmer | Moe | Trydahl |
| Erickson | Morland | Tuff |
| Feton | Nelson, Steele | Urschel |
| Fletcher | Nystrom | Wambheim |
| Fraser | O'Brien | Westby |
| Fuglestad | Odegard | Williams,Richland |
| Gainor | Oglesby | Williams,Stutsm'n |
| Glas | Ostgulen | Wolf |
| Haag | Page | Mr. Speaker |
| Halvorson | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Mollet | Nelson, Dickey | Rohde |

Absent and not voting:

| | | |
|---|---|---|
| Boulden | Nelson, Cass | Saumur |
| Fitch | Panko | Scholl |
| Gray | Sand | Twichell |
| Mittag | | |

So the bill passed and the title was agreed to.

Rep. Wambheim moved that the vote by which House Bill No. 290 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

## MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, March 2, 1939.

Mr. Speaker: I have the honor to return:

House Bill No. 32. A Bill for an Act Making an Appropriation Into the Administrative Fund for General Administrative and Operative Expenses of the Water Conservation Commission, According to Chapter 255, Session Laws of 1939 and Section 31 Thereof, Providing for Reimbursement and Providng for Validity.

Which the Senate has amended as follows.

In line 4 strike out the figure "$119,000.00" and insert in lieu thereof the figure "$105,300.00".

In line 29 strike out the figure "$7,500.00" and insert in lieu thereof the figure "$3,500.00".

In line 30 strike out the figure "$55,000.00" and insert in lieu thereof the figure "$30,000.00".

Following line 30 insert a new line to read "Construction Bond guarantee fund" and insert the figure "$45,000.00".

In line 32 strike out the figure "$5,000.00" and insert in lieu thereof the figure "$4,000.00".

In line 35 strike out the figure "$12,000.00" and insert in lieu thereof the figure "$7,000.00".

Strike out all of lines 36, 37, 38 and 39.

In line 43 strike out the figure "$3,000.00" and insert in lieu thereof the figure "$1,000.00".

In line 44 strike out the figure "$2,000.00" and insert in lieu thereof the figure "$500.00".

In line 46 strike out the figure "$1,000.00" and insert in lieu thereof the figure "$500.00".

In line 47 strike out the figure "$2,000.00" and insert in lieu thereof the figure "$1,600.00".

In line 51 strike out the figure "$5,000.00" and insert in lieu thereof the figure "$3,000.00".

In line 52 strike out the figure "$4,000.00" and insert in lieu thereof the figure "$1,000.00".

In line 55 strike out the figure "$3,000.00" and insert in lieu thereof the figure "$1,000.00".

In line 59 strike out the figure "$7,000.00" and insert in lieu thereof the figure "$5,600.00".

In line 62 strike out the figure "$2,000.00" and insert in lieu thereof the figure "$1,600.00".

In line 63 strike out the figure "$119,000.00" and insert in lieu thereof the figure "$105,300.00".

Re-number all lines in numerical order.

WM. J. LOWE, Secretary.

Rep. Byrne moved that the House do not concur in the Senate amendments to House Bill No. 32 and that a conference committee be appointed to act with a like committee from the Senate in deliberation on House Bill No. 32.

Rep. Stone moved a substitute motion that the House do concur in the Senate amendments to House Bill No. 32, which motion was lost.

The question being on the motion of Rep. Byrne that the House do not concur in the Senate amendments to House Bill No. 32 and that a conference committee be appointed to act with a like committee from the Senate in deliberation on House Bill No. 32, the motion prevailed and the Speaker appointed on that committee Reps. Byrne, Gray and Ritter.

## MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, March 2, 1939.

Mr. Speaker: I have the honor to return:

House Bill No. 362. A Bill for an Act Amending and Reenacting Section 5099c8 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913 Relating to the Duties of Child Placement Agencies.

Which the Senate has amended as follows:

In line 10, change the word "licensee" to the word "licensor".

In line 32, change the word "licensee" to the word "licensor".

WM. J. LOWE, Secretary.

Rep. Solberg moved that the House do concur in the Senate amendments to House Bill No. 362, which motion prevailed.

Rep. Solberg moved that the rules be suspended and that House Bill No. 362 be considered properly re-engrossed, placed on second reading and final passage as amended, which motion prevailed.

## SECOND READING OF HOUSE BILLS

House Bill No. 362. A Bill for an Act Amending and Reenacting Section 5099c8 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913 Relating to the Duties of Child Placement Agencies.

Was read the second time.

## ROLL CALL

The question being on the final passage of the bill, as amended by the Senate, the roll was called and there were ayes, 84; nays, 18; absent and not voting, 8.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Glas | O'Brien |
| Anderson, Benson | Haag | Odegard |
| Anfinson | Halvorson | Oglesby |
| Arneson, Nelson | Haugland | Ostgulen |
| Arneson, Ramsey | Heckman | Peterson,Bottineau |
| Benno | Hofstrand | Peterson, Ransom |
| Bergesen | Holm | Rait |
| Billigmeier | Holthusen | Saumur |
| Bingenheimer | Ireland | Schauss |
| Blair | Ista | Schmidt, Sheridan |
| Bolmeier | Johnson, Cass | Schimke |
| Boulden | Joiner | Schwartz |
| Braun, Stark | Keller | Severson |
| Brown | Kluver | Sharpe |
| Buchholz | Knutson | Singleton |
| Byrne | Lange | Skartvedt |
| Crockett | Larson | Solberg |
| Culver | Levin | Stone |
| Dalzell | Lunde | Stormon |
| Dike | McIntee | Thompson,Burl'gh |
| Dittmer | McIntyre | Thompson, Steele |
| Erickson | Myers | Trydahl |
| Feton | Mittag | Twichell |
| Fitch | Moe | Urschel |
| Fletcher | Morland | Wambheim |
| Fraser | Nelson, Dickey | Williams,Richland |
| Fuglestad | Nelson, Steele | Williams,Stutsm'n |
| Gainor | Nystrom | Wolf |

Those voting in the negative were:

| | | |
|---|---|---|
| Anderson,M'K'nzie | Mollet | Semerad |
| Beede | Page | Shure |
| Belzer | Rettke | Symington |

| | | |
|---|---|---|
| **Braun, McLean** | **Ritter** | **Tuff** |
| **Jensen** | **Rohde** | **Westby** |
| **Johnson, LaMoure** | **Schmidt, McHenry** | **Mr. Speaker** |

Absent and not voting:

| | | |
|---|---|---|
| **Gray** | **Nelson, Cass** | **Scholl** |
| **Hultstrand** | **Panko** | **Sellens** |
| **McInnes** | **Sand** | |

So the bill passed and the title was agreed to.

Rep. Lange moved that the vote by which House Bill No. 362 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

The House reverted to the Fifth Order of Business.

## REPORT OF STANDING COMMITTEE

Mr. Speaker: Your Committee on Appropriations to whom was referred Senate Bill No. 1, have had the same under consideration and recommend that the same be amended as follows:

In the title after the word "herein", strike out the following: "and prohibiting a penalty for violation thereof, and declaring an emergency."

Section 3, subdivision 1, line 32, strike out the figures "$10,000.00" and insert in lieu thereof the figures "$8,000.00".

Line 35, strike out the figures "$40,220.00" and insert in lieu thereof the figures "$38,220.00".

Subdivision 6a, line 77, strike out the figures "$2,400.00" and insert in lieu thereof the figures "$3,000.00".

Line 78, strike out the figures "$400.00" and insert in lieu thereof the figures "$600.00".

Line 79, strike out the figures "$300.00" and insert in lieu thereof the figures "$400.00".

Line 80, strike out the figures "$1,800.00" and insert in lieu thereof the figures "$2,500.00".

Line 81, strike out the figures "$700.00" and insert in lieu thereof the figures "$1,000.00".

Line 84, strike out the figures "$27,340.00" and insert in lieu thereof the figures "$29,240.00".

Subdivision 6d, insert a new line 100a "Travel Expense "$200.00".

Line 109, strike out the figures "$800.00" and insert in lieu thereof the figures "$1,000.00".

Insert a new subdivision 7a. Following funds to be made available only if House Bill 70 is passed.

| | |
|---|---|
| Field Man | $3,000.00 |
| Clerks | 12,000.00 |
| Postage | 2,500.00 |
| Travel expense for field man | 3,000.00 |
| Filing Equipment | 1,000.00 |
| Printing | 5,000.00 |
| Total | $26,500.00 |

Subdivision 8, line 155, strike out the figures "$275.00" and insert in lieu thereof the figures "$355.00".

Insert a new line 162a "Purchase of Safe for bonds "$450.00".

Line 163, strike out the figures "$49,517.16" and insert in lieu thereof the figures "$50,047.16".

Subdivision 9a, line 168, strike out the figures "$4,200.00" and insert in lieu thereof the figures "$3,584.00".

Line 169, strike out the figures "$6,000.00" and insert in lieu thereof the figures "$4,440.00".

Line 173, strike out the figures "$800.00" and insert in lieu thereof the figures "$1,000.00".

Line 176, strike out the figures "$4,000.00" and insert in lieu thereof the figures "$5,000.00".

Line 181, strike out the figures "$30,070.00" and insert in lieu thereof the figures "$29,094.00".

Subdivision 9b, line 184, strike out the figures "$3,600.00" and insert in lieu thereof the figures "$7,200.00".

Line 185, strike out the figures "$2,400.00" and insert in lieu thereof the figures "$3,000.00".

Line 186, strike out the figures "$200.00" and insert in lieu thereof the figures "$300.00".

Line 187, strike out the figures "$100.00" and insert in lieu thereof the figures "$150.00".

Line 190, strike out the figures "$250.00" and insert in lieu thereof the figures "$300.00".

Line 191, strike out the figures "$2,000.00" and insert in lieu thereof the figures "$3,000.00".

Strike out all of line 193, "Fire Hazard Inspection "$1,000.00".

Line 198, strike out the figures "$11,050.00" and insert in lieu thereof the figures "$15,450.00".

Subdivision 10, line 209, strike out the figures "$16,840.00" and insert in lieu thereof the figures "$18,000.00".

Line 214, strike out the figures "$51,190.00" and insert in lieu thereof the figures "$52,350.00".

Subdivision 11a, line 236, strike out the figures "$8,000.00" and insert in lieu thereof the figures "$7,500.00".

Insert a new line 241a "Deficit—Printing $2,400.00".

Line 244, strike out the figures "$37,300.00" and insert in lieu thereof the figures "$39,200.00".

Subdivision 11b, line 257, strike out the word "Clerkhire".

Subdivision 11c, line 269, strike out the figures "$2,400.00" and insert in lieu thereof the figures "$2,000.00".

Line 277, strike out the figures "$12,220.00" and insert in lieu thereof the figures "$11,820.00".

Subdivision 12a, line 285, strike out the figures "$800.00" and insert in lieu thereof the figures "$1,000.00".

Line 286, strike out the figures "$500.00" and insert in lieu thereof the figures "$700.00".

Line 288, strike out the figures "$1,000.00" and insert in lieu thereof the figures "$2,500.00."

Line 290, strike out the figures "$1,000.00" and insert in lieu thereof the figures "$1,500.00".

Insert a new line 292a "Telephone and Telegraph "$100.00".

Line 294, strike out the figures "$22,730.00" and insert in lieu thereof the figures "$25,130.00".

Subdivision 12c, line 310, strike out the figures "$1,000.00" and insert in lieu thereof the figures "$2,000.00".

Line 311, strike out the figures "$250.00" and insert in lieu thereof the figures "$400.00".

Line 313, strike out the figures "$1,000.00" and insert in lieu thereof the figures "$1,500.00".

Line 315, strike out the figures "$10,000.00" and insert in lieu thereof the figures "$12,000.00".

Line 316, strike out the figures "$400.00" and insert in lieu thereof the figures "$500.00".

Line 320, strike out the figures "$37,880.00" and insert in lieu thereof the figures "$41,580.00".

Subdivision 13a, line 346, strike out the figures "$3,600.00" and insert in lieu thereof the figures "$3,580.00".

Line 347, strike out the figures "$2,620.00" and insert in lieu thereof the figures "$3,000.00".

Line 349, strike out the figures "$4,000.00" and insert in lieu thereof the figures "$4,500.00".

Line 358, strike out the figures "$500.00" and insert in lieu thereof the figures "$800.00."

Line 362, strike out the figures "$11,500.00" and insert in lieu thereof the figures "$12,000.00."

Line 367, strike out the figures "$90,720.00" and insert in lieu thereof the figures "$92,380.00."

Subdivision 13e, line 420, strike out the figures "$2,193.00" and insert in lieu thereof the figures "$2,400.00." '

Line 421, strike out the figures "$1,545.00" and insert in lieu thereof the figures "$2,400.00."

Line 429, strike out the figures "$6,988.00" and insert in lieu thereof the figures "$8,050.00."

Subdivision 14, line 432, strike out the figures "$5,400.00" and insert in lieu thereof the figures "$4,800.00."

Line 440, strike out the word "Clerk" and insert in lieu thereof the word "Manager" and strike out the figures "$2,-400.00" and insert in lieu thereof the figures "$3,360.00."

Line 445, strike out the word "Six" before the word "Stenographers".

Line 452, strike out the figures "$5,000.00" and insert in lieu thereof the figures "$15,000.00."

Line 455, strike out the figures "$15,000.00" and insert in lieu thereof the figures "$16,000.00."

Line 459, strike out the figures "$86,768.00" and insert in lieu thereof the figures "$98,128.00."

Subdivision 15a, line 468, strike out the figures "$4,000.00" and insert in lieu thereof the figures "$10,800.00."

Line 469, strike out the figures "$8,000.00" and insert in lieu thereof the figures "$7,500.00."

Line 474, strike out the figures "$1,500.00" and insert in lieu thereof the figures "$2,000.00."

Line 478, strike out the figures "$87,420.00" and insert in lieu thereof the figures "$94,220.00."

Subdivision 15b, line 480, change the title to read as follows: "TAX COMMISSIONER—SALES TAX, BEER, CIGARETTE & SNUFF DIVISION (SPECIAL).

Line 482, add the words "(Sales Tax)" after the word

"Deputy." Insert a new line—482a—"Deputy (Cigarette, Beer & Snuff) $4,800.00."

Line 483, strike out the figures "$50,000.00" and insert in lieu thereof the figures "$80,000.00."

Line 484, strike out the figures "$25,000.00" and insert in lieu thereof the figures "$53,000.00."

Line 485, strike out the figures "$8,000.00" and insert in lieu thereof the figures "$12,000.00."

Line 486, after the word "Supplies" add the following words "and Revenue Stamps"—strike out the figures "$2,-500.00" and insert in lieu thereof the figures "$18,000.00."

Line 487, strike out the figures "$3,000.00" and insert in lieu thereof the figures "$5,500.00."

Line 488, strike out the figures "$5,000.00" and insert in lieu thereof the figures "$8,000.00."

Line 489, strike out the figures "$3,000.00" and insert in lieu thereof the figures "$6,000.00."

Line 490, strike out the figures "$25,000.000" and insert in lieu thereof the figures "$45,000.00."

Insert a new line 490a, "Insurance & Bonds $5,000.00."

Insert a new line 490b, "Telephone & Telegraph $2,000.00."

Line 491, strike out the figures "$126,300.00" and insert in lieu thereof the figures "$244,100.00."

Subdivision 16a, line 522, strike out the figures "$4,000.00" and insert in lieu thereof the figures "$2,000.00."

Line 524, strike out the figures "$62,056.00" and insert in lieu thereof the figures "$60,056.00."

Subdivision 16c, line 547, strike out the figures "$4,800.00" and insert in lieu thereof the figures "$6,000.00."

Line 548, strike out the figures "$4,000.00" and insert in lieu thereof the figures "$4,800.00."

Line 556, strike out the figures "$13,000.00" and insert in lieu thereof the figures "$15,000.00."

Line 564, strike out the figures "$7,200.00" and insert in lieu thereof the figures "$8,000.00."

Line 565, strike out the figures "$4,800.00" and insert in lieu thereof the figures "$6,000.00."

Line 567, strike out the figures "$4,800.00" and insert in lieu thereof the figures "$6,000.00."

Line 569, strike out the figures "$3,000.00" and insert in lieu thereof the figures "$3,600.00."

Line 570, strike out the figures "$2,400.00" and insert in lieu thereof the figures "$2,880.00."

Line 576, strike out the figures "$40,000.00" and insert in lieu thereof the figures "$46,995.00."

Line 578, strike out the figures "$20,000.00" and insert in lieu thereof the figures "$27,645.00."

Line 582, strike out the figures "$1,000.00" and insert in lieu thereof the figures "$1,200.00."

Line 583, strike out the figures "$3,500.00" and insert in lieu thereof the figures "$4,055.00."

Line 591, strike out the figures "$1,000.00" and insert in lieu thereof the figures "$1,300.00."

Line 592, strike out the figures "$5,000.00" and insert in lieu thereof the figures "$10,755.00".

Line 593, strike out the figures "$127,770.00" and insert in lieu thereof the figures "$153,500.00."

Subdivision 17a, strike out all of line 596, "Salary $2,-000.00."

Line 603, strike out the figures "$3,450.00" and insert in lieu thereof the figures "$1,450.00."

Subdivision 21, line 671, strike out the figures "$3,592.00" and insert in lieu thereof the figures "$3,992.00."

Line 680, strike out the figures "$16,492.00" and insert in lieu thereof the figures "$16,892.00."

Subdivision 23, insert a new line 611a "Deficit—26th Legislative Assembly $12,000.00."

Line 690, strike out the figures "$119,500.00" and insert in lieu thereof the figures "$131,500.00."

Subdivision 27, line 709, strike out the figures "$6,000.00" and insert in lieu thereof the figures "$4,800.00."

Line 711, strike out the figures "$4,800.00" and insert in lieu thereof the figures "$4,200.00."

Line 713, strike out the figure and words "(4 part time)."

Line 719, strike out the figures "$25,000.00" and insert in lieu thereof the figures "$20,000.00."

Line 721, strike out the figures "$88,750.00" and insert in lieu thereof the figures "$81,950.00."

Subdivision 28, line 733, strike out the figures "$5,000.00" and insert in lieu thereof the figures "$3,000.00."

Line 737, strike out the figures "$48,700.00" and insert in lieu thereof the figures "$46,700.00."

Line 738, strike out the figures "$2,045,461.41" and insert in lieu thereof the figures "$2,111,257.41."

Line 741, strike out the figures "$505,659.00" and insert in lieu thereof the figures "$546,251.00."

Line 742, strike out the figures "$1,539,802.41" and insert in lieu thereof the figures "$1,565,006.41."

Strike out all of Section 5.

Re-number beginning with line 109.

And when so amended recommend the same do pass.

C. P. RITTER, Acting Chairman.

Rep. Semerad moved that the report be adopted, which motion prevailed, and the report was adopted.

The House continued on the Twelfth Order of Business.

## MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, March 2, 1939.

Mr. Speaker: I have the honor to return:

House Bill No. 168. A Bill for an Act to Amend and Re-enact Section 4656 of the Compiled Laws of 1913, Relative to the Maintenance of Railroad Stations and Station Agents.

Which the Senate has amended as follows:

In lines 10 and 15 of the engrossed bill, change to read "6,000" to correspond with amendments made previously.

WM. J. LOWE, Secretary.

Rep. Schauss moved that the House do concur in the Senate amendments to House Bill No. 168.

Rep. Wambheim moved a substitute motion that the House do not concur in the Senate amendments to House Bill No. 168 and that a conference committee be appointed to act with a like committee from the Senate in deliberation on House Bill No. 168, which motion lost.

The question being on the motion of Rep. Schauss that the House do concur in the Senate amendments to House Bill No. 168, the motion prevailed.

Rep. Fitch moved that further consideration of House Bill No. 168 be indefinitely postponed.

Rep. Schimke moved that the motion of Rep Fitch for indefinite postponement of further action on House Bill No. 168 be laid on the table, which motion prevailed.

Rep. Byrne moved that the rules be suspended and that House Bill No. 168 be considered properly re-engrossed, placed on second reading and final passage as amended, which motion prevailed.

## SECOND READING OF HOUSE BILLS

House Bill No. 168. A Bill for an Act to Amend and Re-enact Section 4656 of the Compiled Laws of 1913, Relative to the Maintenance of Railroad Stations and Station Agents.

Was read the second time.

## ROLL CALL

The question being on the final passage of the bill, as amended by the Senate, the roll was called and there were ayes, 56; nays, 45; absent and not voting, 9.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Haag | Nelson, Dickey |
| Anderson, M'K'nzie | Heckman | Odegard |
| Anfinson | Holm | Page |
| Beede | Holthusen | Peterson, Bottineau |
| Billigmeier | Hultstrand | Rait |
| Bingenheimer | Ireland | Rettke |
| Braun, McLean | Ista | Ritter |
| Braun, Stark | Jensen | Rohde |
| Brown | Johnson, LaMoure | Schauss |
| Buchholz | Joiner | Schmidt, Sheridan |
| Crockett | Knutson | Schimke |
| Culver | Lange | Scholl |
| Dike | Larson | Schwartz |
| Dittmer | McIntee | Semerad |
| Erickson | McIntyre | Severson |
| Feton | Myers | Solberg |
| Fletcher | Mittag | Wolf |
| Fraser | Mollet | Mr. Speaker |
| Glas | Morland | |

Those voting in the negative were:

| | | |
|---|---|---|
| Arneson, Nelson | Keller | Sharpe |
| Arneson, Ramsey | Kluver | Shure |
| Belzer | Lunde | Singleton |
| Blair | Levin | Skartvedt |
| Bolmeier | McInnes | Stone |
| Boulden | Moe | Stormon |
| Byrne | Nelson, Steele | Symington |

| | | |
|---|---|---|
| Dalzell | Nystrom | Thompson,Burl'gh |
| Fitch | O'Brien | Thompson, Steele |
| Fuglestad | Oglesby | Trydahl |
| Gainor | Ostgulen | Tuff |
| Halvorson | Peterson, Ransom | Urschel |
| Haugland | Saumur | Wambheim |
| Hofstrand | Schmidt, McHenry | Williams,Richland |
| Johnson, Cass | Sellens | Williams,Stutsm'n |

Absent and not voting:

| | | |
|---|---|---|
| Anderson, Benson | Gray | Sand |
| Benno | Nelson, Cass | Twichell |
| Bergesen | Panko | Westby |

So the bill lost for lack of the constitutional majority of 37.

## MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, March 2, 1939.

Mr. Speaker: I have the honor to return:

House Bill No. 157. A Bill for an Act Making an Appropriation for the Maintenance and Operation of the North Dakota State Criminal Identification Bureau for the Period From January 1st, 1939 to June 30th, 1939, and Declaring an Emergency.

Which the Senate has amended as follows:

In line 1 after the word "Appropriation.)" strike out the balance of the line. Strike out all of lines 2, 3, 4, 5, 6, 7, 8, 9, and that portion of line 10 to and including the word "Fund";

In line 10 capitalize the "t" in the word "there".

In line 12 strike out the figures "$4,080.10" and insert in lieu thereof the figures "$3,086.35".

Strike out all of line 20.

In line 22 strike out the figures "$750.00" and insert in lieu thereof the figures "$550.00".

Strike out all of line 23.

In line 24 strike out the figures "$550.00" and insert in lieu thereof the figures "$512.50".

In line 26 strike out the figures "$125.00" and insert in lieu thereof the figures "$93.75".

In line 27 strike out the figures "$250.00" and insert in lieu thereof the figures "$125.00".

Strike out all of line 28.

In line 29 strike out the figures "$4,080.10" and insert in lieu thereof the figures "$3,086.35".

Renumber all lines in numerical order.

WM. J. LOWE, Secretary.

Rep. Johnson of Cass moved that the House do concur in the Senate amendments to House Bill No. 157, which motion prevailed.

Rep. Johnson of Cass moved that the rules be suspended and that House Bill No. 157 be considered properly re-engrossed, placed on second reading and final passage as amended, which motion prevailed.

## SECOND READING OF HOUSE BILL

House Bill No. 157. A Bill for an Act Making an Appro-

priation for the Maintenance and Operation of the North Dakota State Criminal Identification Bureau for the Period From January 1st, 1939 to June 30th, 1939, and Declaring an Emergency.

Which motion prevailed.

ROLL CALL

The question being on the final passage of the bill, as amended by the Senate, the roll was called and there were ayes, 94; nays, 5; absent and not voting, 11.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Anderson,M'K'nzie | Heckman | Page |
| Anfinson | Hofstrand | Peterson,Bottineau |
| Arneson, Nelson | Holm | Peterson, Ransom |
| Arneson, Ramsey | Holthusen | Rait |
| Beede | Hultstrand | Rettke |
| Belzer | Ireland | Ritter |
| Benno | Ista | Saumur |
| Billigmeier | Jensen | Schauss |
| Bingenheimer | Johnson, Cass | Schmidt, McHenry |
| Blair | Johnson, LaMoure | Schmidt, Sheridan |
| Bolmeier | Joiner | Schwartz |
| Boulden | Keller | Sellens |
| Braun, McLean | Kluver | Semerad |
| Braun, Stark | Knutson | Severson |
| Brown | Lange | Sharpe |
| Buchholz | Larson | Singleton |
| Crockett | Levin | Skartvedt |
| Culver | Lunde | Solberg |
| Dalzell | McInnes | Stone |
| Dike | McIntee | Stormon |
| Dittmer | McIntyre | Symington |
| Erickson | Myers | Thompson,Burl'gh |
| Feton | Mittag | Thompson, Steele |
| Fitch | Morland | Trydahl |
| Fletcher | Nelson, Dickey | Tuff |
| Fraser | Nelson, Steele | Urschel |
| Fuglestad | Nystrom | Wambheim |
| Gainor | O'Brien | Williams,Richland |
| Glas | Odegard | Williams,Stutsm'n |
| Haag | Oglesby | Wolf |
| Halvorson | Ostgulen | Mr. Speaker |
| Haugland | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Moe | Rohde | Westby |
| Mollet | Shure | |

Absent and not voting were:

| | | |
|---|---|---|
| Adam | Gray | Schimke |
| Anderson, Benson | Nelson, Cass | Scholl |
| Bergesen | Panko | Twichell |
| Byrne | Sand | |

So the bill passed and the title was agreed to and the emergency clause was declared carried.

Rep. Page moved that the final action taken on House Bill No. 362 be reconsidered and that the record of the same final action be expunged from the records, which motion prevailed.

Rep. Page moved that the House do not concur in the Senate amendments to House Bill No. 362 and that a conference committee be appointed to act with a like committee from the Senate in deliberation on House Bill No. 362, which motion prevailed and the Speaker appointed on that committee Representatives Page, Beede and Moe.

## MESSAGES FROM THE SENATE

Senate Chamber,
Bismarck, March 2, 1939.

Mr. Speaker: I have the honor to return:

House Bill No. 120. A Bill for an Act Establishing Rules and Regulations and Sanitary Conditions for Cream Buying Stations; Sanitary Requirements for Haulers of Cream; Equipment and Care of Equipment; Care of Cream Held in the Station; Care of Cream in Transit; Repealing Acts in Conflict Herewith; Providing Penalties, and Declaring an Emergency.

Which the Senate has amended as follows:

In line 3, on page 4 of the printed bill strike out the words "or adjacent to".

In line 6 after the word "sediment" strike out the "period", insert a "comma" and the following: "and such containers, when delivered to carriers shall be so equipped as to prevent contamination in transit".

WM. J. LOWE, Secretary.

Rep. Levin moved that the House do concur in the Senate amendments to House Bill No. 120, which motion prevailed.

Rep. Levin moved that the rules be suspended and that House Bill No. 120 be considered properly re-engrossed, placed on second reading and final passage, as amended, which motion prevailed.

## SECOND READING OF HOUSE BILLS

House Bill No. 120. A Bill for an Act Establishing Rules and Regulations and Sanitary Conditions for Cream Buying Stations; Sanitary Requirements for Haulers of Cream; Equipment and Care of Equipment; Care of Cream Held in the Station; Care of Cream in Transit; Repealing Acts in Conflict Herewith; Providing Penalties, and Declaring an Emergency.

Was read the second time.

## ROLL CALL

The question being on the final passage of the bill, as amended by the Senate, the roll was called and there were ayes, 84; nays, 14; absent and not voting, 12.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Fuglestad | Nelson, Dickey |
| Anderson, Benson | Gainor | Nelson, Steele |
| Anderson,M'K'nzie | Glas | O'Brien |
| Anfinson | Haag | Odegard |
| Arneson, Nelson | Halvorson | Oglesby |
| Arneson, Ramsey | Haugland | Peterson,Bottineau |
| Beede | Heckman | Rait |
| Belzer | Hofstrand | Rettke |
| Benno | Holm | Ritter |
| Billigmeier | Holthusen | Rohde |

| | | |
|---|---|---|
| Bingenheimer | Ireland | Saumur |
| Blair | Ista | Schauss |
| Bolmeier | Johnson, LaMoure | Schmidt, McHenry |
| Boulden | Joiner | Schimke |
| Braun, McLean | Kluver | Schwartz |
| Braun, Stark | Knutson | Semerad |
| Brown | Lange | Severson |
| Buchholz | Larson | Shure |
| Byrne | Levin | Singleton |
| Culver | Lunde | Solberg |
| Dalzell | McInnes | Stone |
| Dike | McIntee | Stormon |
| Dittmer | McIntyre | Thompson, Steele |
| Erickson | Myers | Tuff |
| Feton | Mittag | Urschel |
| Fitch | Mollet | Williams,Richland |
| Fletcher | Morland | Williams,Stutsm'n |
| Fraser | Johnson, Cass | Wolf |

Those voting in the negative were:

| | | |
|---|---|---|
| Keller | Schmidt, Sheridan | Thompson,Burl'gh |
| Moe | Sellens | Trydahl |
| Nystrom | Sharpe | Wambheim |
| Ostgulen | Skartvedt | Westby |
| Peterson, Ransom | Symington | |

Absent and not voting:

| | | |
|---|---|---|
| Bergesen | Jensen | Sand |
| Crockett | Nelson, Cass | Scholl |
| Gray | Page | Twichell |
| Hultstrand | Panko | Mr. Speaker |

So the bill passed and the title was agreed to, and the emergency clause was declared carried.

Rep. Dalzell moved that the vote by which House Bill No. 120 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Rep. Skartvedt: "They didn't make any provision in here to prevent the cow from washing her feet in the milk pail. I vote 'no'."

## MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, March 2, 1939.

Mr. Speaker: I have the honor to return:

House Bill No. 12. A Bill for an Act Making an Appropriation for the Purpose of Paying Salaries, Clerkhire and General Expenses of the Division of Child Hygiene.

Which the Senate has amended as follows:

In line 3, strike out the figures "$41,745.00" and insert in lieu thereof the figures "$42,945.00."

In line 8, strike out the figures "$4,800.00" and insert in lieu thereof the figures "$6,000.00."

In line 22, strike out the figures "$41,745.00" and insert in lieu thereof the figures "$42,945.00."

WM. J. LOWE, Secretary.

Rep. Johnson of Cass moved that the House do not concur in the Senate amendments to House Bill No. 12, and that a con-

ference committee be appointed to act with a like committee from the Senate in deliberation on House Bill No. 12, which motion prevailed.

## MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, March 2, 1939.

Mr. Speaker: I have the honor to return:

House Bill No. 8. A Bill for an Act Making an Appropriation for the Purpose of Paying Salary, Clerk Hire, and General Expenses of the State Historical Society.

Which the Senate has amended as follows:

In line 3, strike out the figures "$13,990.00" and insert in lieu thereof the figures "$15,590.00."

Following line 11 insert a new line to read "Museum Assistant" and insert the figures "$1,600.00."

In line 21, strike out the figures "$13,990.00" and insert in lieu thereof the figures "$15,590.00."

Re-number all lines in numerical order.

WM. J. LOWE, Secretary.

Rep. Solberg moved that the House do not concur in the Senate amendments to House Bill No. 8 and that a conference committee be appointed to act with a like committee from the Senate in deliberation on House Bill No. 8, which motion prevailed.

## MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, March 2, 1939.

Mr. Speaker: I have the honor to return:

House Bill No. 13. 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 amended as follows:

In line 2, after the word "Treasury" insert the following language: "in the Coal Mine Inspection Fund."

In line 3, strike out the figure "$9,210.00" and insert in lieu thereof the figures "$9,510.00."

In line 18, strike out the figures "$1,200.00" and insert in lieu thereof the figures "$1,500.00."

In line 21, strike out the figures "$9,210.00" and insert in lieu thereof the figures "$9,510.00."

WM. J. LOWE, Secretary.

Rep. Johnson of Cass moved that the House do concur in the Senate amendments to House Bill No. 13, which motion prevailed.

Rep. Johnson of Cass moved that the rules be suspended and that House Bill No. 13 be considered properly re-engrossed, placed on second reading and final passage as amended, which motion prevailed.

## SECOND READING OF HOUSE BILLS

House Bill No. 13. 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.

ROLL CALL

The question being on the final passage of the bill, as amended by Senate, the roll was called and there were ayes, 91; nays, 2; absent and not voting, 17.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Haugland | Peterson,Bottineau |
| Anderson, Benson | Heckman | Peterson, Ransom |
| Anderson,M'K'nzie | Hofstrand | Rait |
| Anfinson | Holm | Rettke |
| Arneson, Nelson | Ireland | Ritter |
| Arneson, Ramsey | Ista | Rohde |
| Beede | Jensen | Saumur |
| Belzer | Johnson, Cass | Schauss |
| Billigmeier | Johnson, LaMoure | Schmidt, Sheridan |
| Bingenheimer | Joiner | Schimke |
| Blair | Keller | Schwartz |
| Bolmeier | Knutson | Sellens |
| Braun, McLean | Lange | Semerad |
| Braun, Stark | Larson | Severson |
| Brown | Levin | Sharpe |
| Buchholz | Lunde | Shure |
| Byrne | McInnes | Singleton |
| Crockett | McIntee | Solberg |
| Culver | McIntyre | Stone |
| Dalzell | Myers | Stormon |
| Dike | Mittag | Symington |
| Dittmer | Moe | Thompson,Burl'gh |
| Erickson | Mollet | Thompson, Steele |
| Feton | Morland | Trydahl |
| Fitch | Nystrom | Urschel |
| Fletcher | O'Brien | Wambheim |
| Fraser | Odegard | Westby |
| Fuglestad | Oglesby | Williams,Richland |
| Glas | Ostgulen | Williams,Stutsm'n |
| Haag | Page | Wolf |
| Halvorson | | |

Those voting in the negative were:

Schmidt, McHenry Tuff

Absent and not voting:

| | | |
|---|---|---|
| Benno | Hultstrand | Sand |
| Bergesen | Kluver | Scholl |
| Boulden | Nelson, Cass | Skartvedt |
| Gainor | Nelson, Dickey | Twichell |
| Gray | Nelson, Steele | Mr. Speaker |
| Holthusen | Panko | |

So the bill passed and the title was agreed to.

MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, March 2, 1939.

Mr. Speaker: I have the honor to return:

House Bill No. 11. A Bill for an Act Making an Appropriation for the Purpose of Paying Salary, Clerkhire and General Expenses of the Public Health Laboratories.

Which the Senate has amended as follows:

In line 3, strike out the figure "$33,740.00" and insert in lieu thereof the figure "$34,590.00".

In line 11, strike out the figure "$3,000.00" and insert in lieu thereof the figure "$3,200.00".

In line 13 strike out the figure "$500.00" and insert in lieu thereof the figure "$800.00".

Following line 24 insert a new line to read "Travel Expense" and insert the figure "$350.00".

In line 26 strike out the figure "$33,740.00" and insert in lieu thereof the figure "$34,590.00".

Renumber all lines in numerical order.

WM. J. LOWE, Secretary.

Rep. Johnson of Cass moved that the House do not concur in the Senate amendments to House Bill No. 11 and that a conference committee be appointed to act with a like committee from the Senate in deliberation on House Bill No. 11, which motion prevailed.

## MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, March 2, 1939.

Mr. Speaker: I have the honor to return:

House Bill No. 10. A Bill for an Act Making an Appropriation for the Purpose of Paying Salary, Clerk Hire, and General Expenses of the Department of Public Health.

Which the Senate has amended as follows:

In line 3 strike out the figure "$57,420.00" and insert in lieu thereof the figure "58,420.00".

In line 10 strike out the figure "$4,800.00" and insert in lieu thereof the figure "$6,000.00".

In line 13 strike out the figure "$2,500.00" and insert in lieu thereof the figure "$3,000.00".

In line 21 strike out the figure "$7,600.00" and insert in lieu thereof the figure "$7,000.00".

In line 27 strike out the figure "$600.00" and insert in lieu thereof the figure "$500.00".

In line 28 strike out the figure "$57,420.00" and insert in lieu thereof the figure "$58,420.00".

WM. J. LOWE, Secretary.

Rep. Stone moved that the House do not concur in the Senate amendments to House Bill No. 10 and that a conference committee be appointed to act with a like committee from the Senate in deliberation on House Bill No. 10.

Rep. Ritter moved a substitute motion that the House do concur in the Senate amendments to House Bill No. 10, which motion prevailed.

Rep. Ritter moved that the rules be suspended and that House Bill No. 10 be considered properly re-engrossed, placed on second reading and final passage as amended, which motion prevailed.

## SECOND READING OF HOUSE BILLS

House Bill No. 10. A Bill for an Act Making an Appropriation for the Purpose of Paying Salary, Clerk Hire, 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 by Senate, the roll was called and there were ayes, 55; nays, 45; absent and not voting, 10.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Fitch | Nelson, Dickey |
| Anderson, Benson | Fletcher | Nystrom |
| Anderson, M'K'nzie | Fraser | O'Brien |
| Anfinson | Fuglestad | Page |
| Arneson, Nelson | Gainor | Peterson, Bottineau |
| Beede | Glas | Rait |
| Benno | Haag | Saumur |
| Billigmeier | Haugland | Schmidt, Sheridan |
| Bingenheimer | Heckman | Schwartz |
| Bolmeier | Holthusen | Sellens |
| Braun, Stark | Ireland | Solberg |
| Brown | Ista | Symington |
| Buchholz | Kluver | Thompson, Burl'gh |
| Culver | Lange | Thompson, Steele |
| Dalzell | Larson | Urschel |
| Dike | Levin | Westby |
| Dittmer | McIntee | Williams, Richland |
| Erickson | Morland | Williams, Stutsm'n |
| Feton | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Arneson, Ramsey | Knutson | Rohde |
| Belzer | Lunde | Schmidt, McHenry |
| Blair | McInnes | Schimke |
| Boulden | McIntyre | Semerad |
| Braun, McLean | Myers | Severson |
| Byrne | Mittag | Sharpe |
| Crockett | Moe | Shure |
| Halvorson | Mollet | Singleton |
| Hofstrand | Odegard | Stone |
| Holm | Oglesby | Stormon |
| Jensen | Ostgulen | Trydahl |
| Johnson, Cass | Panko | Tuff |
| Johnson, LaMoure | Peterson, Ransom | Wambheim |
| Joiner | Rettke | Wolf |
| Keller | Ritter | Mr. Speaker |

Absent and not voting were:

| | | |
|---|---|---|
| Bergesen | Nelson, Steele | Scholl |
| Gray | Sand | Skartvedt |
| Hultstrand | Schauss | Twichell |
| Nelson, Cass | | |

So the bill lost for lack of a constitutional majority of 57.

Rep. Ritter changed his vote from "aye" to "no" for the purpose of reconsideration.

## MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, March 2, 1939.

Mr. Speaker: I have the honor to return:

House Bill No. 175. A Bill for an Act to Provide Revenue by Means of a Transaction Tax Upon Sales of Certain Alcoholic Beverages by Licensed Wholesale Liquor Dealers; Authorizing the State Treasurer to Prescribe Rules and Regulations for the Collection Thereof; Prescribing the

Method of Payment of the Tax to, and Collections by, the State Treasurer, and Providing Penalty.

Which the Senate has amended as follows:

1. In line four (4) after the word "beverages" insert a comma and the language "excluding malt beverages,"

2. Strike out sub-sections (a), (b) and (c) of Section 1, and insert in lieu thereof the following:

(a) On all sales of alcoholic beverages, excluding malt beverages, containing more than 4% of alcohol by weight but not more than 24% of alcohol by weight, a tax equal to 7% of the sale price.

(b) On all sales of alcoholic beverages containing not more than 50% but not less than 24% alcohol by weight, a tax equal to 8% of the sale price.

(c) On all sales of alcohol and alcohol substitutes, regardless of proof, a tax equal to 20% of the sale price.

The authority is hereby vested in the State Treasurer of the State of North Dakota to determine what constitutes alcohol substitute.

3. After Section 2 of the engrossed bill insert new section 3, as follows:

SECTION 3. Fifteen days after the expiration of the first calendar month after the effective date of this act all licensed wholesale liquor dealers are required to file with the State Treasurer a list showing the respective prices to retailers of all alcohol and alcoholic beverages coming within the terms of this Act, which list shall be sworn to by any duly authorized officer of the respective wholesaler, and which lists may be amended from time to time by wholesalers by the filing of sworn additions thereto, such amendments to be effective under this Act five days after such filing.

4. Change Section 3 of engrossed bill to Section 4.

5. After re-numbered Section 4, insert new section 5, as follows:

SECTION 5. The tax herein imposed shall be computed on the sale price of the merchandise sold as shown by the list and amendments thereto filed under the provisions of Section 3, unless the price shown on the invoices required to be filed under Section 4 shall be greater than that appearing in the list, and then the tax shall be computed on the price appearing on the invoice.

6. Re-number Section 4 of the engrossed bill as Section 6.

7. Re-number Section 5 of the engrossed bill as Section 7.

8. Re-number Section 6 of the engrossed bill as Section 8.

9. Re-number Section 7 of the engrossed bill as Section 9.

Rep. Hofstrand moved that the House do not concur in the Senate amendments to House Bill No. 175 and that a conference committee be appointed to act with a like committee from the Senate in deliberation on House Bill No. 175, which motion prevailed.

Rep. Solberg moved that action taken on Senate Bill No. 96 be reconsidered, which motion prevailed.

Rep. Solberg moved that Senate Bill No. 96 be placed on the calendar, which motion prevailed.

Rep. Knutson moved that action taken on House Bill No. 168 be reconsidered, which motion prevailed.

Rep. Morland moved that House Bill No. 168 be placed on the calendar, which motion prevailed.

House Concurrent Resolution No. 402 was read.

Rep. Myers moved the adoption of House Concurrent Resolution No. 402, which motion prevailed and the House adopted House Concurrent Resolution No. 402.

HOUSE CONCURRENT RESOLUTION NO. 402

Introduced by Rep. Peterson of Bottineau

WHEREAS, the State of North Dakota and other northwestern states, for the past forty years, have supplied the needs of the American people with small grains and have produced untold wealth in the form of agricultural products, and

WHEREAS, financial manipulation and other causes have made it impossible for the farmers of the State of North Dakota and other northwestern states to realize a living from the sale of such products, and

WHEREAS, the farmers of North Dakota and other Agricultural States are bankrupt because of financial manipulation and control of the prices of agricultural products,

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES; THE SENATE CONCURRING:

That we memorialize Congress to pass such legislation as may be necessary to enable the Federal Government to purchase wheat, corn, barley, oats, spelts, flax, cotton, rye and other agricultural products and to store same in suitable local government terminal elevators.

That Congress take such further steps as may be necessary to finance the purchase of such products by small denomination, low interest bearing bonds and that the price pegged upon such products so as to insure to the farmers of the United States and particularly the State of North Dakota, a parity price upon agricultural products.

BE IT FURTHER RESOLVED that a copy of this Resolution be mailed to the President of the United States, to the Director of the Department of Agriculture and to the Congressional Delegation of the State of North Dakota in Congress.

House Concurrent Resolution No. 403:

HOUSE CONCURRENT RESOLUTION No. 403

Introduced by Reps. Crockett, Dike and Schauss.

A Concurrent Resolution Providing for Participation by Both Houses of the Legislature in a Joint Meeting of The State Board of Auditors and the Industrial Commission for Study of Audits of the State Mill and Elevator.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NORTH DAKOTA, THE SENATE CONCURRING:

WHEREAS, The State Board of Auditors has requested the Industrial Commission for a joint meeting wherein the several audits of the State Mill

& Elevator, covering the operations of said institution from January 4, 1937 to December 31, 1938, be reviewed, and

WHEREAS, The State Board of Auditors desire the participation of both the House of Representatives and Senate in such joint meeting with the purpose in mind that a true financial statement of the State Mill & Elevator be made public.

NOW, THEREFORE, be it hereby resolved that the Speaker of the House appoint a committee to consist of three (3) members, and that the President of the Senate likewise appoint a committee of the same number with directions that such committee meet with the State Board of Auditors and the Industrial Commission at such time and place as such joint meeting will be held, and that such joint committee promptly report their findings to the respective members of both Houses.

Was read from the desk.

Rep. Fitch moved that further consideration of House Concurrent Resolution No. 403 be indefinitely postponed.

Rep. Crockett moved that the motion of Rep. Fitch be laid upon the table, which motion was lost.

The question being upon the motion for indefinite postponement of House Concurrent Resolution No. 403, the motion prevailed.

Rep. Tuff moved that the vote by which House Concurrent Resolution No. 403 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

The Speaker announced the appointment of Rep. Anderson of McKenzie, Rait, and Trydahl as a conference committee to act with a like committee from the Senate in deliberation on House Bill No. 8.

The Speaker announced the appointment of Reps. Odegard, Ista and Singleton as a conference committee to act with a like committee from the Senate in deliberation on House Bill No. 12.

The Speaker announced the appointment of Reps. Buchholz, Symington and Haugland as a conference committee to act with a like committee from the Senate in deliberation on House Bill No. 11.

The Speaker announced the appointment of Reps. Hofstrand, Beede and Shure as a conference committee to act with a like committee from the Senate in deliberation on House Bill No. 175.

House Concurrent Resolution No. 404 was read from the desk, as follows:

HOUSE CONCURRENT RESOLUTION NO. 404

Introduced by Joint Committee on Employment.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING:

That William J. Lowe, Secretary of the Senate, and Mrs. Minnie D. Craig, Chief Clerk of the House, are hereby authorized, empowered and employed to compare and index the Journal of the Twenty-Sixth Legislative Assembly, and to complete the Senate and House Journals and mail out to the members the temporary Journals of the last days of the Session, which have not been delivered to members before the close thereof; and the said William J. Lowe, Secretary of the Senate, and Mrs. Minnie D. Craig, Chief Clerk of the House, are hereby directed and required at their own cost and expense to arrange for and procure sufficient assistance to insure that the said work shall be completed within thirty days after the adjournment of the session.

BE IT FURTHER RESOLVED, That for the services of the said William J. Lowe, Secretary of the Senate, and Mrs. Minnie D. Craig, Chief Clerk of the House, as above set forth, that they be paid the sum of $400.00 each, which shall include compensation for an assistant to be selected by each, all to be paid as other legislative expense, and paid when the respective claims are verified by the affidavits of the said William J. Lowe, and Mrs. Minnie D. Craig. showing the completion of such work.

BE IT FURTHER RESOLVED, That the necessary postage for mailing out the copies of temporary Journals as aforesaid be furnished to the said Secretary of the Senate and the said Chief Clerk of the House as part of the Legislative expenses of this session.

## SECOND READING OF HOUSE CONCURRENT RESOLUTION NO. 404

House Concurrent Resolution No. 404. A Concurrent Resolution Empowering William J. Lowe, Secretary of the Senate, and Minnie D. Craig, Chief Clerk of the House to complete the Index Senate and House Journals of the Session, and Providing Compensation Therefor.

## ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 88; nays, 0; absent and not voting, 22.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Halvorson | Page |
| Anfinson | Haugland | Panko |
| Arneson, Nelson | Heckman | Peterson,Bottineau |
| Arneson, Ramsey | Hofstrand | Peterson, Ransom |
| Beede | Holm | Rait |

| | | |
|---|---|---|
| Belzer | Holthusen | Rettke |
| Benno | Ista | Saumur |
| Billigmeier | Johnson, Cass | Schauss |
| Bingenheimer | Johnson, LaMoure | Schmidt, Sheridan |
| Blair | Joiner | Schimke |
| Bolmeier | Keller | Scholl |
| Boulden | Kluver | Schwartz |
| Braun, McLean | Knutson | Sellens |
| Braun, Stark | Lange | Semerad |
| Brown | Larson | Severson |
| Buchholz | Lunde | Sharpe |
| Crockett | McInnes | Shure |
| Culver | McIntee | Singleton |
| Dalzell | McIntyre | Skartvedt |
| Dike | Myers | Solberg |
| Dittmer | Mittag | Stormon |
| Erickson | Moe | Symington |
| Feton | Morland | Thompson,Burl'gh |
| Fitch | Nelson, Dickey | Tuff |
| Fletcher | Nelson, Steele | Urschel |
| Fraser | O'Brien | Williams,Richland |
| Fuglestad | Odegard | Williams,Stutsm'n |
| Gainor | Oglesby | Wolf |
| Glas | Ostgulen | Mr. Speaker |
| Haag | | |

Absent and not voting:

| | | |
|---|---|---|
| Anderson, Benson | Levin | Schmidt, McHenry |
| Anderson,M'K'nzie | Mollet | Stone |
| Bergesen | Nelson, Cass | Thompson, Steele |
| Byrne | Nystrom | Trydahl |
| Gray | Ritter | Twichell |
| Hultstrand | Rohde | Wambheim |
| Ireland | Sand | Westby |
| Jensen | | |

So House Concurrent Resolution No. 404 was adopted.

House Concurrent Resolution No. 405 was read as follows:

## HOUSE CONCURRENT RESOLUTION NO. 405

Introduced by the Joint Committee on Employment

Be it Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring:

That A. R. Powers and Albert Schmolenberger, Mailing clerks of the House, and S. B. Salveson and Theo. Thompson, mailing clerks of the Senate, of the Twenty-Sixth Legislative Session, be retained for five days after the close of this session to complete sending Senate and House Journals of the last days of the session; and Helmer Twito, proofreader in the House and Bruce Nelson, Proofreader in the Senate be retained for two days after the close of the session to finish proofreading the Journals of the House and Senate for the last day of this Twenty-Sixth Legislative Assembly; and that Kenneth Morgan and O'Neil Maasjo, pages of the House, and Clarence Anderson and John Koehn, pages of the Senate, be retained for two extra days after the close of the session for the purpose

of wrapping and either mailing or expressing to the members of the Senate and House, bill books, Journals, reports and files.

BE IT FURTHER RESOLVED, That each of the above named employees, to-wit: A. R. Powers and Albert Schmolenberger and S. B. Salveson and Theo, Thompson as mailing clerks, be paid for said additional five days the sum of $4.50 per day; and Helmer Twito and Bruce Nelson, proofreaders be paid the sum of $5.00 per day for two days, that Kenneth Morgan, O'Neil Maasjo, Clarence Anderson and John Koehn as pages be paid the sum of $4.50 per day for said additional two days; all the above to be paid as other legislative expense and paid when the respective claims are verified by the affidavits of said parties herein named, at the completion of such work.

House Concurrent Resolution 405. Providing for continued employment and compensation thereof to complete records of present legislative session.

Was read the second time.

ROLL CALL

The question being on the final passage of House Concurrent Resolution No. 405, the roll was called and there were ayes, 86; nays, 0; absent and not voting, 24.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Halvorson | Oglesby |
| Anfinson | Haugland | Ostgulen |
| Arneson, Nelson | Heckman | Page |
| Arneson, Ramsey | Hofstrand | Panko |
| Beede | Holm | Peterson,Bottineau |
| Belzer | Holthusen | Rait |
| Billigmeier | Hultstrand | Rettke |
| Bingenheimer | Ireland | Saumur |
| Blair | Ista | Schauss |
| Bolmeier | Jensen | Schmidt, Sheridan |
| Boulden | Johnson, Cass | Schimke |
| Braun, McLean | Joiner | Scholl |
| Brown | Keller | Schwartz |
| Buchholz | Kluver | Semerad |
| Byrne | Knutson | Sharpe |
| Crockett | Lange | Shure |
| Culver | Larson | Singleton |
| Dalzell | Levin | Skartvedt |
| Dike | Lunde | Solberg |
| Dittmer | McInnes | Stormon |
| Erickson | McIntee | Symington |
| Feton | McIntyre | Thompson,Burl'gh |
| Fitch | Myers | Thompson, Steele |
| Fletcher | Mittag | Tuff |
| Fraser | Moe | Williams,Richland |
| Fuglestad | Morland | Williams,Stutsm'n |
| Gainor | Nelson, Dickey | Wolf |
| Glas | O'Brien | Mr. Speaker |
| Haag | Odegard | |

Absent and not voting:

| | | |
|---|---|---|
| Anderson, Benson | Nelson, Cass | Sellens |

| | | |
|---|---|---|
| **Anderson,M'K'nzie** | **Nelson, Steele** | **Severson** |
| **Benno** | **Nystrom** | **Stone** |
| **Bergesen** | **Peterson, Ransom** | **Trydahl** |
| **Braun, Stark** | **Ritter** | **Twichell** |
| **Gray** | **Rohde** | **Urschel** |
| **Johnson, LaMoure** | **Sand** | **Wambheim** |
| **Mollet** | **Schmidt, McHenry** | **Westby** |

So House Concurrent Resolution No. 405 was declared adopted.

House Concurrent Resolution No. 406 was read from the desk as follows:

HOUSE CONCURRENT RESOLUTION NO. 406

Introduced by Joint Committee on Employment

WHEREAS, A complete record of action upon and disposal of all bills introduced in the House and Senate during this Session, should be made available to House and Senate Members as quickly as possible; such record to show what bills have been indefinitely postponed, withdrawn or passed, with notation of Journal date and page of amendments thereto;

THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING: That such compilation be at once prepared in a pamphlet similar in size to the House and Senate Journals; that Marie Garske be employed for the House and Ruth Smith be employed for the Senate; they working together to prepare such compilation immediately. A copy of the same to be mailed as speedily as possible by the House and Senate mailing force to each member of the House and Senate, at the home address thereof. That the Said Marie Garske and Ruth Smith be and they are hereby respectively retained on this work for the House and for the Senate for the period of three days after the adjournment of this Legislative Assembly, at their present pay; such compensation with the printing expense of such pamphlet and of mailing the same to be charged and paid as legislative expense.

House Concurrent Resolution No. 406. Providing for employment and compensation to complete final record of all bills of the 26th Legislative Session.

## ROLL CALL

The question being on the final passage of House Concurrent Resolution No. 406, the roll was called and there were ayes, 82; nays, 0; absent and not voting, 28.

Those voting in the affirmative were:

| | | |
|---|---|---|
| **Anfinson** | **Haugland** | **Oglesby** |
| **Arneson, Nelson** | **Heckman** | **Ostgulen** |
| **Arneson, Ramsey** | **Hofstrand** | **Page** |
| **Beede** | **Holm** | **Peterson,Bottineau** |

| | | |
|---|---|---|
| Belzer | Holthusen | Peterson, Ransom |
| Benno | Ireland | Rait |
| Billigmeier | Ista | Rettke |
| Bingenheimer | Johnson, Cass | Ritter |
| Bolmeier | Joiner | Saumur |
| Boulden | Keller | Schmidt, Sheridan |
| Braun, McLean | Kluver | Schimke |
| Buchholz | Knutson | Scholl |
| Byrne | Lange | Schwartz |
| Crockett | Larson | Semerad |
| Culver | Levin | Shure |
| Dalzell | Lunde | Singleton |
| Dike | McInnes | Skartvedt |
| Dittmer | McIntee | Solberg |
| Erickson | McIntyre | Stormon |
| Feton | Myers | Symington |
| Fitch | Mittag | Thompson,Burl'gh |
| Fletcher | Moe | Trydahl |
| Fraser | Morland | Tuff |
| Fuglestad | Nelson, Dickey | Urschel |
| Gainor | Nystrom | Westby |
| Glas | O'Brien | Williams,Stutsm'n |
| Haag | Odegard | Mr. Speaker |
| Halvorson | | |

Absent and not voting:

| | | |
|---|---|---|
| Adam | Johnson, LaMoure | Sellens |
| Anderson, Benson | Mollet | Severson |
| Anderson,M'K'nzie | Nelson, Cass | Sharpe |
| Bergesen | Nelson, Steele | Stone |
| Blair | Panko | Thompson, Steele |
| Braun, Stark | Rohde | Twichell |
| Brown | Sand | Wambheim |
| Gray | Schauss | Williams,Richland |
| Hultstrand | Schmidt, McHenry | Wolf |
| Jensen | | |

So House Concurrent Resolution No. 406 was declared adopted.

Concurrent Resolution No. 408 was read as follows:

HOUSE CONCURRENT RESOLUTION No. 408

Introduced by Reps. Scholl, Byrne, Symington

BE IT RESOLVED BY the House of Representatives of the State of North Dakota, the Senate CONCURRING, That:

WHEREAS, It is the sense of the members of the Legislative Assembly of the State of North Dakota, that there is not available to the members of this Legislature, sufficient information to enable the Legislature to properly consider some of the greatest problems now facing the State of North Dakota, to-wit: The relief and pension problems, the school problem, in particular, the problems of our common schools, and the problems of our municipalities, in particular, our counties, insofar as their financial inability to live within their budgets, and to discharge the functions of government now imposed upon them by law, and

WHEREAS, It is increasingly apparent that in order to enable this Legislature, or the next Legislative Body, to deal intelligently and justly with the problems which face the

people of North Dakota, in the light of the ability of the people of the State to meet these problems, and

WHEREAS, It is deemed necessary that this Legislative Assembly, in conjunction with the Executive Department of the State Government, make a practical survey of the relief needs of our people, and with this, the question of adequate pensions to our old citizens, as well as a practical survey of the financial and general condition of our school districts, and of our municipalities, in particular our counties.

NOW THEREFORE, BE IT RESOLVED, By the House of Representatives of the State of North Dakota, the Senate concurring, that a State Relief and Debt Survey Commission be, and the same hereby is established to consist of seven (7) members all of which shall be citizens and electors of the State of North Dakota, and shall be selected and appointed as follows:

Three (3) members of the House of Representatives, to be selected by the Speaker of the House with th approval of the members thereof, provided however, that one (1) of said three (3) House members shall be the Speaker.

Two (2) members of the Senate to be selected by the President of the Senate with the approval of the members thereof.

Two (2) persons to be appointed by the Governor.

BE IT FURTHER RESOLVED, That within sixty days of the adoption of this resolution, and the providing by this Legislative Assembly of the necessary funds for such commission to do its work, that such commission shall meet at the State Capitol, upon the call of the Governor, and shall organize by electing one of its members as Chairman, and adopting rules to govern its procedure. The State Tax Commissioner, or some member of the State Tax Department designated by him, shall act as Secretary of the Commission, without compensation, but shall be paid his actual and traveling expenses while actively engaged in work assigned to him by the commission. The commission may appoint and pay such other employes as may be necessary for the performance of its duties.

BE IT FURTHER RESOLVED, That each member of said commission shall be entitled to his actual traveling and other expenses, and in addition, compensation of Five ($5.00) Dollars per day while actually engaged in the work assigned to him by the commission, including attendance at commission meetings, provided, however, that such per diem shall not be paid to any member of such commission who may be an officer of the State and receiving compensation for such duties.

BE IT FURTHER RESOLVED, That it shall be the duty of the commission to make a practical and comprehensive survey of the debt situation of the municipalities and school districts of North Dakota, and to make a practical survey of the relief situation of this State, including the activities of the Welfare Board and any and all relief agencies, and prepare and file with the Governor for the information of the Legislature and for the general information of the people of this State, a complete report of its study, findings, conclusions and recommendations, covering the subject and scope of its appointment.

BE IT FURTHER RESOLVED, That in order to facilitate the work of the commission, it shall have free access to all public records, files and official reports relating to the matters under investigation, and it may hold public hearings at such places within the State as it may deem necessary, and it may require any public official or employee of any State Department ,municipality or political subdivision to appear before the commission and furnish to said commission any information, data or other matter within his possession or knowledge, pertaining to the subject matter under investigation by the commission, and

BE IT FURTHER RESOLVED That all state, county and municipal employes, agents and servants, shall, and they are hereby requested by the members of this Legislature to aid and assist such commission in every way possible in securing the necessary facts and information and in aiding and assisting such commission in the carrying out of its work, and

BE IT FURTHER RESOLVED That for the purpose of this resolution, the legislative members of such commission shall be considered as a joint interim legislative committee vested with legislative functions only; and that such joint interim legislative committee shall serve in conjunction with the other members of the committee appointed by the Governor pursuant to the provisions of this resolution.

## SECOND READING OF HOUSE CONCURRENT RESOLUTION

House Concurrent Resolution No. 408. A Concurrent Resolution to Establish a State Relief and Debt Survey Commission.

Was read the second time.

## ROLL CALL

The question being on the adoption of House Concurrent Resolution No. 408, the roll was called and there were ayes, 77; nays, 17; absent and not voting, 15; passed, 1.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Anderson, Benson | Fraser | O'Brien |
| Anderson,M'K'nzie | Glas | Odegard |
| Anfinson | Haag | Ostgulen |
| Arneson, Nelson | Halvorson | Page |
| Arneson, Ramsey | Haugland | Peterson,Bottineau |
| Beede | Heckman | Rait |
| Belzer | Hofstrand | Rettke |
| Benno | Holm | Ritter |
| Billigmeier | Ireland | Rohde |
| Bingenheimer | Ista | Saumur |
| Blair | Jensen | Schauss |
| Bolmeier | Johnson, Cass | Schimke |
| Braun, McLean | Johnson, LaMoure | Scholl |
| Braun, Stark | Keller | Schwartz |
| Brown | Kluver | Semerad |
| Buchholz | Knutson | Sharpe |
| Byrne | Lange | Shure |
| Crockett | Larson | Singleton |
| Culver | Levin | Skartvedt |
| Dalzell | Lunde | Solberg |

| | | |
|---|---|---|
| Dike | McInnes | Symington |
| Dittmer | McIntee | Thompson, Steele |
| Erickson | McIntyre | Tuff |
| Feton | Myers | Westby |
| Fitch | Morland | Wolf |
| Fletcher | Nelson, Dickey | |

Those voting in the negative were:

| | | |
|---|---|---|
| Adam | Mittag | Stone |
| Boulden | Oglesby | Thompson,Burl'gh |
| Fuglestad | Peterson, Ransom | Trydahl |
| Gainor | Schmidt, McHenry | Williams,Richland |
| Holthusen | Schmidt, Sheridan | Williams,Stutsm'n |
| Joiner | Sellens | |

Absent and not voting:

| | | |
|---|---|---|
| Bergesen | Nelson, Cass | Severson |
| Gray | Nelson, Steele | Stormon |
| Hultstrand | Nystrom | Twichell |
| Moe | Panko | Urschel |
| Mollet | Sand | Wambheim |

Passed:
Mr. Speaker

So House Concurrent Resolution No. 408 was declared adopted.

Rep. Byrne moved that the vote by which House Concurrent Resolution No. 408, was passed be reconsidered, and the motion to reconsider be laid on the table, which motion prevailed.

Joint Resolution "A" was read from the desk.

Rep. Fitch moved the adoption of Joint Resolution "A," which motion prevailed, and the House adopted Joint Resolution "A."

House Concurrent Resolution No. 407 was read as follows:

HOUSE CONCURRENT RESOLUTION NO. 407

Introduced by Representatives Twichell, Scholl and Byrne

WHEREAS, the members of the special committee appointed by this assembly for the purpose of investigating the conditions existing at the State Hospital at Jamestown have now filed their report, and with such report have filed an itemized statement showing a total expenditure of Two Hundred Fifty-five ($255.00) Dollars.

THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NORTH DAKOTA, THE SENATE CONCURRING, that this assembly does hereby appropriate and there is hereby appropriated the above sum for the purpose of reimbursing the members of said committee for the sum so expended.

BE IT FURTHER RESOLVED, that a single voucher for said sum payable to the Chairman of the Committee Honorable William Crockett be forthwith drawn.

House Concurrent Resolution No. 407. A concurrent resolution to appropriate $255.00 to reimburse members of Hospital Investigation Committee.

ROLL CALL

The question being on the adoption of House Concurrent

Resolution No. 407 the roll was called and there were ayes, 64; nays, 21; absent and not voting, 25.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Gainor | Nelson, Dickey |
| Anderson, Benson | Halvorson | O'Brien |
| Anderson,M'K'nzie | Haugland | Odegard |
| Anfinson | Heckman | Ostgulen |
| Arneson, Ramsey | Hofstrand | Panko |
| Beede | Holthusen | Peterson,Bottineau |
| Belzer | Ista | Rait |
| Benno | Johnson, Cass | Ritter |
| Billigmeier | Johnson, LaMoure | Rohde |
| Bingenheimer | Joiner | Schauss |
| Blair | Keller | Schmidt, Sheridan |
| Braun, McLean | Kluver | Scholl |
| Buchholz | Knutson | Semerad |
| Byrne | Lange | Shure |
| Crockett | Larson | Symington |
| Culver | Lunde | Thompson, Burl'gh |
| Dalzell | McIntee | Thompson, Steele |
| Dike | McIntyre | Tuff |
| Erickson | Myers | Urschel |
| Fitch | Mittag | Wolf |
| Fletcher | Mollet | Mr. Speaker |
| Fraser | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Boulden | Oglesby | Solberg |
| Brown | Page | Stone |
| Dittmer | Peterson, Ransom | Trydahl |
| Fuglestad | Schmidt, McHenry | Wambheim |
| Ireland | Schwartz | Westby |
| Morland | Sharpe | Williams,Richland |
| Nystrom | Singleton | Williams, Stutsm'n |

Absent and not voting:

| | | |
|---|---|---|
| Arneson, Nelson | Hultstrand | Sand |
| Bergesen | Jensen | Saumur |
| Bolmeier | Levin | Schimke |
| Braun, Stark | McInnes | Sellens |
| Feton | Moe | Severson |
| Glas | Nelson, Cass | Skartvedt |
| Gray | Nelson, Steele | Stormon |
| Haag | Rettke | Twichell |
| Holm | | |

So House Concurrent Resolution No. 407 was declared adopted.

Rep. Schauss requested that the House be on the Seventh Order of Business, which request was granted.

Rep. Schauss moved that the House reconsider its action taken on Senate Bill No. 204, which motion prevailed.

Rep. Crockett moved that Senate Bill No. 204 be placed on the calendar, which motion prevailed.

The House continued on the Fourteenth Order of Business.

Rep. Fitch moved that further consideration of Senate Bill No. 216 be indefinitely postponed, which motion prevailed.

Rep. Lange moved that the vote by which Senate Bill No. 216 was indefinitely postponed be reconsidered, and the

motion to reconsider be laid on the table, which motion prevailed.

SECOND READING OF SENATE BILLS

Senate Bill No. 253. A Bill for an Act Making an Appropriation for the Purpose of Defraying the Expense of the Maintenance and Operation of the State of North Dakota Doing Business as the North Dakota Mill and Elevator Association.

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, 51; nays, 41; absent and not voting, 18.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Fletcher | Odegard |
| Anderson, Benson | Heckman | Ostgulen |
| Anderson,M'K'nzie | Hofstrand | Panko |
| Anfinson | Ista | Rait |
| Beede | Johnson, LaMoure | Ritter |
| Belzer | Keller | Rohde |
| Benno | Knutson | Schmidt, McHenry |
| Braun, Stark | Lange | Schmidt, Sheridan |
| Buchholz | Larson | Schimke |
| Byrne | Levin | Scholl |
| Crockett | McIntyre | Schwartz |
| Culver | Myers | Trydahl |
| Dalzell | Mittag | Tuff |
| Dike | Mollet | Urschel |
| Dittmer | Morland | Williams,Richland |
| Erickson | Nelson, Dickey | Wolf |
| Fitch | O'Brien | Mr. Speaker |

Those voting in the negative were:

| | | |
|---|---|---|
| Arneson, Ramsey | Ireland | Severson |
| Billigmeier | Joiner | Sharpe |
| Bingenheimer | Kluver | Shure |
| Blair | Lunde | Singleton |
| Braun, McLean | McInnes | Solberg |
| Brown | McIntee | Stone |
| Feton | Moe | Stormon |
| Fuglestad | Nelson, Steele | Symington |
| Gainor | Nystrom | Thompson, Burl'gh |
| Glas | Oglesby | Thompson, Steele |
| Halvorson | Peterson, Ransom | Westby |
| Haugland | Page | Wambheim |
| Holm | Schauss | Williams, Stutsm'n |
| Holthusen | Sellens | |

Absent and not voting:

| | | |
|---|---|---|
| Arneson, Nelson | Haag | Rettke |
| Bergesen | Hultstrand | Sand |
| Bolmeier | Jensen | Saumur |
| Boulden | Johnson, Cass | Semerad |
| Fraser | Nelson, Cass | Skartvedt |
| Gray | Peterson,Bottineau | Twichell |

So the bill was declared lost for lack of constitutional majority.

Rep. Scholl voted "no" for the purpose of reconsideration.

Senate Bill No. 104. A Bill for an Act to Amend and Reenact Chapter 274 of the Session Laws of North Dakota for

the Year 1935 as Amended by Chapter 243 of the Session Laws of North Dakota for 1937 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, Extending the Application Thereof to Persons Receiving, Claiming or Demanding Money From Municipalities and Political Sub-divisions Within the State and Providing That Entering Into of Installment Contracts for Payment of Personal Property Taxes Shall Not Relieve Anyone From the Operation 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, as amended, the roll was called and there were ayes, 90; nays, 4; absent and not voting, 16.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Anderson, Benson | Hultstrand | Rettke |
| Anderson,M'K'nzie | Ireland | Ritter |
| Anfinson | Jensen | Rohde |
| Arneson, Nelson | Johnson, LaMoure | Saumur |
| Arneson, Ramsey | Joiner | Schauss |
| Beede | Keller | Schmidt, McHenry |
| Belzer | Kluver | Schmidt, Sheridan |
| Benno | Knutson | Schimke |
| Billigmeier | Lange | Scnoll |
| Bingenheimer | Levin | Schwartz |
| Blair | Lunde | Sellens |
| Braun, McLean | McInnes | Severson |
| Brown | McIntee | Sharpe |
| Buchholz | McIntyre | Shure |
| Byrne | Myers | Singleton |
| Crockett | Mittag | Solberg |
| Dike | Moe | Stone |
| Dittmer | Mollet | Stormon |
| Erickson | Morland | Symington |
| Feton | Nelson, Dickey | Thompson,Burl'gh |
| Fitch | Nelson, Steele | Thompson, Steele |
| Fletcher | Nystrom | Trydahl |
| Fuglestad | O'Brien | Tuff |
| Gainor | Odegard | Urschel |
| Glas | Oglesby | Wambheim |
| Halvorson | Ostgulen | Westby |
| Haugland | Page | Williams,Richland |
| Heckman | Panko | Williams,Stutsm'n |
| Holm | Peterson, Ransom | Wolf |
| Holthusen | Rait | Mr. Speaker |

Those voting in the negative were:

| | | |
|---|---|---|
| Boulden | Culver | Dalzell |
| Braun, Stark | | |

Absent and not voting:

| | | |
|---|---|---|
| Adam | Hofstrand | Peterson,Bottineau |
| Bergesen | Ista | Sand |
| Bolmeier | Johnson, Cass | Semerad |

| | | |
|---|---|---|
| Fraser | Larson | Skartvedt |
| Gray | Nelson, Cass | Twichell |
| Haag | | |

So the bill passed and the title was agreed to and the Emergency Clause was declared carried.

Rep. Page 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.

Senate Bill No. 239. A Bill for an Act Making an Appropriation to Pay for a Portion of the Current Operating Expense of Our Public School System as Provided for in the State Equalization Fund Law, as Provided for by Senate Bill No. 237 as Passed by the 1939 Session of the Legislature.

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, 96; nays, 0; absent and not voting, 14.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Holthusen | Peterson, Ransom |
| Anderson, Benson | Ireland | Rettke |
| Anderson,M'K'nzie | Ista | Ritter |
| Arneson, Nelson | Jensen | Rohde |
| Arneson, Ramsey | Johnson, Cass | Saumur |
| Beede | Johnson, LaMoure | Schauss |
| Belzer | Joiner | Schmidt, McHenry |
| Billigmeier | Keller | Schmidt, Sheridan |
| Bingenheimer | Kluver | Schimke |
| Blair | Knutson | Scholl |
| Braun, McLean | Lange | Schwartz |
| Braun, Stark | Levin | Sellens |
| Brown | Lunde | Severson |
| Buchholz | McInnes | Sharpe |
| Byrne | McIntee | Shure |
| Crockett | McIntyre | Singleton |
| Culver | Myers | Skartvedt |
| Dalzell | Mittag | Solberg |
| Dike | Moe | Stone |
| Dittmer | Mollet | Stormon |
| Erickson | Morland | Symington |
| Feton | Nelson, Dickey | Thompson,Burl'gh |
| Fitch | Nelson, Steele | Thompson, Steele |
| Fletcher | Nystrom | Trydahl |
| Fraser | O'Brien | Tuff |
| Gainor | Odegard | Urschel |
| Glas | Oglesby | Wambheim |
| Halvorson | Ostgulen | Westby |
| Haugland | Page | Williams,Richland |
| Heckman | Panko | Williams,Stutsm'n |
| Hofstrand | Peterson,Bottineau | Wolf |
| Holm | Rait | Mr. Speaker |

Absent and not voting:

| | | |
|---|---|---|
| Anfinson | Fuglestad | Nelson, Cass |
| Benno | Gray | Sand |
| Bergesen | Haag | Semerad |
| Bolmeier | Hultstrand | Twichell |
| Boulden | Larson | |

So the bill passed and the title was agreed to.

Rep. Page moved that the vote by which Senate Bill No. 239 was passed be reconsidered, and the motion to reconsider be laid on the table, which motion prevailed.

Rep. Scholl moved that the action by which Senate Bill No. 253 was lost be reconsidered, which motion prevailed.

Rep. Fitch moved that Senate Bill No. 253 be placed on tomorrow's calendar, which motion prevailed.

Rep. Fitch moved that the House do now recess until 8:45 A. M., March 3, which motion was lost.

Senate Bill No. 249. A Bill for an Act Making an Appropriation for the Purpose of Operating and Maintaining the State Bonding Fund for the Biennium Beginning July 1, 1939. 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, 93; nays, 3; absent and not voting, 14.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Holm | Rait |
| Anderson, Benson | Holthusen | Rettke |
| Anderson,M'K'nzie | Ireland | Ritter |
| Arneson, Nelson | Ista | Rohde |
| Arneson, Ramsey | Jensen | Saumur |
| Beede | Johnson, Cass | Schauss |
| Belzer | Johnson, LaMoure | Schmidt, McHenry |
| Benno | Joiner | Schmidt, Sheridan |
| Billigmeier | Keller | Schimke |
| Bingenheimer | Kluver | Scholl |
| Blair | Knutson | Schwartz |
| Braun, McLean | Lange | Sellens |
| Braun, Stark | Levin | Severson |
| Brown | Lunde | Sharpe |
| Buchholz | McInnes | Shure |
| Byrne | McIntee | Singleton |
| Crockett | McIntyre | Skartvedt |
| Dalzell | Myers | Solberg |
| Dike | Mittag | Stone |
| Erickson | Mollet | Stormon |
| Feton | Morland | Thompson,Burl'gh |
| Fitch | Nelson, Dickey | Thompson, Steele |
| Fletcher | Nelson, Steele | Trydahl |
| Fraser | Nystrom | Tuff |
| Fuglestad | O'Brien | Urschel |
| Gainor | Odegard | Wambheim |
| Glas | Oglesby | Westby |
| Halvorson | Ostgulen | Williams,Richland |
| Haugland | Panko | Williams,Stutsm'n |
| Heckman | Peterson,Bottineau | Wolf |
| Hofstrand | Peterson, Ransom | Mr. Speaker |

Those voting in the negative were:

| | | |
|---|---|---|
| Moe | Page | Symington |

Absent and not voting:

| | | |
|---|---|---|
| Anfinson | Dittmer | Nelson, Cass |
| Bergesen | Gray | Sand |

| | | |
|---|---|---|
| Bolmeier | Haag | Semerad |
| Boulden | Larson | Twichell |
| Culver | Hultstrand | |

So the bill passed and the title was agreed to.

Rep. Rohde moved that the vote by which Senate Bill No. 249 was passed be reconsidered, and the motion to reconsider be laid on the table, which motion prevailed.

Senate Bill No. 61. A Bill for an Act to Regulate the Sale of Heating Oil and Diesel Fuel; to Provide Specifications Therefor, and for Inspection Thereof; to Provide for Inspection Fees, the Collection and Disposition Thereof; to Define the Duties of the State Food Commissioner and Chemist as Regards Such Inspection and Providing Penalties for Violation of the 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, 92; nays, 3; absent and not voting, 15.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Heckman | Peterson,Bottineau |
| Anderson, Benson | Hofstrand | Peterson, Ransom |
| Anderson,M'K'nzie | Holm | Rait |
| Anfinson | Holthusen | Rettke |
| Arneson, Nelson | Ireland | Ritter |
| Arneson, Ramsey | Ista | Rohde |
| Beede | Jensen | Saumur |
| Belzer | Johnson, Cass | Schmidt, Sheridan |
| Billigmeier | Johnson, LaMoure | Schimke |
| Bingenheimer | Joiner | Schwartz |
| Blair | Keller | Sellens |
| Braun, McLean | Kluver | Severson |
| Braun, Stark | Lange | Sharpe |
| Brown | Levin | Shure |
| Buchholz | Lunde | Singleton |
| Byrne | McInnes | Skartvedt |
| Crockett | McIntee | Solberg |
| Culver | McIntyre | Stormon |
| Dalzell | Myers | Symington |
| Dike | Mittag | Thompson,Burl'gh |
| Dittmer | Mollet | Thompson, Steele |
| Erickson | Morland | Trydahl |
| Feton | Nelson, Dickey | Tuff |
| Fitch | Nelson, Steele | Urschel |
| Fletcher | Nystrom | Wambheim |
| Fraser | O'Brien | Westby |
| Fuglestad | Odegard | Williams,Richland |
| Gainor | Oglesby | Williams,Stutsm'n |
| Glas | Ostgulen | Wolf |
| Halvorson | Page | Mr. Speaker |
| Haugland | Panko | |

Those voting in the negative were:

| | | |
|---|---|---|
| Boulden | Schmidt, McHenry | Stone |

Absent and not voting:

| | | |
|---|---|---|
| Benno | Hultstrand | Sand |
| Bergesen | Knutson | Schauss |

| | | |
|---|---|---|
| Bolmeier | Larson | Scholl |
| Gray | Moe | Semerad |
| Haag | Nelson, Cass | Twichell |

So the bill passed and the title was agreed to and the Emergency Clause was declared carried.

Rep. Lange moved that the vote by which Senate Bill No. 61 was passed be reconsidered, and the motion to reconsider be laid on the table, which motion prevailed.

Senate Bill No. 265 was read the second time.

Rep. Crockett moved that Senate Bill No. 265 be placed at the foot of the calendar, which motion was lost.

Senate Bill No. 265. A Bill for an Act Providing That the Emergency Commission Created and Established by Section 283c1 of the 1925 Supplement to the Compiled Laws of the State of North Dakota Shall Pass Upon All Expenditures From the Emergency Fund of the State Hail Insurance Department, 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, 90; nays, 2; absent and not voting, 18.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Hofstrand | Peterson,Bottineau |
| Anderson, Benson | Holm | Peterson, Ransom |
| Anderson,M'K'nzie | Holthusen | Rait |
| Anfinson | Ireland | Rettke |
| Arneson, Ramsey | Ista | Ritter |
| Beede | Jensen | Rohde |
| Belzer | Johnson, Cass | Saumur |
| Billigmeier | Johnson, LaMoure | Schmidt, Sheridan |
| Bingenheimer | Joiner | Schimke |
| Blair | Keller | Scholl |
| Braun, McLean | Kluver | Schwartz |
| Braun, Stark | Lange | Sellens |
| Brown | Levin | Severson |
| Buchholz | Lunde | Shure |
| Byrne | McInnes | Singleton |
| Crockett | McIntee | Skartvedt |
| Culver | McIntyre | Solberg |
| Dalzell | Myers | Stormon |
| Dike | Mittag | Symington |
| Dittmer | Moe | Thompson,Burl'gh |
| Erickson | Mollet | Thompson, Steele |
| Feton | Morland | Trydahl |
| Fletcher | Nelson, Dickey | Tuff |
| Fraser | Nelson, Steele | Urschel |
| Fuglestad | Nystrom | Wambheim |
| Gainor | O'Brier | Westby |
| Glas | Odegard | Williams,Richland |
| Halvorson | Oglesby | Williams,Stutsm'n |
| Haugland | Ostgulen | Wolf |
| Heckman | Page | Mr. Speaker |

Those voting in the negative were:

| | |
|---|---|
| Schmidt, McHenry | Stone |

Absent and not voting:

| | | |
|---|---|---|
| Arneson, Nelson | Gray | Panko |
| Benno | Haag | Sand |
| Bergesen | Hultstrand | Schauss |
| Bolmeier | Knutson | Semerad |
| Boulden | Larson | Sharpe |
| Fitch | Nelson, Cass | Twichell |

So the bill passed and the title was agreed to, and the emergency clause was declared carried.

Rep. Crockett moved that the vote by which Senate Bill No. 265 was passed be reconsidered, and the motion to reconsider be laid on the table, which motion prevailed.

Senate Bill No. 228. A Bill for an Act Providing for Transfer of Certain School Lands Situated in Williams and Barnes Counties, Respectively State of North Dakota, to Williams and Barnes Counties to Be Used and Maintained as Public Parks, and Authorizing the Exchange of Lands Belonging to Said Counties Therefor; and Declaring an Emergency.

Was read the second time.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were ayes, 88; nays, 1; absent and not voting, 21.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Heckman | Rait |
| Anderson, Benson | Hofstrand | Rettke |
| Anderson,M'K'nzie | Holm | Rohde |
| Anfinson | Holthusen | Saumur |
| Arneson, Nelson | Ireland | Schmidt, McHenry |
| Arneson, Ramsey | Ista | Schmidt, Sheridan |
| Beede | Jensen | Scholl |
| Belzer | Johnson, Cass | Schwartz |
| Billigmeier | Johnson, LaMoure | Sellens |
| Bingenheimer | Keller | Severson |
| Blair | Lange | Sharpe |
| Braun, McLean | Lunde | Shure |
| Braun, Stark | McInnes | Singleton |
| Brown | McIntee | Skartvedt |
| Buchholz | McIntyre | Solberg |
| Byrne | Myers | Stormon |
| Crockett | Mittag | Symington |
| Culver | Moe | Thompson,Burl'gh |
| Dalzell | Mollet | Thompson, Steele |
| Dike | Morland | Trydahl |
| Dittmer | Nelson, Dickey | Tuff |
| Erickson | Nelson, Steele | Twichell |
| Feton | Nystrom | Urschel |
| Fletcher | O'Brien | Wambheim |
| Fraser | Odegard | Westby |
| Fuglestad | Oglesby | Williams,Richland |
| Gainor | Ostgulen | Williams,Stutsm'n |
| Glas | Peterson,Bottineau | Wolf |
| Halvorson | Peterson, Ransom | Mr. Speaker |
| Haugland | | |

Those voting in the negative were:

Page

Absent and not voting:

| | | |
|---|---|---|
| Benno | Hultstrand | Panko |
| Bergesen | Joiner | Ritter |
| Bolmeier | Kluver | Sand |
| Boulden | Knutson | Schauss |
| Fitch | Larson | Schimke |
| Gray | Levin | Semerad |
| Haag | Nelson, Cass | Stone |

So the bill passed and the title was agreed to and the Emergency Clause was declared carried.

Rep. Halvorson moved that the vote by which Senate Bill No. 228 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 189. A Bill for an Act to Amend and Re-enact Section 1190 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, as Amended and Re-enacted by Chapter 243 of the Session Laws of North Dakota for 1927, and as Amended and Re-enacted by Chapter 231 of the Session Laws of North Dakota for 1937, Relating to Consolidation of Schools and Transportation of Pupils; and Repealing All Laws or Parts of Laws 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, 88; nays, 7; absent and not voting, 15.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Heckman | Peterson,Bottineau |
| Anderson, Benson | Hofstrand | Peterson, Ransom |
| Anderson,M'K'nzie | Holm | Rait |
| Anfinson | Holthusen | Rettke |
| Arneson, Nelson | Ireland | Saumur |
| Arneson, Ramsey | Ista | Schauss |
| Beede | Jensen | Schmidt, Sheridan |
| Belzer | Johnson, Cass | Schimke |
| Billigmeier | Johnson, LaMoure | Scholl |
| Bingenheimer | Joiner | Schwartz |
| Blair | Keller | Sellens |
| Boulden | Kluver | Severson |
| Braun, McLean | Lange | Sharpe |
| Braun, Stark | Levin | Shure |
| Brown | Lunde | Singleton |
| Buchholz | McInnes | Skartvedt |
| Culver | McIntee | Solberg |
| Dalzell | McIntyre | Stormon |
| Dike | Myers | Symington |
| Dittmer | Mittag | Thompson,Burl'gh |
| Erickson | Morland | Trydahl |
| Feton | Nelson, Dickey | Tuff |
| Fitch | Nelson, Steele | Urschel |
| Fletcher | Nystrom | Wambheim |
| Fraser | O'Brien | Westby |
| Fuglestad | Odegard | Williams,Richland |
| Gainor | Oglesby | Williams,Stutsm'n |
| Glas | Ostgulen | Wolf |

| | | |
|---|---|---|
| Halvorson | Page | Mr. Speaker |
| Haugland | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Crockett | Ritter | Schmidt, McHenry |
| Moe | Rohde | Thompson, Steele |
| Mollet | | |

Absent and not voting:

| | | |
|---|---|---|
| Benno | Haag | Panko |
| Bergesen | Hultstrand | Sand |
| Bolmeier | Knutson | Semerad |
| Byrne | Larson | Stone |
| Gray | Nelson, Cass | Twichell |

So the bill passed and the title was agreed to.

Rep. Page moved that the vote by which Senate Bill No. 189 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Rep. Jensen moved that the House do now recess until 9 o'clock tomorrow morning, which motion prevailed.

MINNIE D. CRAIG, Chief Clerk.

## FIFTY-NINTH DAY AFTER RECESS AND SIXTIETH DAY

Bismarck, March 3, 1939.

The House convened at 9:00 A. M., pursuant to recess taken, Speaker Hagen presiding.

The Speaker announced that the House would be on the Eighth Order of Business.

### SIGNING OF BILLS

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 29. A Bill for an Act Making an Appropriation for the North Dakota Soldiers' Home at Lisbon, North Dakota; Providing for Reports and Deductions.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 99. A Bill for an Act to Authorize County Commissioners to Lease Real Property Acquired by Tax Deed and Not Sold or Leased; to Limit Term of Lease; to Permit Longer Leases to Co-operative Grazing Associations, Soil Conservation Districts, and Individuals; to Limit Expense of Supervising and Collecting Rentals; to Provide That Net Revenue be Distributed to Taxing Districts; to Repeal Any Acts in Conflict; and to Declare an Emergency.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 70. A Bill for an Act Permitting the Purchase of Gasoline to be Used Solely for Agricultural and Industrial Purposes Without the Payment of a Gasoline Tax on the Purchase Price Thereof; Licensing Purchasers and Sellers; Providing Penalties; Repealing Chapter 189 of the Session Laws of North Dakota for 1931.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 172. A Bill for an Act to Amend and Reenact Sections 5, 6, 7, 8 and 9 of Chapter 91 of the Session Laws of 1935, Relating to an Act Creating the State Athletic Commission, Prescribing Its Powers and Duties, Providing Penalties for Violations and Repealing All Acts

or Parts of Acts in Conflict Therewith; and Providing an Appropriation Therefor.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 351. A Bill For an Act to Amend and Reenact Section 2346a18 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, as Amended by Section 4, Chapter 283 of the Session Laws of 1931, as Amended by Section 2, Chapter 241, Session Laws of 1937, to Repeal Section 4 of Chapter 241 Session Laws of 1937; and Declaring an Emergency.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 385. A Bill for an Act Making an Appropriation for the Operating, Administration, Salaries and Other Expenses for the State Hospital for the Insane at Jamestown, North Dakota and Declaring an Emergency.

House Concurrent Resolution No. 248. A Concurrent Resolution Memorializing Congress to Enact the Frazier-Lemke Refinancing Act.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 356. A Bill for an Act to Amend and Reenact Section 3186 of the Compiled Laws of North Dakota for 1913, Relating to the Preferment for Official Appointment, and Providing for Repeal of Any Acts in Conflict Herewith.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Concurrent Resolution No. 248. A Concurrent Resolution Memorializing Congress to Enact the Frazier-Lemke Refinancing Act.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Concurrent Resolution No. 225. Memorializing Congress to Pass $4,000,000.00 Appropriation Bill to Be Allotted Several U. S. Indian Reservations.

And the Speaker signed the same in the presence of the House.

## MESSAGE TO THE SENATE

House of Representatives,
Bismarck, March 3, 1939.

Mr. President: I have the honor to return:
Senate Bill No. 179. A Bill for an Act Licensing the Sale

and Use of Punch Boards, Tip Books, Tip Jars, Pull Boards and Push Boards; Providing for Certain License Fees and for Certain Taxes Thereon; for the Disposition of Monies Obtained Thereunder; Prohibiting the Sale and Use of Punch Boards, Tip Boards, Tip Jars, Pull Boards and Push Boards Not Duly Stamped; Providing for the Enforcement of This Act and Penalties for the Violation Thereof; Providing for a Saving Clause; Repealing All Acts or Parts of Acts in Conflict Therewith and Declaring an Emergency.

Senate Bill No. 126. A Bill for an Act to Amend and Reenact Section 6762, of the Compiled Laws of the State of North Dakota for the Year 1913, as Amended by Chapter 175, Session Laws of 1927, by Chapter 168, of the Session Laws for 1935, Relating to Filing, Renewal and Limitations of Chattel Mortgages, and Providing for the Cancellation and Satisfaction of Same; and Further Providing for the Repeal of All Acts or Parts of Acts in Conflict Herewith.

Senate Bill No. 109. A Bill for an Act Providing for the Appointment of a Commission to Examine the Accounting Systems of State Departments and Institutions, and of Local Sub-divisions; Providing for the Establishment of Uniform Systems of Accounting, and Providing a Penalty for Violation; Providing for Biennial Examinations of the Affairs of State Departments and Institutions; Providing an Appropriation; and Repealing Sections 711, 712, 713, and 714 of the Compiled Laws of North Dakota for 1913.

Senate Bill No. 32. A Bill for an Act to Amend Section 396a8 of the Supplement to the Compiled Laws of 1913, as Amended by Chapter 315 of the Session Laws for 1931, Relating to Premiums Due and Workmen's Compensation Bureau.

Senate Bill No. 146. A Bill for an Act Empowering the Governing Board of Cities and Villages to Provide for the Lighting of All Streets, Avenues, Alleys, Sidewalks, Wharves, Parks and Public Grounds, and for the Furnishing and Supplying of Electric Energy or Gas to the City or Village for Lighting, Power, and Other Municipal Purposes, and to the Inhabitants Thereof, and to Enter Into Contracts for Electric Energy or Gas for Municipal and Private Purposes, and Specifying the Manner of Execution of Such Contracts, and Repealing Chapter 173, of the Session Laws of North Dakota for 1929.

Senate Bill No. 154. A Bill for an Act to Amend and Reenact Section 3009a2 of the 1925 Supplement to the Compiled Laws of 1913, Relating to the Standard Weight of Coal, and Providing Penalty.

Senate Bill No. 127. A Bill for an Act to Amend and Reenact Chapter 216, Session Laws 1923, Constituting Section 950a2 of the 1925 Supplement; and Providing for the Division and Consolidation of Voting Districts.

Senate Bill No. 78. A Bill for an Act Requiring Licenses for the Operation, Maintenance, Opening, and Establishment of Stores in This State, Prescribing the License and Filing Fees to be Paid Therefore, and the Disposition Thereof, and the Powers and Duties of the Tax Commissioner of the State of North Dakota in Connection Therewith, and Prescribing Penalties for the Violation Thereof.

Senate Bill No. 257. A Bill for an Act Providing for Special Audits and Investigations of the North Dakota Mill and Elevator Association, the Bank of North Dakota, the State Highway Department and the Office of State Highway Commissioner, the Board of Administration, the Board of University and School Lands, the Industrial Commission and the State Securities Commission, and Such Other Offices, Departments, Institutions and Commissions of the State as the Governor Shall Designate; Providing for the Appointment of a Special Examining Commissioner and for the Prosecution of Any Action or Proceeding Which May Be Deemed Warranted as a Result of Such Audit, Investigation or Check Up; Providing for an Appropriation to Carry Out the Purposes of This Act, and Declaring an Emergency.

Senate Bill No. 218. A Bill for an Act to Amend and Reenact Section 9, of Chapter 311 of the Session Laws for the Year 1931, as Amended and Re-enacted by Chapter 269, of the Session Laws for the Year 1933; Relating to Fees for Inspection of Weights and Measures, and Declaring an Emergency.

Senate Bill No. 263. A Bill for an Act to Amend and Reenact Section 7412 of the Compiled Laws of 1913, Relating to Power of Court, Interpleader, and Declaring an Emergency.

Senate Bill No. 168. A Bill for an Act Relating to the Furnishing of Certified Checks or Bidder's Bonds by Contractors Submitting Proposals for the Construction of Public Improvements; Repealing All Acts or Parts of Acts in Conflict Herewith; and Declaring an Emergency.

Senate Bill No. 122. A Bill for an Act to Amend and Reenact Sections Six (6) and Seven (7), of Chapter 255, of the Session Laws of 1937, Relating to the State Water Conservation Commission.

Senate Bill No. 216. A Bill for an Act to Amend and Reenact Chapter 284, of the 1927 Session Laws of the State of North Dakota, Providing for the Investment of Monies in the Workmen's Compensation Fund, and Making an Appropriation for Such Investments.

Senate Bill No. 102. A Bill for an Act Granting Certain Powers and Imposing Certain Duties Heretofore Delegated to the Board of Administration, in Connection With Child Welfare Laws of This State, to the Public Welfare Board of North Dakota, Division of Child Welfare; Providing for Cooperation With the Federal Government in Carrying Out Child Welfare Services and Services to Crippled Children and to Receive and Disburse Federal Funds Granted for Such Purposes; Repealing Chapter 150 of the Session Laws of 1923, Being Sections 283b6 and 283b7 of the 1925 Supplement to the 1913 Codes; and Declaring an Emergency.

Senate Bill No. 93. A Bill for an Act to Prohibit the Use of Certain Properties of the State of North Dakota and Its Political Sub-divisions in the Discharge of Private Business; Providing Penalties for the Violation Thereof; Repealing All Acts and Parts of Acts in Conflict Herewith; and Declaring an Emergency.

Senate Bill No. 233. A Bill for an Act Providing for a

**Lien in Favor of House-Movers and Providing for the Filing, Perfection and Enforcement of Said Lien.**

**Senate Bill No. 250. A Bill for an Act to Amend and Reenact Section 2565 of the Compiled Laws of North Dakota for the Year 1913, as Amended by Chapter 109, of the Session Laws of 1929, Relating to Salaries and Fees of Members of Board of Commissioners of Insanity, by Whom Paid, and Declaring an Emergency.**

Senate Bill No. 30. A Bill for an Act to Amend and Reenact Chapter 158, Laws of 1933, Relating to the Foreclosure of Real Estate Mortgages by Advertisement.

Senate Bill No. 79. A Bill for an Act Providing for the Closing of the Hunting Season and Prohibiting all Hunting of Upland Game Birds Until the Opening of the Hunting Season in the Year 1942; Providing a Penalty for Violation of the Provisions Hereof.

Senate Bill No. 268. A Bill for an Act to Amend and Reenact Section 1498 of the Compiled Laws of 1913, Relating to the Records of the Teachers' Insurance and Retirement Fund.

Senate Bill No. 270. A Bill for an Act Providing That the Furnishing of Transportation or Its Equivalent to School Children Shall Be Optional With the School Board of Each District; Repealing All Laws or Parts of Laws in Conflict Therewith.

Senate Bill No. 37. A Bill for an Act to Create and Establish the State Board of Finance and Administration, Defining its Powers, Duties and Obligations, Fixing the Terms and Compensation of the Members of Said Board, Providing an Appropriation, Repealing All Acts or Parts of Acts in Conflict With This Act, and Declaring an Emergency.

Senate Bill No. 115. A Bill for an Act to Amend and Reenact Chapter 242, Session Laws of 1937, Relating to the Levying of a Tax for the Purpose of Paying Interest and Creating a Sinking Fund for the Payment of the Principal of the North Dakota Real Estate Bonds Now Outstanding.

Senate Bill No. 74. A Bill for an Act to Provide for a Civil Service Commission and Providing for the Appointment of an Executive Secretary Thereto; Defining the Power, 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.

Senate Bill No. 125. A Bill for an Act Defining and Prohibiting Unfair Sales, Providing Remedies for Violation Thereof, and Establishing Penalties Therefor, and Declaring an Emergency.

Senate Bill No. 144. A Bill for an Act Requiring State Officers, Boards, Bureaus, Commissions, Departments, Institutions, Industries and Businesses to Prepare and File

Reports, and Providing a Penalty for Failure to Comply With This Act, and Repealing All Acts or Parts of Acts in Conflict Herewith.

Senate Bill No. 178. A Bill for an Act Providing That the State Board of Finance and Administration Created and Established by Senate Bill Number 37 Now Pending Before This Legislative Assembly Shall be the Successor of The Board of Administration and Vesting in and Imposing Upon Said State Board of Finance and Administration All the Rights, Powers, Duties, Obligations and Prerogatives of Said Board of Administration, and Declaring an Emergency.

Senate Bill No. 177. A Bill for an Act to Repeal That Certain Initiated Law Entitled "An Act Prohibiting Corporation Farming and Relating to Corporations Acquiring and Holding Real Estate Not Necessary in the Operation of Their Business." Approved and Adopted by the Electors at the June 29, 1932 Primary Election, as Amended by Chapter 89 of the Session Laws of the State of North Dakota for the Year 1933, and as Further Amended by Chapter 111 of the Session Laws of North Dakota for the Year 1935.

Senate Bill No. 145. 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.

Senate Bill No. 143. 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.

Senate Bill No. 71. A Bill for an Act to Amend and Reenact Section 4 of Chapter 249 of the Session Laws of 1937, Providing for Certain Credits and Exemptions and Providing for Payment of a Sales Tax on Sales of Motor Vehicle Fuels Upon Which Refunds of Special Taxes are Allowed, and Declaring an Emergency.

Senate Bill No. 235. 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.

Senate Bill No. 186. A Bill for an Act Providing the Maximum Salary or Compensation Which May Be Paid to or Received by Any Member, Appointee or Employee of Any Board, Bureau, Commission or Department of the State of North Dakota and Providing Penalties for Violation of This Act.

Senate Bill No. 136. A Bill for an Act to Encourage and Permit the Propagation of Domestic Game Birds by Private Enterprise in the State of North Dakota; Declaring an Emergency.

Senate Bill No. 278. A Bill for an Act Relating to the Board of University and School Lands; Relating to Its Duties and Powers in Relation to Investment of Its Funds, Management of Same; Providing for Levy to Take Care of

Losses; Repealing All Acts or Parts of Acts in Conflict Therewith.

Senate Bill No. 105. A Bill for an Act Amending and Reenacting Section 5063 of the Compiled Laws of the State of North Dakota for the Year 1913, as Amended by Chapter 165 of the Session Laws of North Dakota for the Year 1931, Relating to the Regulation and Control of the Payment of Death Benefits by Fraternal Benefit Societies; Declaring an Emergency.

Senate Bill No. 236. A Bill for an Act to Amend and Reenact Section 3 of Chapter 255 of the Session Laws of 1937, Relating to the Creation of State Water Conservation Commission.

Senate Bill No. 119. A Bill for an Act to Amend and Reenact Paragraph (c) of Section 7, Chapter 164, of the Session Laws of 1919, the Same Being Paragraph (c) of Section 4881a7 of 1925 Supplement to the 1913 Compiled Laws of North Dakota, Relating to Mutual Insurance Companies.

Which the House has indefinitely postponed.

Senate Bill No. 124. A Bill for an Act Making an Appropriation for a Pension for Patricia Ann Crites and Dennis Duane Crites, Minor Children of National Guardsman, John E. Crites.

Senate Bill No. 103. A Bill for an Act Amending and Reenacting Sections 2 and 11 of Chapter 211 of the Session Laws of 1937 and Validating Payments Heretofore Made to Certain Non-citizen Old Age Assistance Clients, Declaring an Emergency.

Senate Bill No. 195. A Bill for an Act Clarifying, Confirming and Validating Chapter 86 of the Session Laws of 1937, which is an act Making an Appropriation to be expended in Providing Public Assistance to the Needy Aged, the Needy Blind, and to Dependent Children, and for Providing Child Welfare Services and Services to Crippled Children in Coordination With and Supplementary to Funds Made Available for Like Purposes in North Dakota by the Federal Government; and Declaring an Emergency.

Senate Bill No. 77. A Bill for an Act Providing for Reciprocity in Fixing Tuition Fees of Non-resident Students Attending Institutions of Higher Education in the State of North Dakota and Defining Non-resident Students, and Fixing Registration and Tuition Fees of Non-resident Students Residing in Foreign Countries Other Than the Dominion of Canada.

Senate Bill No. 133. A Bill for an Act Relating to the Duties of County Auditors and County Treasurers, With Relation to the Levy, Collection and Record of Municipal Bonds Sinking Funds.

Senate Bill No. 283. A Bill for an Act Prescribing the Oath to Be Taken and Subscribed to by Professors, Instructors and Teachers in Public Schools, Colleges and Universities of the State.

Senate Bill No. 190. A Bill for an Act Authorizing the Board of Trustees of the Teachers' Insurance and Retirement Fund to Employ an Actuary and Clerical Assistance and Making an Appropriation Therefor.

Senate Bill No. 205. A Blil for an Act Requiring the Publication of the Proceedings of Meetings of County Welfare Boards, Repealing All Acts and Parts of Acts in Conflict Herewith, and Declaring an Emergency.

Senate Bill No. 222. A Bill for an Act Making an Appropriation for $5,598.30 for Payment of Fire and Tornado Insurance Premiums Upon the Transient Camp Buildings, Located at Lake Metigoshe, Belonging to the State Historical Society.

Which the House has passed unchanged.

Senate Bill No. 189. A Bill for an Act to Amend and Reenact Section 1190 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, as Amended and Re-enacted by Chapter 243 of the Session Laws of North Dakota for 1927, and as Amended and Re-enacted by Chapter 231 of the Session Laws of North Dakota for 1937, Relating to Consolidation of Schools and Transportation of Pupils; and Repealing All Laws or Parts of Laws in Conflict Therewith.

Senate Bill No. 228. A Bill for an Act Providing for Transfer of Certain School Lands Situated in Williams and Barnes Counties, Respectively State of North Dakota, to Williams and Barnes Counties to Be Used and Maintained as Public Parks, and Authorizing the Exchange of Lands Belonging to Said Counties Therefor; and Declaring an Emergency.

Senate Bill No. 265. A Bill for an Act Providing That the Emergency Commission Created and Established by Section 283c1 of the 1925 Supplement to the Compiled Laws of the State of North Dakota Shall Pass Upon All Expenditures From the Emergency Fund of the State Hail Insurance Department, and Declaring an Emergency.

Senate Bill No. 249. A Bill for an Act Making an Appropriation for the Purpose of Operating and Maintaining the State Bonding Fund for the Biennium Beginning July 1, 1939.

Senate Bill No. 61. A Bill for an Act to Regulate the Sale of Heating Oil and Diesel Fuel; to Provide Specifications Therefor, and for Inspection Thereof; to Provide for Inspection Fees, the Collection and Disposition Thereof; to Define the Duties of the State Food Commissioner and Chemist as Regards Such Inspection and Providing Penalties for Violation of the Act.

Senate Bill No. 239. A Bill for an Act Making an Appropriation to Pay for a Portion of the Current Operating Expense of Our Public School System as Provided for in the State Equalization Fund Law, as Provided for by Senate Bill No. 237 as Passed by the 1939 Session of the Legislature.

Senate Bill No. 104. A Bill for an Act to Amend and Reenact Chapter 274 of the Session Laws of North Dakota for the Year 1935 as Amended by Chapter 243 of the Session Laws of North Dakota for 1937 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, Extending the Application Thereof to Persons Receiving, Claiming or Demanding

Money From Municipalities and Political Sub-divisions Within the State and Providing That Entering Into of Installment Contracts for Payment of Personal Property Taxes Shall Not Relieve Anyone From the Operation of This Act, Repealing All Acts or Parts of Acts in Conflict Herewith and Declaring an Emergency.

Senate Bill No. 94. A Bill for an Act Appropriating Five Thousand Dollars ($5,000.00) to the State Historical Society for the Development of the International Peace Garden, American Section, in Rolette County, North Dakota.

Senate Bill No. 140. A Bill for an Act Making an Appropriation for the Biennium Beginning July 1, 1939, and Ending June 30, 1941 to the Public Welfare Fund, Created and Established by Section 3 of Chapter 214 of the Session Laws of 1937, for Disbursement by the Public Welfare Board in Providing Public Assistance to the Needy Blind and to Dependent Children, as Provided by Chapters 209 and 210 of the Session Laws of 1937, and in Providing Child Welfare Services and Services to Crippled Children in Coordination With and Supplementary to Funds Made Available for Like Purposes in North Dakota by the Federal Government, as Provided by Chapter 221 of the Session Laws of 1935.

Senate Bill No. 284. A Bill for an Act Relating to Copyrights and Public Performing Rights in Musical Compositions and Dramatico-Musical Compositions, Requiring Lists Thereof to Be Filed, Regulating the Issue of Licenses With Respect Thereto, Prohibiting Discrimination, Providing for Service of Process, Levying a Privilege Tax, Providing Penalties, and Repealing Inconsistent Acts.

Which the House has amended.

Mr. President: I have the honor to transmit:

Joint Resolution "A." A Resolution Relative to the United States Flag Association and Indorsing a National Patriotic Revival.

Which the House has adopted.

Mr. President: I have the honor to transmit:

House Concurrent Resolution No. 398. A Concurrent Resolution Petitioning Congress to Make Appropriations Ample for the Road Program of the Fort Berthold Reservation.

House Concurrent Resolution No. 402. Memorializing Congress to Pass Such Legislation as May Be Necessary to Enable the Federal Government to Purchase Wheat, Corn, Barley, Oats, Spelts, Flax, Cotton, Rye and Other Agricultural Products and to Store Same in Suitable Local Government Terminal Elevators.

House Concurrent Resolution No. 404. A Concurrent Resolution Empowering William J. Lowe, Secretary of the Senate, and Minnie D. Craig, Chief Clerk of the House to Complete and Index Senate and House Journals of the Last Days of Session and Providing Compensation Therefor.

House Concurrent Resolution 405. Providing for Continued Employment and Compensation Thereof to Complete Records of Present Legislative Session.

House Concurrent Resolution No. 406. Providing for Employment and Compensation to Complete Final Record of All Bills of the 26th Legislative Session.

House Concurrent Resolution No. 407. A Concurrent Resolution to Appropriate $255.00 to Reimburse Members of Hospital Investigation Committee.

House Concurrent Resolution No. 408. A Concurrent Resolution to Establish a State Relief and Debt Survey Commission.

Which the House has passed and your favorable consideration is respectfully requested.

MINNIE D. CRAIG, Chief Clerk.

## MESSAGE TO THE SENATE

House of Representatives,
Bismarck, March 3, 1939.

Mr. President: I have the honor to inform you that the House has refused to concur in the Senate amendment to:

House Bill No. 362. A Bill for an Act Amending and Reenacting Section 5099c8 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913 Relating to the Duties of Child Placement Agencies.

And the Speaker has appointed as a Conference Committee to act with a like committee from the Senate, Representatives Page, Beede and Moe.

Mr. President: I have the honor to inform you that the House has refused to concur in the Senate amendment to:

House Bill No. 32. A Bill for an Act Making an Appropriation Into the Administration Fund for General Administrative and Operative Expenses of the Water Conservation Commission, According to Chapter 255, Session Laws of 1937 and Section 31 Thereof, Providing for Reimbursement and Providing for Validity.

And the Speaker has appointed as a Conference Committee to act with a like committee from the Senate, Representatives Byrne, Gray and Ritter.

Mr. Speaker: I have the honor to inform you that the Speaker has appointed as a Conference Committee to act with a like committee from the Senate, Representatives Scholl, Beede and Dalzell.

In the amendments to:

Senate Bill No. 40. 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.

Mr. President. I have the honor to inform you that the House has refused to concur in the Senate amendment to:

House Bill No. 277. A Bill for an Act to Amend Section 10145b1 of the 1925 Supplement to the 1913 Compiled

Laws of North Dakota, Defining Intoxicating Liquors, and Excepting Therefrom Certain Fruit Juices, Wine, Beer, Ale and Porter Containing Less Than One-Half of 1 Percent of Alcohol by Volume; Repealing All Acts in Conflict Therewith.

And the Speaker has appointed as a Conference Committee to act with a like committee from the Senate, Representatives Anderson of Benson, Skartvedt and Gray.

Mr. President: I have the honor to inform you that the House has adopted the Conference Committee report on:

House Bill No. 311. A Bill for an Act Relating to the Organization of Irrigation Districts, the Powers and Functions of Such Districts, the Establishment and Construction of Irrigation Works Therein and Methods and Procedure for Financing the Cost of Purchasing or Constructing Such Irrigation Works; Amending Section 8247a1 of the Supplement to the Compiled Laws of 1913, as Amended and Reenacted by Section 1 of Chapter 142 of the Session Laws of 1933; Section 8247a2 of the Supplement to the Compiled Laws of 1913; Section 8247a3 of the Supplement to the Compiled Laws of 1913, as Amended and Re-enacted by Section 2 of Chapter 142 of the Session Laws of 1933; Sections 8247a4, 8247a5, 8247a6, 8247a7, 8247a8, and 8247a9 of the Supplement to the Compiled Laws of 1913; Section 8247a10 of the Supplement to the Compiled Laws of 1913, as Amended and Re-enacted by Section 3 of Chapter 142 of the Session Laws of 1933 and Amending Sections 8247a11, 8247a12, 8247a13, 8247a14, 8247a15, 8247a16, 8247a17, 8247a18, 8247a19, 8247a20, 8247a21a, 8247a23, 8247a24, 8247a26, 8247a47, 8247a51, 8247a52, 8247a53, 8247a56, 8247a57, 8247a59, 8247a60, 8247a61, 8247a63, 8247a64, 8247a65, and 8247a66 of the Supplement to the Compiled Laws of 1913; Validating Organization and Acts of Certain Irrigation Districts; Repealing All Acts and Parts of Acts in Conflict With the Provisions of This Act and Declaring an Emergency.

House Bill No. 385. A Bill for an Act Making an Appropriation for the Operating, Administration, Salaries and Other Expenses for the State Hospital for the Insane at Jamestown, North Dakota and Declaring an Emergency.

Mr. President: I have the honor to transmit:

House Concurrent Resolution No. 248. A Concurrent Resolution Memorializing Congress to Enact the Frazier-Lemke Refinancing Act.

House Bill No. 356. A Bill for an Act to Amend and Reenact Section 3186 of the Compiled Laws of North Dakota for 1913, Relating to the Preferment for Official Appointment, and Providing for Repeal of Any Acts in Conflict Herewith.

House Bill No. 385. A Bill for an Act Making an Appropriation for the Operating, Administration, Salaries and Other Expenses for the State Hospital for the Insane at Jamestown, North Dakota and Declaring an Emergency.

House Bill No. 351. A Bill For an Act to Amend and Reenact Section 2346a18 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, as Amended by Section 4, Chapter 283 of the Session Laws of 1931, as Amended by

Section 2, Chapter 241, Session Laws of 1937, to Repeal Section 4 of Chapter 241 Session Laws of 1937; and Declaring an Emergency.

House Bill No. 172. A Bill for an Act to Amend and Reenact Sections 5, 6, 7, 8 and 9 of Chapter 91 of the Session Laws of 1935, Relating to an Act Creating the State Athletic Commission, Prescribing Its Powers and Duties, Providing Penalties for Violations and Repealing All Acts or Parts of Acts in Conflict Therewith; and Providing an Appropriation Therefor.

House Bill No. 70. A Bill for an Act Permitting the Purchase of Gasoline to be Used Solely for Agricultural and Industrial Purposes Without the Payment of a Gasoline Tax on the Purchase Price Thereof; Licensing Purchasers and Sellers; Providing Penalties; Repealing Chapter 189 of the Session Laws of North Dakota for 1931.

House Bill No. 99. A Bill for an Act to Authorize County Commissioners to Lease Real Property Acquired by Tax Deed and Not Sold or Leased; to Limit Term of Lease; to Permit Longer Leases to Co-operative Grazing Associations, Soil Conservation Districts, and Individuals; to Limit Expense of Supervising and Collecting Rentals; to Provide That Net Revenue be Distributed to Taxing Districts; to Repeal Any Acts in Conflict; and to Declare an Emergency.

House Bill No. 29. A Bill for an Act Making an Appropriation for the North Dakota Soldiers' Home at Lisbon, North Dakota; Providing for Reports and Deductions.

House Concurrent Resolution No. 225. Memorializing Congress to Pass $4,000,000.00 Appropriation Bill to Be Allotted Several U. S. Indian Reservations.

Which the Speaker has signed and your signature is respectfully requested.

MINNIE D. CRAIG, Chief Clerk.

## MESSAGE TO THE SENATE

House of Representatives,
Bismarck, March 3, 1939.

Mr. Speaker: I have the honor to inform you that the House has refused to concur in the Senate amendments to:

House Bill No. 12. A Bill for an Act Making an Appropriation for the Purpose of Paying Salaries, Clerkhire and General Expenses of the Division of Child Hygiene.

House Bill No. 8. A Bill for an Act Making an Appropriation for the Purpose of Paying Salary, Clerk Hire, and General Expenses of the State Historical Society.

House Bill No. 11. A Bill for an Act Making an Appropriation for the Purpose of Paying Salary, Clerkhire and General Expenses of the Public Health Laboratories.

House Bill No. 175. A Bill for an Act to Provide Revenue by Means of a Transaction Tax Upon Sales of Certain Alcoholic Beverages by Licensed Wholesale Liquor Dealers; Authorizing the State Treasurer to Prescribe Rules and Regulations for the Collection Thereof; Prescribing the Method of Payment of the Tax to, and Collections by, the State Treasurer, and Providing Penalty.

House Bill No. 194. 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, 1938. Permitting Payments in Ten Installments. Providing Manner of Payments. Suspending Operation of Law and Collection of Delinquent Taxes. Permitting Suit by Civil Action and Declaring an Emergency.**

And the Speaker has appointed as a Conference Committee to act with a like committee from the Senate:

House Bill No. 12—Reps. Odegard, Ista and Singleton.

House Bill No. 8—Reps. Anderson of McKenzie, Rait and Trydahl.

House Bill No. 11—Reps. Buchholz, Symington and Haugland.

House Bill No. 175—Reps. Hofstrand, Beede and Shure.

House Bill No. 194.—Reps. Jensen, Holtstrand and Page.

Mr. President: I have the honor to inform you that the House has concurred in the Senate amendments to:

House Bill No. 263. **A Bill for an Act to Amend and Reenact Sections 10169a4, and 10169a5 of the 1925 Supplement to the Compiled Laws of North Dakota, 1913, of the North Dakota Beverage Inspection Act, to Include Alcoholic Beverages, Defining the Beverages Coming Within the Provisions of That Act, and Fixing the License Fee Required to Be Paid, and Declaring an Emergency.**

House Bill No. 290. **A Bill for an Act to Amend and Reenact Section 8 of Chapter 145 of the Session Laws of North Dakota, for the Year 1937, Relating to All Benevolent Corportions, Associations or Societies Operating on Voluntary or Involuntary Assessment or Contribution Plan.**

House Bill No. 168. A Bill for an Act to Amend and Re-enact Section 4656 of the Compiled Laws of 1913, Relative to the Maintenance of Railroad Stations and Station Agents.

House Bill No. 157. A Bill for an Act Making an Appropriation for the Maintenance and Operation of the North Dakota State Criminal Identification Bureau for the Period From January 1st, 1939 to June 30th, 1939, and Declaring an Emergency.

House Bill No. 120. A Bill for an Act Establishing Rules and Regulations and Sanitary Conditions for Cream Buying Stations; Sanitary Requirements for Haulers of Cream; Equipment and Care of Equipment; Care of Cream Held in the Station; Care of Cream in Transit; Repealing Acts in Conflict Herewith; Providing Penalties, and Declaring an Emergency.

House Bill No. 13. 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,

House Concurrent Resolution No. 400. **A Concurrent Resolution to Extend an Invitation to Eamon DeValera to Visit the State of North Dakota.**

**MINNIE D. CRAIG, Chief Clerk.**

## MESSAGE FROM THE GOVERNOR

State of North Dakota
OFFICE OF THE GOVERNOR
Bismarck, March 3, 1939.

To the House of Representatives of the
State of North Dakota:

This is to notify you that I have today approved and filed with the Secretary of State:

House Bill No. 4. A Bill for an Act Making an Appropriation for the Glanders and Dourine Indemnity Fund.

House Bill No. 7. 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.

House Bill No. 21. 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.

House Bill No. 23. 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.

House Bill No. 25. A Bill for an Act Making an Appropriation for the Purpose of Refunding Money Erroneously Paid Into or Credited to the General Fund.

House Bill No. 27. 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.

House Bill No. 28. 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.

House Bill No. 34. A Bill for an Act Making an Appropriation for Inquest and Burial of Penal Inmates, Headstones for Soldiers and Sailors, Actions to Release Insane, and List of New Taxable Lands.

House Bill No. 39. A Bill for an Act Making an Appropriation to Pay the Expenses and Per Diem of Presidential Electors as Prescribed by Section 1038 of the Compiled Laws of 1913.

House Bill No. 97. A Bill for an Act Making an Appropriation of $362.00 for the Purpose of Paying the Funeral Expenses of Representative Robert Rotering of Slope County, and Declaring an Emergency.

House Bill No. 103. 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 Therefore.**

**House Bill No. 184. A Bill for an Act Relating to Vital Statistics Records of Illegitimate Children, and to Provide for the Making of a New Certificate for a Child Legitimatized by Marriage of Parents and for a Child Legitimatized by Adoption.**

**House Bill No. 392. A Bill for an Act Making an Appropriation of Three Hundred Forty-three Dollars ($343.00) for the Purpose of Paying the Funeral Expenses of Representative Ignatz Sticka of Stark County, and Declaring an Emergency.**

**House Bill No. 223. A Bill for an Act to Amend and Reenact Section 4847 of the Civil Code of the Compiled Laws of North Dakota for 1913.**

JOHN MOSES, Governor.

Rep. Byrne moved that the rules be suspended for the purpose of consideration of General Orders.

The Speaker announced that the House would be on the Fifteenth Order of Business.

## GENERAL ORDERS

Rep. Byrne moved that the House resolve itself into a Committee of the Whole for the consideration of General Orders, which motion prevailed, and the House resolved itself into a Committee of the Whole.

The Speaker called Rep. Byrne to the Chair.

When the Committee arose it submitted the following report:

Mr. Speaker: The Committee of the Whole have had under consideration:

Senate Bill No. 255.

Section 1, line 3, strike out the words "One Hundred Eighty-eight Thousand," and in line 4, strike out the words and figures "Two Hundred and Ninety Dollars ($188,290.00)" and insert in lieu thereof the words and figures "Two Hundred and One Thousand, Five Hundred Dollars ($201,500.00)."

Line 9, strike out the figures "$5,640.00" and insert in lieu thereof the figures "$6,600.00."

Line 11, strike out the figures "$1,500.00" and insert in lieu thereof the figures "$3,000.00."

Line 21, strike out the figures "$1,000.00" and insert in lieu thereof the figures "$3,000.00."

Line 23, strike out the figures "$5,000.00" and insert in lieu thereof the figures "$8,000.00."

Line 26, strike out the figures "$650.00" and insert in lieu thereof the figures "$800.00."

Line 31, strike out the figures "$15,000.00" and insert in lieu thereof the figures "$20,000.00."

Insert a new line 33½ "Legal Service $600.00."

Line 36, strike out the figures "$188,290.00" and insert in lieu thereof the figures "$201,500.00."

And recommend the adoption of the amendments of the Standing Committee.

And when so amended, recommend the same be adopted.

Senate Bill No. 238.

Section 1, line 6, after the word "of," strike out the words "Two Hundred Four," and in line 7, strike out the words and figures Thousand and no/100 ($204,000.00) Dollars, and in-

sert in lieu thereof the words and figures "Two Hundred Thousand and no/100 ($200,000.00) Dollars."

Line 17, strike out the comma and after the word "Engineer" and the words "not to exceed," strike out the figures "$12,000.00" and insert in lieu thereof the figures "$8,000.00."

Strike out all of lines 18 and 19, "Effective during present contract, after which not to exceed $10,000.00."

Line 24, strike out the figures "$204,000.00" and insert in lieu thereof the figures "$200,000.00."

Re-number beginning with line 20, change to line 18 and continue re-numbering to the end of the section.

And recommend the adoption of the amendments of the Standing Committee.

And when so amended, recommend the same do pass.

Senate Bill No. 9.

Section 1, line 3, strike out the figures "$172,700.00" and insert in lieu thereof the figures "$174,700.00."

Line 10, strike out the figures "$60,000.00" and insert in lieu thereof the figures "$66,000.00."

Line 11, strike out the figures "$40,000.00" and insert in lieu thereof the figures "$42,000.00."

Strike out all of line 19, "For Inspection by Patrolmen $6,000.00."

Line 20, strike out the figures "$172,700.00" and insert in lieu thereof the figures "$174,700.00."

And recommend the adoption of the amendments of the Standing Committee.

And when so amended, recommend the same do pass.

Senate Bill No. 8.

Section 1, line 2, strike out the figures "$1,134,800.00" and insert in lieu thereof the figures "$1,185,000.00."

Line 10, strike out the figures "$14,800.00" and insert in lieu thereof the figures "$20,000.00."

Line 12, strike out the figures "$374,000.00" and insert in lieu thereof the figures "$380,000.00."

Line 35, strike out the figures "$46,000.00" and insert in lieu thereof the figures "$60,000.00."

Line 36, strike out the figures "$265,000.00" and insert in lieu thereof the figures "$290,000.00."

Line 53, strike out the figures "$1,134,800.00" and insert in lieu thereof the figures "$1,185,000.00."

And recommend the adoption of the amendments of the Standing Committee.

And when so amended, recommend the same do pass.

Senate Bill No. 6.

Section 1, line 6, strike out the figures "$291,964.64" and insert in lieu thereof the figures "$298,964.64."

Line 31, strike out the figures "$15,000.00" and insert in lieu thereof the figures "$18,000.00."

Line 36, strike out the figures "$12,000.00" and insert in lieu thereof the figures "$16,000.00."

Line 39, strike out the figures "$357,914.64" and insert in lieu thereof the figures "$364,914.64."

Line 51, strike out the figures "$378,964.64" and insert in lieu thereof the figures "$385,964.64."

Insert a new division—1a—STATE CRIMINAL IDENTIFICATION BUREAU.

| | |
|---|---|
| Officer in Charge | $ 4,000.00 |
| Finger Print Expert | 2,620.00 |
| Travel Expense | 2,200.00 |
| Workmen's Compensation | 175.00 |
| Radio Service and Special Bulletins | 2,050.00 |
| Telephone and Telegraph | 600.00 |
| Equipment and Supplies | 375.00 |
| Postage and Printing | 500.00 |
| TOTAL | $12,520.40 |

And recommend the adoption of the amendments of the Standing Committee.

And when so amended, recommend the same do pass.

Senate Bill No. 5.

Section 1, line 4, strike out the figures "$132,884.80" and insert in lieu thereof the figures "$139,884.80."

Line 22, strike out the figures "$3,000.00" and insert in lieu thereof the figures "$5,000.00."

Line 27, strike out the figures "$25,000.00" and insert in lieu thereof the figures "$30,000.00."

Line 33, strike out the figures "$463,192.38" and insert in lieu thereof the figures "$470,192.38."

Line 48, strike out the figures "$482,486.88" and insert in lieu thereof the figures "$489,486.88."

And recommend the adoption of the amendments of the Standing Committee.

And when so amended recommend the same do pass.

Senate Bill No. 84.

To line 5 page 1 add the words "hard surfaced."

In line 9 page 1 strike "a" and insert "any hard surface."

And recommend the adoption of the amendments of the Standing Committee.

And when so amended recommend the same do pass.

Senate Bill No. 7.

Section 1, line 4, strike out the figures "$247,637.00" and insert in lieu thereof the figures "$252,637.00."

Line 26, strike out the figures "$4,500.00" and insert in lieu thereof the figures "$5,000.00."

Insert a new line 39a "Replacement of Hot Water Boilers $1,000.00."

Line 41, strike out the figures "$2,000.00" and insert in lieu thereof the figures "$4,500.00."

Line 46, strike out the figures "$1,000.00" and insert in lieu thereof the figures "$2,000.00."

Line 55, Strike out the figures "$262,637.00" and insert in lieu thereof the figures "$267,637.00."

And recommend the adoption of the amendments of the Standing Committee.

And when so amended recommend the same do pass.

Senate Bill No. 141.

And recommend the same for passage as originally printed.

Senate Bill No. 244.

Section 1, line 4, strike out the figures "$608,848.00" and insert in lieu thereof the figures "$596,848.00."

Line 32, strike out the figures "$9,000.00" and insert in lieu thereof the figures "$7,000.00."

Line 42, strike out the figures "$238,532,00" and insert in lieu thereof the figures "$236,532.00.".

Line 62, strike out the figures "$70,000.00" and insert in lieu thereof the figures "$60,000.00."

Line 68, strike out the figures "$370,316.00" and insert in lieu thereof the figures "$360,316.00."

Line 69, strike out the figures "$608,848.00" and insert in lieu thereof the figures "$596,848.00."

And recommend the adoption of the amendments of the Standing Committee.

And the further amendment:

On page 1, line 10, strike out the figures "$15,000.00" and insert in lieu thereof the figures "$9,600.00."

And when so amended recommend the same do pass.

Senate Bill No. 123.

Section 1, line 5, strike out the figures "$1,034,942.00" and insert in lieu thereof the figures "$2,038,900.00."

Section 2, line 10, strike out the figures "$1,034,942.00" and insert in lieu thereof the figures "$2,038,900.00."

Line 12, strike out the figures "$116,942,00" and insert in lieu thereof the figures "$104,248.00."

And recommend the adoption of the amendments of the Standing Committee:

And the further amendments of the Committee of the Whole:

Strike out all of lines 20 to 29 inclusive, and insert in lieu thereof the following:

| | | |
|---|---|---|
| 20 | Salaries and wages | $ 90,000 |
| 21 | Travel | 16,800 |
| 22 | Postage | 8,000 |
| 23 | Telephone and Telegraph | 600 |
| 24 | Printing | 4,800 |
| 25 | Office Supplies | 1,500 |
| 26 | Rental of equipment | 600 |
| 27 | Other Operating Expense | 1,000 |
| 28 | Purchase of Equipment | 3,600 |
| 29 | Board Member Expense | 1,000 |
| 30 | TOTAL | $127,900 |

And when so amended, recommend the same do pass.

Senate Bill No. 245.

Section 1, line 3, strike out the figures "$1,459,053.75" and insert in lieu thereof the figures "$1,259,053.75."

Line 30, strike out the figures "$350,000.00" and insert in lieu thereof the figures "$150,000.00."

Line 42, strike out the figures "$1,459,053.75" and insert in lieu thereof the figures "$1,259,053.75."

And recommend the adoption of the amendments of the Standing Committee.

And when so amended, recommend the same do pass.

JOSEPH D. BYRNE, Chairman,
Committee of the Whole.

Rep. Schimke moved the adoption of the report of the Committee of the Whole with exception to Senate Bill No. 1, which motion prevailed.

Rep. Trydahl moved that action on House Bill No. 10 be reconsidered, which motion prevailed.

Rep. Trydahl moved that the House do not concur in the Senate amendments to House Bill No. 10, and that the Conference Committee appointed to deliberate with a like committee from the Senate on House Bill No. 12 be appointed to also deliberate on House Bill No. 10, which motion prevailed.

Rep. Arneson of Nelson moved that no visitors be allowed in the corridors during the night session, which motion prevailed.

Rep. Scholl moved that the House do now recess until 8:00 P. M., which motion prevailed.

The House convened pursuant to recess taken and the Speaker announced that the House would be on the Fifth Order of Business.

## REPORTS OF STANDING COMMITTEES

Mr. Speaker: Your Committee on State Affairs to whom was referred Senate Bill No. 194, have had the same under consideration and recommend that the same be indefinitely postponed.

W. M. CROCKETT, Chairman.

Rep. Lange moved that the report be adopted, which motion prevailed and the report was adopted.

Rep. Williams moved that the vote by which Senate Bill No. 194 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bills and find the same correctly enrolled:

House Bill No. 13.
House Bill No. 195.
House Bill No. 157.
House Bill No. 291.
House Bill No. 61.
House Bill No. 6.
House Bill No. 120.
And,
House Concurrent Resolution No. 368.
House Concurrent Resolution No. 400.

OLAF OSTGULEN, Chairman.

Rep. Ostgulen moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bills and find the same correctly enrolled:

House Bill No. 263.
House Bill No. 310.
House Bill No. 290.
House Bill No. 320.

House Bill No. 257.
Also,
House Concurrent Resolution No. 397.
House Bill No. 210.
House Bill No. 270.
House Bill No. 82.
House Bill No. 253.
House Bill No. 250.
Also,
House Concurrent Resolution No. 399.
House Bill No. 375.
House Bill No. 259.
House Bill No. 176.
House Bill No. 106.
House Bill No. 131.
House Bill No. 353.
House Bill No. 44.
Also,
House Concurrent Resolution No. 179.
House Bill No. 24.
House Bill No. 211.
House Bill No. 396.

OLAF OSTGULEN, Chairman.

Rep. Ostgulen moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bills and find the same correctly enrolled:
House Bill No. 311.

OLAF OSTGULEN, Chairman.

Rep. Ostgulen moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. Speaker: Your Committee on State Affairs to whom was referred Senate Bill No. 213, have had the same under consideration and recommend that the same be indefinitely postponed.

W. M. CROCKETT, Chairman.

Rep. Williams of Richland moved that the report be adopted, which motion prevailed, and the report was adopted.

Rep. Mollet moved that the vote by which Senate Bill No. 213 was indefinitely postponed be reconsidered, and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on State Affairs to whom was referred Senate Bill No. 197, have had the same under consideration and recommend that the same be indefinitely postponed.

W. M. CROCKETT, Chairman.

Rep. Lange moved that the report be adopted, which motion prevailed, and the report was adopted.

Rep. Williams of Richland moved that the vote by which Senate Bill No. 197 was indefinitely postponed be reconsidered, and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on State Affairs to whom was referred Senate Bill No. 242, have had the same

under consideration and recommend that the same be indefinitely postponed.

W. M. CROCKETT, Chairman.

Rep. Lange moved that the report be adopted, which motion prevailed, and the report was adopted.

Rep. Saumur moved a substitute motion that Senate Bill No. 242 be placed on the calendar, which motion was lost.

The question being on the report of the committee, the motion prevailed.

Rep. Schwartz moved that the vote by which Senate Bill No. 242 was indefinitely postponed be reconsidered, and the motion to reconsider be laid on the table, which motion prevailed.

Mr. Speaker: Your Committee on Taxes and Tax Laws to whom was referred Senate Bill No. 76, have had the same under consideration and recommend that the same do pass.

N. P. JENSEN, Chairman.

Rep. Schmidt (Sheridan), moved that the report be adopted, which motion prevailed and the report was adopted.

## REPORTS OF SELECT COMMITTEES

The Conference Committee on House Bill No. 36 made the following report:

Mr. Speaker: Your Conference Committee on Education to whom was referred House Bill No. 36, have had the same under consideration and recommend that the Senate recede from its amendment.

| For the Senate: | For the House: |
|---|---|
| Fred G. Aandahl | W. H. Shure |
| N. N. Nelson | George H. Lange |
| William Kamrath. | John McIntyre. |

Rep. Shure moved that the report be adopted, and the committee be discharged, which motion prevailed, and the report was adopted.

The Conference Committee on House Bill No. 11 made the following report:

Mr. Speaker: Your Conference Committee on Appropriations to whom was referred House Bill No. 11, have had the same under consideration and recommend that the House recede from its amendments and concur in the Senate amendments.

| For the Senate: | For the House: |
|---|---|
| Henry Leum | Theodore G. Buchholz |
| Andrew Skarvold | Earl Symington |
| Ben Gilbertson | Brynhild Haugland. |

Rep. Buchholtz moved that the report be adopted, and the committee discharged, which motion prevailed and the report was adopted.

## SECOND READING OF HOUSE BILLS

House Bill No. 11. 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, by the Conference Committee, the roll was called and there were ayes, 76; nays, 3; absent and not voting, 31.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Holthusen | Rettke |
| Anderson, Benson | Jensen | Ritter |
| Anderson,M'K'nzie | Johnson, Cass | Saumur |
| Anfinson | Johnson, LaMoure | Schmidt, McHenry |
| Arneson, Nelson | Joiner | Schimke |
| Beede | Keller | Schwartz |
| Belzer | Lange | Sellens |
| Benno | Larson | Semerad |
| Billigmeier | Levin | Severson |
| Bingenheimer | Lunde | Shure |
| Blair | McIntee | Singleton |
| Boulden | McIntyre | Skartvedt |
| Braun, McLean | Myers | Solberg |
| Brown | Mittag | Stormon |
| Buchholz | Moe | Symington |
| Dike | Mollet | Thompson,Burl'gh |
| Erickson | Morland | Thompson, Steele |
| Feton | Nelson, Dickey | Trydahl |
| Fuglestad | Nelson, Steele | Twichell |
| Gainor | Nystrom | Urschel |
| Glas | Odegard | Wambheim |
| Haag | Page | Westby |
| Halvorson | Peterson,Bottineau | Williams,Richland |
| Heckman | Peterson, Ransom | Williams,Stutsm'n |
| Hofstrand | Rait | Mr. Speaker |
| Holm | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Ostgulen | Rohde | Schmidt, Sheridan |

Absent and not voting were:

| | | |
|---|---|---|
| Arneson, Ramsey | Fraser | O'Brien |
| Bergesen | Gray | Oglesby |
| Bolmeier | Haugland | Panko |
| Braun, Stark | Hultstrand | Sand |
| Byrne | Ireland | Schauss |
| Crockett | Ista | Scholl |
| Culver | Kluver | Sharpe |
| Dalzell | Knutson | Stone |
| Dittmer | McInnes | Tuff |
| Fitch | Nelson, Cass | Wolf |
| Fletcher | | |

So the bill passed and the title was agreed to.

Rep. Belzer moved that the vote by which House Bill No. 11 was passed be reconsidered, and the motion to reconsider be laid on the table, which motion prevailed.

House Concurrent Resolution No. 410 was read.

Rep. Anderson of Benson moved the report be adopted and printed in the Journal, which motion prevailed.

HOUSE CONCURRENT RESOLUTION No. 410

Introduced by Representatives Anderson of Benson and Shure of Cass

WHEREAS, there has been incurred an expense of Twelve Thousand Dollars ($12,000.00) for the salaries of Legislative employees of the Senate and House of Representatives of the State of North Dakota, and

WHEREAS, it appears that no funds have been appropriated or made available for this purpose,

NOW THEREFORE, BE IT RESOLVED, by the House of Representatives of the State of North Dakota, the Senate concurring, that this Assembly does hereby appropriate and there is hereby appropriated the sum of Twelve Thousand Dollars ($12,000.00), or as much thereof as may be necessary for the purpose of paying the salaries of the Legislative employees of the Twenty-sixth Legislative Assembly.

SECOND READING OF CONCURRENT RESOLUTION

House Concurrent Resolution No. 410. A Concurrent Resolution Proposing the Appropriation of Twelve Thousand Dollars ($12,000.00) or so Much Thereof as May Be Necessary for the Purpose of Paying the Salaries of the Legislative Employees of the 26th Legislative Assembly.

Was read the second time.

ROLL CALL

The question being on the final passage of the Concurrent Resolution, the roll was called and there were ayes, 84; nays, 0; absent and not voting, 26.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Holm | Ritter |
| Anderson, Benson | Holthusen | Rohde |
| Anderson,M'K'nzie | Jensen | Saumur |
| Anfinson | Johnson, Cass | Schauss |
| Arneson, Nelson | Johnson, LaMoure | Schmidt, McHenry |
| Arneson, Ramsey | Joiner | Schmidt, Sheridan |
| Beede | Keller | Schimke |
| Belzer | Kluver | Schwartz |
| Benno | Lange | Semerad |
| Bergesen | Larson | Severson |
| Billigmeier | Levin | Sharpe |
| Blair | McInnes | Shure |
| Brown | McIntee | Skartvedt |
| Buchholz | McIntyre | Solberg |
| Dalzell | Myers | Stormon |
| Dike | Mittag | Symington |
| Dittmer | Mollet | Thompson,Burl'gh |
| Erickson | Morland | Thompson, Steele |
| Feton | Nelson, Dickey | Trydahl |
| Fletcher | Nelson, Steele | Tuff |
| Fraser | Nystrom | Twichell |
| Fuglestad | O'Brien | Urschel |
| Gainor | Ostgulen | Wambheim |
| Glas | Page | Westby |
| Gray | Peterson,Bottineau | Williams,Richland |
| Haag | Peterson, Ransom | Williams,Stutsm'n |
| Halvorson | Rait | Wolf |
| Heckman | Rettke | Mr. Speaker |

Absent and not voting:

| | | |
|---|---|---|
| Bingenheimer | Haugland | Odegard |
| Bolmeier | Hofstrand | Oglesby |
| Boulden | Hultstrand | Panko |
| Braun, McLean | Ireland | Sand |
| Braun, Stark | Ista | Scholl |
| Byrne | Knutson | Sellens |
| Crockett | Lunde | Singleton |
| Culver | Moe | Stone |
| Fitch | Nelson, Cass | |

So the Concurrent Resolution passed and the title was agreed to.

Rep. Byrne moved that the rules be suspended for the purpose of consideration of General Orders.

The Speaker announced that the House would be on the Fifteenth Order of Business.

## GENERAL ORDERS

Rep. Byrne moved that the House resolve itself into a Committee of the Whole for the consideration of general orders; which motion prevailed, and the House resolved itself into a Committee of the Whole.

The Speaker called Rep. Byrne to the chair.

When the Committee arose it submitted the following report:

Mr. Speaker: The Committee of the Whole have had under consideration:

Senate Bill No. 237.

In line 7 of the Title, following the word "districts" add the following "and setting up an Emergency Fund and providing for its distribution".

After Section 3 add a new Section which will be Section 4 to read as follows: "SECTION 4. EMERGENCY FUND: $500,000 PER YEAR OR SUCH PORTION THEREOF AS NECESSARY TO BE SET ASIDE FOR DISTRIBUTION AS AN EMERGENCY FUND.) $500,000, or such portion thereof as may be necessary, accruing to the State Equalization Fund in each fiscal year from July 1st to June 30th inclusive shall be allocated and set aside as an emergency fund to aid financially distressed schools in the manner hereinafter set forth:

(a) STATE SUPERINTENDENT OF PUBLIC INSTRUCTION TO DETERMINE MONTHLY MINIMUM COST OF MAINTAINING PUBLIC SCHOOLS.) The State Superintendent of Public Instruction shall be charged with the duty of investigating the inquiring into the general subject of public school costs and needs of financially distressed districts within the State. It shall be his duty to prepare the necessary application blanks and forms upon which the information required by him shall be certified to by such school authorities as may be designated by him. From the information so acquired the State Superintendent of Public Instruction shall from month to month determine the minimum amount of money required to operate each of the various classes of public schools.

(b) STATE SUPERINTENDENT OF PUBLIC INSTRUCTION TO MAKE MONTHLY CERTIFICATE TO STATE AUDITOR OF SCHOOLS IN NEED.) From the information obtained as provided in the preceding subdivision, the State Superintendent of Public Instruction shall monthly certify to the State Auditor a list of School Districts of the State which are unable to pay for the operation of their schools the minimum amount determined in the manner hereinbefore set forth, after having made the maximum financial effort to do so, together with a statement of the amount of money required by such districts to meet such minimum standards.

(c) MAXIMUM FINANCIAL EFFORT DEFINED.) 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 provided the maximum mill levy which means that in addition to having provided for the normal maximum levy, it shall have held an election and increased the normal maximum levy by the 50% increase allowed under the law and made such levy, provided that the governing board may exercise its discretion in judging the good faith of school districts to carry out this provision; (2) that revenues from local taxes, and from State and County sources have been exhausted; (3) that such district is unable to sell in the manner now provided by law certificates of indebtedness in an amount sufficient to maintain adequate school facilities; or that it is either unable to issue further certificates of indebtedness or registered warrants, or if able to issue same, they cannot be marketed; (4) that any school district expecting to apply for aid from the Emergency Fund must have its budget for the fiscal year approved by the Department of Public Instruction before such grant is allowed; this budget must include an itemized and certified statement of the exact financial condition of the school district as of the current date; (5) that no school district shall participate in the emergency fund unless and until it is shown to have a reasonable teacher-pupil ratio; in determining what constitutes a reasonable teacher-pupil ratio, the Superintendent of Public Instruction shall consider the type and size of the school, its proximity, and the transportation facilities to adjacent schools. To qualify for aid on the Emergency Fund basis, the following standards shall be used as guides on this teacher-pupil basis; Schools with seven or more teachers should maintain a teacher-pupil ratio of at least twenty-five pupils per teacher; in smaller schools, a teacher-pupil ratio of less than twenty pupils per teacher shall be considered unreasonable. Schools participating in this emergency Fund should have as a minimum enrollment twenty-five pupils for four years of high school work, and a minimum enrollment of fifteen pupils for two years of high school work. Schools participating in the emergency fund must not pay transportation charges in excess of the amount that would be allowed under the family system of transportation.

(d) Aid granted to school districts from the Emergency Fund shall first be applied for the payment of teachers' salaries.

(e) ADMINISTRATION.) The Governor, Attorney General, and the Superintendent of Public Instruction shall constitute the Board which is hereby authorized, empowered and directed to carry out and perform the provisions of Section 4 of this Act dealing with the distribution of the Emergency Fund, and to prescribe such additional rules and regulations as they deem reasonable and necessary.

Re-number each of the following Sections accordingly.

And recommend the adoption of the amendments of the Standing Committee.

And when so amended, recommend the same do pass.

Senate Bill No. 260.

On page 4, Section 2, line 81, strike out the figures "$15,000.00" and insert in lieu thereof the figures "$150,000.00."

On page 4, Section 2, line 81, change the period after the

figures "$150,000.00" to a semi-colon ( ; ) and insert the following: "And one at or near the State School of Science at Wahpeton at a cost for site, building and equipment of not to exceed One Hundred Thousand Dollars ($100,000.00), and one at or near the State School of Forestry at Bottineau at a cost for site, building and equipment of not to exceed Fifty Thousand Dollars ($50,000.00), and one at or near the State Normal and Industrial School at Ellendale at a cost for site, building and equipment of not to exceed Fifty Thousand Dollars ($50,000.00)."

Re-number all lines accordingly.

And recommend the adoption of the amendments of the Standing Committee.

And the further amendments:

On page 7, line 152, strike out the word "seven" and insert in lieu thereof the word "five."

And when so amended, recommend the same do pass.

JOS. D. BYRNE, Chm., Committee of the Whole.

Rep. Westby moved the adoption of the report of the Committee of the Whole, which motion prevailed.

## MESSAGE TO THE SENATE

House of Representatives,
Bismarck, March 3, 1939.

Mr. President: I have the honor to inform you that the House has adopted the report of the Conference Committee on:

House Bill No. 11. A Bill for an Act Making an Appropriation for the Purpose of Paying Salary, Clerkhire and General Expenses of the Public Health Laboratories.

Also, adopted the Conference Committee report on:

House Bill No. 36. 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.

Mr. President: I have the honor to transmit:

House Concurrent Resolution No. 410. A Concurrent Resolution Proposing the Appropriation of Twelve Thousand Dollars ($12,000.00) or so Much Thereof as May Be Necessary for the Purpose of Paying the Salaries of the Legislative Employees of the 26th Legislative Assembly.

Which the House has passed and your favorable consideration is requested.

Mr. President: I have the honor to inform you that the House has refused to concur in the Senate amendment to:

House Bill No. 10. A Bill for an Act Making an Appropriation for the Purpose of Paying Salary, Clerk Hire, and General Expenses of the Department of Public Health.

And the Speaker has appointed as a Conference Committee, Reps. Odegard, Ista and Singleton.

MINNIE D. CRAIG, Chief Clerk.

## MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, March 3, 1939.

Mr. Speaker: I have the honor to return:

House Bill No. 267. A Bill for an Act Providing for

Serological Test, for Syphilis of All Persons Applying for Marriage Licenses; Prohibiting Marriage of Any Person Afflicted With Syphilis in Communicable Form; Providing for Proofs of Serological Test to Be Required by and Submitted to County Judges Before the Issuance of a Marriage License; Repealing All Acts and Parts of Acts Inconsistent With or in Conflict Herewith; Making an Appropriation for the State Health Department to Enable it to Comply With the Provisions Hereof.

Which the Senate has amended as follows:

In line 5, Section 2 after the word "surgeon" insert words "osteopaths and chiropractors".

In line 2, Section 4 after word "Surgeon" insert the words "osteopaths and chiropractors".

Mr. Speaker: I have the honor to return:

House Bill No. 274. 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 Water Sheds, 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, Maintenance and Financing 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; Authorizing the Commission to Obligate or Pledge Monies Available in Its Operating or Construction Fund to Insure the Payment of Twenty Per Cent of the Par Value of Revenue 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; Validating Proceedings and Acts of the State Water Conservation Commission Done and Performed Under the Provisions of Chapter 255 of the Session Laws of 1937; Repealing Inconsistent Acts, and Declaring an Emergency.

Which the Senate has amended as follows:

In Section 7, line 14, after the word "payment" strike out the balance of the line and lines 15 to 25 inclusive.

In sub-division 4 of Section 21, page 36 of the printed bill, strike out lines 83, 84 and 85 and insert in lieu thereof the following words:

"Provided further that for the biennial period ending June 30, 1941, the Commission shall not thus pledge, hypothecate or place under trust indenture, or agree to pledge, hypothecate or to place under trust indenture, an aggregate amount in excess of forty-five thousand dollars and provided further that any agreement to thus pledge, hypothecate, or place under trust indenture any amount in excess of forty-five thousand dollars shall be, and is hereby declared null and void, provided, however, that the appropriation or use of the amount appropriated for such purpose (said $45,000) shall not be construed to be the pledging of the credit of the State of North Dakota nor the guaranteeing of any bonds issued hereunder.

WM. J. LOWE, Secretary.

## MESSAGES TO THE HOUSE

Senate Chamber,
Bismarck, March 3, 1939.

Mr. Speaker: I have the honor to inform you that the Senate has concurred in the House amendment to:

Senate Bill No. 228. A Bill for an Act Providing for Transfer of Certain School Lands Situated in Williams and Barnes Counties, Respectively State of North Dakota, to Williams and Barnes Counties to Be Used and Maintained as Public Parks, and Authorizing the Exchange of Lands Belonging to Said Counties Therefor; and Declaring an Emergency.

Senate Bill No. 94. A Bill for an Act Appropriating Five Thousand Dollars ($5,000.00) to the State Historical Society for the Development of the International Peace Garden, American Section, in Rolette County, North Dakota.

Senate Bill No. 104. A Bill for an Act to Amend and Reenact Chapter 274 of the Session Laws of North Dakota for the Year 1935 as Amended by Chapter 243 of the Session Laws of North Dakota for 1937 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, Extending the Application Thereof to Persons Receiving, Claiming or Demanding Money From Municipalities and Political Sub-divisions Within the State and Providing That Entering Into of Installment Contracts for Payment of Personal Property Taxes Shall Not Relieve Anyone From the Operation of This Act, Repealing All Acts or Parts of Acts in Conflict Herewith and Declaring an Emergency.

Senate Bill No. 284. A Bill for an Act Relating to Copyrights and Public Performing Rights in Musical Compositions and Dramatico-Musical Compositions, Requiring Lists Thereof to Be Filed, Regulating the Issue of Licenses With Respect Thereto, Prohibiting Discrimination, Providing for Service of Process, Levying a Privilege Tax, Providing Penalties, and Repealing Inconsistent Acts.

Senate Bill No. 189. A Bill for an Act to Amend and Reenact Section 1190 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, as Amended and Re-enacted by Chapter 243 of the Session Laws of North Dakota for 1927, and as Amended and Re-enacted by Chapter 231 of the Session Laws of North Dakota for 1937, Relating to Consolidation of Schools and Transportation of Pupils; and Repealing All Laws or Parts of Laws in Conflict Therewith.

Senate Bill No. 61. A Bill for an Act to Regulate the Sale of Heating Oil and Diesel Fuel; to Provide Specifications Therefor, and for Inspection Thereof; to Provide for Inspection Fees, the Collection and Disposition Thereof; to Define the Duties of the State Food Commissioner and Chemist as Regards Such Inspection and Providing Penalties for Violation of the Act.

Senate Bill No. 249. A Bill for an Act Making an Appropriation for the Purpose of Operating and Maintaining the State Bonding Fund for the Biennium Beginning July 1, 1939.

Mr. Speaker: I have the honor to inform you that the Senate has adopted the Conference Committee report on:

House Bill No. 36. 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.

Mr. Speaker: I have the honor to inform you that the President has appointed as a Conference Committee to act with a like committee from the House, Senators Blaisdell, Morgan and Drew.

Relative to:

Senate Bill No. 140. A Bill for an Act Making an Appropriation for the Biennium Beginning July 1, 1939, and Ending June 30, 1941 to the Public Welfare Fund, Created and Established by Section 3 of Chapter 214 of the Session Laws of 1937, for Disbursement by the Public Welfare Board in Providing Public Assistance to the Needy Blind and to Dependent Children, as Provided by Chapters 209 and 210 of the Session Laws of 1937, and in Providing Child Welfare

Services and Services to Crippled Children in Coordination With and Supplementary to Funds Made Available for Like Purposes in North Dakota by the Federal Government, as Provided by Chapter 221 of the Session Laws of 1935.

Mr. Speaker: I have the honor to inform you that the President has appointed as a Conference Committee to act with a like committee from the House, Senators: Leum, Skarvold and Gilbertson.

Relative to amendments on:

House Bill No. 11. A Bill for an Act Making an Appropriation for the Purpose of Paying Salary, Clerkhire and General Expenses of the Public Health Laboratories.

Mr. Speaker: I have the honor to return:

House Bill No. 3. A Bill for an Act Making an Appropriation for the Per Diem, Salaries and General Expenses of the State Livestock Sanitary Board.

House Bill No. 43. 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.

House Bill No. 149. A Bill for an Act Providing for a Transfer of Certain School Land Situated in Slope County, North Dakota, to the Game and Fish Commission of the State of North Dakota, in Co-operation With an Act of Congress to Provide That the United States Shall Aid the State in Wild-Life Restoration Projects, and for Other Purposes to Be Used and Maintained Under the Direction of the Game and Fish Commission to Aid in Wild-Life Restoration in the State of North Dakota, and Providing for an Appropriation to Reimburse the Permanent School Fund of the State of North Dakota; and Declaring an Emergency.

House Bill No. 33. A Bill for an Act to Provide for the Payment of the Expenses of Auditing and Examining the Affairs of the State Industrial Institutions, and the Special Departments and its Sub-divisions, of the State of North Dakota, Designating and Appropriating the Funds from Which Paid; Providing for the Payment of Said Collection Into the Special Fund in the State Treasury; Providing for Repeal of Acts.

**Which the Senate has amended.**

House Concurrent Resolution 405. Providing for Continued Employment and Compensation Thereof to Complete Records of Present Legislative Session.

House Concurrent Resolution No. 404. A Concurrent Resolution Empowering William J. Lowe, Secretary of the Senate, and Minnie D. Craig, Chief Clerk of the House to Complete and Index Senate and House Journals of the Last Days of Session and Providing Compensation Therefor.

House Concurrent Resolution No. 407. A Concurrent Resolution to Appropriate $255.00 to Reimburse Members of Hospital Investigation Committee.

House Concurrent Resolution No. 398. A Concurrent Resolution Petitioning Congress to Make Appropriations Ample for the Road Program of the Fort Berthold Reservation.

House Concurrent Resolution No. 402. Memorializing Congress to Pass Such Legislation as May Be Necessary to Enable the Federal Government to Purchase Wheat, Corn,

Barley, Oats, Spelts, Flax, Cotton, Rye and Other Agricultural Products and to Store Same in Suitable Local Government Terminal Elevators.

House Concurrent Resolution No. 406. Providing for Employment and Compensation to Complete Final Record of All Bills of the 26th Legislative Session.

House Bill No. 341. A Bill For an Act Assessing and Levying From April 1, 1939 to July 1, 1941 on All Licensed Dealers of Motor Vehicle Fuels, a Special License Tax of One Cent Per Gallon of Motor Vehicle Fuels Used or Sold by Them in Addition to All Other Taxes Now Imposed Upon Them, Appropriating the Proceeds of Such Special Tax to the State Highway Fund For Specific Purposes, Making All Provisions of Initiated Measures Approved June 30, 1926, and Known as the "Motor Vehicle Fuel Tax Law," Other Than Division of Proceeds Between the State and Counties and For Costs of Administration and Collection, Applicable to Said Special License Tax and Declaring an Emergency.

Which the Senate has passed unchanged.

House Bill No. 265. A Bill for an Act to Encourage the Further Development of Durum Wheat in North Dakota; Providing for Collection and Furnishing of Information Regarding Durum Wheat by the Commissioner of Agriculture and Labor and the North Dakota Durum Wheat Show at Langdon, N. Dak.; Appropriating the Sum of $2,500.00 to the North Dakota Durum Wheat Show at Langdon; Declaring an Emergency.

House Bill No. 388. A Bill for an Act to Provide for the Raising of Public Revenues by Imposing a Tax Upon the Privilege of Engaging in any Business, Trade, Profession, Occupation or Calling, to be Measured by Gross Income, to Provide That This Tax Shall be a Replacement Tax to the Extent Herein Specifeid, to Provide for the Ascertainment, Assessment and Collection of Said Tax, to Provide Certain Exemptions From the Tax, to Provide for the Administration Thereof, to Provide a Penalty for the Violation of the Terms of the Act, to Provide for the Disposition of Revenues, to Provide an Appropriation for the Administration of This Act, and Declaring an Emergency.

Which the Senate has indefinitely postponed.

House Bill No. 306. A Bill for an Act to Amend and Reenact Section 2 of Chapter 5 of the 1937 Session Laws.

House Bill No. 359. A Bill for an Act to Amend and Reenact Section 189b3, 189b5, 189b9, 189b14 and 189b15 of Chapter 137 of the Session Laws of North Dakota for 1933, Relating to State Hail Insurance, Providing for the Manner of Taking Applications Therefor; Defining Duty of Hail Inspectors, Adjustors and County Auditors; Repealing Acts in Conflict Herewith, and Declaring an Emergency.

House Bill No. 307. A Bill for an Act to Amend and Reenact Chapter 167 of the 1935 Session Laws, Providing for the Procuring of Coal Mine Licenses From the State Coal Mine Inspector, the Payment of Moneys Collected Into the General Treasury of the State of North Dakota, and Appropriating Therefrom Moneys to be Paid Into the Coal Mining Safety Fund, Providing for the Keeping and Furnishing by Coal Mine Operators of Such Records and Sta-

tistics and the Reporting Thereof to the State Coal Mine Inspector, Giving the State Coal Mine Inspector Power to Revoke Licenses and Enjoin the Operation of Unlicensed Mines, Providing for an Appeal to the District Court From Such Order of Revocation, Providing a Penalty for Failure to Comply With the Law.

House Bill No. 151. A Bill for an Act Providing for the Transfer of Certain School Lands Situated in the Lewis and Clark Irrigation District of McKenzie County, North Dakota, to the State of North Dakota to be Used in Connection With the Experiment Station, Established at Williston, North Dakota, Pursuant to the Provision of Section 1629 of the Compiled Laws of 1913, for the Purpose of Establishing, Maintaining and Operating Thereon an Irrigation Demonstration and Experiment Farm; Providing for an Appropriation to Reimburse the Permanent School Fund of the State, Providing for an Exchange of Such Lands for Other Lands More Suitably Situated; and Declaring an Emergency.

House Bill No. 9. A Bill for an Act Making an Appropriation for Acquiring and Maintaining State Parks as Provided for in Chapter 216, Session Laws of 1935.

House Bill No. 58. A Bill for an Act Making an Appropriation to the State Historical Society for the Purchase of Materials and Supplies to be Used in the Reconstruction of Fort Abercrombie; and Declaring an Emergency.

House Bill No. 163. A Bill for an Act Making an Appropriation to the State Historical Society for the Purchase of Materials and Supplies to be Used in the Reconstruction of Fort Union and Fort Buford.

Which the Senate has passed unchanged.

WM. J. LOWE, Secretary.

Rep. Byrne moved that the rules be suspended for the purpose of consideration of General Orders.

## GENERAL ORDERS

Rep. Byrne moved that the House resolve itself into a Committee of the Whole for the consideration of General Orders, which motion prevailed, and the House resolved itself into a Committee of the Whole.

The Speaker called Rep. Byrne to the Chair.

When the Committee arose it submitted the following report:

Mr. Speaker: The Committee of the Whole have had under consideration:

Senate Bill No. 1.

In the title after the word "herein", strike out the following: "and prohibiting a penalty for violation thereof, and declaring an emergency."

Section 3, subdivision 1, line 32, strike out the figures "$10,000.00" and insert in lieu thereof the figures "$8,000.00".

Line 35, strike out the figures "$40,220.00" and insert in lieu thereof the figures "$38,220.00".

Subdivision 6a, line 77, strike out the figures "$2,400.00" and insert in lieu thereof the figures "$3,000.00".

Line 78, strike out the figures "$400.00" and insert in lieu thereof the figures "$600.00".

Line 79, strike out the figures "$300.00" and insert in lieu thereof the figures "$400.00".

Line 80, strike out the figures "$1,800.00" and insert in lieu thereof the figures "$2,500.00".

Line 81, strike out the figures "$700.00" and insert in lieu thereof the figures "$1,000.00".

Line 84, strike out the figures "$27,340.00" and insert in lieu thereof the figures "$29,240.00".

Subdivision 6d, insert a new line 100a "Travel Expense "$200.00".

Line 109, strike out the figures "$800.00" and insert in lieu thereof the figures "$1,000.00".

Insert a new subdivision 7a. Following funds to be made available only if House Bill 70 is passed.

| | |
|---|---|
| Field Man | $3,000.00 |
| Clerks | 12,000.00 |
| Postage | 2,500.00 |
| Travel expense for field man | 3,000.00 |
| Filing Equipment | 1,000.00 |
| Printing | 5,000.00 |
| Total | $26,500.00 |

Subdivision 8, line 155, strike out the figures "$275.00" and insert in lieu thereof the figures "$355.00".

Insert a new line 162a "Purchase of Safe for bonds "$450.00".

Line 163, strike out the figures "$49,517.16" and insert in lieu thereof the figures "$50,047.16".

Subdivision 9a, line 168, strike out the figures "$4,200.00" and insert in lieu thereof the figures "$3,584.00".

Line 169, strike out the figures "$6,000.00" and insert in lieu thereof the figures "$4,440.00".

Line 173, strike out the figures "$800.00" and insert in lieu thereof the figures "$1,000.00".

Line 176, strike out the figures "$4,000.00" and insert in lieu thereof the figures "$5,000.00".

Line 181, strike out the figures "$30,070.00" and insert in lieu thereof the figures "$29,094.00".

Subdivision 9b, line 184, strike out the figures "$3,600.00" and insert in lieu thereof the figures "$7,200.00".

Line 185, strike out the figures "$2,400.00" and insert in lieu thereof the figures "$3,000.00".

Line 186, strike out the figures "$200.00" and insert in lieu thereof the figures "$300.00".

Line 187, strike out the figures "$100.00" and insert in lieu thereof the figures "$150.00".

Line 190, strike out the figures "$250.00" and insert in lieu thereof the figures "$300.00".

Line 191, strike out the figures "$2,000.00" and insert in lieu thereof the figures "$3,000.00".

Strike out all of line 193, "Fire Hazard Inspection "$1,000.00".

Line 198, strike out the figures "$11,050.00" and insert in lieu thereof the figures "$15,450.00".

Subdivision 10, line 209, strike out the figures "$16,840.00" and insert in lieu thereof the figures "$18,000.00".

Line 214, strike out the figures "$51,190.00" and insert in lieu thereof the figures "$52,350.00".

Subdivision 11a, line 236, strike out the figures "$8,000.00" and insert in lieu thereof the figures "$7,500.00".

Insert a new line 241a "Deficit—Printing $2,400.00".

Line 244, strike out the figures "$37,300.00" and insert in lieu thereof the figures "$39,200.00".

Subdivision 11b, line 257, strike out the word "Clerkhire".

Subdivision 11c, line 269, strike out the figures "$2,400.00" and insert in lieu thereof the figures "$2,000.00".

Line 277, strike out the figures "$12,220.00" and insert in lieu thereof the figures "$11,820.00".

Subdivision 12a, line 285, strike out the figures "$800.00" and insert in lieu thereof the figures "$1,000.00".

Line 286, strike out the figures "$500.00" and insert in lieu thereof the figures "$700.00".

Line 288, strike out the figures "$1,000.00" and insert in lieu thereof the figures "$2,500.00."

Line 290, strike out the figures "$1,000.00" and insert in lieu thereof the figures "$1,500.00".

Insert a new line 292a "Telephone and Telegraph "$100.00".

Line 294, strike out the figures "$22,730.00" and insert in lieu thereof the figures "$25,130.00".

Subdivision 12c, line 310, strike out the figures "$1,000.00" and insert in lieu thereof the figures "$2,000.00".

Line 311, strike out the figures "$250.00" and insert in lieu thereof the figures "$400.00".

Line 313, strike out the figures "$1,000.00" and insert in lieu thereof the figures "$1,500.00".

Line 315, strike out the figures "$10,000.00" and insert in lieu thereof the figures "$12,000.00".

Line 316, strike out the figures "$400.00" and insert in lieu thereof the figures "$500.00".

Line 320, strike out the figures "$37,880.00" and insert in lieu thereof the figures "$41,580.00".

Subdivision 13a, line 346, strike out the figures "$3,600.00" and insert in lieu thereof the figures "$3,580.00".

Line 347, strike out the figures "$2,620.00" and insert in lieu thereof the figures "$3,000.00".

Line 349, strike out the figures "$4,000.00" and insert in lieu thereof the figures "$4,500.00".

Line 358, strike out the figures "$500.00" and insert in lieu thereof the figures "$800.00."

Line 362, strike out the figures "$11,500.00" and insert in lieu thereof the figures "$12,000.00."

Line 367, strike out the figures "$90,720.00" and insert in lieu thereof the figures "$92,380.00."

Subdivision 13e, line 420, strike out the figures "$2,193.00" and insert in lieu thereof the figures "$2,400.00." '

Line 421, strike out the figures "$1,545.00" and insert in lieu thereof the figures "$2,400.00."

Line 429, strike out the figures "$6,988.00" and insert in lieu thereof the figures "$8,050.00."

Subdivision 14, line 432, strike out the figures "$5,400.00" and insert in lieu thereof the figures "$4,800.00."

Line 440, strike out the word "Clerk" and insert in lieu

thereof the word "Manager" and strike out the figures "$2,-400.00" and insert in lieu thereof the figures "$3,360.00."

Line 445, strike out the word "Six" before the word "Stenographers".

Line 452, strike out the figures "$5,000.00" and insert in lieu thereof the figures "$15,000.00."

Line 455, strike out the figures "$15,000.00" and insert in lieu thereof the figures "$16,000.00."

Line 459, strike out the figures "$86,768.00" and insert in lieu thereof the figures "$98,128.00."

Subdivision 15a, line 468, strike out the figures "$4,000.00" and insert in lieu thereof the figures "$10,800.00."

Line 469, strike out the figures "$8,000.00" and insert in lieu thereof the figures "$7,500.00."

Line 474, strike out the figures "$1,500.00" and insert in lieu thereof the figures "$2,000.00."

Line 478, strike out the figures "$87,420.00" and insert in lieu thereof the figures "$94,220.00."

Subdivision 15b, line 480, change the title to read as follows: "TAX COMMISSIONER—SALES TAX, BEER, CIGARETTE & SNUFF DIVISION (SPECIAL).

Line 482, add the words "(Sales Tax)" after the word



"Deputy." Insert a new line—482a—"Deputy (Cigarette, Beer & Snuff) $4,800.00."

Line 483, strike out the figures "$50,000.00" and insert in lieu thereof the figures "$80,000.00."

Line 484, strike out the figures "$25,000.00" and insert in lieu thereof the figures "$53,000.00."

Line 485, strike out the figures "$8,000.00" and insert in lieu thereof the figures "$12,000.00."

Line 486, after the word "Supplies" add the following words "and Revenue Stamps"—strike out the figures "$2,-500.00" and insert in lieu thereof the figures "$18,000.00."

Line 487, strike out the figures "$3,000.00" and insert in lieu thereof the figures "$5,500.00."

Line 488, strike out the figures "$5,000.00" and insert in lieu thereof the figures "$8,000.00."

Line 489, strike out the figures "$3,000.00" and insert in lieu thereof the figures "$6,000.00."

Line 490, strike out the figures "$25,000.000" and insert in lieu thereof the figures "$45,000.00."

Insert a new line 490a, "Insurance & Bonds $5,000.00."

Insert a new line 490b, "Telephone & Telegraph $2,000.00."

Line 491, strike out the figures "$126,300.00" and insert in lieu thereof the figures "$244,100.00."

Subdivision 16a, line 522, strike out the figures "$4,000.00" and insert in lieu thereof the figures "$2,000.00."

Line 524, strike out the figures "$62,056.00" and insert in lieu thereof the figures "$60,056.00."

Subdivision 16c, line 547, strike out the figures "$4,800.00" and insert in lieu thereof the figures "$6,000.00."

Line 548, strike out the figures "$4,000.00" and insert in

lieu thereof the figures "$4,800.00."

Line 556, strike out the figures "$13,000.00" and insert in lieu thereof the figures "$15,000.00."

Line 564, strike out the figures "$7,200.00" and insert in lieu thereof the figures "$8,000.00."

Line 565, strike out the figures "$4,800.00" and insert in lieu thereof the figures "$6,000.00."

Line 567, strike out the figures "$4,800.00" and insert in lieu thereof the figures "$6,000.00."

Line 569, strike out the figures "$3,000.00" and insert in lieu thereof the figures "$3,600.00."

Line 570, strike out the figures "$2,400.00" and insert in lieu thereof the figures "$2,880.00."

Line 576, strike out the figures "$40,000.00" and insert in lieu thereof the figures "$46,995.00."

Line 578, strike out the figures "$20,000.00" and insert in lieu thereof the figures "$27,645.00."

Line 582, strike out the figures "$1,000.00" and insert in lieu thereof the figures "$1,200.00."

Line 583, strike out the figures "$3,500.00" and insert in lieu thereof the figures "$4,055.00."

Line 591, strike out the figures "$1,000.00" and insert in lieu thereof the figures "$1,300.00."

Line 592, strike out the figures "$5,000.00" and insert in lieu thereof the figures "$10,755.00".

Line 593, strike out the figures "$127,770.00" and insert in lieu thereof the figures "$153,500.00."

Subdivision 17a, strike out all of line 596, "Salary $2,-000.00."

Line 603, strike out the figures "$3,450.00" and insert in lieu thereof the figures "$1,450.00."

Subdivision 21, line 671, strike out the figures "$3,592.00" and insert in lieu thereof the figures "$3,992.00."

Line 680, strike out the figures "$16,492.00" and insert in lieu thereof the figures "$16,892.00."

Subdivision 23, insert a new line 611a "Deficit—26th Legislative Assembly $12,000.00."

Line 690, strike out the figures "$119,500.00" and insert in lieu thereof the figures "$131,500.00."

Subdivision 27, line 709, strike out the figures "$6,000.00" and insert in lieu thereof the figures "$4,800.00."

Line 711, strike out the figures "$4,800.00" and insert in lieu thereof the figures "$4,200.00."

Line 713, strike out the figure and words "(4 part time)."

Line 719, strike out the figures "$25,000.00" and insert in lieu thereof the figures "$20,000.00."

Line 721, strike out the figures "$88,750.00" and insert in lieu thereof the figures "$81,950.00."

Subdivision 28, line 733, strike out the figures "$5,000.00" and insert in lieu thereof the figures "$3,000.00."

Line 737, strike out the figures "$48,700.00" and insert in lieu thereof the figures "$46,700.00."

Line 738, strike out the figures "$2,045,461.41" and insert

in lieu thereof the figures "$2,111,257.41."

Line 741, strike out the figures "$505,659.00" and insert in lieu thereof the figures "$546,251.00."

Line 742, strike out the figures "$1,539,802.41" and insert in lieu thereof the figures "$1,565,006.41."

Strike out all of Section 5.

Re-number beginning with line 109.

And recommend the adoption of the amendments of the Standing Committee:

And the further amendments:

An amendment to the amendment of the Standing Committee: Strike out the first three lines of the amendments, relating to the title, and insert the following in lieu thereof: In the title after the word "herein", strike out the following: "and prohibiting the payment or receipt of double compensation or salary, providing a penalty for violation thereof, and declaring an emergency."

And the further amendments: In Subdivision 6a line 70 of the printed bill which is line 84 of the engrossed bill, strike out the figure "(2)" and insert in lieu thereof the figure "(3)" and in the same line strike out the figures "4560.00" and insert in lieu thereof the figures "$6,840.00."

In line 78 of the printed bill, Subdivision 6a which is line 84 of the engrossed bill, strike out the figures "$29,240.00" and insert in lieu thereof the figures "$31,520.00".

In Subdivision 15a, add a new line to be designated line "444a" in the printed bill and line "477a" of the engrossed bill, which is to read as follows, "State Relief and Debt Survey Commission Expenses.....10,000". Change the total of Subdivision 15a to read "$104,220.00."

In Subdivision 15a, line 430 of the printed bill which is line 432 of the engrossed bill strike out the figures "6000.00" and insert in lieu thereof the figures "5600.00", as originally printed in the bill.

In Subdivision 15a, line 432 of the printed bill which is line 464 of the engrossed bill strike out the figures "5600.00" and insert in lieu thereof the figures "5400.00" as printed originally in the bill.

Strike out Subdivision 15d which is covered by Subdivision 15b.

Subdivision 19, line 564 of the printed bill which is line 634 of the engrossed bill, strike out the figures "4800.00" and insert in lieu thereof the figures "4,400.00" as originally printed in the bill.

Subdivision 21, line 590 which is line 671 of the engrossed bill insert the figures "3,592.00" as originally printed in the bill.

Subdivision 22, insert a new line "605a" to read as follows, "There is also hereby appropriated out of any funds received from the sale of timber, stone or other material taken from the Rock Island Military Reservation and paid into the Treasury the sum of $2,000 to be used in accordance with section 2432a, Compiled Laws of 1913, for the biennium of 1939-1941.

In Subdivision 27, line 634 of the printed bill, which is line 711 of the engrossed bill insert the figures "3,840.00" as

originally printed in the bill.

In Subdivision 27, line 635 of the printed bill which is line 712 of the engrossed bill, strike out the figures "40,000.00" as inserted by the Standing Committee and insert in lieu thereof the figures "38,400.00".

In Subdivision 11c, line 234 of the printed bill which is line 267 of the engrossed bill, strike out the figures "3000.00" and insert in lieu thereof the figures "3600.00".

In line 235 of the printed bill which is line 268 of the engrossed bill opposite the words "Clerk Hire" insert the figures "1400.00".

Strike out all of line 236, Subsection 11c of the printed bill which is line 269 of the engrossed bill.

In Subsection 7, line 106 of the printed bill which is line 112 of the engrossed bill insert the figures "4,480.00" as originally printed in the bill.

In Subdivision 27, line 644 of the printed bill which is line 721 of the engrossed bill, insert the new total " ".

In Subdivision 28, line 647a of the printed bill which is line 725 of the engrossed bill, strike out the word "Executive" and in the same line after the word "Secretary" strike out the words "and Auditor".

In Subdivision 6a, line 67 of the printed bill which is line 72 of the engrossed bill insert the figures "3,584.00" as originally printed in the bill.

In Subdivision 7, line 106 of the printed bill which is line 114 of the engrossed bill insert the figures "4,480.00" as originally printed in the bill.

In Subdivision 8, line 129 of the printed bill which is line 138 of the engrossed bill insert the figures "3,584.00" as originally printed in the bill.

In Subdivision 9a, line 158 of the printed bill which is line 169 of the engrossed bill strike out the figures "4,400.00" and insert in lieu thereof the figures "6000.00".

In Subdivision 11b in line 222 of the printed bill which is line 256 of the engrossed bill insert the figures "3,400.00" as originally printed in the bill.

In Subdivision 13a in line 315 of the printed bill which is line 349 of the engrossed bill insert the figures "3,584.00" as originally printed in the bill.

In Subdivision 13a in line 318 of the printed bill which is line 352 of the engrossed bill insert the figures "3,584.00" as originally printed in the bill.

In Subdivision 13a in line 320 of the printed bill which is line 354 of the engrossed bill insert the figures "3,584.00" as originally printed in the bill.

In Subdivision 13b in line 337 of the printed bill which is line 371 of the engrossed bill insert the figures "3,800.00" as originally printed in the bill.

In Subdivision 13b in line 338 of the printed bill which is line 372 of the engrossed bill insert the figures "3,000.00" as originally printed in the bill.

In Subdivision 14 in line 403 of the printed bill which is line 434 of the engrossed bill insert the figures "3,584.00" as originally printed in the bill.

In Subdivision 14 in line 404 of the printed bill which is line 435 of the engrossed bill insert the figures "3,072." as originally printed in the bill.

In Subdivision 11b in line 223 of the printed bill which is line 257 of the engrossed bill insert the figures "2,280.00" as originally printed in the bill.

In Subdivision 11a in line 208 of the printed bill which is line 234 of the engrossed bill insert the figures "3,584.00" as originally printed in the bill.

In Subdivision 11a in line 209 of the printed bill which is line 235 of the engrossed bill insert the figures "2,280.00" as originally printed in the bill.

And when so amended recommend the same do pass.

JOS. D. BYRNE, Chairman, Committee of the Whole.

The report of the Committee of the Whole on Senate Bill No. 1 was read from the desk.

Rep. Johnson of Cass moved the adoption of the report of the Committee of the Whole on Senate Bill No. 1, which motion prevailed.

Rep. Lange moved that the House do now adjourn, which motion prevailed and the House stood adjourned.

## SIXTIETH DAY

Bismarck, March 3, 1939.

The House assembled at 2:00 P. M., pursuant to adjournment, Speaker Hagen presiding.

Prayer by Rabbi Asher T. Katz, Bismarck.

Roll Call: All Representatives present except Bolmeier, Braun of McLean, Hofstrand, Hultstrand, Ista, Jensen, Mittag, Nelson of Cass, Odegard, Page, Scholl, Twichell.

So a quorum was declared present.

## REPORT OF STANDING COMMITTEE

Mr. Speaker: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the 58th and 59th day and recommends that the same be corrected as follows:

On page 1254, nine paragraphs from top of page insert following the words "standing committee" the following words "and when so amended recommend the same do pass".

On page 1262, line thirty, correct the spelling of the word "and".

On page 1315, between paragraph 4 and paragraph 5 from bottom of page insert the following paragraph: "Rep. Schauss moved that the House reconsider its action taken on Senate Bill No. 204, which motion prevailed."

On page 1320, second paragraph below roll call at top of page, line 2, strike out the figures "248" and insert in lieu thereof the figures "249".

On page 1321, in third paragraph below roll call at the top of page, strike out the figures "264" and insert in lieu thereof the figures "265".

On page 1201, seven lines from bottom of the page, Rep. Solberg changed his vote from "aye" to "no" for the purpose of reconsideration instead of as it now appears.

And when so corrected recommends that the same be approved.

REP. GLAS, Chairman.

Rep. Feton moved that the report be adopted, which motion prevailed and the report was adopted.

## COMMUNICATION

Bismarck, N .D., March 3, 1939.

To the Members of the House of Representatives,
State Capitol, Bismarck, N. D.

Ladies and Gentlemen:

We wish to thank you for the patronage and courtesies shown us during the Session just ending. Also wish to thank the employees of the House.

With best wishes to each of you, we are

Sincerely,

MRS. K. A. GRIFFIN,
EMMET W. GRIFFIN.

## REPORTS OF SELECT COMMITTEES

The Conference Committee on House Bill No. 20 made the following report:

Mr. Speaker: Your Conference Committee to whom was referred House Bill No. 20 have had the same under consideration and beg leave to report that the Senate recedes from its amendments and the committee recommends the bill to pass in its original form.

| For the Senate: | For the House: |
|---|---|
| Fred G. Aandahl | L. L. Twichell |
| James W. Guthrie | R. G. Beede |
| R. M. Streibel | C. P. Ritter |

Rep. Twichell moved that the report be adopted and that the Conference Committee be discharged, which motion prevailed and the report was adopted.

The Conference Committee on Senate Bill No. 40 made the following report:

Mr. Speaker: Your Conference Committee to whom was referred Senate Bill No. 40 have had the same under consideration and beg leave to report that they were unable to agree and ask that they be discharged and recommend that another Conference Committee be appointed.

| For the Senate: | For the House: |
|---|---|
| A. W. Fowler | R. R. Scholl |
| Wm. A. Thatcher | R. G. Beede |
| James W. Guthrie | Alex Dalzell |

Rep. Scholl moved that the report be adopted, and the committee discharged, which motion prevailed and the report was adopted.

Rep. Beede moved that another conference committee be appointed to act with a like committee from the Senate in deliberation on Senate Bill No. 40, which motion prevailed.

The Speaker appointed on that committee Reps. Lange, Page and Jensen.

The Conference Committee on House Bill No. 277 made the following report:

Mr. Speaker: Your Conference Committee to whom was referred House Bill No. 277 have had the same under consideration and recommend that the House adopt the Bill as passed by the Senate.

| For the Senate: | For the House: |
|---|---|
| Thomas Whelan | J. M. Anderson |
| Nick N. Nelson | S. K. Skartvedt |
| A. N. Lavik | Robert T. Gray |

Mr. Anderson moved that the report be adopted and the committee be discharged, which motion prevailed and the report was adopted.

Rep. Fitch moved that the rules be suspended and that House Bill No. 277 be considered properly re-engrossed, placed on second reading and final passage as amended by the Senate, which motion prevailed.

## SECOND READING OF HOUSE BILLS

House Bill No. 277. A Bill for an Act to Amend Section 10145b1 of the 1925 Supplement to the 1913 Compiled Laws of North Dakota, Defining Intoxicating Liquors, and Excepting Therefrom Certain Fruit Juices, Wine, Beer, Ale and Porter Containing Less Than One-Half of 1 Percent of Alcohol by Volume; Repealing All 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, 59; nays, 39; absent and not voting, 12.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Fraser | Ostgulen |
| Anderson, Benson | Fuglestad | Panko |
| Anderson,M'K'nzie | Glas | Peterson, Ransom |
| Anfinson | Holm | Ritter |
| Arneson, Nelson | Holthusen | Sand |
| Arneson, Ramsey | Gray | Saumur |
| Belzer | Haag | Schmidt, Sheridan |
| Benno | Ireland | Schimke |
| Billigmeier | Johnson, Cass | Scholl |
| Bingenheimer | Keller | Schwartz |
| Braun, Stark | Knutson | Sellens |
| Brown | Lange | Skartvedt |
| Crockett | Larson | Solberg |
| Culver | Lunde | Stormon |
| Dike | McInnes | Thompson,Burl'gh |
| Dittmer | Myers | Thompson, Steele |
| Erickson | Mittag | Urschel |
| Feton | Moe | Wolf |
| Fitch | Nelson, Dickey | Mr. Speaker |
| Fletcher | Nelson, Steele | |

Those voting in the negative were:

| | | |
|---|---|---|
| Beede | Kluver | Schmidt, McHenry |
| Bergesen | Levin | Semerad |
| Blair | McIntee | Severson |
| Boulden | McIntyre | Shure |
| Buchholz | Mollet | Singleton |

| | | |
|---|---|---|
| Byrne | Morland | Stone |
| Dalzell | Nystrom | Symington |
| Gainor | O'Brien | Trydahl |
| Halvorson | Oglesby | Tuff |
| Haugland | Peterson,Bottineau | Wambheim |
| Heckman | Rait | Westby |
| Johnson, LaMoure | Rettke | Williams,Richland |
| Joiner | Rohde | Williams,Stutsm'n |

Absent and not voting:

| | | |
|---|---|---|
| Bolmeier | Ista | Page |
| Braun, McLean | Jensen | Schauss |
| Hofstrand | Nelson, Cass | Sharpe |
| Hultstrand | Odegard | Twichell |

So the bill passed and the title was agreed to.

Rep. Schimke moved that the vote by which House Bill No. 277 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

The Conference Committee on House Bill No. 17 made the following report:

Mr. Speaker: Your Conference Committee to whom was referred House Bill No. 17 have had the same under consideration and beg leave to report that the Senate recedes from its amendments and the committee recommends the Bill to pass in its original form.

| For the Senate: | For the House: |
|---|---|
| Fred G. Aandahl | L. L. Twichell |
| James W. Guthrie | R. G. Beede |
| R. M. Streibel | C. P. Ritter |

Rep. Twichell moved that the report be adopted and the committee discharged, which motion prevailed, and the report was adopted.

The Conference Committee on House Bill No. 18 made the following report:

Mr. Speaker: Your Conference Committee to whom was referred House Bill No. 18 have had the same under consideration and beg leave to report that the Senate recedes from its amendments and the committee recommends the Bill to pass in its original form.

| For the Senate: | For the House: |
|---|---|
| Fred G. Aandahl | L. L. Twichell |
| James W. Guthrie | R. G. Beede |
| R. M. Streibel | C. P. Ritter |

Rep. Twichell moved that the report be adopted and the committee discharged, which motion prevailed, and the report was adopted.

The Conference Committee on House Bill No. 19 made the following report:

Mr. Speaker: Your Conference Committee to whom was referred House Bill No. 19 have had the same under consideration and beg leave to report that the Senate recedes from its amendments and the committee recommends the Bill to pass in its original form.

| For the Senate: | For the House: |
|---|---|
| Fred G. Aandahl | L. L. Twichell |
| James W. Guthrie | R. G. Beede |
| R. M. Streibel | C. P. Ritter |

Rep. Twichell moved that the report be adopted and the committee discharged, which motion prevailed, and the report was adopted.

The Conference Committee on House Bill No. 16 made the following report:

Mr. Speaker: Your Conference Committee to whom was referred House Bill No. 16 have had the same under consideration and beg leave to report that the Senate recedes from its amendments and the committee recommends the Bill to pass in its original form.

| For the Senate: | For the House: |
|---|---|
| Fred G. Aandahl | L. L. Twichell |
| James W. Guthrie | R. G. Beede |
| R. M. Streibel | C. P. Ritter |

Rep. Twichell moved that the report be adopted and the committee discharged, which motion prevailed, and the report was adopted.

The Conference Committee on House Bill No. 15 made the following report:

Mr. Speaker: Your Conference Committee to whom was referred House Bill No. 15 have had the same under consideration and beg leave to report that the Senate recedes from its amendments and the committee recommends the Bill to pass in its original form.

| For the Senate: | For the House: |
|---|---|
| Fred G. Aandahl | L. L. Twichell |
| James W. Guthrie | R. G. Beede |
| R. M. Streibel | C. P. Ritter |

Rep. Twichell moved that the report be adopted and the committee discharged, which motion prevailed, and the report was adopted.

## MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, March 2, 1939.

Mr. Speaker: I have the honor to return:

House Bill No. 33. A Bill for an Act to Provide for the Payment of the Expenses of Auditing and Examining the Affairs of the State Industrial Institutions, and the Special Departments and its Sub-divisions, of the State of North Dakota, Designating and Appropriating the Funds from Which Paid; Providing for the Payment of Said Collection Into the Special Fund in the State Treasury; Providing for Repeal of Acts.

Which the Senate has amended as follows:

In line 32, strike out the figures "$4,000.00" and insert in lieu thereof the figures "$6,000.00".

In line 35, strike out the figures "$21,900.00" and insert in lieu thereof the figures "$23,900.00."

WM. J. LOWE, Secretary.

Rep. Trydahl moved that the House do concur in the Senate amendments to House Bill No. 33, which motion prevailed.

Rep. Morland moved that the rules be suspended and that House Bill No. 33 be considered properly re-engrossed, placed on second reading and final passage, as amended by the Senate, which motion prevailed.

## SECOND READING OF HOUSE BILLS

House Bill No. 33. A Bill for an Act to Provide for the Payment of the Expenses of Auditing and Examining the Affairs of the State Industrial Institutions, and the Special Departments and its Sub-divisions, of the State of North Dakota, Designating and Appropriating the Funds from Which Paid; Providing for the payment of Said Collection Into the Special Fund in the State Treasury; Providing for Repeal of Acts.

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, 66; nays, 32; absent and not voting, 12.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Holthusen | Schauss |
| Arneson, Nelson | Ireland | Schmidt, McHenry |
| Arneson, Ramsey | Ista | Schmidt, Sheridan |
| Belzer | Johnson, Cass | Scholl |
| Benno | Joiner | Sellens |
| Bergesen | Keller | Semerad |
| Billigmeier | Kluver | Severson |
| Boulden | Knutson | Sharpe |
| Braun, Stark | Lange | Singleton |
| Brown | Larson | Skartvedt |
| Crockett | Levin | Solberg |
| Culver | Lunde | Stormon |
| Dalzell | McInnes | Symington |
| Dike | Myers | Thompson, Burl'gh |
| Dittmer | Moe | Thompson, Steele |
| Feton | Morland | Trydahl |
| Fletcher | Nelson, Steele | Urschel |
| Fuglestad | Nystrom | Wambheim |
| Gainor | Odegard | Westby |
| Gray | Peterson, Ransom | Williams, Stutsm'n |
| Haugland | Sand | Wolf |
| Holm | Saumur | Mr. Speaker |

Those voting in the negative were:

| | | |
|---|---|---|
| Anderson, Benson | Halvorson | Panko |
| Anderson, M'K'nzie | Heckman | Peterson, Bottineau |
| Anfinson | Jensen | Rait |
| Bingenheimer | Johnson, LaMoure | Rettke |
| Blair | McIntee | Rohde |
| Buchholz | McIntyre | Schimke |
| Byrne | Mittag | Schwartz |
| Erickson | Mollet | Stone |
| Fraser | Nelson, Dickey | Tuff |
| Glas | Oglesby | Williams, Richland |
| Haag | Ostgulen | |

Absent and not voting:

| | | |
|---|---|---|
| Beede | Hofstrand | Page |
| Bolmeier | Hultstrand | Ritter |
| Braun, McLean | Nelson, Cass | Shure |
| Fitch | O'Brien | Twichell |

So the bill passed and the title was agreed to.

Rep. Morland 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.

## MESSAGES TO THE SENATE

House of Representatives,
Bismarck, March 3, 1939.

Mr. President: I have the honor to inform you that the House has adopted the reports of the Conference Committee on the following Bills:

House Bill No. 17. 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.

House Bill No. 18. A Bill for an Act Making an Appropriation for St. John's Orphanage of Fargo, North Dakota, Providing the Mehods of Expenditure and Audit Thereof; Supervision and Inspection Therefor.

House Bill No. 19. 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.

House Bill No. 16. 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.

House Bill No. 15. 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.

House Bill No. 20. 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, Providing the Methods of Expenditure and Audit Thereof; Supervision and Inspection Therefor.

MINNIE D. CRAIG, Chief Clerk.

## MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, March 2, 1939.

Mr. Speaker: I have the honor to return:

House Bill No. 149. A Bill for an Act Providing for a Transfer of Certain School Land Situated in Slope County, North Dakota, to the Game and Fish Commission of the State of North Dakota, in Co-operation With an Act of Congress to Provide That the United States Shall Aid the State in Wild-Life Restoration Projects, and for Other Purposes to Be Used and Maintained Under the Direction of the Game and Fish Commission to Aid in Wild-Life Restoration in the State of North Dakota, and Providing for an Appropriation to Reimburse the Permanent School Fund of the State of North Dakota; and Declaring an Emergency.

**Which the Senate has amended as follows :**

**After the enacting clause, strike out all lines to "Section 1".**

In Section 2, line 4 after the words "State Treasury" insert the following: "in the Game and Fish Fund".

Renumber the Emergency clause to read "SECTION 3".

WM. J. LOWE, Secretary.

Rep. Byrne moved that the House do concur in the Senate amendments to House Bill No. 149, which motion prevailed.

Rep. Byrne moved that the rules be suspended and that House Bill No. 149 be considered properly re-engrossed, placed on second reading and final passage as amended by the Senate, which motion prevailed.

## SECOND READING OF HOUSE BILLS

House Bill No. 149. A Bill for an Act Providing for a Transfer of Certain School Land Situated in Slope County, North Dakota, to the Game and Fish Commission of the State of North Dakota in Cooperation With an Act of Congress to Provide That the United States Shall Aid the State in Wild-Life Restoration Projects, and for Other Purposes to be Used and Maintained Under the Direction of the Game and Fish Commission to Aid in Wild-Life Restoration in the State of North Dakota, and Providing for an Appropriation to Reimburse the Permanent School Fund of the State 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 by the Senate, the roll was called and there were ayes, 84; nays, 6; absent and not voting, 20.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Haugland | Peterson,Bottineau |
| Anderson, Benson | Heckman | Peterson, Ransom |
| Anfinson | Holm | Rait |
| Arneson, Nelson | Holthusen | Rettke |
| Belzer | Ista | Sand |
| Benno | Jensen | Saumur |
| Bergesen | Johnson, Cass | Schauss |
| Billigmeier | Johnson, LaMoure | Schmidt, McHenry |
| Bingenheimer | Joiner | Schmidt, Sheridan |
| Blair | Keller | Scholl |
| Boulden | Kluver | Schwartz |
| Braun, Stark | Knutson | Sellens |
| Brown | Larson | Sharpe |
| Buchholz | Levin | Singleton |
| Byrne | Lunde | Skartvedt |
| Dalzell | McInnes | Solberg |
| Dike | McIntee | Symington |
| Dittmer | McIntyre | Thompson, Burl'gh |
| Erickson | Myers | Thompson, Steele |
| Feton | Mittag | Trydahl |
| Fletcher | Mollet | Tuff |
| Fraser | Morland | Urschel |
| Fuglestad | Nelson, Dickey | Wambheim |
| Gainor | Nystrom | Westby |
| Glas | O'Brien | Williams,Richland |
| Gray | Odegard | Williams, Stutsm'n |
| Haag | Oglesby | Wolf |
| Halvorson | Ostgulen | Mr. Speaker |

Those voting in the negative were:

| | | |
|---|---|---|
| Anderson, M'K'nzie | Ireland | Stone |
| Arneson, Ramsey | Rohde | Stormon |

Absent and not voting:

| | | |
|---|---|---|
| Beede | Hultstrand | Ritter |
| Bolmeier | Lange | Schimke |
| Braun, McLean | Moe | Semerad |
| Crockett | Nelson, Cass | Severson |
| Culver | Nelson, Steele | Shure |
| Fitch | Page | Twichell |
| Hofstrand | Panko | |

So the bill passed and the title was agreed to and the Emergency Clause was declared carried.

Rep. Brown moved that the vote by which House Bill No. 149 was passed be reconsidered, and the motion to reconsider be laid on the table, which motion prevailed.

## MESSAGE TO THE SENATE

House of Representatives,
Bismarck, March 3, 1939.

Mr. President: I have the honor to inform you that the Speaker has appointed as a new Conference Committee, House Members:

G. H. Lange,
F. Page,
Calvin Schimke.

Relative to:

Senate Bill No. 40. 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.

MINNIE D. CRAIG, Chief Clerk.

## MESSAGES FROM THE SENATE

Senate Chamber,
Bismarck, March 3, 1939.

Mr. Speaker: I have the honor to inform you that the President has appointed as a conference committee to act with a like committee from the House, Senators:

A. W. Fowler,
C. S. Aasen,
Gust Tweten.

Relative to:

House Bill No. 175. A Bill for an Act to Provide Revenue by Means of a Transaction Tax Upon Sales of Certain Alcoholic Beverages by Licensed Wholesale Liquor Dealers;

Authorizing the State Treasurer to Prescribe Rules and Regulations for the Collection Thereof; Prescribing the Method of Payment of the Tax to, and Collections by, the State Treasurer, and Providing Penalty.

Mr. Speaker: I have the honor to inform you that the President has appointed as a conference committee to act with a like committee from the House, Senators:

M. R. Young,
B. W. Lemke,
Henry Leum.

Relative to:

House Bill No. 8. A Bill for an Act Making an Appropriation for the Purpose of Paying Salary Clerk Hire, and General Expenses of the State Historical Society.

Mr. Speaker: I have the honor to inform you that the President has appointed as a conference committee to act with a like committee from the House, Senators:

W. J. Braun,
W. A. Thatcher,
M. R. Young.

Relative to:

House Bill No. 32. A Bill for an Act Making an Appropriation Into the Administrative Fund for General Administrative and Operative Expenses of the Water Conservation Commission, According to Chapter 255, Session Laws of 1937 and Section 31, Thereof, Providing for Reimbursement and Providing for Validity.

Mr. Speaker: I have the honor to inform you that the President has appointed as a conference committee to act with a like committee from the House, Senators:

G. F. Drew,
R. R. Morgan,
Ed Lian.

Relative to:

House Bill No. 12. A Bill for an Act Making an Appropriation for the Purpose of Paying Salaries, Clerkhire and General Expenses of the Division of Child Hygiene.

Mr. Speaker: I have the honor to inform you that the President has appointed as a conference committee to act with a like committee from the House, Senators:

N. N. Nelson,
A. N. Lavik,
T. E. Whelan.

Relative to:

House Bill No. 277. A Bill for an Act to Amend Section 10145b1 of the 1925 Supplement to the 1913 Compiled Laws of North Dakota, Defining Intoxicating Liquors, and Excepting Therefrom Certain Wine, Beer, Ale and Porter Containing Less Than One-Half of 1 Percent of Alcohol by Volume; Repealing All Acts in Conflict Therewith.

Mr. Speaker: I have the honor to inform you that the President has appointed as a conference committee to act with a like committee from the House, Senators:

R. A. Owings,
Gust Wog,
Fred J. Aandahl.

Relative to:

Senate Bill No. 140. A Bill for an Act Making an Appropriation for the Biennium Beginning July 1, 1939, and Ending June 30, 1941 to the Public Welfare Fund, Created and Established by Section 3 of Chapter 214 of the Session Laws of 1937, for Disbursement by the Public Welfare Board in Providing Public Assistance to the Needy Blind and to Dependent Children, as Provided by Chapters 209 and 210 of the Session Laws of 1937, and in Providing Child Welfare Services and Services to Crippled Children in Coordination With and Supplementary to Funds Made Available for Like Purposes in North Dakota by the Federal Government, as Provided by Chapter 221 of the Session Laws of 1935.

WM. J. LOWE, Secretary.

## MESSAGE TO THE SENATE

House of Representatives,
Bismarck, March 3, 1939.

Mr. President: I have the honor to return:

Senate Bill No. 277. A Bill for an Act Making an Appropriation to Provide Funds for the Payment of Salaries and Expenses Due Inspectors of the Motor Vehicle Registration Department; and Declaring an Emergency.

Which the Senate has requested.

MINNIE D. CRAIG, Chief Clerk.

## MESSAGES FROM THE SENATE

Senate Chamber,
Bismarck, March 3, 1939.

Mr. Speaker: I have the honor to inform you that the President has appointed as a conference committee to act with a like committee from the House, Senators:

E. C. Stucke,
Herman Thorson,
Martin Olson of McHenry.

Relative to:

House Bill No. 10. A Bill for an Act Making an Appropriation for the Purpose of Paying Salary, Clerk Hire, and General Expenses of the Department of Public Health.

Mr. Speaker: I have the honor to inform you that the President has appointed as a conference committee to act with a like committee from the House, Senators:

Henry Leum,
Otto Topp,
F. H. Beaton.

Relative to:

House Bill No. 362. A Bill for an Act Amending and Reenacting Section 5099c8 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913 Relating to the Duties of Child Placement Agencies.

Mr. Speaker: I have the honor to inform you that the President has appointed as a conference committee to act with a like committee from the House, Senators:

F. J. Fredrickson,
Gust Tweten,
Andrew Skarvold.

Relative to:

House Bill No. 194. 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, 1938. Permitting Payments in Ten Installments. Providing Manner of Payments. Suspending Operation of Law and Collection of Delinquent Taxes. Permitting Suit by Civil Action and Declaring an Emergency.

Mr. Speaker: I have the honor to inform you that the Senate has requested the return of:

House Bill No. 277. A Bill for an Act to Amend Section 10145b1 of the 1925 Supplement to the 1913 Compiled Laws of North Dakota, Defining Intoxicating Liquors, and Excepting Therefrom Certain Fruit Juices, Wine, Beer, Ale and Porter Containing Less Than One-Half of 1 Percent of Alcohol by Volume; Repealing All Acts in Conflict Therewith.

WM. J. LOWE, Secretary.

Rep. Bergesen moved that the House do now recess for a period of five minutes, which motion prevailed.

Rep. Bergesen: Mr. Speaker: It has been customary at each legislative session to remember a few of the officers and members of this House upon whom fall the heaviest and greatest responsibility. This year we are favored with having two women members, one affiliated with the majority faction and one with the minority. We believe in impartiality and they have kindly consented to represent the members and employees of this House in this little ceremony. I will first call upon Miss Haugland to express on our behalf our appreciation to the Speaker and majority floor leader.

Miss Haugland: Rep. Hagen: At this time the members of the House of Representatives of the 26th Legislative Assembly wish to express their appreciation of your service as Speaker of the House. The problems which have confronted this assembly have been difficult of solution and we all know that you have had the welfare of every citizen of North Dakota at heart. The members appreciate your fairness to all and so on behalf of the members of this House and the employees of this House I am happy to present you with this gift, the token of our appreciation and esteem.

Speaker Hagen: Friends: I believe I can call you friends, all factions, and I want to say if ever a Speaker had a nice group to preside over I have had that group. There never has been a time for over a minute or two during this Session that we haven't gotten along. I think it is a wonderful record and I want to especially compliment the various leaders of all the factions. I certainly appreciate the fine work of some of our committees and it wouldn't be fair to mention one committee above the other but I think their work will stand out in the State. Everybody worked for what they thought was the good of North Dakota. I want to thank you.

Miss Haugland: And now Rep. Scholl: We realize that the duties of the majority floor leader are many and varied and we feel that you have faithfully served the citizens of our State in your capacity as floor leader in the 26th Legislative Assembly and we appreciate your work. And in behalf of

the members of the House we wish to extend to you our appreciation when we give you this gift.

Rep. Scholl: Members of the House and Friends: I realize that my position as majority floor leader is considerably different from that of the Speaker because as you all realize the Speaker's duty is to serve impartially to the majority and minority alike. In my position, of course, as majority floor leader, I am obligated with the proposition of putting across the majority program and I would say to the minority that in my attempts to put across our program that you have been very tolerant and very gentlemanly with the exception of the two ladies, of course, in your toleration of my attempts to carry out our program. And I want to express my appreciation to the minority as well as the majority in accepting this fine gift which is a pencil set and I assure you that this will assist me in my memories of this Legislative Assembly and I thank you again.

Rep. Bergesen: I am sorry that Mr. Twichell is not here. Mrs. Ista on behalf of the majority faction is to remember the leader of the minority group but, Mrs. Ista, I am sure that you will take care of that when Mr. Twichell is here. Mrs. Ista, at this time, has another pleasant task to perform.

Mrs. Ista: Mrs. Craig, on behalf of the members of the House of Representatives I present to you, Mrs. Craig, a gift from the members of both the House and the employees in admiration of your fairness and levelheadedness in your duties as Chief Clerk here during this Session. It is with pleasure that I present you this gift.

Mrs. Minnie D. Craig: Thank you, Mrs. Ista: Members of the 26th Legislative Assembly and the employees of the 26th Legislative Assembly: I feel that in these hard times you overdo yourselves. I feel that you should not have done this. I thank you very much and it shall be a reminder of my pleasant association with you during this Legislative Session. I thank you.

The House reconvened at the expiration of the five-minute recess.

Rep. Kluver moved that the program speeches which took place during the five-minute recess be printed in the Journal, which motion prevailed.

## MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, March 3, 1939.

Mr. Speaker: I have the honor to return:

House Bill No. 337. A Bill for an Act Amending and Reenacting Section 4444 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, Relating to the Consent of Parents or Guardians of Children Involved in Adoption Proceedings, Relating to the Giving of Consent Therein by the State Board of Administration or its Successor, Pro-

House Bill No. 372. A Bill for an Act to Amend and Reenact Section 10954, Compiled Laws of North Dakota for 1913 Relating to Probation of Persons Convicted of Crime and the Duties of the Clerks of Court in Such Cases.

House Bill No. 349. A Bill for an Act to Make Uniform the Law on Fresh Pursuit and Authorizing This State to Co-

operate With Other States Therein; Providing for Arrests in This State by Officers of Other States, Defining the Terms "Fresh Pursuit," Providing for Certification to Other States; Saving Clause.

House Bill No. 26. A Bill for an Act Providing an Appropriation for the Paying of 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.

House Concurrent Resolution No. 240. A Resolution Requesting Congress to Enact Legislation to Secure Lost AAA Payments for Mountrail County Farmers Misinformed on Compliance Regulations.

House Bill No. 300. A Bill for an Act to Amend and Reenact Section 14, Chapter 309 of the Laws of North Dakota, 1931, Providing for the Furnishing Without Charge of Copies of Public Records; Repealing All Acts in Conflict and Declaring an Emergency.

House Bill No. 293. A Bill for an Act to Amend and Reenact Section 8235 of the Compiled Laws of 1913, Relating to Waters Subject to Beneficial Appropriation and Declaring an Emergency.

House Bill No. 171. A Bill for an Act Providing for the Testing of Gasoline, Kerosene and Other Petroleum Products Used for Fuel and Power Purposes and Purchased for Resale; Repealing All Acts and Parts of Acts in Conflict Herewith; Providing a Penalty; Declaring an Emergency.

House Bill No. 260. A Bill for an Act to Create a North Dakota Poultry Improvement Board; to Define Its Powers and Duties; to Provide for Licenses and Fees for Poultry Processers, Packers, Hatching, Baby Chick Jobbers, Record of Performance Breeders and Poultry Feed Manufacturers and Wholesalers, and for the Disposition of the Proceeds Thereof; to Require the Filing of Reports by Carriers and Shippers of Poultry and Poultry Products, and Fixing Penalties for the Violation Hereof.

House Bill No. 328. A Bill for an Act to Amend and Re-enact Section 6 of That Certain Initiated Measure Adopted by the Electors of the State of North Dakota on September 22, 1933, Relating to the Manufacture, Sale and Distribution of Beer, as Amended by Chapter 98 of the Session Laws of North Dakota for the Year 1935, and Chapter 98 of the Session Laws of Nortth Dakota for the Year 1937; Repealing All Acts and Parts of Acts in Conflict Herewith, and Declaring an Emergency.

House Bill No. 31. 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.

House Bill No. 22. 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.

House Bill No. 301. A Bill for an Act to Make Uniform the Law on Criminal Indictment and Information; Defining

Terms Included in This Act; Providing What an Indictment or Information Must or Need Not Contain; Setting Forth Forms Thereof; Providing for Bills of Particular; in General Covering and Interpreting the Laws Pertaining to Indictments and Informations, and Repealing All Acts or Parts of Acts in Conflict Herewith.

House Bill No. 216. A Bill for an Act to Amend and Reenact Section 8175 of the Compiled Laws of the State of North Dakota for 1913 Relating to Actions Against the State of North Dakota.

House Concurrent Resolution No. 225. Memorializing Congress to Pass $4,000,000.00 Appropriation Bill to Be Allotted Several U. S. Indian Reservations.

House Bill No. 29. A Bill for an Act Making an Appropriation for the North Dakota Soldiers' Home at Lisbon, North Dakota; Providing for Reports and Deductions.

House Bill No. 99. A Bill for an Act to Authorize County Commissioners to Lease Real Property Acquired by Tax Deed and Not Sold or Leased; to Limit Term of Lease; to Permit Longer Leases to Co-operative Grazing Associations, Soil Conservation Districts, and Individuals; to Limit Expense of Supervising and Collecting Rentals; to Provide That Net Revenue be Distributed to Taxing Districts; to Repeal Any Acts in Conflict; and to Declare an Emergency.

House Bill No. 70. A Bill for an Act Permitting the Purchase of Gasoline to be Used Solely for Agricultural and Industrial Purposes Without the Payment of a Gasoline Tax on the Purchase Price Thereof; Licensing Purchasers and Sellers; Providing Penalties; Repealing Chapter 189 of the Session Laws of North Dakota for 1931.

House Bill No. 172. A Bill for an Act to Amend and Reenact Sections 5, 6, 7, 8 and 9 of Chapter 91 of the 1935 Session Laws of 1935, Relating to an Act Creating the State Athletic Commission, Prescribing Its Powers and Duties, Providing Penalties for Violations and Repealing All Acts or Parts of Acts in Conflict Therewith; and Providing an Appropriation Therefor.

House Bill No. 351. A Bill For an Act to Amend and Reenact Section 2346a18 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, as Amended by Section 4, Chapter 283 of the Session Laws of 1931, as Amended by Section 2, Chapter 241, Session Laws of 1937, to Repeal Section 4 of Chapter 241 Session Laws of 1937; and Declaring an Emergency.

House Concurrent Resolution No. 91. Providing for the Amendment of Section 25, of Article 2, of the Constitution of the State of North Dakota, Relating to the Legislative Power of the State, and the Initiative and Referendum.

House Bill No. 385. A Bill for an Act Making an Appropriation for the Operating, Administration, Salaries and Other Expenses for the State Hospital for the Insane at Jamestown, North Dakota and Declaring an Emergency.

House Bill No. 356. A Bill for an Act to Amend and Reenact Section 3186 of the Compiled Laws of North Dakota for 1913, Relating to the Preferment for Official Appointment, and Providing for Repeal of Any Acts in Conflict Herewith.

House Concurrent Resolution No. 248. A Concurrent Resolution Memorializing Congress to Enact the Frazier-Lemke Refinancing Act.

House Bill No. 185. A Bill for an Act Relating to the Issuance of Tax Sale Certificates; the Payment of Subsequent Taxes; the Issuance of Subsequent Tax Sale Certificates; Amending and Re-enacting Section 2192, as Amended by Chapter 298, Session Laws of 1931, of the Supplement to the Compiled Laws of 1913; and to Make the Records of the County Auditor Evidence of the Rights of the County; and Dispensing With the Necessity of Issuing Tax Sale Certificates and Subsequent Tax Sale Certificates to the Counties; Declaring an Emergency.

House Bill No. 186. A Bill for an Act Providing for the Resale of Lands Acquired by the State on Foreclosure of Mortgages Given to Secure Loans of Permanent School Funds, or by Deed Given in Lieu of Foreclosure; Giving a Preference to Mortgagors Whose Lands Are Resold or to Their Heirs; Providing for the Terms and Conditions of Resale; and Declaring an Emergency.

House Bill No. 309. A Bill for an Act to Amend and Reenact Section 8 of Chapter 135 of the 1935 Session Laws of the State of North Dakota, Relating to the Nomination of Candidates for the Offices of Presidential Electors; for the Election of Party Precinct Committeemen; Delegates to the National Party Conventions and National Party Committeemen and National Party Committeewomen; for the Organization of Party County and State Committees, Such Amendment Requiring That in Selecting Proxies, the Same Shall Be Taken From the Precinct in Which the Committeemen or Committeewomen Were Elected; Repealing All Acts or Parts of Acts in Conflict Herewith.

House Bill No. 30. A Bill for an Act Making an Appropriation to Provide Funds for the Arrest and Return of Fugitives from Justice as Provided by Section 11162, Compiled Laws of 1913, as Amended and Re-enacted by Chapter 160, Laws of 1915, the same being Section 11162 of the Supplement to the 1913 Compiled Laws of North Dakota.

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 Workmen's Compensation Bureau.

House Bill No. 46. A Bill for an Act Making an Appropriation Out of the Teachers' Insurance and Retirement Fund in the State Treasury for Operation and Maintenance, Equipment, Supplies, Travel and Miscellaneous Expenses for the Teachers' Insurance and Retirement Fund.

Which the President has signed.

WM. J. LOWE, Secretary.

Rep. Byrne moved that the House be on the Seventh Order of Business, which request was granted.

Rep. Byrne moved that the Senate be requested to return Senate Bill No. 213, which motion was lost.

## MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, March 3, 1939.

**Mr. Speaker:** I have the honor to return:

House Bill No. 43. 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.

Which the Senate has amended as follows:

In line 4 strike out the figure "$121,100.00" and insert in lieu thereof the figure "$119,800.00".

In line 13 strike out the figure "$2,200.00" and insert in lieu thereof the figure "$1,500.00".

In line 14 strike out the figure "$800.00" and insert in lieu thereof the figure "$600.00".

In line 15 strike out the figure "$200.00" and insert in lieu thereof the figure "$300.00".

In line 17 strike out the figure "$3,500.00" and insert in lieu thereof the figure "$3,000.00".

In line 18 strike out the figure "$20,000.00" and insert in lieu thereof the figure "$15,000.00".

In line 20 strike out the figure "$80,000.00" and insert in lieu thereof the figure "$10,000.00".

In line 22 strike out the figure "$18,200.00" and insert in lieu thereof the figure "$13,200.00".

In line 26 strike out the figure "$4,000.00" and insert in lieu thereof the figure "$2,000.00".

Following line 26 insert a new line to read "Construction" and insert the figure "$10,000.00".

In line 27 strike out the figure "$121,100.00" and insert in lieu thereof the figure "$119,800.00".

WM. J. LOWE, Secretary.

Rep. Westby moved that the House do concur in the Senate amendments to House Bill No. 43, which motion prevailed.

Rep. Schimke moved that the rules be suspended and that House Bill No. 43 be considered properly re-engrossed, placed on second reading and final passage as amended by the Senate, which motion prevailed.

## SECOND READING OF HOUSE BILLS

House Bill No. 43. 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 by the Senate, the roll was called and there were ayes, 87; nays, 6; absent and not voting, 17.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Haag | Peterson,Bottineau |
| Anderson, Benson | Halvorson | Peterson, Ransom |
| Anderson,M'K'nzie | Haugland | Rettke |
| Anfinson | Heckman | Ritter |
| Arneson, Nelson | Holm | Schmidt, McHenry |
| Arneson, Ramsey | Holthusen | Schmidt, Sheridan |
| Belzer | Ireland | Schimke |
| Benno | Ista | Scholl |

| | | |
|---|---|---|
| Bergesen | Johnson, LaMoure | Schwartz |
| Billigmeier | Joiner | Sellens |
| Bingenheimer | Keller | Semerad |
| Blair | Kluver | Severson |
| Boulden | Knutson | Sharpe |
| Braun, Stark | Lange | Singleton |
| Brown | Larson | Skartvedt |
| Buchholz | Levin | Solberg |
| Culver | Lunde | Stormon |
| Crockett | McInnes | Symington |
| Dalzell | McIntee | Thompson, Burl'gh |
| Dike | McIntyre | Thompson, Steele |
| Dittmer | Myers | Trydahl |
| Erickson | Moe | Tuff |
| Feton | Morland | Urschel |
| Fletcher | Nelson, Dickey | Wambheim |
| Fraser | Nystrom | Westby |
| Fuglestad | O'Brien | Williams, Richland |
| Gainor | Odegard | Williams, Stutsm'n |
| Glas | Oglesby | Wolf |
| Gray | Ostgulen | Mr. Speaker |

Those voting in the negative were:

| | | |
|---|---|---|
| Jensen | Mollet | Rohde |
| Mittag | Rait | Saumur |

Absent and not voting:

| | | |
|---|---|---|
| Beede | Hultstrand | Sand |
| Bolmeier | Johnson, Cass | Schauss |
| Braun, McLean | Nelson, Cass | Shure |
| Byrne | Nelson, Steele | Stone |
| Fitch | Page | Twichell |
| Hofstrand | Panko | |

So the bill passed and the title was agreed to.

Rep. Belzer moved that the vote by which House Bill No. 43 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

## MESAGE FROM THE SENATE

Senate Chamber,
Bismarck, March 3, 1939.

Mr. Speaker: I have the honor to inform you that the Senate has adopted the Conference Committee reports on:

House Bill No. 15. 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.

House Bill No. 16. 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.

House Bill No. 17. 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.

House Bill No. 18. A Bill for an Act Making an Appro-

priation for St. John's Orphanage of Fargo, North Dakota, Providing the Mehods of Expenditure and Audit Thereof; Supervision and Inspection Therefor.

House Bill No. 19. 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.

House Bill No. 20. 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, Providing the Methods of Expenditure and Audit Thereof; Supervision and Inspection Therefor.

WM. J. LOWE, Secretary.

The Speaker announced the appointment of Reps. Beede, Anderson of McKenzie, and Saumur to act as a conference committee to act with a like committee from the Senate in deliberation on Senate Bill No. 140.

## MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, March 3, 1939.

Mr. Speaker: I have the honor to return:

House Bill No. 3. 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 amended as follows:

In line 1 after the word "appropriated" strike out all of line 2 and that portion of line 3 to and including "$22,810.00", and insert in lieu thereof the following: "the sum of $2,400.00 out of the Pullorum Fund of the State Livestock Sanitary Board and the sum of $22,160.00 out of the State Treasury, not otherwise appropriated,".

In line 13 strike out the figure "$300.00" and insert in lieu thereof the figure "$650.00".

In line 17 strike out the figure "$500.00" and insert in lieu thereof the figure "$700.00".

In line 19 strike out the figure "$1,200.00" and insert in lieu thereof the figure "$2,400.00".

In line 20 strike out the figure "$22,810.00" and insert in lieu thereof the figure "$24,560.00".

WM. J. LOWE, Secretary.

Rep. Ireland moved that the House do concur in the Senate amendments to House Bill No. 3, which motion prevailed.

Rep. Ireland moved that the rules be suspended and that House Bill No. 3 be considered properly re-engrossed, placed on second reading and final passage as amended by the Senate, which motion prevailed.

## SECOND READING OF HOUSE BILLS

House Bill No. 3. 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 by the Senate, the roll was called and there were ayes, 95; nays, 0; absent and not voting, 15.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Holthusen | Rait |
| Anderson, Benson | Ireland | Rettke |
| Anderson,M'K'nzie | Ista | Ritter |
| Anfinson | Jensen | Rohde |
| Arneson, Nelson | Johnson, Cass | Saumur |
| Arneson, Ramsey | Johnson, LaMoure | Schauss |
| Belzer | Joiner | Schmidt, McHenry |
| Benno | Keller | Schmidt, Sheridan |
| Bergesen | Kluver | Schimke |
| Billigmeier | Knutson | Scholl |
| Bingenheimer | Lange | Schwartz |
| Blair | Larson | Sellens |
| Boulden | Levin | Semerad |
| Braun, Stark | Lunde | Severson |
| Brown | McIntee | Sharpe |
| Buchholz | McIntyre | Singleton |
| Crockett | Myers | Skartvedt |
| Culver | Mittag | Solberg |
| Dalzell | Moe | Stone |
| Dike | Mollet | Stormon |
| Erickson | Morland | Symington |
| Feton | Nelson, Dickey | Thompson,Burl'gh |
| Fletcher | Nelson, Steele | Thompson, Steele |
| Fraser | Nystrom | Trydahl |
| Fuglestad | O'Brien | Tuff |
| Gainor | Odegard | Urschel |
| Glas | Oglesby | Wambheim |
| Gray | Ostgulen | Williams,Richland |
| Halvorson | Page | Williams,Stutsm'n |
| Haugland | Panko | Wolf |
| Heckman | Peterson,Bottineau | Mr. Speaker |
| Holm | Peterson, Ransom | |

Absent and not voting:

| | | |
|---|---|---|
| Beede | Fitch | Nelson, Cass |
| Bolmeier | Haag | Sand |
| Braun, McLean | Hofstrand | Shure |
| Byrne | Hultstrand | Twichell |
| Dittmer | McInnes | Westby |

So the bill passed and the title was agreed to.

Rep. Wabmheim moved that the vote by which House Bill No. 3 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

## MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, March 3, 1939.

Mr. Speaker: I have the honor to return:

House Bill No. 267. A Bill for an Act Providing for Serological Test, for Syphilis of All Persons Applying for Marriage Licenses; Prohibiting Marriage of Any Person Afflicted With Syphilis in Communicable Form; Providing for Proofs of Serological Test to Be Required by and Submitted

to County Judges Before the Issuance of a Marriage License; Repealing All Acts and Parts of Acts Inconsistent With or in Conflict Herewith; Making an Appropriation for the State Health Department to Enable it to Comply With the Provisions Hereof.

Which the Senate has amended as follows:

In line 5 Section 2 after word "surgeon" insert words "osteopaths and chiropractors."

In line 2, Section 4, after the word "Surgeon" insert the words "osteopaths and chiropractors."

WM. J. LOWE, Secretary.

Rep. Boulden moved that the House do not concur in the Senate amendments to House Bill No. 267 and that a conference committee be appointed to act with a like committee from the Senate in deliberation on House Bill No. 267.

Rep. Crockett moved a substitute motion that the House do concur in the Senate amendments to House Bill No. 267, which motion was lost.

The question being on the motion of Rep. Boulden that the House do not concur in the Senate amendments to House Bill No. 267 and that a conference committee be appointed, the motion prevailed, and the Speaker appointed on that committee Reps. Wm. Crockett, A. O. Arneson of Nelson and Leonas Myers.

## MESSAGE TO THE SENATE

House of Representatives,
Bismarck, March 3, 1939.

Mr. President: I have the honor to inform you that the Speaker has appointed as a Conference Committee, House Members:

R. G. Beede,
Bernt Anderson of McKenzie,
George Saumur.

Relative to:

Senate Bill No. 140. A Bill for an Act Making an Appropriation for the Biennium Beginning July 1, 1939, and Ending June 30, 1941 to the Public Welfare Fund, Created and Established by Section 3 of Chapter 214 of the Session Laws of 1937, for Disbursement by the Public Welfare Board in Providing Public Assistance to the Needy Blind and to Dependent Children, as Provided by Chapters 209 and 210 of the Session Laws of 1937, and in Providing Child Welfare Services and Services to Crippled Children in Coordination With and Supplementary to Funds Made Available for Like Purposes in North Dakota by the Federal Government, as Provided by Chapter 221 of the Session Laws of 1935.

MINNIE D. CRAIG, Chief Clerk.

## REPORT OF STANDING COMMITTEES

The Committee on Enrollment and Engrossment respectfully reports that:

House Bill No. 349.
House Bill No. 372.
House Bill No. 26.
House Bill No. 300.
House Bill No. 293.

House Bill No. 171.
House Bill No. 260.
House Bill No. 328.
House Bill No. 385.
House Bill No. 356.
House Bill No. 185.
House Bill No. 186.
House Bill No. 309.
House Bill No. 30.
House Bill No. 42.
House Bill No. 46.
House Bill No. 31.
House Bill No. 22
House Bill No. 301.
House Bill No. 216.
House Bill No. 29.
House Bill No. 99.
House Bill No. 70.
House Bill No. 172.
House Bill No. 351.
House Bill No. 337.

Were delivered to the Governor for his approval at the hour of 7:44 p. m., March 3, 1939.

OLAF OSTGULEN, Chairman.

## MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, March 3, 1939.

Mr. Speaker: I have the honor to return:

House Bill No. 274. 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 Water Sheds, 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, Maintenance and Financing 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; Authorizing the Commission to Obligate or Pledge Monies Available in Its Operating or Construction Fund to Insure the Payment of Twenty Per Cent of the Par Value of Revenue 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 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; Validating Proceeding and Acts of the State Water Conservation Commission Done and Performed Under the Provisions of Chapter 255 of the Session Laws of 1937; Repealing Inconsistent Acts, and Declaring an Emergency.

Which the Senate has amended as follows:

In Section 7, line 14, after the word "payment" strike out the balance of the line and lines 15 to 25 inclusive.

In sub-division 4 of Section 21, page 36 of the printed bill, strike out lines 83, 84 and 85 and insert in lieu thereof the following words:

"Provided further that for the biennial period ending June 30, 1941, the Commission shall not thus pledge, hypothecate or place under trust indenture, or agree to pledge, hypothecate or to place under trust indenture, an aggregate amount in excess of forty-five thousand dollars and provided further that any agreement to thus pledge, hypothecate, or place under trust indenture any amount in excess of forty-five thousand dollars shall be, and is hereby declared null and void, provided, however, that the appropriation or use of said $45,000 shall not be construed to be the pledging of the credit of the State of North Dakota nor the guaranteeing of any bonds issued hereunder.

In Section 3 of the printed, and also of the engrossed, Bill, after the word "Commission" appearing at the beginning of line 2, strike out the balance of the section and in lieu thereof insert the following:

"There is hereby created a commission to be known as the

"State Water Conservation Commission." The Commission shall consist of the Governor and three other members to be appointed by the Governor. Each appointive member shall be a qualified elector of the State and shall be subject to removal by judicial procedure. In case of vacancy the vacancy shall be filled by appointment by the Governor. The Governor shall appoint one member for a term of two years; one member for a term of four years and one member for a term of six years, ending July 1, 1941, 1943 and 1945 inclusive. Thereafter each new member shall be appointed and serve for a period of six years. Before entering upon the discharge of his official duties, each appointive member shall take, subscribe, and file with the Secretary of State his oath prescribed by the Constitution for the fulfillment of his duties as commissioner. The Governor shall be the chairman of the Commission, which shall designate a vice chairman and a secretary who may, but does not necessarily need be a member of the Commission."

Rep. Gray moved that the House do not concur in the Senate amendments to House Bill No. 274 and that a conference committee be appointed to act with a like committee from the Senate in deliberation on House Bill No. 274, which motion prevailed, and the Speaker appointed on that committee Reps. C. P. Ritter, R. T. Gray and Jos. D. Byrne.

## MESSAGES FROM THE SENATE

Senate Chamber,
Bismarck, March 3, 1939.

Mr. Speaker: I have the honor to inform you that the President has appointed as a conference committee to act with a like committee from the House, Senators:

C. P. Dahl,
P. W. Blank,
Ed. A. Hill.

Relative to:

**Senate Bill No. 277. A Bill for an Act Making an Appropriation to Provide Funds for the Payment of Salaries and Expenses Due Inspectors of the Motor Vehicle Registration Department; and Declaring an Emergency.**

Mr. Speaker: I have the honor to transmit:

Senate Concurrent Resolution No. 286. A concurrent resolution relating to the distribution of money obtained from the sale of public lands and from royalties on minerals contained therein.

Senate Concurrent Resolution No. 287. A Concurrent Resolution Urging an Investigation by the President of the United States and Congress of the Relief Situation in North Dakota.

Which the Senate has passed and your favorable consideration is respectfully requested.

Mr. President: I have the honor to return:

Senate Bill No. 249. A Bill for an Act Making an Appropriation for the Purpose of Operating and Maintaining the State Bonding Fund for the Biennium Beginning July 1, 1939.

House Bill No. 354. A Bill for an Act for the Regulation of Motor Trucks, Trailers, Semi-Trailers, and Busses, Rela-

tive to Size and Weights of Vehicles and Loads, and to the Taxation and Licensing of Such Vehicles in Operation Upon the Highways of This State; and Amending and Re-enacting Sub-sections (c), (e) and (f) of Section 36, of Chapter 162 of the Session Laws of 1927, as Amended by Chapter 185, of the Session Laws of 1935, and Sub-sections (b) of Section 25, of Chapter 179, of the Session Laws of 1927, as Amended by Section 5, of Chapter 186 of the Session Laws of 1931; and Repealing Sub-section (c) of Section 25, of Chapter 179, of the 1927 Session Laws, as Amended by Chapter 180 of the Session Laws of 1935, and Sub-sections (d), (e), and (f), of Section 25, of Chapter 179, of the Session Laws of 1927; and Repealing All Other Acts or Parts of Acts in Conflict Herewith.

Which the Senate has indefinitely postponed.

Mr. Speaker: I have the honor to return:

House Bill No. 5. A Bill for an Act Making an Appropriation for the Purpose of Testing and Indemnifying Owners of Animals Infected With Bovine Tuberculosis and to Pay Expenses in Connection Therewith, and Declaring an Emergency.

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 Institutions of Higher Learning of the State of North Dakota, and Providing for Offsets for Federal Aid Granted to Said Institutions and the Sub-divisions Thereof.

House Bill No. 38. A Bill for an Act Making an Appropriation for Salaries, Operation, Maintenance, General and Miscellaneous Expenses for the State Laboratories Department.

House Bill No. 302. A Bill for an Act to Amend Sections 1, 3 and 15 of Chapter 164, of the Session Laws of North Dakota for the Year 1933, and Acts Amendatory Thereof and Supplementary Thereto; Defining and Classifying Agriculture Carriers and Providing for Their Licensing, Regulations and Exemption; and Providing for the Enforcement of the Provisions of This Act, and for Penalties for the Violation Thereof; and Declaring an Emergency.

House Bill No. 370. A Bill for an Act to Amend and Reenact Sections 3684a3 and 3684a8 of the 1925 Supplement to the Compiled Laws of the State of North Dakota for the Year 1913 Relating to the City Budget Law.

House Bill No. 279. A Bill for an Act to Amend and Reenact Subdivisions (a) and Section 19 of Chapter 179 of the 1927 Session Laws as Amended by Section 6 of Chapter 160 of the 1933 Session Laws; providing for the Registration of Motor Vehicles, Registration Fees for Motor Vehicles Except Trucks and Busses, and When All Motor Vehicle Fees Shall Become Delinquent, and Penalties Therefor; and Repealing all Acts and Parts of Acts in Conflict Herewith.

Which the Senate has amended.

Mr. Speaker: I have the honor to return:

House Bill No. 143. A Bill for an Act Making a Deficiency Emergency Appropriation for Relief of Destitute and Nec-

essitous Persons of the State of North Dakota for the Months of March, April, May and June, 1939, as Provided by Chapter 214 of the Session Laws of 1937, Declaring an Emergency.

House Bill No. 160. 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.

House Bill No. 37. A Bill for an Act Making an Appropriation for the State Employment Service Provided for in Section 13 and Section 14b, Chapter 232, Session Laws of 1937, in Co-operation with the Social Security Act of Congress.

House Bill No. 332. A Bill for an Act to Extend the Powers of Credit Unions Organized Under Chapter 108 of the 1935 Session Laws, as Amended by Chapter 113 and 114 of the 1937 Session Laws, and Providing for the Creation of a Permanent Fund; Prescribing How Obtainable, Its Limits, Ownership, Uses, to Whom Obtainable and Other Procedure Thereunder.

House Concurrent Resolution No. 410. A Concurrent Resolution Proposing the Appropriation of Twelve Thousand Dollars ($12,000.00) or so Much Thereof as May Be Necessary for the Purpose of Paying the Salaries of the Legislative Employees of the 26th Legislative Assembly.

Which the Senate has passed unchanged.

WM. J. LOWE, Secretary.

## MESSAGES TO THE SENATE

House of Representatives,
Bismarck, March 3, 1939.

Mr. President: I have the honor to inform you that the House has concurred in the Senate amendments to:

House Bill No. 43. 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.

House Bill No. 3. A Bill for an Act Making an Appropriation for the Per Diem, Salaries and General Expenses of the State Livestock Sanitary Board.

MINNIE D. CRAIG, Chief Clerk.

Mr. President: I have the honor to inform you that the House has refused to concur in the Senate amendment to

House Bill No. 267. A Bill for an Act Providing for Serological Test, for Syphilis of All Persons Applying for Marriage Licenses; Prohibiting Marriage of Any Person Afflicted With Syphilis in Communicable Form; Providing for Proofs of Serological Test to Be Required by and Submitted to County Judges Before the Issuance of a Marriage License; Repealing All Acts and Parts of Acts Inconsistent With or in Conflict Herewith; Making an Appropriation for the State Health Department to Enable it to Comply With the Provisions Hereof.

House Bill No. 274. 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 Water Sheds, 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, Maintenance and Financing 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; Authorizing the Commission to Obligate or Pledge Monies Available in Its Operating or Construction Fund to Insure the Payment of Twenty Per Cent of the Par Value of Revenue 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; Validating Proceedings and Acts of the State Water Conservation Commission Done and Performed Under the Provisions of Chapter 255 of the Session Laws of 1937; Repealing Inconsistent Acts, and Declaring an Emergency.

And the Speaker has appointed as a Conference Committee:
Wm. Crockett,
A. O. Arneson of Nelson,
Leonas Myers,

C. P. Ritter,
R. T. Gray,
Jos. D. Byrne.

MINNIE D. CRAIG, Chief Clerk.

## MESSAGES FROM THE SENATE

Senate Chamber,
Bismarck, March 3, 1939.

Mr. Speaker: I have the honor to inform you that the President has appointed as a conference committee to act with a like committee from the House, Senators:

Herman Thorson,
G. F. Drew,
R. R. Morgan.

Relative to:

House Bill No. 267. A Bill for an Act Providing for Serological Test, for Syphilis of All Persons Applying for Marriage Licenses; Prohibiting Marriage of Any Person Afflicted With Syphilis in Communicable Form; Providing for Proofs of Serological Test to Be Required by and Submitted to County Judges Before the Issuance of a Marriage License; Repealing All Acts and Parts of Acts Inconsistent With or in Conflict Herewith; Making an Appropriation for the State Health Department to Enable it to Comply With the Provisions Hereof.

WM. J. LOWE, Secretary.

Mr. Speaker: I have the honor to inform you that the President has appointed as a conference committee to act with a like committee from the House, Senators:

F. T. Gronvold,
W. J. Braun,
N. N. Nelson.

Relative to:

House Bill No. 274. 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 Water Sheds, 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, Maintenance and Financing 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; Authorizing the Commission to Obligate or Pledge Monies Available in Its Operating or Construction Fund to Insure the Payment

of Twenty Per Cent of the Par Value of Revenue 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; Validating Proceedings and Acts of the State Water Conservation Commission Done and Performed Under the Provisions of Chapter 255 of the Session Laws of 1937; Repealing Inconsistent Acts, and Declaring an Emergency.

WM. J. LOWE, Secretary.

Mr. Speaker: I have the honor to inform you that the Senate has adopted the Conference Committee report on:

House Bill No. 362. A Bill for an Act Amending and Reenacting Section 5099c8 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913 Relating to the Duties of Child Placement Agencies.

WM. J. LOWE, Secretary.

Mr. Speaker: I have the honor to return:

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 Institutions of Higher Learning of the State of North Dakota, and Providing for Offsets for Federal Aid Granted to Said Institutions and the Sub-divisions Thereof.

Which the Senate has amended as follows:

In the re-engrossed bill:

In line 21 after the word "Act" strike out the "period" and insert a "comma", and add the following: "to each of the in-

stitutions hereinafter named out of the State Treasury as follows:

| | | |
|---|---|---|
| 1. | State University | $683,107.00 |
| 2. | State Agricultural College | $386,971.40 |
| 3. | Agricultural College Experiment Station | $125,010.52 |
| 4. | Agricultural College Extension Division | $ 60,076.74 |
| 5. | School of Science | $ 98,570.00 |
| 6. | Valley City Normal | $241,791.33 |
| 7. | Mayville Normal | $139,685.00 |
| 8. | Minot Normal | $229,048.00 |
| 9. | Dickinson Normal | $158,969.00 |
| 10. | Ellendale Normal and Industrial School | $ 94,076.00 |
| 11. | School of Forestry | $ 73,668.10 |

and out of the Institutional interest and income, tuition fees and collections the following sums to each of said institutions as follows:

| | | |
|---|---|---|
| 1. | State University | $248,870.00 |
| 2. | State Agricultural College | $434,370.68 |
| 3. | Agricultural College Experiment Station | $293,351.52 |
| 4. | Agricultural College Extension Division | $728,267.30 |
| 5. | School of Science | $115,000.00 |
| 6. | Valley City Normal | $ 80,000.00 |
| 7. | Mayville Normal | $ 47,500.00 |
| 8. | Minot Normal | $ 70,000.00 |
| 9. | Dickinson Normal | $ 30,000.00 |
| 10. | Ellendale Normal and Industrial School | $ 40,000.00 |
| 11. | School of Forestry | $ 20,000.00 |

and in addition thereto there is hereby appropriated to each of the institutions hereinafter named all other incidental income, collections and fees that such institutions may collect and receive, and such incidental income, collections and fees, shall be used by each institution for such miscellaneous purposes as may be necessary for the maintenance and operation of the institution.

In line 37 strike out the figures "$38,780.00" and insert in lieu thereof the figures "$42,200.00".

In line 39 strike out the figures "$28,650.00" and insert in lieu thereof the figures "$29,800.00".

In line 57 strike out the figures "$5,500.00" and insert in lieu thereof the figures "$8,196.00".

In line 58 strike out the figures "$36,380.00" and insert in lieu thereof the figures "$41,482.00".

In line 59 strike out the figures "$80,000.00" and insert in lieu thereof the figures "$88,000.00".

In line 62 strike out the figures "$26,000.00" and insert in lieu thereof the figures "$32,502.00".

In line 63 strike out the figures "$861,677.00" and insert in lieu thereof the figures "$888,547.00."

In line 65 strike out the figures "$130,000.00" and insert in lieu thereof the figures "$150,000.00".

In line 66 strike out the figures "$14,000.00" and insert in lieu thereof the figures "$16,870.00".

In line 68 strike out the figures "$13,400.00" and insert in lieu thereof the figures "$17,400.00".

In line 69 strike out the figures "$222,000.00" and insert in lieu thereof the figures "$248,870.00".

In line 78, strike out the figures "$17,000.00" and insert in lieu thereof the figures "$17,100.00."

In line 79, strike out the figures "$18,000.00"' and insert in lieu thereof the figures "$21,500.00."

In line 81, strike out the figures "$5,500.00" and insert in lieu thereof the figures "$6,500.00."

In line 84, strike out the figures "$110,000.00" and insert in lieu thereof the figures "$114,000.00."

In line 85, strike out the figures "$4,000.00" and insert in lieu thereof the figures "$4,750.00."

In line 86, strike out the figures "$63,000.00" and insert in lieu thereof the figures "$66,100.00."

In line 87, strike out the figures "$30,000.00" and insert in lieu thereof the figures "$31,900.00."

In line 88, strike out the figures "$35,788.00" and insert in lieu thereof the figures "$38,000.00."

In line 89, strike out the figures "$112,454.40" and insert in lieu thereof the figures "$126,000.00."

In line 91, strike out the figures "$14,000.00" and insert in lieu thereof the figures "$15,000.00."

In line 92, strike out the figures "$19,000.00" and insert in lieu thereof the figures "$20,000.00."

In line 93, strike out the figures "$3,000.00" and insert in lieu thereof the figures "$4,045.00."

In line 96, strike out the figures "$2,500.00" and insert in lieu thereof the figures "$2,304.00."

In line 98, strike out the figures "$13,000.00" and insert in lieu thereof the figures "$12,300.00."

Following line 101 insert a new line to read "Placement-Personnel" and insert the figures "$4,000.00."

In line 103, strike out the figures "$21,000.00" and insert in lieu thereof the figures "$20,000.00."

In line 105, strike out the figures "$8,000.00" and insert in lieu thereof the figures "$7,700.00."

In line 106, strike out the figures "$45,000.00" and insert in lieu thereof the figures "$49,271.40."

In line 107, strike out the figures "$6,000.00" and insert in lieu thereof the figures "$6,700.00."

Following line 109, insert a new line "Campus Police" and insert the figures "$2,160.00."

Following the above line insert a new line to read "Student Help" and insert the figures "$4,000.00."

Following the above line insert a new line to read "Girls' Dormitory" and insert the figures "$10,970.68."

In line 110, strike out the figures "$672,442.00" and insert in lieu thereof the figures "$729,501.08."

In line 111, strike out the figures "$369,000.00" and insert in lieu thereof the figures "$434,370.68."

In line 112, strike out the figures "$303,442.00" and insert in lieu thereof the figures "$295,130.40.'"

In line 114, strike out the figures "$5,500.00" and insert in lieu thereof the figures "$6,000.00."

In line 117, strike out the figures "$1,500.00" and insert in lieu thereof the figures "$3,000.00."

Strike out all of line 119.

In line 120, strike out the figures "$6,000.00" and insert in lieu thereof the figures "$5,000.00."

In line 122, strike out the figures "$2,500.00" and insert in lieu thereof the figures "$4,000.00."

In line 123, strike out the figures "$2,000.00" and insert in lieu thereof the figures "$2,400.00."

In line 124, strike out the figures "$2,500.00" and insert in lieu thereof the figures "$3,500.00."

Following line 124, insert a new line "Geology" and insert the figures "$700.00."

In line 125, strike out the figures "$1,000.00" and insert in lieu thereof the figures "$1,100.00."

In line 126, strike out the figures "$2,500.00" and insert in lieu thereof the figures "$3,500.00."

In line 127, strike out the figures "$700.00" and insert in lieu thereof the figures "$491.00."

In line 128, strike out the figures "$5,500.00" and insert in lieu thereof the figures "$7,500.00."

In line 130, strike out the figures "$5,000.00" and insert in lieu thereof the figures "$10,000.00."

In line 131, strike out the figures "$1,500.00" and insert in lieu thereof the figures "$2,000.00."

Strike out all of line 132.

In line 134, strike out the figures "$23,000.00" and insert in lieu thereof the figures "$25,200.00."

Following line 136, insert a new line to read "Special assessment for Water Main" and insert the figures "$3,000.00."

In line 137, strike out the figures "$389,271.40" and insert in lieu thereof the figures "$386,971.40."

In line 142, strike out the figures "$143,925.17" and insert in lieu thereof the figures "$164,134.42."

In line 143, strike out the figures "$93,975.48" and insert in lieu thereof the figures "$119,122.90."

In line 147, strike out the figures "$253,900.65" and insert in lieu thereof the figures "$299,257.32."

In line 148, strike out the figures "$243,182.58" and insert in lieu thereof the figures "$293,351.52."

In line 149, strike out the figures "$10,718.07" and insert in lieu thereof the figures "$5,905.80."

In line 151, strike out the figures "$6,000.00" and insert in lieu thereof the figures "$5,000.00."

In line 158, strike out the figures "$1,500.00" and insert in lieu thereof the figures "$5,000.00."

In line 159, strike out the figures "$1,000.00" and insert in lieu thereof the figures "$2,000.00."

In line 160, strike out the figures "$500.00" and insert in lieu thereof the figures "$1,900.00."

In line 161, strike out the figures "$150.00" and insert in lieu thereof the figures "$1,150.00."

In line 163, strike out the figures "$500.00" and insert in lieu thereof the figures "$700.00."

In line 164, strike out the figures "$1,100.00" and insert in lieu thereof the figures "$5,100.00."

Following line 164 insert the following lines:

| | |
|---|---|
| Special Economic Investigation in Marketing | 6,000.00 |
| Scientific Supplies | 7,000.00 |
| Feed Stuffs Experimental animals | 3,933.60 |
| Furniture | 500.00 |
| Scientific Equipment | 8,162.12 |

In line 165, strike out the figures "$63,468.07" and insert in lieu thereof the figures "$99,510.52."

In line 172, strike out the figures "$88,968.07" and insert in lieu thereof the figures "$125,010.52."

In line 176, strike out the figures "$420,324.18" and insert in lieu thereof the figures "$443,571.38."

In line 177, strike out the figures "$97,592.66" and insert in lieu thereof the figures "$93,833.32."

In line 178, strike out the figures "$51,095.86" and insert in lieu thereof the figures "$50,550.00."

In line 179, strike out the figures "$45,320.00" and insert in lieu thereof the figures "$42,640.00."

In line 180, strike out the figures "$46,090.00" and insert in lieu thereof the figures "$75,020.00."

In line 181, strike out the figures "$32,537.64" and insert in lieu thereof the figures "$31,807.34."

In line 182, strike out the figures "$21,306.96" and insert in lieu thereof the figures "$21,262.00."

Following line 182 insert a new line to read "Neighborhood Activities in County Districts" and insert the figures "$2,150.00."

Following the above line insert a new line to read "Rural Young People" and insert the figures "$8,470.00."

In line 183 strike out the figure "$2,520.00" and insert in lieu thereof the figure $5,040.00".

In line 186 strike out the figure "$730,787.30" and insert in lieu thereof the figure "$788,344.04".

In line 188 strike out the figure "$485,567.30" and insert in lieu thereof the figure $483,067.30".

In line 192 strike out the figure "$730,787.30" and insert in lieu thereof the figure "$728,267.30".

Following line 192 insert a new line to read "NET MAINTENANCE" and insert the figure "$60,076.74".

In line 237 strike out the figure "$30,000.00" and insert in lieu thereof the figure "$33,200.00".

In line 241 strike out the figure "$5,000.00" and insert in lieu thereof the figure "$6,426.33".

In line 253 strike out the figure "$290,815.00" and insert in lieu thereof the figure "$295,441.33".

In line 255 strike out the figure "$210,815.00" and insert in lieu thereof the figure "$215,441.33".

In line 272 strike out the figure "$237,165.00" and insert in lieu thereof the figure "$241,791.33".

In line 275 strike out the figure "$11,052.00" and insert in lieu thereof the figure "$13,982.00".

In line 276 strike out the figure "$98,840.00" and insert in lieu thereof the figure "$99,747.00".

In line 283 strike out the figure "$2,400.00" and insert in lieu thereof the figure "$2,900.00".

In line 292 strike out the figure "$1,000.00" and insert in lieu thereof the figure "$1,500.00".

In line 293 strike out the figure "$1,000.00" and insert in lieu thereof the figure "$1,500.00".

In line 299 strike out the figure "$165,448.00" and insert in lieu thereof the figure "$170,785.00".

In line 301 strike out the figure "$117,948.00" and insert in lieu thereof the figure "$123,285.00".

Following line 319 insert a new line to read "Items not Budgeted" and insert the figure "$200.00".

In line 320 strike out the figure "$134,148.00" and insert in lieu thereof the figure "$139,685.00".

In line 323 strike out the figure "$17,383.00" and insert in lieu thereof the figure "$19,000.00".

In line 325 strike out the figure "$35,048.00" and insert in lieu thereof the figure "$36,048.00".

In line 331 strike out the figure "$1,150.00" and insert in lieu thereof the figure "$1,400.00".

In line 338 strike out the figure "$400.00" and insert in lieu thereof the figure "$800.00".

Strike out all of line 339.

In line 346 strike out the figure $276,931.00" and insert in lieu thereof the figure "$279,798.00".

In line 349 strike out the figure "$206,931.00" and insert in lieu thereof the figure "$209,798.00".

In line 370 strike out the figure "$226,181.00" and insert in lieu thereof the figure "$229,048.00".

In line 420 strike out the figure "$3,600.00" and insert in lieu thereof the figure "$5,000.00".

In line 438 strike out the figure "$117,926.00" and insert in lieu thereof the figure "$119,326.00".

In line 440 strike out the figure "$77,926.00" and insert in lieu thereof the figure "$79,326.00".

In line 457 strike out the figure "$92,676.00" and insert in lieu thereof the figure "$94,076.00".

In line 464 strike out the figure "$3,000.00" and insert in lieu thereof the figure "$3,500.00".

In line 465 strike out the figure "$1,200.00" and insert in lieu thereof the figure "$1,400.00".

In line 475 strike out the figure "$200.00" and insert in lieu thereof the figure "$350.00".

In line 477 strike out the figure "$15,000.00" and insert in lieu thereof the figure "$21,000.00".

In line 479 strike out the figure "$500.00" and insert in lieu thereof the figure "$850.00".

In line 480 strike out the figure "$80,168.10" and insert in lieu thereof the figure "$87,368.10".

In line 481 strike out the figure "$14,000.00" and insert in lieu thereof the figure "$20,000.00".

In line 482 strike out the figure "$66,168.10" and insert in lieu thereof the figure "$67,368.10".

In line 498 strike out the figure $72,468.10" and insert in lieu thereof the figure "$73,668.10".

Renumber all lines in numerical order.

WM. J. LOWE, Secretary.

Representative Johnson of Cass moved that the House do concur in the Senate amendments to House Bill No. 41, which motion prevailed.

Representative Fitch moved that the rules be suspended and that House Bill No. 41 be considered properly re-engrossed, placed on second reading and final passage as amended by the Senate, which motion prevailed.

## SECOND READING OF HOUSE BILL

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 Institutions of Higher Learning of the State of North Dakota, and Providing for Offsets for Federal Aid Granted to Said Institutions and the Sub-divisions Thereof.

Was read the second time.

## ROLL CALL

The question being on the final passage of the bill, as amended by the Senate, the roll was called and there were ayes, 87; nays, 15; absent and not voting, 8.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Haag | Ostgulen |
| Anderson, Benson | Halvorson | Page |
| Anfinson | Haugland | Peterson,Bottineau |
| Arneson, Nelson | Heckman | Peterson, Ransom |
| Arneson, Ramsey | Holm | Rait |
| Beede | Holthusen | Rettke |
| Belzer | Ireland | Ritter |
| Benno | Ista | Saumur |
| Bergesen | Jensen | Schauss |
| Billigmeier | Johnson, Cass | Schmidt, Sheridan |
| Bingenheimer | Johnson, LaMoure | Scholl |
| Blair | Joiner | Sellens |
| Boulden | Keller | Sharpe |
| Braun, Stark | Kluver | Shure |
| Brown | Lange | Singleton |
| Buchholz | Larson | Skartvedt |
| Byrne | Levin | Solberg |
| Culver | Lunde | Stone |
| Dalzell | McInnes | Stormon |
| Dike | McIntee | Symington |
| Dittmer | Mittag | Thompson,Burl'gh |
| Erickson | Moe | Thompson, Steele |
| Feton | Morland | Trydahl |
| Fitch | Nelson, Dickey | Urschel |
| Fletcher | Nelson, Steele | Wambheim |
| Fraser | Nystrom | Westby |
| Fuglestad | O'Brien | Williams,Richland |

| | | |
|---|---|---|
| Gainor | Odegard | Williams,Stutsm'n |
| Glas | Oglesby | Wolf |

Those voting in the negative were:

| | | |
|---|---|---|
| Anderson,M'K'nzie | Myers | Schimke |
| Crockett | Mollet | Schwartz |
| Gray | Panko | Severson |
| Knutson | Rohde | Tuff |
| McIntyre | Schmidt, McHenry | Mr. Speaker |

Absent and not voting:

| | | |
|---|---|---|
| Bolmeier | Hultstrand | Semerad |
| Braun, McLean | Nelson, Cass | Twichell |
| Hofstrand | Sand | |

So the bill passed and the title was agreed to.

Rep. Singleton moved that the vote by which House Bill No. 41 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Speaker Hagen: Owing to the fact that this appropriation bill carries several million dollars which is accepted by the House without even a check on the amendments of the Senate and because of the fact that we have made no provision for the Old Age Pension, I am compelled to vote "no."

## MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, March 3, 1939.

Mr. Speaker: I have the honor to return:

House Bill No. 279. A Bill for an Act to Amend and Reenact Subdivisions (a) and Section 19 of Chapter 179 of the 1927 Session Laws as Amended by Section 6 of Chapter 160 of the 1933 Session Laws; providing for the Registration of Motor Vehicles, Registration Fees for Motor Vehicles Except Trucks and Busses, and When All Motor Vehicle Fees Shall Become Delinquent, and Penalties Therefor; and Repealing all Acts and Parts of Acts in Conflict Herewith.

Which the Senate has amended as follows:

At the end of line 40 insert a new paragraph without number, as follows:

"The registration fee for the year in which any vehicle covered by this Act was purchased new from the dealer shall be the basic fee as above determined. There shall be a reduction of 10% of the basic fee each year therafter for 4 years, and 5% each year after 4 years. A minimum fee shall be $3.00; Provided, however, that any car which has reached a fee basis of $3.00 under the existing law shall not be raised from that fee."

Also,

In line 22, after the word "agreements" insert the words "not contrary to any provisions of this Act."

Also,

Insert Section 2 as follows: "Section 2. Repeal.) And Repealing all Acts and Parts of Acts in Conflict herewith."

WM. J. LOWE, Secretary.

Representative Ritter moved that the House do concur in

the Senate amendments to House Bill No. 279, which motion prevailed.

Representative Buchholz moved that the rules be suspended and that House Bill No. 279 be considered properly re-engrossed, placed on second reading and final passage as amended by the Senate, which motion prevailed.

## SECOND READING OF HOUSE BILL

House Bill No. 279. A Bill for an Act to Amend and Reenact Subdivisions (a) and Section 19 of Chapter 179 of the 1927 Session Laws as Amended by Section 6 of Chapter 160 of the 1933 Session Laws; providing for the Registration of Motor Vehicles, Registration Fees for Motor Vehicles Except Trucks and Busses, and When All Motor Vehicle Fees Shall Become Delinquent, and Penalties Therefor; and Repealing all Acts and Parts of Acts in Conflict Herewith.

Was was the second time.

## ROLL CALL

The question being on the final passage of the bill, as amended by the Senate, the roll was called and there were ayes, 78; nays 21; absent and not voting, 11.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Fuglestad | O'Brien |
| Anderson, Benson | Gainor | Odegard |
| Anderson,M'K'nzie | Glas | Oglesby |
| Anfinson | Gray | Panko |
| Arneson, Nelson | Haag | Peterson, Ransom |
| Arneson, Ramsey | Haugland | Rait |
| Beede | Heckman | Ritter |
| Belzer | Holm | Saumur |
| Benno | Holthusen | Schauss |
| Bergesen | Ireland | Schmidt, Sheridan |
| Billigmeier | Ista | Sellens |
| Bingenheimer | Johnson, Cass | Severson |
| Blair | Johnson, LaMoure | Sharpe |
| Boulden | Keller | Shure |
| Braun, Stark | Kluver | Singleton |
| Brown | Knutson | Skartvedt |
| Buchholz | Lange | Stormon |
| Byrne | Larson | Symington |
| Culver | Lunde | Trydahl |
| Dike | McInnes | Urschel |
| Dittmer | McIntee | Wambheim |
| Erickson | McIntyre | Westby |
| Feton | Mittag | Williams,Richland |
| Fitch | Morland | Williams,Stutsm'n |
| Fletcher | Nelson, Steele | Wolf |
| Fraser | Nystrom | Mr. Speaker |

Those voting in the negative were:

| | | |
|---|---|---|
| Crockett | Mollet | Schimke |
| Dalzell | Nelson, Dickey | Schwartz |
| Halvorson | Ostgulen | Semerad |
| Jensen | Peterson,Bottineau | Stone |
| Joiner | Rettke | Thompson,Burl'gh |
| Myers | Rohde | Thompson, Steele |
| Moe | Schmidt, McHenry | Tuff |

Absent and not voting:

| | | |
|---|---|---|
| Bolmeier | Levin | Scholl |
| Braun, McLean | Nelson, Cass | Solberg |
| Hofstrand | Page | Twichell |
| Hultstrand | Sand | |

So the bill passed and the title was agreed to.

Representative Symington voted "aye" for the purpose of reconsideration.

## MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, March 2, 1939.

Mr. Speaker: I have the honor to return:

House Bill No. 370. A Bill for an Act to Amend and Re-enact Sections 3684a3 and 3684a8 of the 1925 Supplement to the Compiled Laws of the State of North Dakota for the Year 1913 Relating to the City Budget Law.

Which the Senate has amended as follows:

Strike out everything after the words "A BILL" and insert in lieu therof the following:

For an Act to Amend and Re-enact Section 3684a3 of the Supplement to the Compiled Laws of North Dakota for 1913 and Requiring the Filing of Final Budgets and Annual Tax Levies.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 3684a3 of the Supplement to the Compiled Laws of North Dakota for 1913 is hereby amended and re-enacted to read as follows:

Section 3684a3. PRELIMINARY BUDGET STATEMENT.) The council of each municipality shall make annually between July 1st and July 15th of each year on suitable blanks prescribed by the State Tax Commissioner an itemized statement (to be known as the Preliminary Budget Statement) of the amounts of money which, in the opinion of such council, shall be required for the proper maintenance, expansion or improvement of the municipality during the fiscal year and such other information relating to the finances of the municipality as the State Tax Commissioner may require.

SECTION 2. FILING OF FINAL BUDGETS AND ANNUAL TAX LEVIES.) As soon as the governing board of any municipality subject to the provisions of Article 17a of Chapter 44 of the Political Code of the Supplement to the Compiled Laws of North Dakota for 1913 and acts amendatory thereof and supplementary thereto shall have completed the final budget and shall have adopted the annual tax levy, the auditor or clerk of said municipality shall immediately thereafter send two certified copies of the levy as adopted and two certified copies of the final budget to the county auditor. As soon as the county auditor has available the data showing the total assessed valuation of said municipality, he shall proceed to calculate the necessary tax rates to produce the sums called for in said final budget; provided, however, that if the county auditor shall find that any amount or amounts called for in the levy cannot be produced by a tax rate which is within the limits prescribed by statute, said

auditor shall reduce the amount so that it can be produced by a tax rate which is within legal limits; and said auditor shall at once notify the council of the reductions so made by him. As soon as the county auditor shall have calculated the necessary tax rates to produce the sums called for in the said final budget or such reduced amount or amounts which can be produced by a tax rate which is within legal limits, he shall transmit one copy of said annual tax levy and said final budget to the State Tax Commissioner.

WM. J. LOWE, Secretary.

Rep. Byrne moved that the House do concur in the Senate amendments to House Bill No. 370.

Rep. Schimke moved that the House do not concur in the Senate amendments to House Bill No. 370, and that a conference committee be appointed to act with a like committee from the Senate in deliberation on House Bill No. 370, which motion was lost.

The question being on the motion of Rep. Byrne that the House do concur in the Senate amendments to House Bill No. 370, the motion prevailed.

Rep. Byrne moved that the rules be suspended and that House Bill No. 370 be considered properly re-engrossed, placed on second reading and final passage as amended by the Senate, which motion prevailed.

## SECOND READING OF HOUSE BILL

House Bill No. 370. A Bill For an Act to Amend and Reenact Section 3684a3 of the Supplement to the Compiled Laws of North Dakota for 1913 and Requiring the Filing of Final Budgets and Annual Tax Levies.

Was read the second time.

## ROLL CALL

The question being on the final passage of the bill, as amended, by the Senate, the roll was called and there were ayes, 94, nays, 4; absent and not voting, 12.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Anderson, Benson | Haugland | Peterson,Bottineau |
| Anderson,M'K'nzie | Heckman | Peterson, Ransom |
| Anfinson | Hofstrand | Rait |
| Arneson, Nelson | Holm | Ritter |
| Arneson, Ramsey | Holthusen | Rohde |
| Beede | Ireland | Saumur |
| Belzer | Ista | Schauss |
| Benno | Jensen | Schmidt, McHenry |
| Bergesen | Johnson, Cass | Schmidt, Sheridan |
| Billigmeier | Johnson, LaMoure | Schwartz |
| Bingenheimer | Joiner | Sellens |
| Blair | Keller | Semerad |
| Boulden | Knutson | Severson |
| Braun, Stark | Lange | Sharpe |
| Brown | Levin | Shure |
| Buchholz | Lunde | Singleton |
| Byrne | McInnes | Skartvedt |
| Crockett | McIntee | Solberg |
| Culver | McIntyre | Stone |
| Dalzell | Mittag | Stormon |
| Dike | Moe | Thompson,Burl'gh |

| | | |
|---|---|---|
| Dittmer | Mollet | Thompson, Steele |
| Erickson | Morland | Trydahl |
| Feton | Nelson, Steele | Tuff |
| Fletcher | Nystrom | Twichell |
| Fraser | O'Brien | Urschel |
| Fuglestad | Odegard | Wambheim |
| Gainor | Oglesby | Westby |
| Glas | Ostgulen | Williams,Stutsm'n |
| Gray | Page | Wolf |
| Haag | Panko | Mr. Speaker |
| Halvorson | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Adam | Schimke | Williams,Richland |
| Myers | | |

Absent and not voting:

| | | |
|---|---|---|
| Bolmeier | Kluver | Rettke |
| Braun, McLean | Larson | Sand |
| Fitch | Nelson, Cass | Scholl |
| Hultstrand | Nelson, Dickey | Symington |

So the bill passed and the title was agreed to.

Rep. Morland moved that the vote by which House Bill No. 370 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Rep. Myers: I wish to vote "no" because I want to make Wells county unanimous.

## MESSAGES FROM THE SENATE

Senate Chamber,
Bismarck, March 3, 1939.

Mr. Speaker: I have the honor to return:

House Bill No. 38. A Bill for an Act Making an Appropriation for Salaries, Operation, Maintenance, General and Miscellaneous Expenses for the State Laboratories Department.

Which the Senate has amended as follows:

In the re-engrossed bill:

In line 3, strike out the figures "$242,515.00" and insert in lieu thereof the figures "$277,256.00."

Strike out all of line 9 and all subsequent lines and insert in lieu thereof the following:

| | |
|---|---|
| LABORATORIES: | |
| Chemist Director | $ 5,400.00 |
| Chemists—Foods | 19,700.00 |
| Chemists—Drugs | 9,550.00 |
| Chemists—Cosmetics | 4,350.00 |
| Chemists—Beverages | 10,130.00 |
| Chemists—Feeds and Fertilizers | 9,600.00 |
| Bacteriologists and Microscopists | 7,800.00 |
| Chemists—Paint and Varnish | 7,450.00 |
| Laboratory Assistants—Oil | 44,190.00 |
| Incidental Helpers | 10,080.00 |
| OFFICE: | |
| Bookkeeper | 3,600.00 |
| Private Secretary | 2,700.00 |

| | |
|---|---|
| Clerk | 2,430.00 |
| 3 Stenographers | 6,750.00 |
| 2 Typists | 3,840.00 |
| FIELD: | |
| Representative—Supervisory | 5,250.00 |
| Representative—Drugs | 4,350.00 |
| 2 Representatives—Oil and Feed | 6,900.00 |
| 6 Representatives—Foods and Sanitation | 20,700.00 |
| TRAVEL: | |
| Mileage | 21,000.00 |
| Meals and Lodging | 15,000.00 |
| GENERAL EXPENSES: | |
| Samples | 1,200.00 |
| Rent | 3,666.00 |
| Telephone and Telegraph | 600.00 |
| Postage | 7,000.00 |
| Ice, Gas and Electricity | 1,800.00 |
| Freight, Dray and Express | 13,000.00 |
| Supplies, Equipment, Furniture and Fixtures | 12,600.00 |
| Printing | 12,000.00 |
| Library | 620.00 |
| State Car and Miscellaneous Expense | 4,000.00 |
| TOTAL | $277,256.00 |

WM. J. LOWE, Secretary.

Rep. Anderson of Benson moved that the House do not concur in the Senate amendments to House Bill No. 38 and that a conference committee be appointed to act with a like committee from the Senate in deliberation on House Bill No. 38, which motion prevailed and the Speaker appointed on that committee Reps. J. M. Anderson of Benson, Wm. Crockett and K. A. Fitch.

Rep. Bergesen requested that the House be on the Seventh Order of Business, which request was granted.

Rep. Bergesen moved that the House reconsider action taken on House Bill No. 277, which motion prevailed.

Rep. Bergesen moved that House Bill No. 277 be placed on the calendar, which motion prevailed.

The House returned to the Twelfth Order of Business.

## MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, N. D., March 3, 1939.

Mr. Speaker: I have the honor to return:

House Bill No. 5. A Bill for an Act Making an Appropriation for the Purpose of Testing and Indemnifying Owners of Animals Infected With Bovine Tuberculosis and to Pay Expenses in Connection Therewith, and Declaring an Emergency.

Which the Senate has amended as follows:

In the title after the word "of" and before the word "indemnifying" insert the words "testing animals for Bovine Tuberculosis and."

In line 4 after the word "of" and before the word "indemnifying" insert the words "testing animals for Bovine Tuberculosis and."

WM. J. LOWE, Secretary.

Rep. Myers moved that the House do concur in the Senate amendments to House Bill No. 5, which motion prevailed.

Rep. Myers moved that the rules be suspended and that House Bill No 5 be placed on second reading and final passage as amended by the Senate, which motion prevailed.

## SECOND READING OF HOUSE BILL

House Bill No. 5. A Bill for an Act Making an Appropriation for the Purpose of Testing and Indemnifying Owners of Animals Infected With Bovine Tuberculosis and to Pay Expenses in Connection Therewith, and Declaring an Emergency.

Was read the second time.

## ROLL CALL

The question being on the final passage of the bill, as amended by the Senate, the roll was called and there were ayes, 95; nays, 0; absent and not voting, 15.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Anderson, Benson | Heckman | Peterson,Bottineau |
| Anderson,M'K'nzie | Hofstrand | Peterson, Ransom |
| Anfinson | Holm | Rait |
| Arneson, Nelson | Holthusen | Ritter |
| Arneson, Ramsey | Hultstrand | Rohde |
| Beede | Ireland | Saumur |
| Belzer | Ista | Schauss |
| Bergesen | Jensen | Schmidt, McHenry |
| Billigmeier | Johnson, Cass | Schmidt, Sheridan |
| Bingenheimer | Joiner | Schimke |
| Blair | Keller | Schwartz |
| Boulden | Kluver | Sellens |
| Braun, Stark | Knutson | Severson |
| Brown | Lange | Sharpe |
| Buchholz | Levin | Shure |
| Byrne | Lunde | Singleton |
| Crockett | McIntee | Skartvedt |
| Culver | McIntyre | Solberg |
| Dalzell | Myers | Stormon |
| Dike | Mittag | Symington |
| Dittmer | Moe | Thompson, Burl'gh |
| Erickson | Mollet | Thompson, Steele |
| Feton | Morland | Trydahl |
| Fletcher | Nelson, Dickey | Tuff |
| Fraser | Nelson, Steele | Urschel |
| Fuglestad | Nystrom | Wambheim |
| Gainor | O'Brien | Westby |
| Glas | Odegard | Williams,Richland |
| Gray | Oglesby | Williams, Stutsm'n |
| Haag | Ostgulen | Wolf |
| Halvorson | Page | Mr. Speaker |
| Haugland | Panko | |

Absent and not voting:

| | | |
|---|---|---|
| Adam | Johnson, LaMoure | Sand |
| Benno | Larson | Scholl |
| Bolmeier | McInnes | Semerad |
| Braun, McLean | Nelson, Cass | Stone |
| Fitch | Rettke | Twichell |

So the bill passed and the title was agreed to.

Rep. Crockett voted "aye" for the purpose of reconsideration.

## MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, March 2, 1939.

Mr. Speaker: I have the honor to return:

House Bill No. 302. A Bill for an Act to Amend Sections 1, 3 and 15 of Chapter 164, of the Session Laws of North Dakota for the Year 1933, and Acts Amendatory Thereof and Supplementary Thereto; Defining and Classifying Agriculture Carriers and Providing for Their Licensing, Regulations and Exemption; and Providing for the Enforcement of the Provisions of This Act, and for Penalties for the Violation Thereof; and Declaring an Emergency.

Which the Senate has amended as follows:

In Subsection (c) of Section 1, in line 35 after the word "engaged" insert the following: "in operating or controlling a motor vehicle engaged." In Section 2 in line 9 after the word "farmers" insert the following: "engaged in operating or controlling a motor vehicle engaged." In Section 3 in line 10 after the second word "farmers" insert the following: "operating or controlling a motor vehicle."

WM. J. LOWE, Secretary.

Rep. Crockett moved that the House do concur in the Senate amendments to House Bill No. 302, which motion prevailed.

Rep. Crockett moved that the rules be suspended and that House Bill No. 302 be considered properly re-engrossed, placed on second reading and final passage as amended by the Senate, which motion prevailed.

## SECOND READING OF HOUSE BILL

House Bill No. 302. A Bill for an Act to Amend Sections 1, 3 and 15 of Chapter 164, of the Session Laws of North Dakota for the Year 1933, and Acts Amendatory Thereof and Supplementary Thereto; Defining and Classifying Agriculture Carriers and Providing for Their Licensing, Regulations and Exemption; and Providing for the Enforcement of the Provisions of This Act, and for Penalties for the Violation Thereof; and Declaring an Emergency.

Was read the second time.

## ROLL CALL

The question being on the final passage of the bill, as amended by the Senate, the roll was called and there were ayes, 66; nays, 24; absent and not voting, 20.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Anfinson | Fraser | Odegard |
| Arneson, Nelson | Gainor | Oglesby |
| Arneson, Ramsey | Glas | Page |
| Beede | Gray | Peterson,Bottineau |
| Bergesen | Haag | Peterson, Ransom |
| Billigmeier | Halvorson | Rait |
| Bingenheimer | Haugland | Ritter |
| Blair | Hofstrand | Saumur |
| Boulden | Holm | Schmidt, McHenry |
| Braun, Stark | Holthusen | Schimke |
| Brown | Johnson, LaMoure | Sellens |

| | | |
|---|---|---|
| Buchholz | Keller | Sharpe |
| Byrne | Knutson | Shure |
| Crockett | Larson | Singleton |
| Culver | Levin | Stormon |
| Dalzell | Lunde | Symington |
| Dike | McIntee | Thompson,Burl'gh |
| Dittmer | McIntyre | Thompson, Steele |
| Erickson | Myers | Trydahl |
| Feton | Mittag | Westby |
| Fitch | Morland | Williams,Richland |
| Fletcher | Nystrom | Wolf |

Those voting in the negative were:

| | | |
|---|---|---|
| Adam | Moe | Severson |
| Anderson,M'K'nzie | Mollet | Skartvedt |
| Fuglestad | Nelson, Dickey | Solberg |
| Heckman | O'Brien | Stone |
| Ireland | Ostgulen | Tuff |
| Ista | Rohde | Urschel |
| Jensen | Schmidt, Sheridan | Williams,Stutsm'n |
| Joiner | Schwartz | Mr. Speaker |

Absent and not voting:

| | | |
|---|---|---|
| Anderson, Benson | Kluver | Sand |
| Belzer | Lange | Schauss |
| Benno | McInnes | Scholl |
| Bolmeier | Nelson, Cass | Semerad |
| Braun, McLean | Nelson, Steele | Twichell |
| Hultstrand | Panko | Wambheim |
| Johnson, Cass | Rettke | |

So the bill passed and the title was agreed to.

Rep. Braun of McLean moved that the vote by which House Bill No. 302 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Rep. Ritter: I vote "aye" on this bill because this is a bill that the farmer trucker can haul his feed without being punished with this common carrier license. Therefore I vote "aye."

The House reverted to the Sixth Order of Business.

## REPORT OF SELECT COMMITTEES

The Conference Committee on House Bill No. 12 made the following report:

Mr. Speaker: Your Conference Committee to whom was referred House Bill No. 12, have had the same under consideration and recommend that the House accept the amendments made by the Senate.

| For the Senate: | For the House: |
|---|---|
| E. C. Stucke | L. C. Odegard |
| Herman Thorsen | W. R. Singleton |
| Martin Olson | Mrs. Geo. Ista |

L. C. Odegard moved that the report be adopted, which motion prevailed and the report was adopted.

Rep. Morland moved that the rules be suspended and that House Bill No. 12 be considered properly re-engrossed, placed on second reading and final passage as amended by the Senate, which motion prevailed.

## SECOND READING OF HOUSE BILL

House Bill No. 12. 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, as amended, the roll was called and there were ayes, 88; nays, 0; absent and not voting, 22.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Halvorson | Page |
| Anderson, Benson | Haugland | Peterson,Bottineau |
| Anderson,M'K'nzie | Heckman | Peterson, Ransom |
| Anfinson | Hofstrand | Rait |
| Arneson, Nelson | Holm | Saumur |
| Arneson, Ramsey | Holthusen | Schauss |
| Beede | Ireland | Schmidt, McHenry |
| Belzer | Ista | Schmidt, Sheridan |
| Bergesen | Jensen | Schimke |
| Billigmeier | Johnson, LaMoure | Schwartz |
| Bingenheimer | Joiner | Sellens |
| Blair | Keller | Severson |
| Boulden | Kluver | Sharpe |
| Braun, Stark | Knutson | Shure |
| Brown | Lange | Singleton |
| Buchholz | Levin | Solberg |
| Byrne | Lunde | Stone |
| Culver | McIntee | Stormon |
| Dalzell | McIntyre | Symington |
| Erickson | Myers | Thompson, Steele |
| Dike | Mittag | Trydahl |
| Dittmer | Mollet | Tuff |
| Feton | Morland | Urschel |
| Fletcher | Nelson, Dickey | Wambheim |
| Fraser | Nystrom | Westby |
| Fuglestad | O'Brien | Williams,Richland |
| Gainor | Odegard | Williams,Stutsm'n |
| Glas | Oglesby | Wolf |
| Gray | Ostgulen | Mr. Speaker |
| Haag | | |

Absent and not voting:

| | | |
|---|---|---|
| Benno | McInnes | Rohde |
| Bolmeier | Moe | Sand |
| Braun, McLean | Nelson, Cass | Scholl |
| Crockett | Nelson, Steele | Semerad |
| Fitch | Panko | Skartvedt |
| Hultstrand | Rettke | Thompson,Burl'gh |
| Johnson, Cass | Ritter | Twichell |
| Larson | | |

So the bill passed and the title was agreed to.

Rep. Rait 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.

## REPORT OF SELECT COMMITTEES

The Conference Committee on House Bill No. 175 made the following report:

Mr. Speaker: Your Conference Committee to whom was referred House Bill No. 175:

Have had the same under consideration and recommend that the House adopt all of the Senate amendments except the amendment in subdivision (c) in line 15 of section one and that the Senate recede from its amendment fixing the tax at 20% and that the tax be fixed at 25% on alcohol and alcoholic beverages.

| For the Senate: | For the House: |
|---|---|
| A. W. Fowler | C. H. Hofstrand |
| C. S. Aasen | W. H. Shure |
| Gust Tweten | R. G. Beede |

Representative Hofstrand moved that the report be adopted, which motion prevailed and the report was adopted.

Rep. Beede moved that the rules be suspended and that House Bill No. 175 be considered properly re-engrossed, placed on second reading and final passage as amended by the Senate, which motion prevailed.

## SECOND READING OF HOUSE BILL

House Bill No. 175. A Bill for an Act to Provide Revenue by Means of a Transaction Tax Upon Sales of Certain Alcoholic Beverages by Licensed Wholesale Liquor Dealers; Authorizing the State Treasurer to Prescribe Rules and Regulations for the Collection Thereof; Prescribing the Method of Payment of the Tax to, and Collections by, the State Treasurer, and Providing Penalty.

Was read the second time.

## ROLL CALL

The question being on the final passage of the bill, as amended by the Senate, the roll was called and there were ayes, 85; nays, 9; absent and not voting, 16.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Haugland | Peterson, Bottineau |
| Anderson, Benson | Heckman | Peterson, Ransom |
| Anderson, M'K'nzie | Hofstrand | Rait |
| Anfinson | Holm | Saumur |
| Arneson, Nelson | Holthusen | Schauss |
| Arneson, Ramsey | Ireland | Schmidt, Sheridan |
| Bergesen | Ista | Scholl |
| Billigmeier | Jensen | Sellens |
| Bingenheimer | Johnson, Cass | Semerad |
| Blair | Johnson, LaMoure | Severson |
| Boulden | Joiner | Sharpe |
| Braun, Stark | Keller | Shure |
| Brown | Kluver | Singleton |
| Buchholz | Lange | Solberg |
| Byrne | Levin | Stone |
| Crockett | Lunde | Stormon |
| Culver | McIntee | Symington |
| Dalzell | McIntyre | Thompson, Steele |
| Dike | Myers | Trydahl |
| Dittmer | Mittag | Tuff |
| Erickson | Moe | Twichell |
| Feton | Mollet | Urschel |
| Fletcher | Morland | Wambheim |
| Fuglestad | Nelson, Dickey | Westby |

| | | |
|---|---|---|
| Gainor | Nystrom | Williams,Richland |
| Glas | O'Brien | Williams,Stutsm'n |
| Gray | Odegard | Wolf |
| Haag | Ostgulen | Mr. Speaker |
| Halvorson | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Beede | Oglesby | Schmidt, McHenry |
| Belzer | Page | Schimke |
| Fraser | Rohde | Schwartz |

Absent and not voting:

| | | |
|---|---|---|
| Benno | Larson | Rettke |
| Bolmeier | McInnes | Ritter |
| Braun, McLean | Nelson, Cass | Sand |
| Fitch | Nelson, Steele | Skartvedt |
| Hultstrand | Panko | Thompson,Burl'gh |
| Knutson | | |

So the bill passed and the title was agreed to.

Rep. Dalzell moved that the vote by which House Bill No. 175 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Speaker Hagen: This is the last of our special revenue and luxury bills, whittled down so that there is hardly anything left of it. It is one of the big disappointments of this Session that some special interests seem to dodge every effort to get a just tax out of them. I vote "aye."

## REPORT OF SELECT COMMITTEES

The Conference Committee on House Bill No. 362 made the following report:

Mr. Speaker: Your Conference Committee to whom was referred House Bill No. 362:

Have had the same under consideration and beg leave to report that the Senate recedes from its amendments.

| For the Senate: | For the House: |
|---|---|
| Henry Leum | Franklin Page |
| Otto Topp | R. G. Beede |
| Frank H. Beaton | Peter Moe |

Rep. Page moved that the report be adopted, which motion prevailed, and the report was adopted.

The Conference Committee on House Bill No. 10 made the following report:

Mr. Speaker: Your Conference Committee to whom was referred House Bill No. 10:

Have had the same under consideration and recommend that the House accept the amendments made by the Senate.

| For the Senate: | For the House: |
|---|---|
| E. C. Stucke | L. C. Odegard |
| Herman Thorson | Mrs. Geo. Ista |
| Martin Olson | W. R. Singleton |

Rep. Odegard moved that the report be adopted, which motion prevailed and the report was adopted.

Rep. Trydahl moved that the rules be suspended and that House Bill No. 10 be considered properly re-engrossed, placed on second reading and final passage as amended by the Senate, which motion prevailed.

## SECOND READING OF HOUSE BILL

House Bill No. 10. A Bill for an Act Making an Appropriation for the Purpose of Paying Salary, Clerk Hire, 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 by the Senate, the roll was called and there were ayes, 82; nays, 5; absent and not voting, 23.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Haugland | Peterson, Ransom |
| Anderson, M'K'nzie | Heckman | Rait |
| Anfinson | Hofstrand | Ritter |
| Arneson, Nelson | Holm | Saumur |
| Arneson, Ramsey | Holthusen | Schauss |
| Beede | Ireland | Schmidt, McHenry |
| Belzer | Ista | Schmidt, Sheridan |
| Bergesen | Johnson, Cass | Scholl |
| Billigmeier | Johnson, LaMoure | Schwartz |
| Bingenheimer | Joiner | Sellens |
| Blair | Kluver | Semerad |
| Boulden | Lange | Sharpe |
| Braun, Stark | Levin | Shure |
| Brown | Lunde | Singleton |
| Buchholz | McIntee | Solberg |
| Culver | McIntyre | Symington |
| Dike | Myers | Thompson, Steele |
| Dittmer | Mittag | Trydahl |
| Erickson | Mollet | Tuff |
| Feton | Morland | Twichell |
| Fitch | Nelson, Dickey | Urschel |
| Fletcher | Nystrom | Wambheim |
| Fraser | O'Brien | Westby |
| Fuglestad | Odegard | Williams, Stutsm'n |
| Gainor | Oglesby | Williams, Richland |
| Gray | Ostgulen | Wolf |
| Haag | Page | Mr. Speaker |
| Halvorson | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Byrne | Keller | Stone |
| Crockett | Rohde | |

Absent and not voting:

| | | |
|---|---|---|
| Anderson, Benson | Knutson | Rettke |
| Benno | Larson | Sand |
| Bolmeier | McInnes | Schimke |
| Braun, McLean | Moe | Severson |
| Dalzell | Nelson, Cass | Skartvedt |
| Glas | Nelson, Steele | Stormon |
| Hultstrand | Panko | Thompson, Burl'gh |
| Jensen | Peterson, Bottineau | |

So the bill passed and the title was agreed to.

Rep. Dalzell moved that the vote by which House Bill No. 10 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

## MESSAGES TO THE SENATE

House of Representatives,
Bismarck, March 3, 1939.

Mr. President: I have the honor to inform you that the House has concurred in the Senate amendments to:

House Bill No. 370. A Bill for an Act to Amend and Reenact Section 3684a3 of the Supplement to the Compiled Laws of North Dakota for 1913 and Requiring the Filing of Final Budgets and Annual Tax Levies.

House Bill No. 5. A Bill for an Act Making an Appropriation for the Purpose of Testing and Indemnifying Owners of Animals Infected With Bovine Tuberculosis and to Pay Expenses in Connection Therewith, and Declaring an Emergency.

House Bill No. 302. A Bill for an Act to Amend Sections 1, 3 and 15 of Chapter 164, of the Session Laws of North Dakota for the Year 1933, and Acts Amendatory Thereof and Supplementary Thereto; Defining and Classifying Agriculture Carriers and Providing for Their Licensing, Regulations and Exemption; and Providing for the Enforcement of the Provisions of This Act, and for Penalties for the Violation Thereof; and Declaring an Emergency.

Mr. President: I have the honor to inform you that the House has adopted the Conference Committee reports on:

House Bill No. 10. A Bill for an Act Making an Appropriation for the Purpose of Paying Salary, Clerk Hire, and General Expenses of the Department of Public Health.

House Bill No. 362. A Bill for an Act Amending and Reenacting Section 5099c8 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913 Relating to the Duties of Child Placement Agencies.

House Bill No. 175. A Bill for an Act to Provide Revenue by Means of a Transaction Tax Upon Sales of Certain Alcoholic Beverages by Licensed Wholesale Liquor Dealers; Authorizing the State Treasurer to Prescribe Rules and Regulations for the Collection Thereof; Prescribing the Method of Payment of the Tax to, and Collections by, the State Treasurer, and Providing Penalty.

House Bill No. 12. A Bill for an Act Making an Appropriation for the Purpose of Paying Salaries, Clerkhire and General Expenses of the Division of Child Hygiene.

MINNIE D. CRAIG, Chief Clerk.

The Speaker announced the House would be on the Eighth Order of Business.

## SIGNING OF BILLS

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 61. A Bill for an Act Relating to the Application of the Bang's Test in Counties in North Dakota Under the Direction of the North Dakota Livestock Sanitary Board by Petition of Sixty-five Per Cent of the Freeholders or Livestock Owners in Such Counties, and Declaring an Emergency.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 291. A Bill For an Act Declaring that Revenue Bonds Legally and Validly Issued by the State Water Conservation Commission Are Legal and Valid Investments by Banks, Trust Companies, Insurance Companies, Investment Companies, Building and Loan Associations and of Similar Financial Institutions; and Declaring an Emergency.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 13. 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 the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 270. A Bill for an Act to Create a State Board of Photographic Examiners and to Regulate the Practice of Professional Photograpy and to Provide for Licensing and Registration of Persons Engaged in the Practice of Professional Photography and to Protect the Public From Fraud Practiced by Unscrupulous and Irresponsible Persons Through Misrepresentation and Other Unconscionable Artifices and the Obtaining of the Possession of Property Without Returning Value Therefor and for the Protection of the Public Health and Safety; Providing for the Enforcement of the Provisions of This Act and for the Punishment for Violation Thereof.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 253. A Bill for an Act to Amend and Reenact Section 1 of Chapter 174 of the Session Laws of North Dakota for the Year 1937, Relating to Pensions for Policemen and Dependents in Cities Now or Hereafter Having a Population in Excess of Ten Thousand (10,000) Inhabitants.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 250. A Bill for an Act Authorizing the Public Welfare Board of North Dakota, With the Approval of the Attorney General, to Enter Into Reciprocal Agreements With Other States Having Like Authority Relative to Residence, Care and Transportation of Indigent Persons; and Declaring an Emergency.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Concurrent Resolution No. 399. A Concurrent Resolution to Authorize the Board of Administration to Transfer Funds for the Purpose of Paving the State Capitol Grounds.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 375. A Bill for an Act to Amend and Reenact Sections 11105, 11106, and 11107, Compiled Laws of the State of North Dakota, for the Year 1913 Relating to the Board of Pardons, the Powers and Duties Thereof, and the Procedure Before Such Board, and Providing for the Appointment of Parole Officers and Other Assistants, and Declaring an Emergency.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 311. A Bill for an Act Relating to the Organization of Irrigation Districts, the Powers and Functions of Such Districts, the Establishment and Construction of Irrigation Works Therein and Methods and Procedure for Financing the Cost of Purchasing or Constructing Such Irrigation Works; Amending Section 8247a1 of the Supplement to the Compiled Laws of 1913, as Amended and Reenacted by Section 1 of Chapter 142 of the Session Laws of 1933; Section 8247a2 of the Supplement to the Compiled Laws of 1913; Section 8247a3 of the Supplement to the Compiled Laws of 1913, as Amended and Re-enacted by Section 2 of Chapter 142 of the Session Laws of 1933; Sections 8247a4, 8247a5, 8247a6, 8247a7, 8247a8, and 8247a9 of the Supplement to the Compiled Laws of 1913; Section 8247a10 of the Supplement to the Compiled Laws of 1913, as Amended and Re-enacted by Section 3 of Chapter 142 of the Session Laws of 1933 and Amending Sections 8247a11, 8247a12, 8247a13, 8247a14, 8247a15, 8247a16, 8247a17, 8247a18, 8247a19, 8247a20, 8247a21a, 8247a23, 8247a24, 8247a26, 8247a47, 8247a51, 8247a52, 8247a53, 8247a56, 8247a57, 8247a59, 8247a60, 8247a61, 8247a63, 8247a64, 8247a65, and 8247a66 of the Supplement to the Compiled Laws of 1913; Validating Organization and Acts of Certain Irrigation Districts; Repealing All Acts and Parts of Acts in Conflict With the Provisions of This Act and Declaring an Emergency.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Concurrent Resolution No. 368. A Concurrent Resolution Relating to Payments of Old Age Assistance, Aid to the Blind, and Aid to Dependent Children Grants to Ward Indians.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 11. A Bill for an Act Making an Appro-

priation for the Purpose of Paying Salary, Clerkhire and General Expenses of the Public Health Laboratories.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 6. 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.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 120. A Bill for an Act Establishing Rules and Regulations and Sanitary Conditions for Cream Buying Stations; Sanitary Requirements for Haulers of Cream; Equipment and Care of Equipment; Care of Cream Held in the Station; Care of Cream in Transit; Repealing Acts in Conflict Herewith; Providing Penalties, and Declaring an Emergency.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 211. A Bill for an Act to Amend and Reenact Section 45 of Chapter 94 of the Session Laws of 1931 Relating to Building and Loan Associations and Making Provision for Appointment of Federal Savings and Loan Insurance Corporation as Receiver or Co-receiver of Associations in Liquidation Which Are Insured by Said Insurance Corporation.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 24. 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.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Concurrent Resolution No. 179. Authorizing and Directing the Governor, Tax Commissioner and Attorney General to Ascertain What Provision Has Been Made by the Federal Government for Making Payments in Lieu of Taxes on Lands Acquired in This State by Various Departments,

Bureaus and Agencies of the Government and Authorizing and Directing the Governor, Attorney General and Tax Commissioner to File With the Secretary of State Proposals or Commitments Submitted by Such Departments, Bureaus or Agencies With Reference Thereto.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 44. A Bill for an Act Making an Appropriation Out of the Liquor Fund in the State Treasury, for the Operation, Maintenance and Enforcement of the State Liquor Control Act.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 396. A Bill for an Act Amending and Reenacting Section 189b11 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, as Amended by Section 10 of Chapter 137, Laws of 1933, in Reference to State Hail Insurance, Crop Affidavit, Insurability and Liens; Repealing Acts in Conflict Herewith, and Declaring an Emergency.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 131. A Bill for an Act Appropriating Money for the School of Mines at the University of North Dakota, to Supplement Works Progress Administration and United States Bureau of Mines Funds for the Investigation and Development of the Lignite Resources Within the Bounds of the State of North Dakota.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 82. A Bill for an Act to Amend and Reenact Section 2761 of the Compiled Laws of the State of North Dakota for 1913 as Amended by Chapter 64, Session Laws of 1915, Prohibiting the Sale of Purebred Cattle and Nonregistered Bulls for Any Other Purpose Except Slaughter, Unless Accompanied by a Certificate of Health, and Providing a Penalty Therefor.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 310. A Bill for an Act to Amend and Reenact Section 2790a7 and 2790a8 of the 1925 Supplement to the Compiled Laws of the State of North Dakota; Relating to Duties of Bee Inspector and of Owners; Providing for Inspection Fees and the Collection Thereof and Repealing All Acts in Conflict Herewith.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 195. A Bill for an Act Providing that the State Board of Higher Education Created and Established by an Initiated Act Submitted to the Electors and Approved June 28, A. D. 1938, Shall be and Hereby is Vested With all the Rights, Powers, Duties, Obligations and Perogatives Heretofore Vested in the Board of Administration, as to Vocational Education, Vocational Rehabilitation, and of the Extension Division of the North Dakota Agricultural College.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 157. A Bill for an Act Making an Appropriation for the Maintenance and Operation of the North Dakota State Criminal Identification Bureau for the Period From January 1st, 1939 to June 30th, 1939, and Declaring an Emergency.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 259. A Bill for an Act Amending Section 7316 of the Compiled Laws of 1913, Relating to the Enforcement of Penalty; Forfeiture and Punishment of Violators of a Statute That Has Been Repealed; and Declaring an Emergency.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 176. A Bill for an Act to Amend and Reenact Section 34, Chapter 94, Session Laws of 1931, Pertaining to Examination of Building and Loan Associations.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 106. A Bill for an Act to Amend and Reenact Section 1 of Chapter 128 of the Session Laws of the State of North Dakota for the Year 1925, Being Section 3163a1 of the Supplement to the 1913 Compiled Laws of the State of North Dakota, Defining a Public Dancing Place.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 353. A Bill for an Act to Amend and Reenact Sections 13 and 14, of Chapter 97 of the Session Laws of 1933, as Amended by Chapter 119 of the Session Laws of 1935, Relating to the Administration of County Poor Relief; and Declaring an Emergency.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 290. A Bill for an Act to Amend and Reenact Section 8 of Chapter 145 of the Session Laws of North Dakota, for the Year 1937, Relating to All Benevolent Corportions, Associations or Societies Operating on Voluntary or Involuntary Assessment or Contribution Plan.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 263. A Bill for an Act to Amend and Reenact Sections 10169a4, and 10169a5 of the 1925 Supplement to the Compiled Laws of North Dakota, 1913, of the North Dakota Beverage Inspection Act, to Include Alcoholic Beverages, Defining the Beverages Coming Within the Provisions of That Act, and Fixing the License Fee Required to Be Paid, and Declaring an Emergency.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 320. A Bill for an Act to Amend and Reenact Section 2 of Chapter 156 of the Session Laws of 1935, Relating to Hail Tax Refund, and Declaring an Emergency.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 257. A Bill for an Act to Amend and Reenact Chapter 106 of the 1933 Session Laws, Relating to Marihuana, and Defining Marihuana as a Narcotic and a Habit-forming Drug; Prohibiting the Sale or Gift Thereof; Providing a Penalty for Violation; and Declaring an Emergency.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Concurrent Resolution No. 397. A Concurrent Resolution Commending That Higher Education Institutions Include in Teachers Training Courses Instruction Encouraging Cooperative Community Spirit and Activity.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 210. A Bill for an Act to Amend and Reenact Section 14, of Chapter 94, Session Laws of 1931, Providing for Investment in Shares of Building and Loan Associations by Fiduciaries, Trusts, Insurance Companies, and Banks.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Concurrent Resolution No. 400. A Concurrent Resolution to Extend an Invitation to Eamon DeValera to Visit the State of North Dakota.

And the Speaker signed the same in the presence of the House.

## MESSAGE TO THE SENATE

House of Representatives,
Bismarck, March 3, 1939.

Mr. President: I have the honor to return:

Senate Bill No. 158. A Bill for an Act to Amend and Reenact Chapter 163 of the Session Laws of the State of North Dakota for the Year 1929, Being an Act to Require Persons Convicted of Reckless Driving, or of Driving a Motor Vehicle While Under the Influence of Intoxicating Liquor or Narcotic Drugs, or of Failure to Stop in Event of an Accident Involving Injury or Death to a Person, to Furnish a Bond or Insurance Policy; Providing for the Enforcement of Such Act; and Providing a Penalty for the Violation Thereof.

Senate Bill No. 242. A Bill for an Act to Re-establish the North Dakota Mill and Elevator Association and Define Its Powers and Duties; to Provide for the Establishment of a North Dakota Board of Industrial Management, Define Its Powers and Duties in Respect to the Management, Operation and Control of the Properties and Businesses of the North Dakota Mill and Elevator Association, and Repealing All Acts or Parts of Acts in Conflict Herewith.

Senate Bill No. 194. A Bill for an Act to Amend and Reenact Section 7971 of the Compiled Laws of the State of North Dakota for 1913, Relating to Actions Against Usurping Officers and Persons.

Senate Bill No. 213. A Bill for an Act to Amend and Reenact Sections 3, 4, 12, 15, 26 and 27, of Chapter 157, of the Laws of 1927, and Section 1, of Chapter 137, of the Laws of 1937, Relating to the Occupation of Hairdressers and Cosmetologists, the Conduct of Schools for Hairdressing and Cosmetology, the Qualification of Applicants for Examinations, Certificates, and Making Provisions for the Payment of Fees in Connection Therewith.

Senate Bill No. 197. A Bill for an Act to Amend and Reenact Section 470 of the Compiled Laws of the State of North Dakota for 1913, Being Section 13, of Chapter 189, Session Laws of 1911, Relating to Penalties for Violation of the Laws Concerning the Practice of Medicine and Surgery.

Which the House has indefinitely postponed.

MINNIE D. CRAIG, Chief Clerk.

Rep. Symington requested that the House be on the Seventh Order of Business, which request was granted.

Rep. Symington moved that the House reconsider action taken on House Bill No. 279, which motion prevailed.

Rep. Symington moved that the House do not concur in the Senate amendments to House Bill No. 279 and that a conference committee be appointed to act with a like committee from the Senate in deliberation on House Bill No. 279, which motion prevailed, and the Speaker appointed on that committee Reps. E. Symington, C. P. Ritter and H. A. Kluver.

## MESSAGE TO THE SENATE

House of Representatives,
Bismarck, March 3, 1939.

Mr. President: I have the honor to inform you that the House has refused to concur in the Senate amendment to:

House Bill No. 279. A Bill for an Act to Amend and Reenact Subdivisions (a) and Section 19 of Chapter 179 of the 1927 Session Laws as Amended by Section 6 of Chapter 160 of the 1933 Session Laws; providing for the Registration of Motor Vehicles, Registration Fees for Motor Vehicles Except Trucks and Busses, and When All Motor Vehicle Fees Shall Become Delinquent, and Penalties Therefor; and Repealing all Acts and Parts of Acts in Conflict Herewith.

And the Speaker has appointed as a Conference Committee House Members:

H. A. Kluver
E. Symington
C. P. Ritter.

MINNIE D. CRAIG, Chief Clerk.

Senate Concurrent Resolution No. 287 was read from the desk.

Rep. Crockett moved that further action on Senate Concurrent Resolution No. 287 be laid on the table, which motion was lost.

Rep. Scholl moved the adoption of S.C.R. No. 287, which motion prevailed.

## MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, March 3, 1939.

Mr. Speaker: I have the honor to transmit:

Senate Bill No. 94. A Bill for an Act Appropriating Five Thousand Dollars ($5,000.00) to the State Historical Society for the Development of the International Peace Garden, American Section, in Rolette County, North Dakota.

Senate Bill No. 189. A Bill for an Act to Amend and Reenact Section 1190 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, as Amended and Re-enacted by Chapter 243 of the Session Laws of North Dakota for 1927, and as Amended and Re-enacted by Chapter 231 of the Session Laws of North Dakota for 1937, Relating to Consolidation of Schools and Transportation of Pupils; and Repealing All Laws or Parts of Laws in Conflict Therewith.

Senate Bill No. 284. A Bill for an Act Relating to Copyrights and Public Performing Rights in Musical Compositions and Dramatico-Musical Compositions, Requiring Lists Thereof to Be Filed, Regulating the Issue of Licenses With Respect Thereto, Prohibiting Discrimination, Providing for Service of Process, Levying a Privilege Tax, Providing Penalties, and Repealing Inconsistent Acts.

Senate Bill No. 163. A Bill for an Act to Amend and Reenact Section 6, of Chapter 104, of the Session Laws of North Dakota for the Year 1937, Relating to Revenue Bonds of Municipalities, and Declaring an Emergency.

Senate Bill No. 61. A Bill for an Act to Regulate the Sale of Heating Oil and Diesel Fuel; to Provide Specifications Therefor, and for Inspection Thereof; to Provide for Inspec-

tion Fees, the Collection and Disposition Thereof; to Define the Duties of the State Food Commissioner and Chemist as Regards Such Inspection and Providing Penalties for Violation of the Act.

Which the President has signed and your signature is respectfully requested.

WM. J. LOWE, Secretary.

Senate Concurrent Resolution No. 286 was read from the desk.

Rep. Scholl moved that further consideration of Senate Concurrent Resolution No. 286 be indefinitely postponed, which motion prevailed.

## REPORT OF SELECT COMMITTEES

The Conference Committee on House Bill No. 194 made the following report:

Mr. President: Your Conference Committee to whom was referred House Bill No. 194, have had the same under consideration and recommend:

That the House adopt the Senate amendments as printed in the Journal of the Senate on pages 676, 677, 678 and 679 with the exception of line 27a after the word "interest" insert the following: "at the rate of 4% per annum from April 1st, 1939" and in Sec. 2, lines 13, 13a and 14 of the Senate amendment as printed in the Journal, strike out the words "his property located within said County" and insert the words "the property described in said contract."

| For the Senate: | For the House: |
|---|---|
| Fred J. Fredrickson | Franklin Page |
| Andrew Skarvold | C. H. Hofstrand |
| Gust Tweten | Nels Jensen |

Rep. Jensen moved that the report be adopted, which motion prevailed, and the report was adopted.

Rep. Trydahl moved that the rules be suspended and that House Bill No. 194 be considered properly re-engrossed, placed on second reading and final passage as amended by the conference committee, which motion prevailed.

## SECOND READING OF HOUSE BILL

House Bill No. 194. 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, 1938. Permitting Payments in Ten 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 by the Conference Committee, the roll was called and there were ayes, 93; nays, 0; absent and not voting, 17.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Heckman | Peterson, Ransom |
| Anderson, Benson | Hofstrand | Rait |
| Anderson,M'K'nzie | Holm | Rettke |
| Anfinson | Ireland | Saumur |
| Arneson, Ramsey | Jensen | Schauss |

| | | |
|---|---|---|
| Beede | Johnson, Cass | Schmidt, McHenry |
| Belzer | Johnson, LaMoure | Schmidt, Sheridan |
| Benno | Joiner | Schimke |
| Billigmeier | Keller | Scholl |
| Bingenheimer | Kluver | Schwartz |
| Blair | Lange | Severson |
| Boulden | Larson | Sharpe |
| Braun, McLean | Levin | Shure |
| Braun, Stark | Lunde | Singleton |
| Brown | McInnes | Skartvedt |
| Buchholz | McIntee | Solberg |
| Culver | McIntyre | Stone |
| Dalzell | Myers | Stormon |
| Dike | Mittag | Symington |
| Dittmer | Mollet | Thompson,Burl'gh |
| Erickson | Morland | Thompson, Steele |
| Feton | Nelson, Cass | Trydahl |
| Fitch | Nelson, Dickey | Tuff |
| Fletcher | Nelson, Steele | Twichell |
| Fraser | Nystrom | Urschel |
| Fuglestad | O'Brien | Wambheim |
| Gainor | Odegard | Westby |
| Glas | Ogiesby | Williams,Richland |
| Haag | Ostgulen | Williams,Stutsm'n |
| Halvorson | Panko | Wolf |
| Haugland | Peterson,Bottineau | Mr. Speaker |

Absent and not voting:

| | | |
|---|---|---|
| Arneson, Nelson | Holthusen | Ritter |
| Bergesen | Hultstrand | Rohde |
| Bolmeier | Ista | Sand |
| Byrne | Knutson | Sellens |
| Crockett | Moe | Semerad |
| Gray | Page | |

So the bill passed and the title was agreed to.

Rep. Keller moved that the vote by which House Bill 194 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

## MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, March 3, 1939.

Mr. Speaker: I have the honor to inform you that the Senate requests the return of:

House Bill No. 310. A Bill for an Act to Amend and Reenact Section 2790a7 and 2790a8 of the 1925 Supplement to the Compiled Laws of the State of North Dakota; Relating to Duties of Bee Inspector and of Owners; Providing for Inspection Fees and the Collection Thereof and Repealing All Acts in Conflict Herewith.

WM. J. LOWE, Secretary.

## SECOND READING OF SENATE BILLS

Senate Bill No. 82. A Bill for an Act to Amend and Reenact Section Six of Chapter 235 of the Session Laws of the State of North Dakota for the year 1929, Relating to Park District Tax Levies.

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, 74; nays, 16; absent and not voting, 20.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Anderson, Benson | Haugland | Peterson,Bottineau |
| Anderson,M'K'nzie | Heckman | Peterson, Ransom |
| Anfinson | Holthusen | Rait |
| Arneson, Ramsey | Ireland | Rettke |
| Belzer | Ista | Ritter |
| Benno | Johnson, Cass | Schmidt, McHenry |
| Bergesen | Johnson, LaMoure | Schmidt, Sheridan |
| Billigmeier | Keller | Schimke |
| Blair | Lange | Scholl |
| Braun, Stark | Larson | Sellens |
| Brown | Levin | Semerad |
| Buchholz | Lunde | Severson |
| Culver | McInnes | Sharpe |
| Dalzell | McIntee | Shure |
| Dike | McIntyre | Singleton |
| Erickson | Mittag | Stone |
| Feton | Mollet | Stormon |
| Fitch | Nelson, Dickey | Thompson, Steele |
| Fletcher | Nelson, Steele | Tuff |
| Fraser | Nystrom | Urschel |
| Fuglestad | O'Brien | Westby |
| Gainor | Odegard | Williams,Stutsm'n |
| Glas | Oglesby | Wolf |
| Haag | Ostgulen | Mr. Speaker |
| Halvorson | Panko | |

Those voting in the negative were:

| | | |
|---|---|---|
| Adam | Morland | Symington |
| Bingenheimer | Saumur | Trydahl |
| Boulden | Schwartz | Twichell |
| Braun, McLean | Skartvedt | Wambheim |
| Dittmer | Solberg | Williams,Richland |
| Moe | | |

Absent and not voting:

| | | |
|---|---|---|
| Arneson, Nelson | Holm | Nelson, Cass |
| Beede | Hultstrand | Page |
| Bolmeier | Jensen | Rohde |
| Byrne | Joiner | Sand |
| Crockett | Kluver | Schauss |
| Gray | Knutson | Thompson,Burl'gh |
| Hofstrand | Myers | |

So the bill passed and the title was agreed to.

Mr. Belzer 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.

## MESSAGES FROM THE SENATE

Senate Chamber,
Bismarck, March 3, 1939.

Mr. Speaker: I have the honor to transmit:

Senate Bill No. 190. A Bill for an Act Authorizing the

Board of Trustees of the Teachers' Insurance and Retirement Fund to Employ an Actuary and Clerical Assistance and Making an Appropriation Therefor.

Senate Bill No. 205. A Blil for an Act Requiring the Publication of the Proceedings of Meetings of County Welfare Boards, Repealing All Acts and Parts of Acts in Conflict Herewith, and Declaring an Emergency.

Senate Bill No. 149. A Bill for an Act to Amend and Reenact Section 714a7 of the 1925 Supplement to the Compiled Laws of North Dakota for the Year 1913, Relating to Securities for Public Deposits.

Senate Bill No. 195. A Bill for an Act Clarifying, Confirming and Validating Chapter 86 of the Session Laws of 1937, Which is an Act Making an Appropriation to Be Expended in Providing Public Assistance to the Needy Aged, the Needy Blind, and to Dependent Children, and for Providing Child Welfare Services and Services to Crippled Children in Co-ordination With and Supplementary to Funds Made Available for Like Purposes in North Dakota by the Federal Government; and Declaring an Emergency.

Senate Bill No. 249. A Bill for an Act Making an Appropriation for the Purpose of Operating and Maintaining the State Bonding Fund for the Biennium Beginning July 1, 1939.

Senate Bill No. 228. A Bill for an Act Providing for Transfer of Certain School Lands Situated in Williams and Barnes Counties, Respectively, State of North Dakota, to Williams and Barnes Counties to Be Used and Maintained as Public Parks, and Authorizing the Exchange of Lands Belonging to Said Counties Therefor; and Declaring an Emergency.

Senate Bill No. 104. A Bill for an Act to Amend and Reenact Chapter 274 of the Session Laws of North Dakota for the Year 1935, as Amended by Chapter 243 of the Session Laws of North Dakota for 1937, 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, Extending the Application Thereof to Persons Receiving, Claiming or Demanding Money From Municipalities and Political Sub-divisions Within the State and Providing That Entering Into of Installment Contracts for Payment of Personal Property Taxes Shall Not Relieve Anyone From the Operation of This Act, Repealing All Acts or Parts of Acts in Conflict Herewith, and Declaring an Emergency.

Senate Bill No. 103. A Bill for an Act Amending and Reenacting Sections 2 and 11 of Chapter 211 of the Session Laws of 1937 and Validating Payments Heretofore Made to Certain Non-citizen Old Age Assistance Clients, Declaring an Emergency.

Senate Concurrent Resolution No. 285. A Concurrent Resolution Memorializing the Members of the United States Congress Urging Congress to Pass a Bill to Establish a National Land Policy and to Provide Homesteads Free of Debt for Actual Farm Families, Which Bill is Now Pending in Congress Known as S. 136.

Senate Bill No. 77. A Bill for an Act Providing for Reciprocity in Fixing Tuition Fees of Non-resident Students Attending Institutions of Higher Education in the State of North Dakota and Defining Non-resident Students, and Fixing Registration and Tuition Fees of Non-resident Students Residing in Foreign Countries Other Than the Dominion of Canada.

Senate Bill No. 124. A Bill for an Act Making an Appropriation for a Pension for Patricia Ann Crites and Dennis Duane Crites, Minor Children of National Guardsman, John E. Crites.

Senate Bill No. 133. A Bill for an Act Relating to the Duties of County Auditors and County Treasurers, With Relation to the Levy, Collection and Record of Municipal Bonds Sinking Funds.

Senate Bill No. 182. A Bill for an Act Relating to the Status of Municipal Civil Service in Municipalities Which Change Their Form of Government and Amending Chapter 173 of the Session Laws of the State of North Dakota for the Year 1937.

Senate Bill No. 181. A Bill for an Act to Amend and Reenact Section 15, Chapter 309, Laws of North Dakota, 1931, Providing for Commitment of Veterans, Repealing All Acts and Parts of Acts in Conflict Herewith and Declaring an Emergency.

Senate Concurrent Resolution No. 271. A Concurrent Resolution Relating to the Distribution of Food Commodities by Federal Relief Agencies.

Senate Bill No. 232. A Bill for an Act Making an Appropriation for the Use and Benefit of the State Highway Department of the State of North Dakota to Pay for Equipment (Purchased From and Installed by the Addressograph Multigraph Corporation.)

**Senate Concurrent Resolution No. 135. A Concurrent Resolution Providing for the Amendment of Sections 167, 170, 172 and 173 and the Repeal of Section 171 of the Constitution of North Dakota.**

Senate Bill No. 89. A Bill for an Act to Amend and Reenact Sub-section (a) and Sub-section (f) of Section 5, Section 6, Section 8 and Section 9 of Chapter 9 of the Session Laws of North Dakota for 1937; Relating to the Organization of Soil Conservation Districts, the Election, Qualification and Tenure of Supervisors Thereof; and Relating to the Adoption and Enforcement of Land-use Regulations, and Declaring an Emergency.

Senate Concurrent Resolution No. 285. A Concurrent Resolution Memorializing the Members of the United States Congress Urging Congress to Pass a Bill to Establish a National Land Policy and to Provide Homesteads Free of Debt for Actual Farm Families, Which Bill is Now Pending in Congress Known as S. 136.

Joint Resolution "A." A Resolution Relative to the United States Flag Association and Indorsing a National Patriotic Revival.

Senate Bill No. 222. A Bill for an Act Making an Appropriation for $5,598.30 for Payment of Fire and Tornado Insurance Premiums Upon the Transient Camp Buildings,

Located at Lake Metigoshe, Belonging to the State Historical Society.

Senate Bill No. 283. A Bill for an Act Prescribing the Oath to Be Taken and Subscribed to by Professors, Instructors and Teachers in Public Schools, Colleges and Universities of the State.

Senate Bill No. 240. A Bill for an Act to Authorize the Disorganization of Counties by Petition and Election or by Judicial Procedure and for the Proceedings Therefor; and for the Elimination of County Officers and the Termination of Their Terms of Office; and for the Attachment to an Organized County for Judicial and Administrative Purposes; and Providing for the Duties of the Officers of the Organized County to Which Attached, Including the Powers and Limitations to Tax; to Maintain Separate Records, to Act as Trustee, Collect the Revenue and to Disburse the Expenses for the Operation of the Unorganized County; and for Submitting the Question if Portions of This Act Are Unconstitutional or Final Decree Denies the Petition; and for Retaining the Validity of the Remaining Provisions of This Act if Any Are Declared Unconstitutional; and for the Repeal of Acts in Conflict Herewith, and Declaring an Emergency.

Senate Bill No. 261. A Bill for an Act Authorizing the State Treasurer as Trustee for the State of North Dakota to Transfer Lands Owned by Him to Owners of Other Lands of Approximately Equal Value in Exchange for Transfers of Such Other Lands, and Declaring an Emergency.

Senate Bill No. 262. A Bill for an Act Authorizing Investment of All Trust Funds by Legal Custodian; Providing Appropriations of Trust Funds for Investment Purposes and Repealing All Acts in Conflict Herewith.

Senate Bill No. 184. A Bill for an Act Authorizing the Adjutant General to Expend the Sum of $8,000.00 From the Balance Remaining in the "Returned Soldiers Fund" for the Purpose of Registering and Compiling Records of the Graves of Deceased Soldiers, Sailors, or Marines Buried in This State and for Caring for and Preserving of Soldier Records, and Declaring an Emergency.

Senate Concurrent Resolution No. 185. A Concurrent Resolution Memorializing Congress to Increase the Minimum Number of Employees Required in Agricultural States Under the Unemployment Compensation Act.

Senate Bill No. 193. A Bill for an Act Permitting the County Court to Make Decrees of Distribution and Close Estates Without the Payment of Real Estate Taxes Levied Upon Real Property of the Estate.

Senate Bill No. 196. A Bill for an Act to Amend and Reenact Section 6 of Chapter 198 of the Session Laws of 1937, 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.

Senate Bill No. 203. A Bill for an Act Authorizing and Directing the President of the North Dakota Agricultural

College to Enter Into a Leasing Agreement in Behalf of the North Dakota Agricultural College, with Hettinger Special School District No. 13, Leasing the Hettinger Experimental Substation Property Located Adjacent to the Village of Hettinger in the County of Adams, State of North Dakota; and Repealing Chapter 185, of the Session Laws of North Dakota for the Year 1937.

Senate Bill No. 234. A Bill for an Act to Amend and Reenact Section 6 of Chapter 108 of the Session Laws of 1935 as Amended by Chapter 114 of the Session Laws of 1937 and Sections 9, 10, 17 and 18 of Chapter 108 of the Session Laws of 1935; Repealing All Inconsistent Acts; and Declaring an Emergency.

Senate Bill No. 246. A Bill for an Act Exempting Employes Who Are Residents of and Who Are Insured Under the Workmen's Compensation Act or Similar Statute of Another State From the Application of the North Dakota Workmen's Compensation Act Where Such Other State Recognizes Extra-territorial Coverage Furnished to North Dakota Employers for Their Employes While Working in Such Other State.

Senate Bill No. 41. A Bill for an Act Declaring All Tax Charges Based on Original Final Values of Property Assessed by Local Assessors, in Excess of Amount That Would Have Been Charged Had Said Original Final Value Been Limited to the Full and True Value in Money, Null and Void; Providing Remedy to the Taxpayer; and Repealing All Laws or Parts of Laws in Conflict Therewith.

Senate Bill No. 69. A Bill for an Act to Amend and Reenact Section 4924, Compiled Laws of North Dakota for the Year 1913, as Amended by Chapter 79 of the Session Laws of 1921, Relating to the Taxation of Insurance Companies.

Senate Bill No. 55. A Bill for an Act to Amend and Reenact Chapter 195, Session Laws of 1935 as Amended Relating to Funding and Refunding Existing Indebtedness of Municipalities, Validating Proceedings Thereunder, and Declaring an Emergency.

Senate Bill No. 86. A Bill for an Act to Amend and Reenact Section 2588 of the Supplement to the Compiled Laws of 1913, as Amended by Chapter 251 of the Session Laws of 1929, Relating to the Treatment of Patients at the North Dakota Tuberculosis Sanitarium, and Declaring an Emergency.

Senate Bill No. 120. A Bill for an Act to Amend and Reenact Section 4907, Compiled Laws of the State of North Dakota for 1913, to Make More Certain the Requirement That All Foreign Insurance Companies Have a Capital of Two Hundred and Fifty Thousand Dollars ($250,000.00) as a Condition to Writing Fidelity and Surety Risks in This State.

Senate Bill No. 121. A Bill for an Act to Amend and Reenact Chapter 161, of the Session Laws of 1931, Relating to the Admission of Foreign Mutual Insurance Companies.

Senate Bill No. 147. A Bill for an Act to Amend and Reenact Section 3725 of the 1913 Compiled Laws of the State of North Dakota, Relating to Special Assessments.

Senate Bill No. 150. A Bill for an Act Amending and Re-enacting the Workmen's Compensation Act by Amending and Re-enacting Sub-sections A and C of Section 3, Chapter 162, Session Laws of 1919 as Amended by Chapter 260, Session Laws of 1929 and Chapter 286, Session Laws of 1935; Paragraph F of Section 4 of Chapter 162, Session Laws of 1919, as Amended by Chapter 285, Session Laws of 1927 and Chapter 314, Session Laws of 1931; Paragraph I of Section 4 of Chapter 162, Session Laws of 1919, as Amended by Chapter 314, Session Laws of 1931 and Chapter 286, Session Laws of 1935; the First Paragraph of Section 5 of Chapter 162, Session Laws of 1919 as Amended by Chapter 143, Session Laws of 1921 and Which Appears as Section 396a5 of the 1925 Supplement; the Ninth and Final Paragraph of Section 7 of Chapter 162, Session Laws of 1919 as Amended by Chapter 312, Session Laws of 1931; the Fourth and Fifth Paragraphs of Section 8, Chapter 162, Session Laws of 1919 as Amended by Chapter 315, Session Laws of 1931; and Section 23 of Chapter 162, Session Laws of 1919 Which Also Appears as Section 396a23 of the 1925 Supplement.

Senate Bill No. 171. A Bill for an Act Authorizing and Directing the North Dakota Agricultural College to Enter Into A Co-operative and License Agreement With the United States of America for Agricultural Investigational Work on Land Located in the Sheyenne River Project in Richland and Ransom Counties, State of North Dakota.

Senate Bill No. 172. A Bill for an Act to Repeal Chapter 255 of the Session Laws of the State of North Dakota for 1931.

Senate Bill No. 247. A Bill for an Act Amending Section 9991 of the 1925 Supplement of the Compiled Laws of 1913. Relating to Misuse of Fraternal and Other Emblems to Victimize Charitably Disposed Persons Through False Personification.

Senate Bill No. 248. A Bill for an Act Making an Appropriation for the Purpose of Operating and Maintaining the State Fire and Tornado Fund for the Biennium Beginning July 1, 1939.

Senate Bill No. 256. A Bill for an Act to Amend and Reenact Sub-division (1) of Section 811 of the Supplement to the Compiled Laws of North Dakota for 1913, as Amended by Chapter 143, of the Session Laws of North Dakota for 1933, Relating to the Distribution of State Bar Funds to the Bar Association of North Dakota and Declaring an Emergency.

Senate Bill No. 211. A Bill for an Act Appropriating Money for the Use of the Board of Railroad Commissioners for the Purpose of the Valuation and Revaluation of Public Utilities by the Board of Railroad Commissioners, as Provided by Chapter 253, Session Laws of 1935.

Senate Bill No. 139. A Bill for an Act to Amend and Reenact Subdivision 4 of Section 7426 of the Compiled Laws of North Dakota for 1913, Relating to Service of Summons on a Domestic Corporation, and Providing for Service by Publication on Any Domestic Corporation, the Charter of Which Has Been Forfeited.

Senate Bill No. 132. A Bill for an Act to Make an Appro-

priation for the Financing of the Operations of the State Soil Conservation Committee or the Activities of the State Soil Conservation Districts.

Senate Bill No. 130. A Bill for an Act Providing for the Protection of Pre-historic Deposits, Relics, Indian Mounds, Graves, Village Sites and Other Archaeological Material; Providing for Licensing Persons Engaged in Exploring and Excavating for Ancient Ruins and Archaeological Materials, Restricting Such Exploration and Excavation on State-Owned Lands and Requiring That One-Half of Such Materials be Delivered to the State Historical Society and Providing a Penalty for Violation of This Act.

Senate Bill No. 68. A Bill for an Act to Amend and Reenact Section 4 of Chapter 152 of the Session Laws of 1929. Relating to an Appropriation for the Necessary Costs of Investigations, Etc., of Fire Insurance Rates.

Senate Bill No. 56. A Bill for an Act Amending and Reenacting the Initiated Measure Entitled: "An Act Reducing and Fixing Allowances for Mileage and Travel Expense 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 30, 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," Adopted and Approved by the Electors at the June 29, 1932, Primary Election, Fixing Allowances for Mileage and Travel Expense of County Officials and Their Deputies; and Repealing Chapter 119, Session Laws of 1931, and All Acts and Parts of Acts in Conflict Herewith.

Senate Bill No. 47. 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-fifth Session of the Legislative Assembly of the State of North Dakota, and Declaring an Emergency.

Which the President has signed and your signature is respectfully requested.

WM. J. LOWE, Secretary.

Mr. Speaker: I have the honor to return:

House Bill No. 62. A Bill for an Act to Provide for the Reimbursement of Owners of Cattle Destroyed by Order of the North Dakota Livestock Sanitary Board on Account of Being Affected with Bang's Disease and to Pay Expenses in Connection Therewith, Limiting the Liability of the State of North Dakota, and Declaring an Emergency.

House Bill No. 105. A Bill for an Act Creating a Division of Co-operatives in the Department of Agriculture and Labor, and Prescribing Its Functions; Creating and Establishing the Office of Director of Said Division and Prescribing His Duties; and Making an Appropriation Therefor.

Which the Senate has passed unchanged.

Mr. Speaker: I have the honor to return:

House Bill No. 285. A Bill for an Act to Amend Chapter 138 Session Laws of 1937, State of North Dakota, Relating to Secondary and Feeder Roads by Adding an Additional Section Designated as Section 3, Relating to Designation of a Secondary Highway System and Authorizing the State

Highway Commissioner to Designate Highways in Such System; and Declaring an Emergency.

Which the Senate has indefinitely postponed.

WM. J. LOWE, Secretary.

Rep. Scholl moved that a message be sent to the Senate refusing to return bills requested by the Senate due to the fact that House Bill No. 310 has been signed by the Speaker.

## SECOND READING OF SENATE BILLS

Senate Bill No. 281. A Bill for an Act to Amend and Reenact Section 548a1 of the 1925 Supplement to the Compiled Laws of North Dakota for the Year 1913, Relating to the Licensing of Pool Halls, Dance Halls, Theatres, Moving Picture Shows, Etc.

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, 62; nays, 37; absent and not voting, 11.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Gray | Panko |
| Anderson, Benson | Haag | Peterson, Ransom |
| Anderson,M'K'nzie | Haugland | Rettke |
| Anfinson | Hofstrand | Ritter |
| Arneson, Nelson | Holm | Schauss |
| Arneson, Ramsey | Holthusen | Schmidt, Sheridar |
| Benno | Ireland | Scholl |
| Bergesen | Johnson, LaMoure | Sellens |
| Billigmeier | Joiner | Severson |
| Braun, Stark | Keller | Sharpe |
| Buchholz | Lange | Singleton |
| Byrne | Larson | Solberg |
| Dalzell | McInnes | Stormon |
| Dike | McIntee | Thompson,Burl'gh |
| Erickson | Mittag | Thompson, Steele |
| Feton | Nelson, Cass | Tuff |
| Fitch | Nelson, Dickey | Urschel |
| Fletcher | Nelson, Steele | Williams,Richland |
| Fuglestad | O'Brien | Williams,Stutsm'n |
| Gainor | Odegard | Wolf |
| Glas | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Beede | Levin | Schmidt, McHenry |
| Belzer | Lunde | Schimke |
| Bingenheimer | McIntyre | Schwartz |
| Boulden | Mollet | Semerad |
| Braun, McLean | Morland | Shure |
| Brown | Nystrom | Skartvedt |
| Dittmer | Oglesby | Symington |
| Fraser | Ostgulen | Trydahl |
| Halvorson | Peterson,Bottineau | Twichell |
| Heckman | Rait | Wambheim |
| Ista | Rohde | Westby |
| Jensen | Saumur | Mr. Speaker |
| Johnson, Cass | | |

Absent and not voting:

| | | |
|---|---|---|
| Blair | Hultstrand | Moe |
| Bolmeier | Kluver | Page |
| Crockett | Knutson | Sand |
| Culver | Myers | Stone |

So the bill passed and the title was agreed to.

Rep. Byrne moved that the vote by which Senate Bill No. 281 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Rep. Johnson of Cass: I am going to vote "no" on this bill because I think anybody who wants to put a theater in a town doesn't have to go to the Attorney General to do so.

Rep. Hagen voted "no" for the purpose of reconsideration.

Senate Bill No. 163. A Bill for an Act to Amend and Reenact Section 6, of Chapter 104, of the Session Laws of North Dakota for the Year 1937, Relating to Revenue Bonds of Municipalities, 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, 62; absent and not voting, 16.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Fuglestad | Odegard |
| Anderson, Benson | Gainor | Rettke |
| Arneson, Ramsey | Glas | Saumur |
| Benno | Haag | Scholl |
| Billigmeier | Holm | Severson |
| Boulden | Holthusen | Sharpe |
| Dike | Larson | Singleton |
| Erickson | McInnes | Thompson, Steele |
| Feton | Nelson, Steele | Tuff |
| Fitch | Nystrom | Mr. Speaker |
| Fletcher | O'Brien | |

Those voting in the negative were:

| | | |
|---|---|---|
| Anderson, M'K'nzie | Johnson, LaMoure | Schauss |
| Anfinson | Joiner | Schmidt, McHenry |
| Beede | Keller | Schmidt, Sheridan |
| Belzer | Kluver | Schwartz |
| Bergesen | Lange | Sellens |
| Bingenheimer | Levin | Semerad |
| Blair | Lunde | Shure |
| Braun, McLean | McIntee | Skartvedt |
| Braun, Stark | McIntyre | Solberg |
| Brown | Mittag | Stormon |
| Buchholz | Moe | Symington |
| Dalzell | Mollet | Thompson, Burl'gh |
| Dittmer | Morland | Trydahl |
| Fraser | Nelson, Cass | Twichell |
| Halvorson | Nelson, Dickey | Urschel |
| Haugland | Oglesby | Wambheim |
| Heckman | Ostgulen | Westby |
| Ireland | Panko | Williams, Richland |
| Ista | Peterson, Bottineau | Williams, Stutsm'n |
| Jensen | Peterson, Ransom | Wolf |
| Johnson, Cass | Rait | |

Absent and not voting:

| | | |
|---|---|---|
| Arneson, **Nelson** | Hofstrand | Ritter |
| Bolmeier | Hultstrand | Rohde |
| Byrne | Knutson | Sand |
| Crockett | Myers | Schimke |
| Culver | Page | Stone |
| Gray | | |

So the bill was declared lost.

Rep. Bergesen voted "no" for the purpose of reconsideration.

Rep. Bergesen changed his vote from "aye" to "no" for the purpose of reconsideration.

Senate Bill No. 258. A Bill for an Act Providing Suspension of Remedies to Enforce or Effectuate Tax Liens, Certificates and Titles Affecting Lands Acquired by the State Treasurer as Trustee for the State of North Dakota Under the Provisions of Sections 2290b9 and 2290c9 of the 1925 Supplement to the 1913 Compiled Laws of North Dakota, and Acts Amendatory Thereof, Providing for Removal of Such Suspension Upon Sale of Said Lands, Providing Authority for Payment of the Original Amounts of General Taxes, and Cancellation of Liens, Certificates and Titles Based Thereon, and Providing for Repeal of All Inconsistent Acts, Including Chapter 290 of the North Dakota Session Laws of 1931, 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, 90; nays, 7; absent and not voting, 13.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Heckman | Peterson,Bottineau |
| Anderson, **Benson** | Hofstrand | Peterson, Ransom |
| Anderson,**M'K'nzie** | Holm | Rait |
| Anfinson | Holthusen | Rettke |
| Arneson, **Ramsey** | Ireland | Rohde |
| Beede | Ista | Schauss |
| Belzer | Jensen | Schmidt, McHenry |
| Benno | Johnson, **LaMoure** | Schmidt, Sheridan |
| Bergesen | Joiner | Schimke |
| Billigmeier | Keller | Scholl |
| Bingenheimer | Kluver | Schwartz |
| Braun, **McLean** | Lange | Sellens |
| Braun, **Stark** | Larson | Semerad |
| Brown | Levin | Severson |
| Buchholz | Lunde | Singleton |
| Culver | McInnes | Solberg |
| Dalzell | McIntee | Stone |
| Dike | McIntyre | Stormon |
| Dittmer | Mittag | Symington |
| Erickson | Moe | Thompson,Burl'gh |
| Feton | Mollet | Thompson, Steele |
| Fitch | Morland | Tuff |
| Fletcher | Nelson, Cass | Twichell |
| Fraser | Neison, Dickey | Urschel |
| Fuglestad | Nystrom | Wambheim |

| | | |
|---|---|---|
| Gainor | O'Brien | Westby |
| Glas | Odegard | Williams,Richland |
| Haag | Oglesby | Williams,Stutsm'n |
| Halvorson | Ostgulen | Wolf |
| Haugland | Panko | Mr. Speaker |

Those voting in the negative were:

| | | |
|---|---|---|
| Blair | Saumur | Skartvedt |
| Boulden | Sharpe | Trydahl |
| Johnson, Cass | | |

Absent and not voting:

| | | |
|---|---|---|
| Arneson, Nelson | Hultstrand | Page |
| Bolmeier | Knutson | Ritter |
| Byrne | Myers | Sand |
| Crockett | Nelson, Steele | Shure |
| Gray | | |

So the bill passed and the title was agreed to and the Emergency Clause was declared carried.

Rep. Schmidt of Sheridan moved that the vote by which Senate Bill No. 258 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

## MESSAGES TO THE SENATE

House of Representatives,
Bismarck, March 3, 1939.

Mr. President: I have the honor to transmit:

House Bill No. 210. A Bill for an Act to Amend and Reenact Section 14, of Chapter 94, Session Laws of 1931, Providing for Investment in Shares of Building and Loan Associations by Fiduciaries, Trusts, Insurance Companies, and Banks.

House Bill No. 257. A Bill for an Act to Amend and Reenact Chapter 106 of the 1933 Session Laws, Relating to Marihuana, and Defining Marihuana as a Narcotic and a Habit-forming Drug; Prohibiting the Sale or Gift Thereof; Providing a Penalty for Violation; and Declaring an Emergency.

House Bill No. 320. A Bill for an Act to Amend and Reenact Section 2 of Chapter 156 of the Session Laws of 1935, Relating to Hail Tax Refund, and Declaring an Emergency.

House Bill No. 263. A Bill for an Act to Amend and Reenact Sections 10169a4, and 10169a5 of the 1925 Supplement to the Compiled Laws of North Dakota, 1913, of the North Dakota Beverage Inspection Act, to Include Alcoholic Beverages, Defining the Beverages Coming Within the Provisions of That Act, and Fixing the License Fee Required to Be Paid, and Declaring an Emergency.

House Bill No. 290. A Bill for an Act to Amend and Reenact Section 8 of Chapter 145 of the Session Laws of North Dakota, for the Year 1937, Relating to All Benevolent Corportions, Associations or Societies Operating on Voluntary or Involuntary Assessment or Contribution Plan.

House Bill No. 353. A Bill for an Act to Amend and Reenact Sections 13 and 14, of Chapter 97 of the Session Laws of 1933, as Amended by Chapter 119 of the Session Laws of 1935, Relating to the Administration of County Poor Relief; and Declaring an Emergency.

House Bill No. 106. A Bill for an Act to Amend and Reenact Section 1 of Chapter 128 of the Session Laws of the State of North Dakota for the Year 1925, Being Section 3163a1 of the Supplement to the 1913 Compiled Laws of the State of North Dakota, Defining a Public Dancing Place.

House Bill No. 176. A Bill for an Act to Amend and Reenact Section 34, Chapter 94, Session Laws of 1931, Pertaining to Examination of Building and Loan Associations.

House Bill No. 259. A Bill for an Act Amending Section 7316 of the Compiled Laws of 1913, Relating to the Enforcement of Penalty; Forfeiture and Punishment of Violators of a Statute That Has Been Repealed; and Declaring an Emergency.

House Bill No. 157. A Bill for an Act Making an Appropriation for the Maintenance and Operation of the North Dakota State Criminal Identification Bureau for the Period From January 1st, 1939 to June 30th, 1939, and Declaring an Emergency.

House Bill No. 311. A Bill for an Act Relating to the Organization of Irrigation Districts, the Powers and Functions of Such Districts, the Establishment and Construction of Irrigation Works Therein and Methods and Procedure for Financing the Cost of Purchasing or Constructing Such Irrigation Works; Amending Section 8247a1 of the Supplement to the Compiled Laws of 1913, as Amended and Reenacted by Section 1 of Chapter 142 of the Session Laws of 1933; Section 8247a2 of the Supplement to the Compiled Laws of 1913; Section 8247a3 of the Supplement to the Compiled Laws of 1913, as Amended and Re-enacted by Section 2 of Chapter 142 of the Session Laws of 1933; Sections 8247a4, 8247a5, 8247a6, 8247a7, 8247a8, and 8247a9 of the Supplement to the Compiled Laws of 1913; Section 8247a10 of the Supplement to the Compiled Laws of 1913, as Amended and Re-enacted by Section 3 of Chapter 142 of the Session Laws of 1933 and Amending Sections 8247a11, 8247a12, 8247a13, 8247a14, 8247a15, 8247a16, 8247a17, 8247a18, 8247a19, 8247a20, 8247a21a, 8247a23, 8247a24, 8247a26, 8247a47, 8247a51, 8247a52, 8247a53, 8247a56, 8247a57, 8247a59, 8247a60, 8247a61, 8247a63, 8247a64, 8247a65, and 8247a66 of the Supplement to the Compiled Laws of 1913; Validating Organization and Acts of Certain Irrigation Districts; Repealing All Acts and Parts of Acts in Conflict With the Provisions of This Act and Declaring an Emergency.

House Bill No. 375. A Bill for an Act to Amend and Reenact Sections 11105, 11106, and 11107, Compiled Laws of the State of North Dakota, for the Year 1913 Relating to the Board of Pardons, the Powers and Duties Thereof, and the Procedure Before Such Board, and Providing for the Appointment of Parole Officers and Other Assistants, and Declaring an Emergency.

House Bill No. 250. A Bill for an Act Authorizing the Public Welfare Board of North Dakota, With the Approval of the Attorney General, to Enter Into Reciprocal Agreements With Other States Having Like Authority Relative to Residence, Care and Transportation of Indigent Persons; and Declaring an Emergency.

House Bill No. 253. A Bill for an Act to Amend and Re-

enact Section 1 of Chapter 174 of the Session Laws of North Dakota for the Year 1937, Relating to Pensions for Policemen and Dependents in Cities Now or Hereafter Having a Population in Excess of Ten Thousand (10,000) Inhabitants.

House Bill No. 270. A Bill for an Act to Create a State Board of Photographic Examiners and to Regulate the Practice of Professional Photograpy and to Provide for Licensing and Registration of Persons Engaged in the Practice of Professional Photography and to Protect the Public From Fraud Practiced by Unscrupulous and Irresponsible Persons Through Misrepresentation and Other Unconscionable Artifices and the Obtaining of the Possession of Property Without Returning Value Therefor and for the Protection of the Public Health and Safety; Providing for the Enforcement of the Provisions of This Act and for the Punishment for Violation Thereof.

House Bill No. 13. 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.

House Bill No. 291. A Bill For an Act Declaring that Revenue Bonds Legally and Validly Issued by the State Water Conservation Commission Are Legal and Valid Investments by Banks, Trust Companies, Insurance Companies, Investment Companies, Building and Loan Associations and of Similar Financial Institutions; and Declaring an Emergency.

House Bill No. 61. A Bill for an Act Relating to the Application of the Bang's Test in Counties in North Dakota Under the Direction of the North Dakota Livestock Sanitary Board by Petition of Sixty-five Per Cent of the Freeholders or Livestock Owners in Such Counties, and Declaring an Emergency.

House Concurrent Resolution No. 400. A Concurrent Resolution to Extend an Invitation to Eamon DeValera to Visit the State of North Dakota.

House Concurrent Resolution No. 397. A Concurrent Resolution Commending That Higher Education Institutions Include in Teachers Training Courses Instruction Encouraging Cooperative Community Spirit and Activity.

House Concurrent Resolution No. 179. Authorizing and Directing the Governor, Tax Commissioner and Attorney General to Ascertain What Provision Has Been Made by the Federal Government for Making Payments in Lieu of Taxes on Lands Acquired in This State by Various Departments, Bureaus and Agencies of the Government and Authorizing and Directing the Governor, Attorney General and Tax Commissioner to File With the Secretary of State Proposals or Commitments Submitted by Such Departments, Bureaus or Agencies With Reference Thereto.

House Concurrent Resolution No. 368. A Concurrent Resolution Relating to Payments of Old Age Assistance, Aid to the Blind, and Aid to Dependent Children Grants to Ward Indians.

House Concurrent Resolution No. 399. A Concurrent Resolution to Authorize the Board of Administration to Transfer

Funds for the Purpose of Paving the State Capitol Grounds.

Which the Speaker has signed and your signature is respectfully requested.

MINNIE D. CRAIG, Chief Clerk.

## SECOND READING OF SENATE BILLS

Senate Bill No. 26. A Bill for an Act to Impose a Tax on the Storage, Use or Consumption in This State of Tangible Personal Property as Such Terms Are Defined Herein: to Provide Certain Exemptions Therefrom; to Provide for the Collection of Such Tax and the Administration of This Act; to Fix Fines and Penalties for the Violation of 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, 92; nays, 5; absent and not voting, 13.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Hofstrand | Peterson, Ransom |
| Anderson, Benson | Holm | Rait |
| Anderson,M'K'nzie | Ireland | Rettke |
| Anfinson | Ista | Rohde |
| Arneson, Nelson | Jensen | Saumur |
| Beede | Johnson, Cass | Schauss |
| Belzer | Johnson, LaMoure | Schmidt, McHenry |
| Benno | Joiner | Schmidt, Sheridan |
| Bergesen | Keller | Schimke |
| Billigmeier | Kluver | Scholl |
| Bingenheimer | Lange | Schwartz |
| Blair | Larson | Sellens |
| Boulden | Levin | Semerad |
| Braun, McLean | Lunde | Severson |
| Braun, Stark | McInnes | Sharpe |
| Brown | McIntee | Shure |
| Buchholz | McIntyre | Singleton |
| Crockett | Myers | Solberg |
| Dalzell | Mittag | Stone |
| Dike | Moe | Symington |
| Erickson | Mollet | Thompson, Burl'gh |
| Feton | Morland | Thompson, Steele |
| Fitch | Nelson, Cass | Trydahl |
| Fletcher | Nelson, Dickey | Tuff |
| Fraser | Nystrom | Urschel |
| Gainor | O'Brien | Wambheim |
| Glas | Odegard | Westby |
| Haag | Oglesby | Williams,Richland |
| Halvorson | Ostgulen | Williams, Stutsm'n |
| Haugland | Panko | Wolf |
| Heckman | Peterson,Bottineau | |

Those voting in the negative were:

| | | |
|---|---|---|
| Arneson, Ramsey | Fuglestad | Mr. Speaker |
| Dittmer | Stormon | |

Absent and not voting:

| | | |
|---|---|---|
| Bolmeier | Hultstrand | Ritter |
| Byrne | Knutson | Sand |

| | | |
|---|---|---|
| **Culver** | **Nelson, Steele** | **Skartvedt** |
| **Gray** | **Page** | **Twichell** |
| Holthusen | | |

So the bill passed and the title was agreed to and the Emergency Clause was declared carried.

Rep. Wambheim 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.

Speaker Hagen: The reason I am voting "no" on this is because it is only an extension of the unfair sales tax, a tax upon the poor, I can't justify any vote to continue such a tax system. I vote "no."

## MESSAGE TO THE HOUSE

Senate Chamber,
Bismarck, March 3, 1939.

Mr. Speaker: I have the honor to return:

House Bill No. 390. A Bill for an Act Reserving to the State of North Dakota All Rights to Minerals, Natural Gas or Oil Which May Be Found or Underlying All Lands Owned by the State of North Dakota or Hereafter Acquired by the State of North Dakota by Foreclosure, Quit Claim Deed or Otherwise; Declaring an Emergency.

House Bill No. 377. A Bill for an Act to Provide for the Licensing of Bee-Keepers and for Apiaries; for Issuance of License; for an Appropriation; for Penalties and Declaring an Emergency.

Which the Senate has amended.

Mr. Speaker: I have the honor to inform you that the Senate has adopted the Conference Committee Report on:

House Bill No. 175. A Bill for an Act to Provide Revenue by Means of a Transaction Tax Upon Sales of Certain Alcoholic Beverages by Licensed Wholesale Liquor Dealers; Authorizing the State Treasurer to Prescribe Rules and Regulations for the Collection Thereof; Prescribing the Method of Payment of the Tax to, and Collections by, the State Treasurer, and Providing Penalty.

Mr. Speaker: I have the honor to inform you that the President has appointed as a conference committee to act with a like committee from the House:

House Bill No. 38—Senators E. C. Stucke, Herman Thorson and Ed Lian.

House Bill No. 38. A Bill for an Act Making an Appropriation for Salaries, Operation, Maintenance, General and Miscellaneous Expenses for the State Laboratories Department.

House Concurrent Resolution No. 229. A Concurrent Resolution Extending an Invitation to the King and Queen of the United Kingdom of Great Britain and Ireland to Visit the International Peace Gardens.

House Concurrent Resolution No. 229—Senators J. C. Blaisdell, T. E. Whelan and Oliver Bilden.

WM. J. LOWE, Secretary.

## SECOND READING OF SENATE BILL

**Senate Bill No. 159. A Bill for an Act to Amend and Re-**

enact Sections 2, 5 and 6, of Chapter 232, of the Session Laws of North Dakota for the Year 1937, Transition Provisions for Simplification, Relating to Base Period and Benefit Year, and Also to Amend and Re-enact Sections 3, 5, 12, 13 and 14, of Chapter 232, of the Session Laws of North Dakota for the Year 1937, to Comply With That Act of Congress Known as the Railroad Unemployment Insurance Act, and Amending and Re-enacting Section 10, of Chapter 232 of the Session Laws of 1937, Authorizing the United States Government or Social Security Board to Allow the Commissioners of the North Dakota Workmen's Compensation Bureau Compensation for Services as Administrative Heads of Unemployment Compensation Division and State Employment Service, 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, 94; nays, 0; absent and not voting, 16.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Halvorson | Ostgulen |
| Anderson, Benson | Haugland | Panko |
| Anderson,M'K'nzie | Heckman | Peterson,Bottineau |
| Anfinson | Hofstrand | Peterson, Ransom |
| Arneson, Nelson | Holm | Rait |
| Arneson, Ramsey | Holthusen | Rettke |
| Beede | Ireland | Ritter |
| Belzer | Ista | Schmidt, McHenry |
| Benno | Jensen | Schimke |
| Bergesen | Johnson, Cass | Scholl |
| Billigmeier | Johnson, LaMoure | Schwartz |
| Bingenheimer | Joiner | Sellens |
| Blair | Keller | Semerad |
| Boulden | Kluver | Severson |
| Braun, McLean | Lange | Sharpe |
| Braun, Stark | Larson | Shure |
| Brown | Levin | Singleton |
| Buchholz | McInnes | Solberg |
| Crockett | McIntee | Stone |
| Culver | McIntyre | Stormon |
| Dalzell | Myers | Thompson,Burl'gh |
| Dike | Mittag | Thompson, Steele |
| Erickson | Mollet | Trydahl |
| Feton | Morland | Tuff |
| Fitch | Nelson, Cass | Urschel |
| Fletcher | Nelson, Dickey | Wambheim |
| Fraser | Nelson, Steele | Westby |
| Fuglestad | Nystrom | Williams,Richland |
| Gainor | O'Brien | Williams,Stutsm'n |
| Glas | Odegard | Wolf |
| Gray | Oglesby | Mr. Speaker |
| Haag | | |

Absent and not voting:

| | | |
|---|---|---|
| Bolmeier | Moe | Schauss |
| Byrne | Page | Schmidt, Sheridan |
| Dittmer | Rohde | Skartvedt |

| | | |
|---|---|---|
| Hultstrand | Sand | Symington |
| Knutson | Saumur | Twichell |
| Lunde | | |

So the bill passed and the title was agreed to, and the Emergency Clause declared carried.

Rep. Bingenheimer moved that the vote by which Senate Bill No. 159 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

## MESSAGE TO THE SENATE

House of Representatives,
Bismarck, March 3, 1939.

Mr. President: I have the honor to return:

Senate Concurrent Resolution No. 287. A Concurrent Resolution Urging an Investigation by the President of the United States and Congress of the Relief Situation in North Dakota.

Which the House has passed unchanged.

Senate Concurrent Resolution No. 286. A Concurrent Resolution Relating to the Distribution of Money Obtained From the Sale of Public Lands and From Royalties on Minerals Contained Therein.

Which the House has indefinitely postponed.

MINNIE D. CRAIG, Chief Clerk.

## REPORT OF STANDING COMMITTEE

The Committee on Enrollment and Engrossment respectfully reports that:

House Concurrent Resolution No. 240;
House Concurrent Resolution No. 248 and
House Concurrent Resolution No. 225.

Were delivered to the Secretary of State at the hour of 7:44 o'clock P. M., March 3, 1939.

OLAF OSTGULEN, Chairman.

The House reverted to the Eighth Order of Business.

## SIGNING OF BILLS

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 182. A Bill for an Act Relating to the Status of Municipal Civil Service in Municipalities Which Change Their Form of Government and Amending Chapter 173 of the Session Laws of the State of North Dakota for the Year 1937.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 181. A Bill for an Act to Amend and Reenact Section 15, Chapter 309, Laws of North Dakota, 1931, Providing for Commitment of Veterans, Repealing All Acts and Parts of Acts in Conflict Herewith and Declaring an Emergency.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 232. A Bill for an Act Making an Appropriation for the Use and Benefit of the State Highway Department of the State of North Dakota to Pay for Equipment (Purchased From and Installed by the Addressograph Multigraph Corporation.)

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

**Senate Concurrent Resolution No. 135. A Concurrent Resolution Providing for the Amendment of Sections 167, 170, 172 and 173 and the Repeal of Section 171 of the Constitution of North Dakota.**

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 89. A Bill for an Act to Amend and Reenact Sub-section (a) and Sub-section (f) of Section 5, Section 6, Section 8 and Section 9 of Chapter 9 of the Session Laws of North Dakota for 1937; Relating to the Organization of Soil Conservation Districts, the Election, Qualification and Tenure of Supervisors Thereof; and Relating to the Adoption and Enforcement of Land-use Regulations, and Declaring an Emergency.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Senate Concurrent Resolution No. 285. A Concurrent Resolution Memorializing the Members of the United States Congress Urging Congress to Pass a Bill to Establish a National Land Policy and to Provide Homesteads Free of Debt for Actual Farm Families, Which Bill is Now Pending in Congress Known as S. 136.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Joint Resolution "A." A Resolution Relative to the United States Flag Association and Indorsing a National Patriotic Revival.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 222. A Bill for an Act Making an Appropriation for $5,598.30 for Payment of Fire and Tornado Insurance Premiums Upon the Transient Camp Buildings, Located at Lake Metigoshe, Belonging to the State Historical Society.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 283. A Bill for an Act Prescribing the Oath to Be Taken and Subscribed to by Professors, Instructors and Teachers in Public Schools, Colleges and Universities of the State.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 41. A Bill for an Act Declaring All Tax Charges Based on Original Final Values of Property Assessed by Local Assessors, in Excess of Amount That Would Have Been Charged Had Said Original Final Value Been Limited to the Full and True Value in Money, Null and Void; Providing Remedy to the Taxpayer; and Repealing All Laws or Parts of Laws in Conflict Therewith.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 69. A Bill for an Act to Amend and Reenact Section 4924, Compiled Laws of North Dakota for the Year 1913, as Amended by Chapter 79 of the Session Laws of 1921, Relating to the Taxation of Insurance Companies.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 55. A Bill for an Act to Amend and Reenact Chapter 195, Session Laws of 1935 as Amended Relating to Funding and Refunding Existing Indebtedness of Municipalities, Validating Proceedings Thereunder, and Declaring an Emergency.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 86. A Bill for an Act to Amend and Reenact Section 2588 of the Supplement to the Compiled Laws of 1913, as Amended by Chapter 251 of the Session Laws of 1929, Relating to the Treatment of Patients at the North Dakota Tuberculosis Sanitarium, and Declaring an Emergency.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 120. A Bill for an Act to Amend and Reenact Section 4907, Compiled Laws of the State of North Dakota for 1913, to Make More Certain the Requirement That All Foreign Insurance Companies Have a Capital of Two Hundred and Fifty Thousand Dollars ($250,000.00) as a Condition to Writing Fidelity and Surety Risks in This State.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 121. A Bill for an Act to Amend and Re-enact Chapter 161, of the Session Laws of 1931, Relating to the Admission of Foreign Mutual Insurance Companies.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 147. A Bill for an Act to Amend and Re-enact Section 3725 of the 1913 Compiled Laws of the State of North Dakota, Relating to Special Assessments.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 150. A Bill for an Act Amending and Re-enacting the Workmen's Compensation Act by Amending and Re-enacting Sub-sections A and C of Section 3, Chapter 162, Session Laws of 1919 as Amended by Chapter 260, Session Laws of 1929 and Chapter 286, Session Laws of 1935; Paragraph F of Section 4 of Chapter 162, Session Laws of 1919, as Amended by Chapter 285, Session Laws of 1927 and Chapter 314, Session Laws of 1931; Paragraph I of Section 4 of Chapter 162, Session Laws of 1919, as Amended by Chapter 314, Session Laws of 1931 and Chapter 286, Session Laws of 1935; the First Paragraph of Section 5 of Chapter 162, Session Laws of 1919 as Amended by Chapter 143, Session Laws of 1921 and Which Appears as Section 396a5 of the 1925 Supplement; the Ninth and Final Paragraph of Section 7 of Chapter 162, Session Laws of 1919 as Amended by Chapter 312, Session Laws of 1931; the Fourth and Fifth Paragraphs of Section 8, Chapter 162, Session Laws of 1919 as Amended by Chapter 315, Session Laws of 1931; and Section 23 of Chapter 162, Session Laws of 1919 Which Also Appears as Section 396a23 of the 1925 Supplement.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 171. A Bill for an Act Authorizing and Directing the North Dakota Agricultural College to Enter Into A Co-operative and License Agreement With the United States of America for Agricultural Investigational Work on Land Located in the Sheyenne River Project in Richland and Ransom Counties, State of North Dakota.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 172. A Bill for an Act to Repeal Chapter 255 of the Session Laws of the State of North Dakota for 1931.

And the Speaker signed the same in the presence of the House.

MESSAGE TO THE SENATE

House of Representatives.
Bismarck, March 3, 1939.

Mr. President. I have the honor to inform you that the House refuses to return:

House Bill No. 310. A Bill for an Act to Amend and Reenact Section 2790a7 and 2790a8 of the 1925 Supplement to the Compiled Laws of the State of North Dakota; Relating to Duties of Bee Inspector and of Owners; Providing for Inspection Fees and the Collection Thereof and Repealing All Acts in Conflict Herewith.

For the reason the same has been already enrolled and signed by the Speaker.

MINNIE D. CRAIG, Chief Clerk.

Rep. Symington was called to the Chair.

MESSAGE TO THE SENATE

House of Representatives,
Bismarck, March 3, 1939.

Mr. President: I have the honor to return:

Senate Bill No. 82. A Bill for an Act to Amend and Reenact Section Six of Chapter 235 of the Session Laws of the State of North Dakota for the year 1929, Relating to Park District Tax Levies.

Senate Bill No. 281. A Bill for an Act to Amend and Reenact Section 548a1 of the 1925 Supplement to the Compiled Laws of North Dakota for the Year 1913, Relating to the Licensing of Pool Halls, Dance Halls, Theatres, Moving Picture Shows, Etc.

Senate Bill No. 258. A Bill for an Act Providing Suspension of Remedies to Enforce or Effectuate Tax Liens, Certificates and Titles Affecting Lands Acquired by the State Treasurer as Trustee for the State of North Dakota Under the Provisions of Sections 2290b9 and 2290c9 of the 1925 Supplement to the 1913 Compiled Laws of North Dakota, and Acts Amendatory Thereof, Providing for Removal of Such Suspension Upon Sale of Said Lands, Providing Authority for Payment of the Original Amounts of General Taxes, and Cancellation of Liens, Certificates and Titles Based Thereon, and Providing for Repeal of All Inconsistent Acts, Including Chapter 290 of the North Dakota Session Laws of 1931, and Declaring an Emergency.

Senate Bill No. 26. A Bill for an Act to Impose a Tax on the Storage, Use or Consumption in This State of Tangible Personal Property as Such Terms Are Defined Herein: to Provide Certain Exemptions Therefrom; to Provide for the Collection of Such Tax and the Administration of This Act; to Fix Fines and Penalties for the Violation of the Provisions of This Act and Declaring an Emergency.

Senate Bill No. 159. A Bill for an Act to Amend and Reenact Sections 2, 5 and 6, of Chapter 232, of the Session Laws of North Dakota for the Year 1937, Transition Provisions for Simplification, Relating to Base Period and Benefit Year, and Also to Amend and Re-enact Sections 3,

5, 12, 13 and 14, of Chapter 232, of the Session Laws of North Dakota for the Year 1937, to Comply With That Act of Congress Known as the Railroad Unemployment Insurance Act, and Amending and Re-enacting Section 10, of Chapter 232 of the Session Laws of 1937, Authorizing the United States Government or Social Security Board to Allow the Commissioners of the North Dakota Workmen's Compensation Bureau Compensation for Services as Administrative Heads of Unemployment Compensation Division and State Employment Service, Repealing All Acts and Parts of Acts in Conflict Herewith, and Declaring an Emergency.

Which the House has amended.

House Bill No. 195. A Bill for an Act Providing that the State Board of Higher Education Created and Established by an Initiated Act Submitted to the Electors and Approved June 28, A. D. 1938, Shall be and Hereby is Vested With all the Rights, Powers, Duties, Obligations and Perogatives Heretofore Vested in the Board of Administration, as to Vocational Education, Vocational Rehabilitation, and of the Extension Division of the North Dakota Agricultural College.

House Bill No. 310. A Bill for an Act to Amend and Reenact Section 2790a7 and 2790a8 of the 1925 Supplement to the Compiled Laws of the State of North Dakota; Relating to Duties of Bee Inspector and of Owners; Providing for Inspection Fees and the Collection Thereof and Repealing All Acts in Conflict Herewith.

House Bill No. 82. A Bill for an Act to Amend and Reenact Section 2761 of the Compiled Laws of the State of North Dakota for 1913 as Amended by Chapter 64, Session Laws of 1915, Prohibiting the Sale of Purebred Cattle and Nonregistered Bulls for Any Other Purpose Except Slaughter, Unless Accompanied by a Certificate of Health, and Providing a Penalty Therefore.

House Bill No. 131. A Bill for an Act Appropriating Money for the School of Mines at the University of North Dakota, to Supplement Works Progress Administration and United States Bureau of Mines Funds for the Investigation and Development of the Lignite Resources Within the Bounds of the State of North Dakota.

House Bill No. 396. A Bill for an Act Amending and Reenacting Section 189b11 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, as Amended by Section 10 of Chapter 137, Laws of 1933, in Reference to State Hail Insurance, Crop Affidavit, Insurability and Liens; Repealing Acts in Conflict Herewith, and Declaring an Emergency.

House Bill No. 24. 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.

House Bill No. 44. A Bill for an Act Making an Appropriation Out of the Liquor Fund in the State Treasury, for the Operation, Maintenance and Enforcement of the State Liquor Control Act.

House Bill No. 211. A Bill for an Act to Amend and Reenact Section 45 of Chapter 94 of the Session Laws of 1931

Relating to Building and Loan Associations and Making Provision for Appointment of Federal Savings and Loan Insurance Corporation as Receiver or Co-receiver of Associations in Liquidation Which Are Insured by Said Insurance Corporation.

House Bill No. 120. A Bill for an Act Establishing Rules and Regulations and Sanitary Conditions for Cream Buying Stations; Sanitary Requirements for Haulers of Cream; Equipment and Care of Equipment; Care of Cream Held in the Station; Care of Cream in Transit; Repealing Acts in Conflict Herewith; Providing Penalties, and Declaring an Emergency.

House Bill No. 6. 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.

Which the Speaker has signed and your signature is respectfully requested.

MINNIE D. CRAIG, Chief Clerk.

The House returned to the Fourteenth Order of Business.

Senate Bill No. 215 was read the second time.

Rep. Braun of McLean moved that further action on Senate Bill No. 215 be indefinitely postponed, which motion was lost.

## SECOND READING OF SENATE BILLS

Senate Bill No. 215. A Bill for an Act Amending and Reenacting Section 16, of Chapter 139, of the 1937 Session Laws Relating to Motor Vehicle Drivers Licenses, to Provide for Appointment of Local Agents and Their Compensation for Issuing Licenses, and Repealing Section 17, of Said Chapter 139, of the 1937 Session Laws and 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, 61; nays, 42; absent and not voting, 7.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Arneson, Nelson | Joiner | Schmidt, Sheridan |
| Arneson, Ramsey | Keller | Schimke |
| Belzer | Kluver | Scholl |
| Benno | Levin | Sellens |
| Bergesen | Lunde | Severson |
| Blair | McInnes | Sharpe |
| Boulden | Moe | Shure |
| Brown | Morland | Singleton |
| Byrne | Nelson, Steele | Skartvedt |
| Dalzell | Nystrom | Solberg |
| Dike | O'Brien | Stormon |
| Fitch | Odegard | Symington |

| | | |
|---|---|---|
| Fuglestad | Oglesby | Thompson, Burl'gh |
| Gray | Page | Thompson, Steele |
| Halvorson | Peterson, Ransom | Trydahl |
| Haugland | Rettke | Tuff |
| Hofstrand | Ritter | Wambheim |
| Holm | Saumur | Williams, Richland |
| Holthusen | Schauss | Williams, Stutsm'n |
| Ireland | Schmidt, McHenry | Wolf |
| Johnson, Cass | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Adam | Fletcher | Myers |
| Anderson, Benson | Fraser | Mittag |
| Anderson, M'K'nzie | Gainor | Mollet |
| Anfinson | Glas | Nelson, Dickey |
| Beede | Haag | Ostgulen |
| Billigmeier | Heckman | Panko |
| Bingenheimer | Ista | Peterson, Bottineau |
| Braun, McLean | Jensen | Rait |
| Braun, Stark | Johnson, LaMoure | Rohde |
| Buchholz | Knutson | Schwartz |
| Culver | Lange | Semerad |
| Dittmer | Larson | Stone |
| Erickson | McIntee | Urschel |
| Feton | McIntyre | Mr. Speaker |

Absent and not voting:

| | | |
|---|---|---|
| Bolmeier | Nelson, Cass | Twichell |
| Crockett | Sand | Westby |
| Hultstrand | | |

So the bill passed and the title was agreed to, and the emergency clause was declared carried.

Rep. Schmidt of McHenry moved that the vote by which Senate Bill No. 215 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Rep. Ritter: I feel this is well worth while. We need protection on the highways. Therefore I vote "aye."

## SECOND READING OF SENATE CONCURRENT RESOLUTION

Senate Concurrent Resolution No. 282. A Concurrent Resolution Providing for the Amendment of the Constitution to Provide for an Appointive Board to Manage the Permanent Funds of the State, Abolishing the Board of University and School Lands, and the Local Board of Appraisal, and Repealing Sections 156 and 157 of the Constitution.

Was read the second time.

## ROLL CALL

The question being on the final passage of the concurrent resolution, as amended, the roll was called and there were ayes, 45; nays, 57; absent and not voting, 8.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Arneson, Nelson | Moe | Severson |
| Arneson, Ramsey | Morland | Sharpe |
| Bergesen | Nelson, Cass | Shure |

| | | |
|---|---|---|
| Boulden | Nelson, Dickey | Singleton |
| Brown | Nelson, Steele | Skartvedt |
| Dike | Nystrom | Stone |
| Fitch | O'Brien | Stormon |
| Fuglestad | Ostgulen | Symington |
| Holm | Page | Thompson, Burl'gh |
| Holthusen | Peterson, Ransom | Thompson, Steele |
| Hofstrand | Ritter | Trydahl |
| Jensen | Sand | Wambheim |
| Johnson, Cass | Saumur | Williams, Richland |
| Lunde | Sellens | Williams, Stutsm'n |
| McInnes | Semerad | Mr. Speaker |

Those voting in the negative were:

| | | |
|---|---|---|
| Adam | Fraser | Mittag |
| Anderson, Benson | Gainor | Mollet |
| Anderson, M'K'nzie | Glas | Odegard |
| Anfinson | Gray | Oglesby |
| Beede | Haag | Panko |
| Belzer | Halvorson | Peterson, Bottineau |
| Benno | Haugland | Rait |
| Billigmeier | Heckman | Rettke |
| Bingenheimer | Ireland | Rohde |
| Blair | Ista | Schauss |
| Braun, McLean | Johnson, LaMoure | Schmidt, McHenry |
| Braun, Stark | Joiner | Schmidt, Sheridan |
| Buchholz | Keller | Schimke |
| Culver | Knutson | Scholl |
| Dalzell | Lange | Schwartz |
| Dittmer | Levin | Solberg |
| Erickson | McIntee | Tuff |
| Feton | McIntyre | Urschel |
| Fletcher | Myers | Wolf |

Absent and not voting:

| | | |
|---|---|---|
| Bolmeier | Hultstrand | Twichell |
| Byrne | Kluver | Westby |
| Crockett | Larson | |

So the concurrent resolution was declared lost.

Rep. Rohde moved that the vote by which Senate Concurrent Resolution No. 282 was lost be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

## SECOND READING OF SENATE BILLS

Senate Bill No. 226. A Bill for an Act to Amend and Reenact Section 2 of That Certain Initiated Law Entitled "An Act Declaring Mortgages on Growing and Unharvested Crops to Be Against the Public Policy of the State, and Abolishing the Same," Approved and Adopted by the Electors at the June 29, 1932 Primary Election; as Amended by Chapter 150 of the Session Laws of North Dakota for the Year 1933, Repealing All Acts or Parts of Acts in Conflict 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, 63; nays, 43; absent and not voting, 4.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Arneson, Nelson | Haag | Rettke |
| Arneson, Ramsey | Hofstrand | Ritter |
| Beede | Holm | Sand |
| Benno | Holthusen | Saumur |
| Bergesen | Ireland | Schauss |
| Billigmeier | Jensen | Schimke |
| Bingenheimer | Joiner | Schwartz |
| Boulden | Larson | Sellens |
| Braun, Stark | Levin | Semerad |
| Brown | Lunde | Sharpe |
| Byrne | McInnes | Skartvedt |
| Culver | Moe | Solberg |
| Dalzell | Morland | Stormon |
| Dike | Nelson, Dickey | Symington |
| Dittmer | Nelson, Steele | Thompson,Burl'gh |
| Erickson | Nystrom | Thompson, Steele |
| Fletcher | O'Brien | Tuff |
| Fuglestad | Odegard | Wambheim |
| Gainor | Oglesby | Williams,Stutsm'n |
| Glas | Ostgulen | Wolf |
| Gray | Peterson, Ransom | Mr. Speaker |

Those voting in the negative were:

| | | |
|---|---|---|
| Adam | Johnson, Cass | Peterson,Bottineau |
| Anderson, Benson | Johnson, LaMoure | Rait |
| Anderson,M'K'nzie | Keller | Rohde |
| Anfinson | Kluver | Schmidt, McHenry |
| Belzer | Knutson | Schmidt, Sheridan |
| Blair | Lange | Scholl |
| Braun, McLean | McIntee | Severson |
| Buchholz | McIntyre | Shure |
| Crockett | Myers | Singleton |
| Feton | Mittag | Stone |
| Fraser | Mollet | Trydahl |
| Halvorson | Nelson, Cass | Twichell |
| Haugland | Page | Urschel |
| Heckman | Panko | Williams,Richland |
| Ista | | |

Absent and not voting:

| | | |
|---|---|---|
| Bolmeier | Hultstrand | Westby |
| Fitch | | |

So the bill passed and the title was agreed to.

Rep. Fuglestad 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.

Rep. Culver: I vote "aye" on this bill for the reason it will make it possible for a number of farmers to avail themselves of our crop insurance. Otherwise they would not be able to pay their premiums in advance which is required.

Rep. Williams of Richland: Crop mortgages have been the downfall of the farmer in this state ever since it was settled. I vote "no."

## MESSAGE TO THE HOUSE

Senate Chamber,
Bismarck, March 3, 1939.

Mr. Speaker: I have the honor to return:

House Bill No. 45. A Bill for an Act Making an Appro-

priation Out of the Motor Patrol Fund in the State Treasury, for the Operation, Maintenance, Equipment, Supplies, Outfitting of Patrolmen, Travel and Miscellaneous Expenses for the Motor Patrol Branch.

Which the Senate has amended.

WM. J. LOWE, Secretary.

Rep. Morland requested that the House be on the Seventh Order of Business, which request was granted.

Rep. Morland moved that the reports, if they are authenticated, of the committee charged with the investigation of affairs at the Jamestown Hospital be printed in the Journal, which motion prevailed.

The Speaker resumed the Chair.

## MESSAGE TO THE HOUSE

Senate Chamber,
Bismarck, March 3, 1939.

Mr. Speaker: I have the honor to return:

House Bill No. 390. A Bill for an Act Reserving to the State of North Dakota All Rights to Minerals, Natural Gas or Oil Which May Be Found or Underlying All Lands Owned by the State of North Dakota or Hereafter Acquired by the State of North Dakota by Foreclosure, Quit Claim Deed or Otherwise; Declaring an Emergency.

Which the Senate has amended as follows:

In line 1 of the title, after the word "Dakota," add the following: "four per cent (4%) of."

In line 9, after the word "Dakota," add the words "four per cent (4%) of."

WM. J. LOWE, Secretary.

Rep. Joiner moved that the House do not concur in the Senate amendments to House Bill No. 390 and that a Conference Committee be appointed to act with a like committee from the Senate in deliberation on House Bill No. 390, which motion prevailed, and the Speaker appointed on that committee Reps. J. M. Joiner, Wm. Ireland and J. N. Mollet.

## MESSAGE TO THE SENATE

House of Representatives,
Bismarck, March 3, 1939.

Mr. President: I have the honor to inform you that the House has refused to concur in the Senate amendment to House Bills No. 45 and 390, and the Speaker has appointed as a Conference Committee,

Relative to:

House Bill No. 45. A Bill for an Act Making an Appropriation Out of the Motor Patrol Fund in the State Treasury, for the Operation, Maintenance, Equipment, Supplies, Outfitting of Patrolmen, Travel and Miscellaneous Expenses for the Motor Patrol Branch.

Reps. A. L. Dalzell, Leonas Myers and E. C. Stone.

Relative to:

House Bill No. 390. A Bill for an Act Reserving to the State of North Dakota All Rights to Minerals, Natural Gas or Oil Which May Be Found or Underlying All Lands Owned by the State of North Dakota or Hereafter Acquired by the

State of North Dakota by Foreclosure, Quit Claim Deed or Otherwise; Declaring an Emergency.

Reps. J. M. Joiner, Wm. Ireland and J. N. Mollet.

MINNIE D. CRAIG, Chief Clerk.

## MESSAGE TO THE HOUSE

Senate Chamber,
Bismarck, March 2, 1939.

Mr. Speaker: I have the honor to inform you that the Senate has requested the return of:

House Bill No. 285. A Bill for an Act to Amend Chapter 138 Session Laws of 1937, State of North Dakota, Relating to Secondary and Feeder Roads by Adding an Additional Section Designated as Section 3, Relating to Designation of a Secondary Highway System and Authorizing the State Highway Commissioner to Designate Highways in Such System; and Declaring an Emergency.

Mr. Speaker: I have the honor to return:

House Bill No. 45. A Bill for an Act Making an Appropriation Out of the Motor Patrol Fund in the State Treasury, for the Operation, Maintenance, Equipment, Supplies, Outfitting of Patrolmen, Travel and Miscellaneous Expenses for the Motor Patrol Branch.

Which the Senate has amended as follows:

In the re-engrossed bill:

In line 3, strike out the figures "$133,920.00" and insert in lieu thereof the figures "$134,524.00."

In line 10, strike out the figures "$3,600.00" and insert in lieu thereof the figures "$4,000.00."

In line 11, strike out the figures "$3,360.00" and insert in lieu thereof the figures "$3,600.00."

In line 13, strike out the figures "$2,160.00" and insert in lieu thereof the figures "$2,400.00."

Strike out all of line 25.

In line 33, strike out the figures "$133,920.00" and insert in lieu thereof the figures "$134,524.00."

WM. J. LOWE, Secretary.

Rep. Dalzell moved that the House do not concur in the Senate amendments to House Bill No. 45 and that a Conference Committee be appointed to act with a like committee from the Senate in deliberation on House Bill No. 45, which motion prevailed and the Speaker appointed on that committee, Reps. A. Dalzell, Leonas Myers and E. C. Stone.

## MESSAGE TO THE HOUSE

Senate Chamber,
Bismarck, March 3, 1939.

Mr. Speaker: I have the honor to inform you that the Senate has refused to concur in the House amendments to:

Senate Bill No. 159. A Bill for an Act to Amend and Re-enact Sections 2, 5 and 6, of Chapter 232, of the Session Laws of North Dakota for the Year 1937, Transition Provisions for Simplification, Relating to Base Period and Benefit Year, and Also to Amend and Re-enact Sections 3, 5, 12, 13 and 14, of Chapter 232, of the Session Laws of

North Dakota for the Year 1937, to Comply With That Act of Congress Known as the Railroad Unemployment Insurance Act, and Amending and Re-enacting Section 10, of Chapter 232 of the Session Laws of 1937, Authorizing the United States Government or Social Security Board to Allow the Commissioners of the North Dakota Workmen's Compensation Bureau Compensation for Services as Administrative Heads of Unemployment Compensation Division and State Employment Service, Repealing All Acts and Parts of Acts in Conflict Herewith, and Declaring an Emergency.

And the President has appointed as a Conference Committee, Senators J. W. Guthrie, W. A. Thatcher and F. J. Fredrickson.

WM. J. LOWE, Secretary.

The Speaker announced the appointment of Reps. R. T. Gray, Jos. D. Byrne and K. A. Fitch to act with a like committee from the Senate in deliberation on Senate Bill No. 159.

## MESSAGES TO THE HOUSE

Senate Chamber,
Bismarck, March 3, 1939.

Mr. Speaker: I have the honor to inform you that the Senate has refused to concur in the House amendment to:

Senate Bill No. 26. A Bill for an Act to Impose a Tax on the Storage, Use or Consumption in This State of Tangible Personal Property as Such Terms Are Defined Herein: to Provide Certain Exemptions Therefrom; to Provide for the Collection of Such Tax and the Administration of This Act; to Fix Fines and Penalties for the Violation of the Provisions of This Act and Declaring an Emergency.

And the President has appointed as a conference committee to act with a like committee from the House, Senators A. W. Fowler, W. J. Braun and C. S. Aasen.

WM. J. LOWE, Secretary.

The Speaker appointed Reps. N. P. Jensen, Bernt Anderson of McKenzie and W. H. Shure to act as a Conference Committee with a like committee from the Senate in deliberation on Senate Bill No. 26.

Mr. Speaker: I have the honor to return:

House Bill No. 377. A Bill for an Act to Provide for the Licensing of Bee-Keepers and for Apiaries; for Issuance of License; for an Appropriation; for Penalties and Declaring an Emergency.

Which the Senate has amended as follows:

In Section 8, Line 2, after the word "Treasury" insert "in the Bee Fund."

WM. J. LOWE, Secretary.

Rep. Moe moved that the House do concur in the Senate amendments to House Bill No. 377, which motion prevailed.

Rep. Schimke moved that the rules be suspended and that House Bill No. 377 be considered properly re-engrossed, placed on second reading and final passage as amended by the Senate, which motion prevailed.

## SECOND READING OF SENATE BILL

House Bill No. 377. A Bill for an Act to Provide for the Licensing of Bee-Keepers and for Apiaries; for Issuance of

License; for an Appropriation; for Penalties and Declaring an Emergency.

Was read the second time.

ROLL CALL

The question being on the final passage of the bill, as amended by the Senate, the roll was called and there were ayes, 90; nays, 9; absent and not voting, 11.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Heckman | Rait |
| Anderson, Benson | Hofstrand | Rettke |
| Anderson,M'K'nzie | Holm | Ritter |
| Anfinson | Ireland | Rohde |
| Arneson, Nelson | Ista | Saumur |
| Arneson, Ramsey | Jensen | Schauss |
| Beede | Johnson, Cass | Schmidt, McHenry |
| Belzer | Johnson, LaMoure | Schmidt, Sheridan |
| Benno | Joiner | Schimke |
| Bergesen | Keller | Scholl |
| Billigmeier | Knutson | Schwartz |
| Bingenheimer | Larson | Sellens |
| Blair | Lunde | Semerad |
| Braun, McLean | McInnes | Severson |
| Braun, Stark | McIntee | Sharpe |
| Brown | McIntyre | Shure |
| Byrne | Myers | Singleton |
| Dalzell | Mittag | Skartvedt |
| Dike | Mollet | Solberg |
| Dittmer | Morland | Stormon |
| Erickson | Nelson, Cass | Thompson, Steele |
| Feton | Nelson, Dickey | Trydahl |
| Fitch | Nelson, Steele | Twichell |
| Fletcher | Nystrom | Urschel |
| Fraser | O'Brien | Wambheim |
| Fuglestad | Odegard | Westby |
| Gainor | Oglesby | Williams,Richland |
| Gray | Page | Williams,Stutsm'n |
| Haag | Peterson,Bottineau | Wolf |
| Haugland | Peterson, Ransom | Mr. Speaker |

Those voting in the negative were:

| | | |
|---|---|---|
| Boulden | Glas | Ostgulen |
| Buchholz | Halvorson | Stone |
| Culver | Levin | Symington |

Absent and not voting:

| | | |
|---|---|---|
| Bolmeier | Kluver | Sand |
| Crockett | Lange | Thompson,Burl'gh |
| Holthusen | Moe | Tuff |
| Hultstrand | Panko | |

So the bill passed and the title was agreed to and the Emergency Clause was declared carried.

Rep. Schimke moved that the vote by which House Bill No. 377 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

MESSAGE TO THE SENATE

House of Representatives,
Bismarck, March 3, 1939.

Mr. President: I have the honor to inform you that the

Speaker has appointed as a Conference Committee,

Relative to:

Senate Bill No. 26. A Bill for an Act to Impose a Tax on the Storage, Use or Consumption in This State of Tangible Personal Property as Such Terms Are Defined Herein: to Provide Certain Exemptions Therefrom; to Provide for the Collection of Such Tax and the Administration of This Act; to Fix Fines and Penalties for the Violation of the Provisions of This Act and Declaring an Emergency.

Representatives N. P. Jensen, Bernt Anderson of McKenzie and W. H. Shure.

Relative to:

Senate Bill No. 159. A Bill for an Act to Amend and Re-enact Sections 2, 5 and 6, of Chapter 232, of the Session Laws of North Dakota for the Year 1937, Transition Provisions for Simplification, Relating to Base Period and Benefit Year, and Also to Amend and Re-enact Sections 3, 5, 12, 13 and 14, of Chapter 232, of the Session Laws of North Dakota for the Year 1937, to Comply With That Act of Congress Known as the Railroad Unemployment Insurance Act, and Amending and Re-enacting Section 10, of Chapter 232 of the Session Laws of 1937, Authorizing the United States Government or Social Security Board to Allow the Commissioners of the North Dakota Workmen's Compensation Bureau Compensation for Services as Administrative Heads of Unemployment Compensation Division and State Employment Service, Repealing All Acts and Parts of Acts in Conflict Herewith, and Declaring an Emergency.

Representatives R. T. Gray, Joseph Byrne and K. A. Fitch.

MINNIE D. CRAIG, Chief Clerk

The House reverted to the Sixth Order of Business.

## REPORT OF SELECT COMMITTEES

The Conference Committee on House Bill No. 38 made the following report:

Mr. Speaker: Your Conference Committee to whom was referred House Bill No. 38, have had the same under consideration and recommend:

The Senate recedes from its amendment to line 10, page 1 of the printed Bill by striking out the word "chemist" in said amendment, reinstating the line to read "Director—$5,400.00."

The House concurs in remaining Senate amendments to the bill.

| For the Senate: | For the House: |
|---|---|
| Ed. Lian | J. M. Anderson |
| E. C. Stucke | W. M. Crockett |
| Herman Thorson | K. A. Fitch |

Rep. J. M. Anderson of Benson moved that the report be adopted and the committee discharged, which motion prevailed and the report was adopted.

Rep. Anderson of Benson moved that House Bill No. 38 be considered properly re-engrossed, placed on second reading and final passage as amended by conference committee, which motion prevailed.

## MESSAGE TO THE SENATE

House of Representatives,
Bismarck, March 3, 1939.

Mr. President: I have the honor to inform you that the House has adopted the Conference Committee report on:

House Bill No. 38. A Bill for an Act Making an Appropriation for Salaries, Operation, Maintenance, General and Miscellaneous Expenses for the State Laboratories Department.

MINNIE D. CRAIG, Chief Clerk.

## SECOND READING OF HOUSE BILLS

House Bill No. 38. A Bill for an Act Making an Appropriation for Salaries, Operation, Maintenance, General and Miscellaneous Expenses for the State Laboratories Department.

Was read the second time.

## ROLL CALL

The question being on the final passage of the bill, as amended by Conference Committee, the roll was called and there were ayes, 85; nays, 11; absent and not voting, 14.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Halvorson | Peterson,Bottineau |
| Anderson, Benson | Heckman | Peterson, Ransom |
| Arneson, Nelson | Hofstrand | Rait |
| Arneson, Ramsey | Holm | Rettke |
| Anfinson | Ireland | Sand |
| Beede | Ista | Saumur |
| Belzer | Johnson, Cass | Schauss |
| Bergesen | Johnson, LaMoure | Schmidt, Sheridan |
| Billigmeier | Joiner | Schimke |
| Blair | Kluver | Schwartz |
| Boulden | Lange | Sellens |
| Braun, McLean | Larson | Sharpe |
| Braun, Stark | Levin | Shure |
| Brown | Lunde | Symington |
| Buchholz | McInnes | Singleton |
| Byrne | McIntee | Skartvedt |
| Crockett | McIntyre | Solberg |
| Culver | Myers | Stormon |
| Dalzell | Mittag | Thompson,Burl'gh |
| Dike | Moe | Thompson, Steele |
| Dittmer | Morland | Trydahl |
| Feton | Nelson, Cass | Twichell |
| Fletcher | Nelson, Dickey | Urschel |
| Fraser | Nelson, Steele | Wambheim |
| Fuglestad | Nystrom | Westby |
| Gainor | O'Brien | Williams,Stutsm'n |
| Glas | Odegard | Wolf |
| Gray | Oglesby | Mr. Speaker |
| Haag | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Anderson,M'K'nzie | Ostgulen | Stone |
| Jensen | Rohde | Tuff |
| Keller | Schmidt, McHenry | Williams,Richland |
| Mollet | Semerad | |

Absent and not voting:

| | | |
|---|---|---|
| Benno | Haugland | Panko |
| Bingenheimer | Holthusen | Ritter |
| Bolmeier | Hultstrand | Scholl |
| Erickson | Knutson | Severson |
| Fitch | Page | |

So the bill passed and the title was agreed to.

Rep. Heckman moved that the vote by which House Bill No. 38 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. 8 made the following report:

Mr. Speaker: Your Conference Committee to whom was referred House Bill No. 8, have had the same under consideration and recommend that the Senate recede from its amendment to House Bill No. 8 and further amend the bill in Section 1, line 3, by striking out the figures "$13,900" and inserting in lieu thereof the figures "$14,270."

Also in line 10 following the word "stenographer" add the following: "and museum attendant."

In line 10 strike out the figures "$1,920" and insert in lieu thereof the figures "$2,200."

Strike out all of line 12.

Line 22, strike out the figures "$13,990" and insert in lieu thereof the figures "$14,270."

Re-number lines accordingly.

| For the Senate: | For the House: |
|---|---|
| M. R. Young | Robert Rait |
| Henry Leum | Targie Trydahl |
| B. W. Lemke | Bernt Anderson |

Representative Anderson of McKenzie moved that the report be adopted and the committee be discharged.

Rep. Schimke moved a substitute motion that the House do not accept the conference committee report on House Bill No. 8, which motion prevailed.

Rep. Schimke moved that the House Conference Committee in deliberation on House Bill No. 8 be discharged and that a new conference committee be appointed, which motion prevailed, and the Speaker appointed on that committee Reps. Calvin Schimke, A. C. Johnson of Cass and G. H. Lange.

## MESSAGE TO THE SENATE

House of Representatives,
Bismarck, March 3, 1939.

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. 8. A Bill for an Act Making an Appropriation for the Purpose of Paying Salary, Clerk Hire, and General Expenses of the State Historical Society.

And the Speaker has appointed as a new Conference Committee, Representatives Calvin Schimke, A. C. Johnson of Cass and G. H. Lange.

MINNIE D. CRAIG, Chief Clerk.

The Conference Committee on House Bill No. 32 made the following report:

Mr. Speaker: Your Conference Committee to whom was referred House Bill No. 32, have had the same under consideration and beg leave to report that the House does not concur in the Senate amendments and recommends that the following amendments:

In line 4 of the engrossed bill strike out the figures "$119,000.00" and insert in lieu thereof "$111,000.00".

In line 29 strike out "$7,500.00" and insert "$4,200.00".

In line 30 strike out "$55,000.00" and insert "$30,000.00".

Add line 30a as follows: "Construction Bond Guarantee Fund $50,000.00".

In line 32 strike out "$5,000.00" and insert "$4,000.00".
In line 35 strike out "12,000.00" and insert "7,000.00".
Strike out all of lines 36, 37, 38, 39, 40, 41, and 42.
In line 43 strike out "3,000.00" and insert "1,000.00".
In line 44 strike out "2,000.00" and insert "500.00".
In line 46 strike out "1,000.00" and insert "500.00".
In line 47 strike out "2,000.00" and insert "1,600.00".
In line 51 strike out "5,000.00" and insert "3,000.00".
In line 52 strike out "4,000.00" and insert "1,000.00".
In line 55 strike out '3,000.00" and insert "1,000.00".
In line 59 strike out "7,000.00" and insert "5,600.00".
In line 62 strike out "2,000.00" and insert "1,600.00."

In line 63 strike out "$119,000.00" and insert "$111,000.00".

| For the Senate: | For the House: |
|---|---|
| Wm. J. Braun, | Jos. D. Byrne, |
| Milton Young, | Robt. T. Gray, |
| Wm. Thatcher. | C. P. Ritter. |

Rep. Byrne moved that the report be adopted and the committee discharged, which motion prevailed, and the report was adopted.

Rep. Byrne moved that the rules be suspended and that House Bill No. 32 be considered properly re-engrossed, placed on second reading and final passage as amended by conference committee, which motion prevailed.

## SECOND READING OF HOUSE BILLS

**House Bill No. 32. A Bill for an Act Making an Appropriation Into the Administrative Fund for General Administrative and Operative Expenses of the Water Conservation Commission, According to Chapter 255, Session Laws of 1937 and Section 31 Thereof, Providing for Reimbursement and Providng for Validity.**

Was read the second time.

## ROLL CALL

The question being on the final passage of the bill, as amended by Conference Committee, the roll was called and there were ayes, 88; nays, 3; absent and not voting, 19.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Heckman | Peterson,Bottineau |
| Anfinson | Hofstrand | Peterson, Ransom |
| Arneson, Nelson | Holm | Rait |
| Arneson, Ramsey | Holthusen | Ritter |

| | | |
|---|---|---|
| Beede | Ireland | Rohde |
| Belzer | Ista | Sand |
| Bingenheimer | Johnson, Cass | Schauss |
| Billigmeier | Johnson, LaMoure | Schmidt, McHenry |
| Blair | Joiner | Schwartz |
| Braun, McLean | Lange | Sellens |
| Braun, Stark | Larson | Semerad |
| Brown | Levin | Severson |
| Buchholz | Lunde | Sharpe |
| Byrne | McInnes | Singleton |
| Crockett | McIntee | Skartvedt |
| Culver | McIntyre | Solberg |
| Dalzell | Myers | Stormon |
| Dike | Moe | Symington |
| Dittmer | Mollet | Thompson,Burl'gh |
| Erickson | Morland | Trydahl |
| Feton | Nelson, Cass | Tuff |
| Fletcher | Nelson, Dickey | Twichell |
| Fraser | Nelson, Steele | Urschel |
| Fuglestad | Nystrom | Wambheim |
| Gainor | O'Brien | Westby |
| Glas | Odegard | Williams,Richland |
| Gray | Oglesby | Williams,Stutsm'n |
| Haag | Ostgulen | Wolf |
| Halvorson | Panko | Mr. Speaker |
| Haugland | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Keller | Mittag | Stone |

Absent and not voting:

| | | |
|---|---|---|
| Anderson, Benson | Hultstrand | Saumur |
| Anderson,M'K'nzie | Jensen | Schmidt, Sheridan |
| Benno | Kluver | Schimke |
| Bergesen | Knutson | Scholl |
| Bolmeier | Page | Shure |
| Boulden | Rettke | Thompson, Steele |
| Fitch | | |

So the bill passed and the title was agreed to.

Rep. Westby moved that the vote by which House Bill No. 32 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

## MESSAGE TO THE SENATE

House of Representatives,
Bismarck, March 3, 1939.

Mr. President: I have the honor to inform you that the House has adopted the Conference Committee report on:

House Bill No. 32. A Bill for an Act Making an Appropriation Into the Administrative Fund for General Administrative and Operative Expenses of the Water Conservation Commission, According to Chapter 255, Session Laws of 1937 and Section 31, Thereof, Providing for Reimbursement and Providing for Validity.

MINNIE D. CRAIG, Chief Clerk.

## REPORT OF SELECT COMMITTEES

The Conference Committee on House Bill No. 267 made the following report:

Mr. Speaker: Your Conference Committee to whom was referred House Bill No. 267, have had the same under consideration and find that the committee can not agree, and recommend a new Conference Committee be appointed.

| For the Senate: | For the House: |
|---|---|
| Herman Thorson, | W. M. Crockett, |
| G. F. Drew, | Leonas Myers, |
| R. R. Morgan. | A. O. Arneson. |

Rep. Crockett moved that further consideration on House Bill No. 267 be indefinitely postponed.

Rep. Skartvedt moved a substitute motion that the conference committee on House Bill No. 267 be discharged and that a new Conference Committee be appointed, which motion prevailed and the Speaker appointed on that new committee Reps. K. L. Boulden, W. H. Shure and J. H. McIntyre.

## MESSAGE TO THE SENATE

House of Representatives,
Bismarck, March 3, 1939.

Mr. President: I have the honor to inform you that the Speaker has appointed as a new Conference Committee, House members:

K. L. Boulden,
W. H. Shure,
J. H. McIntyre.

Relative to:

House Bill No. 267. A Bill for an Act Providing for Serological Test, for Syphilis of All Persons Applying for Marriage Licenses; Prohibiting Marriage to Any Person Afflicted With Syphilis in Communicable Form; Providing for Proofs of Serological Test to Be Required by and Submitted to County Judges Before the Issuance of a Marriage License; Repealing Acts and Parts of Acts Inconsistent With or in Conflict Herewith; Making an Appropriation for the State Health Department to Enable it to Comply With the Provisions Hereof; Providing for the Date Upon Which the Act Shall Take Effect.

MINNIE D. CRAIG, Chief Clerk.

## MESSAGE TO THE HOUSE

Senate Chamber,
Bismarck, March 3, 1939.

Mr. Speaker: I have the honor to inform you that the Senate has concurred in the House amendments to:

House Bill No. 82. A Bill for an Act to Amend and Reenact Section 2761 of the Compiled Laws of the State of North Dakota for 1913 as Amended by Chapter 64, Session Laws of 1915, Prohibiting the Sale of Purebred Cattle and Nonregistered Bulls for Any Other Purpose Except Slaughter, Unless Accompanied by a Certificate of Health, and Providing a Penalty Therefore.

House Bill No. 28. 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.

House Bill No. 258. A Bill for an Act to Amend and Reenact Section 409 of the Compiled Laws of North Dakota for

1913, as Amended by Section 409, of the 1925 Supplement to the Laws of the State of North Dakota, and as Also Further Amended by Chapter 105, of the 1929 Session Laws, and Chapter 113 of the 1935 Session Laws of the State of North Dakota, Relating to the Compensation of the President and Vice President of County Boards of Health, and Superintendent of Health, Mileage and Expenses, Repealing All Acts and Parts of Acts in Conflict Herewith, and Declaring an Emergency.

Mr. Speaker: I have the honor to inform you that the Senate has adopted the Conference Committee report on:

House Bill No. 279. A Bill for an Act to Amend and Reenact Subdivisions (a) and Section 19 of Chapter 179 of the 1927 Session Laws as Amended by Section 6 of Chapter 160 of the 1933 Session Laws; providing for the Registration of Motor Vehicles, Registration Fees for Motor Vehicles Except Trucks and Busses, and When All Motor Vehicle Fees Shall Become Delinquent, and Penalties Therefor; and Repealing all Acts and Parts of Acts in Conflict Herewith.

House Bill No. 194. 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, 1938. Permitting Payments in Ten Installments. Providing Manner of Payments. Suspending Operation of Law and Collection of Delinquent Taxes. Permitting Suit by Civil Action and Declaring an Emergency.

House Bill No. 38. A Bill for an Act Making an Appropriation for Salaries, Operation, Maintenance, General and Miscellaneous Expenses for the State Laboratories Depart-

House Bill No. 8. A Bill for an Act Making an Appropriation for the Purpose of Paying Salary Clerk Hire, and General Expenses of the State Historical Society.

House Bill No. 32. A Bill for an Act Making an Appropriation Into the Administrative Fund for General Administrative and Operative Expenses of the Water Conservation Commission, According to Chapter 255, Session Laws of 1937 and Section 31, Thereof, Providing for Reimbursement and Providing for Validity.

WM. J. LOWE, Secretary.

## REPORT OF SELECT COMMITTEES

The Conference Committee on House Bill No. 279 made the following report:

Mr. Speaker: Your Conference Committee to whom was referred House Bill No. 279, have had the same under consideration and beg leave to report that the Senate has agreed to recede from that part of their amendment which reads as follows:

"The registration fee for the year in which any vehicle covered by this Act was purchased new from the dealer shall be the basic fee as above determined. There shall be a reduction of 10% of the basic fee each year thereafter for 4 years, and 5% each year after 4 years. A minimum fee shall be $3.00; Provided, however, that any car which has reached a fee basis of $3.00 under the existing law shall not be raised from that fee."

And this committee hereby concurs to the following amendments as made by the Senate:

In line 22, after the word "agreements" insert the words "not contrary to any provisions of this Act."

Insert a Section 2 as follows: "Section 2. Repeal. And repealing all Acts and parts of Acts in conflict herewith."

This committee also recommends the following amendment, after the word "Herewith" in the last line of the title of the bill change the "period" to a "comma" and insert the word "Emergency".

Insert a 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".

| For the Senate: | For the House: |
|---|---|
| J. C. Blaisdel, Jr., | E. Symington, |
| O. E. Bilden, | C. P. Ritter, |
| T. E. Whelan. | H. A. Kluver. |

Rep. Ritter moved that the report be adopted and that the committee be discharged, which motion prevailed and the report was adopted.

Rep. Symington moved that the rules be suspended and that House Bill No. 279 be considered properly re-engrossed, placed on second reading and final passage as amended by Conference Committee, which motion prevailed.

## SECOND READING OF HOUSE BILLS

House Bill No. 279. A Bill for an Act to Amend and Reenact Sub-divisions (a) and Section 19 of Chapter 179 of the 1927 Session Laws as Amended by Section 6, of Chapter 160, of the 1933 Session Laws; Providing for the Registration of Motor Vehicles, Registration Fees for Motor Vehicles Except Trucks and Busses, and When All Motor Vehicle Fees Shall Become Delinquent, and Penalties Therefor; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Was read the second time.

## ROLL CALL

The question being on the final passage of the bill, as amended by the Conference Committee, the roll was called and there were ayes, 82; nays, 0; absent and not voting, 28.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Holthusen | Sand |
| Anderson, Benson | Ireland | Saumur |
| Anfinson | Ista | Schmidt, McHenry |
| Arneson, Nelson | Johnson, Cass | Schimke |
| Arneson, Ramsey | Johnson, LaMoure | Scholl |
| Beede | Joiner | Schwartz |
| Belzer | Keller | Sellens |
| Bergesen | Kluver | Semerad |
| Billigmeier | Lange | Severson |
| Bingenheimer | Larson | Sharpe |
| Blair | Lunde | Singleton |
| Braun, McLean | McInnes | Skartvedt |
| Brown | McIntee | Solberg |
| Buchholz | Myers | Stone |
| Dalzell | Moe | Stormon |
| Dike | Mollet | Symington |

| | | |
|---|---|---|
| Feton | Morland | Thompson, Burl'gh |
| Fletcher | Nelson, Cass | Thompson, Steele |
| Fraser | Nelson, Dickey | Trydahl |
| Fuglestad | Nelson, Steele | Tuff |
| Gainor | O'Brien | Urschel |
| Glas | Odegard | Wambheim |
| Haag | Oglesby | Westby |
| Halvorson | Ostgulen | Williams, Richland |
| Haugland | Peterson, Ransom | Williams, Stutsm'n |
| Heckman | Rait | Wolf |
| Hofstrand | Rohde | Mr. Speaker |
| Holm | | |

Absent and not voting:

| | | |
|---|---|---|
| Anderson, M'K'nzie | Fitch | Page |
| Benno | Gray | Panko |
| Bolmeier | Hultstrand | Peterson, Bottineau |
| Boulden | Jensen | Rettke |
| Braun, Stark | Knutson | Ritter |
| Byrne | Levin | Schauss |
| Crockett | McIntyre | Schmidt, Sheridan |
| Culver | Mittag | Shure |
| Dittmer | Nystrom | Twichell |
| Erickson | | |

So the bill passed and the title was agreed to and the Emergency Clause was declared carried.

Rep. Morland moved that the vote by which House Bill No. 279 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Rep. Beede moved that further action on Senate Bill No. 140 be delayed, which motion prevailed.

Rep. Bergesen moved that the House be on the Seventh Order of Business, which request was granted.

Rep. Bergesen moved that the request of the Senate for the return of House Bill No. 285 be granted, which motion prevailed.

The Speaker announced the appointment of Reps. Calvin Schimke, Bernt Anderson of McKenzie and K. A. Fitch as a Conference Committee to act with a like committee from the Senate in deliberation of Senate Bill No. 265.

## MESSAGE TO THE SENATE

House of Representatives,
Bismarck, March 3, 1939.

Mr. President: I have the honor to return:

Senate Concurrent Resolution No. 285. A concurrent Resolution Memorializing the Members of the United States Congress Urging Congress to Pass a Bill to Establish a National Land Policy and to Provide Homesteads Free of Debt for Actual Farm Families, Which Bill is Now Pending in Congress Known as S. 136.

Which the Senate has requested.

Mr. President: I have the honor to inform you that the Speaker has appointed as a Conference Committee for:

Senate Bill No. 265. A Bill for an Act Providing That the Emergency Commission Created and Established by Section 283c1 of the 1925 Supplement to the Compiled Laws of

the State of North Dakota Shall Pass Upon All Expenditures From the Emergency Fund of the State Hail Insurance Department, and Declaring an Emergency.

Representatives Calvin Schimke, Bernt Anderson of McKenzie and K. A. Fitch.

MINNIE D. CRAIG, Chief Clerk.

The House continued on the Fourteenth Order of Business.

Rep. Saumur moved that Senate Bill No. 276 be placed at the foot of the calendar, which motion prevailed.

SECOND READING OF SENATE BILLS

Senate Bill No. 157. A Bill for an Act Relating to Civil Liability of Owners and Operators of Motor Vehicles, Service of Civil Process on Non-residents and Requirement That Owners of For-rent Vehicles Give Proof of Financial Responsibility 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, the roll was called and there were ayes, 54; nays, 37; absent and not voting, 19.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Fraser | Ostgulen |
| Anderson, Benson | Fuglestad | Page |
| Anfinson | Gainor | Peterson,Bottineau |
| Arneson, Nelson | Glas | Peterson, Ransom |
| Arneson, Ramsey | Gray | Rait |
| Billigmeier | Haag | Sand |
| Bingenheimer | Heckman | Schimke |
| Braun, McLean | Holm | Sellens |
| Brown | Holthusen | Stormon |
| Byrne | Ista | Symington |
| Crockett | Johnson, Cass | Thompson,Burl'gh |
| Culver | Joiner | Thompson, Steele |
| Dalzell | Kluver | Trydahl |
| Dike | Lange | Urschel |
| Erickson | Larson | Westby |
| Feton | Levin | Williams,Stutsm'n |
| Fitch | Nelson, Steele | Wolf |
| Fletcher | O'Brien | Mr. Speaker |

Those voting in the negative were:

| | | |
|---|---|---|
| Beede | McIntee | Panko |
| Belzer | McIntyre | Rohde |
| Bergesen | Myers | Saumur |
| Blair | Mittag | Schmidt, McHenry |
| Braun, Stark | Moe | Schwartz |
| Buchholz | Mollet | Semerad |
| Dittmer | Morland | Severson |
| Halvorson | Nelson, Cass | Singleton |
| Ireland | Nelson, Dickey | Solberg |
| Jensen | Nystrom | Stone |
| Johnson, LaMoure | Odegard | Tuff |
| Keller | Oglesby | Williams,Richland |
| McInnes | | |

Absent and not voting:

| | | |
|---|---|---|
| Anderson,M'K'nzie | Knutson | Scholl |
| Benno | Lunde | Sharpe |
| Bolmeier | Rettke | Shure |
| Boulden | Ritter | Skartvedt |
| Haugland | Schauss | Twichell |
| Hofstrand | Schmidt, Sheridan | Wambheim |
| Hultstrand | | |

So the bill was declared lost for lack of a constitutional majority of 57.

Rep. Stone moved that the vote by which Senate Bill No. 157 was lost be reconsidered and the motion to reconsider be laid on the table, which motion was lost.

Rep. Fitch moved that the House reconsider action taken on Senate Bill No. 157, which motion was lost.

## SECOND READING OF HOUSE BILLS

Senate Bill No. 131. A Bill for an Act to Amend and Reenact Chapter 151 of the Session Laws of North Dakota for 1935, Providing for Licenses for Reciprocal Fire and Life Insurance Underwriters.

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, 83; nays, 10; absent and not voting, 17.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Heckman | Peterson,Bottineau |
| Anderson, Benson | Hofstrand | Peterson, Ransom |
| Anfinson | Holm | Rait |
| Arneson, Nelson | Holthusen | Rohde |
| Arneson, Ramsey | Ireland | Sand |
| Belzer | Ista | Saumur |
| Bergesen | Jensen | Schmidt, Sheridan |
| Billigmeier | Joiner | Schimke |
| Bingenheimer | Keller | Scholl |
| Blair | Kluver | Schwartz |
| Braun, McLean | Lange | Sellens |
| Brown | Larson | Semerad |
| Crockett | Levin | Severson |
| Culver | Lunde | Sharpe |
| Dalzell | McInnes | Shure |
| Dike | McIntee | Singleton |
| Dittmer | McIntyre | Solberg |
| Erickson | Mittag | Stormon |
| Feton | Mollet | Symington |
| Fitch | Morland | Thompson, Burl'gh |
| Fletcher | Nelson, Dickey | Thompson, Steele |
| Fraser | Nelson, Steele | Urschel |
| Fuglestad | Nystrom | Wambheim |
| Gainor | O'Brien | Westby |
| Glas | Odegard | Williams,Richland |
| Gray | Oglesby | Williams, Stutsm'n |
| Haag | Ostgulen | Wolf |
| Halvorson | Page | |

Those voting in the negative were:

| | | |
|---|---|---|
| Anderson,M'K'nzie | Myers | Schmidt, McHenry |
| Beede | Moe | Stone |
| Buchholz | Panko | Mr. Speaker |
| Johnson, LaMoure | | |

Absent and not voting:

| | | |
|---|---|---|
| Benno | Hultstrand | Schauss |
| Bolmeier | Johnson, Cass | Skartvedt |
| Boulden | Knutson | Trydahl |
| Braun, Stark | Nelson, Cass | Tuff |
| Byrne | Rettke | Twichell |
| Haugland | Ritter | |

So the bill passed and the title was agreed to.

Rep. Brown moved that the vote by which Senate Bill No. 131 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

## REPORT OF STANDING COMMITTEE

Mr. Speaker: Your committee on Enrollment and Engrossment respectfully report that they have examined the following bills and find the same correctly enrolled:

House Bill No. 306.
House Bill No. 11.
House Bill No. 58.
House Bill No. 151.
House Bill No. 307.
House Bill No. 341.
House Bill No. 33.
House Bill No. 43.
House Bill No. 163.
House Bill No. 359.
House Bill No. 160.
House Bill No. 18.
House Bill No. 143.
House Bill No. 16.
House Bill No. 15.
House Bill No. 9.
House Bill No. 3.
House Bill No. 37.
House Bill No. 332.
House Bill No. 12.
House Bill No. 10.
House Bill No. 370.
Also,
House Concurrent Resolution No. 402.
House Concurrent Resolution No. 404.
House Concurrent Resolution No. 406.
House Bill No. 194;
House Bill No. 105;
House Bill No. 62
House Bill No. 175;
House Bill No. 32 and
House Bill No. 377.

OLAF OSTGULEN, Chairman.

Representative Ostgulen moved that the report be adopted, which motion prevailed, and the report was adopted.

The House reverted to the Eighth Order of Business.

## SIGNING OF BILLS

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 359. A Bill for an Act to Amend and Reenact Section 189b3, 189b5, 189b9, 189b14 and 189b15 of Chapter 137 of the Session Laws of North Dakota for 1933, Relating to State Hail Insurance, Providing for the Manner of Taking Applications Therefor; Defining Duty of Hail Inspectors, Adjustors and County Auditors; Repealing Acts in Conflict Herewith, and Declaring an Emergency.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 11. A Bill for an Act Making an Appropriation for the Purpose of Paying Salary, Clerkhire and General Expenses of the Public Health Laboratories.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 3. A Bill for an Act Making an Appropriation for the Per Diem, Salaries and General Expenses of the State Livestock Sanitary Board.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 37. A Bill for an Act Making an Appropriation for the State Employment Service Provided for in Section 13 and Section 14b, Chapter 232, Session Laws of 1937, in Co-operation with the Social Security Act of Congress.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 332. A Bill for an Act to Extend the Powers of Credit Unions Organized Under Chapter 108 of the 1935 Session Laws, as Amended by Chapter 113 and 114 of the 1937 Session Laws, and Providing for the Creation of a Permanent Fund; Prescribing How Obtainable, Its Limits, Ownership, Uses, to Whom Obtainable and Other Procedure Thereunder.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 12. A Bill for an Act Making an Appropriation for the Purpose of Paying Salaries, Clerkhire and General Expenses of the Division of Child Hygiene.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 10. A Bill for an Act Making an Appropriation for the Purpose of Paying Salary, Clerk Hire, and General Expenses of the Department of Public Health.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 370. A Bill for an Act to Amend and Reenact Section 3684a3 of the Supplement to the Compiled Laws of North Dakota for 1913 and Requiring the Filing of Final Budgets and Annual Tax Levies.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 306. A Bill for an Act to Amend and Reenact Section 2 of Chapter 5 of the 1937 Session Laws.

And the Speaker signed the same in the presence of the House.

Rep. Johnson of Cass requested that the House be on the Seventh Order of Business, which request was granted.

Rep. Johnson of Cass moved that Senate Bill No. 1 be placed at the head of the calendar, which motion prevailed.

## MESSAGES TO THE HOUSE

Senate Chamber,
Bismarck, March 3, 1939.

Mr. Speaker: I have the honor to inform you that the President has appointed as a Conference Committee to act with a like committee from the House, Senators Wm. A. Thatcher, F. T. Gronvold and Henry Leum.

House Bill No. 8. A Bill for an Act Making an Appropriation for the Purpose of Paying Salary, Clerk Hire, and General Expenses of the State Historical Society.

Mr. Speaker: I have the honor to inform you that the President has appointed as a Conference Committee to act with a like committee from the House:

House Bill No. 45—Senators J. C. Blaisdell, N. N. Nelson of Grand Forks and W. J. Braun.

House Bill No. 45. A Bill for an Act Making an Appropriation Out of the Motor Patrol Fund in the State Treasury, for the Operation, Maintenance, Equipment, Supplies, Outfitting of Patrolmen, Travel and Miscellaneous Expenses for the Motor Patrol Branch.

House Bill No. 390—Senators R. A. Owings, G. Isaak and K. Holl.

House Bill No. 390. A Bill for an Act Reserving to the State of North Dakota All Rights to Minerals, Natural Gas or Oil Which May Be Found or Underlying All Lands Owned by the State of North Dakota or Hereafter Acquired by the State of North Dakota by Foreclosure, Quit Claim Deed or Otherwise; Declaring an Emergency.

Mr. Speaker: I have the honor to return:

House Concurrent Resolution No. 179. Authorizing and Directing the Governor, Tax Commissioner and Attorney

General to Ascertain What Provision Has Been Made by the Federal Government for Making Payments in Lieu of Taxes on Lands Acquired in This State by Various Departments, Bureaus and Agencies of the Government and Authorizing and Directing the Governor, Attorney General and Tax Commissioner to File With the Secretary of State Proposals or Commitments Submitted by Such Departments, Bureaus or Agencies With Reference Thereto.

House Bill No. 211. A Bill for an Act to Amend and Reenact Section 45 of Chapter 94 of the Session Laws of 1931 Relating to Building and Loan Associations and Making Provision for Appointment of Federal Savings and Loan Insurance Corporation as Receiver or Co-receiver of Associations in Liquidation Which Are Insured by Said Insurance Corporation.

House Bill No. 24. 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.

House Bill No. 44. A Bill for an Act Making an Appropriation Out of the Liquor Fund in the State Treasury, for the Operation, Maintenance and Enforcement of the State Liquor Control Act.

House Bill No. 396. A Bill for an Act Amending and Reenacting Section 189b11 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, as Amended by Section 10 of Chapter 137, Laws of 1933, in Reference to State Hail Insurance, Crop Affidavit, Insurability and Liens; Repealing Acts in Conflict Herewith, and Declaring an Emergency.

House Bill No. 131. A Bill for an Act Appropriating Money for the School of Mines at the University of North Dakota, to Supplement Works Progress Administration and United States Bureau of Mines Funds for the Investigation and Development of the Lignite Resources Within the Bounds of the State of North Dakota.

House Bill No. 82. A Bill for an Act to Amend and Reenact Section 2761 of the Compiled Laws of the State of North Dakota for 1913 as Amended by Chapter 64, Session Laws of 1915, Prohibiting the Sale of Purebred Cattle and Nonregistered Bulls for Any Other Purpose Except Slaughter, Unless Accompanied by a Certificate of Health, and Providing a Penalty Therefore.

House Bill No. 310. A Bill for an Act to Amend and Reenact Section 2790a7 and 2790a8 of the 1925 Supplement to the Compiled Laws of the State of North Dakota; Relating to Duties of Bee Inspector and of Owners; Providing for Inspection Fees and the Collection Thereof and Repealing All Acts in Conflict Herewith.

House Bill No. 195. A Bill for an Act Providing that the State Board of Higher Education Created and Established by an Initiated Act Submitted to the Electors and Approved June 28, A. D. 1938, Shall be and Hereby is Vested With all the Rights, Powers, Duties, Obligations and Perogatives Heretofore Vested in the Board of Administration, as to Vocational Education, Vocational Rehabilitation, and of

the Extension Division of the North Dakota Agricultural College.

House Bill No. 120. A Bill for an Act Establishing Rules and Regulations and Sanitary Conditions for Cream Buying Stations; Sanitary Requirements for Haulers of Cream; Equipment and Care of Equipment; Care of Cream Held in the Station; Care of Cream in Transit; Repealing Acts in Conflict Herewith; Providing Penalties, and Declaring an Emergency.

House Bill No. 6. 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.

House Bill No. 311. A Bill for an Act Relating to the Organization of Irrigation Districts, the Powers and Functions of Such Districts, the Establishment and Construction of Irrigation Works Therein and Methods and Procedure for Financing the Cost of Purchasing or Constructing Such Irrigation Works; Amending Section 8247a1 of the Supplement to the Compiled Laws of 1913, as Amended and Reenacted by Section 1 of Chapter 142 of the Session Laws of 1933; Section 8247a2 of the Supplement to the Compiled Laws of 1913; Section 8247a3 of the Supplement to the Compiled Laws of 1913, as Amended and Re-enacted by Section 2 of Chapter 142 of the Session Laws of 1933; Sections 8247a4, 8247a5, 8247a6, 8247a7, 8247a8, and 8247a9 of the Supplement to the Compiled Laws of 1913; Section 8247a10 of the Supplement to the Compiled Laws of 1913, as Amended and Re-enacted by Section 3 of Chapter 142 of the Session Laws of 1933 and Amending Sections 8247a11, 8247a12, 8247a13, 8247a14, 8247a15, 8247a16, 8247a17, 8247a18, 8247a19, 8247a20, 8247a21a, 8247a23, 8247a24, 8247a26, 8247a47, 8247a51, 8247a52, 8247a53, 8247a56, 8247a57, 8247a59, 8247a60, 8247a61, 8247a63, 8247a64, 8247a65, and 8247a66 of the Supplement to the Compiled Laws of 1913; Validating Organization and Acts of Certain Irrigation Districts; Repealing All Acts and Parts of Acts in Conflict With the Provisions of This Act and Declaring an Emergency.

House Bill No. 375. A Bill for an Act to Amend and Reenact Sections 11105, 11106, and 11107, Compiled Laws of the State of North Dakota, for the Year 1913 Relating to the Board of Pardons, the Powers and Duties Thereof, and the Procedure Before Such Board, and Providing for the Appointment of Parole Officers and Other Assistants, and Declaring an Emergency.

House Bill No. 250. A Bill for an Act Authorizing the Public Welfare Board of North Dakota, With the Approval of the Attorney General, to Enter Into Reciprocal Agreements With Other States Having Like Authority Relative to Residence, Care and Transportation of Indigent Persons; and Declaring an Emergency.

House Bill No. 253. A Bill for an Act to Amend and Reenact Section 1 of Chapter 174 of the Session Laws of North Dakota for the Year 1937, Relating to Pensions for Policemen and Dependents in Cities Now or Hereafter Having a Population in Excess of Ten Thousand (10,000) Inhabitants.

House Bill No. 270. A Bill for an Act to Create a State Board of Photographic Examiners and to Regulate the Practice of Professional Photography and to Provide for Licensing and Registration of Persons Engaged in the Practice of Professional Photography and to Protect the Public From Fraud Practiced by Unscrupulous and Irresponsible Persons Through Misrepresentation and Other Unconscionable Artifices and the Obtaining of the Possession of Property Without Returning Value Therefor and for the Protection of the Public Health and Safety; Providing for the Enforcement of the Provisions of This Act and for the Punishment for Violation Thereof.

House Bill No. 13. 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.

House Bill No. 291. A Bill For an Act Declaring that Revenue Bonds Legally and Validly Issued by the State Water Conservation Commission Are Legal and Valid Investments by Banks, Trust Companies, Insurance Companies, Investment Companies, Building and Loan Associations and of Similar Financial Institutions; and Declaring an Emergency.

House Bill No. 61. A Bill for an Act Relating to the Application of the Bang's Test in Counties in North Dakota Under the Direction of the North Dakota Livestock Sanitary Board by Petition of Sixty-five Per Cent of the Freeholders or Livestock Owners in Such Counties, and Declaring an Emergency.

House Concurrent Resolution No. 400. A Concurrent Resolution to Extend an Invitation to Eamon DeValera to Visit the State of North Dakota.

House Concurrent Resolution No. 397. A Concurrent Resolution Commending That Higher Education Institutions Include in Teachers Training Courses Instruction Encouraging Cooperative Community Spirit and Activity.

House Concurrent Resolution No. 399. A Concurrent Resolution to Authorize the Board of Administration to Transfer Funds for the Purpose of Paving the State Capitol Grounds.

House Concurrent Resolution No. 368. A Concurrent Resolution Relating to Payments of Old Age Assistance, Aid to the Blind, and Aid to Dependent Children Grants to Ward Indians.

House Bill No. 210. A Bill for an Act to Amend and Reenact Section 14, of Chapter 94, Session Laws of 1931, Providing for Investment in Shares of Building and Loan Associations by Fiduciaries, Trusts, Insurance Companies, and Banks.

House Bill No. 257. A Bill for an Act to Amend and Reenact Chapter 106 of the 1933 Session Laws, Relating to Marihuana, and Defining Marihuana as a Narcotic and a Habit-forming Drug; Prohibiting the Sale or Gift Thereof;

Providing a Penalty for Violation; and Declaring an Emergency.

House Bill No. 320. A Bill for an Act to Amend and Reenact Section 2 of Chapter 156 of the Session Laws of 1935, Relating to Hail Tax Refund, and Declaring an Emergency.

House Bill No. 263. A Bill for an Act to Amend and Reenact Sections 10169a4, and 10169a5 of the 1925 Supplement to the Compiled Laws of North Dakota, 1913, of the North Dakota Beverage Inspection Act, to Include Alcoholic Beverages, Defining the Beverages Coming Within the Provisions of That Act, and Fixing the License Fee Required to Be Paid, and Declaring an Emergency.

House Bill No. 290. A Bill for an Act to Amend and Reenact Section 8 of Chapter 145 of the Session Laws of North Dakota, for the Year 1937, Relating to All Benevolent Corportions, Associations or Societies Operating on Voluntary or Involuntary Assessment or Contribution Plan.

House Bill No. 353. A Bill for an Act to Amend and Reenact Sections 13 and 14, of Chapter 97 of the Session Laws of 1933, as Amended by Chapter 119 of the Session Laws of 1935, Relating to the Administration of County Poor Relief; and Declaring an Emergency.

House Bill No. 106. A Bill for an Act to Amend and Reenact Section 1 of Chapter 128 of the Session Laws of the State of North Dakota for the Year 1925, Being Section 3163a1 of the Supplement to the 1913 Compiled Laws of the

House Bill No. 176. A Bill for an Act to Amend and Reenact Section 34, Chapter 94, Session Laws of 1931, Pertaining to Examination of Building and Loan Associations.

House Bill No. 259. A Bill for an Act Amending Section 7316 of the Compiled Laws of 1913, Relating to the Enforcement of Penalty; Forfeiture and Punishment of Violators of a Statute That Has Been Repealed; and Declaring an Emergency.

House Bill No. 157. A Bill for an Act Making an Appropriation for the Maintenance and Operation of the North Dakota State Criminal Identification Bureau for the Period From January 1st, 1939 to June 30th, 1939, and Declaring an Emergency.

Which the President has signed.

WM. J. LOWE, Secretary.

Rep. Fuglestad requested that the House be on the Seventh Order of Business, which request was granted.

Rep. Fuglestad moved that the House request the Senate for the return of House Bill No. 277, which motion was lost.

The House reverted to the Sixth Order of Business.

## REPORT OF SELECT COMMITTEES

The Conference Committee on House Bill No. 36 made the following report:

Mr. Speaker: Your Conference Committee to whom was referred House Bill No. 36, have had the same under consideration and recommend that the Senate recede from its amendment.

| For the Senate: | For the House: |
|---|---|
| Fred G. Aandahl | W. H. Shure |
| N. N. Nelson | George H. Lange |
| William Kamrath | John McIntyre |

Rep. Shure moved that the report be adopted, and the committee discharged, which motion prevailed, and the report was adopted.

The Conference Committee on House Bill No. 274 made the following report:

Mr. Speaker: Your Conference Committee on House Bill No. 274, have had the same under consideration and recommend the following amendments:

In Section 3, of the printed bill, and also of the engrossed bill, after the word "Commission,' appearing at the beginning of line 2, strike out the balance of the section and in lieu thereof insert the following:

"There is hereby created a commission to be known as the 'State Water Conservation Commission.' The Commission shall consist of the Governor and four other members to be appointed by the Governor. Each appointive member shall be a qualified elector of the State and shall be subject to removal by judicial procedure. In case of vacancy the vacancy shall be filled by appointment by the Governor. The Governor shall appoint one member for a term of six years; one member for a term of four years, and two members for a term of two years, ending July 1, 1945, 1943, and 1941, respectively. Thereafter each new member shall be appointed and serve for a period of six years. Before entering upon the discharge of his official duties, each appointive member shall take, subscribe, and file with the Secretary of State his oath prescribed by the Constitution for the fulfillment of his duties as commissioner. The Governor shall be the chairman of the Commission, which shall designate a vice chairman and a secretary who may, but does not necessarily need be a member of the Commission."

Section 4, line 19, of the engrossed bill, strike out the word "four" and insert in lieu thereof the word "three."

Section 7, line 14 of the engrossed bill, after the period and beginning with the word "in," strike out the remainder of the Section.

Section 8, line 128 of the engrossed bill, after the word "lands," strike out the following words "which in the aggregate shall not exceed 120 acres."

Section 9, line 8, of the engrossed bill, strike out the words "to the State Engineer" and insert in lieu thereof the following words "to its chief engineer."

Section 9, line 9, of the engrossed bill, strike out the words "State Engineer" and insert in lieu thereof the word "Commission."

Section 21, line 82, of the engrossed bill, after the word "and," strike out the balance of the section and insert in lieu thereof the following: "Provided, further, that for the biennial period ending June 30, 1941, the Commission shall not thus pledge, hypothecate or place under trust indenture, or agree to pledge, hypothecate or to place under trust indenture, an aggregate amount in excess of fifty thousand dollars and provided further, that any agreement to thus pledge, hypothecate, or place under trust indenture any amount in excess of fifty thousand dollars shall be, and is hereby declared null and void, provided, however, that the appropriation or use of said fifty thousand dollars shall not

be construed to be the pledging of the credit of the State of North Dakota nor the guaranteeing of any bonds issued hereunder."

| For the Senate: | For the House: |
|---|---|
| F. T. Gronvold | Jos. D. Byrne |
| Wm. J. Braun | Robert T. Gray |
| N. N. Nelson (Grand Forks) | C. P. Ritter |

Rep. Byrne moved that the report be adopted, which motion prevailed, and the report was adopted.

Rep. Ista moved that the rules be suspended and that House Bill No. 274 be considered properly re-engrossed, placed on second reading and final passage as amended by Conference Committee, which motion prevailed.

## SECOND READING OF HOUSE BILL

House Bill No. 274. 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 Water Sheds, 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, Maintenance and Financing 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; Authorizing the Commission to Obligate or Pledge Monies Available in Its Operating or Construction Fund to Insure the Payment of Twenty Per Cent of the Par Value of Revenue 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; Validating Proceedings and Acts of the State Water Conservation Commission Done and Performed Under the Provisions of Chapter 255 of the Session Laws of 1937; 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 by the Conference Committee, the roll was called and there were ayes, 91; nays, 7; absent and not voting, 12.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Haugland | Panko |
| Anderson, Benson | Heckman | Peterson,Bottineau |
| Anderson,M'K'nzie | Hofstrand | Peterson, Ransom |
| Anfinson | Holm | Rait |
| Arneson, Nelson | Holthusen | Ritter |
| Beede | Ireland | Rohde |
| Belzer | Ista | Sand |
| Benno | Johnson, Cass | Saumur |
| Bergesen | Johnson, LaMoure | Schauss |
| Billigmeier | Joiner | Schmidt, Sheridan |
| Bingenheimer | Keller | Scholl |
| Blair | Kluver | Schwartz |
| Boulden | Lange | Sellens |
| Braun, McLean | Larson | Semerad |
| Braun, Stark | Levin | Severson |
| Brown | Lunde | Sharpe |
| Buchholz | McInnes | Shure |
| Culver | McIntee | Singleton |
| Dike | McIntyre | Solberg |
| Dittmer | Mittag | Stormon |
| Erickson | Mollet | Thompson,Burl'gh |
| Feton | Morland | Thompson, Steele |
| Fitch | Nelson, Cass | Trydahl |
| Fletcher | Nelson, Dickey | Tuff |
| Fraser | Nelson, Steele | Urschel |
| Fuglestad | Nystrom | Wambheim |
| Gainor | O'Brien | Westby |
| Glas | Odegard | Williams,Stutsm'n |
| Gray | Ostgulen | Wolf |
| Haag | Page | Mr. Speaker |
| Halvorson | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Arneson, Ramsey | Schmidt, McHenry | Symington |
| Moe | Skartvedt | Williams,Richland |
| Oglesby | | |

Absent and not voting:

| | | |
|---|---|---|
| Bolmeier | Hultstrand | Rettke |
| Byrne | Jensen | Schimke |
| Crockett | Knutson | Stone |
| Dalzell | Myers | Twichell |

So the bill passed and the title was agreed to and the emergency clause was declared carried.

Rep. Rohde moved that the vote by which House Bill No. 274 was passed be reconsidered, and the motion to reconsider be laid on the table, which motion prevailed.

The House reverted to the Fifth Order of Business.

## REPORT OF STANDING COMMITTEE

Mr. Speaker: Your Committeement on Enrollment and Engrossment respectfully report that they have examined the following bills and find the same correctly Enrolled:

House Bill No. 17
House Bill No. 20
House Bill No. 19
House Bill No. 302

Also,

House Concurrent Resolution No. 405
House Concurrent Resolution No. 398
House Concurrent Resolution No. 407

Also,

House Bill No. 362
House Bill No. 149

OLAF OSTGULEN, Chairman.

Representative Ostgulen moved that the report be adopted, which motion prevailed, and the report was adopted.

The House continued on the Sixth Order of Business.

## REPORT OF SELECT COMMITTEES

The Conference Committee on Senate Bill No. 140 made the following report:

Mr. Speaker: Your Conference Committee to whom was referred Senate Bill No. 140, have had the same under consideration and recommend:

On page 2, Section 1, line 6, of the amended bill strike out the figures "$940,000" and insert in lieu thereof the figures "$1,040,000."

On page 2, Section 3, line 26, of the amended bill strike out the figures "$800,000" and insert in lieu thereof the figures "$907,000."

On page 3, Section 5, line 35, of the amended bill strike out the figures "$20,000" and insert in lieu thereof the figures "$23,000."

On page 3, Section 7, line 49, of the amended bill strike out the figures "$940,000" and insert in lieu thereof the figures "$1,040,000."

And do concur on the balance of the House amendments.

| For the Senate: | For the House: |
|---|---|
| J. C. Blaisdell, Jr. | Geo. F. Saumur |
| G. F. Drew | Bernt Anderson |
| R. R. Morgan | R. G. Beede |

Representative Beede moved that the report be adopted and the committee discharged, which motion prevailed and the report was adopted.

Rep. Beede moved that the rules be suspended and that Senate Bill No. 140 be placed on second reading and final passage as amended by Conference Committee, which motion prevailed.

## SECOND READING OF SENATE BILLS

Senate Bill No. 140. A Bill for an Act Making an Appropriation for the Biennium Beginning July 1, 1939, and Ending June 30, 1941 to the Public Welfare Fund, Created and Established by Section 3 of Chapter 214 of the Session Laws of 1937, for Disbursement by the Public Welfare Board in Providing Public Assistance to the Needy Blind and to Dependent Children, as Provided by Chapters 209 and 210 of the Session Laws of 1937, and in Providing Child Welfare Services and Services to Crippled Children in Coordination With and Supplementary to Funds Made Available for Like Purposes in North Dakota by the Federal Government, as Provided by Chapter 221 of the Session Laws of 1935.

Was read the second time.

### ROLL CALL

The question being on the final passage of the bill, as amended in Conference Committee, the roll was called and there were ayes, 97; nays, 0; absent and not voting, 13.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Holm | Peterson, Ransom |
| Anderson, Benson | Holthusen | Rait |
| Anderson,M'K'nzie | Ireland | Ritter |
| Anfinson | Ista | Rohde |
| Arneson, Nelson | Jensen | Sand |
| Arneson, Ramsey | Johnson, Cass | Saumur |
| Beede | Johnson, LaMoure | Schmidt, McHenry |
| Belzer | Keller | Schmidt, Sheridan |
| Benno | Kluver | Scholl |
| Bergesen | Knutson | Schwartz |
| Billigmeier | Lange | Sellens |
| Blair | Larson | Semerad |
| Boulden | Levin | Severson |
| Braun, McLean | Lunde | Shure |
| Braun, Stark | McInnes | Singleton |
| Brown | McIntee | Skartvedt |
| Buchholz | McIntyre | Solberg |
| Culver | Myers | Stone |
| Dalzell | Mittag | Stormon |
| Dike | Moe | Symington |
| Dittmer | Mollet | Thompson,Burl'gh |
| Erickson | Morland | Thompson, Steele |
| Feton | Nelson, Dickey | Trydahl |
| Fletcher | Nelson, Steele | Tuff |
| Fraser | Nystrom | Twichell |
| Fuglestad | O'Brien | Urschel |
| Gainor | Odegard | Wambheim |
| Glas | Oglesby | Westby |
| Haag | Ostgulen | Williams,Richland |
| Halvorson | Page | Williams,Stutsm'n |

| | | |
|---|---|---|
| Haugland | Panko | Wolf |
| Heckman | Peterson,Bottineau | Mr. Speaker |
| Hofstrand | | |

Absent and not voting:

| | | |
|---|---|---|
| Bingenheimer | Gray | Rettke |
| Bolmeier | Hultstrand | Schauss |
| Byrne | Joiner | Schimke |
| Crockett | Nelson, Cass | Sharpe |
| Fitch | | |

So the bill passed and the title was agreed to.

Rep. Morland moved that the vote by which Senate Bill No. 140 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Rep. Johnson of Cass requested that the House be on the Seventh Order of Business, which request was granted.

Rep. Johnson of Cass withdrew his previous motion that Senate Bill No. 1 be placed at the head of the calendar and now moved that Senate Bill No. 1 be left in its original order on the calendar.

Rep. Hofstrand moved a substitute motion that action on Senate Bill No. 1 be deferred until action has been taken on Senate Bill No. 237, which motion prevailed.

The House continued on the Fourteenth Order of Business.

Senate Bill No. 225. A Bill for an Act Relating to the Giving of Proof of Financial Responsibility by Owners and Operators of Motor Vehicles 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, the roll was called and there were ayes, 83; nays, 16; absent and not voting, 11.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Haag | Ostgulen |
| Anderson, Benson | Halvorson | Page |
| Anderson,M'K'nzie | Haugland | Peterson,Bottineau |
| Anfinson | Heckman | Peterson, Ransom |
| Arneson, Nelson | Hofstrand | Rait |
| Arneson, Ramsey | Holm | Sand |
| Beede | Holthusen | Saumur |
| Belzer | Ista | Schmidt, Sheridan |
| Benno | Jensen | Sellens |
| Bergesen | Johnson, Cass | Severson |
| Billigmeier | Kluver | Sharpe |
| Bingenheimer | Knutson | Shure |
| Braun, McLean | Lange | Singleton |
| Braun, Stark | Larson | Skartvedt |
| Brown | Levin | Solberg |
| Byrne | Lunde | Stormon |
| Crockett | McInnes | Symington |
| Culver | McIntee | Thompson,Burl'gh |
| Dike | McIntyre | Thompson, Steele |
| Erickson | Myers | Trydahl |
| Feton | Mittag | Urschel |
| Fitch | Moe | Wambheim |

| | | |
|---|---|---|
| Fletcher | Morland | Westby |
| Fraser | Nelson, Dickey | Williams,Richland |
| Fuglestad | Nelson, Steele | Williams,Stutsm'n |
| Gainor | O'Brien | Wolf |
| Glas | Odegard | Mr. Speaker |
| Gray | Oglesby | |

Those voting in the negative were:

| | | |
|---|---|---|
| Blair | Nystrom | Schmidt, McHenry |
| Boulden | Panko | Schwartz |
| Buchholz | Rettke | Semerad |
| Dittmer | Ritter | Stone |
| Johnson, LaMoure | Rohde | Tuff |
| Keller | | |

Absent and not voting:

| | | |
|---|---|---|
| Bolmeier | Joiner | Schimke |
| Dalzell | Mollet | Scholl |
| Hultstrand | Nelson, Cass | Twichell |
| Ireland | Schauss | |

So the bill passed and the title was agreed to.

Rep. Byrne moved that the vote by which Senate Bill No. 225 was passed be reconsidered, and the motion to reconsider be laid on the table, which motion prevailed.

Senate Bill No. 275. A Bill for an Act Prohibiting the Use of Motor Vehicles Owned by the State, or Any Department, Board, Bureau, Commission, Institution, or Other Agency of the State, Including the State Mill and Elevator and the Bank of North Dakota by Any State Officer or Other Public Employee, and Prohibiting the Collection and Receipt of Any Mileage or Other Traveling Expenses for the Operation of a Privately Owned Motor Vehicle by Such State Officer or Other Public Employee While Engaged in Any Political Activity, and Prescribing Penalties 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, 85; nays, 14; absent and not voting, 11.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Anderson, Benson | Holm | Rait |
| Arneson, Nelson | Holthusen | Ritter |
| Arneson, Ramsey | Ista | Sand |
| Beede | Jensen | Saumur |
| Benno | Johnson, Cass | Schmidt, McHenry |
| Bergesen | Johnson, LaMoure | Scholl |
| Billigmeier | Keller | Schwartz |
| Blair | Knutson | Sellens |
| Boulden | Lange | Semerad |
| Braun, McLean | Larson | Severson |
| Braun, Stark | Levin | Sharpe |
| Brown | Lunde | Shure |
| Buchholz | McInnes | Singleton |
| Crockett | McIntyre | Skartvedt |
| Culver | Myers | Solberg |
| Dalzell | Mittag | Stone |
| Dike | Moe | Stormon |

| | | |
|---|---|---|
| Dittmer | Morland | Symington |
| Fitch | Nelson, Dickey | Thompson,Burl'gh |
| Fletcher | Nelson, Steele | Thompson, Steele |
| Fraser | Nystrom | Trydahl |
| Fuglestad | O'Brien | Tuff |
| Gainor | Odegard | Urschel |
| Glas | Oglesby | Wambheim |
| Gray | Ostgulen | Westby |
| Halvorson | Page | Williams,Richland |
| Haugland | Panko | Williams,Stutsm'n |
| Heckman | Peterson, Ransom | Mr. Speaker |
| Hofstrand | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Adam | Erickson | Rettke |
| Anderson,M'K'nzie | Feton | Rohde |
| Anfinson | Haag | Schmidt, Sheridan |
| Bingenheimer | McIntee | Wolf |
| Byrne | Peterson,Bottineau | |

Absent and not voting:

| | | |
|---|---|---|
| Belzer | Joiner | Schauss |
| Bolmeier | Kluver | Schimke |
| Hultstrand | Mollet | Twichell |
| Ireland | Nelson, Cass | |

So the bill passed and the title was agreed to.

Rep. Williams of Richland moved that the vote by which Senate Bill No. 275 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Rep. Adam: This is a non-political bill and as long as I am in politics I vote "no."

## REPORT OF STANDING COMMITTEE

The Committee on Enrollment and Engrossment respectfully reports that:

House Bill No. 290
House Bill No. 6
House Bill No. 120
House Bill No. 195
House Bill No. 310
House Bill No. 82
House Bill No. 131
House Bill No. 396
House Bill No. 44
House Bill No. 24
House Bill No. 211
House Bill No. 270
House Bill No. 13
House Bill No. 210
House Bill No. 257
House Bill No. 375
House Bill No. 250
House Bill No. 253
House Bill No. 320
House Bill No. 263
House Bill No. 106
House Bill No. 353
House Bill No. 176

House Bill No. 259
House Bill No. 157
House Bill No. 311
House Bill No. 291 and
House Bill No. 61

Were delivered to the Governor for his approval at the hour of 7:44 o'clock P. M., March 3, 1939.

OLAF OSTGULEN, Chairman.

## SECOND READING OF SENATE BILLS

Senate Bill No. 191. A Bill for an Act to Amend and Re-enact Section 1506 of the Compiled Laws of 1913 as Amended and Re-enacted by Section 1506 of the 1925 Supplement to the Compiled Laws of 1913, and to Amend and Re-enact Section 1517 of the Compiled Laws of 1913, as Amended and Re-enacted by Section 1517 of the 1925 Supplement to the Compiled Laws of 1913, Pertaining to the Teachers' Insurance and Retirement 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, 47; nays, 57; absent and not voting, 6.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Heckman | Rettke |
| Anderson,M'K'nzie | Hofstrand | Rohde |
| Bingenheimer | Holm | Sand |
| Blair | Keller | Schmidt, Sheridan |
| Boulden | Knutson | Schimke |
| Braun, Stark | Larson | Semerad |
| Brown | Lunde | Sharpe |
| Buchholz | McIntee | Singleton |
| Crockett | Mittag | Solberg |
| Culver | Moe | Stormon |
| Dalzell | Mollet | Symington |
| Erickson | Nystrom | Thompson, Steele |
| Fletcher | O'Brien | Trydahl |
| Fraser | Page | Westby |
| Gainor | Peterson,Bottineau | Wolf |
| Glas | Rait | |

Those voting in the negative were:

| | | |
|---|---|---|
| Anderson, Benson | Haugland | Ritter |
| Anfinson | Holthusen | Saumur |
| Arneson, Nelson | Ista | Schauss |
| Arneson, Ramsey | Jensen | Schmidt, McHenry |
| Beede | Johnson, LaMoure | Scholl |
| Belzer | Joiner | Schwartz |
| Benno | Lange | Sellens |
| Bergesen | Levin | Severson |
| Billigmeier | McInnes | Shure |
| Braun, McLean | McIntyre | Skartvedt |
| Byrne | Myers | Stone |
| Dike | Morland | Thompson, Burl'gh |
| Dittmer | Nelson, Dickey | Tuff |
| Feton | Nelson, Steele | Twichell |
| Fitch | Odegard | Urschel |

| | | |
|---|---|---|
| Fuglestad | Oglesby | Wambheim |
| Gray | Ostgulen | Williams,Richland |
| Haag | Panko | Williams, Stutsm'n |
| Halvorson | Peterson, Ransom | Mr. Speaker |

Absent and not voting:

| | | |
|---|---|---|
| Bolmeier | Ireland | Kluver |
| Hultstrand | Johnson, Cass | Nelson, Cass |

So the bill was declared lost.

Rep. Anderson of Benson voted "no" for the purpose of reconsideration.

Rep. Adam: "I will explain my vote and I won't make a speech. I wish to have it recorded in the Journal. If all these speakers can't figure out how it will work, why don't they ask the farmers to figure it out again for them. If the teachers which were in from the beginning didn't deplete the fund, then these teachers who come in now and pay all their back dues with interest, then it should not make any difference in the fund. I vote 'aye'."

Rep. Belzer: "All I can say is that this thing is insolvent with the rest of it, so I vote 'no'."

Rep. Blair: "I do not wish to try to take from the teacher of country schools one particle to which they are justly entitled."

Rep. Lange: "I have had telegrams, petitions and letters and have also listened intently to the argument here this afternoon. I just couldn't make up my mind so I borrowed a penny from the First Ass't. Chief Clerk and flipped it. Therefore I vote 'no'."

Rep. Schmidt of Sheridan: "Since a certain percentage of the money in the Teachers Retirement Fund is paid in from the Equalization Fund, the Retirement Fund contains the taxpayers money and with that money we can not discriminate between teachers. We have to treat them all alike. Therefore I vote 'aye'."

Rep. Schimke: "The other day we passed over a million dollars without flinching. And today we are monkeying around three or four hours for twenty-two teachers. Therefore I vote 'aye'."

Rep. Solberg: "I always have been and always will be opposed to special privilege. I vote 'aye'."

Rep. Williams of Richland: "I believe in letting them all have a kick at the cat. I vote 'aye'."

Speaker Hagen: "This bill only aims to correct a mistake made by some teachers. We all make mistakes. I like the principle of the bill and so I vote 'aye'."

Rep. Crockett: "I vote 'aye' on this bill for the reason I believe people who are getting a pension and competing in educational work in the State of North Dakota and getting a salary from the taxpayers like in the State Superintendent of Public Instruction office receiving a pension of four or five hundred dollars a year from this fund and also teachers in the University of North Dakota getting both a salary and four or five hundred dollars a year from this fund and competing with the teachers who are not and some of them out of a job."

Rep. Nelson of Dickey: "I don't think this bill is properly drawn up so I vote 'no'."

Rep. Twichell requested that the House be on the Seventh Order of Business, which request was granted.

Rep. Twichell moved that a copy of the records of the investigation conducted by the committee charged with investigating the affairs at the State Hospital at Jamestown be filed in the archives of the Office of the Secretary of State and be made a part of the records of the 26th Legislative Assembly, which motion prevailed.

Rep. Fitch moved that the House be on the Eighth Order of Business subject to the call of the Chair, which motion prevailed.

## REPORT OF STANDING COMMITTEE

Mr. Speaker: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bills and find the same correctly enrolled:

House Bill No. 279.
House Bill No. 5.
House Bill No. 41.

OLAF OSTGULEN, Chairman.

Rep. Ostgulen moved that the report be adopted, which motion prevailed, and the report was adopted.

## SIGNING OF BILLS

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 279. A Bill for an Act to Amend and Reenact Sub-divisions (a) and Section 19 of Chapter 179 of the 1927 Session Laws as Amended by Section 6, of Chapter 160, of the 1933 Session Laws; Providing for the Registration of Motor Vehicles, Registration Fees for Motor Vehicles Except Trucks and Busses, and When All Motor Vehicle Fees Shall Become Delinquent, and Penalties Therefor; and Repealing All Acts and Parts of Acts in Conflict Herewith.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 5. A Bill for an Act Making an Appropriation for the Purpose of Testing and Indemnifying Owners of Animals Infected With Bovine Tuberculosis and to Pay Expenses in Connection Therewith, and Declaring an Emergency.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 149. A Bill for an Act Providing for a Transfer of Certain School Land Situated in Slope County, North Dakota, to the Game and Fish Commission of the State of North Dakota, in Co-operation With an Act of Congress to Provide That the United States Shall Aid the State in Wild-Life Restoration Projects, and for Other Purposes to Be Used and Maintained Under the Direction of the Game and Fish Commission to Aid in Wild-Life Restoration in the

State of North Dakota, and Providing for an Appropriation to Reimburse the Permanent School Fund of the State of North Dakota; and Declaring an Emergency.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 9. A Bill for an Act Making an Appropriation for Acquiring and Maintaining State Parks as Provided for in Chapter 216, Session Laws of 1935.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 16. 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.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 15. 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.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 143. A Bill for an Act Making a Deficiency Emergency Appropriation for Relief of Destitute and Necessitous Persons of the State of North Dakota for the Months of March, April, May and June, 1939, as Provided by Chapter 214 of the Session Laws of 1937, Declaring an Emergency.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 18. A Bill for an Act Making an Appropriation for St. John's Orphanage of Fargo, North Dakota, Providing the Methods of Expenditures and Audit Thereof; Supervision and Inspection Therefor.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 160. 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.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 163. A Bill for an Act Making an Appropriation to the State Historical Society for the Purchase of Materials and Supplies to be Used in the Reconstruction of Fort Union and Fort Buford.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 43. 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 the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 33. A Bill for an Act to Provide for the Payment of the Expenses of Auditing and Examining the Affairs of the State Industrial Institutions, and the Special Departments and Its Sub-divisions, of the State of North Dakota, Designating and Appropriating the Funds from Which Paid; Providing for the Payment of Said Collection Into the Special Fund in the State Treasury; Providing for Repeal of Acts.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 341. A Bill For an Act Assessing and Levying From April 1, 1939 to July 1, 1941 on All Licensed Dealers of Motor Vehicle Fuels, a Special License Tax of One Cent Per Gallon of Motor Vehicle Fuels Used or Sold by Them in Addition to All Other Taxes Now Imposed Upon Them, Appropriating the Proceeds of Such Special Tax to the State Highway Fund For Specific Purposes, Making All Provisions of Initiated Measures Approved June 30, 1926, and Known as the "Motor Vehicle Fuel Tax Law," Other Than Division of Proceeds Between the State and Counties and For Costs of Administration and Collection, Applicable to Said Special License Tax and Declaring an Emergency.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 307. A Bill for an Act to Amend and Reenact Chapter 167 of the 1935 Session Laws, Providing for the Procuring of Coal Mine Licenses From the State Coal Mine Inspector, the Payment of Moneys Collected Into the General Treasury of the State of North Dakota, and Appropriating Therefrom Moneys to be Paid Into the Coal Mining Safety Fund, Providing for the Keeping and Furnishing by Coal Mine Operators of Such Records and Statistics and the Reporting Thereof to the State Coal Mine Inspector, Giving the State Coal Mine Inspector Power to Revoke Licenses and Enjoin the Operation of Unlicensed

Mines, Providing for an Appeal to the District Court From Such Order of Revocation, Providing a Penalty for Failure to Comply With the Law.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 151. A Bill for an Act Providing for the Transfer of Certain School Lands Situated in the Lewis and Clark Irrigation District of McKenzie County, North Dakota, to the State of North Dakota to be Used in Connection With the Experiment Station, Established at Williston, North Dakota, Pursuant to the Provision of Section 1629 of the Compiled Laws of 1913, for the Purpose of Establishing, Maintaining and Operating Thereon an Irrigation Demonstration and Experiment Farm; Providing for an Appropriation to Reimburse the Permanent School Fund of the State, Providing for an Exchange of Such Lands for Other Lands More Suitably Situated; and Declaring an Emergency.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 58. A Bill for an Act Making an Appropriation to the State Historical Society for the Purchase of Materials and Supplies to be Used in the Reconstruction of Fort Abercrombie; and Declaring an Emergency.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 17. 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.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 20. 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, Providing the Methods of Expenditure and Audit Thereof; Supervision and Inspection Therefor.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 19. 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.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 302. A Bill for an Act to Amend Sections 1, 3 and 15 of Chapter 164, of the Session Laws of North Dakota for the Year 1933, and Acts Amendatory Thereof and Supplementary Thereto; Defining and Classifying Agriculture Carriers and Providing for Their Licensing, Regulations and Exemption; and Providing for the Enforcement of the Provisions of This Act, and for Penalties for the Violation Thereof; and Declaring an Emergency.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 362. A Bill for an Act Amending and Reenacting Section 5099c8 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913 Relating to the Duties of Child Placement Agencies.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 377. A Bill for an Act to Provide for the Licensing of Bee-Keepers and for Apiaries; for Issuance of License; for an Appropriation; for Penalties and Declaring an Emergency.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 194. 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, 1938. Permitting Payments in Ten Installments. Providing Manner of Payments. Suspending Operation of Law and Collection of Delinquent Taxes. Permitting Suit by Civil Action and Declaring an Emergency.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 105. A Bill for an Act Creating a Division of Co-operatives in the Department of Agriculture and Labor, and Prescribing Its Functions; Creating and Establishing the Office of Director of Said Division and Prescribing His Duties; and Making an Appropriation Therefor.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 175. A Bill for an Act to Provide Revenue by Means of a Transaction Tax Upon Sales of Certain Alcoholic Beverages by Licensed Wholesale Liquor Dealers;

Authorizing the State Treasurer to Prescribe Rules and Regulations for the Collection Thereof; Prescribing the Method of Payment of the Tax to, and Collections by, the State Treasurer, and Providing Penalty.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 32. A Bill for an Act Making an Appropriation Into the Administration Fund for General Administrative and Operative Expenses of the Water Conservation Commission, According to Chapter 255, Session Laws of 1937 and Section 31 Thereof, Providing for Reimbursement, and Providing for Validity.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Concurrent Resolution No. 398. A Concurrent Resolution Petitioning Congress to Make Appropriations Ample for the Road Program of the Fort Berthold Reservation.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Concurrent Resolution No. 404. A Concurrent Resolution Empowering William J. Lowe, Secretary of the Senate, and Minnie D. Craig, Chief Clerk of the House to Complete and Index Senate and House Journals of the Last Days of Session and Providing Compensation Therefor.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Concurrent Resolution No. 406. Providing for Employment and Compensation to Complete Final Record of All Bills of the 26th Legislative Session.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Concurrent Resolution 405. Providing for Continued Employment and Compensation Thereof to Complete Records of Present Legislative Session.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Concurrent Resolution No. 407. A Concurrent Resolution to Appropriate $255.00 to Reimburse Members of Hospital Investigation Committee.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Concurrent Resolution No. 402. Memorializing Congress to Pass Such Legislation as May Be Necessary to Enable the Federal Government to Purchase Wheat, Corn, Barley, Oats, Spelts, Flax, Cotton, Rye and Other Agricultural Products and to Store Same in Suitable Local Government Terminal Elevators.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

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 Institutions of Higher Learning of the State of North Dakota, and Providing for Offsets for Federal Aid Granted to said Institutions and the Sub-divisions Thereof.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 62. A Bill for an Act to Provide for the Reimbursement of Owners of Cattle Destroyed by Order of the North Dakota Livestock Sanitary Board on Account of Being Affected with Bang's Disease and to Pay Expenses in Connection Therewith, Limiting the Liability of the State of North Dakota, and Declaring an Emergency.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 261. A Bill for an Act Authorizing the State Treasurer as Trustee for the State of North Dakota to Transfer Lands Owned by Him to Owners of Other Lands of Approximately Equal Value in Exchange for Transfers of Such Other Lands, and Declaring an Emergency.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 240. A Bill for an Act to Authorize the Disorganization of Counties by Petition and Election or by Judicial Procedure and for the Proceedings Therefor; and for the Elimination of County Officers and the Termination of Their Terms of Office; and for the Attachment to an Organized County for Judicial and Administrative Purposes; and Providing for the Duties of the Officers of the Organized County to Which Attached, Including the Powers and Limitations to Tax; to Maintain Separate Records, to Act as Trustee, Collect the Revenue and to Disburse the Expenses for the Operation of the Unorganized County; and for Submitting the Question if Portions of This Act Are Unconstitutional or Final Decree Denies the Petition; and for Retaining the Validity of the Remaining Provisions of This Act if Any Are Declared Unconstitutional; and for the Repeal of Acts in Conflict Herewith, and Declaring an Emergency.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 262. A Bill for an Act Authorizing Investment of All Trust Funds by Legal Custodian; Providing Appropriations of Trust Funds for Investment Purposes and Repealing All Acts in Conflict Herewith.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 184. A Bill for an Act Authorizing the Adjutant General to Expend the Sum of $8,000.00 From the Balance Remaining in the "Returned Soldiers Fund" for the Purpose of Registering and Compiling Records of the Graves of Deceased Soldiers, Sailors, or Marines Buried in This State and for Caring for and Preserving of Soldier Records, and Declaring an Emergency.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Senate Concurrent Resolution No. 285. A Concurrent Resolution Memorializing the Members of the United States Congress Urging Congress to Pass a Bill to Establish a National Land Policy and to Provide Homesteads Free of Debt for Actual Farm Families, Which Bill is Now Pending in Congress Known as S. 136.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 77. A Bill for an Act Providing for Reciprocity in Fixing Tuition Fees of Non-resident Students Attending Institutions of Higher Education in the State of North Dakota and Defining Non-resident Students, and Fixing Registration and Tuition Fees of Non-resident Students Residing in Foreign Countries Other Than the Dominion of Canada.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 124. A Bill for an Act Making an Appropriation for a Pension for Patricia Ann Crites and Dennis Duane Crites, Minor Children of National Guardsman, John E. Crites.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 133. A Bill for an Act Relating to the Duties of County Auditors and County Treasurers, With Relation to the Levy, Collection and Record of Municipal Bonds Sinking Funds.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 190. A Bill for an Act Authorizing the Board of Trustees of the Teachers' Insurance and Retirement Fund to Employ an Actuary and Clerical Assistance and Making an Appropriation Therefor.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 205. A Blil for an Act Requiring the Publication of the Proceedings of Meetings of County Welfare Boards, Repealing All Acts and Parts of Acts in Conflict Herewith, and Declaring an Emergency.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 149. A Bill for an Act to Amend and Reenact Section 714a7 of the 1925 Supplement to the Compiled Laws of North Dakota for the Year 1913, Relating to Securities for Public Deposits.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 195. A Bill for an Act Clarifying, Confirming and Validating Chapter 86 of the Session Laws of 1937, Which is an Act Making an Appropriation to Be Expended in Providing Public Assistance to the Needy Aged, the Needy Blind, and to Dependent Children, and for Providing Child Welfare Services and Services to Crippled Children in Co-ordination With and Supplementary to Funds Made Available for Like Purposes in North Dakota by the Federal Government; and Declaring an Emergency.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 249. A Bill for an Act Making an Appropriation for the Purpose of Operating and Maintaining the State Bonding Fund for the Biennium Beginning July 1, 1939.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 256. A Bill for an Act to Amend and Reenact Sub-division (1) of Section 811 of the Supplement to the Compiled Laws of North Dakota for 1913, as Amended by Chapter 143, of the Session Laws of North Dakota for 1933, Relating to the Distribution of State Bar Funds to the Bar Association of North Dakota and Declaring an Emergency.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 211. A Bill for an Act Appropriating Money for the Use of the Board of Railroad Commissioners for the Purpose of the Valuation and Revaluation of Public Utilities by the Board of Railroad Commissioners, as Provided by Chapter 253, Session Laws of 1935.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Senate Concurrent Resolution No. 185. A Concurrent Resolution Memorializing Congress to Increase the Minimum Number of Employees Required in Agricultural States Under the Unemployment Compensation Act.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 94. A Bill for an Act Appropriating Five Thousand Dollars ($5,000.00) to the State Historical Society for the Development of the International Peace Garden, American Section, in Rolette County, North Dakota.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 189. A Bill for an Act to Amend and Reenact Section 1190 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, as Amended and Re-enacted by Chapter 243 of the Session Laws of North Dakota for 1927, and as Amended and Re-enacted by Chapter 231 of the Session Laws of North Dakota for 1937, Relating to Consolidation of Schools and Transportation of Pupils; and Repealing All Laws or Parts of Laws in Conflict Therewith.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 284. A Bill for an Act Relating to Copyrights and Public Performing Rights in Musical Compositions and Dramatico-Musical Compositions, Requiring Lists Thereof to Be Filed, Regulating the Issue of Licenses With Respect Thereto, Prohibiting Discrimination, Providing for Service of Process, Levying a Privilege Tax, Providing Penalties, and Repealing Inconsistent Acts.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 61. A Bill for an Act to Regulate the Sale of Heating Oil and Diesel Fuel; to Provide Specifications Therefor, and for Inspection Thereof; to Provide for Inspection Fees, the Collection and Disposition Thereof; to Define the Duties of the State Food Commissioner and Chemist as Regards Such Inspection and Providing Penalties for Violation of the Act.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 163. A Bill for an Act to Amend and Reenact Section 6, of Chapter 104, of the Session Laws of North Dakota for the Year 1937, Relating to Revenue Bonds of Municipalities, and Declaring an Emergency.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Senate Concurrent Resolution No. 271. A Concurrent Resolution Relating to the Distribution of Food Commodities by Federal Relief Agencies.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 228. A Bill for an Act Providing for Transfer of Certain School Lands Situated in Williams and Barnes Counties, Respectively, State of North Dakota, to Williams and Barnes Counties, to Be Used and Maintained as Public Parks, and Authorizing the Exchange of Lands Belonging to Said Counties Therefor; and Declaring an Emergency.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 104. A Bill for an Act to Amend and Reenact Chapter 274 of the Session Laws of North Dakota for the Year 1935 as Amended by Chapter 243 of the Session Laws of North Dakota for 1937, 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, Extending the Application Thereof to Persons Receiving, Claiming or Demanding Money From Municipalities and Political Sub-divisions Within the State, and Providing That Entering Into of Installment Contracts for Payment of Personal Property Taxes Shall Not Relieve Anyone From the Operation of This Act, Repealing All Acts or Parts of Acts in Conflict Herewith, and Declaring an Emergency.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 103. A Bill for an Act Amending and Reenacting Sections 2 and 11 of Chapter 211 of the Session Laws of 1937 and Validating Payments Heretofore Made to Certain Non-citizen Old Age Assistance Clients, Declaring an Emergency.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 139. A Bill for an Act to Amend and Reenact Subdivision 4 of Section 7426 of the Compiled Laws of North Dakota for 1913, Relating to Service of Summons on a Domestic Corporation, and Providing for Service by Publication on Any Domestic Corporation, the Charter of Which Has Been Forfeited.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 132. A Bill for an Act to Make an Appropriation for the Financing of the Operations of the State Soil Conservation Committee or the Activities of the State Soil Conservation Districts.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 130. A Bill for an Act Providing for the Protection of Pre-historic Deposits, Relics, Indian Mounds, Graves, Village Sites and Other Archaeological Material; Providing for Licensing Persons Engaged in Exploring and Excavating for Ancient Ruins and Archaeological Materials, Restricting Such Exploration and Excavation on State-Owned Lands and Requiring That One-Half of Such Materials be Delivered to the State Historical Society and Providing a Penalty for Violation of This Act.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 68. A Bill for an Act to Amend and Reenact Section 4 of Chapter 152 of the Session Laws of 1929, Relating to an Appropriation for the Necessary Costs of Investigations, Etc., of Fire Insurance Rates.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 56. A Bill for an Act Amending and Reenacting the Initiated Measure Entitled: "An Act Reducing and Fixing Allowances for Mileage and Travel Expense 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 30, 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," Adopted and Approved by the Electors at the June 29, 1932, Primary Election, Fixing Allowances for Mileage and Travel Expense of County Officials and Their Deputies; and Repealing Chapter 119, Session Laws of 1931, and All Acts and Parts of Acts in Conflict Herewith.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 47. 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-fifth Session of the Legislative Assembly of the State of North Dakota, and Declaring an Emergency.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 193. A Bill for an Act Permitting the County Court to Make Decrees of Distribution and Close Estates Without the Payment of Real Estate Taxes Levied Upon Real Property of the Estate.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 196. A Bill for an Act to Amend and Reenact Section 6 of Chapter 198 of the Session Laws of 1937, 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.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 203. A Bill for an Act Authorizing and Directing the President of the North Dakota Agricultural College to Enter Into a Leasing Agreement in Behalf of the North Dakota Agricultural College, with Hettinger Special School District No. 13, Leasing the Hettinger Experimental Substation Property Located Adjacent to the Village of Hettinger in the County of Adams, State of North Dakota; and Repealing Chapter 185, of the Session Laws of North Dakota for the Year 1937.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 234. A Bill for an Act to Amend and Reenact Section 6 of Chapter 108 of the Session Laws of 1935 as Amended by Chapter 114 of the Session Laws of 1937 and Sections 9, 10, 17 and 18 of Chapter 108 of the Session Laws of 1935; Repealing All Inconsistent Acts; and Declaring an Emergency.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 246. A Bill for an Act Exempting Employes Who Are Residents of and Who Are Insured Under the Workmen's Compensation Act or Similar Statute of Another State From the Application of the North Dakota Workmen's Compensation Act Where Such Other State Recognizes Extra-territorial Coverage Furnished to North

Dakota Employers for Their Employes While Working in Such Other State.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 247. A Bill for an Act Amending Section 9991 of the 1925 Supplement of the Compiled Laws of 1913. Relating to Misuse of Fraternal and Other Emblems to Victimize Charitably Disposed Persons Through False Personification.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 248. A Bill for an Act Making an Appropriation for the Purpose of Operating and Maintaining the State Fire and Tornado Fund for the Biennium Beginning July 1, 1939.

And the Speaker signed the same in the presence of the House.

## REPORT OF STANDING COMMITTEE

The Committee on Enrollment and Engrossment respectfully reports that:

House Concurrent Resolution No. 179.
House Concurrent Resolution No. 397.
House Concurrent Resolution No. 400.
House Bill No. 399.
House Concurrent Resolution No. 368.

Were delivered to the Secretary of State at the hour of 7:44 o'clock P. M., March 3, 1939.

OLAF OSTGULEN, Chairman.

## MESSAGE TO THE SENATE

House of Representatives,
Bismarck, March 3, 1939.

Mr. President: I have the honor to transmit:

House Bill No. 306. A Bill for an Act to Amend and Reenact Section 2 of Chapter 5 of the 1937 Session Laws.

House Bill No. 279. A Bill for an Act to Amend and Reenact Sub-divisions (a) and Section 19 of Chapter 179 of the 1927 Session Laws as Amended by Section 6, of Chapter 160, of the 1933 Session Laws; Providing for the Registration of Motor Vehicles, Registration Fees for Motor Vehicles Except Trucks and Busses, and When All Motor Vehicle Fees Shall Become Delinquent, and Penalties Therefor; and Repealing All Acts and Parts of Acts in Conflict Herewith.

House Bill No. 5. A Bill for an Act Making an Appropriation for the Purpose of Testing and Indemnifying Owners of Animals Infected With Bovine Tuberculosis and to Pay Expenses in Connection Therewith, and Declaring an Emergency.

House Bill No. 9. A Bill for an Act Making an Appropriation for Acquiring and Maintaining State Parks as provided for in Chapter 216, Session Laws of 1935.

House Bill No. 149. A Bill for an Act Providing for a

Transfer of Certain School Land Situated in Slope County, North Dakota, to the Game and Fish Commission of the State of North Dakota, in Co-operation With an Act of Congress to Provide That the United States Shall Aid the State in Wild-Life Restoration Projects, and for Other Purposes to Be Used and Maintained Under the Direction of the Game and Fish Commission to Aid in Wild-Life Restoration in the State of North Dakota, and Providing for an Appropriation to Reimburse the Permanent School Fund of the State of North Dakota; and Declaring an Emergency.

House Bill No. 15. 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.

House Bill No. 16. 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.

House Bill No. 160. 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.

House Bill No. 18. A Bill for an Act Making an Appropriation for St. John's Orphanage of Fargo, North Dakota, Providing the Methods of Expenditures and Audit Thereof; Supervision and Inspection Therefor.

House Bill No. 143. A Bill for an Act Making a Deficiency Emergency Appropriation for Relief of Destitute and Necessitous Persons of the State of North Dakota for the Months of March, April, May and June, 1939, as Provided by Chapter 214 of the Session Laws of 1937, Declaring an Emergency.

Mr. President: I have the honor to transmit:

House Bill No. 163. A Bill for an Act Making an Appropriation to the State Historical Society for the Purchase of Materials and Supplies to be Used in the Reconstruction of Fort Union and Fort Buford.

House Bill No. 43. 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.

House Bill No. 33. A Bill for an Act to Provide for the Payment of the Expenses of Auditing and Examining the Affairs of the State Industrial Institutions, and the Special Departments and Its Sub-divisions, of the State of North Dakota, Designating and Appropriating the Funds from Which Paid; Providing for the Payment of Said Collection Into the Special Fund in the State Treasury; Providing for Repeal of Acts.

House Bill No. 341. A Bill For an Act Assessing and Levying From April 1, 1939 to July 1, 1941 on All Licensed Dealers of Motor Vehicle Fuels, a Special License Tax of One Cent Per Gallon of Motor Vehicle Fuels Used or Sold by Them in Addition to All Other Taxes Now Imposed Upon Them, Appropriating the Proceeds of Such Special Tax to the State Highway Fund For Specific Purposes, Making All Provisions of Initiated Measures Approved June 30, 1926, and Known as the "Motor Vehicle Fuel Tax Law," Other Than Division

of Proceeds Between the State and Counties and For Costs of Administration and Collection, Applicable to Said Special License Tax and Declaring an Emergency.

House Bill No. 307. A Bill for an Act to Amend and Reenact Chapter 167 of the 1935 Session Laws, Providing for the Procuring of Coal Mine Licenses From the State Coal Mine Inspector, the Payment of Moneys Collected Into the General Treasury of the State of North Dakota, and Appropriating Therefrom Moneys to be Paid Into the Coal Mining Safety Fund, Providing for the Keeping and Furnishing by Coal Mine Operators of Such Records and Statistics and the Reporting Thereof to the State Coal Mine Inspector, Giving the State Coal Mine Inspector Power to Revoke Licenses and Enjoin the Operation of Unlicensed Mines, Providing for an Appeal to the District Court From Such Order of Revocation, Providing a Penalty for Failure to Comply With the Law.

House Bill No. 151. A Bill for an Act Providing for the Transfer of Certain School Lands Situated in the Lewis and Clark Irrigation District of McKenzie County, North Dakota, to the State of North Dakota to be Used in Connection With the Experiment Station, Established at Williston, North Dakota, Pursuant to the Provision of Section 1629 of the Compiled Laws of 1913, for the Purpose of Establishing, Maintaining and Operating Thereon an Irrigation Demonstration and Experiment Farm; Providing for an Appropriation to Reimburse the Permanent School Fund of the State, Providing for an Exchange of Such Lands for Other Lands More Suitably Situated; and Declaring an Emergency.

House Bill No. 58. A Bill for an Act Making an Appropriation to the State Historical Society for the Purchase of Materials and Supplies to be Used in the Reconstruction of Fort Abercrombie; and Declaring an Emergency.

House Bill No. 17. 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.

House Bill No. 20. 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, Providing the Methods of Expenditure and Audit Thereof; Supervision and Inspection Therefor.

House Bill No. 19. 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.

House Bill No. 302. A Bill for an Act to Amend Sections 1, 3 and 15 of Chapter 164, of the Session Laws of North Dakota for the Year 1933, and Acts Amendatory Thereof and Supplementary Thereto; Defining and Classifying Agriculture Carriers and Providing for Their Licensing, Regulations and Exemption; and Providing for the Enforcement of the Provisions of This Act, and for Penalties for the Violation Thereof; and Declaring an Emergency.

House Bill No. 362. A Bill for an Act Amending and Reenacting Section 5099c8 of the 1925 Supplement to the Com-

piled Laws of North Dakota for 1913 Relating to the Duties of Child Placement Agencies.

House Bill No. 377. A Bill for an Act to Provide for the Licensing of Bee-Keepers and for Apiaries; for Issuance of License; for an Appropriation; for Penalties and Declaring an Emergency.

House Bill No. 194. 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, 1938. Permitting Payments in Ten Installments. Providing Manner of Payments. Suspending Operation of Law and Collection of Delinquent Taxes. Permitting Suit by Civil Action and Declaring an Emergency.

House Bill No. 175. A Bill for an Act to Provide Revenue by Means of a Transaction Tax Upon Sales of Certain Alcoholic Beverages by Licensed Wholesale Liquor Dealers; Authorizing the State Treasurer to Prescribe Rules and Regulations for the Collection Thereof; Prescribing the Method of Payment of the Tax to, and Collections by, the State Treasurer, and Providing Penalty.

House Bill No. 32. A Bill for an Act Making an Appropriation Into the Administration Fund for General Administrative and Operative Expenses of the Water Conservation Commission, According to Chapter 255, Session Laws of 1937 and Section 31 Thereof, Providing for Reimbursement, and Providing for Validity.

House Concurrent Resolution No. 398. A Concurrent Resolution Petitioning Congress to Make Appropriations Ample for the Road Program of the Fort Berthold Reservation.

House Concurrent Resolution No. 404. A Concurrent Resolution Empowering William J. Lowe, Secretary of the Senate, and Minnie D. Craig, Chief Clerk of the House to Complete and Index Senate and House Journals of the Last Days of Session and Providing Compensation Therefor.

House Concurrent Resolution No. 406. Providing for Employment and Compensation to Complete Final Record of All Bills of the 26th Legislative Session.

Which the Speaker has signed and your signature is respectfully requested.

Mr. President: I have the honor to return:

Senate Bill No. 226. A Bill for an Act to Amend and Reenact Section 2 of That Certain Initiated Law Entitled "An Act Declaring Mortgages on Growing and Unharvested Crops to Be Against the Public Policy of the State, and Abolishing the Same," Approved and Adopted by the Electors at the June 29, 1932 Primary Election; as Amended by Chapter 150 of the Session Laws of North Dakota for the Year 1933, Repealing All Acts or Parts of Acts in Conflict and Declaring an Emergency.

Which the House has amended.

Mr. President: I have the honor to return:

Senate Bill No. 225. A Bill for an Act Relating to the Giving of Proof of Financial Responsibility by Owners and Operators of Motor Vehicles and to Make Uniform the Law With Reference Thereto.

Senate Bill No. 131. A Bill for an Act to Amend and Re-

enact Chapter 151 of the Session Laws of North Dakota for 1935, Providing for Licenses for Reciprocal Fire and Life Insurance Underwriters.

Senate Bill No. 275. A Bill for an Act Prohibiting the Use of Motor Vehicles Owned by the State, or Any Department, Board, Bureau, Commission, Institution, or Other Agency of the State, Including the State Mill and Elevator and the Bank of North Dakota by Any State Officer or Other Public Employee, and Prohibiting the Collection and Receipt of Any Mileage or Other Traveling Expenses for the Operation of a Privately Owned Motor Vehicle by Such State Officer or Other Public Employee While Engaged in Any Political Activity, and Prescribing Penalties Therefor.

Senate Bill No. 215. A Bill for an Act Amending and Reenacting Section 16, of Chapter 139, of the 1937 Session Laws Relating to Motor Vehicle Drivers Licenses, to Provide for Appointment of Local Agents and Their Compensation for Issuing Licenses, and Repealing Section 17, of Said Chapter 139, of the 1937 Session Laws and All Acts or Parts of Acts in Conflict Herewith, and Declaring an Emergency.

Which the House has passed unchanged.

Mr. President: I have the honor to transmit:

House Concurrent Resolution No. 402. Memorializing Congress to Pass Such Legislation as May Be Necessary to Enable the Federal Government to Purchase Wheat, Corn, Barley, Oats, Spelts, Flax, Cotton, Rye and Other Agricultural Products and to Store Same in Suitable Local Government Terminal Elevators.

House Concurrent Resolution 405. Providing for Continued Employment and Compensation Thereof to Complete Records of Present Legislative Session.

House Concurrent Resolution No. 407. A Concurrent Resolution to Appropriate $255.00 to Reimburse Members of Hospital Investigation Committee.

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 Institutions of Higher Learning of the State of North Dakota, and Providing for Offsets for Federal Aid Granted to said Institutions and the Sub-divisions Thereof.

House Bill No. 12. A Bill for an Act Making an Appropriation for the Purpose of Paying Salaries, Clerkhire and General Expenses of the Division of Child Hygiene.

House Bill No. 10. A Bill for an Act Making an Appropriation for the Purpose of Paying Salary, Clerkhire, and General Expenses of the Department of Public Health.

House Bill No. 370. A Bill for an Act to Amend and Reenact Section 3684a3 of the Supplement to the Compiled Laws of North Dakota for 1913 and Requiring the Filing of Final Budgets and Annual Tax Levies.

Which the Speaker has signed and your signature is respectfully requested.

Mr. President: I have the honor to return:

Senate Bill No. 182. A Bill for an Act Relating to the Status of Municipal Civil Service in Municipalities Which Change Their Form of Government and Amending Chapter

173 of the Session Laws of the State of North Dakota for the Year 1937.

Senate Bill No. 181. A Bill for an Act to Amend and Reenact Section 15, Chapter 309, Laws of North Dakota, 1931, Providing for Commitment of Veterans, Repealing All Acts and Parts of Acts in Conflict Herewith and Declaring an Emergency.

Senate Bill No. 232. A Bill for an Act Making an Appropriation for the Use and Benefit of the State Highway Department of the State of North Dakota to Pay for Equipment (Purchased From and Installed by the Addressograph Multigraph Corporation.)

Senate Bill No. 89. A Bill for an Act to Amend and Reenact Sub-section (a) and Sub-section (f) of Section 5, Section 6, Section 8 and Section 9 of Chapter 9 of the Session Laws of North Dakota for 1937; Relating to the Organization of Soil Conservation Districts, the Election, Qualification and Tenure of Supervisors Thereof; and Relating to the Adoption and Enforcement of Land-use Regulations, and Declaring an Emergency.

Senate Bill No. 222. A Bill for an Act Making an Appropriation for $5,598.30 for Payment of Fire and Tornado Insurance Premiums Upon the Transient Camp Buildings, Located at Lake Metigoshe, Belonging to the State Historical Society.

Senate Bill No. 283. A Bill for an Act Prescribing the Oath to Be Taken and Subscribed to by Professors, Instructors and Teachers in Public Schools, Colleges and Universities of the State.

Senate Bill No. 171. A Bill for an Act Authorizing and Directing the North Dakota Agricultural College to Enter Into A Co-operative and License Agreement With the United States of America for Agricultural Investigational Work on Land Located in the Sheyenne River Project in Richland and Ransom Counties, State of North Dakota.

Senate Bill No. 150. A Bill for an Act Amending and Reenacting the Workmen's Compensation Act by Amending and Re-enacting Sub-sections A and C of Section 3, Chapter 162, Session Laws of 1919 as Amended by Chapter 260, Session Laws of 1929 and Chapter 286, Session Laws of 1935; Paragraph F of Section 4 of Chapter 162, Session Laws of 1919, as Amended by Chapter 285, Session Laws of 1927 and Chapter 314, Session Laws of 1931; Paragraph I of Section 4 of Chapter 162, Session Laws of 1919, as Amended by Chapter 314, Session Laws of 1931 and Chapter 286, Session Laws of 1935; the First Paragraph of Section 5 of Chapter 162, Session Laws of 1919 as Amended by Chapter 143, Session Laws of 1921 and Which Appears as Section 396a5 of the 1925 Supplement; the Ninth and Final Paragraph of Section 7 of Chapter 162, Session Laws of 1919 as Amended by Chapter 312, Session Laws of 1931; the Fourth and Fifth Paragraphs of Section 8, Chapter 162, Session Laws of 1919 as Amended by Chapter 315, Session Laws of 1931; and Section 23 of Chapter 162, Session Laws of 1919 Which Also Appears as Section 396a23 of the 1925 Supplement.

Senate Bill No. 147. A Bill for an Act to Amend and Reenact Section 3725 of the 1913 Compiled Laws of the State

of North Dakota, Relating to Special Assessments.

Senate Bill No. 121. A Bill for an Act to Amend and Reenact Chapter 161, of the Session Laws of 1931, Relating to the Admission of Foreign Mutual Insurance Companies.

Which the Speaker has signed.

Mr. President: I have the honor to return:

Senate Bill No. 120. A Bill for an Act to Amend and Reenact Section 4907, Compiled Laws of the State of North Dakota for 1913, to Make More Certain the Requirement That All Foreign Insurance Companies Have a Capital of Two Hundred and Fifty Thousand Dollars ($250,000.00) as a Condition to Writing Fidelity and Surety Risks in This State.

Senate Bill No. 86. A Bill for an Act to Amend and Reenact Section 2588 of the Supplement to the Compiled Laws of 1913, as Amended by Chapter 251 of the Session Laws of 1929, Relating to the Treatment of Patients at the North Dakota Tuberculosis Sanitarium, and Declaring an Emergency.

Senate Bill No. 55. A Bill for an Act to Amend and Reenact Chapter 195, Session Laws of 1935 as Amended Relating to Funding and Refunding Existing Indebtedness of Municipalities, Validating Proceedings Thereunder and Declaring an Emergency.

Senate Bill No. 69. A Bill for an Act to Amend and Reenact Section 4924, Compiled Laws of North Dakota for the Year 1913, as Amended by Chapter 79 of the Session Laws of 1921, Relating to the Taxation of Insurance Companies.

Senate Bill No. 41. A Bill for an Act Declaring All Tax Charges Based on Original Final Values of Property Assessed by Local Assessors, in Excess of Amount That Would Have Been Charged Had Said Original Final Value Been Limited to the Full and True Value in Money, Null and Void; Providing Remedy to the Taxpayer; and Repealing All Laws or Parts of Laws in Conflict Therewith.

Senate Bill No. 172. A Bill for an Act to Repeal Chapter 255 of the Session Laws of the State of North Dakota for 1931.

Joint Resolution "A." A Resolution Relative to the United States Flag Association and Indorsing a National Patriotic Revival.

Senate Concurrent Resolution No. 285. A Concurrent Resolution Memorializing the Members of the United States Congress Urging Congress to Pass a Bill to Establish a National Land Policy and to Provide Homesteads Free of Debt for Actual Farm Families, Which Bill is Now Pending in Congress Known as S. 136.

Senate Concurrent Resolution No. 135. A Concurrent Resolution Providing for the Amendment of Sections 167, 170, 172 and 173 and the Repeal of Section 171 of the Constitution of North Dakota.

Which the Speaker has signed.

House Bill No. 359. A Bill for an Act to Amend and Reenact Section 189b3, 189b5, 189b9, 189b14 and 189b15 of Chapter 137 of the Session Laws of North Dakota for 1933,

Relating to State Hail Insurance, Providing for the Manner of Taking Applications Therefor; Defining Duty of Hail Inspectors, Adjustors and County Auditors; Repealing Acts in Conflict Herewith, and Declaring an Emergency.

House Bill No. 11. A Bill for an Act Making an Appropriation for the Purpose of Paying Salary, Clerkhire and General Expenses of the Public Health Laboratories.

House Bill No. 3. A Bill for an Act Making an Appropriation for the Per Diem, Salaries and General Expenses of the State Livestock Sanitary Board.

House Bill No. 37. A Bill for an Act Making an Appropriation for the State Employment Service Provided for in Section 13 and Section 14b, Chapter 232, Session Laws of 1937, in Co-operation with the Social Security Act of Congress.

House Bill No. 332. A Bill for an Act to Extend the Powers of Credit Unions Organized Under Chapter 108 of the 1935 Session Laws, as Amended by Chapter 113 and 114 of the 1937 Session Laws, and Providing for the Creation of a Permanent Fund; Prescribing How Obtainable, Its Limits, Ownership, Uses, to Whom Obtainable and Other Procedure Thereunder.

House Bill No. 62. A Bill for an Act to Provide for the Reimbursement of Owners of Cattle Destroyed by Order of the North Dakota Livestock Sanitary Board on Account of Being Affected With Bang's Disease and to Pay Expenses in Connection Therewith, Limiting the Liability of the State of North Dakota, and Declaring an Emergency.

Which the Speaker has signed and your signature is respectfully requested.

Mr. President: I have the honor to return:

Senate Bill No. 248. A Bill for an Act Making an Appropriation for the Purpose of Operating and Maintaining the State Fire and Tornado Fund for the Biennium Beginning July 1, 1939.

Senate Bill No. 247. A Bill for an Act Amending Section 9991 of the 1925 Supplement of the Compiled Laws of 1913. Relating to Misuse of Fraternal and Other Emblems to Victimize Charitably Disposed Persons Through False Personification.

Senate Bill No. 246. A Bill for an Act Exempting Employes Who Are Residents of and Who Are Insured Under the Workmen's Compensation Act or Similar Statute of Another State From the Application of the North Dakota Workmen's Compensation Act Where Such Other State Recognizes Extra-territorial Coverage Furnished to North Dakota Employers for Their Employes While Working in Such Other State.

Senate Bill No. 234. A Bill for an Act to Amend and Reenact Section 6 of Chapter 108 of the Session Laws of 1935 as Amended by Chapter 114 of the Session Laws of 1937 and Sections 9, 10, 17 and 18 of Chapter 108 of the Session Laws of 1935; Repealing All Inconsistent Acts; and Declaring an Emergency.

Senate Bill No. 203. A Bill for an Act Authorizing and Directing the President of the North Dakota Agricultural College to Enter Into a Leasing Agreement in Behalf of the

North Dakota Agricultural College, with Hettinger Special School District No. 13, Leasing the Hettinger Experimental Substation Property Located Adjacent to the Village of Hettinger in the County of Adams, State of North Dakota; and Repealing Chapter 185, of the Session Laws of North Dakota for the Year 1937.

Senate Bill No. 196. A Bill for an Act to Amend and Reenact Section 6 of Chapter 198 of the Session Laws of 1937, 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.

Senate Bill No. 193. A Bill for an Act Permitting the County Court to Make Decrees of Distribution and Close Estates Without the Payment of Real Estate Taxes Levied Upon Real Property of the Estate.

Senate Bill No. 47. 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-fifth Session of the Legislative Assembly of the State of North Dakota, and Declaring an Emergency.

Senate Bill No. 56. A Bill for an Act Amending and Reenacting the Initiated Measure Entitled: "An Act Reducing and Fixing Allowances for Mileage and Travel expense 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 30, 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," Adopted and Approved by the Electors at the June 29, 1932 Primary Election, Fixing Allowances for Mileage and Travel Expense of County Officials and Their Deputies; and Repealing Chapter 119, Session Laws of 1931, and All Acts and Parts of Acts in Conflict Herewith.

Senate Bill No. 68. A Bill for an Act to Amend and Reenact Section 4 of Chapter 152 of the Session Laws of 1929, Relating to an Appropriation for the Necessary Costs of Investigations, Etc., of Fire Insurance Rates.

Senate Bill No. 130. A Bill for an Act Providing for the Protection of Pre-historic Deposits, Relics, Indian Mounds, Graves, Village Sites and Other Archaeological Material; Providing for Licensing Persons Engaged in Exploring and Excavating for Ancient Ruins and Archaeological Materials, Restricting Such Exploration and Excavation on State-Owned Lands and Requiring That One-Half of Such Materials be Delivered to the State Historical Society and Providing a Penalty for Violation of This Act.

Senate Bill No. 132. A Bill for an Act to Make an Appropriation for the Financing of the Operations of the State Soil Conservation Committee or the Activities of the State Soil Conservation Districts.

Senate Bill No. 139. A Bill for an Act to Amend and Reenact Subdivision 4 of Section 7426 of the Compiled Laws of North Dakota for 1913, Relating to Service of Summons on a Domestic Corporation, and Providing for Service by

**Publication on Any Domestic Corporation, the Charter of Which Has Been Forfeited.**

Senate Bill No. 103. A Bill for an Act Amending and Reenacting Sections 2 and 11 of Chapter 211 of the Session Laws of 1937 and Validating Payments Heretofore Made to Certain Non-citizen Old Age Assistance Clients, Declaring an Emergency.

Senate Bill No. 104. A Bill for an Act to Amend and Reenact Chapter 274 of the Session Laws of North Dakota for the Year 1935 as Amended by Chapter 243 of the Session Laws of North Dakota for 1937, 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, Extending the Application Thereof to Persons Receiving, Claiming or Demanding Money From Municipalities and Political Sub-divisions Within the State, and Providing That Entering Into of Installment Contracts for Payment of Personal Property Taxes Shall Not Relieve Anyone From the Operation of This Act, Repealing All Acts or Parts of Acts in Conflict Herewith, and Declaring an Emergency.

Senate Bill No. 228. A Bill for an Act Providing for Transfer of Certain School Lands Situated in Williams and Barnes Counties, Respectively, State of North Dakota, to Williams and Barnes Counties, to Be Used and Maintained as Public Parks, and Authorizing the Exchange of Lands Belonging to Said Counties Therefor; and Declaring an Emergency.

Senate Bill No. 163. A Bill for an Act to Amend and Reenact Section 6, of Chapter 104, of the Session Laws of North Dakota for the Year 1937, Relating to Revenue Bonds of Municipalities, and Declaring an Emergency.

Senate Bill No. 61. A Bill for an Act to Regulate the Sale of Heating Oil and Diesel Fuel; to Provide Specifications Therefor, and for Inspection Thereof; to Provide for Inspection Fees, the Collection and Disposition Thereof; to Define the Duties of the State Food Commissioner and Chemist as Regards Such Inspection and Providing Penalties for Violation of the Act.

Senate Bill No. 284. A Bill for an Act Relating to Copyrights and Public Performing Rights in Musical Compositions and Dramatico-Musical Compositions, Requiring Lists Thereof to Be Filed, Regulating the Issue of Licenses With Respect Thereto, Prohibiting Discrimination, Providing for Service of Process, Levying a Privilege Tax, Providing Penalties, and Repealing Inconsistent Acts.

Senate Bill No. 189. A Bill for an Act to Amend and Reenact Section 1190 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, as Amended and Re-enacted by Chapter 243 of the Session Laws of North Dakota for 1927, and as Amended and Re-enacted by Chapter 231 of the Session Laws of North Dakota for 1937, Relating to Consolidation of Schools and Transportation of Pupils; and Repealing All Laws or Parts of Laws in Conflict Therewith.

Which the Speaker has signed.

Mr. President: I have the honor to return:

Senate Bill No. 94. A Bill for an Act Appropriating Five Thousand Dollars ($5,000.00) to the State Historical Society for the Development of the International Peace Garden, American Section, in Rolette County, North Dakota.

Senate Concurrent Resolution No. 271. A Concurrent Resolution Relating to the Distribution of Food Commodities by Federal Relief Agencies.

Senate Concurrent Resolution No. 185. A Concurrent Resolution Memorializing Congress to Increase the Minimum Number of Employees Required in Agricultural States Under the Unemployment Compensation Act.

Senate Bill No. 211. A Bill for an Act Appropriating Money for the Use of the Board of Railroad Commissioners for the Purpose of the Valuation and Revaluation of Public Utilities by the Board of Railroad Commissioners, as Provided by Chapter 253, Session Laws of 1935.

Senate Bill No. 256. A Bill for an Act to Amend and Reenact Sub-division (1) of Section 811 of the Supplement to the Compiled Laws of North Dakota for 1913, as Amended by Chapter 143, of the Session Laws of North Dakota for 1933, Relating to the Distribution of State Bar Funds to the Bar Association of North Dakota and Declaring an Emergency.

Senate Bill No. 249. A Bill for an Act Making an Appropriation for the Purpose of Operating and Maintaining the State Bonding Fund for the Biennium Beginning July 1, 1939.

Senate Bill No. 195. A Bill for an Act Clarifying, Confirming and Validating Chapter 86 of the Session Laws of 1937, Which is an Act Making an Appropriation to Be Expended in Providing Public Assistance to the Needy Aged, the Needy Blind, and to Dependent Children, and for Providing Child Welfare Services and Services to Crippled Children in Co-ordination With and Supplementary to Funds Made Available for Like Purposes in North Dakota by the Federal Government; and Declaring an Emergency.

Senate Bill No. 149. A Bill for an Act to Amend and Reenact Section 714a7 of the 1925 Supplement to the Compiled Laws of North Dakota for the Year 1913, Relating to Securities for Public Deposits.

Senate Bill No. 205. A Bill for an Act Requiring the Publication of the Proceedings of Meetings of County Welfare Boards, Repealing All Acts and Parts of Acts in Conflict Herewith, and Declaring an Emergency.

Senate Bill No. 190. A Bill for an Act Authorizing the Board of Trustees of the Teachers' Insurance and Retirement Fund to Employ an Actuary and Clerical Assistance and Making an Appropriation Therefor.

Senate Bill No. 133. A Bill for an Act Relating to the Duties of County Auditors and County Treasurers, With Relation to the Levy, Collection and Record of Municipal Bonds Sinking Funds.

Senate Bill No. 124. A Bill for an Act Making an Appropriation for a Pension for Patricia Ann Crites and Dennis Duane Crites, Minor Children of National Guardsman, John E. Crites.

Senate Bill No. 77. A Bill for an Act Providing for Re-

ciprocity in Fixing Tuition Fees of Non-resident Students Attending Institutions of Higher Education in the State of North Dakota and Defining Non-resident Students, and Fixing Registration and Tuition Fees of Non-resident Students Residing in Foreign Countries Other Than the Dominion of Canada.

Senate Concurrent Resolution No. 285. A Concurrent Resolution Memorializing the Members of the United States Congress Urging Congress to Pass a Bill to Establish a National Land Policy and to Provide Homesteads Free of Debt for Actual Farm Families, Which Bill is Now Pending in Congress Known as S. 136.

Senate Bill No. 184. A Bill for an Act Authorizing the Adjutant General to Expend the Sum of $8,000.00 From the Balance Remaining in the "Returned Soldiers Fund" for the Purpose of Registering and Compiling Records of the Graves of Deceased Soldiers, Sailors, or Marines Buried in This State and for Caring for and Preserving of Soldier Records, and Declaring an Emergency.

Senate Bill No. 262. A Bill for an Act Authorizing Investment of All Trust Funds by Legal Custodian; Providing Appropriations of Trust Funds for Investment Purposes and Repealing All Acts in Conflict Herewith.

Senate Bill No. 240. A Bill for an Act to Authorize the Disorganization of Counties by Petition and Election or by Judicial Procedure and for the Proceedings Therefor; and for the Elimination of County Officers and the Termination of Their Terms of Office; and for the Attachment to an Organized County for Judicial and Administrative Purposes; and Providing for the Duties of the Officers of the Organized County to Which Attached, Including the Powers and Limitations to Tax; to Maintain Separate Records, to Act as Trustee, Collect the Revenue and to Disburse the Expenses for the Operation of the Unorganized County; and for Submitting the Question if Portions of This Act Are Unconstitutional or Final Decree Denies the Petition; and for Retaining the Validity of the Remaining Provisions of This Act if Any Are Declared Unconstitutional; and for the Repeal of Acts in Conflict Herewith, and Declaring an Emergency.

Senate Bill No. 261. A Bill for an Act Authorizing the State Treasurer as Trustee for the State of North Dakota to Transfer Lands Owned by Him to Owners of Other Lands of Approximately Equal Value in Exchange for Transfers of Such Other Lands, and Declaring an Emergency.

Which the Speaker has signed.

Mr. President: I have the honor to inform you that the House has adopted the report of the Conference Committee on:

House Bill No. 274. 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 Water Sheds, 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, Maintenance and Financing 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; Authorizing the Commission to Obligate or Pledge Monies Available in Its Operating or Construction Fund to Insure the Payment of Twenty Per Cent of the Par Value of Revenue 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; Validating Proceedings and Acts of the State Water Conservation Commission Done and Performed Under the Provisions of Chapter 255 of the Session Laws of 1937; Repealing Inconsistent Acts, and Declaring an Emergency.

House Bill No. 140. A Bill for an Act Making an Appropriation to the State Public Welfare Fund, Established by Section 3 of Chapter 214 of the Session Laws of 1937, for the Period From December 8, 1938, to July 1, 1939; To Be Expended by the Public Welfare Board in Providing Public Assistance to the Needy Aged, as Provided by Chapter 211 of the Session Laws of 1937 as Amended by the Initiated Act Ap-

proved November 8, 1938; Repealing all Acts and Parts of Acts in Conflict Herewith; and Declaring an Emergency.

House Bill No. 279. A Bill for an Act to Amend and Reenact Sub-divisions (a) and Section 19 of Chapter 179 of the 1927 Session Laws as Amended by Section 6, of Chapter 160, of the 1933 Session Laws; Providing for the Registration of Motor Vehicles, Registration Fees for Motor Vehicles Except Trucks and Busses, and When All Motor Vehicle Fees Shall Become Delinquent, and Penalties Therefor; and Repealing All Acts and Parts of Acts in Conflict Herewith.

House Bill No. 36. 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.

MINNIE D. CRAIG, Chief Clerk.

The House reverted to the Sixth Order of Business.

The Select Committee charged with arrangements for telephone installation for the House Assembly made the following report:

Mr. Speaker: Your Committee charged with arrangements of installation of telephones for the House Assembly begs to report as follows:

Arrangements with the Northwestern Bell Telephone Company were as follows:

Cost of each telephone per month.....$ 4.60
Installing (cost for each)..... 3.00

Telephones Installed:

Lounge Room
Speakers Room
Booth for House Chamber
Committee Room G-1
Committee Room G-2

W. M. CROCKETT, Chairman.

Rep. Crockett moved that the report be adopted.

ROLL CALL

The question being on the adoption of the report of the telephone committee, the roll was called and there were ayes, 90; nays, 1; absent and not voting, 19.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Anderson, Benson | Hofstrand | Rait |
| Anderson, M'K'nzie | Heckman | Rettke |
| Anfinson | Holm | Rohde |
| Arneson, Nelson | Holthusen | Saumur |
| Arneson, Ramsey | Ireland | Schauss |
| Beede | Ista | Schmidt, Sheridan |
| Belzer | Jensen | Schimke |
| Benno | Johnson, Cass | Scholl |
| Billigmeier | Johnson, LaMoure | Schwartz |
| Bingenheimer | Joiner | Sellens |
| Blair | Keller | Semerad |
| Boulden | Kluver | Severson |
| Braun, McLean | Lange | Sharpe |
| Brown | Levin | Shure |
| Buchholz | McInnes | Singleton |
| Byrne | McIntee | Skartvedt |
| Crockett | McIntyre | Solberg |

| | | |
|---|---|---|
| Dalzell | Myers | Stormon |
| Dike | Moe | Symington |
| Dittmer | Nelson, Dickey | Thompson,Burl'gh |
| Erickson | Nelson, Steele | Thompson, Steele |
| Fitch | Nystrom | Trydahl |
| Fletcher | O'Brien | Twichell |
| Fraser | Odegard | Urschel |
| Fuglestad | Oglesby | Wambheim |
| Gainor | Ostgulen | Westby |
| Glas | Page | Williams,Richland |
| Gray | Panko | Williams,Stutsm'n |
| Haag | Peterson,Bottineau | Wolf |
| Halvorson | Peterson, Ransom | Mr. Speaker |

Those voting in the negative were:

Larson

Absent and not voting:

| | | |
|---|---|---|
| Adam | Hultstrand | Nelson, Cass |
| Bergesen | Knutson | Ritter |
| Bolmeier | Lunde | Sand |
| Braun, Stark | Mittag | Schmidt, McHenry |
| Culver | Mollet | Stone |
| Feton | Morland | Tuff |
| Haugland | | |

So the report was adopted.

Rep. Fitch requested that the House be on the Seventh Order of Business, which request was granted.

Rep. Fitch moved that action on House Bill No. 168 be placed at the head of the calendar, which motion prevailed.

Rep.Crockett moved that the Senate be requested for the return of Senate Bill No. 213, which motion prevailed.

Rep. Anderson of Benson moved that the Senate be requested for the return of Senate Bill No. 277, which motion prevailed.

Rep. Ireland moved that the complete report, including testimony, made by the committee charged with the investigation of affairs at the State Hospital be printed in mimeograph form, which motion prevailed.

## MESSAGE TO THE SENATE

House of Representatives,
Bismarck, March 3, 1939.

Mr. President: I have the honor to inform you that the House has requested the return of:

Senate Bill No. 213. A Bill for an Act to Amend and Reenact Sections 3, 4, 12, 15, 26 and 27, of Chapter 157, of the Laws of 1927, and Section 1, of Chapter 137, of the Laws of 1937, Relating to the Occupation of Hairdressers and Cosmetologists, the Conduct of Schools for Hairdressing and Cosmetology, the Qualification of Applicants for Examinations, Certificates, and Making Provisions for the Payment of Fees in Connection Therewith.

Also,

Senate Bill No. 277. A Bill for an Act Making an Appropriation to Provide Funds for the Payment of Salaries and

Expenses Due Inspectors of the Motor Vehicle Registration Department; and Declaring an Emergency.

For the Speaker to sign.

MINNIE D. CRAIG, Chief Clerk.

The House continued on the Fourteenth Order of Business.

## SECOND READING OF HOUSE BILLS

House Bill No. 168. A Bill for an Act to Amend and Re-enact Section 4656 of the Compiled Laws of 1913, Relative to the Maintenance of Railroad Stations and Station Agents.

Was read the second time.

## ROLL CALL

The question being on the final passage of the bill, as amended, by the Senate, the roll was called and there were ayes, 77; nays, 21; absent and not voting, 11; passed, 1.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Heckman | Peterson, Ransom |
| Anderson, Benson | Holm | Rait |
| Anderson,M'K'nzie | Ireland | Rettke |
| Anfinson | Ista | Ritter |
| Arneson, Nelson | Jensen | Rohde |
| Beede | Johnson, LaMoure | Saumur |
| Belzer | Joiner | Schauss |
| Benno | Kluver | Schmidt, McHenry |
| Billigmeier | Lange | Schmidt, Sheridan |
| Bingenheimer | Larson | Schimke |
| Braun, McLean | Levin | Scholl |
| Brown | McIntee | Schwartz |
| Buchholz | McIntyre | Sellens |
| Byrne | Myers | Semerad |
| Crockett | Mittag | Singleton |
| Dalzell | Moe | Solberg |
| Dike | Morland | Thompson,Burl'gh |
| Dittmer | Nelson, Dickey | Trydahl |
| Erickson | Nelson, Steele | Twichell |
| Fitch | O'Brien | Urschel |
| Fletcher | Odegard | Westby |
| Fuglestad | Oglesby | Williams,Richland |
| Glas | Ostgulen | Williams,Stutsm'n |
| Haag | Page | Wolf |
| Halvorson | Panko | Mr. Speaker |
| Haugland | Peterson,Bottineau | |

Those voting in the negative were:

| | | |
|---|---|---|
| Arneson, Ramsey | Holthusen | Shure |
| Blair | Johnson, Cass | Skartvedt |
| Boulden | Keller | Stone |
| Fraser | McInnes | Stormon |
| Gainor | Nystrom | Symington |
| Gray | Severson | Thompson, Steele |
| Hofstrand | Sharpe | Wambheim |

Absent and not voting:

| | | |
|---|---|---|
| Bolmeier | Hultstrand | Nelson, Cass |
| Braun, Stark | Knutson | Sand |
| Culver | Lunde | Tuff |
| Feton | Mollet | |

Passed:

Bergesen

So the bill passed and the title was agreed to.

Rep. Schimke 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.

Rep. Shure moved that action on House Bill No. 277 be placed at the head of the calendar, which motion prevailed.

## MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, March 3, 1939.

Mr. Speaker: I have the honor to inform you that the Senate has adopted the Conference Committee report on:

Senate Bill No. 40. 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.

WM. J. LOWE, Secretary.

Rep. Crockett requested that the House be on the Fourteenth Order of Business, which request was granted.

Rep. Crockett moved that the recording of the motion by Rep. Shure to place action on House Bill No. 277 at the head of the calendar be expunged from the record, which motion prevailed.

Rep. Shure moved that the action by which the Conference Committee report on House Bill No. 277 was adopted be reconsidered, which motion prevailed.

The House proceeded on the Sixth Order of Business.

Rep. Fitch moved that the House do not adopt the Conference Committee report on House Bill No. 277 and that a new Conference Committee be appointed, which motion prevailed, and the Speaker appointed on that new committee Reps. Calvin Schimke, A. R. Bergeson, C. H. Dittmer.

## REPORT OF SELECT COMMITTEES

The Conference Committee on Senate Bill No. 40 made the following report:

Mr. Speaker: Your Conference Committee to whom was referred Senate Bill No. 40, have had the same under consideration and recommend that the House recede from its amendments to said bill.

That the title be amended as follows:

In line 13, (next to last line of title), after the word "Act," insert a comma and the words, "and providing that the Act shall not be applicable in certain cases set forth in this Act."

| For the Senate: | For the House: |
|---|---|
| T. E. Whelan | Franklin Page |
| Fred J. Fredrickson | Nels P. Jensen |
| Ben Gilbertson | W. M. Crockett |

Rep. Crockett moved that the report be adopted, and the committee discharged.

Rep. Myers moved a substitute motion that the House do not adopt the Conference Committee report, which motion prevailed.

Rep. Crockett moved that further action on Senate Bill No. 40 be indefinitely postponed.

Rep. Beede moved a substitute motion that a new Conference Committee be appointed to act with a like committee from the Senate in deliberation on Senate Bill No. 40, which motion prevailed, and the Speaker appointed on that committee Reps. Leonas Myers, G. P. Braun of Stark and J. M. Anderson of Benson.

## MESSAGE TO THE SENATE

House of Representatives,
Bismarck, March 3, 1939.

Mr. President: I have the honor to inform you that the House refused to accept the report of the Conference Committee on:

House Bill No. 277. A Bill for an Act to Amend Section 10145b1 of the 1925 Supplement to the 1913 Compiled Laws of North Dakota, Defining Intoxicating Liquors, and Excepting Therefrom Certain Fruit Juices, Wine, Beer, Ale and Porter Containing Less Than One-Half of 1 Percent of Alcohol by Volume; Repealing All Acts in Conflict Therewith.

And the Speaker has appointed as a new Conference Commitee to act with a like committee from the Senate, Representatives:

Calvin Schimke
A. R. Bergesen
C. H. Dittmer.

MINNIE D. CRAIG, Chief Clerk.

## REPORT OF SELECT COMMITTEES

The Conference Committee on House Bill No. 8 made the following report:

Mr. Speaker: Your Conference Committee to whom was referred House Bill No. 8, have had the same under consideration and recommend that the same be amended as follows:

Change line 10 to read as follows: "Secretary-Stenographer and Museum Assistant" and in the same line change "$1,920.00" to "$2,200.00."

And the Senate recedes from its amendment in line 12 of the printed bill.

| For the Senate: | For the House: |
|---|---|
| Wm. A. Thatcher | Calvin Schimke |
| Henry Leum | George H. Lange |
| F. T. Gronvold | Arthur C. Johnson |

Rep. Schimke moved that the report be adopted, and the committee discharged, which motion prevailed, and the report was adopted.

Rep. Morland moved that the rules be suspended and that House Bill No. 8 be placed on Second Reading and Final Passage, as amended by Conference Committee, which motion prevailed.

## SECOND READING OF HOUSE BILLS

House Bill No. 8. 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, as amended by the Conference Committee, the roll was called and there were ayes, 93; nays, 4; absent and not voting, 13.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Haugland | Panko |
| Anderson, Benson | Heckman | Peterson, Ransom |
| Anderson, M'K'nzie | Holm | Rait |
| Anfinson | Holthusen | Rettke |
| Arneson, Nelson | Ireland | Ritter |
| Arneson, Ramsey | Ista | Rohde |
| Beede | Jensen | Saumur |
| Belzer | Johnson, Cass | Schauss |
| Benno | Johnson, LaMoure | Schmidt, Sheridan |
| Bingenheimer | Joiner | Schimke |
| Bergesen | Keller | Scholl |
| Billigmeier | Kluver | Schwartz |
| Blair | Lange | Sellens |
| Boulden | Larson | Semerad |
| Braun, McLean | Levin | Sharpe |
| Braun, Stark | Lunde | Shure |
| Brown | McInnes | Singleton |
| Buchholz | McIntee | Skartvedt |
| Byrne | McIntyre | Solberg |
| Crockett | Myers | Stormon |
| Dike | Mittag | Symington |
| Erickson | Moe | Thompson, Burl'gh |
| Feton | Morland | Thompson, Steele |
| Fletcher | Nelson, Dickey | Trydahl |
| Fraser | Nelson, Steele | Twichell |
| Fuglestad | Nystrom | Wambheim |
| Gainor | O'Brien | Westby |
| Glas | Odegard | Williams, Richland |
| Gray | Oglesby | Williams, Stutsm'n |
| Haag | Ostgulen | Wolf |
| Halvorson | Page | Mr. Speaker |

Those voting in the negative were:

| | | |
|---|---|---|
| Dalzell | Severson | Stone |
| Schmidt, McHenry | | |

Absent and not voting:

| | | |
|---|---|---|
| Bolmeier | Hultstrand | Peterson, Bottineau |
| Culver | Knutson | Sand |
| Dittmer | Mollet | Tuff |
| Fitch | Nelson, Cass | Urschel |
| Hofstrand | | |

So the bill passed and the title was agreed to.

Rep. Crockett was called to the chair.

## MESSAGE TO THE SENATE

House of Representatives,
Bismarck, March 3, 1939.

Mr. President: I have the honor to inform you that the House has accepted the Conference Committee report on:

House Bill No. 8. A Bill for an Act Making an Appropriation for the Purpose of Paying Salary, Clerk Hire, and General Expenses of the State Historical Society.

Mr. President: I have the honor to inform you that the House has refused to accept the report of the Conference Committee on:

Senate Bill No. 40. 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 the Speaker has appointed as a new Conference Commitee to act with a like committee from the Senate, Representatives:

Leonas Myers
J. M. Anderson of Benson
G. P. Braun of Stark.

MINNIE D. CRAIG, Chief Clerk.

## REPORT OF SELECT COMMITTEES

The Conference Committee on House Bill No. 390, made the following report:

Mr. Speaker: Your Conference Committee to whom was referred House Bill No. 390, have had the same under consideration and recommend that the same be amended as follows:

In line 1 of the title, after the word "Dakota," change the words and figures "four per cent (4%)" to "five per cent (5%)."

In line 9, after the word "Dakota," change the words and figures "four per cent (4%)" to "five per cent (5%)."

| For the Senate: | For the House: |
|---|---|
| R. A. Owings | J. M. Joiner |
| Kristian Holl | Wm. Ireland |
| Gottlieb Isaak | |

Rep. Ireland moved that the report be adopted and the committee discharged, which motion prevailed, and the report was adopted.

Rep. Schimke moved that the rules be suspended and that House Bill No. 390 be placed on Second Reading and Final Passage, as amended by the Conference Committee, which motion prevailed.

House Bill No. 390. A Bill for an Act Reserving to the State of North Dakota All Rights to Minerals, Natural Gas or Oil Which May Be Found or Underlying All Lands Owned by the State of North Dakota or Hereafter Acquired by the State of North Dakota by Foreclosure, Quit Claim Deed or Otherwise; Declaring an Emergency.

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, 73; nays, 17; absent and not voting, 20.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Glas | Nelson, Dickey |
| Anderson, Benson | Gray | Nystrom |
| Anderson, M'K'nzie | Haag | O'Brien |
| Anfinson | Halvorson | Odegard |
| Arneson, Nelson | Haugland | Oglesby |
| Arneson, Ramsey | Heckman | Panko |
| Belzer | Holm | Peterson, Ransom |
| Benno | Holthusen | Rait |
| Bergesen | Ireland | Rettke |
| Billigmeier | Ista | Ritter |
| Bingenheimer | Jensen | Schauss |
| Boulden | Johnson, LaMoure | Schmidt, Sheridan |
| Braun, McLean | Joiner | Schimke |
| Braun, Stark | Keller | Scholl |
| Brown | Kluver | Semerad |
| Buchholz | Lange | Sharpe |
| Crockett | Larson | Singleton |
| Dalzell | Levin | Solberg |
| Dike | Lunde | Stormon |
| Erickson | McInnes | Thompson, Steele |
| Feton | McIntee | Trydahl |
| Fletcher | McIntyre | Urschel |
| Fraser | Mittag | Williams, Stutsm'n |
| Fuglestad | Moe | Wolf |
| Gainor | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Blair | Schmidt, McHenry | Thompson, Burl'gh |
| Johnson, Cass | Schwartz | Twichell |
| Myers | Sellens | Wambheim |
| Morland | Severson | Westby |
| Ostgulen | Skartvedt | Williams, Richland |
| Rohde | Symington | |

Absent and not voting:

| | | |
|---|---|---|
| Beede | Hultstrand | Sand |
| Bolmeier | Knutson | Saumur |
| Byrne | Mollet | Shure |
| Culver | Nelson, Cass | Stone |
| Dittmer | Nelson, Steele | Tuff |
| Fitch | Page | Mr. Speaker |
| Hofstrand | Peterson, Bottineau | |

So the bill passed and the title was agreed to and the Emergency Clause was declared carried.

Rep. Arneson of Ramsey moved that the vote by which House Bill No. 390 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

REPORTS OF SELECT COMMITTEES

The Conference Committee on House Bill No. 267 made the following report:

Mr. Speaker: Your Conference Committee to whom was referred House Bill No. 267, have had the same under con-

sideration and recommend that the Senate recede from its amendments.

| For the Senate: | For the House: |
|---|---|
| Herman Thorson, | K. L. Boulden, |
| G. F. Drew, | W. H. Shure, |
| R. R. Morgan. | John McIntyre. |

Rep. Boulden moved that the report be adopted and the committee discharged, which motion prevailed and the report was adopted.

## MESSAGE TO THE SENATE

House of Representatives,
Bismarck, March 3, 1939.

Mr. President: I have the honor to inform you that the House has accepted the reports of the Conference Committees on:

House Bill No. 390. A Bill for an Act Reserving to the State of North Dakota All Rights to Minerals, Natural Gas or Oil Which May Be Found or Underlying All Lands Owned by the State of North Dakota or Hereafter Acquired by the State of North Dakota by Foreclosure, Quit Claim Deed or Otherwise; Declaring an Emergency.

And,

House Bill No. 267. A Bill for an Act Providing for Serological Test, for Syphilis of All Persons Applying for Marriage Licenses; Prohibiting Marriage of Any Person Afflicted With Syphilis in Communicable Form; Providing for Proofs of Serological Test to Be Required by and Submitted to County Judges Before the Issuance of a Marriage License; Repealing All Acts and Parts of Acts Inconsistent With or in Conflict Herewith; Making an Appropriation for the State Health Department to Enable it to Comply With the Provisions Hereof.

MINNIE D. CRAIG, Chief Clerk.

The House continued on the Seventh Order of Business.

House Resolution "O" was read from the desk.

Rep. Johnson of Cass moved that House Resolution "O" be adopted, which motion prevailed.

Rep. Morland moved an amendment to Rep. Johnson's motion that House Resolution "O" be printed in the Journal, which motion prevailed.

## HOUSE RESOLUTION "O."

Introduced by Representative Jensen.

WHEREAS, all the members of the House have two large volumes of Bills that were introduced in this Legislative Assembly and two heavy volumes of Journals, besides many official bulletins and legislative correspondence, which will be of value to them as Legislators; and

WHEREAS, these books, papers and pamphlets can be shipped to each member of this body more cheaply by express (American Express Company) than by any other method:

THEREFORE, BE IT RESOLVED, That the employees,

who have been charged with the duties of wrapping

and packing such books, pamphlets and correspondence, ship the same to the respective Representatives by American Express and that such American Express charges be paid in the regular manner as part of the legislative expense of this Session.

SECOND READING OF HOUSE RESOLUTION "O"

Providing for the Sending by Express to Each Member of This Legislative Session Bound Copies of the Journals, Official Bulletins and Legislative Correspondence.

Was read the second time.

ROLL CALL

The question being on the adoption of House Resolution "O," the roll was called and there were ayes, 67; nays, 22; absent and not voting, 21.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Halvorson | Peterson, Ransom |
| Anderson,M'K'nzie | Haugland | Rait |
| Anfinson | Heckman | Rettke |
| Arneson, Nelson | Holm | Ritter |
| Beede | Holthusen | Rohde |
| Belzer | Ireland | Schauss |
| Benno | Ista | Schmidt, McHenry |
| Bergesen | Jensen | Schmidt, Sheridan |
| Billigmeier | Johnson, Cass | Schimke |
| Boulden | Kluver | Schwartz |
| Braun, Stark | Larson | Semerad |
| Brown | Levin | Shure |
| Buchholz | McIntee | Singleton |
| Crockett | McIntyre | Skartvedt |
| Dike | Mittag | Solberg |
| Erickson | Morland | Symington |
| Feton | Nelson, Dickey | Trydahl |
| Fletcher | Nelson, Steele | Urschel |
| Fraser | O'Brien | Westby |
| Gainor | Odegard | Williams,Richland |
| Glas | Page | Williams,Stutsm'n |
| Gray | Panko | Wolf |
| Haag | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Anderson, Benson | Keller | Sellens |
| Arneson, Ramsey | Lunde | Severson |
| Bingenheimer | McInnes | Sharpe |
| Blair | Moe | Stormon |
| Braun, McLean | Nystrom | Thompson,Burl'gh |
| Fuglestad | Oglesby | Thompson, Steele |
| Johnson, LaMoure | Ostgulen | Twichell |
| Joiner | | |

Absent and not voting:

| | | |
|---|---|---|
| Bolmeier | Hultstrand | Sand |
| Byrne | Knutson | Saumur |
| Culver | Lange | Scholl |
| Dalzell | Myers | Stone |
| Dittmer | Mollet | Tuff |
| Fitch | Nelson, Cass | Wambheim |
| Hofstrand | Peterson,Bottineau | Mr. Speaker |

So House Resolution "O" was adopted.

Rep. Anderson of Benson moved that action taken on Senate Bill No. 91 be reconsidered.

Rep. Schauss moved that the motion of Rep. Anderson of Benson that action taken on Senate Bill No. 91 be reconsidered, be laid on the table, which motion prevailed.

House Resolution "N" was read from the desk.

Rep. Fitch moved that House Resolution "N" be laid on the table, which motion prevailed.

## MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, March 3, 1939.

Mr. Speaker: I have the honor to inform you that the Senate has adopted the Conference Committee report on:

House Bill No. 267. A Bill for an Act Providing for Serological Test, for Syphilis of All Persons Applying for Marriage Licenses; Prohibiting Marriage of Any Person Afflicted With Syphilis in Communicable Form; Providing for Proofs of Serological Test to Be Required by and Submitted to County Judges Before the Issuance of a Marriage License; Repealing All Acts and Parts of Acts Inconsistent With or in Conflict Herewith; Making an Appropriation for the State Health Department to Enable it to Comply With the Provisions Hereof.

Mr. Speaker: I have the honor to inform you that the Senate has adopted the Conference Committee report on:

Senate Bill No. 140. A Bill for an Act Making an Appropriation for the Biennium Beginning July 1, 1939, and Ending June 30, 1941 to the Public Welfare Fund, Created and Established by Section 3 of Chapter 214 of the Session Laws of 1937, for Disbursement by the Public Welfare Board in Providing Public Assistance to the Needy Blind and to Dependent Children, as Provided by Chapters 209 and 210 of the Session Laws of 1937, and in Providing Child Welfare Services and Services to Crippled Children in Coordination With and Supplementary to Funds Made Available for Like Purposes in North Dakota by the Federal Government, as Provided by Chapter 221 of the Session Laws of 1935.

Mr. Speaker: I have the honor to inform you that the Senate has adopted the Conference Committee report on:

House Bill No. 274. 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 Water Sheds, 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, Maintenance and Financing 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; Authorizing the Commission to Obligate or Pledge Monies Available in Its Operating or Construction Fund to Insure the Payment of Twenty Per Cent of the Par Value of Revenue 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; Validating Proceedings and Acts of the State Water Conservation Commission Done and Performed Under the Provisions of Chapter 255 of the Session Laws of 1937; Repealing Inconsistent Acts, and Declaring an Emergency.

Mr. Speaker: I have the honor to inform you that the Senate has refused to concur in the House amendment to:

Senate Bill No. 226. A Bill for an Act to Amend and Reenact Section 2 of That Certain Initiated Law Entitled "An Act Declaring Mortgages on Growing and Unharvested Crops to Be Against the Public Policy of the State, and Abolishing the Same," Approved and Adopted by the Electors at the June 29, 1932 Primary Election; as Amended by Chapter 150 of the Session Laws of North Dakota for the Year 1933, Repealing All Acts or Parts of Acts in Conflict and Declaring an Emergency.

And the President has appointed as a Conference Committee to act with a like committee from the House, Senators:

H. Thorson
E. Magoffin
J. L. Flatt

WM. J. LOWE, Secretary.

The House continued on the Fourteenth Order of Business.

## SECOND READING OF SENATE BILLS

Senate Bill No. 198. A Bill for an Act to Amend and Reenact Section 1218 of the Supplement to the Compiled Laws for 1913, of the State of North Dakota, and Relating to the Report of the Treasurer in Common School Districts; 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, 82; nays, 7; absent and not voting, 21.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Ista | Rettke |
| Anderson,M'K'nzie | Jensen | Ritter |
| Anfinson | Johnson, Cass | Rohde |
| Arneson, Nelson | Johnson, LaMoure | Saumur |
| Arneson, Ramsey | Joiner | Schauss |
| Beede | Keller | Schmidt, McHenry |
| Belzer | Kluver | Schmidt, Sheridan |
| Benno | Lange | Schwartz |
| Billigmeier | Larson | Sellens |
| Blair | Levin | Semerad |
| Boulden | Lunde | Sharpe |
| Brown | McInnes | Shure |
| Buchholz | McIntee | Singleton |
| Crockett | McIntyre | Skartvedt |
| Dike | Mittag | Solberg |
| Erickson | Moe | Stormon |
| Fuglestad | Morland | Symington |
| Gainor | Nelson, Dickey | Thompson,Burl'gh |
| Glas | Nelson, Steele | Thompson, Steele |
| Gray | O'Brien | Trydahl |
| Haag | Odegard | Twichell |
| Halvorson | Oglesby | Urschel |
| Haugland | Ostgulen | Wambheim |
| Heckman | Page | Westby |
| Hofstrand | Panko | Williams,Richland |
| Holm | Peterson, Ransom | Williams,Stutsm'n |
| Holthusen | Rait | Wolf |
| Ireland | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Bingenheimer | Fraser | Peterson,Bottineau |
| Feton | Nystrom | Severson |
| Fletcher | | |

Absent and not voting:

| | | |
|---|---|---|
| Anderson, Benson | Dalzell | Nelson, Cass |
| Bergesen | Dittmer | Sand |
| Bolmeier | Fitch | Schimke |
| Braun, McLean | Hultstrand | Scholl |
| Braun, Stark | Knutson | Stone |
| Byrne | Myers | Tuff |
| Culver | Mollet | Mr. Speaker |

So the bill passed and the title was agreed to.

Rep. Morland 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 prevailed.

Rep. Twichell requested that the House be on the Seventh Order of Business, which request was granted.

Rep. Twichell moved that the Chair appoint a new Conference Committee to deliberate with a like committee from the Senate on Senate Bill No. 226, which motion prevailed and the Chair appointed on that new committee, Representatives:

Palmer Levin,
W. H. Shure,
R. G. Beede.

## MESSAGE TO THE SENATE

House of Representatives,
Bismarck, March 3, 1939.

Mr. President: I have the honor to inform you that the Speaker has appointed as a Conference Committee to act with a like committee from the Senate, Representatives:

Palmer Levin,
W. H. Shure,
R. G. Beede.

Relative to:

Senate Bill No. 226. A Bill for an Act to Amend and Reenact Section 2 of That Certain Initiated Law Entitled "An Act Declaring Mortgages on Growing and Unharvested Crops to Be Against the Public Policy of the State, and Abolishing the Same," Approved and Adopted by the Electors at the June 29, 1932 Primary Election; as Amended by Chapter 150 of the Session Laws of North Dakota for the Year 1933, Repealing All Acts or Parts of Acts in Conflict and Declaring an Emergency.

MINNIE D. CRAIG, Chief Clerk.

The House returned to the Fourteenth Order of Business.

## SECOND READING OF BILLS

Senate Bill No. 170. A Bill for an Act to Amend Section 4073a of the 1925 Supplement to the Compiled Laws of North Dakota for 1913; 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, 92; nays, 0; absent and not voting, 18.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Hofstrand | Peterson, Ransom |
| Anderson, Benson | Holm | Rait |
| Anderson, M'K'nzie | Holthusen | Rettke |
| Anfinson | Ireland | Ritter |
| Arneson, Nelson | Ista | Rohde |
| Arneson, Ramsey | Jensen | Saumur |
| Beede | Johnson, Cass | Schauss |
| Belzer | Johnson, LaMoure | Schmidt, McHenry |
| Benno | Joiner | Schmidt, Sheridan |
| Billigmeier | Keller | Schwartz |
| Bingenheimer | Kluver | Sellens |

| | | |
|---|---|---|
| Blair | Lange | Semerad |
| Boulden | Larson | Severson |
| Braun, McLean | Levin | Sharpe |
| Braun, Stark | Lunde | Shure |
| Brown | McInnes | Singleton |
| Buchholz | McIntee | Skartvedt |
| Crockett | McIntyre | Solberg |
| Dike | Mittag | Stormon |
| Erickson | Moe | Symington |
| Feton | Morland | Thompson,Burl'gh |
| Fletcher | Nelson, Dickey | Thompson, Steele |
| Fraser | Nelson, Steele | Trydahl |
| Fuglestad | Nystrom | Twichell |
| Gainor | O'Brien | Urschel |
| Glas | Odegard | Wambheim |
| Gray | Oglesby | Westby |
| Haag | Ostgulen | Williams,Richland |
| Halvorson | Page | Williams,Stutsm'n |
| Haugland | Panko | Wolf |
| Heckman | Peterson,Bottineau | |

Absent and not voting were:

| | | |
|---|---|---|
| Bergesen | Fitch | Sand |
| Bolmeier | Hultstrand | Schimke |
| Byrne | Knutson | Scholl |
| Culver | Myers | Stone |
| Dalzell | Mollet | Tuff |
| Dittmer | Nelson, Cass | Mr. Speaker |

So the bill passed and the title was agreed to and the Emergency Clause was declared carried.

Rep. Morland 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.

## MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, March 3, 1939.

Mr. Speaker: I have the honor to inform you that the Senate has adopted the Conference Committee report on:

House Bill No. 390. A Bill for an Act Reserving to the State of North Dakota All Rights to Minerals, Natural Gas or Oil Which May Be Found or Underlying All Lands Owned by the State of North Dakota or Hereafter Acquired by the State of North Dakota by Foreclosure, Quit Claim Deed or Otherwise; Declaring an Emergency.

Mr. Speaker: I have the honor to inform you that the Senate has adopted the Conference Committee report on:

House Bill No. 8. A Bill for an Act Making an Appropriation for the Purpose of Paying Salary, Clerk Hire, and General Expenses of the State Historical Society.

WM. J. LOWE, Secretary.

Rep. Holm moved that Senate Bill No. 237 be placed at the head of the calendar, which motion prevailed.

Rep. Levin moved that Senate Bill No. 162 be placed at the foot of the calendar, which motion prevailed.

## SECOND READING OF SENATE BILLS

Senate Bill No. 237. A Bill for an Act to Provide for the Creation of the State Equalization Fund; Providing for Its Distribution in the Payment of Costs of Correspondence Work, Costs of Vocational Education, High School Tuition and in the Payment of Direct Aid to School Districts Upon a Teacher-Unit and Per Pupil 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 Reports; Repealing Chapter 227 of the Session Laws of 1937 and 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, 99; nays, 2; absent and not voting, 9.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Halvorson | Peterson, Ransom |
| Anderson, Benson | Haugland | Rait |
| Anderson, M'K'nzie | Heckman | Rettke |
| Anfinson | Hofstrand | Ritter |
| Arneson, Nelson | Holm | Rohde |
| Arneson, Ramsey | Ireland | Saumur |
| Beede | Ista | Schauss |
| Belzer | Jensen | Schmidt, McHenry |
| Benno | Johnson, Cass | Schmidt, Sheridan |
| Bergesen | Johnson, LaMoure | Schimke |
| Billigmeier | Joiner | Scholl |
| Bingenheimer | Keller | Schwartz |
| Blair | Lange | Sellens |
| Boulden | Larson | Semerad |
| Braun, McLean | Levin | Severson |
| Braun, Stark | Lunde | Sharpe |
| Brown | McInnes | Shure |
| Buchholz | McIntee | Singleton |
| Byrne | McIntyre | Solberg |
| Crockett | Myers | Stone |
| Dalzell | Mittag | Stormon |
| Dike | Moe | Symington |
| Dittmer | Morland | Thompson, Burl'gh |
| Erickson | Nelson, Dickey | Trydahl |
| Feton | Nelson, Steele | Tuff |
| Fitch | Nystrom | Twichell |
| Fletcher | O'Brien | Urschel |
| Fraser | Odegard | Wambheim |
| Fuglestad | Oglesby | Westby |
| Gainor | Ostgulen | Williams, Richland |
| Glas | Page | Williams, Stutsm'n |
| Gray | Panko | Wolf |
| Haag | Peterson, Bottineau | Mr. Speaker |

Those voting in the negative were:

| | |
|---|---|
| Skartvedt | Thompson, Steele |

Absent and not voting:

| | | |
|---|---|---|
| Bolmeier | Hultstrand | Mollet |
| Culver | Kluver | Nelson, Cass |
| Holthusen | Knutson | Sand |

So the bill passed and the title was agreed to.

Rep. Brown moved that the vote by which Senate Bill No. 237 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

## MESSAGE TO THE SENATE

House of Representatives,
Bismarck, March 3, 1939.

Mr. President: I have the honor to return:

Senate Bill No. 198. A Bill for an Act to Amend and Reenact Section 1218 of the Supplement to the Compiled Laws for 1913, of the State of North Dakota, and Relating to the Report of the Treasurer in Common School Districts; and Repealing All Acts or Parts of Acts in Conflict Therewith.

Senate Bill No. 170. A Bill for an Act to Amend Section 4073a of the 1925 Supplement to the Compiled Laws of North Dakota for 1913; and Declaring an Emergency.

Which the House has passed unchanged.

MINNIE D. CRAIG, Chief Clerk.

## SECOND READING OF SENATE BILLS

Senate Bill No. 4. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, 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, 96; nays, 0; absent and not voting, 14.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Haugland | Peterson,Bottineau |
| Anderson,M'K'nzie | Heckman | Peterson, Ransom |
| Anderson, Benson | Hofstrand | Rait |
| Anfinson | Holm | Rettke |
| Arneson, Nelson | Holthusen | Ritter |
| Arneson, Ramsey | Ireland | Rohde |
| Beede | Ista | Saumur |
| Belzer | Johnson, Cass | Schauss |
| Benno | Johnson, LaMoure | Schmidt, McHenry |
| Billigmeier | Joiner | Schmidt, Sheridan |
| Bingenheimer | Keller | Schwartz |
| Blair | Kluver | Sellens |
| Bolmeier | Lange | Semerad |
| Boulden | Larson | Severson |
| Braun, McLean | Levin | Sharpe |
| Braun, Stark | Lunde | Shure |
| Brown | McInnes | Singleton |
| Buchholz | McIntee | Skartvedt |
| Crockett | McIntyre | Solberg |
| Dalzell | Myers | Stone |
| Dike | Mittag | Stormon |
| Erickson | Moe | Symington |
| Feton | Morland | Thompson,Burl'gh |
| Fitch | Nelson, Dickey | Thompson, Steele |

| | | |
|---|---|---|
| Fletcher | Nelson, Steele | Trydahl |
| Fraser | Nystrom | Twichell |
| Fuglestad | O'Brien | Urschel |
| Gainor | Odegard | Wambheim |
| Glas | Oglesby | Westby |
| Gray | Ostgulen | Williams,Richland |
| Haag | Page | Williams,Stutsm'n |
| Halvorson | Panko | Wolf |

Absent and not voting:

| | | |
|---|---|---|
| Bergesen | Jensen | Schimke |
| Byrne | Knutson | Scholl |
| Culver | Mollet | Tuff |
| Dittmer | Nelson, Cass | Mr. Speaker |
| Hultstrand | Sand | |

So the bill passed and the title was agreed to.

Rep. Westby moved that the vote by which Senate Bill No. 4 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 3. 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, as amended, the roll was called and there were ayes, 95; nays, 0; absent and not voting, 15.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Heckman | Peterson,Bottineau |
| Anderson, Benson | Hofstrand | Peterson, Ransom |
| Anderson,M'K'nzie | Holm | Rait |
| Anfinson | Holthusen | Rettke |
| Arneson, Nelson | Ireland | Ritter |
| Arneson, Ramsey | Ista | Rohde |
| Beede | Jensen | Saumur |
| Belzer | Johnson, Cass | Schauss |
| Benno | Johnson, LaMoure | Schmidt, McHenry |
| Billigmeier | Joiner | Schmidt, Sheridan |
| Bingenheimer | Keller | Schwartz |
| Blair | Kluver | Sellens |
| Boulden | Lange | Semerad |
| Braun, McLean | Larson | Severson |
| Braun, Stark | Levin | Sharpe |
| Brown | Lunde | Shure |
| Buchholz | McInnes | Singleton |
| Crockett | McIntee | Skartvedt |
| Dalzell | McIntyre | Solberg |
| Dike | Myers | Stone |
| Erickson | Mittag | Stormon |
| Feton | Moe | Symington |
| Fitch | Morland | Thompson, Steele |
| Fletcher | Nelson, Dickey | Trydahl |
| Fraser | Nelson, Steele | Twichell |
| Fuglestad | Nystrom | Urschel |
| Gainor | O'Brien | Wambheim |

| | | |
|---|---|---|
| Glas | Odegard | Westby |
| Gray | Oglesby | Williams,Richland |
| Haag | Ostgulen | Williams,Stutsm'n |
| Halvorson | Page | Wolf |
| Haugland | Panko | |

Absent and not voting:

| | | |
|---|---|---|
| Bergesen | Hultstrand | Schimke |
| Bolmeier | Knutson | Scholl |
| Byrne | Mollet | Thompson,Burl'gh |
| Culver | Nelson, Cass | Tuff |
| Dittmer | Sand | Mr. Speaker |

So the bill passed and the title was agreed to.

Rep. Morland moved that the vote by which Senate Bill No. 3 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 2. 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, 96; nays, 0; absent and not voting, 14.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Heckman | Peterson,Bottineau |
| Anderson, Benson | Hofstrand | Peterson, Ransom |
| Anderson,M'K'nzie | Holm | Rait |
| Anfinson | Holthusen | Rettke |
| Arneson, Nelson | Ireland | Ritter |
| Arneson, Ramsey | Ista | Rohde |
| Beede | Jensen | Saumur |
| Belzer | Johnson, Cass | Schauss |
| Benno | Johnson, LaMoure | Schmidt, McHenry |
| Billigmeier | Joiner | Schmidt, Sheridan |
| Bingenheimer | Keller | Scholl |
| Blair | Kluver | Schwartz |
| Boulden | Lange | Sellens |
| Braun, McLean | Larson | Semerad |
| Braun, Stark | Levin | Severson |
| Brown | Lunde | Sharpe |
| Buchholz | McInnes | Shure |
| Crockett | McIntee | Singleton |
| Dalzell | McIntyre | Skartvedt |
| Dike | Myers | Solberg |
| Erickson | Mittag | Stone |
| Feton | Moe | Stormon |
| Fitch | Morland | Symington |
| Fletcher | Nelson, Dickey | Thompson, Steele |
| Fraser | Nelson, Steele | Trydahl |
| Fuglestad | Nystrom | Twichell |
| Gainor | O'Brien | Urschel |
| Glas | Odegard | Wambheim |
| Gray | Oglesby | Westby |
| Haag | Ostgulen | Williams,Richland |

| | | |
|---|---|---|
| Halvorson | Page | Williams,Stutsm'n |
| Haugland | Panko | Wolf |

Absent and not voting:

| | | |
|---|---|---|
| Bergesen | Hultstrand | Schimke |
| Bolmeier | Knutson | Thompson,Burl'gh |
| Byrne | Mollet | Tuff |
| Culver | Nelson, Cass | Mr. Speaker |
| Dittmer | Sand | |

So the bill passed and the title was agreed to.

Rep. Ritter moved that the vote by which Senate Bill No. 2 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

The Speaker resumed the Chair.

## SECOND READING OF SENATE BILLS

Senate Bill No. 204. A Bill for an Act Permitting County Commissioners to Publish Delinquent Real Estate Tax Sale Notices in the Legal Newspapers of the County, 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, 65; nays, 29; absent and not voting, 16.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Ireland | Saumur |
| Anderson, Benson | Ista | Schmidt, McHenry |
| Arneson, Nelson | Jensen | Schmidt, Sheridan |
| Arneson, Ramsey | Jonnson, Cass | Scholl |
| Belzer | Joiner | Sellens |
| Benno | Keller | Semerad |
| Billigmeier | Lange | Shure |
| Bingenheimer | Larson | Singleton |
| Boulden | Levin | Solberg |
| Braun, Stark | Lunde | Stone |
| Byrne | McInnes | Stormon |
| Crockett | Moe | Symington |
| Dalzell | Morland | Thompson,Burl'gh |
| Dike | Nelson, Steele | Thompson, Steele |
| Erickson | Nystrom | Trydahl |
| Feton | O'Brien | Urschel |
| Fletcher | Oglesby | Wambheim |
| Fraser | Ostgulen | Westby |
| Gainor | Page | Williams,Stutsm'n |
| Glas | Peterson, Ransom | Wolf |
| Haugland | Ritter | Mr. Speaker |
| Holm | Rohde | |

Those voting in the negative were:

| | | |
|---|---|---|
| Anderson,M'K'nzie | Halvorson | Odegard |
| Anfinson | Heckman | Panko |
| Blair | Hofstrand | Rait |
| Braun, McLean | Johnson, LaMoure | Rettke |
| Brown | Kluver | Schwartz |
| Buchholz | McIntee | Severson |

| | | |
|---|---|---|
| **Fitch** | **McIntyre** | **Sharpe** |
| **Fuglestad** | **Myers** | **Twichell** |
| **Gray** | **Mittag** | **Williams,Richland** |
| **Haag** | Nelson, Dickey | |

Absent and not voting:

| | | |
|---|---|---|
| **Beede** | **Hultstrand** | **Sand** |
| **Bergesen** | **Knutson** | **Schauss** |
| **Bolmeier** | **Mollet** | **Schimke** |
| **Culver** | Nelson, Cass | **Skartvedt** |
| **Dittmer** | **Peterson,Bottineau** | **Tuff** |
| **Holthusen** | | |

So the bill was declared lost for lack of a constitutional majority of 76.

## MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, March 3, 1939.

Mr. Speaker: I have the honor to return:

Senate Bill No. 213. A Bill for an Act to Amend and Reenact Sections 3, 4, 12, 15, 26 and 27, of Chapter 157, of the Laws of 1927, and Section 1, of Chapter 137, of the Laws of 1937, Relating to the Occupation of Hairdressers and Cosmetologists, the Conduct of Schools for Hairdressing and Cosmetology, the Qualification of Applicants for Examinations, Certificates, and Making Provisions for the Payment of Fees in Connection Therewith.

Which the House requested.

Mr Speaker: I have the honor to return:

House Bill No. 285. A Bill for an Act to Amend Chapter 138 Session Laws of 1937, State of North Dakota, Relating to Secondary and Feeder Roads by Adding an Additional Section Designated as Section 3, Relating to Designation of a Secondary Highway System and Authorizing the State Highway Commissioner to Designate Highways in Such System; and Declaring an Emergency.

Which the Senate has amended as follows:

Page 1, line 8, after the word "appropriation," insert the following:

"Provided, however, that in designating such system there shall be transferred from the present primary state highway system approximately 2,000 miles which are low in standard of improvement and traffic service and which will be released from maintenance agreement or agreements with the Federal Government; provided, further, that no mileage on the present primary state highway system shall be placed on feeder road system without the consent of the Board of County Commissioners of the County in which the road lies."

WM. J. LOWE, Secretary.

Rep. Crockett requested that the House be on the Seventh Order of Business, which request was granted.

Rep. Crockett moved that action taken on Senate Bill No. 213 be reconsidered, which motion was lost.

The House continued on the Twelfth Order of Business.

Rep. Skartvedt moved that the House do not concur in the Senate amendments to House Bill No. 285 and that a new Conference Committee be appointed.

Rep. Boulden moved a substitute motion that the House do concur in the Senate amendments to House Bill No. 285, which motion was lost.

The question being on the original motion of Rep. Skartvedt that the House do not concur in the Senate amendments to House Bill No. 285 and that a Conference Committee be appointed, the motion prevailed and the Speaker appointed on that committee Representatives:

S. R. Skartvedt
R. G. Beede
Leonas Myers.

## MESSAGE FROM THE HOUSE

House of Representatives,
Bismarck, March 3, 1939.

Mr. Speaker: I have the honor to return:

Senate Bill No. 4. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Items for the Grafton State School at Grafton, North Dakota.

Senate Bill No. 3. 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.

Senate Bill No. 2. 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 House has passed unchanged.

MINNIE D. CRAIG, Chief Clerk.

The House reverted to the Sixth Order of Business.

The Conference Committee report on House Bill No. 45 was read from the desk.

Rep. Schimke moved that the report be sent back to the Conference Committee for correction, which motion prevailed.

Rep. Scholl moved that the House be on the Eighth Order of Business and when that order of business is complete the House rest subject to the call of the Chair, which motion prevailed.

Without objection the House proceeded on the Fourteenth Order of Business.

Rep. Jensen was called to the Chair.

## SECOND READING OF SENATE BILLS

Senate Bill No. 253. A Bill for an Act Making an Appropriation for the Purpose of Defraying the Expense of the Maintenance and Operation of the State of North Dakota Doing Business as the North Dakota Mill and Elevator Association.

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, 78; nays, 24; absent and not voting, 8.

Those voting in the affirmative were:

| | | |
|---|---|---|
| **Adam** | **Haag** | **Odegard** |

| | | |
|---|---|---|
| Anderson, Benson | Halvorson | Ostgulen |
| Anderson,M'K'nzie | Haugland | Panko |
| Anfinson | Heckman | Peterson,Bottineau |
| Beede | Hofstrand | Rait |
| Belzer | Ireland | Rettke |
| Benno | Ista | Ritter |
| Bergesen | Jensen | Rohde |
| Billigmeier | Johnson, LaMoure | Sand |
| Bingenheimer | Joiner | Saumur |
| Boulden | Keller | Schauss |
| Braun, McLean | Kluver | Schmidt, McHenry |
| Braun, Stark | Knutson | Schmidt, Sheridan |
| Brown | Lange | Schimke |
| Buchholz | Larson | Scholl |
| Byrne | Levin | Schwartz |
| Crockett | Lunde | Semerad |
| Dalzell | McInnes | Shure |
| Dike | McIntee | Singleton |
| Dittmer | McIntyre | Solberg |
| Erickson | Myers | Trydahl |
| Fitch | Mittag | Urschel |
| Fletcher | Morland | Williams,Richland |
| Fraser | Nelson, Dickey | Williams,Stutsm'n |
| Glas | Nystrom | Wolf |
| Gray | O'Brien | Mr. Speaker |

Those voting in the negative were:

| | | |
|---|---|---|
| Arneson, Nelson | Johnson, Cass | Skartvedt |
| Arneson, Ramsey | Moe | Stone |
| Blair | Oglesby | Stormon |
| Feton | Page | Symington |
| Fuglestad | Peterson, Ransom | Thompson,Burl'gh |
| Gainor | Sellens | Thompson, Steele |
| Holm | Severson | Wambheim |
| Holthusen | Sharpe | Westby |

Absent and not voting:

| | | |
|---|---|---|
| Bolmeier | Mollet | Tuff |
| Culver | Nelson, Cass | Twichell |
| Hultstrand | Nelson, Steele | |

So the bill passed and the title was agreed to.

## MESSAGE TO THE SENATE

House of Representatives,
Bismarck, March 3, 1939.

Mr. President: I have the honor to return:

Senate Bill No. 237. A Bill for an Act to Provide for the Creation of the State Equalization Fund; Providing for Its Distribution in the Payment of Costs of Correspondence Work, Costs of Vocational Education, High School Tuition and in the Payment of Direct Aid to School Districts Upon a Teacher-Unit and Per Pupil 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 Reports; Repealing Chapter 227 of the Session Laws of 1937 and All Acts or Parts of Acts in Conflict Therewith.

Which the House has amended.

Mr. President: I have the honor to inform you that the House has refused to concur in the Senate amendment to:

House Bill No. 285. A Bill for an Act to Amend Chapter 138 Session Laws of 1937, State of North Dakota, Relating to Secondary and Feeder Roads by Adding An Additional Section Designated as Section 3, Relating to Designation of a Secondary Highway System and Authorizing the State Highway Commissioner to Designate Highways in Such System; and Declaring an Emergency.

And the Speaker has appointed as a Conference Committee to act with a like committee from the Senate, Representatives:

S. K. Skartvedt,
R. G. Beede,
Leonas Myers.

Mr. President: I have the honor to inform you that the House has not adopted the Conference Committee report on:

House Bill No. 45. A Bill for an Act Making an Appropriation Out of the Motor Patrol Fund in the State Treasury, for the Operation, Maintenance, Equipment, Supplies, Outfitting of Patrolmen, Travel and Miscellaneous Expenses for the Motor Patrol Branch.

And have asked the same Conference Committee to act with the like committee from the Senate regarding one item in the amendments.

MINNIE D. CRAIG, Chief Clerk.

Speaker Hagen requested that the House be on the Seventh Order of Business, which request was granted.

Speaker Hagen moved that action taken on Senate Bill No. 213 be reconsidered, which motion prevailed.

Speaker Hagen moved that the rules be suspended and that Senate Bill No. 213 be placed on Second Reading and Final Passage, which motion prevailed.

## SECOND READING OF SENATE BILLS

Senate Bill No. 213. A Bill for an Act to Amend and Reenact Sections 3, 4, 12, 15, 26 and 27, of Chapter 157, of the Laws of 1927, and Section 1, of Chapter 137, of the Laws of 1937, Relating to the Occupation of Hairdressers and Cosmetologists, the Conduct of Schools for Hairdressing and Cosmetology, the Qualification of Applicants for Examinations, Certificates, and Making Provisions for the Payment of Fees in Connection 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, 69; nays, 25; absent and not voting, 16.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Haugland | Ritter |
| Anderson,M'K'nzie | Heckman | Sand |
| Anfinson | Holm | Saumur |
| Arneson, Nelson | Holthusen | Schauss |
| Belzer | Ireland | Schmidt, McHenry |
| Benno | Ista | Schmidt, Sheridan |
| Bergesen | Jensen | Schimke |
| Billigmeier | Johnson, Cass | Scholl |
| Blair | Johnson, LaMoure | Schwartz |

| | | |
|---|---|---|
| Brown | Kluver | Sellens |
| Buchholz | Knutson | Singleton |
| Byrne | Larson | Skartvedt |
| Crockett | McIntee | Solberg |
| Dalzell | McIntyre | Symington |
| Dike | Mittag | Thompson,Burl'gh |
| Dittmer | Nelson, Dickey | Trydahl |
| Erickson | Nelson, Steele | Twichell |
| Fitch | O'Brien | Urschel |
| Fletcher | Ostgulen | Westby |
| Fraser | Page | Williams,Richland |
| Glas | Panko | Williams,Stutsm'n |
| Gray | Rait | Wolf |
| Haag | Rettke | Mr. Speaker |

Those voting in the negative were:

| | | |
|---|---|---|
| Arneson, Ramsey | Keller | Oglesby |
| Bingenheimer | Lange | Peterson,Bottineau |
| Boulden | Lunde | Peterson, Ransom |
| Braun, McLean | McInnes | Semerad |
| Feton | Moe | Severson |
| Fuglestad | Morland | Sharpe |
| Gainor | Nystrom | Stormon |
| Halvorson | Odegard | Wambheim |
| Joiner | | |

Absent and not voting:

| | | |
|---|---|---|
| Anderson, Benson | Hultstrand | Rohde |
| Beede | Levin | Shure |
| Bolmeier | Myers | Stone |
| Braun, Stark | Mollet | Thompson, Steele |
| Culver | Nelson, Cass | Tuff |
| Hofstrand | | |

So the bill passed and the title was agreed to.

Rep. Twichell moved that the vote by which Senate Bill No. 213 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Rep. Crockett moved that the House be on the Seventh Order of Business, which request was granted.

Rep. Crockett moved that action taken on Senate Bill No. 244 be reconsidered.

Rep. Fugelstad moved that the motion of Rep. Crockett for reconsideration of Senate Bill No. 244 be laid on the table, which motion was lost.

The question being on the motion of Rep. Crockett for reconsideration of action taken on Senate Bill No. 244 request for a roll call was demanded and granted.

A call of the House was demanded and granted.

The Chief Clerk called the roll and ascertained that seven members were absent.

Rep. Schimke requested that the call of the House be dispensed with, which request was granted.

ROLL CALL

The question being on the motion of Rep. Crockett for reconsideration of action taken on Senate Bill No. 244 the roll

was called and there were ayes, 34; nays, 68; absent and not voting, 8.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Fraser | Rettke |
| Anderson, Benson | Glas | Ritter |
| Anderson,M'K'nzie | Gray | Rohde |
| Anfinson | Haag | Sand |
| Billigmeier | Knutson | Schauss |
| Bingenheimer | Levin | Schmidt, Sheridan |
| Braun, McLean | McIntee | Schimke |
| Buchholz | McIntyre | Scholl |
| Byrne | Myers | Tuff |
| Crockett | Peterson,Bottineau | Urschel |
| Erickson | Rait | Wolf |
| Fletcher | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Arneson, Nelson | Jensen | Saumur |
| Arneson, Ramsey | Johnson, Cass | Schmidt, McHenry |
| Beede | Johnson, LaMoure | Schwartz |
| Belzer | Joiner | Sellens |
| Benno | Keller | Semerad |
| Bergesen | Kluver | Severson |
| Blair | Lange | Sharpe |
| Boulden | Larson | Shure |
| Braun, Stark | Lunde | Singleton |
| Brown | McInnes | Skartvedt |
| Dalzell | Mittag | Solberg |
| Dike | Moe | Stone |
| Feton | Morland | Stormon |
| Fuglestad | Nelson, Cass | Symington |
| Gainor | Nelson, Steele | Thompson,Burl'gh |
| Halvorson | Nystrom | Thompson, Steele |
| Haugland | O'Brien | Trydahl |
| Heckman | Odegard | Twichell |
| Hofstrand | Ostgulen | Wambheim |
| Holm | Oglesby | Westby |
| Holthusen | Page | Williams,Richland |
| Ireland | Panko | Williams,Stutsm'n |
| Ista | Peterson, Ransom | |

Absent and not voting:

| | | |
|---|---|---|
| Bolmeier | Fitch | Nelson, Dickey |
| Culver | Hultstrand | Mr. Speaker |
| Dittmer | Mollet | |

So the motion to reconsider the action taken on Senate Bill No. 244 was lost.

Rep. Stone moved that the vote by which the motion for reconsideration of Senate Bill No. 244 was lost be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

## MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, March 3, 1939.

Mr. Speaker: I have the honor to inform you that the President has appointed as a Conference Committee to act with a like committee from the House, Senators:

J. W. Guthrie
Gust Wog
Ben Gilbertson.
Relative to:

House Bill No. 285. A Bill for an Act to Amend Chapter 138 Session Laws of 1937, State of North Dakota, Relating to Secondary and Feeder Roads by Adding An Additional Section Designated as Section 3, Relating to Designation of a Secondary Highway System and Authorizing the State Highway Commissioner to Designate Highways in Such System; and Declaring an Emergency.

Mr. Speaker: I have the honor to inform you that the Senate has adopted the Conference Committee report on:

House Bill No. 45. A Bill for an Act Making an Appropriation Out of the Motor Patrol Fund in the State Treasury, for the Operation, Maintenance, Equipment, Supplies, Outfitting of Patrolmen, Travel and Miscellaneous Expenses for the Motor Patrol Branch.

WM. J. LOWE, Secretary.

## MESSAGE TO THE SENATE

House of Representatives,
Bismarck, March 3, 1939.

Mr. President: I have the honor to return:

Senate Bill No. 253. A Bill for an Act Making an Appropriation for the Purpose of Defraying the Expense of the Maintenance and Operation of the State of North Dakota Doing Business as the North Dakota Mill and Elevator Association.

Senate Bill No. 213. A Bill for an Act to Amend and Reenact Sections 3, 4, 12, 15, 26 and 27, of Chapter 157, of the Laws of 1927, and Section 1, of Chapter 137, of the Laws of 1937, Relating to the Occupation of Hairdressers and Cosmetologists, the Conduct of Schools for Hairdressing and Cosmetology, the Qualification of Applicants for Examinations, Certificates, and Making Provisions for the Payment of Fees in Connection Therewith.

Which the House has passed unchanged.

MINNIE D. CRAIG, Chief Clerk.

The House reverted to the Sixth Order of Business.

## 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 and recommend that the House accept the Senate amendments, and in addition thereto strike out line 23 of the engrossed bill.

| For the Senate: | For the House: |
|---|---|
| J. C. Blaisdell, Jr. | Alex Dalzell |
| W. J. Braun | Leonas Myers |
| N. N. Nelson. | E. C. Stone. |

Rep. Dalzell moved that the report be adopted, and the committee be discharged, which motion prevailed, and the report was adopted.

Rep. Morland moved that the rules be suspended and that House Bill No. 45 be considered properly re-engrossed, placed

on Second Reading and Final Passage, which motion prevailed.

SECOND READING OF HOUSE BILLS

House Bill No. 45. A Bill for an Act Making an Appropriation Out of the Motor Patrol Fund in the State Treasury, for the Operation, Maintenance, Equipment, Supplies, Outfitting of Patrolmen, Travel and Miscellaneous Expenses for the Motor Patrol Branch.

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, 81; nays, 18; absent and not voting, 11.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Glas | O'Brien |
| Anderson, Benson | Gray | Odegard |
| Anderson,M'K'nzie | Haag | Page |
| Anfinson | Halvorson | Rait |
| Arneson, Nelson | Haugland | Ritter |
| Arneson, Ramsey | Hofstrand | Saumur |
| Beede | Holm | Schauss |
| Belzer | Holthusen | Schmidt, McHenry |
| Benno | Ireland | Schimke |
| Bergesen | Ista | Scholl |
| Billigmeier | Jensen | Sellens |
| Bingenheimer | Johnson, Cass | Severson |
| Blair | Johnson, LaMoure | Sharpe |
| Boulden | Joiner | Singleton |
| Braun, McLean | Kluver | Solberg |
| Braun, Stark | Knutson | Stormon |
| Brown | Lange | Symington |
| Buchholz | Larson | Thompson, Burl'gh |
| Byrne | Lunde | Thompson, Steele |
| Dalzell | McInnes | Trydahl |
| Dike | McIntee | Tuff |
| Dittmer | McIntyre | Twichell |
| Erickson | Myers | Urschel |
| Fletcher | Morland | Wambheim |
| Fraser | Nelson, Dickey | Westby |
| Fuglestad | Nelson, Steele | Williams, Stutsm'n |
| Gainor | Nystrom | Wolf |

Those voting in the negative were:

| | | |
|---|---|---|
| Crockett | Ostgulen | Sand |
| Feton | Panko | Schmidt, Sheridan |
| Keller | Peterson,Bottineau | Schwartz |
| Mittag | Peterson, Ransom | Semerad |
| Moe | Rettke | Shure |
| Oglesby | Rohde | Williams,Richland |

Absent and not voting:

| | | |
|---|---|---|
| Bolmeier | Hultstrand | Skartvedt |
| Culver | Levin | Stone |
| Fitch | Mollet | Mr. Speaker |
| Heckman | Nelson, Cass | |

So the bill passed and the title was agreed to.

Rep. Byrne moved that the vote by which House Bill No.

45 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Rep. Crockett: "I am going to vote 'no' on this bill because it requires too much money. We could very easily get along without it; and it has not accomplished the purpose for which it was created four years ago. Therefore I vote 'no'."

## MESSAGE TO THE SENATE

House of Representatives,
Bismarck, March 3, 1939.

Mr. President: I have the honor to inform you that the House has adopted the Conference Committee report on:

House Bill No. 45. A Bill for an Act Making an Appropriation Out of the Motor Patrol Fund in the State Treasury, for the Operation, Maintenance, Equipment, Supplies, Outfitting of Patrolmen, Travel and Miscellaneous Expenses for the Motor Patrol Branch.

MINNIE D. CRAIG, Chief Clerk.

## REPORTS OF SELECT COMMITTEES

The Conference Committee on Senate Bill No. 26 made the following report:

Mr. Speaker: Your Conference Committee to whom was referred Senate Bill No. 26, have had the same under consideration and recommend that the Senate concur in the House amendments.

| For the Senate: | For the House: |
|---|---|
| A. W. Fowler, | N. P. Jensen, |
| W. J. Braun, | W. H. Shure, |
| C. S. Aasen. | Bernt Anderson, McKenzie. |

Rep. Wambheim moved that the report be adopted and the Conference Committee discharged, which motion prevailed and the report was adopted.

The Conference Committee on Senate Bill No. 159 made the following report:

Mr. Speaker: Your Conference Committee to whom was referred Senate Bill No. 159, have had the same under consideration and recommend to strike out House amendments to the bill on page 1255 of the House Journal.

| For the Senate: | For the House: |
|---|---|
| James W. Guthrie, | Robt. Gray, |
| Fred J. Fredrickson, | K. A. Fitch, |
| Wm. A. Thatcher. | Jos. D. Byrne. |

Rep. Gray moved that the report be adopted and the committee discharged, which motion prevailed and the report was adopted.

Rep. Bergesen moved that the rules be suspended and that Senate Bill No. 159 be placed on Second Reading and Final Passage as amended by Conference Committee, which motion prevailed.

## SECOND READING OF SENATE BILLS

Senate Bill No. 159. A Bill for an Act to Amend and Reenact Sections 2, 5 and 6, of Chapter 232, of the Session Laws of North Dakota for the Year 1937, Transition Provisions for Simplification, Relating to Base Period and

Benefit Year, and Also to Amend and Re-enact Sections 3, 5, 12, 13 and 14, of Chapter 232, of the Session Laws of North Dakota for the Year 1937, to Comply With That Act of Congress Known as the Railroad Unemployment Insurance Act, and Amending and Re-enacting Section 10, of Chapter 232 of the Session Laws of 1937, Authorizing the United States Government or Social Security Board to Allow the Commissioners of North Dakota Workmen's Compensation Bureau Compensation for Services as Administrative Heads of Unemployment Compensation Division and State Employment Service, 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 by the Conference Committee, the roll was called and there were ayes, 78; nays, 20; absent and not voting, 12.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Gray | Rait |
| Anderson, Benson | Haag | Rettke |
| Anderson,M'K'nzie | Heckman | Ritter |
| Anfinson | Hofstrand | Rohde |
| Arneson, Nelson | Holm | Sand |
| Arneson, Ramsey | Holthusen | Saumur |
| Benno | Ista | Schauss |
| Bergesen | Johnson, LaMoure | Schmidt, Sheridan |
| Billigmeier | Joiner | Schimke |
| Bingenheimer | Lange | Schwartz |
| Blair | Larson | Sellens |
| Boulden | Levin | Severson |
| Braun, McLean | Lunde | Sharpe |
| Braun, Stark | McInnes | Shure |
| Brown | McIntee | Singleton |
| Buchholz | Myers | Skartvedt |
| Byrne | Mittag | Stormon |
| Dike | Morland | Thompson,Burl'gh |
| Erickson | Nelson, Dickey | Trydahl |
| Feton | Nelson, Steele | Tuff |
| Fitch | Nystrom | Twichell |
| Fletcher | O'Brien | Urschel |
| Fraser | Ostgulen | Wambheim |
| Fuglestad | Panko | Westby |
| Gainor | Peterson,Bottineau | Williams,Stutsm'n |
| Glas | Peterson, Ransom | Wolf |

Those voting in the negative were:

| | | |
|---|---|---|
| Beede | Jensen | Schmidt, McHenry |
| Belzer | Keller | Semerad |
| Dalzell | Kluver | Solberg |
| Dittmer | Knutson | Symington |
| Halvorson | McIntyre | Thompson, Steele |
| Haugland | Moe | Williams,Richland |
| Ireland | Oglesby | |

Absent and not voting:

| | | |
|---|---|---|
| Bolmeier | Johnson, Cass | Page |
| Crockett | Mollet | Scholl |
| Culver | Nelson, Cass | Stone |
| Hultstrand | Odegard | Mr. Speaker |

So the bill passed and the title was agreed to, and the emergency clause was declared carried.

Rep. Trydahl moved that the vote by which Senate Bill No. 159 was passed be reconsidered, and the motion to reconsider be laid on the table, which motion prevailed.

## MESSAGE TO THE SENATE

House of Representatives,
Bismarck, March 3, 1939.

Mr. President: I have the honor to inform you that the House has adopted the Conference Committee report on:

Senate Bill No. 26. A Bill for an Act to Impose a Tax on the Storage, Use or Consumption in this State of Tangible Personal Property as Such Terms are Defined Herein: to Provide Certain Exemptions Therefrom; to Provide for the Collection of Such Tax and the Administration of This Act; to Fix Fines and Penalties for the Violation of the Provisions of This Act and Declaring an Emergency.

Senate Bill No. 159. A Bill for an Act to Amend and Re-enact Sections 2, 5 and 6, of Chapter 232, of the Session Laws of North Dakota for the Year 1937, Transition Provisions for Simplification, Relating to Base Period and Benefit Year, and Also to Amend and Re-enact Sections 3, 5, 12, 13 and 14, of Chapter 232, of the Session Laws of North Dakota for the Year 1937, to Comply With That Act of Congress Known as the Railroad Unemployment Insurance Act, and Amending and Re-enacting Section 10, of Chapter 232 of the Session Laws of 1937, Authorizing the United States Government or Social Security Board to Allow the Commissioners of North Dakota Workmen's Compensation Bureau Compensation for Services as Administrative Heads of Unemployment Compensation Division and State Employment Service, Repealing All Acts and Parts of Acts in Conflict Herewith, and Declaring an Emergency.

MINNIE D. CRAIG, Chief Clerk.

## MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, March 3, 1939.

Mr. Speaker: I have the honor to inform you that the Senate has adopted the Conference Committee report on:

Senate Bill No. 26. A Bill for an Act to Impose a Tax on the Storage, Use or Consumption in this State of Tangible Personal Property as Such Terms are Defined Herein: to Provide Certain Exemptions Therefrom; to Provide for the Collection of Such Tax and the Administration of This Act; to Fix Fines and Penalties for the Violation of the Provisions of This Act and Declaring an Emergency.

Mr. Speaker: I have the honor to transmit herewith the following bills:

Senate Bill No. 82. A Bill for an Act to Amend and Re-enact Section Six of Chapter 235 of the Session Laws of the State of North Dakota for the year 1929, Relating to Park District Tax Levies.

Senate Bill No. 281. A Bill for an Act to Amend and Re-enact Section 548a1 of the 1925 Supplement to the Compiled Laws of North Dakota for the Year 1913, Relating to the

Licensing of Pool Halls, Dance Halls, Theatres, Moving Picture Shows, Etc.

Senate Bill No. 258. A Bill for an Act Providing Suspension of Remedies to Enforce or Effectuate Tax Liens, Certificates and Titles Affecting Lands Acquired by the State Treasurer as Trustee for the State of North Dakota Under the Provisions of Sections 2290b9 and 2290c9 of the 1925 Supplement to the 1913 Compiled Laws of North Dakota, and Acts Amendatory Thereof, Providing for Removal of Such Suspension Upon Sale of Said Lands, Providing Authority for Payment of the Original Amounts of General Taxes, and Cancellation of Liens, Certificates and Titles Based Thereon, and Providing for Repeal of All Inconsistent Acts, Including Chapter 290 of the North Dakota Session Laws of 1931, and Declaring an Emergency.

Senate Concurrent Resolution No. 287. A Concurrent Resolution Urging an Investigation by the President of the United States and Congress of the Relief Situation in North Dakota.

Which the President has signed and your signature is respectfully requested.

Mr. Speaker: I have the honor to return herewith the following resolutions:

House Concurrent Resolution No. 404. A Concurrent Resolution Empowering William J. Lowe, Secretary of the Senate, and Minnie D. Craig, Chief Clerk of the House to Complete and Index Senate and House Journals of the Last Days of Session and Providing Compensation Therefor.

House Concurrent Resolution No. 406. Providing for Employment and Compensation to Complete Final Record of All Bills of the 26th Legislative Session.

House Concurrent Resolution No. 407. A Concurrent Resolution to Appropriate $255.00 to Reimburse Members of Hospital Investigation Committee.

House Concurrent Resolution 405. Providing for Continued Employment and Compensation Thereof to Complete Records of Present Legislative Session.

House Concurrent Resolution No. 402. Memorializing Congress to Pass Such Legislation as May Be Necessary to Enable the Federal Government to Purchase Wheat, Corn, Barley, Oats, Spelts, Flax, Cotton, Rye and Other Agricultural Products and to Store Same in Suitable Local Government Terminal Elevators.

House Concurrent Resolution No. 398. A Concurrent Resolution Petitioning Congress to Make Appropriations Ample for the Road Program of the Fort Berthold Reservation.

Which the President has signed.

Mr. Speaker: I have the honor to return herewith the following bills:

House Bill No. 58. A Bill for an Act Making an Appropriation to the State Historical Society for the Purchase of Materials and Supplies to be Used in the Reconstruction of Fort Abercrombie; and Declaring an Emergency.

House Bill No. 143. A Bill for an Act Making a Deficiency Emergency Appropriation for Relief of Destitute and Necessitous Persons of the State of North Dakota for the Months

of March, April, May and June, 1939, as Provided by Chapter 214 of the Session Laws of 1937, Declaring an Emergency.

House Bill No. 160. 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.

House Bill No. 18. A Bill for an Act Making an Appropriation for St. John's Orphanage of Fargo, North Dakota, Providing the Mehods of Expenditure and Audit Thereof; Supervision and Inspection Therefor.

House Bill No. 16. 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.

House Bill No. 15. 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.

House Bill No. 307. A Bill for an Act to Amend and Reenact Chapter 167 of the 1935 Session Laws, Providing for the Procuring of Coal Mine Licenses From the State Coal Mine Inspector, the Payment of Moneys Collected Into the General Treasury of the State of North Dakota, and Appropriating Therefrom Moneys to be Paid Into the Coal Mining Safety Fund, Providing for the Keeping and Furnishing by Coal Mine Operators of Such Records and Statistics and the Reporting Thereof to the State Coal Mine Inspector, Giving the State Coal Mine Inspector Power to Revoke Licenses and Enjoin the Operation of Unlicensed Mines, Providing for an Appeal to the District Court From Such Order of Revocation, Providing a Penalty for Failure to Comply With the Law.

Which the President has signed.

Mr. Speaker: I have the honor to return herewith the following bills:

House Bill No. 332. A Bill for an Act to Extend the Powers of Credit Unions Organized Under Chapter 108 of the 1935 Session Laws, as Amended by Chapter 113 and 114 of the 1937 Session Laws, and Providing for the Creation of a Permanent Fund; Prescribing How Obtainable, Its Limits, Ownership, Uses, to Whom Obtainable and Other Procedure Thereunder.

House Bill No. 359. A Bill for an Act to Amend and Reenact Section 189b3, 189b5, 189b9, 189b14 and 189b15 of Chapter 137 of the Session Laws of North Dakota for 1933, Relating to State Hail Insurance, Providing for the Manner of Taking Applications Therefor; Defining Duty of Hail Inspectors, Adjustors and County Auditors; Repealing Acts in Conflict Herewith, and Declaring an Emergency.

House Bill No. 62. A Bill for an Act to Provide for the Reimbursement of Owners of Cattle Destroyed by Order of the North Dakota Livestock Sanitary Board on Account of Being Affected With Bang's Disease and to Pay Expenses in Connection Therewith, Limiting the Liability of the State of North Dakota, and Declaring an Emergency.

House Bill No. 370. A Bill for an Act to Amend and Re-

enact Section 3684a3 of the Supplement to the Compiled Laws of North Dakota for 1913 and Requiring the Filing of Final Budgets and Annual Tax Levies.

House Bill No. 10. A Bill for an Act Making an Appropriation for the Purpose of Paying Salary, Clerkhire, and General Expenses of the Department of Public Health.

House Bill No. 17. 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.

Which the President has signed.

Mr. Speaker: I have the honor to return herewith the following bills:

House Bill No. 362. A Bill for an Act Amending and Reenacting Section 5099c8 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913 Relating to the Duties of Child Placement Agencies.

House Bill No. 341. A Bill For an Act Assessing and Levying From April 1, 1939 to July 1, 1941 on All Licensed Dealers of Motor Vehicle Fuels, a Special License Tax of One Cent Per Gallon of Motor Vehicle Fuels Used or Sold by Them in Addition to All Other Taxes Now Imposed Upon Them, Appropriating the Proceeds of Such Special Tax to the State Highway Fund For Specific Purposes, Making All Provisions of Initiated Measures Approved June 30, 1926, and Known as the "Motor Vehicle Fuel Tax Law," Other Than Division of Proceeds Between the State and Counties and For Costs of Administration and Collection, Applicable to Said Special License Tax and Declaring an Emergency.

House Bill No. 151. A Bill for an Act Providing for the Transfer of Certain School Lands Situated in the Lewis and Clark Irrigation District of McKenzie County, North Dakota, to the State of North Dakota to be Used in Connection With the Experiment Station, Established at Williston, North Dakota, Pursuant to the Provisions of Section 1629 of the Compiled Laws of 1913, for the Purpose of Establishing, Maintaining and Operating Thereon an Irrigation Demonstration and Experiment Farm; Providing for an Appropriation to Reimburse the Permanent School Fund of the State, Providing for an Exchange of Such Lands for Other Lands More Suitably Situated; and Declaring an Emergency.

House Bill No. 37. A Bill for an Act Making an Appropriation for the State Employment Service Provided for in Section 13 and Section 14b, Chapter 232, Session Laws of 1937, in Co-operation with the Social Security Act of Congress.

House Bill No. 3. A Bill for an Act Making an Appropriation for the Per Diem, Salaries and General Expenses of the State Livestock Sanitary Board.

House Bill No. 11. A Bill for an Act Making an Appropriation for the Purpose of Paying Salary, Clerkhire and General Expenses of the Public Health Laboratories.

Which the President has signed.

Mr. Speaker: I have the honor to return herewith the following bills:

House Bill No. 32. A Bill for an Act Making an Appropriation Into the Administration Fund for General Adminis-

trative and Operative Expenses of the Water Conservation Commission, According to Chapter 255, Session Laws of 1937 and Section 31, Thereof, Providing for Reimbursement and Providing for Validity.

House Bill No. 175. A Bill for an Act to Provide Revenue by Means of a Transaction Tax Upon Sales of Certain Alcoholic Beverages by Licensed Wholesale Liquor Dealers; Authorizing the State Treasurer to Prescribe Rules and Regulations for the Collection Thereof; Prescribing the Method of Payment of the Tax to, and Collections by, the State Treasurer, and Providing Penalty.

House Bill No. 194. 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, 1938. Permitting Payments in Ten Installments. Providing Manner of Payments. Suspending Operation of Law and Collection of Delinquent Taxes. Permitting Suit by Civil Action and Declaring an Emergency.

House Bill No. 105. A Bill for an Act Creating a Division of Co-operatives in the Department of Agriculture and Labor, and Prescribing Its Functions; Creating and Establishing the Office of Director of Said Division and Prescribing His Duties; and Making an Appropriation Therefor.

House Bill No. 377. A Bill for an Act to Provide for the Licensing of Bee-Keepers and for Apiaries; for Issuance of License; for an Appropriation; for Penalties and Declaring an Emergency.

House Bill No. 302. A Bill for an Act to Amend Sections 1, 3 and 15 of Chapter 164, of the Session Laws of North Dakota for the Year 1933, and Acts Amendatory Thereof and Supplementary Thereto; Defining and Classifying Agriculture Carriers and Providing for Their Licensing, Regulations and Exemption; and Providing for the Enforcement of the Provisions of This Act, and for Penalties for the Violation Thereof; and Declaring an Emergency.

Which the President has signed.

Mr. Speaker: I have the honor to return herewith the following bills:

House Bill No. 19. 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.

House Bill No. 306. A Bill for an Act to Amend and Reenact Section 2 of Chapter 5 of the 1937 Session Laws.

House Bill No. 279. A Bill for an Act to Amend and Reenact Subdivisions (a) and Section 19 of Chapter 179 of the 1927 Session Laws as Amended by Section 6 of Chapter 160 of the 1933 Session Laws; Providing for the Registration of Motor Vehicles, Registration Fees for Motor Vehicles Except Trucks and Busses, and When All Motor Vehicle Fees Shall Become Delinquent, and Penalties Therefor; and Repealing all Acts and Parts of Acts in Conflict Herewith.

House Bill No. 5. A Bill for an Act Making an Appropriation for the Purpose of Testing and Indemnifying Own-

ers of Animals Infected With Bovine Tuberculosis and to Pay Expenses in Connection Therewith, and Declaring an Emergency.

House Bill No. 149. A Bill for an Act Providing for a Transfer of Certain School Land Situated in Slope County, North Dakota, to the Game and Fish Commission of the State of North Dakota, in Co-operation With an Act of Congress to Provide That the United States Shall Aid the State in Wild-Life Restoration Projects, and for Other Purposes to Be Used and Maintained Under the Direction of the Game and Fish Commission to Aid in Wild-Life Restoration in the State of North Dakota, and Providing for an Appropriation to Reimburse the Permanent School Fund of the State of North Dakota; and Declaring an Emergency.

House Bill No. 9. A Bill for an Act Making an Appropriation for Acquiring and Maintaining State Parks as Provided for in Chapter 216, Session Laws of 1935.

Which the President has signed.

Mr. Speaker: I have the honor to return herewith the following bills:

House Bill No. 12. A Bill for an Act Making an Appropriation for the Purpose of Paying Salaries, Clerkhire and General Expenses of the Division of Child Hygiene.

House Bill No. 163. A Bill for an Act Making an Appropriation to the State Historical Society for the Purchase of Materials and Supplies to be Used in the Reconstruction of Fort Union and Fort Buford.

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 Institutions of Higher Learning of the State of North Dakota, and Providing for Offsets for Federal Aid Granted to said Institutions and the Sub-divisions Thereof.

House Bill No.' 43. 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.

House Bill No. 33. A Bill for an Act to Provide for the Payment of the Expenses of Auditing and Examining the Affairs of the State Industrial Institutions, and the Special Departments and Its Sub-divisions, of the State of North Dakota, Designating and Appropriating the Funds from Which Paid; Providing for the Payment of Said Collection Into the Special Fund in the State Treasury; Providing for Repeal of Acts.

House Bill No. 20. 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, Providing the Methods of Expenditure and Audit Thereof; Supervision and Inspection Therefor.

Which the President has signed.

WM. J. LOWE, Secretary.

The Conference Committee report on Senate Bill No. 40 was read from the desk.

Rep. Twichell moved that the Conference Committee report

be sent back to the Senate for correction, which motion prevailed.

The House continued on the Fourteenth Order of Business.

SECOND READING OF SENATE BILLS

Senate Bill No. 276. A Bill for an Act to Amend and Reenact Section 6, of Chapter 244, of the Session Laws of 1937, Relating to Liens and Assignments Acquired in Proceedings for the Collection of Rents to Be Applied on Real Estate Taxes; Providing for Priority of Liens Acquired by the United States Government or Any Agency Thereof, and Repealing All Acts in Conflict Herewith; 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, 69; nays, 25; absent and not voting, 16.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Holthusen | Peterson, Ransom |
| Anderson,M'K'nzie | Ireland | Rettke |
| Anfinson | Jensen | Rohde |
| Arneson, Nelson | Johnson, Cass | Sand |
| Arneson, Ramsey | Johnson, LaMoure | Saumur |
| Beede | Keller | Schauss |
| Belzer | Kluver | Schmidt, Sheridan |
| Benno | Lange | Schwartz |
| Bergesen | Larson | Severson |
| Billigmeier | Levin | Sharpe |
| Blair | Lunde | Shure |
| Boulden | McInnes | Singleton |
| Brown | McIntyre | Skartvedt |
| Byrne | Moe | Solberg |
| Dalzell | Morland | Stormon |
| Dike | Nelson, Dickey | Thompson,Burl'gh |
| Dittmer | Nelson, Steele | Thompson, Steele |
| Erickson | Nystrom | Trydahl |
| Feton | O'Brien | Twichell |
| Fletcher | Odegard | Urschel |
| Gainor | Oglesby | Wambheim |
| Gray | Ostgulen | Williams,Stutsm'n |
| Holm | Page | Wolf |

Those voting in the negative were:

| | | |
|---|---|---|
| Bingenheimer | Hofstrand | Ritter |
| Braun, Stark | Ista | Schmidt, McHenry |
| Buchholz | Joiner | Schimke |
| Fraser | McIntee | Scholl |
| Fuglestad | Myers | Semerad |
| Glas | Panko | Symington |
| Haag | Peterson,Bottineau | Tuff |
| Halvorson | Rait | Williams,Richland |
| Haugland | | |

Absent and not voting:

| | | |
|---|---|---|
| Anderson, Benson | Heckman | Nelson, Cass |
| Bolmeier | Hultstrand | Sellens |
| Braun, McLean | Knutson | Stone |
| Crockett | Mittag | Westby |

**Culver** **Mollet** **Mr. Speaker**
**Fitch**

So the bill passed and the title was agreed to, and the emergency clause was declared carried.

Rep. Page moved that the vote by which Senate Bill No. 276 was passed be reconsidered, and the motion to reconsider be laid on the table, which motion prevailed.

## MESSAGES FROM THE SENATE

Senate Chamber,
Bismarck, March 3, 1939.

Mr. Speaker: I have the honor to inform you that the President has appointed as a Conference Committee to act with a like committee from the House, Senators:

F. G. Aandahl
J. W. Guthrie
R. A. Owings.

Relative to:

Senate Bill No. 237. A Bill for an Act to Provide for the Creation of the State Equalization Fund; Providing for Its Distribution in the Payment of Costs of Correspondence Work, Costs of Vocational Education, High School Tuition and in the Payment of Direct Aid to School Districts Upon a Teacher-Unit and Per Pupil 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 Reports; Repealing Chapter 227 of the Session Laws of 1937 and All Acts or Parts of Acts in Conflict Therewith.

Senate Bill No. 239. A Bill for an Act Making an Appropriation to Pay for a Portion of the Current Operating Expense of Our Public School System as Provided for in the State Equalization Fund Law, as Provided for by Senate Bill No. 237 as Passed by the 1939 Session of the Legislature.

Mr. Speaker: I have the honor to inform you that the Senate has adopted the Conference Committee report on:

House Bill No. 45. A Bill for an Act Making an Appropriation Out of the Motor Patrol Fund in the State Treasury, for the Operation, Maintenance, Equipment, Supplies, Outfitting of Patrolmen, Travel and Miscellaneous Expenses for the Motor Patrol Branch.

WM. J. LOWE, Secretary.

## MESSAGE TO THE SENATE

House of Representatives,
Bismarck, March 3, 1939.

Mr. President: I have the honor to inform you that the Speaker has appointed Representatives:

C. H. Hofstrand
Olaf Ostgulen
P. K. Holm

As Conference Committee on:

Senate Bill No. 237. A Bill for an Act to Provide for the Creation of the State Equalization Fund; Providing for Its Distribution in the Payment of Costs of Correspondence Work, Costs of Vocational Education, High School Tuition and in the Payment of Direct Aid to School Districts Upon a Teacher-Unit and Per Pupil 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 Reports; Repealing Chapter 227 of the Session Laws of 1937 and All Acts or Parts of Acts in Conflict Therewith.

Senate Bill No. 239. A Bill for an Act Making an Appropriation to Pay for a Portion of the Current Operating Expense of Our Public School System as Provided for in the State Equalization Fund Law, as Provided for by Senate Bill No. 237 as Passed by the 1939 Session of the Legislature.

MINNIE D. CRAIG, Chief Clerk.

Rep. Scholl moved that the House be on the Eighth Order of Business and be at rest subject to the call of the Chair, which motion prevailed.

Without objection the House continued on the Fourteenth Order of Business.

## SECOND READING OF SENATE BILLS

Senate Bill No. 187. A Bill for an Act to Permit School Districts, Discontinuing High Schools, to Furnish for High School Students, Transportation to Other School Districts Having High School Facilities.

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, 80; nays, 5; absent and not voting, 25.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Haag | Page |
| Anderson, Benson | Halvorson | Panko |
| Anfinson | Haugland | Peterson,Bottineau |
| Arneson, Ramsey | Heckman | Peterson, Ransom |
| Arneson, Nelson | Holthusen | Rait |
| Beede | Ireland | Rettke |
| Belzer | Ista | Ritter |
| Benno | Jensen | Rohde |
| Billigmeier | Johnson, LaMoure | Saumur |
| Boulden | Joiner | Schmidt, Sheridan |
| Braun, McLean | Keller | Schwartz |
| Braun, Stark | Kluver | Sellens |
| Brown | Knutson | Severson |
| Byrne | Lange | Sharpe |
| Crockett | Levin | Singleton |
| Culver | Lunde | Solberg |
| Dalzell | McInnes | Stormon |
| Dike | McIntee | Symington |
| Dittmer | McIntyre | Thompson,Burl'gh |
| Erickson | Myers | Trydahl |
| Feton | Moe | Urschel |
| Fitch | Morland | Wambheim |
| Fletcher | Nelson, Dickey | Westby |
| Fraser | Nystrom | Williams,Richland |
| Gainor | O'Brien | Williams,Stutsm'n |
| Glas | Odegard | Wolf |
| Gray | Oglesby | |

Those voting in the negative were:

| | | |
|---|---|---|
| Blair | Scholl | Thompson, Steele |
| Schmidt, McHenry | Stone | |

Absent and not voting:

| | | |
|---|---|---|
| Anderson,M'K'nzie | Johnson, Cass | Schauss |
| Bergesen | Larson | Schimke |
| Bingenheimer | Mittag | Semerad |
| Bolmeier | Mollet | Shure |
| Buchholz | Nelson, Cass | Skartvedt |
| Fuglestad | Nelson, Steele | Tuff |
| Hofstrand | Ostgulen | Twichell |
| Holm | Sand | Mr. Speaker |
| Hultstrand | | |

So the bill passed and the title was agreed to.

Rep. McInnes 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.

Senate Bill No. 96. A Bill for an Act to Provide for the Removal of Certain Public Officers in Said Act Enumerated and Establishing the Procedure Therefor and Repealing Sections 685, 686, 688, 689, 690, 691, 692, 693, 694, and 695 of the 1925 Supplemnet to the Compiled Laws of the State of North Dakota for the Year 1913, Sections 687, 10467, 10468, 10469, 10470, 10471, 10472, 10473, 10474, 10475, 10476, 10477, 10478, 10479, 10480, 10481 and 10482 of the Compiled Laws of the State of North Dakota for the Year 1913, and Chapter 230, of the Session Laws of the State of North Dakota for the Year 1927.

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, 56; nays, 39; absent and not voting, 15.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Gray | Saumur |
| Arneson, Nelson | Halvorson | Schmidt, Sheridan |
| Arneson, Ramsey | Haugland | Sellens |
| Benno | Holthusen | Sharpe |
| Bingenheimer | Kluver | Singleton |
| Blair | Levin | Skartvedt |
| Boulden | Lunde | Solberg |
| Braun, Stark | McInnes | Stone |
| Brown | Mittag | Stormon |
| Byrne | Moe | Symington |
| Crockett | Morland | Thompson,Burl'gh |
| Culver | Nelson, Steele | Thompson, Steele |
| Dalzell | Nystrom | Trydahl |
| Dike | O'Brien | Twichell |
| Feton | Oglesby | Urschel |
| Fitch | Page | Wambheim |
| Fletcher | Peterson, Ransom | Westby |
| Fuglestad | Rait | Williams,Stutsm'n |
| Gainor | Ritter | |

Those voting in the negative were:

| | | |
|---|---|---|
| Anderson,M'K'nzie | Ista | Panko |
| Anfinson | Jensen | Peterson,Bottineau |
| Beede | Johnson, LaMoure | Rettke |
| Belzer | Joiner | Rohde |
| Billigmeier | Keller | Schauss |
| Braun, McLean | Knutson | Schmidt, McHenry |

| | | |
|---|---|---|
| Buchholz | Lange | Schimke |
| Erickson | Larson | Scholl |
| Fraser | McIntee | Schwartz |
| Glas | McIntyre | Semerad |
| Haag | Myers | Severson |
| Heckman | Nelson, Dickey | Williams,Richland |
| Ireland | Odegard | Wolf |

Absent and not voting:

| | | |
|---|---|---|
| Anderson, Benson | Holm | Ostgulen |
| Bergesen | Hultstrand | Sand |
| Bolmeier | Johnson, Cass | Shure |
| Dittmer | Mollet | Tuff |
| Hofstrand | Nelson, Cass | Mr. Speaker |

So the bill was declared lost for lack of constitutional majority of 57.

## MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, March 3, 1939.

Mr. Speaker: I have the honor to transmit herewith the following bills:

House Bill No. 158. A Bill for an Act to Amend and Re-enact Chapter 30 of the Session Laws of North Dakota for the Year 1937; Making an Appropriation of One Million Dollars to the State Hail Insurance Department From the State Equalization Fund; Repealing all Acts or Parts of Acts in Conflict Herewith.

Which the Senate has amended.

Mr. Speaker: I have the honor to inform you that the Senate has adopted the Conference Committee report on:

Senate Bill No. 159. A Bill for an Act to Amend and Re-enact Sections 2, 5 and 6, of Chapter 232, of the Session Laws of North Dakota for the Year 1937, Transition Provisions for Simplification, Relating to Base Period and Benefit Year, and Also to Amend and Re-enact Sections 3, 5, 12, 13 and 14, of Chapter 232, of the Session Laws of North Dakota for the Year 1937, to Comply With That Act of Congress Known as the Railroad Unemployment Insurance Act, and Amending and Re-enacting Section 10, of Chapter 232 of the Session Laws of 1937, Authorizing the United States Government or Social Security Board to Allow the Commissioners of North Dakota Workmen's Compensation Bureau Compensation for Services as Administrative Heads of Unemployment Compensation Division and State Employment Service, Repealing All Acts and Parts of Acts in Conflict Herewith, and Declaring an Emergency.

WM. J. LOWE, Secretary.

## REPORTS OF STANDING COMMITTEES

The Committee on Enrollment and Engrossment respectfully reports that:

House Concurrent Resolution No. 404.
House Concurrent Resolution No. 406.
House Concurrent Resolution No. 407.
House Concurrent Resolution No. 405.
House Concurrent Resolution No. 402.
House Concurrent Resolution No. 398.

Were delivered to the Secretary of State at the hour of 7:44 o'clock P. M., March 3, 1939.

OLAF OSTGULEN, Chairman.

## SECOND READING OF SENATE BILLS

Senate Bill No. 255. A Bill for an Act Making an Appropriation for the Operation and Maintenance of the State Hail Insurance Department, for the Biennium Beginning July 1, 1939.

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, 85; nays, 9; absent and not voting, 16.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Holthusen | Rait |
| Anderson,M'K'nzie | Ireland | Rettke |
| Anfinson | Ista | Ritter |
| Arneson, Nelson | Jensen | Rohde |
| Beede | Johnson, LaMoure | Saumur |
| Belzer | Joiner | Schauss |
| Benno | Keller | Schmidt, McHenry |
| Billigmeier | Kluver | Schmidt, Sheridan |
| Bingenheimer | Knutson | Schimke |
| Braun, McLean | Lange | Scholl |
| Braun, Stark | Larson | Schwartz |
| Brown | Levin | Sellens |
| Buchholz | Lunde | Semerad |
| Byrne | McInnes | Sharpe |
| Crockett | McIntee | Singleton |
| Culver | McIntyre | Skartvedt |
| Dalzell | Myers | Solberg |
| Dike | Mittag | Symington |
| Erickson | Moe | Thompson,Burl'gh |
| Fitch | Morland | Thompson, Steele |
| Fletcher | Nelson, Dickey | Trydahl |
| Fraser | Nystrom | Twichell |
| Gainor | O'Brien | Urschel |
| Glas | Odegard | Wambheim |
| Gray | Oglesby | Westby |
| Haag | Panko | Williams,Richland |
| Halvorson | Peterson,Bottineau | Williams,Stutsm'n |
| Haugland | Peterson, Ransom | Wolf |
| Heckman | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Arneson, Ramsey | Feton | Severson |
| Blair | Fuglestad | Stone |
| Boulden | Nelson, Steele | Stormon |

Absent and not voting:

| | | |
|---|---|---|
| Anderson, Benson | Hultstrand | Page |
| Bergesen | Johnson, Cass | Sand |
| Bolmeier | Mollet | Shure |
| Dittmer | Nelson, Cass | Tuff |
| Hofstrand | Ostgulen | Mr. Speaker |
| Holm | | |

So the bill passed and the title was agreed to.

Rep. Schimke 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.

## MESSAGE TO THE SENATE

House of Representatives,
Bismarck, March 3, 1939.

Mr. President: I have the honor to return:

Senate Bill No. 187. A Bill for an Act to Permit School Districts, Discontinuing High Schools, to Furnish for High School Students, Transportation to Other School Districts Having High School Facilities.

Which the House has passed unchanged.

MINNIE D. CRAIG, Chief Clerk.

## MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, March 3, 1939.

Mr. Speaker: I have the honor to return herewith the following bill:

House Bill No. 79. A Bill for an Act Making an Appropriation for the Purpose of Maintaining and Operating the Bridge Across the Yellowstone River in McKenzie County, North Dakota, Declaring an Emergency.

Which the Senate has passed unchanged.

WM. J. LOWE, Secretary.

Senate Bill No. 238 was read the second time.

Rep. Ritter moved that the rules be suspended for the purpose of amending Senate Bill No. 238, which motion was lost.

## SECOND READING OF SENATE BILLS

Senate Bill No. 238. 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, 97; nays, 0; absent and not voting, 13.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Halvorson | Peterson, Ransom |
| Anderson, Benson | Haugland | Rait |
| Anderson, M'K'nzie | Heckman | Rettke |
| Anfinson | Holthusen | Rohde |
| Arneson, Nelson | Ireland | Sand |
| Arneson, Ramsey | Ista | Saumur |
| Beede | Jensen | Schauss |
| Belzer | Johnson, LaMoure | Schmidt, McHenry |
| Benno | Joiner | Schmidt, Sheridan |
| Bergesen | Keller | Schimke |
| Billigmeier | Kluver | Scholl |
| Bingenheimer | Knutson | Schwartz |
| Blair | Lange | Sellens |
| Boulden | Larson | Semerad |
| Braun, McLean | Levin | Severson |

| | | |
|---|---|---|
| Braun, Stark | Lunde | Sharpe |
| Brown | McInnes | Singleton |
| Buchholz | McIntee | Skartvedt |
| Byrne | McIntyre | Solberg |
| Crockett | Myers | Stone |
| Culver | Mittag | Stormon |
| Dalzell | Moe | Symington |
| Dike | Morland | Thompson,Burl'gh |
| Dittmer | Nelson, Dickey | Thompson, Steele |
| Erickson | Nelson, Steele | Trydahl |
| Feton | Nystrom | Twichell |
| Fletcher | O'Brien | Urschel |
| Fraser | Odegard | Wambheim |
| Fuglestad | Oglesby | Westby |
| Gainor | Page | Williams,Richland |
| Glas | Panko | Williams,Stutsm'n |
| Gray | Peterson,Bottineau | Wolf |
| Haag | | |

Absent and not voting:

| | | |
|---|---|---|
| Bolmeier | Johnson, Cass | Ritter |
| Fitch | Mollet | Shure |
| Hofstrand | Nelson, Cass | Tuff |
| Holm | Ostgulen | Mr. Speaker |
| Hultstrand | | |

So the bill passed and the title was agreed to.

Rep. Crockett moved that the vote by which Senate Bill No. 238 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Rep. Crockett requested that the House be on the Seventh Order of Business, which request was granted.

Rep. Crockett moved that Senate Bill No. 1 be placed at the head of the calendar, which motion prevailed.

Rep. Scholl moved that the House request the Senate for the return of Senate Bill No. 32, which motion was lost.

The House continued on the Fourteenth Order of Business.

## SECOND READING OF SENATE BILLS

Senate Bill No. 9. 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, 94; nays, 1; absent and not voting, 15.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Heckman | Rait |
| Anderson, Benson | Holthusen | Rettke |
| Anderson,M'K'nzie | Ireland | Ritter |
| Anfinson | Ista | Rohde |
| Arneson, Nelson | Jensen | Saumur |
| Arneson, Ramsey | Johnson, LaMoure | Schauss |

| | | |
|---|---|---|
| Beede | Joiner | Schmidt, McHenry |
| Belzer | Keller | Schmidt, Sheridan |
| Benno | Kluver | Schimke |
| Bergesen | Knutson | Scholl |
| Billigmeier | Lange | Schwartz |
| Bingenheimer | Larson | Sellens |
| Boulden | Levin | Semerad |
| Braun, McLean | Lunde | Severson |
| Braun, Stark | McInnes | Sharpe |
| Brown | McIntee | Singleton |
| Buchholz | McIntyre | Skartvedt |
| Culver | Myers | Solberg |
| Dalzell | Mittag | Stone |
| Dike | Moe | Stormon |
| Dittmer | Morland | Symington |
| Erickson | Nelson, Dickey | Thompson,Burl'gh |
| Feton | Nelson, Steele | Thompson, Steele |
| Fletcher | Nystrom | Trydahl |
| Fraser | O'Brien | Twichell |
| Fuglestad | Odegard | Urschel |
| Gainor | Oglesby | Wambheim |
| Glas | Page | Westby |
| Gray | Panko | Williams,Richland |
| Haag | Peterson,Bottineau | Williams,Stutsm'n |
| Halvorson | Peterson, Ransom | Wolf |
| Haugland | | |

Those voting in the negative were:
Blair

Absent and not voting:

| | | |
|---|---|---|
| Bolmeier | Holm | Ostgulen |
| Byrne | Hultstrand | Sand |
| Crockett | Johnson, Cass | Shure |
| Fitch | Mollet | Tuff |
| Hofstrand | Nelson, Cass | Mr. Speaker |

So the bill passed and the title was agreed to.

Rep. Belzer moved that the vote by which Senate Bill No. 9 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

## MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, March 3, 1939.

Mr. Speaker: I have the honor to transmit herewith the following bills:

Senate Bill No. 215. A Bill for an Act Amending and Reenacting Section 16, of Chapter 139, of the 1937 Session Laws Relating to Motor Vehicle Drivers Licenses, to Provide for Appointment of Local Agents and Their Compensation for Issuing Licenses, and Repealing Section 17, of Said Chapter 139, of the 1937 Session Laws and All Acts or Parts of Acts in Conflict Herewith, and Declaring an Emergency.

Senate Bill No. 131. A Bill for an Act to Amend and Reenact Chapter 151 of the Session Laws of North Dakota for 1935, Providing for Licenses for Reciprocal Fire and Life Insurance Underwriters.

Senate Bill No. 275. A Bill for an Act Prohibiting the Use

of Motor Vehicles Owned by the State, or Any Department, Board, Bureau, Commission, Institution, or Other Agency of the State, Including the State Mill and Elevator and the Bank of North Dakota by Any State Officer or Other Public Employee, and Prohibiting the Collection and Receipt of Any Mileage or Other Traveling Expenses for the Operation of a Privately Owned Motor Vehicle by Such State Officer or Other Public Employee While Engaged in Any Political Activity, and Prescribing Penalties Therefor.

Which the President has signed and your signature is respectfully requested.

Mr. Speaker: I have the honor to report that the Senate has adopted the Conference Committee report on:

Senate Bill No. 226. A Bill for an Act to Amend and Reenact Section 2 of That Certain Initiated Law Entitled "An Act Declaring Mortgages on Growing and Unharvested Crops to Be Against the Public Policy of the State, and Abolishing the Same," Approved and Adopted by the Electors at the June 29, 1932 Primary Election; as Amended by Chapter 150 of the Session Laws of North Dakota for the Year 1933, Repealing All Acts or Parts of Acts in Conflict and Declaring an Emergency.

WM. J. LOWE, Secretary.

## SECOND READING OF SENATE BILLS

Senate Bill No. 6. 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, 93; nays, 3; absent and not voting, 14.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Gray | Panko |
| Anderson, Benson | Haag | Peterson,Bottineau |
| Anderson,M'K'nzie | Halvorson | Peterson, Ransom |
| Anfinson | Haugland | Rait |
| Arneson, Nelson | Heckman | Rettke |
| Arneson, Ramsey | Holthusen | Ritter |
| Beede | Ista | Rohde |
| Belzer | Jensen | Sand |
| Benno | Johnson, LaMoure | Saumur |
| Bergesen | Joiner | Schauss |
| Billigmeier | Keller | Schmidt, McHenry |
| Bingenheimer | Kluver | Schmidt, Sheridan |
| Blair | Knutson | Schimke |
| Boulden | Lange | Schwartz |
| Braun, McLean | Larson | Sellens |
| Braun, Stark | Levin | Semerad |
| Brown | Lunde | Severson |
| Buchholz | McInnes | Sharpe |
| Byrne | McIntee | Singleton |
| Crockett | McIntyre | Skartvedt |
| Culver | Myers | Stone |
| Dike | Mittag | Stormon |

| | | |
|---|---|---|
| Dittmer | Moe | Symington |
| Dalzell | Morland | Thompson,Burl'gh |
| Erickson | Nelson, Dickey | Thompson, Steele |
| Feton | Nelson, Steele | Urschel |
| Fletcher | Nystrom | Wambheim |
| Fraser | O'Brien | Westby |
| Fuglestad | Odegard | Williams,Richland |
| Gainor | Oglesby | Williams,Stutsm'n |
| Glas | Page | Wolf |

Those voting in the negative were:

| | | |
|---|---|---|
| Ireland | Solberg | Twichell |

Absent and not voting:

| | | |
|---|---|---|
| Bolmeier | Johnson, Cass | Shure |
| Fitch | Mollet | Trydahl |
| Hofstrand | Nelson, Cass | Tuff |
| Holm | Ostgulen | Mr. Speaker |
| Hultstrand | Scholl | |

So the bill passed and the title was agreed to.

Rep. Semerad moved that the vote by which Senate Bill No. 6 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

## MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, March 3, 1939.

Mr. Speaker: I have the honor to return herewith the following resolution:

House Concurrent Resolution No. 408. A Concurrent Resolution to Establish a State Relief and Debt Survey Commission.

Which the Senate has passed unchanged.

WM. J. LOWE, Secretary.

Rep. Anderson of Benson requested that the House be on the Seventh Order of Business, which request was granted.

Rep. Anderson of Benson moved that the rules be suspended for the purpose of taking Senate Bill No. 1 from the calendar and placing the same in General Orders.

Rep. Trydahl moved a substitute motion that the rules be suspended for the purpose of amending Senate Bill No. 1 in regard to legislative expense deficit.

Rep. Twichell moved an amendment to Rep. Trydahl's motion that the rules be suspended only for the purpose of amending Sub-division 23 of Senate Bill No. 1, which Rep. Trydahl accepted as an amendment to his motion.

The question being on the motion of Rep. Trydahl, the motion lost.

The question being on the motion of Rep. Anderson of Benson to suspend the rules for the purpose of taking Senate Bill No. 1 from the calendar to be placed in General Orders, a roll call was demanded and granted.

## ROLL CALL

The question being on the motion of Rep. Anderson the roll

was called and there were ayes, 55; nays, 47; absent and not voting, 8.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Gray | Ostgulen |
| Anderson, Benson | Haag | Panko |
| Anderson,M'K'nzie | Halvorson | Peterson,Bottineau |
| Anfinson | Heckman | Rait |
| Beede | Ista | Rettke |
| Belzer | Jensen | Ritter |
| Billigmeier | Johnson, LaMoure | Rohde |
| Bingenheimer | Joiner | Sand |
| Braun, McLean | Keller | Schauss |
| Braun, Stark | Knutson | Schmidt, McHenry |
| Buchholz | Lange | Schmidt, Sheridan |
| Crockett | Larson | Schimke |
| Culver | Levin | Scholl |
| Dittmer | McIntee | Schwartz |
| Erickson | McIntyre | Semerad |
| Fletcher | Myers | Urschel |
| Fraser | Mittag | Williams,Richland |
| Glas | Nelson, Dickey | Wolf |

Those voting in the negative were:

| | | |
|---|---|---|
| Arneson, Nelson | Holthusen | Severson |
| Arneson, Ramsey | Ireland | Sharpe |
| Benno | Kluver | Singleton |
| Bergesen | Lunde | Skartvedt |
| Blair | McInnes | Solberg |
| Boulden | Moe | Stone |
| Brown | Morland | Stormon |
| Byrne | Nelson, Steele | Symington |
| Dalzell | Nystrom | Thompson, Burl'gh |
| Dike | O'Brien | Thompson, Steele |
| Feton | Odegard | Trydahl |
| Fitch | Oglesby | Twichell |
| Fuglestad | Page | Wambheim |
| Gainor | Peterson, Ransom | Westby |
| Haugland | Saumur | Williams, Stutsm'n |
| Holm | Sellens | |

Absent and not voting:

| | | |
|---|---|---|
| Bolmeier | Johnson, Cass | Shure |
| Hofstrand | Mollet | Mr. Speaker |
| Hultstrand | Nelson, Cass | |

Passed:
Tuff

So the motion was declared lost.

Rep. Thompson of Burleigh: I brought this up here two or three weeks ago, that there wasn't money enough to pay the employes; and it has been put off here until the last minute, for what purpose I don't know. If they hold it up any longer, we are going to be here ten days longer. I want to see the employes get their wages and I want to see the investigation committee get theirs but I am absolutely opposed to opening up the entire bill for the purpose of amending it. I vote "no."

Rep. Scholl moved that Senate Bill No. 1 be placed at the foot of the calendar, which motion prevailed.

Rep. Ritter requested that the House be on the Seventh Order of Business, which request was granted.

Rep. Ritter moved that the Committee on Printing be discharged, which motion prevailed.

## REPORT OF STANDING COMMITTEE

The committee on Enrollment and Engrossment respectfully reports that:

House Bill No. 58.
House Bill No. 143.
House Bill No. 160.
House Bill No. 18.
House Bill No. 16.
House Bill No. 15.
House Bill No. 307.
House Bill No. 332.
House Bill No. 359.
House Bill No. 62.
House Bill No. 370.
House Bill No. 10.
House Bill No. 17.
House Bill No. 362.
House Bill No. 341.
House Bill No. 151.
House Bill No. 37.
House Bill No. 3.
House Bill No. 11.
House Bill No. 32.
House Bill No. 175.
House Bill No. 194.
House Bill No. 105.
House Bill No. 377.
House Bill No. 302.
House Bill No. 19.
House Bill No. 306.
House Bill No. 279.
House Bill No. 5.
House Bill No. 149.
House Bill No. 9.
House Bill No. 12.
House Bill No. 163.
House Bill No. 41.
House Bill No. 43.
House Bill No. 33.
House Bill No. 20.

Were delivered to the Governor for his approval at the hour of 7:44 o'clock, March 3, 1939.

OLAF OSTGULEN, Chairman.

## MESSAGE TO THE SENATE

House of Representatives,
Bismarck, March 3, 1939.

Mr. President: I have the honor to return:

Senate Bill No. 276. A Bill for an Act to Amend and Reenact Section 6, of Chapter 244, of the Session Laws of 1937, Relating to Liens and Assignments Acquired in Proceedings for the Collection of Rents to Be Applied on Real Estate Taxes; Providing for Priority of Liens Acquired by the United States Government or Any Agency Thereof, and

Repealing All Acts in Conflict Herewith; Declaring an Emergency.

Senate Bill No. 255. A Bill for an Act Making an Appropriation for the Operation and Maintenance of the State Hail Insurance Department, for the Biennium Beginning July 1, 1939.

Senate Bill No. 238. 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.

Senate Bill No. 9. 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.

Senate Bill No. 6. 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 House has amended.

MINNIE D. CRAIG, Chief Clerk.

The House continued on the Fourteenth Order of Business.

## SECOND READING OF SENATE BILL

Senate Bill No. 8. A Bill for an Act Making an Appropriation for the General Maintenance, 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, as amended, the roll was called and there were ayes, 96; nays, 1; absent and not voting, 13.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Haag | Panko |
| Anderson, Benson | Halvorson | Peterson, Bottineau |
| Anderson, M'K'nzie | Haugland | Peterson, Ransom |
| Anfinson | Heckman | Rait |
| Arneson, Nelson | Holm | Rohde |
| Beede | Holthusen | Sand |
| Belzer | Ireland | Saumur |
| Benno | Ista | Schauss |
| Bergesen | Jensen | Schmidt, McHenry |
| Billigmeier | Johnson, Cass | Schmidt, Sheridan |
| Bingenheimer | Johnson, LaMoure | Scholl |
| Blair | Joiner | Schwartz |
| Boulden | Keller | Sellens |
| Braun, McLean | Kluver | Semerad |
| Braun, Stark | Knutson | Severson |
| Brown | Lange | Sharpe |
| Buchholz | Larson | Singleton |
| Byrne | Levin | Skartvedt |
| Crockett | Lunde | Solberg |
| Culver | McInnes | Stormon |
| Dalzell | McIntee | Symington |
| Dike | McIntyre | Thompson, Burl'gh |
| Dittmer | Myers | Thompson, Steele |
| Erickson | Mittag | Trydahl |

| | | |
|---|---|---|
| Feton | Moe | Tuff |
| Fitch | Morland | Twichell |
| Fletcher | Nelson, Dickey | Urschel |
| Fraser | Nystrom | Wambheim |
| Fuglestad | O'Brien | Westby |
| Gainor | Odegard | Williams,Richland |
| Glas | Oglesby | Williams,Stutsm'n |
| Gray | Ostgulen | Wolf |

Those voting in the negative were:
Arneson, Ramsey

Absent and not voting:

| | | |
|---|---|---|
| Bolmeier | Nelson, Steele | Schimke |
| Hofstrand | Page | Shure |
| Hultstrand | Rettke | Stone |
| Mollet | Ritter | Mr. Speaker |
| Nelson, Cass | | |

So the bill passed and the title was agreed to.

SECOND READING OF SENATE BILL

Senate Bill No. 5. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, New Buildings and Equipment 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, as amended, the roll was called and there were ayes, 92; nays, 0; absent and not voting, 18.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Haugland | Peterson, Ransom |
| Anderson, Benson | Heckman | Rait |
| Anderson,M'K'nzie | Holm | Rettke |
| Anfinson | Holthusen | Rohde |
| Arneson, Ramsey | Ireland | Sand |
| Beede | Ista | Schauss |
| Belzer | Jensen | Schmidt, McHenry |
| Benno | Johnson, LaMoure | Schmidt, Sheridan |
| Bergesen | Joiner | Schwartz |
| Billigmeier | Keller | Sellens |
| Bingenheimer | Knutson | Semerad |
| Blair | Lange | Severson |
| Boulden | Larson | Sharpe |
| Braun, McLean | Levin | Singleton |
| Braun, Stark | Lunde | Skartvedt |
| Brown | McInnes | Solberg |
| Buchholz | McIntee | Stone |
| Byrne | McIntyre | Stormon |
| Culver | Myers | Symington |
| Dalzell | Mittag | Thompson,Burl'gh |
| Dike | Moe | Thompson, Steele |
| Dittmer | Nelson, Dickey | Trydahl |
| Erickson | Nelson, Steele | Tuff |
| Fletcher | Nystrom | Twichell |
| Fraser | O'Brien | Urschel |
| Fuglestad | Odegard | Wambheim |
| Gainor | Oglesby | Westby |
| Glas | Ostgulen | Williams,Richland |

| | | |
|---|---|---|
| Gray | Page | Williams,Stutsm'n |
| Haag | Panko | Wolf |
| Halvorson | Peterson,Bottineau | |

Absent and not voting:

| | | |
|---|---|---|
| Arneson, Nelson | Hultstrand | Ritter |
| Bolmeier | Johnson, Cass | Saumur |
| Crockett | Kluver | Schimke |
| Feton | Mollet | Scholl |
| Fitch | Morland | Shure |
| Hofstrand | Nelson, Cass | Mr. Speaker |

So the bill passed and the title was agreed to.

Rep. Morland moved that the vote by which Senate Bill No. 5 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

## MESSAGE TO THE HOUSE

Senate Chamber,
Bismarck, March 3, 1939.

Mr. Speaker: I have the honor to inform you that the Senate has concurred in the House amendment to:

Senate Bill No. 276. A Bill for an Act to Amend and Reenact Section 6, of Chapter 244, of the Session Laws of 1937, Relating to Liens and Assignments Acquired in Proceedings for the Collection of Rents to Be Applied on Real Estate Taxes; Providing for Priority of Liens Acquired by the United States Government or Any Agency Thereof, and Repealing All Acts in Conflict Herewith; Declaring an Emergency.

WM. J. LOWE, Secretary.

## SECOND READING OF SENATE BILL

Senate Bill No. 84. A Bill for an Act to Amend and Reenact Section 42, of Chapter 162, of the Session Laws of 1927, Relating to Restrictions as to Tire Equipment, 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, 67; nays, 25; absent and not voting, 18.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Haag | Rait |
| Anderson, Benson | Halvorson | Rettke |
| Anderson,M'K'nzie | Haugland | Sand |
| Anfinson | Heckman | Schmidt, Sheridan |
| Arneson, Nelson | Holm | Scholl |
| Arneson, Ramsey | Holthusen | Schwartz |
| Beede | Ireland | Sellens |
| Belzer | Ista | Semerad |
| Benno | Jensen | Skartvedt |
| Billigmeier | Johnson, LaMoure | Solberg |
| Braun, McLean | Joiner | Stone |
| Braun, Stark | Keller | Stormon |
| Brown | Levin | Symington |
| Byrne | Lunde | Thompson,Burl'gh |
| Culver | McIntyre | Thompson, Steele |

| | | |
|---|---|---|
| Dalzell | Myers | Trydahl |
| Erickson | Morland | Tuff |
| Feton | Odegard | Urschel |
| Fletcher | Ostgulen | Westby |
| Fraser | Page | Williams,Richland |
| Gainor | Panko | Williams,Stutsm'n |
| Glas | Peterson, Ransom | Wolf |
| Gray | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Bingenheimer | Moe | Saumur |
| Blair | Nelson, Dickey | Schauss |
| Buchholz | Nelson, Steele | Schmidt, McHenry |
| Dike | Nystrom | Severson |
| Fuglestad | O'Brien | Sharpe |
| Kluver | Oglesby | Singleton |
| Knutson | Peterson,Bottineau | Twichell |
| McInnes | Rohde | Wambheim |
| Mittag | | |

Absent and not voting:

| | | |
|---|---|---|
| Bergesen | Hofstrand | Mollet |
| Bolmeier | Hultstrand | Nelson, Cass |
| Boulden | Johnson, Cass | Ritter |
| Crockett | Lange | Schimke |
| Dittmer | Larson | Shure |
| Fitch | McIntee | Mr. Speaker |

So the bill passed and the title was agreed to.

Rep. Arneson of Ramsey moved that the vote by which Senate Bill No. 84 was passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

## MESSAGE TO THE HOUSE

Senate Chamber,
Bismarck, March 3, 1939.

Mr. Speaker: I have the honor to inform you that the Senate has refused to concur in the House amendment to:

Senate Bill No. 255. A Bill for an Act Making an Appropriation for the Operation and Maintenance of the State Hail Insurance Department, for the Biennium Beginning July 1, 1939.

And the President has appointed as a Conference Committee to act with a like commitete from the House, Senators:

R. A. Owings, J. W. Guthrie and R. M. Streibel.

WM. J. LOWE, Secretary.

## MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, March 3, 1939.

Mr. Speaker: I have the honor to return herewith the following resolution:

House Concurrent Resolution No. 365. Relating to Amendment to Section 176 of the Constitution of the State of North Dakota.

Which has been indefinitely postponed by the Senate.

WM. J. LOWE, Secretary.

## MESSAGE TO THE HOUSE

Senate Chamber,
Bismarck, March 3, 1939.

Mr. Speaker: I have the honor to inform you that the Senate has refused to concur in the House amendment to:

Senate Bill No. 238. 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.

And the President has appointed as a Conference Committee to act with a like commitee from the House, Senators:
F. J. Fredrickson
Wm. Watt
Robert Greiser.

WM. J. LOWE, Secretary.

## SECOND READING OF SENATE BILL

Senate Bill No. 7. 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, 90; nays, 3; absent and not voting, 17.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Haag | Peterson, Ransom |
| Anderson, Benson | Halvorson | Rait |
| Anderson,M'K'nzie | Haugland | Rettke |
| Anfinson | Heckman | Ritter |
| Arneson, Nelson | Holm | Rohde |
| Arneson, Ramsey | Holthusen | Sand |
| Beede | Ireland | Schauss |
| Belzer | Ista | Schmidt, McHenry |
| Benno | Johnson, LaMoure | Schmidt, Sheridan |
| Bergesen | Joiner | Scholl |
| Billigmeier | Keller | Schwartz |
| Bingenheimer | Kluver | Sellens |
| Boulden | Lange | Semerad |
| Braun, McLean | Larson | Severson |
| Braun, Stark | Levin | Sharpe |
| Brown | Lunde | Singleton |
| Buchholz | McInnes | Skartvedt |
| Culver | McIntee | Solberg |
| Dalzell | Myers | Stone |
| Dike | Mittag | Stormon |
| Dittmer | Moe | Symington |
| Erickson | Morland | Thompson,Burl'gh |
| Feton | Nelson, Dickey | Thompson, Steele |
| Fitch | Nelson, Steele | Trydahl |
| Fletcher | Nystrom | Urschel |
| Fraser | Odegard | Wambheim |
| Fuglestad | Ostgulen | Westby |
| Gainor | Page | Williams,Richland |
| Glas | Panko | Williams,Stutsm'n |
| Gray | Peterson,Bottineau | Wolf |

Those voting in the negative were:

| | | |
|---|---|---|
| Crockett | Jensen | Oglesby |

Absent and not voting:

| | | |
|---|---|---|
| Blair | Knutson | Schimke |
| Bolmeier | McIntyre | Shure |
| Byrne | Mollet | Tuff |
| Hofstrand | Nelson, Cass | Twichell |
| Hultstrand | O'Brien | Mr. Speaker |
| Johnson, Cass | Saumur | |

So the bill passed and the title was agreed to.

Rep. Ritter 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.

## HOUSE COMMITTEE ON ENROLLMENT AND ENGROSSMENT

Mr. Speaker: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bills:

House Bill No. 36;
House Bill No. 274;
House Bill No. 8;
House Bill No. 38;
House Bill No. 390; and
House Resolution "O."

And find the same correctly enrolled.

OLAF OSTGULEN, Chairman.

Rep. Ostgulen moved that the report be adopted, which motion prevailed, and the report was adopted.

## SECOND READING OF SENATE BILLS

Senate Bill No. 123. A Bill for an Act Making an Appropriation to the State Public Welfare Fund, Established by Section 3, of Chapter 214, of the Session Laws of 1937, for the Biennium Beginning July 1, 1939, and Ending June 30, 1941, to Be Expended by the Public Welfare Board in Providing Public Assistance to the Needy Aged, as Provided by Chapter 211 of the Session Laws of 1937, and for Necessary Costs of Administration.

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, 95; nays, 0; absent and not voting, 15.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Haugland | Panko |
| Anderson, Benson | Heckman | Peterson,Bottineau |
| Anderson,M'K'nzie | Hofstrand | Peterson, Ransom |
| Anfinson | Holm | Rait |
| Arneson, Nelson | Holthusen | Rettke |
| Arneson, Ramsey | Ireland | Rohde |
| Beede | Ista | Sand |
| Belzer | Jensen | Saumur |
| Benno | Halvorson | Schauss |
| Bergesen | Johnson, LaMoure | Schmidt, McHenry |

| | | |
|---|---|---|
| Billigmeier | Joiner | Schmidt, Sheridan |
| Bingenheimer | Keller | Schimke |
| Boulden | Kluver | Schwartz |
| Braun, McLean | Knutson | Semerad |
| Braun, Stark | Lange | Severson |
| Brown | Larson | Sharpe |
| Buchholz | Levin | Singleton |
| Crockett | Lunde | Skartvedt |
| Culver | McInnes | Solberg |
| Dalzell | McIntee | Stone |
| Dike | McIntyre | Stormon |
| Dittmer | Myers | Thompson,Burl'gh |
| Erickson | Mittag | Thompson, Steele |
| Feton | Morland | Trydahl |
| Fitch | Nelson, Dickey | Tuff |
| Fletcher | Nelson, Steele | Urschel |
| Fraser | Nystrom | Wambheim |
| Fuglestad | O'Brien | Westby |
| Gainor | Odegard | Williams,Richland |
| Glas | Oglesby | Williams,Stutsm'n |
| Gray | Ostgulen | Wolf |
| Haag | Page | |

Absent and not voting were:

| | | |
|---|---|---|
| Blair | Moe | Sellens |
| Bolmeier | Mollet | Shure |
| Byrne | Nelson, Cass | Symington |
| Hultstrand | Ritter | Twichell |
| Johnson, Cass | Scholl | Mr. Speaker |

So the bill passed and the title was agreed to.

Rep. Semerad moved that the vote by which Senate Bill No. 123 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

## MESSAGE TO THE SENATE

House of Representatives,
Bismarck, March 3, 1939.

Mr. President: I have the honor to inform you that the Speaker has appointed as a conference committee to act with a like committee from the Senate, Representatives:

C. P. Ritter
Theo. O. Rohde
Bernt Anderson of McKenzie

Relative to:

Senate Bill No. 255. A Bill for an Act Making an Appropriation for the Operation and Maintenance of the State Hail Insurance Department, for the Biennium Beginning July 1, 1939.

W. M. Crockett
George H. Lange
John A. Schmidt of Sheridan

Relative to:

Senate Bill No. 238. 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.

MINNIE D. CRAIG, Chief Clerk.

## MESSAGE TO THE HOUSE

Senate Chamber,
Bismarck, March 3, 1939.

Mr. Speaker: I have the honor to inform you that the Senate has concurred in the House amendment to:

Senate Bill No. 9. 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.

WM. J. LOWE, Secretary.

## MESSAGE TO THE SENATE

House of Representatives,
Bismarck, March 3, 1939.

Mr. President: I have the honor to return:

Senate Bill No. 8. A Bill for an Act Making an Appropriation for the General Maintenance, and Miscellaneous Expenses of the State Hospital for the Insane at Jamestown, North Dakota.

Senate Bill No. 5. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, New Buildings and Equipment for the Tuberculosis Sanatorium at San Haven, North Dakota.

Senate Bill No. 84. A Bill for an Act to Amend and Reenact Section 42, of Chapter 162, of the Session Laws of 1927, Relating to Restrictions as to Tire Equipment, and Repealing All Acts or Parts of Acts in Conflict Herewith.

Senate Bill No. 7. 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.

Senate Bill No. 123. A Bill for an Act Making an Appropriation to the State Public Welfare Fund, Established by Section 3, of Chapter 214, of the Session Laws of 1937, for the Biennium Beginning July 1, 1939, and Ending June 30, 1941, to Be Expended by the Public Welfare Board in Providing Public Assistance to the Needy Aged, as Provided by Chapter 211 of the Session Laws of 1937, and for Necessary Costs of Administration.

Which the House has amended.

MINNIE D. CRAIG, Chief Clerk.

Rep. Scholl moved that the House be on the Eighth Order of Business and be at rest upon the completion of the Eighth Order of Business subject to the call of the Chair.

There being no objection, the House continued on the Seventh Order of Business.

Rep. Beede moved that all the records covered by House Concurrent Resolution No. 406 be considered as a supplement to the Journal of the Sixtieth Day and that they are not to be a part of either the temporary or permanent Journal of the 26th Legislative Assembly, which motion prevailed.

## MESSAGE TO THE SENATE

House of Representatives,
Bismarck, March 3, 1939.

Mr. President: I have the honor to return:

Senate Bill No. 96. A Bill for an Act to Provide for the Removal of Certain Public Officers in Said Act Enumerated

and Establishing the Procedure Therefor and Repealing Sections 685, 686, 688, 689, 690, 691, 692, 693, 694, and 695 of the 1925 Supplemnet to the Compiled Laws of the State of North Dakota for the Year 1913, Sections 687, 10467, 10468, 10469, 10470, 10471, 10472, 10473, 10474, 10475, 10476, 10477, 10478, 10479, 10480, 10481 and 10482 of the Compiled Laws of the State of North Dakota for the Year 1913, and Chapter 230, of the Session Laws of the State of North Dakota for the Year 1927.

Senate Bill No. 157. A Bill for an Act Relating to Civil Liability of Owners and Operators of Motor Vehicles, Service of Civil Process on Non-residents and Requirement That Owners of For-rent Vehicles Give Proof of Financial Responsibility and to Make Uniform the Law With Reference Thereto.

Senate Bill No. 163. A Bill for an Act to Amend and Reenact Section 6, of Chapter 104, of the Session Laws of North Dakota for the Year 1937, Relating to Revenue Bonds of Municipalities, and Declaring an Emergency.

Senate Bill No. 191. A Bill for an Act to Amend and Reenact Section 1506 of the Compiled Laws of 1913 as Amended and Re-enacted by Section 1506 of the 1925 Supplement to the Compiled Laws of 1913, and to Amend and Re-enact Section 1517 of the Compiled Laws of 1913, as Amended and Re-enacted by Section 1517 of the 1925 Supplement to the Compiled Laws of 1913, Pertaining to the Teachers' Insurance and Retirement Fund.

Senate Bill No. 204. A Bill for an Act Permitting County Commissioners to Publish Delinquent Real Estate Tax Sale Notices in the Legal Newspapers of the County, Repealing All Acts and Parts of Acts in Conflict Herewith, and Declaring an Emergency.

Senate Concurrent Resolution No. 282. A Concurrent Resolution Providing for the Amendment of the Constitution to Provide for an Appointive Board to Manage the Permanent Funds of the State, Abolishing the Board of University and School Lands, and the Local Board of Appraisal, and Repealing Sections 156 and 157 of the Constitution.

Which the House has indefinitely postponed.

MINNIE D. CRAIG, Chief Clerk.

The House proceeded on the Fourteenth Order of Business.

## SECOND READING OF SENATE BILLS

Senate Bill No. 141. A Bill for an Act Making an Appropriation for Relief to Destitute and Necessitous Persons for the Biennium Beginning July 1, 1939, and Ending June 30, 1941, Defining the Powers and Duties of the Public Welfare Board in Relation Thereto, and Providing for Allocation of Funds to Counties for Relief Purposes and for Other Specified Relief Expenditures and Costs of Administration.

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, 93; nays, 2; absent and not voting, 15.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Haugland | Peterson, Ransom |
| Anderson,M'K'nzie | Heckman | Rait |
| Anderson, Benson | Hofstrand | Ritter |
| Anfinson | Holthusen | Rohde |
| Arneson, Nelson | Ireland | Sand |
| Arneson, Ramsey | Ista | Saumur |
| Beede | Jensen | Schauss |
| Belzer | Johnson, LaMoure | Schmidt, McHenry |
| Benno | Joiner | Schmidt, Sheridan |
| Bergesen | Keller | Schimke |
| Bingenheimer | Knutson | Scholl |
| Bolmeier | Lange | Schwartz |
| Boulden | Larson | Sellens |
| Braun, McLean | Levin | Semerad |
| Braun, Stark | Lunde | Severson |
| Brown | McInnes | Sharpe |
| Buchholz | McIntee | Singleton |
| Byrne | Myers | Skartvedt |
| Dalzell | Mittag | Solberg |
| Dike | Moe | Stone |
| Dittmer | Morland | Stormon |
| Erickson | Nelson, Dickey | Symington |
| Feton | Nelson, Steele | Thompson,Burl'gh |
| Fletcher | Nystrom | Thompson, Steele |
| Fraser | O'Brien | Trydahl |
| Fuglestad | Odegard | Twichell |
| Gainor | Oglesby | Urschel |
| Glas | Ostgulen | Wambheim |
| Gray | Page | Westby |
| Haag | Panko | Williams,Stutsm'n |
| Halvorson | Peterson,Bottineau | Wolf |

Those voting in the negative were:

| | |
|---|---|
| Blair | Crockett |

Absent and not voting:

| | | |
|---|---|---|
| Billigmeier | Johnson, Cass | Rettke |
| Culver | Kluver | Shure |
| Fitch | McIntyre | Tuff |
| Holm | Mollet | Williams,Richland |
| Hultstrand | Nelson, Cass | Mr. Speaker |

So the bill passed and the title was agreed to.

Rep. Singleton 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.

Senate Bill No. 244. A Bill for an Act Making an Appropriation for the Purpose of Defraying the Expense of the Maintenance and Operation of the Bank 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, 102; nays, 0; absent and not voting, 8.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Halvorson | Peterson, Ransom |
| Anderson, Benson | Haugland | Rait |
| Anderson,M'K'nzie | Heckman | Rettke |

| | | |
|---|---|---|
| Anfinson | Hofstrand | Ritter |
| Arneson, Nelson | Holm | Rohde |
| Arneson, Ramsey | Holthusen | Sand |
| Beede | Ireland | Saumur |
| Belzer | Ista | Schauss |
| Benno | Jensen | Schmidt, McHenry |
| Bergesen | Johnson, LaMoure | Schmidt, Sheridan |
| Billigmeier | Joiner | Schimke |
| Bingenheimer | Keller | Scholl |
| Blair | Kluver | Schwartz |
| Boulden | Knutson | Sellens |
| Braun, McLean | Lange | Semerad |
| Braun, Stark | Larson | Severson |
| Brown | Levin | Sharpe |
| Buchholz | Lunde | Singleton |
| Byrne | McInnes | Skartvedt |
| Crockett | McIntee | Solberg |
| Culver | Myers | Stone |
| Dalzell | Mittag | Stormon |
| Dike | Moe | Symington |
| Dittmer | Morland | Thompson,Burl'gh |
| Erickson | Nelson, Dickey | Thompson, Steele |
| Feton | Nelson, Steele | Trydahl |
| Fitch | Nystrom | Tuff |
| Fletcher | O'Brien | Twichell |
| Fraser | Odegard | Urschel |
| Fuglestad | Oglesby | Wambheim |
| Gainor | Ostgulen | Westby |
| Glas | Page | Williams,Richland |
| Gray | Panko | Williams,Stutsm'n |
| Haag | Peterson,Bottineau | Wolf |

Absent and not voting:

| | | |
|---|---|---|
| Bolmeier | McIntyre | Shure |
| Hultstrand | Mollet | Mr. Speaker |
| Johnson, Cass | Nelson, Cass | |

So the bill passed and the title was agreed to.

Rep. Skartvedt moved that the vote by which Senate Bill No. 244 was passed be reconsidered, and the motion to reconsider be laid on the table, which motion prevailed.

Rep. Crockett: I vote "aye" on this bill because it is the cheapest politics I have ever seen played in the Legislature since I have been a member.

## MESSAGE TO THE HOUSE

Senate Chamber,
Bismarck, March 3, 1939.

Mr. Speaker: I have the honor to inform you that the Senate has refused to concur in the House amendment to:

Senate Bill No. 123. A Bill for an Act Making an Appropriation to the State Public Welfare Fund, Established by Section 3, of Chapter 214, of the Session Laws of 1937, for the Biennium Beginning July 1, 1939, and Ending June 30, 1941, to Be Expended by the Public Welfare Board in Providing Public Assistance to the Needy Aged, as Provided by Chapter 211 of the Session Laws of 1937, and for Necessary Costs of Administration.

And the President has appointed as a Conference Committee to act with a like committee from the House, Senators:

Wm. Watt
M. J. Raschko
H. G. Guenther.

WM. J. LOWE, Secretary.

SECOND READING OF SENATE BILLS

Senate Bill No. 245. A Bill for an Act Making an Appropriation for the General Maintenance and Operation of the North Dakota Twine and Cordage Plant at 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, 102; nays, 0; absent and not voting, 8.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Haugland | Rait |
| Anderson, Benson | Heckman | Rettke |
| Anderson,M'K'nzie | Hofstrand | Ritter |
| Anfinson | Holm | Rohde |
| Arneson, Nelson | Holthusen | Sand |
| Arneson, Ramsey | Ireland | Saumur |
| Beede | Ista | Schauss |
| Belzer | Jensen | Schmidt, McHenry |
| Benno | Johnson, LaMoure | Schmidt, Sheridan |
| Bergesen | Joiner | Schimke |
| Billigmeier | Keller | Scholl |
| Bingenheimer | Kluver | Schwartz |
| Blair | Knutson | Sellens |
| Boulden | Lange | Semerad |
| Braun, McLean | Larson | Severson |
| Braun, Stark | Levin | Sharpe |
| Brown | Lunde | Singleton |
| Buchholz | McInnes | Skartvedt |
| Byrne | McIntee | Solberg |
| Crockett | Mittag | Stone |
| Culver | Moe | Stormon |
| Dike | Myers | Symington |
| Dittmer | Morland | Thompson, Burl'gh |
| Erickson | Nelson, Dickey | Thompson, Steele |
| Feton | Nelson, Steele | Trydahl |
| Fitch | Nystrom | Tuff |
| Fletcher | O'Brien | Twichell |
| Fraser | Odegard | Urschel |
| Fuglestad | Oglesby | Wambheim |
| Gainor | Ostgulen | Westby |
| Glas | Page | Williams,Richland |
| Gray | Panko | Williams, Stutsm'n |
| Haag | Peterson,Bottineau | Wolf |
| Halvorson | Peterson, Ransom | Mr. Speaker |

Absent and not voting:

| | | |
|---|---|---|
| Bolmeier | Johnson, Cass | Nelson, Cass |
| Dalzell | McIntyre | Shure |
| Hultstrand | Mollet | |

So the bill passed and the title was agreed to.

Rep. Mittag 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.

## MESSAGE TO THE HOUSE

Senate Chamber,
Bismarck, March 3, 1939.

Mr. Speaker: I have the honor to inform you that the Senate has concurred in the House amendment to:

Senate Bill No. 5. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, New Buildings and Equipment for the Tuberculosis Sanatorium at San Haven, North Dakota.

WM. J. LOWE, Secretary.

## MESSAGE TO THE SENATE

House of Representatives,
Bismarck, March 3, 1939.

Mr. President: I have the honor to inform you that the Speaker has appointed as Conference Committee Representatives:

Bernt Anderson (McKenzie)
R. G. Beede
Harry Semerad.

Relative to:

Senate Bill No. 123. A Bill for an Act Making an Appropriation to the State Public Welfare Fund, Established by Section 3, of Chapter 214, of the Session Laws of 1937, for the Biennium Beginning July 1, 1939, and Ending June 30, 1941, to be Expended by the Public Welfare Board in Providing Public Assistance to the Needy Aged, as Provided by Chapter 211 of the Session Laws of 1937, and for Necessary Costs of Administration.

MINNIE D. CRAIG, Chief Clerk.

Chairman Jensen announced the appointment of Reps. Bernt Anderson of McKenzie, R. G. Beede and Harry Semerad to act as a Conference Committee with a like committee from the Senate in deliberation on Senate Bill No. 123.

## SECOND READING OF SENATE BILLS

Senate Bill No. 76. A Bill for an Act to Amend and Reenact Section 2 and Section 25 of Chapter 249 of the Session Laws of North Dakota for 1937, Relating to the Levying and Imposing of a Retail Sales Tax and the Disposition of the Funds Collected Therefrom.

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, 73; nays, 21; absent and not voting, 16.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Anderson, Benson | Haugland | Sand |
| Anfinson | Hofstrand | Saumur |
| Arneson, Nelson | Holm | Schauss |
| Beede | Holthusen | Schmidt, McHenry |
| Belzer | Ireland | Schwartz |
| Bergesen | Ista | Sellens |
| Billigmeier | Jensen | Semerad |
| Blair | Joiner | Severson |
| Boulden | Keller | Sharpe |
| Brown | Kluver | Singleton |

| | | |
|---|---|---|
| Buchholz | Knutson | Skartvedt |
| Byrne | Larson | Solberg |
| Culver | Levin | Stone |
| Dalzell | Lunde | Stormon |
| Dike | McInnes | Symington |
| Dittmer | Moe | Thompson, Steele |
| Feton | Mittag | Trydahl |
| Fitch | Morland | Twichell |
| Fletcher | Nelson, Steele | Urschel |
| Fuglestad | Nystrom | Wambheim |
| Gainor | O'Brien | Westby |
| Glas | Odegard | Williams,Richland |
| Gray | Oglesby | Wolf |
| Haag | Peterson, Ransom | Mr. Speaker |
| Halvorson | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Adam | Heckman | Peterson,Bottineau |
| Arneson, Ramsey | Johnson, LaMoure | Rait |
| Bingenheimer | McIntee | Rettke |
| Braun, McLean | Myers | Schimke |
| Braun, Stark | Nelson, Dickey | Scholl |
| Erickson | Ostgulen | Thompson,Burl'gh |
| Fraser | Panko | Williams,Stutsm'n |

Absent and not voting:

| | | |
|---|---|---|
| Anderson,M'K'nzie | Lange | Ritter |
| Benno | McIntyre | Rohde |
| Bolmeier | Mollet | Schmidt, Sheridan |
| Crockett | Nelson, Cass | Shure |
| Hultstrand | Page | Tuff |
| Johnson, Cass | | |

So the bill passed and the title was agreed to.

Rep. Schwartz moved that the vote by which Senate Bill No. 76 was passed be reconsidered, and the motion to reconsider be laid on the table, which motion prevailed.

Speaker Hagen: I vote "no" on this tax because it is one of the most unfair taxes ever imposed on the people of North Dakota. It taxes the poor, and we have tried from the beginning of the Session to get a more fair tax distribution but we have been refused that. For that reason I vote "no."

Senate Bill No. 162 was read the second time.

Rep. Fuglestad moved that Senate Bill No 162 be indefinitely postponed, which motion prevailed.

Rep. Stone moved that the vote by which Senate Bill No. 162 was indefinitely postponed be reconsidered, and the motion to reconsider be laid on the table, which motion prevailed.

Speaker Hagen resumed the Chair.

## SECOND READING OF SENATE BILLS

Senate Bill No. 260. A Bill for an Act Amending and Reenacting Chapter 102, Session Laws of the State of North Dakota for the Year 1929.

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, 64; nays, 32; absent and not voting, 14.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Anderson, Benson | Gray | Panko |
| Arneson, Nelson | Halvorson | Peterson, Bottineau |
| Beede | Haugland | Peterson, Ransom |
| Belzer | Hofstrand | Sand |
| Benno | Holm | Saumur |
| Bergesen | Holthusen | Schwartz |
| Billigmeier | Ireland | Sellens |
| Bingenheimer | Ista | Sharpe |
| Blair | Kluver | Singleton |
| Boulden | Knutson | Skartvedt |
| Braun, Stark | Levin | Solberg |
| Byrne | Lunde | Stormon |
| Culver | McInnes | Thompson, Burl'gh |
| Dalzell | Moe | Thompson, Steele |
| Erickson | Morland | Trydahl |
| Feton | Nelson, Dickey | Tuff |
| Fitch | Nelson, Steele | Twichell |
| Fletcher | Nystrom | Urschel |
| Fraser | O'Brien | Wambheim |
| Fuglestad | Odegard | Westby |
| Gainor | Page | Williams, Stutsm'n |
| Glas | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Adam | Joiner | Schmidt, McHenry |
| Anfinson | Keller | Schimke |
| Arneson, Ramsey | Larson | Scholl |
| Braun, McLean | McIntee | Semerad |
| Brown | Myers | Severson |
| Buchholz | Mittag | Stone |
| Dike | Oglesby | Symington |
| Haag | Ostgulen | Williams, Richland |
| Heckman | Rait | Wolf |
| Jensen | Rettke | Mr. Speaker |
| Johnson, LaMoure | Schauss | |

Absent and not voting:

| | | |
|---|---|---|
| Anderson, M'K'nzie | Johnson, Cass | Ritter |
| Bolmeier | Lange | Rohde |
| Crockett | McIntyre | Schmidt, Sheridan |
| Dittmer | Mollet | Shure |
| Hultstrand | Nelson, Cass | |

So the bill passed and the title was agreed to:

Rep. Wambheim moved that the vote by which Senate Bill No. 260 was passed be reconsidered, and the motion to reconsider be laid on the table, which motion prevailed.

## MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, March 3, 1939.

Mr. Speaker: I have the honor to inform you that the Senate has concurred in the House amendments to:

Senate Bill No. 84. A Bill for an Act to Amend and Reenact Section 42, of Chapter 162, of the Session Laws of 1927, Relating to Restrictions as to Tire Equipment, and Repealing All Acts or Parts of Acts in Conflict Herewith.

WM. J. LOWE, Secretary.

## MESSAGE TO THE SENATE

House of Representatives,
Bismarck, March 3, 1939.

Mr. President: I have the honor to return:

Senate Bill No. 76. A Bill for an Act to Amend and Reenact Section 2 and Section 25 of Chapter 249 of the Session Laws of North Dakota for 1937, Relating to the Levying and Imposing of a Retail Sales Tax and the Disposition of the Funds Collected Therefrom.

Which the House has passed unchanged.

MINNIE D. CRAIG, Chief Clerk.

Mr. President: I have the honor to return:

Senate Bill No. 245. A Bill for an Act Making an Appropriation for the General Maintenance and Operation of the North Dakota Twine and Cordage Plant at the State Penitentiary.

Senate Bill No. 244. A Bill for an Act Making an Appropriation for the Purpose of Defraying the Expense of the Maintenance and Operation of the Bank of North Dakota.

Senate Bill No. 141. A Bill for an Act Making an Appropriation for Relief to Destitute and Necessitous Persons for the Biennium Beginning July 1, 1939, and Ending June 30, 1941, Defining the Powers and Duties of the Public Welfare Board in Relation Thereto, and Providing for Allocation of Funds to Counties for Relief Purposes and for Other Specified Relief Expenditures and Costs of Administration.

Which the House has amended.

MINNIE D. CRAIG, Chief Clerk.

## MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, March 3, 1939.

Mr. Speaker: I have the honor to transmit herewith the following resolution:

Senate Concurrent Resolution No. 288. A Concurrent Resolution Providing for Payment of House and Senate Employees for Four Extra Days.

Which the Senate has passed.

WM. J. LOWE, Secretary.

Mr. Speaker: I have the honor to inform you that the Senate has concurred in the House amendment to:

Senate Bill No. 6. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Expenses of the State Penitentiary.

Mr. Speaker: I have the honor to inform you that the Senate has refused to concur in the House amendment to:

Senate Bill No. 7. 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.

And the President has appointed as a Conference Committee to act with a like committee from the House, Senators:

B. W. Lemke
N. N. Nelson (Grand Forks)
W. J. Braun.

Mr. Speaker: I have the honor to inform you that the Senate has refused to concur in the House amendment to:

Senate Bill No. 141. A Bill for an Act Making an Appropriation for Relief to Destitute and Necessitous Persons for the Biennium Beginning July 1, 1939, and Ending June 30, 1941, Defining the Powers and Duties of the Public Welfare Board in Relation Thereto, and Providing for Allocation of Funds to Counties for Relief Purposes and for Other Specified Relief Expenditures and Costs of Administration.

And the President has appointed as a Conference Committee to act with a like committee from the House, Senators:
A. W. Fowler
J. B. Bridston
G. F. Drew.

## MESSAGES TO THE SENATE

House of Representatives,
Bismarck, March 3, 1939.

Mr. President: I have the honor to return:

Senate Bill No. 260. A Bill for an Act Amending and Reenacting Chapter 102, Session Laws of the State of North Dakota for the Year 1929.

Which the House has amended.

Mr. President: I have the honor to return:

Senate Bill No. 162. A Bill for an Act to Amend and Reenact Section 10, of Chapter 102, of the Session Laws of the State of North Dakota for the Year 1937, Relating to Rentals and the Selection of Tenants in Housing Projects of Housing Authorities, and Declaring an Emergency.

Which the House has indefinitely postponed.

MINNIE D. CRAIG, Chief Clerk.

## MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, March 3, 1939.

Mr. Speaker: I have the honor to inform you that the Senate has concurred in the House amendment to:

Senate Bill No. 245. A Bill for an Act Making an Appropriation for the General Maintenance and Operation of the North Dakota Twine and Cordage Plant at the State Penitentiary.

WM. J. LOWE, Secretary.

## MESSAGE TO THE SENATE

House of Representatives,
Bismarck, March 3, 1939.

Mr. President: I have the honor to inform you that the Speaker has appointed as Conference Committee on:

Senate Bill No. 7. 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.

Representatives:
R. T. Gray
Targie Trydahl
Leonas Myers.

Senate Bill No. 141. A Bill for an Act Making an Appropriation for Relief to Destitute and Necessitous Persons for

the Biennium Beginning July 1, 1939, and Ending June 30, 1941, Defining the Powers and Duties of the Public Welfare Board in Relation Thereto, and Providing for Allocation of Funds to Counties for Relief Purposes and for Other Specified Relief Expenditures and Costs of Administration.

Representatives:
Bernt Anderson (McKenzie)
L. K. Morland
T. O. Rohde.

MINNIE D. CRAIG, Chief Clerk.

## MESSAGES FROM THE SENATE

Senate Chamber,
Bismarck, March 3, 1939.

Mr. Speaker: I have the honor to inform you that the Senate has concurred in the House amendment to:

Senate Bill No. 244. A Bill for an Act Making an Appropriation for the Purpose of Defraying the Expense of the Maintenance and Operation of the Bank of North Dakota.

Mr. Speaker: I have the honor to inform you that the Senate has refused to concur in the House amendment to:

Senate Bill No. 260. A Bill for an Act Amending and Reenacting Chapter 102, Session Laws of the State of North Dakota for the Year 1929.

And the President has appointed as a Conference Committee to act with a like commitee from the House, Senators:
M. R. Young
Axel Olson (Mountrail)
J. B. Bridston.

WM. J. LOWE, Secretary.

Rep. Anderson of Benson moved that the rules be suspended for the purpose of amending Senate Bill No. 1.

Rep. Twichell moved an amendment to the motion of Rep. Anderson of Benson that the rules be suspended only for the purpose of amending Subdivision 23 of Senate Bill No. 1 providing for Legislative Expense and which is to include the expenses incurred by the committee charged with investigating the affairs at the State Hospital at Jamestown.

Rep. Lange moved a further amendment to the motion of Rep. Anderson of Benson that the rules be suspended also for the purpose of amending Subdivision 28 of Senate Bill No. 1.

A call of the house was requested and granted.

The Chief Clerk called the roll to ascertain who the absent members were and found that nine were absent.

Rep. Crockett requested that the call of the House be dispensed with, which request was granted.

Rep. Schauss moved that Senate Bill No. 1 be indefinitely postponed.

The question being on the motion of Rep. Schauss, a roll call was demanded and granted.

## MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, March 3, 1939.

Mr. Speaker: I have the honor to transmit herewith the following bills:

Senate Bill No. 9. A Bill for an Act Making an Appropria-

tion for the Purpose of Defraying the Expenses of the Maintenance and Operation of the Department of the Registrar of Motor Vehicles.

Senate Bill No. 4. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Items for the Grafton State School at Grafton, North Dakota.

Senate Bill No. 253. A Bill for an Act Making an Appropriation for the Purpose of Defraying the Expense of the Maintenance and Operation of the State of North Dakota Doing Business as the North Dakota Mill and Elevator Association.

Senate Bill No. 225. A Bill for an Act Relating to the Giving of Proof of Financial Responsibility by Owners and Operators of Motor Vehicles and to Make Uniform the Law With Reference Thereto.

Senate Bill No. 187. A Bill for an Act to Permit School Districts, Discontinuing High Schools, to Furnish for High School Students, Transportation to Other School Districts Having High School Facilities.

Senate Bill No. 213. A Bill for an Act to Amend and Reenact Sections 3, 4, 12, 15, 26 and 27, of Chapter 157, of the Laws of 1927, and Section 1, of Chapter 137, of the Laws of 1937, Relating to the Occupation of Hairdressers and Cosmetologists, the Conduct of Schools for Hairdressing and Cosmetology, the Qualification of Applicants for Examinations, Certificates, and Making Provisions for the Payment of Fees in Connection Therewith.

Which the President has signed and your signature is respectfully requested.

WM. J. LOWE, Secretary.

Mr. Speaker: I have the honor to transmit herewith the following bills:

Senate Bill No. 276. A Bill for an Act to Amend and Reenact Section 6, of Chapter 244, of the Session Laws of 1937, Relating to Liens and Assignments Acquired in Proceedings for the Collection of Rents to Be Applied on Real Estate Taxes; Providing for Priority of Liens Acquired by the United States Government or Any Agency Thereof, and Repealing All Acts in Conflict Herewith; Declaring an Emergency.

Senate Bill No. 198. A Bill for an Act to Amend and Reenact Section 1218 of the Supplement to the Compiled Laws for 1913, of the State of North Dakota, and Relating to the Report of the Treasurer in Common School Districts; and Repealing All Acts or Parts of Acts in Conflict Therewith.

Senate Bill No. 170. A Bill for an Act to Amend Section 4073a of the 1925 Supplement to the Compiled Laws of North Dakota for 1913; and Declaring an Emergency.

Senate Bill No. 140. A Bill for an Act Making an Appropriation for the Biennium Beginning July 1, 1939, and Ending June 30, 1941 to the Public Welfare Fund, Created and Established by Section 3 of Chapter 214 of the Session Laws of 1937, for Disbursement by the Public Welfare Board in Providing Public Assistance to the Needy Blind and to Dependent Children, as Provided by Chapters 209 and 210 of the Session Laws of 1937, and in Providing Child Welfare

Services and Services to Crippled Children in Coordination With and Supplementary to Funds Made Available for Like Purposes in North Dakota by the Federal Government, as Provided by Chapter 221 of the Session Laws of 1935.

Senate Bill No. 2. 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.

Senate Bill No. 3. 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 and your signature is respectfully requested.

Mr. Speaker: I have the honor to transmit herewith the following bill:

Senate Bill No. 26. A Bill for an Act to Impose a Tax on the Storage, Use or Consumption in this State of Tangible Personal Property as Such Terms are Defined Herein; to Provide Certain Exemptions Therefrom; to Provide for the Collection of Such Tax and the Administration of This Act; to Fix Fines and Penalties for the Violation of the Provisions of This Act and Declaring an Emergency.

Which the President has signed and your signature is respectfully requested.

Mr. Speaker: I have the honor to return herewith the following bill:

House Bill No. 174. A Bill for an Act to Amend and Reenact Section 686 of the Compiled Laws of North Dakota for 1913, as Amended by Section 686 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, Being an Act Providing for Petitioning the Governor to Remove Certain Public Officials; Providing the Procedure Therefor; Requiring a Petition by Qualified Electors, and Prescribing the Procedure Thereon; Further Providing for the Attorney General and Appointed Attorneys to Prosecute Such Proceedings.

Which the Senate has passed unchanged.

WM. J. LOWE, Secretary.

ROLL CALL

The question being on the motion of Rep. Schauss that Senate Bill No. 1 be indefinitely postponed there were ayes, 44; nays, 58; absent and not voting, 8.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Halvorson | Rettke |
| Anderson,M'K'nzie | Heckman | Ritter |
| Beede | Ista | Rohde |
| Belzer | Jensen | Sand |
| Billigmeier | Johnson, LaMoure | Schauss |
| Bingenheimer | Joiner | Schmidt, McHenry |
| Braun, McLean | Knutson | Schmidt, Sheridan |
| Buchholz | McIntee | Schimke |
| Crockett | Myers | Scholl |
| Dalzell | Mittag | Schwartz |
| Fletcher | Nelson, Dickey | Semerad |
| Fraser | Ostgulen | Tuff |

| | | |
|---|---|---|
| Glas | Panko | Williams,Richland |
| Gray | Peterson, Ransom | Mr. Speaker |
| Haag | Rait | |

Those voting in the negative were:

| | | |
|---|---|---|
| Anderson, Benson | Holm | Saumur |
| Anfinson | Holthusen | Sellens |
| Arneson, Nelson | Ireland | Severson |
| Arneson, Ramsey | Keller | Sharpe |
| Benno | Kluver | Singleton |
| Bergesen | Lange | Skartvedt |
| Blair | Larson | Solberg |
| Boulden | Levin | Stormon |
| Braun, Stark | Lunde | Stone |
| Brown | McInnes | Symington |
| Byrne | Moe | Thompson, Burl'gh |
| Culver | Morland | Thompson, Steele |
| Dike | Nelson, Steele | Trydahl |
| Dittmer | Nystrom | Twichell |
| Erickson | O'Brien | Urschel |
| Feton | Odegard | Wambheim |
| Fitch | Oglesby | Westby |
| Fuglestad | Page | Williams, Stutsm'n |
| Gainor | Peterson,Bottineau | Wolf |
| Haugland | | |

Absent and not voting:

| | | |
|---|---|---|
| Bolmeier | Johnson, Cass | Nelson, Cass |
| Hofstrand | McIntyre | Shure |
| Hultstrand | Mollet | |

So the motion was declared lost.

Speaker Hagen: As I understand it, the object of indefinitely postponing Senate Bill No. 1 is to make it possible for the members of this House to make an amendment to the bill without abiding by the two-thirds majority rule. Therefore I am voting for indefinite postponement.

The Chair ruled that a two-thirds majority was required to take Senate Bill No. 1 from the calendar to place it in General Orders for amendment.

Rep. Crockett appealed from the decision of the Chair.

## ROLL CALL

The question being on appeal from the decision of the Chair, the roll was called and there were ayes, 60; nays, 41; absent and not voting, 8; passed, 1.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Anderson, Benson | Glas | Peterson, Ransom |
| Anfinson | Gray | Saumur |
| Arneson, Nelson | Haugland | Sellens |
| Arneson, Ramsey | Holm | Severson |
| Benno | Holthusen | Sharpe |
| Bergesen | Ireland | Singleton |
| Blair | Keller | Skartvedt |
| Boulden | Kluver | Solberg |
| Braun, McLean | Larson | Stone |
| Braun, Stark | Levin | Stormon |
| Brown | Lunde | Symington |
| Byrne | McInnes | Thompson,Burl'gh |
| Culver | Moe | Thompson, Steele |

| | | |
|---|---|---|
| Dalzell | Morland | Trydahl |
| Dike | Nelson, Steele | Twichell |
| Dittmer | Nystrom | Urschel |
| Feton | O'Brien | Wambheim |
| Fitch | Odegard | Westby |
| Fuglestad | Oglesby | Williams,Stutsm'n |
| Gainor | Page | Mr. Speaker |

Those voting in the negative were:

| | | |
|---|---|---|
| Adam | Ista | Ritter |
| Anderson,M'K'nzie | Johnson, LaMoure | Rohde |
| Beede | Joiner | Sand |
| Belzer | Knutson | Schauss |
| Billigmeier | Lange | Schmidt, McHenry |
| Bingenheimer | McIntee | Schmidt, Sheridan |
| Buchholz | Myers | Schimke |
| Crockett | Mittag | Scholl |
| Erickson | Nelson, Dickey | Schwartz |
| Fletcher | Ostgulen | Semerad |
| Fraser | Panko | Tuff |
| Haag | Peterson,Bottineau | Williams,Richland |
| Halvorson | Rait | Wolf |
| Heckman | Rettke | |

Absent and not voting:

| | | |
|---|---|---|
| Bolmeier | Johnson, Cass | Nelson, Cass |
| Hofstrand | McIntyre | Shure |
| Hultstrand | Mollet | |

Passed:
Jensen

So the decision of the Chair was sustained.

## MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, March 3, 1939.

Mr. Speaker: I have the honor to transmit herewith the following bills:

Senate Bill No. 76. A Bill for an Act to Amend and Reenact Section 2 and Section 25 of Chapter 249 of the Session Laws of North Dakota for 1937, Relating to the Levying and Imposing of a Retail Sales Tax and the Disposition of the Funds Collected Therefrom.

Senate Bill No. 5. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, New Buildings and Equipment for the Tuberculosis Sanatorium at San Haven, North Dakota.

Senate Bill No. 8. A Bill for an Act Making an Appropriation for the General Maintenance, and Miscellaneous Expenses of the State Hospital for the Insane at Jamestown, North Dakota.

Which the President has signed and your signature is respectfully requested.

Mr. Speaker: I have the honor to inform you that the Senate has concurred in the House amendment to:

Senate Bill No. 238. 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.

WM. J. LOWE, Secretary.

The question being on the motion of Rep. Lange that the motion of Rep. Twichell be amended to include Subdivision 28 in amending Senate Bill No. 1, the motion was lost.

The question being on the amending motion of Rep. Twichell to the original motion of Rep. Anderson of Benson confining the suspension of the rules to amend Subdivision 23 of Senate Bill No. 1 only, the motion prevailed.

The question being on the motion of Rep. Anderson of Benson as amended by the motion of Rep. Twichell, the motion prevailed.

Rep. Anderson of Benson moved the following amendment to Senate Bill No. 1:

In Subdivision 23, page 29 of the printed bill insert a new line 611a which will read line 690a in the engrossed bill as follows: "Deficit in Twenty-sixth Legislative Assembly Expense—$14,000.00."

Change all totals and renumber all lines in the engrossed bill accordingly.

Rep. Fitch moved that the rules be suspended and that Senate Bill No. 1 be placed on Second Reading and Final Passage as amended by motion of Rep. Anderson of Benson, which motion prevailed.

Rep. Fitch moved that the reading of the amendments to Senate Bill No. 1 be dispensed with, which motion prevailed.

## SECOND READING OF SENATE BILLS

Senate Bill No. 1. A Bill for an Act to Appropriate Money for the Expenses of the Executive, Legislative and Judicial Departments of the State Government, and for all of the Sub-divisions Thereof, 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 Providing a Penalty for Violation 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, 82; nays, 20; absent and not voting, 8.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Anderson, Benson | Gray | Peterson,Bottineau |
| Anderson,M'K'nzie | Haag | Peterson, Ransom |
| Anfinson | Halvorson | Rettke |
| Arneson, Nelson | Haugland | Ritter |
| Arneson, Ramsey | Heckman | Sand |
| Beede | Holm | Saumur |
| Belzer | Holthusen | Schmidt, Sheridan |
| Benno | Ireland | Scholl |
| Bergesen | Jensen | Sellens |
| Billigmeier | Joiner | Semerad |
| Bingenheimer | Keller | Severson |
| Blair | Kluver | Sharpe |

| | | |
|---|---|---|
| Boulden | Knutson | Singleton |
| Braun, Stark | Larson | Skartvedt |
| Brown | Levin | Solberg |
| Buchholz | Lunde | Stone |
| Byrne | McInnes | Stormon |
| Culver | Moe | Symington |
| Dalzell | Morland | Thompson, Burl'gh |
| Dike | Nelson, Steele | Thompson, Steele |
| Dittmer | Nystrom | Trydahl |
| Erickson | O'Brien | Twichell |
| Feton | Odegard | Urschel |
| Fitch | Oglesby | Wambheim |
| Fletcher | Ostgulen | Westby |
| Fuglestad | Page | Williams, Stutsm'n |
| Gainor | Panko | Wolf |
| Glas | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Adam | McIntee | Schmidt, McHenry |
| Braun, McLean | Myers | Schimke |
| Crockett | Mittag | Schwartz |
| Fraser | Nelson, Dickey | Tuff |
| Ista | Rait | Williams, Richland |
| Johnson, LaMoure | Rohde | Mr. Speaker |
| Lange | Schauss | |

Absent and not voting:

| | | |
|---|---|---|
| Bolmeier | Johnson, Cass | Nelson, Cass |
| Hofstrand | McIntyre | Shure |
| Hultstrand | Mollet | |

So the bill passed and the title was agreed to.

Rep. Stone moved that the vote by which Senate Bill No. 1 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Rep. Braun of McLean: Because of the fact that the old people voted last June for the Old Age Pension and we came down here to provide for that Old Age Pension, this is the last day and almost the last hour and in spite of our efforts we couldn't get that Old Age Pension.

Rep. Lange: I am in favor of the employes getting their money and I am also in favor of the committee charged with investigating the affairs at the State Hospital at Jamestown getting their money for their expenses but I am not in favor of an appropriation of $50,000 for another Board when we turned down the old people back home. Therefore I vote "no".

Rep. Schimke: I vote "no" on this bill because I think more of the old people at home than I do of that Board of seven.

Speaker Hagen: I am voting "no" on this measure because early in the Session Governor Moses recommended to the Legislature that we take care of our educational institutions and our governmental set-up and leave the Old Age Pension until last. I have consistently opposed that program and I still oppose it. I vote "no".

The House reverted to the Sixth Order of Business.

## REPORTS OF SELECT COMMITTEES

The Conference Committee on House Bill No. 285 made the following report:

Mr. Speaker: Your Conference Committee to whom was referred House Bill No. 285, relating to feeder roads, have had the same under consideration and have agreed to the following amendment:

On the first page of the bill, line 9, after the word "appropriation" insert the following: "that no mileage on the present primary state highway system shall be placed on feeder road system without the consent of the Board of County Commissioners of the County in which the road lies, and that in no case shall more than two thousand miles of such primary state highway system be so transferred.

| For the Senate: | For the House: |
|---|---|
| James W. Guthrie, | S. K. Skartvedt, |
| Gust Wog, | R. G. Beede, |
| Ben. Gilbertson. | Leonas Myers. |

Rep. Holthusen moved that the report be adopted and the committee discharged, which motion prevailed and the report was adopted.

Rep. Morland moved that the rules be suspended and that House Bill No. 285 be considered properly re-engrossed, placed on second reading and final passage as amended by Conference Committee, which motion prevailed.

## SECOND READING OF HOUSE BILLS

House Bill No. 285. A Bill for an Act to Amend Chapter 138 Session Laws of 1937, State of North Dakota, Relating to Secondary and Feeder Roads by Adding an Additional Section Designated as Section 3, Relating to Designation of a Secondary Highway System and Authorizing the State Highway Commissioner to Designate Highways in Such System; 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, 79; nays, 12; absent and not voting, 19.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Gray | Ritter |
| Anderson,M'K'nzie | Halvorson | Sand |
| Anfinson | Haugland | Saumur |
| Arneson, Nelson | Holthusen | Schmidt, Sheridan |
| Arneson, Ramsey | Ireland | Scholl |
| Beede | Kluver | Schwartz |
| Benno | Knutson | Sellens |
| Bergesen | Larson | Semerad |
| Billigmeier | Levin | Severson |
| Bingenheimer | Lunde | Sharpe |
| Blair | McInnes | Singleton |
| Boulden | McIntee | Skartvedt |
| Braun, McLean | Myers | Solberg |
| Braun, Stark | Mittag | Stone |
| Brown | Moe | Stormon |
| Byrne | Morland | Symington |
| Culver | Nystrom | Thompson,Burl'gh |

| | | |
|---|---|---|
| Dalzell | O'Brien | Thompson, Steele |
| Dike | Odegard | Trydahl |
| Erickson | Oglesby | Twichell |
| Feton | Ostgulen | Urschel |
| Fitch | Page | Wambheim |
| Fletcher | Panko | Westby |
| Fraser | Peterson,Bottineau | Williams,Stutsm'n |
| Fuglestad | Peterson, Ransom | Wolf |
| Gainor | Rettke | Mr. Speaker |
| Glas | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Buchholz | Jensen | Rait |
| Dittmer | Joiner | Rohde |
| Haag | Keller | Schmidt, McHenry |
| Heckman | Nelson, Dickey | Tuff |

Absent and not voting:

| | | |
|---|---|---|
| Anderson, Benson | Ista | Nelson, Cass |
| Belzer | Johnson, Cass | Nelson, Steele |
| Bolmeier | Johnson, LaMoure | Schauss |
| Crockett | Lange | Schimke |
| Hofstrand | McIntyre | Shure |
| Holm | Mollet | Williams,Richland |
| Hultstrand | | |

So the bill passed and the title was agreed to.

Rep. Skartvedt moved that the vote by which House Bill No. 285 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. 238 made the following report:

Mr. Speaker: Your Conference Committee to whom was referred Senate Bill No. 238, have had the same under consideration and report that the committee cannot reach a unanimous agreement and suggest appointment of a new committee.

| For the Senate: | For the House: |
|---|---|
| Fred J. Fredrickson | W. M. Crockett |
| Wm. Watt | George H. Lange |
| Robert Greiser | John A. Schmidt |

Rep. Lange moved that the report be adopted and the committee discharged, which motion prevailed, and the report was adopted.

Rep. Twichell moved that a new Conference Committee be appointed to deliberate with a like committee from the Senate on Senate Bill No. 238, which motion prevailed.

The Conference Committee on Senate Bill No. 226 made the following report:

Mr. Speaker: Your Conference Committee to whom was referred Senate Bill No. 226, have had the same under consideration and recommend that the Senate concur in the House amendments.

| For the Senate: | For the House: |
|---|---|
| Herman Thorson | Palmer Levin |
| E. Magoffin | W. H. Shure |
| J. L. Flatt | R. G. Beede |

Rep. Levin moved that the report be adopted, and the committee be discharged, which motion prevailed and the report was adopted.

REPORT OF STANDING COMMITTEE

Mr. President: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following:

House Bill No. 168
House Bill No. 267
House Bill No. 79
House Bill No. 45
House Concurrent Resolution No. 408.

And find the same correctly enrolled.

OLAF OSTGULEN, Chairman.

Rep. Ostgulen moved that the report be adopted, which motion prevailed, and the report was adopted.

REPORT OF SELECT COMMITTEES

The Conference Committee on Senate Bill No. 40 made the following report:

Mr. Speaker: Your Conference Committee to whom was referred Senate Bill No. 40, have had the same under consideration and recommend that the Senate concur in the House amendment in lines 202 by striking out the words "one year from date of entry of judgment" and inserting in lieu thereof the words "July 1, 1941," and that the House recede from its other amendments to said bill.

That the title be amended as follows: In line 13, (next to last line of title), after the word "Act," insert a comma and the words "and providing that the Act shall not be applicable in certain cases set forth in this Act."

| For the Senate: | For the House: |
|---|---|
| Fred J. Fredrickson | Leonas Myers |
| T. E. Whelan | J. M. Anderson |
| Ben Gilbertson | George P. Braun |

Rep. Myers moved that the report be adopted, and the committee discharged.

Rep. Beede moved a substitute motion that the House do not accept the Conference Committee report, and that a new Conference Committee be appointed, which motion prevailed.

The Conference Committee report on House Bill No. 158 was read from the desk.

Rep. Anderson of Benson moved that the House do not concur in the Senate amendments to House Bill No. 158, and that a new Conference Committee be appointed.

Rep. Page moved a substitute motion that the House do concur in the Senate amendments to House Bill No. 158, which motion was lost.

The question being on the motion of Rep. Anderson of Benson that the House do not concur in the Senate amendments to House Bill No. 158, and that a new Conference Committee be appointed, which motion prevailed.

The Chair announced the appointment of the following Conference Committees:

Reps. R. T. Gray, Targie Trydahl and Leonas Myers on Senate Bill No. 7.

Reps. R. G. Beede, R. R. Scholl and J. H. Heckman on Senate Bill No. 40.

Reps. Anderson of McKenzie, L. K. Morland and T. O. Rohde, Senate Bill No. 141.

Reps. Leonas Myers, Geo. Schwartz and Franklin Page on House Bill No. 158.

## REPORTS OF SELECT COMMITTEES

The Conference Committee on House Bill No. 277 made the following report:

Mr. Speaker: Your Conference Committee to whom was referred House Bill No. 277, have had the same under consideration and recommend:

1. That the House concur in the Senate amendments to said bill, which are found on pages 674 and 675 of the Senate Journal.

2. That the House concur in the Senate amendments made upon the floor of the Senate and set forth on page 784 of the Senate Journal.

3. That the bill be further amended as follows:

In Section I of the Senate amendments shown on page 674, after the word "drunkard" insert the following new paragraphs:

"The minimum state fee for a retail license to sell beer in this state shall be the sum of $15.00 per year, and the maximum shall be $100.00 per year, to be collected as provided by law and turned over to the treasurer of the State of North Dakota. For the license fee for the first year of doing business of retailing beer the applicant for such license shall pay a license within the above mentioned limits, which fee for said first year shall be determined as provided by law and be based upon the probable volume of business which said applicant is likely to do during said year, and that for any renewals of said license or for license for years succeeding the first year, the amount of such license fee, within the above mentioned limits, shall be based upon the volume of beer retailed by such applicant during the preceding year; providing, however, that the license fee to be paid to the state for the first year shall in all cases be in the sum of $100.00, except in cities and villages (whether incorporated or not) having a population of less than five hundred inhabitants, and in such places the minimum fee shall be $15.00 and no greater sum than $50.00.

"From and after the taking effect of this act there is hereby levied and assessed and there shall be collected and paid to the State Treasurer upon all beer sold in North Dakota to consumers, the following taxes, to be paid prior to the sale and delivery thereof to the consumer and at the time said beer is delivered to the retailer; on all beer sold a tax of $2.48 per barrel of 31 gallons, or pro rata proportion thereof in accordance with the size of the bulk container. All beer sold in this State under the provisions of the Initiated Beer measure of 1935, being an Act approved September 22, 1933, and Acts Amendatory thereof, shall be put up in bottles, kegs or other containers, so that the stamps can be affixed thereto in the manner hereinafter provided. The stamps representing the payment of said tax shall be

provided by the Commissioner, and purchased from him. The proceeds of the sale of such stamps to be turned over to the Treasurer of the State of North Dakota and such stamps shall be affixed to the kegs, cartons or other bulk containers containing said beer in such manner that the opening of the container breaks the stamps, thereby preventing the use of the stamps a second time.

"If the license fees and tax imposed and prescribed by the Initiated Act approved September 22, 1933, are collected and received upon the beer described in this Act the State and municipal license fees and taxes hereby imposed upon beer shall not be collected.

"In addition to the foregoing prohibitions there is hereby conferred upon the governing bodies of each incorporated city and village in this State the authority to require licenses from retailers of beer in such village or city and to license and to deny and revoke licenses for cause, and to regulate the business of vendors at retail of beer authorized to be sold in this State, in their respective jurisdictions, subject to review by the Courts of the State, to impose and collect a license fee therefor, and to provide for the punishment of any violation of any such regulations, according to provisions of law, excepting that such regulations shall be uniform, and that all applicants for license, who are qualified by law, shall be granted licenses by said municipalities.

There is further hereby conferred upon the Board of County Commissioners of each county the same powers and authority as are herein granted to the governing boards of incorporated cities and villages, relative to the retailing of beer in all territories outside of incorporated cities and villages."

4. That the bill be further amended as follows:

By inserting in the title to the amended act as set forth on page 674 of the Senate Journal in line 7 after the word "persons" the following language: "authorizing and empowering political subdivisions to pass ordinances and regulations governing, controlling and regulating the sale of such beer, imposing a state and political subdivision license fee and tax upon said beer and the sale thereof."

| For the Senate: | For the House: |
|---|---|
| A. W. Fowler, | Calvin Schimke, |
| Ben. Gilbertson, | A. R. Bergesen, |
| P. W. Blank. | Carl H. Dittmer. |

Rep. Calvin Schimke moved that the report be adopted, which motion prevailed and the report was adopted.

Rep. Schimke moved that the rules be suspended and that House Bill No. 277 be considered properly re-engrossed, placed on Second Reading and Final Passage as amended by Conference Committee, which motion prevailed.

## SECOND READING OF HOUSE BILLS

House Bill No. 277. A Bill for an Act to Amend Section 10145b1 of the 1925 Supplement to the 1913 Compiled Laws of North Dakota, Defining Intoxicating Liquors, and Excepting Therefrom Certain Fruit Juices, Wine, Beer, Ale and Porter Containing Less Than One-Half of 1 Percent of Alcohol by Volume; Repealing All Acts in Conflict Therewith.

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, 25; nays, 62; absent and not voting, 23.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Mittag | Schmidt, Sheridan |
| Anderson, Benson | Nelson, Dickey | Schimke |
| Anderson,M'K'nzie | Ostgulen | Scholl |
| Anfinson | Rait | Schwartz |
| Haag | Ritter | Skartvedt |
| Jensen | Rohde | Stone |
| Knutson | Schauss | Wolf |
| McIntee | Schmidt, McHenry | Mr. Speaker |
| Myers | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Arneson, Nelson | Gainor | Page |
| Arneson, Ramsey | Glas | Panko |
| Beede | Halvorson | Peterson, Ransom |
| Bergesen | Haugland | Rettke |
| Billigmeier | Heckman | Saumur |
| Bingenheimer | Holthusen | Sellens |
| Blair | Holm | Semerad |
| Boulden | Ireland | Severson |
| Braun, McLean | Ista | Sharpe |
| Brown | Joiner | Singleton |
| Buchholz | Keller | Stormon |
| Byrne | Kluver | Symington |
| Culver | Levin | Thompson,Burl'gh |
| Dalzell | Lunde | Thompson, Steele |
| Dike | McInnes | Trydahl |
| Dittmer | Moe | Twichell |
| Erickson | Morland | Urschel |
| Feton | Nystrom | Wambheim |
| Fletcher | O'Brien | Westby |
| Fraser | Odegard | Williams,Stutsm'n |
| Fuglestad | Oglesby | |

Absent and not voting:

| | | |
|---|---|---|
| Belzer | Hultstrand | Nelson, Steele |
| Benno | Johnson, Cass | Peterson,Bottineau |
| Bolmeier | Johnson, LaMoure | Sand |
| Braun, Stark | Lange | Shure |
| Crockett | Larson | Solberg |
| Fitch | McIntyre | Tuff |
| Gray | Mollet | Williams,Richland |
| Hofstrand | Nelson, Cass | |

So the bill was declared lost.

Rep. Schauss moved that the vote by which House Bill No. 277 was lost be reconsidered, and the motion to reconsider be laid on the table, which motion prevailed.

Senate Concurrent Resolution No. 288 was read.

Rep. Westby moved the adoption of Senate Concurrent Resolution No. 288.

SECOND READING OF SENATE CONCURRENT RESOLUTION

Senate Concurrent Resolution No. 288. A Concurrent Reso-

lution Providing for Payment of House and Senate Employees for Four Extra Days.

Was read the second time.

ROLL CALL

The question being on the final passage of the resolution, as amended, the roll was called and there were ayes, 83; nays, 0; absent and not voting, 27.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Halvorson | Page |
| Anderson, Benson | Haugland | Panko |
| Anderson,M'K'nzie | Heckman | Peterson, Ransom |
| Anfinson | Hultstrand | Rettke |
| Arneson, Nelson | Holm | Ritter |
| Beede | Holthusen | Rohde |
| Bergesen | Ireland | Saumur |
| Billigmeier | Ista | Schmidt, Sheridan |
| Bingenheimer | Jensen | Scholl |
| Blair | Joiner | Schwartz |
| Boulden | Keller | Sellens |
| Braun, McLean | Kluver | Semerad |
| Brown | Levin | Severson |
| Buchholz | Lunde | Sharpe |
| Byrne | McInnes | Singleton |
| Culver | McIntee | Skartvedt |
| Dalzell | McIntyre | Solberg |
| Dike | Myers | Stormon |
| Dittmer | Mittag | Thompson,Burl'gh |
| Erickson | Moe | Thompson, Steele |
| Feton | Morland | Trydahl |
| Fletcher | Nelson, Dickey | Tuff |
| Fraser | Nelson, Steele | Urschel |
| Fuglestad | Nystrom | Wambheim |
| Gainor | O'Brien | Westby |
| Glas | Odegard | Williams,Stutsm'n |
| Gray | Oglesby | Wolf |
| Haag | Ostgulen | Mr. Speaker |

Absent and not voting:

| | | |
|---|---|---|
| Arneson, Ramsey | Johnson, LaMoure | Schauss |
| Belzer | Knutson | Schmidt, McHenry |
| Benno | Lange | Schimke |
| Bolmeier | Larson | Shure |
| Braun, Stark | Mollet | Stone |
| Crockett | Nelson, Cass | Symington |
| Fitch | Peterson,Bottineau | Twichell |
| Hofstrand | Rait | Williams,Richland |
| Johnson, Cass | Sand | |

So the Resolution passed.

Rep. Morland moved that the vote by which Senate Concurrent Resolution No. 288 was passed be reconsidered, and the motion to reconsider be laid on the table, which motion prevailed.

REPORT OF STANDING COMMITTEE

Mr. President: Your Committee on Enrollment and En-

grossment respectfully report that they have examined the following bills and find the same correctly enrolled:

House Bill No. 174
House Bill No. 285.

OLAF OSTGULEN, Chairman.

Rep. Ostgulen moved that the report be adopted, which motion prevailed, and the report was adopted.

## MESSAGE TO THE SENATE

House of Representatives,
Bismarck, March 3, 1939.

Mr. President: I have the honor to return:

Senate Concurrent Resolution No. 288. A Concurrent Resolution Providing for Payment of House and Senate Employees for Four Extra Days.

Which the House has passed unchanged.

Senate Bill No. 1. A Bill for an Act to Appropriate Money for the Expenses of the Executive, Legislative and Judicial Departments of the State Government, and for all of the Sub-divisions Thereof, 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 Providing a Penalty for Violation Thereof; and Declaring an Emergency.

Which the House has amended.

MINNIE D. CRAIG, Chief Clerk.

## MESSAGE TO THE HOUSE

Bismarck, March 3, 1939.
Senate Chamber,

Mr. Speaker: I have the honor to inform you that the Senate has adopted the Conference Committee report on:

Senate Bill No. 8. A Bill for an Act Making an Appropriation for the General Maintenance, and Miscellaneous Expenses of the State Hospital for the Insane at Jamestown, North Dakota.

WM. J. LOWE, Secretary.

The Chair announced the appointment of Reps. Jensen and Bergesen as House members on the committee authorized under House Concurrent Resolution No. 408.

Rep. Beede moved that the House approve the appointment of Reps. Jensen and Bergesen as members of the committee authorized by House Concurrent Resolution No. 408, which motion prevailed.

Rep. Scholl moved that the House be on the Eighth Order of Business, to be at rest on completion of the same, subject to the call of the Chair, which motion prevailed.

## SIGNING OF BILLS

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 9. A Bill for an Act Making an Appropriation for the Purpose of Defraying the Expenses of the Main-

tenance and Operation of the Department of the Registrar of Motor Vehicles.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 4. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Items for the Grafton State School at Grafton, North Dakota.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 253. A Bill for an Act Making an Appropriation for the Purpose of Defraying the Expense of the Maintenance and Operation of the State of North Dakota Doing Business as the North Dakota Mill and Elevator Association.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 225. A Bill for an Act Relating to the Giving of Proof of Financial Responsibility by Owners and Operators of Motor Vehicles and to Make Uniform the Law With Reference Thereto.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 187. A Bill for an Act to Permit School Districts, Discontinuing High Schools, to Furnish for High School Students, Transportation to Other School Districts Having High School Facilities.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 213. A Bill for an Act to Amend and Reenact Sections 3, 4, 12, 15, 26 and 27, of Chapter 157, of the Laws of 1927, and Section 1, of Chapter 137, of the Laws of 1937, Relating to the Occupation of Hairdressers and Cosmetologists, the Conduct of Schools for Hairdressing and Cosmetology, the Qualification of Applicants for Examinations, Certificates, and Making Provisions for the Payment of Fees in Connection Therewith.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 275. A Bill for an Act Prohibiting the Use of Motor Vehicles Owned by the State, or Any Department, Board, Bureau, Commission, Institution, or Other Agency of the State, Including the State Mill and Elevator and the

Bank of North Dakota by Any State Officer or Other Public Employee, and Prohibiting the Collection and Receipt of Any Mileage or Other Traveling Expenses for the Operation of a Privately Owned Motor Vehicle by Such State Officer or Other Public Employee While Engaged in Any Political Activity, and Prescribing Penalties Therefor.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 215. A Bill for an Act Amending and Reenacting Section 16, of Chapter 139, of the 1937 Session Laws Relating to Motor Vehicle Drivers Licenses, to Provide for Appointment of Local Agents and Their Compensation for Issuing Licenses, and Repealing Section 17, of Said Chapter 139, of the 1937 Session Laws and All Acts or Parts of Acts in Conflict Herewith, and Declaring an Emergency.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 131. A Bill for an Act to Amend and Reenact Chapter 151 of the Session Laws of North Dakota for 1935, Providing for Licenses for Reciprocal Fire and Life Insurance Underwriters.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Senate Concurrent Resolution No. 287. A Concurrent Resolution Urging an Investigation by the President of the United States and Congress of the Relief Situation in North Dakota.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 8. A Bill for an Act Making an Appropriation for the General Maintenance, and Miscellaneous Expenses of the State Hospital for the Insane at Jamestown, North Dakota.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 5. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, New Buildings and Equipment for the Tuberculosis Sanatorium at San Haven, North Dakota.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 76. A Bill for an Act to Amend and Reenact Section 2 and Section 25 of Chapter 249 of the Session

Laws of North Dakota for 1937, Relating to the Levying and Imposing of a Retail Sales Tax and the Disposition of the Funds Collected Therefrom.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 198. A Bill for an Act to Amend and Reenact Section 1218 of the Supplement to the Compiled Laws for 1913, of the State of North Dakota, and Relating to the Report of the Treasurer in Common School Districts; and Repealing All Acts or Parts of Acts in Conflict Therewith.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 276. A Bill for an Act to Amend and Reenact Section 6, of Chapter 244, of the Session Laws of 1937, Relating to Liens and Assignments Acquired in Proceedings for the Collection of Rents to Be Applied on Real Estate Taxes; Providing for Priority of Liens Acquired by the United States Government or Any Agency Thereof, and Repealing All Acts in Conflict Herewith; Declaring an Emergency.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 170. A Bill for an Act to Amend Section 4073a of the 1925 Supplement to the Compiled Laws of North Dakota for 1913; and Declaring an Emergency.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 140. A Bill for an Act Making an Appropriation for the Biennium Beginning July 1, 1939, and Ending June 30, 1941 to the Public Welfare Fund, Created and Established by Section 3 of Chapter 214 of the Session Laws of 1937, for Disbursement by the Public Welfare Board in Providing Public Assistance to the Needy Blind and to Dependent Children, as Provided by Chapters 209 and 210 of the Session Laws of 1937, and in Providing Child Welfare Services and Services to Crippled Children in Coordination With and Supplementary to Funds Made Available for Like Purposes in North Dakota by the Federal Government, as Provided by Chapter 221 of the Session Laws of 1935.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 2. 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.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 3. 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.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 26. A Bill for an Act to Impose a Tax on the Storage, Use or Consumption in this State of Tangible Personal Property as Such Terms are Defined Herein: to Provide Certain Exemptions Therefrom; to Provide for the Collection of Such Tax and the Administration of This Act; to Fix Fines and Penalties for the Violation of the Provisions of This Act and Declaring an Emergency.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 274. 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 Water Sheds, 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, Maintenance and Financing 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; Authorizing the Commission to Obligate or Pledge Monies Available in Its Operating or Construction Fund to Insure the Payment of Twenty Per Cent of the Par Value of Revenue 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; Validating Proceedings and Acts of the State Water Conservation Commission Done and Performed Under the Provisions of Chapter 255 of the Session Laws of 1937; Repealing Inconsistent Acts, and Declaring an Emergency.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 79. A Bill for an Act Making an Appropriation for the Purpose of Maintaining and Operating the Bridge Across the Yellowstone River in McKenzie County, North Dakota, Declaring an Emergency.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Concurrent Resolution No. 408. A Concurrent Resolution to Establish a State Relief and Debt Survey Commission.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 267. A Bill for an Act Providing for Serological Test, for Syphilis of All Persons Applying for Marriage Licenses; Prohibiting Marriage of Any Person Afflicted With Syphilis in Communicable Form; Providing for Proofs of Serological Test to Be Required by and Submitted to County Judges Before the Issuance of a Marriage License; Repealing All Acts and Parts of Acts Inconsistent With or in Conflict Herewith; Making an Appropriation for the State Health Department to Enable it to Comply With the Provisions Hereof.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 168. A Bill for an Act to Amend and Re-enact Section 4656 of the Compiled Laws of 1913, Relative to the Maintenance of Railroad Stations and Station Agents.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 45. A Bill for an Act Making an Appropriation Out of the Motor Patrol Fund in the State Treasury, for the Operation, Maintenance, Equipment, Supplies, Outfitting of Patrolmen, Travel and Miscellaneous Expenses for the Motor Patrol Branch.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 36. 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.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 8. A Bill for an Act Making an Appropriation for the Purpose of Paying Salary, Clerk Hire, and General Expenses of the State Historical Society.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 38. A Bill for an Act Making an Appropriation for Salaries, Operation, Maintenance, General and Miscellaneous Expenses for the State Laboratories Department.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 390. A Bill for an Act Reserving to the State of North Dakota All Rights to Minerals, Natural Gas or Oil Which May be Found or Underlying All Lands Owned by the State of North Dakota or Hereafter Acquired by the State of North Dakota by Foreclosure, Quit Claim Deed or Otherwise; Declaring an Emergency.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Resolution "O". Providing for the Sending by Express to Each Member of This Legislative Session Bound Copies of the Journals, Official Bulletins and Legislative Correspondence.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 258. A Bill for an Act Providing Suspension of Remedies to Enforce or Effectuate Tax Liens Certificates and Titles Affecting Lands Acquired by the State Treasurer as Trustee for the State of North Dakota Under the Provisions of Sections 2290b9 and 2290c9 of the 1925 Supplement to the 1913 Compiled Laws of North Dakota, and Acts Amendatory Thereof, Providing for Removal of Such Suspension Upon Sale of Said Lands, Providing Authority for Payment of the Original Amounts of General Taxes, and Cancellation of Liens, Certificates and Titles Based Thereon, and Providing for Repeal of All Inconsistent Acts, Including Chapter 290 of the North Dakota Session Laws of 1931, and Declaring an Emergency.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 281. A Bill for an Act to Amend and Reenact Sections 548a1 of the 1925 Supplement to the Compiled Laws of North Dakota for the Year 1913, Relating to the Licensing of Pool Halls, Dance Halls, Theatres, Moving Picture Shows, Etc.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 174. A Bill for an Act to Amend and Reenact Section 686 of the Compiled Laws of North Dakota for 1913, as Amended by Section 686 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, Being an Act Providing for Petitioning the Governor to Remove Certain Public Officials; Providing the Procedure Therefor; Requiring a Petition by Qualified Electors, and Prescribing the Procedure Thereon; Further Providing for the Attorney General and Appointed Attorneys to Prosecute Such Proceedings.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 285. A Bill for an Act to Amend Chapter 138 Session Laws of 1937, State of North Dakota, Relating to Secondary and Feeder Roads by Adding an Additional Section Designated as Section 3, Relating to Designation of a Secondary Highway System and Authorizing the State

Highway Commissioner to Designate Highways in Such System; and Declaring an Emergency.

And the Speaker signed the same in the presence of the House.

## MESSAGE TO THE SENATE

House of Representatives,
Bismarck, March 3, 1939.

Mr. President: I have the honor to inform you that the House has adopted the Conference Committee report on:

House Bill No. 8. A Bill for an Act Making an Appropriation for the Purpose of Paying Salary, Clerk Hire, and General Expenses of the State Historical Society.

House Bill No. 285. A Bill for an Act to Amend Chapter 138 Session Laws of 1937, State of North Dakota, Relating to Secondary and Feeder Roads by Adding an Additional Section Designated as Section 3, Relating to Designation of a Secondary Highway System and Authorizing the State Highway Commissioner to Designate Highways in Such System; and Declaring an Emergency.

House Bill No. 277. A Bill for an Act to Amend Section 10145b1 of the 1925 Supplement to the 1913 Compiled Laws of North Dakota, Defining Intoxicating Liquors, and Excepting Therefrom Certain Fruit Juices, Wine, Beer, Ale and Porter Containing Less Than One-Half of 1 Percent of Alcohol by Volume; Repealing All Acts in Conflict Therewith.

Senate Bill No. 238. 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.

Senate Bill No. 260. A Bill for an Act Amending and Reenacting Chapter 102, Session Laws of the State of North Dakota for the Year 1929.

MINNIE D. CRAIG, Chief Clerk.

Mr. President: I have the honor to inform you that the House has not adopted the Conference Committee report, and the Speaker has appointed a committee to act with a like committee from the Senate, Representatives:

R. G. Beede
R. R. Scholl
J. H. Heckman

Relative to:

Senate Bill No. 40. 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 Representatives:

Leonas Myers
Geo. Schwartz
Franklin Page

Relative to:

House Bill No. 158. A Bill for an Act to Amend and Reenact Chapter 30 of the Session Laws of North Dakota for the Year 1937; Making an Appropriation of One Million Dollars to the State Hail Insurance Department From the State Equalization Fund; Repealing all Acts or Parts of Acts in Conflict Herewith.

MINNIE D. CRAIG, Chief Clerk.

Mr. President: I have the honor to return:

Senate Bill No. 8. A Bill for an Act Making an Appropriation for the General Maintenance, and Miscellaneous Expenses of the State Hospital for the Insane at Jamestown, North Dakota.

Senate Bill No. 5. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, New Buildings and Equipment for the Tuberculosis Sanatorium at San Haven, North Dakota.

Senate Bill No. 76. A Bill for an Act to Amend and Reenact Section 2 and Section 25 of Chapter 249 of the Session Laws of North Dakota for 1937, Relating to the Levying and Imposing of a Retail Sales Tax and the Disposition of the Funds Collected Therefrom.

Senate Bill No. 198. A Bill for an Act to Amend and Reenact Section 1218 of the Supplement to the Compiled Laws for 1913, of the State of North Dakota, and Relating to the Report of the Treasurer in Common School Districts; and Repealing All Acts or Parts of Acts in Conflict Therewith.

Senate Bill No. 276. A Bill for an Act to Amend and Reenact Section 6, of Chapter 244, of the Session Laws of 1937, Relating to Liens and Assignments Acquired in Proceedings for the Collection of Rents to Be Applied on Real Estate Taxes; Providing for Priority of Liens Acquired by the United States Government or Any Agency Thereof, and Repealing All Acts in Conflict Herewith; Declaring an Emergency.

Senate Bill No. 170. A Bill for an Act to Amend Section 4073a of the 1925 Supplement to the Compiled Laws of North Dakota for 1913; and Declaring an Emergency.

Senate Bill No. 140. A Bill for an Act Making an Appropriation for the Biennium Beginning July 1, 1939, and Ending June 30, 1941 to the Public Welfare Fund, Created and Established by Section 3 of Chapter 214 of the Session Laws of 1937, for Disbursement by the Public Welfare Board in Providing Public Assistance to the Needy Blind and to Dependent Children, as Provided by Chapters 209 and 210 of the Session Laws of 1937, and in Providing Child Welfare Services and Services to Crippled Children in Coordination With and Supplementary to Funds Made Available for Like Purposes in North Dakota by the Federal Government, as Provided by Chapter 221 of the Session Laws of 1935.

Senate Bill No. 2. 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.

Senate Bill No. 3. 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.

Senate Bill No. 26. A Bill for an Act to Impose a Tax on the Storage, Use or Consumption in this State of Tangible Personal Property as Such Terms are Defined Herein; to Provide Certain Exemptions Therefrom; to Provide for the Collection of Such Tax and the Administration of This Act; to Fix Fines and Penalties for the Violation of the Provisions of This Act and Declaring an Emergency.

Senate Bill No. 9. 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.

Senate Bill No. 4. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Items for the Grafton State School at Grafton, North Dakota.

Senate Bill No. 253. A Bill for an Act Making an Appropriation for the Purpose of Defraying the Expense of the Maintenance and Operation of the State of North Dakota Doing Business as the North Dakota Mill and Elevator Association.

Senate Bill No. 225. A Bill for an Act Relating to the Giving of Proof of Financial Responsibility by Owners and Operators of Motor Vehicles and to Make Uniform the Law With Reference Thereto.

Senate Bill No. 187. A Bill for an Act to Permit School Districts, Discontinuing High Schools, to Furnish for High School Students, Transportation to Other School Districts Having High School Facilities.

Senate Bill No. 213. A Bill for an Act to Amend and Reenact Sections 3, 4, 12, 15, 26 and 27, of Chapter 157, of the Laws of 1927, and Section 1, of Chapter 137, of the Laws of 1937, Relating to the Occupation of Hairdressers and Cosmetologists, the Conduct of Schools for Hairdressing and Cosmetology, the Qualification of Applicants for Examinations, Certificates, and Making Provisions for the Payment of Fees in Connection Therewith.

Senate Bill No. 275. A Bill for an Act Prohibiting the Use of Motor Vehicles Owned by the State, or Any Department, Board, Bureau, Commission, Institution, or Other Agency of the State, Including the State Mill and Elevator and the Bank of North Dakota by Any State Officer or Other Public Employee, and Prohibiting the Collection and Receipt of Any Mileage or Other Traveling Expenses for the Operation of a Privately Owned Motor Vehicle by Such State Officer or Other Public Employee While Engaged in Any Political Activity, and Prescribing Penalties Therefor.

Senate Bill No. 215. A Bill for an Act Amending and Reenacting Section 16, of Chapter 139, of the 1937 Session Laws Relating to Motor Vehicle Drivers Licenses, to Pro-

vide for Appointment of Local Agents and Their Compensation for Issuing Licenses, and Repealing Section 17, of Said Chapter 139, of the 1937 Session Laws and All Acts or Parts of Acts in Conflict Herewith, and Declaring an Emergency.

Senate Bill No. 131. A Bill for an Act to Amend and Reenact Chapter 151 of the Session Laws of North Dakota for 1935, Providing for Licenses for Reciprocal Fire and Life Insurance Underwriters.

Senate Concurrent Resolution No. 287. A Concurrent Resolution Urging an Investigation by the President of the United States and Congress of the Relief Situation in North Dakota.

Which the Speaker has signed.

Mr. President: I have the honor to transmit:

House Bill No. 79. A Bill for an Act Making an Appropriation for the Purpose of Maintaining and Operating the Bridge Across the Yellowstone River in McKenzie County, North Dakota, Declaring an Emergency.

House Concurrent Resolution No. 408. A Concurrent Resolution to Establish a State Relief and Debt Survey Commission.

House Bill No. 267. A Bill for an Act Providing for Serological Test, for Syphilis of All Persons Applying for Marriage Licenses; Prohibiting Marriage of Any Person Afflicted With Syphilis in Communicable Form; Providing for Proofs of Serological Test to Be Required by and Submitted to County Judges Before the Issuance of a Marriage License; Repealing All Acts and Parts of Acts Inconsistent With or in Conflict Herewith; Making an Appropriation for the State Health Department to Enable it to Comply With the Provisions Hereof.

House Bill No. 168. A Bill for an Act to Amend and Re-enact Section 4656 of the Compiled Laws of 1913, Relative to the Maintenance of Railroad Stations and Station Agents.

House Bill No. 45. A Bill for an Act Making an Appropriation Out of the Motor Patrol Fund in the State Treasury, for the Operation, Maintenance, Equipment, Supplies, Outfitting of Patrolmen, Travel and Miscellaneous Expenses for the Motor Patrol Branch.

House Bill No. 36. 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.

House Bill No. 8. A Bill for an Act Making an Appropriation for the Purpose of Paying Salary, Clerk Hire, and General Expenses of the State Historical Society.

House Bill No. 38. A Bill for an Act Making an Appropriation for Salaries, Operation, Maintenance, General and Miscellaneous Expenses for the State Laboratories Department.

House Bill No. 390. A Bill for an Act Reserving to the State of North Dakota All Rights to Minerals, Natural Gas or Oil Which May Be Found or Underlying All Lands Owned by the State of North Dakota or Hereafter Acquired by the State of North Dakota by Foreclosure, Quit Claim Deed or Otherwise; Declaring an Emergency.

House Bill No. 274. 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 Water Sheds, 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, Maintenance and Financing 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; Authorizing the Commission to Obligate or Pledge Monies Available in Its Operating or Construction Fund to Insure the Payment of Twenty Per Cent of the Par Value of Revenue 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; Validating Proceedings and Acts of the State Water Conservation Commission Done and Performed Under the Provisions of Chapter 255 of the Session

Laws of 1937; Repealing Inconsistent Acts, and Declaring an Emergency.

Which the Speaker has signed and your signature is respectfully requested.

MINNIE D. CRAIG, Chief Clerk.

Mr. President: I have the honor to return:

Senate Bill No. 82. A Bill for an Act to Amend and Reenact Section Six of Chapter 235 of the Session Laws of the State of North Dakota for the year 1929, Relating to Park District Tax Levies.

Senate Bill No. 258. A Bill for an Act Providing Suspension of Remedies to Enforce or Effectuate Tax Liens Certificates and Titles Affecting Lands Acquired by the State Treasurer as Trustee for the State of North Dakota Under the Provisions of Sections 2290b9 and 2290c9 of the 1925 Supplement to the 1913 Compiled Laws of North Dakota, and Acts Amendatory Thereof, Providing for Removal of Such Suspension Upon Sale of Said Lands, Providing Authority for Payment of the Original Amounts of General Taxes, and Cancellation of Liens, Certificates and Titles Based Thereon, and Providing for Repeal of All Inconsistent Acts, Including Chapter 290 of the North Dakota Session Laws of 1931, and Declaring an Emergency.

Senate Bill No. 281. A Bill for an Act to Amend and Reenact Sections 548a1 of the 1925 Supplement to the Compiled Laws of North Dakota for the Year 1913, Relating to the Licensing of Pool Halls, Dance Halls, Theatres, Moving Picture Shows, Etc.

Which the Speaker has signed.

Mr. President: I have the honor to transmit:

House Bill No. 174. A Bill for an Act to Amend and Reenact Section 686 of the Compiled Laws of North Dakota for 1913, as Amended by Section 686 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, Being an Act Providing for Petitioning the Governor to Remove Certain Public Officials; Providing the Procedure Therefor; Requiring a Petition by Qualified Electors, and Prescribing the Procedure Thereon; Further Providing for the Attorney General and Appointed Attorneys to Prosecute Such Proceedings.

House Bill No. 285. A Bill for an Act to Amend Chapter 138 Session Laws of 1937, State of North Dakota, Relating to Secondary and Feeder Roads by Adding an Additional Section Designated as Section 3, Relating to Designation of a Secondary Highway System and Authorizing the State Highway Commissioner to Designate Highways in Such System; and Declaring an Emergency.

Which the Speaker has signed and your signature is respectfully requested.

MINNIE D. CRAIG, Chief Clerk.

There being no objection the House reverted to the Seventh Order of Business.

House Concurrent Resolution No. 409 was read from the desk.

HOUSE CONCURRENT RESOLUTION No. 409

Introduced by Representative Scholl

A RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NORTH DAKOTA, THE SENATE CONCURRING:

WHEREAS, citizenship of the State of North Dakota imposes mutual obligations upon the citizens and their government, the citizens being required to obey the laws of the state, to pay taxes for the support of the state government and its necessary governmental functions and to defend and protect their said government with their lives, if necessary, when called upon so to do, and the government being required to preserve and protect the life, liberty, and property of its citizens, and

WHEREAS, it is one of the obligations of the State government, under existing law, to adequately provide for the support of the poor and the aged who are unable to properly provide for themselves, and

WHEREAS, the 26th Legislative Assembly of the State of North Dakota has failed to provide sufficient revenue to meet the governmental expenses of the State for the next biennium, exclusive of the amount required for the adequate and proper care of the poor and aged during the said biennium, and

WHEREAS, the Governor of the State in his capacity as Chief Executive of the State, has the power to enforce all laws of the State and, in emergencies, to take such action and make and enforce such orders as may be necessary for the preservation and protection of the lives and welfare of the citizens of the State, and

WHEREAS, because of present economic conditions and the inability of the citizens of the State to secure gainful employment, many of our citizens are in distress and require assistance from the State, either in the nature of poor relief assistance or Old Age Assistance grants, in order to live on a standard compatible with decency and health, and

WHEREAS, the present Legislative Assembly has appropriated funds for purposes not so essential to the maintenance of government as are the preservation and protection of the welfare and well-being of the citizens of the State and the proper care of the poor and aged.

NOW, THEREFORE, BE IT RESOLVED, that the Governor of the State of North Dakota, as the Chief Executive officer of the State be and he hereby is requested to close, by Executive Order, during the entire biennium beginning July 1, 1939, all of the State Educational Institutions of Higher Learning, so funds appropriated thereto may be used to meet appropriations made for general governmental functions and for care of the poor and aged.

Rep. Scholl moved the adoption of Resolution No. 409.

Rep. Blair moved a substitute motion that House Concurrent Resolution No. 409 be laid on the table, which motion prevailed.

Rep. Blair moved that the vote by which House Concurrent Resolution No. 409 was laid on the table be reconsidered, and

the motion to reconsider be laid on the table, which motion was lost.

House Concurrent Resolution No. 411 was read.

Rep. Scholl moved the adoption of House Concurrent Resolution No. 411, which motion prevailed.

HOUSE CONCURRENT RESOLUTION No. 411

Introduced by Representative Anderson of McKenzie

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 the Existing Emergency for Funds to Match Federal Funds Under the Social Security Program Required for April, 1939, Payments and to Meet Such Emergencies as May Arise Hereafter in Meeting Social Security or General Relief Requirements.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING THEREIN: That

WHEREAS, the Public Welfare Board of North Dakota, as created by Chapter 221 of the 1935 Session Laws, is a Department of the State of North Dakota; and

WHEREAS, The Bank of North Dakota, under the provisions of Section 5192a15 of the 1925 Supplement to the Compiled Laws of 1913, is authorized, with the approval of the Industrial Commission of this State, to transfer funds and make loans to any State Department, which funds shall be returned to the Bank of North Dakota with interest; and

WHEREAS, State funds to match Federal funds for the Social Security Programs must be available 30 days prior to the beginning of each quarter in order to secure Federal matching funds in time to meet payment for the first quarter; and

WHEREAS, there are no funds in the State Treasury at the present time to meet the appropriation heretofore made for the Social Security Programs by the Legislative Assembly of 1937 for the biennium ending June 30, 1939, and

WHEREAS, there is an unexpended balance of $1,448,700 of the appropriation of $2,600,000 made by the Legislative Assembly of 1937, under Chapter 86, Laws of 1937, but that there is not at this time available in the State Treasurer's office the sum of $145,800 needed by the Public Welfare Board to match federal funds for the April, 1939, payment of old age assistance and aid to dependent children grant,

THEREFORE, BE IT RESOLVED, that the Industrial Commission be requested to approve a loan by the Public Welfare Board from the Bank of North Dakota of the sum of $145,800 with which to match federal funds for the April, 1939, old age assistance and aid to dependent children grants, and that the Public Welfare Board repay such loan with interest as soon as there is available in the State Treasurer's office sufficient funds from the amount appropriated by Chapter 86 of the Session Laws of 1937.

IT IS FURTHER RESOLVED, that in the event of emergencies which may arise in the future where funds

appropriated by the Legislature for meeting Social Security or general relief requirements are not available when needed that the Industrial Commission be requested to approve loans and the Bank of North Dakota be requested to make such loans, if possible to do so, and further providing that such loans shall in no case be in excess of $200,000 or the amount appropriated by the Legislature for such purposes and that as soon as there is money available in the State Treasurer's office that said loan be paid with interest before any further funds are withdrawn from the State Treasurer's office by the Public Welfare Board for any other purpose whatsoever.

## MESSAGE TO THE HOUSE

Senate Chamber,
Bismarck, March 3, 1939.

Mr. Speaker: I have the honor to transmit:

Senate Bill No. 244. A Bill for an Act Making an Appropriation for the Purpose of Defraying the Expense of the Maintenance and Operation of the Bank of North Dakota.

Senate Bill No. 238. 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.

Senate Bill No. 159. A Bill for an Act to Amend and Reenact Sections 2, 5 and 6, of Chapter 232, of the Session Laws of North Dakota for the Year 1937, Transition Provisions for Simplification, Relating to Base Period and Benefit Year, and Also to Amend and Re-enact Sections 3, 5, 12, 13 and 14, of Chapter 232 of the Session Laws of North Dakota for the Year 1937, to Comply With That Act of Congress Known as the Railroad Unemployment Insurance Act, and Amending and Re-enacting Section 10, of Chapter 232 of the Session Laws of 1937, Authorizing the United States Government or Social Security Board to Allow the Commissioners of the North Dakota Workmen's Compensation Bureau Compensation for Services as Administrative Heads of Unemployment Compensation Division and State Employment Service, Repealing All Acts and Parts of Acts in Conflict Herewith, and Declaring an Emergency.

Senate Bill No. 84. A Bill for an Act to Amend and Reenact Section 42, of Chapter 162, of the Session Laws of 1927, Relating to Restrictions as to Tire Equipment, and Repealing All Acts or Parts of Acts in Conflict Herewith.

Senate Bill No. 6. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Expenses of the State Penitentiary.

Senate Bill No. 245. A Bill for an Act Making an Appropriation for the General Maintenance and Operation of the North Dakota Twine and Cordage Plant at the State Penitentiary.

Which the President has signed and your signature is respectfully requested.

WM. J. LOWE, Secretary.

## SIGNING OF BILLS

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 244. A Bill for an Act Making an Appropriation for the Purpose of Defraying the Expense of the Maintenance and Operation of the Bank of North Dakota.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 238. 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.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 159. A Bill for an Act to Amend and Re-enact Sections 2, 5, and 6, of Chapter 232, of the Session Laws for North Dakota for the Year 1937, Transition Provisions for Simplification, Relating to Base Period and Benefit Year, and Also to Amend and Re-enact Sections 3, 5, 12, 13 and 14, of Chapter 232 of the Session Laws of North Dakota for the Year 1937, to Comply With That Act of Congress Known as the Railroad Unemployment Insurance Act, and Amending and Re-enacting Section 10, of Chapter 232 of the Session Laws of 1937, Authorizing the United States Government or Social Security Board to Allow the Commissioners of the North Dakota Workmen's Compensation Bureau Compensation for Services as Administrative Heads of Unemployment Compensation Division and State Employment Service, Repealing All Acts and Parts of Acts in Conflict Herewith, and Declaring an Emergency.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 84. A Bill for an Act to Amend and Re-enact Section 42, of Chapter 162, of the Session Laws of 1927, Relating to Restrictions as to Tire Equipment, and Repealing All Acts or Parts of Acts in Conflict Herewith.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 6. 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 Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 245. A Bill for an Act Making an Appropriation for the General Maintenance and Operation of the

North Dakota Twine and Cordage Plant at the State Penitentiary.

And the Speaker signed the same in the presence of the House.

## REPORT OF STANDING COMMITTEES

The Committee on Enrollment and Engrossment respectfully reports that:

House Resolution "O"

Was delivered to the Secretary of State at the hour of 7:44 o'clock P. M., March 3, 1939.

OLAF OSTGULEN, Chairman.

The Chair announced the appointment of Reps. J. J. Adam, Robert Rait and Peter Moe as a Conference Committee to act with a like committee in deliberation on Senate Bill No. 260.

## MESSAGE TO THE SENATE

House of Representatives,
Bismarck, March 3, 1939.

Mr. President: I have the honor to inform you that the Speaker has appointed as Conference Committee members, Representatives:

John J. Adam,
Robt. Rait,
Peter Moe.

Relative to:

Senate Bill No. 260. A Bill for an Act Amending and Reenacting Chapter 102, Session Laws of the State of North Dakota for the Year 1929.

MINNIE D. CRAIG, Chief Clerk.

Rep. Stone requested that the House be on the Seventh Order of Business, which request was granted.

Rep. Stone moved that House Resolution "N" be printed in the Journal, which motion was lost.

The House reverted to the Sixth Order of Business.

## MESSAGE TO THE SENATE

House of Representatives,
Bismarck, March 3, 1939.

Mr. President: I have the honor to return:

Senate Bill No. 244. A Bill for an Act Making an Appropriation for the Purpose of Defraying the Expense of the Maintenance and Operation of the Bank of North Dakota.

Senate Bill No. 238. 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.

Senate Bill No. 159. A Bill for an Act to Amend and Reenact Sections 2, 5, and 6, of Chapter 232, of the Session Laws for North Dakota for the Year 1937, Transition Provisions for Simplification, Relating to Base Period and Benefit Year, and Also to Amend and Re-enact Sections 3, 5, 12, 13 and 14, of Chapter 232 of the Session Laws of North Dakota for the Year 1937, to Comply With That Act of Congress Known as the Railroad Unemployment Insurance Act, and Amending and Re-enacting Section 10, of

Chapter 232 of the Session Laws of 1937, Authorizing the United States Government or Social Security Board to Allow the Commissioners of the North Dakota Workmen's Compensation Bureau Compensation for Services as Administrative Heads of Unemployment Compensation Division and State Employment Service, Repealing All Acts and Parts of Acts in Conflict Herewith, and Declaring an Emergency.

Senate Bill No. 84. A Bill for an Act to Amend and Reenact Section 42, of Chapter 162, of the Session Laws of 1927, Relating to Restrictions as to Tire Equipment, and Repealing All Acts or Parts of Acts in Conflict Herewith.

Senate Bill No. 6. 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.

MINNIE D. CRAIG, Chief Clerk.

Mr. President: I have the honor to transmit:

House Concurrent Resolution No. 411. A Concurrent Resolution Recommending That the Bank of North Dakota, With the Approval of the Industrial Commission, Be Empowered to Make a Loan to the State Welfare Board.

Which the House has adopted.

MINNIE D. CRAIG, Chief Clerk.

## MESSAGE TO THE HOUSE

Senate Chamber,
Bismarck, March 3, 1939.

Mr. Speaker: I have the honor to return:

House Bill No. 274. 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 Water Sheds, 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, Maintenance and Financing 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; Authorizing the Commission to Obligate or Pledge Monies Available in Its Operating or Construction Fund to Insure the Payment of Twenty Per Cent of the Par Value of Revenue 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; Validating Proceedings and Acts of the State Water Conservation Commission Done and Performed Under the Provisions of Chapter 255 of the Session Laws of 1937; Repealing Inconsistent Acts, and Declaring an Emergency.

House Bill No. 390. A Bill for an Act Reserving to the State of North Dakota All Rights to Minerals, Natural Gas or Oil Which May Be Found or Underlying All Lands Owned by the State of North Dakota or Hereafter Acquired by the State of North Dakota by Foreclosure, Quit Claim Deed or Otherwise; Declaring an Emergency.

House Bill No. 38. A Bill for an Act Making an Appropriation for Salaries, Operation, Maintenance, General and Miscellaneous Expenses for the State Laboratories Department.

House Bill No. 8. A Bill for an Act Making an Appropriation for the Purpose of Paying Salary, Clerk Hire, and General Expenses of the State Historical Society.

House Bill No. 36. 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.

House Bill No. 45. A Bill for an Act Making an Appropriation Out of the Motor Patrol Fund in the State Treasury, for the Operation, Maintenance, Equipment, Supplies, Outfitting of Patrolmen, Travel and Miscellaneous Expenses for the Motor Patrol Branch.

House Bill No. 168. A Bill for an Act to Amend and Re-enact Section 4656 of the Compiled Laws of 1913, Relative to the Maintenance of Railroad Stations and Station Agents.

House Bill No. 267. A Bill for an Act Providing for Serological Test, for Syphilis of All Persons Applying for Marriage Licenses; Prohibiting Marriage of Any Person Afflicted With Syphilis in Communicable Form; Providing for Proofs of Serological Test to Be Required by and Submitted to County Judges Before the Issuance of a Marriage License; Repealing All Acts and Parts of Acts Inconsistent With or in Conflict Herewith; Making an Appropriation for the State Health Department to Enable it to Comply With the Provisions Hereof.

House Bill No. 79. A Bill for an Act Making an Appropriation for the Purpose of Maintaining and Operating the Bridge Across the Yellowstone River in McKenzie County, North Dakota, Declaring an Emergency.

House Bill No. 174. A Bill for an Act to Amend and Reenact Section 686 of the Compiled Laws of North Dakota for 1913, as Amended by Section 686 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, Being an Act Providing for Petitioning the Governor to Remove Certain Public Officials; Providing the Procedure Therefor; Requiring a Petition by Qualified Electors, and Prescribing the Procedure Thereon; Further Providing for the Attorney General and Appointed Attorneys to Prosecute Such Proceedings.

Which the President has signed.

WM. J. LOWE, Secretary.

Mr. Speaker: I have the honor to return:

House Bill No. 285. A Bill for an Act to Amend Chapter 138 Session Laws of 1937, State of North Dakota, Relating to Secondary and Feeder Roads by Adding an Additional Section Designated as Section 3, Relating to Designation of a Secondary Highway System and Authorizing the State Highway Commissioner to Designate Highways in Such System; and Declaring an Emergency.

House Concurrent Resolution No. 408. A Concurrent Resolution to Establish a State Relief and Debt Survey Commission.

Which the President has signed.

WM. J. LOWE, Secretary.

## REPORT OF SELECT COMMITTEES

The Conference Committee on Senate Bill No. 239 made the following report:

Mr. Speaker: Your Conference Committee to whom was referred:

Senate Bill No. 239. A Bill for an Act Making an Appropriation to Pay for a Portion o fthe Current Operating Expense of Our Public School System as Provided for in the State Equalization Fund Law, as Provided for by Senate Bill No. 237 as Passed by the 1939 Session of the Legislature.

Have had the same under consideration and recommend:

That the House recede from its amendments and that the engrossed bill be then amended as follows:

In Line 3, Section 1, strike out "$4,140,000.00" and insert in lieu thereof "$4,510,000.00."

In Section 1, strike out all in lines 14, 15, 16 and 17 and insert in lieu thereof:

| | |
|---|---|
| (Line 14) Emergency Fund | $ 500,000.00 |
| (Line 15) Non-Resident High School Tuition | 1,100,000.00 |
| (Line 16) Teacher Unit Payment | 1,770,000.00 |
| (Line 17) Per Pupil Payment | 1,000,000.00 |
| (Line 18) Total | $4,510,000.00 |

| For the Senate: | For the House: |
|---|---|
| Fred G. Aandahl | C. H. Hofstrand |
| R. A. Owings | P. K. Holm |
| James W. Guthrie. | Olaf Ostgulen. |

Representative Hofstrand moved that the report be adopted and the committee be discharged, which motion prevailed and the report was adopted.

Rep. Beede moved that the rules be suspended and that Senate Bill No. 239 be placed on second reading and final passage as amended by conference committee, which motion prevailed.

## SECOND READING OF SENATE BILLS

Senate Bill No. 239. A Bill for an Act Making an Appropriation to Pay for a Portion o fthe Current Operating Expense of Our Public School System as Provided for in the State Equalization Fund Law, as Provided for by Senate Bill No. 237 as Passed by the 1939 Session of the Legislature.

Was read the second time.

## ROLL CALL

The question being on the final passage of the bill, as amended by Conference Committee, the roll was called and there were ayes, 84; nays, 1; absent and not voting, 25.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Heckman | Rohde |
| Anderson, Benson | Hofstrand | Sand |
| Anfinson | Holm | Saumur |
| Arneson, Nelson | Holthusen | Schmidt, McHenry |
| Arneson, Ramsey | Ireland | Schmidt, Sheridan |
| Beede | Ista | Schimke |
| Belzer | Jensen | Scholl |
| Benno | Joiner | Schwartz |
| Bergesen | Kluver | Sellens |
| Billigmeier | Lange | Semerad |
| Bolmeier | Larson | Sharpe |
| Braun, McLean | Levin | Singleton |
| Braun, Stark | Lunde | Skartvedt |
| Brown | McInnes | Solberg |
| Buchholz | McIntee | Stone |
| Dalzell | Mittag | Symington |
| Dike | Nelson, Dickey | Thompson,Burl'gh |
| Erickson | Nelson, Steele | Trydahl |
| Feton | Nystrom | Tuff |
| Fletcher | Oglesby | Twichell |
| Fraser | Ostgulen | Urschel |
| Fuglestad | Page | Wambheim |
| Gainor | Panko | Westby |
| Glas | Peterson,Bottineau | Williams,Richland |
| Haag | Peterson, Ransom | Williams,Stutsm'n |
| Halvorson | Rettke | Wolf |
| Haugland | Ritter | Mr. Speaker |

Those voting in the negative were:
Johnson, LaMoure

Absent and not voting:

| | | |
|---|---|---|
| Anderson,M'K'nzie | Hultstrand | Nelson, Cass |
| Bingenheimer | Johnson, Cass | O'Brien |
| Blair | Keller | Odegard |
| Boulden | Knutson | Rait |
| Crockett | McIntyre | Schauss |
| Culver | Moe | Severson |
| Dittmer | Mollet | Shure |
| Fitch | Morland | Thompson, Steele |
| Gray | | |

So the bill passed and the title was agreed to.

## MESSAGE TO THE SENATE

House of Representatives,
Bismarck, March 3, 1939.

Mr. President: I have the honor to inform you that the House has adopted Conference Committee report on Senate Bill 239.

MINNIE D. CRAIG, Chief Clerk.

## REPORT OF STANDING COMMITTEE

The Committee on Enrollment and Engrossment respectfully reports that:

House Bill No. 285
House Bill No. 274
House Bill No. 390
House Bill No. 38
House Bill No. 8
House Bill No. 36
House Bill No. 45
House Bill No. 168
House Bill No. 267
House Bill No. 79
House Bill No. 174.

Were delivered to the Governor for his approval at the hour of 7:44 o'clock p. m., March 3, 1939.

OLAF OSTGULEN, Chairman.

## REPORT OF SELECT COMMITTEES

The Conference Committee on Senate Bill No. 237 made the following report:

Mr. Speaker: Your Conference Committee to whom was referred:

Senate Bill No. 237. A Bill for an Act to Provide for the Creation of the State Equalization Fund; Providing for its Distribution in the Payment of Costs of Correspondence Work, Costs of Vocational Education, High School Tuition and in the Payment of Direct Aid to School Districts Upon a Teacher-Unit and Per Pupil 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 Reports; Repealing Chapter 227 of the Session Laws of 1937 and All Acts or Parts of Acts in Conflict Therewith.

Have had the same under consideration and recommend:

That Senate Bill No. 237 as amended by the House be further amended as follows:

In line 5 of the title in the engrossed bill, after the word "basis" add the following words "and providing for the distribution of an emergency fund."

In line 1, Section 4 (House Amednment) strike out "$500,000.00" and insert in lieu thereof "$250,000.00" and in line 3 Section 4, strike out "$500,000.00" and insert in lieu thereof "$250,000.00."

In line 128 of the engrossed bill strike out the words "only one or two" and insert in lieu thereof the words "one to four." In line 129 strike out the word "two" and insert in lieu thereof the word "four."

In the engrossed bill in line

249 change "$1.00" to $ .50"
250 change "$2.00" to $"1.00"
251 change "$3.00" to "$1.50"
252 change "$4.00" to "$2.00"
253 change "$5.00" to "$2.50"
254 change "$6.00" to "$3.00"
255 change "$7.00" to "$3.50"
256 change "$8.00" to "$4.00"
257 change "$9.00" to "$4.50"
258 change "$10.00" to "$5.00"
259 change "$11.00" to "$5.50"
260 change "$12.00" to "$6.00"
261 change "$13.00" to "$6.50"
262 change "$14.00" to "$7.00"
263 change "$15.00" to "$7.50"
264 change "$16.00" to "$8.00"
265 change "$17.00" to "$8.50"
266 change "$18.00" to "$9.00"
267 change "$19.00" to "$9.50"
268 change "$20.00" to "$10.00"
269 change "$21.00" to "$10.50"
270 change "$22.00" to "$11.00"

In Line 353 Section 12 of the engrossed bill after the words "North Dakota" strike out the period and add the following: "The appropriations and allocations made herein shall be a first charge and claim upon and against all monies appropriated and coming into the fund hereby created in the order in which said appropriations and allocations are set forth herein."

| For the Senate: | For the House: |
|---|---|
| Fred G. Aandahl | C. H. Hofstrand |
| R. A. Owings | P. K. Holm |
| James W. Guthrie. | Olaf Ostgulen. |

Representative Hofstrand moved that the report be adopted and the committee discharged, which motion prevailed and the report was adopted.

Rep. Beede moved that the rules be suspended and that Senate Bill No. 237 be placed on second reading and final passage as amended by conference committee, which motion prevailed.

## SECOND READING OF SENATE BILLS

Senate Bill No. 237. A Bill for an Act to Provide for the Creation of the State Equalization Fund; Providing for its Distribution in the Payment of Costs of Correspondence Work, Costs of Vocational Education, High School Tuition

and in the Payment of Direct Aid to School Districts Upon a Teacher-Unit and Per Pupil 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 Reports; Repealing Chapter 227 of the Session Laws of 1937 and 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 by Conference Committee, the roll was called and there were ayes, 85; nays, 0; absent and not voting, 25.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Anderson, Benson | Halvorson | Peterson, Ransom |
| Anderson,M'K'nzie | Haugland | Rettke |
| Anfinson | Heckman | Ritter |
| Arneson, Nelson | Hofstrand | Rohde |
| Arneson, Ramsey | Holm | Saumur |
| Beede | Holthusen | Schmidt, McHenry |
| Belzer | Ireland | Schmidt, Sheridan |
| Benno | Ista | Schimke |
| Bergesen | Jensen | Scholl |
| Billigmeier | Johnson, LaMoure | Schwartz |
| Bingenheimer | Joiner | Sellens |
| Blair | Lange | Severson |
| Bolmeier | Larson | Sharpe |
| Braun, McLean | Levin | Singleton |
| Braun, Stark | Lunde | Skartvedt |
| Brown | McInnes | Solberg |
| Buchholz | McIntee | Stone |
| Byrne | Myers | Stormon |
| Dalzell | Mittag | Thompson,Burl'gh |
| Dike | Morland | Thompson, Steele |
| Erickson | Nelson, Dickey | Trydahl |
| Feton | Nelson, Steele | Tuff |
| Fitch | Nystrom | Urschel |
| Fletcher | Oglesby | Westby |
| Fraser | Ostgulen | Williams,Richland |
| Fuglestad | Page | Williams,Stutsm'n |
| Glas | Panko | Wolf |
| Gray | Peterson,Bottineau | Mr. Speaker |
| Haag | | |

Absent and not voting:

| | | |
|---|---|---|
| Adam | Kluver | Rait |
| Boulden | Knutson | Sand |
| Crockett | McIntyre | Schauss |
| Culver | Moe | Semerad |
| Dittmer | Mollet | Shure |
| Gainor | Nelson, Cass | Symington |
| Hultstrand | O'Brien | Twichell |
| Johnson, Cass | Odegard | Wambheim |
| Keller | | |

So the bill passed and the title was agreed to.

REPORT OF STANDING COMMITTEES

The committee on Enrollment and Engrossment respectfully reports that:

House Concurrent Resolution No. 408.

Was delivered to the Secretary of State at the hour of 7:44 o'clock p. m., March 3, 1939.

OLAF OSTGULEN, Chairman.

## MESSAGE TO THE SENATE

House of Representatives,
Bismarck, March 3, 1939.

Mr. President: I have the honor to inform you that the House has adopted the Conference Committee report on:

Senate Bill No. 237. A Bill for an Act to Provide for the Creation of the State Equalization Fund; Providing for its Distribution in the Payment of Costs of Correspondence Work, Costs of Vocational Education, High School Tuition and in the Payment of Direct Aid to School Districts Upon a Teacher-Unit and Per Pupil 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 Reports; Repealing Chapter 227 of the Session Laws of 1937 and All Acts or Parts of Acts in Conflict Therewith.

MINNIE D. CRAIG, Chief Clerk.

## MESSAGE TO THE HOUSE

Senate Chamber,
Bismarck, March 3, 1939.

Mr. Speaker: I have the honor to inform you that the Senate has adopted the report of the Conference Committee on:

Senate Bill No. 237. A Bill for an Act to Provide for the Creation of the State Equalization Fund; Providing for Its Distribution in the Payment of Costs of Correspondence Work, Costs of Vocational Education, High School Tuition and in the Payment of Direct Aid to School Districts Upon a Teacher-Unit and Per Pupil 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 Reports; Repealing Chapter 227 of the Session Laws of 1937 and All Acts or Parts of Acts in Conflict Therewith.

Mr. Speaker: I have the honor to inform you that the Senate has adopted the report of the Conference Committee on:

Senate Bill No. 239. A Bill for an Act Making an Appropriation to Pay for a Portion of the Current Operating Expense of Our Public School System as Provided for in the State Equalization Fund Law, as Provided for by Senate Bill No. 237 as Passed by the 1939 Session of the Legislature.

WM. J. LOWE, Secretary.

Rep. Beede requested that the House be on the Twelfth Order of Business, which request was granted.

Rep. Beede: I am informed that a few days hence will mark the passing of fifty-five years for Speaker Oscar Hagen.

As a green member of Grant and Sioux Counties,—and I might digress by saying that I feel even greener now than I did when I first came down here,—my first act in this legislative assembly was to second the nomination of Oscar Hagen for Speaker. At that time I said in part, "as a green mem-

ber from Grant and Sioux Counties I feel highly honored as my first act in this legislature to rise and second the nomination of Oscar Hagen. The people of my district, like the people in the other districts, are looking with desperate hope to some help from this legislature. I feel that in Mr. Hagen we have a man who appreciates fully the needs and the problems of this state. I feel that he sympathizes to the utmost with the difficulties of the farmers and the citizens of this state. I feel that he will conduct his office with a great degree of fairness and impartiality so that the best efforts of this body can be directed toward bringing help to our state and the citizens of our state."

I am quite sure that I speak the mind of all of the members of this assembly when I say now that the hope which I expressed in this nominating speech has been fully fulfilled insofar as it regards our speaker. I know that we have made mistakes here and I know that each and every one of us have made mistakes but I know that our honest effort has been to try to help the farmers and citizens of this state in the desperate situation in which they now find themselves and I can say further that what we have done here, what aid we have given, has in a large measure, been due to the sympathetic and impartial attitude of our speaker who at all times and in every way worked to advance the best interest of the common people.

I feel that I express the wish of all of us when I say that it is our hope that Mr. Hagen will continue for many years to serve the state as he has so faithfully served it during the present session. I feel that the services of such a man as Mr. Hagen should be ever demanded by the people of this state who are interested in protecting their own interests and at this time I want to extend to Mr. Hagen our congratulations at the time of his birthday and our best wishes and hopes that he may enjoy many more such happy birthdays and that he may continue to serve the people and the state of North Dakota.

There are others who wish to speak a few words at this time so I will not say anything further.

Rep. Bergesen: As another freshman I take pleasure in adding a few words to what has been so well said by Rep. Beede. I can't claim the credit of having as one of my first acts in this House the seconding of the nomination of Mr. Hagen for Speaker. In fact, I have to say that one of my first acts was to vote the other way and maybe that puts me in even a better position to be able to pay tribute to a man who has been exceptionally fair in all of his dealings as Speaker of this House, in his rulings and attitude toward all members of the House.

It is quite a thing to reach the age of fifty-five years but a greater thing at this time is the achievement of our Speaker, to have carried through this Session in the manner he has. I like a man who believes in a cause and will fight for a cause even though I may not always agree with him.

Two groups of people may be absolutely unselfish in their viewpoints, they may be looking at a thing wholly in what they may consider to be the proper viewpoint and yet differ at the same time toward the accomplishment of the common end. Our Speaker has from time to time come down on the

floor and asserted his view with definiteness and conviction. I like that even though we don't always agree.

We believe in that American way of living, in the American way of democracy, the right of freedom of expression, of thought, that American spirit of expressing our thoughts even though we may differ with one another, but, nevertheless recognize in the other the right to a point of view. We, in that way, come to the accomplishment of the high ideals in democracy. I think that has been very well demonstrated with success on the floor of this House under the leadership of our Speaker.

Now he has reached the point of fifty-five years. In another year I will have reached the half century mark. The first fifty-five years are the hardest; and on behalf of the minority group I speak for Mr. Hagen on the basis of his experience and achievement in the first fifty-five years and his achievements in the next fifty-five that they shall be even greater than those in the first fifty-five and that the achievements will come much easier and that his dream of North Dakota being a land of plenty for everybody in the State including the aged will become a dream of realization not long hence.

I think of the words of Edwin Markham:

"Ah great it is to believe the dream
As you stand in youth by the starry stream
But a greater thing it is to fight life through
And say at the end the dream is true.

Rep. Byrne: I also want to congratulate Speaker Hagen when his fifty-fifth birthday arrives. I am surprised to learn today of his age because in looking at him you would be led to believe that because of his lack of gray hair he was years younger.

Two years ago I became acquainted with Mr. Hagen during the Session of the Legislature and liked him very much. I believe I understand him, and admire his standing. He has not swerved from his principles. That is one thing that we as Americans and members of this democracy are always in admiration of. I again pay tribute to Speaker Hagen and wish him many happy returns.

Rep. Beede moved that the Assembly rise in tribute to our Speaker.

Rep. Beede moved that at this time the Assembly extend to our Speaker its best wishes and congratulations by a rising vote and the Assembly arose in congratulation to Speaker Hagen.

Speaker Hagen addressed the Assembly as follows:

Mr. Chairman and Friends: This is an attack from all three parties and that makes it a little harder to get away from. It has been remarked that my hair was not altogether gray yet. As far back as twenty-five years ago I was known as "blondie." So my hair has not grown much lighter.

I am fifty-five years a resident of North Dakota Territory and the State of North Dakota and have never voted in any other state. My first experience in politics came about 45 years ago when I beat a dish pan for Senator Purcell one night at Walcott and the next night I beat a dish pan for Senator McCumber who was on the Republican ticket. But I found

that beating the dish pan for both the Democrats and Republicans was not very good politics.

I appreciate the fine cooperation given me by all the members and especially do I want to mention Rep. Twichell who at no time during the Session took any advantage from the floor as to parliamentary procedure that would embarass the Speaker but who did many times in the early days of the Session come to the Speaker privately and make suggestions and furnished information which was of great help in conducting the business of the House.

I certainly appreciate your good wishes and congratulations and can only say that this Assembly has worked in very good harmony. We have had some disagreements and sometimes were on the verge of a few serious battles but it is a whole lot in the way you look at it. My little boy came home from school one night and his mother asked him why he was late. He replied that he had had an argument with his teacher. His mother told him that he should know better than to argue with his teacher. The boy answered, "I know better now." But after a pause of some minutes of deliberation he stated: "But I am still right!"

That thought can be applied here. We are 113 men and women sent here from all precincts of the State. We have different personal ideas and political views and we are expected to agree in sixty days on seven hundred bills, which is very difficult to say the least. This Assembly has shown a mighty fine attitude all the way through in spite of being swamped with work and criticized from all sides. I think all credit should go to the House of Representatives.

Rep. Kluver made the following remarks in tribute to Minority Floor Leader, Rep. L. L. Twichell:

From what I am able to judge the Twenty-Sixth Legislative Assembly is about to come to a close. To a number of seasoned veterans it is a matter of more or less routine. To a larger number of us who are freshmen this is a matter of significance because we would like to continue the associations and friendships that we have formed in these brief sixty days. No doubt this session like a great many other sessions will go down in history as being unique for some reason or other.

To me perhaps the most interesting part of this session has been my unconscious appraisal of the various people whom I have met and, no doubt, that is the case with a great many others in this Assembly. We project our lives into the lives of those about us and there leave an everlasting mark. We must not be unconscious to the fact that others are appraising us in the same light. I have here a little verse which reads as follows:

"There's a destiny that makes us brothers;
None walks this way alone:
All we send into lives of others
Comes back into our own."

We have one outstanding character in this Assembly and his name we all honor. His friends love him. Those who are opposed to him respect him for his fairness, for his willingness to fight for what he thinks is right; and we all do him honor for his unselfish service to our state.

A few days before November 8th of this last year my atten-

tion was called to the fact that someone had said that I should not be sent to the Legislature because I was a friend of L. L. Twichell. I immediately became interested. I hadn't been in Bismarck many days before I had the fond hope that that indictment would develop into a reality, Mr. Twichell. You have many admirers in this House and also among the employes. A number of them have united to express their appreciation of your sterling character. We present you with a small package which we trust may develop into an outboard motor. Soon the sun will shine bright and long, and the shores of the lake will call you. We trust that the waves of the lake may be made smooth for you and that your course there may be more tranquil than the waves in this Session of the Legislature. We appreciate the service and inspiration you have been to us.

I dare say that your character and your philosophy of life is probably best expressed in a verse to which I shall refer:

"Let me live in a house by the side of the road
Where the race of men go by,
The men who are good and the men who are bad,
As good and bad as I.
I would not sit in the scorner's seat
Nor hurl the cynic's ban.
Let me live in a house by the side of the road
And be a friend to man."

Rep. Page moved that the remarks be printed in the Journal and also the remarks made by Rep. Kluver, which motion prevailed.

The House reverted to the Sixth Order of Business.

## REPORT OF SELECT COMMITTEE

The Conference Committee on Senate Bill No. 7 made the following report:

Mr. Speaker: Your Conference Committee to whom was referred Senate Bill No. 7 have had the same under consideration and recommend that the Senate concur in the House amendments and recommend a further amendment as follows:

Section 1, line 4, strike out the figure "$252,637.00" and insert in lieu thereof the figure "$258,637.00".

After line 39a insert a new line 39b to read "Repairs for Dacotah Hall—$6,000.00".

| For the Senate: | For the House: |
|---|---|
| B. W. Lemke | Robert Gray |
| W. J. Braun. | Targie Trydahl |
| | Leonas Myers. |

Representative Gray moved that the report be adopted and the committee discharged, which motion prevailed and the report was adopted.

Rep. Westby moved that the rules be suspended and that Senate Bill No. 7 be placed on second reading and final passage as amended by conference committee, which motion prevailed.

## SECOND READING OF SENATE BILLS

Senate Bill No. 7. 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 by the conference committee, the roll was called and there were ayes, 87; nays, 0; absent and not voting, 23.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Halvorson | Rait |
| Anderson, Benson | Haugland | Rettke |
| Anderson, M'K'nzie | Heckman | Ritter |
| Anfinson | Holm | Sand |
| Arneson, Nelson | Holthusen | Saumur |
| Arneson, Ramsey | Ireland | Schmidt, McHenry |
| Beede | Ista | Schmidt, Sheridan |
| Belzer | Jensen | Scholl |
| Benno | Johnson, LaMoure | Schwartz |
| Bergesen | Joiner | Sellens |
| Billigmeier | Kluver | Severson |
| Blair | Lange | Sharpe |
| Bolmeier | Larson | Singleton |
| Boulden | Levin | Skartvedt |
| Braun, McLean | Lunde | Solberg |
| Braun, Stark | McInnes | Stone |
| Brown | McIntee | Stormon |
| Buchholz | Moe | Symington |
| Byrne | Nelson, Dickey | Thompson, Burl'gh |
| Dalzell | Nelson, Steele | Thompson, Steele |
| Dike | Nystrom | Trydahl |
| Erickson | O'Brien | Tuff |
| Fitch | Odegard | Twichell |
| Fletcher | Oglesby | Wambheim |
| Fuglestad | Ostgulen | Westby |
| Gainor | Page | Williams, Richland |
| Glas | Panko | Williams, Stutsm'n |
| Gray | Peterson, Bottineau | Wolf |
| Haag | Peterson, Ransom | Mr. Speaker |

Absent and not voting:

| | | |
|---|---|---|
| Bingenheimer | Johnson, Cass | Nelson, Cass |
| Crockett | Keller | Rohde |
| Culver | Knutson | Schauss |
| Dittmer | McIntyre | Schimke |
| Feton | Myers | Semerad |
| Fraser | Mittag | Shure |
| Hofstrand | Mollet | Urschel |
| Hultstrand | Morland | |

So the bill passed and the title was agreed to.

## MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, March 3, 1939.

Mr. Speaker: I have the honor to inform you that the Senate has adopted the House amendments to:

Senate Bill No. 1. A Bill for an Act to Appropriate Money for the Expenses of the Executive, Legislative and Judicial Departments of the State Government, and for all of the Sub-divisions Thereof, 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 Providing a Penalty for Violation Thereof; and Declaring an Emergency.

WM. J. LOWE, Secretary.

## MESSAGE TO THE SENATE

House of Representatives,
Bismarck, March 3, 1939.

Mr. President: I have the honor to inform you that the House has adopted the conference committee report on:

Senate Bill No. 7. 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.

MINNIE D. CRAIG, Chief Clerk.

## REPORT OF SELECT COMMITTEE

The Conference Committee on Senate Bill No. 255 made the following report:

Mr. Speaker: Your Conference Committee to whom was referred Senate Bill No. 255 have had the same under consideration and beg leave to report that Senate Bill No. 255 as engrossed be amended as follows:

In Section 1, strike out that portion of line 3 after the word "of", all of line 4 up to the word "or" and insert in lieu thereof the following: "One Hundred and Ninety-six Thousand, Nine Hundred Dollars "$196,900.00".

Line 9, strike out the figure "$5,640.00" and insert in lieu thereof the figure "$6,600.00".

Line 11, strike out the figure "$1,500.00" and insert in lieu thereof the figure "$3,000.00".

Line 21, strike out the figure "$1,000.00" and insert in lieu thereof the figure "$3,000.00".

Line 23, strike out the figure "$5,000.00" and insert in lieu thereof the figure "$6,500.00".

Line 26, strike out the figure "$650.00" and insert in lieu thereof the figure "$800.00".

Line 31, strike out the figure "$15,000.00" and insert in lieu thereof the figure "$17,500.00".

| For the Senate: | For the House: |
|---|---|
| M. R. Young | C. P. Ritter |
| H. C. Guenther | Bernt Anderson of McKenzie |
| R. M. Streibel. | T. O. Rohde. |

Rep. Ritter moved that the report be adopted, which motion prevailed and the report was adopted.

Rep. Byrne moved that the rules be suspended and that Senate Bill No. 255 be placed on second reading and final passage as amended by conference committee, which motion prevailed.

## SECOND READING OF SENATE BILLS

Senate Bill No. 255. A Bill for an Act Making an Appropriation for the Operation and Maintenance of the State Hail Insurance Department, for the Biennium Beginning July 1, 1939.

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, 84; nays, 0; absent and not voting, 26.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Haugland | Peterson, Ransom |
| Anderson, Benson | Heckman | Rait |
| Anfinson | Hofstrand | Rettke |
| Arneson, Nelson | Holm | Sand |
| Arneson, Ramsey | Holthusen | Schmidt, McHenry |
| Beede | Ireland | Schmidt, Sheridan |
| Belzer | Jensen | Scholl |
| Benno | Johnson, LaMoure | Schwartz |
| Billigmeier | Joiner | Sellens |
| Bingenheimer | Kluver | Sharpe |
| Blair | Lange | Singleton |
| Boulden | Larson | Skartvedt |
| Braun, McLean | Levin | Solberg |
| Braun, Stark | Lunde | Stone |
| Brown | McInnes | Stormon |
| Buchholz | McIntee | Symington |
| Byrne | McIntyre | Thompson, Burl'gh |
| Dalzell | Myers | Thompson, Steele |
| Dike | Moe | Trydahl |
| Erickson | Nelson, Dickey | Tuff |
| Feton | Nelson, Steele | Twichell |
| Fitch | Nystrom | Urschel |
| Fletcher | O'Brien | Wambheim |
| Fraser | Odegard | Westby |
| Glas | Oglesby | Williams, Richland |
| Gray | Ostgulen | Williams, Stutsm'n |
| Haag | Page | Wolf |
| Halvorson | Panko | Mr. Speaker |

Absent and not voting:

| | | |
|---|---|---|
| Anderson, M'K'nzie | Ista | Ritter |
| Bergesen | Johnson, Cass | Rohde |
| Bolmeier | Keller | Saumur |
| Crockett | Knutson | Schauss |
| Culver | Mittag | Schimke |
| Dittmer | Mollet | Semerad |
| Fuglestad | Morland | Severson |
| Gainor | Nelson, Cass | Shure |
| Hultstrand | Peterson, Bottineau | |

So the bill passed and the title was agreed to.

## MESSAGE TO THE SENATE

House of Representatives,
Bismarck, March 3, 1939.

Mr. President: I have the honor to inform you that the House has adopted the report of the conference committee on:

Senate Bill No. 255. A Bill for an Act Making an Appropriation for the Operation and Maintenance of the State Hail Insurance Department, for the Biennium Beginning July 1, 1939.

MINNIE D. CRAIG, Chief Clerk.

## MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, March 3, 1939.

Mr. Speaker: I have the honor to inform you that the Senate has adopted the report of the conference committee on:

Senate Bill No. 7. 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.

WM. J. LOWE, Secretary.

## MESSAGE TO THE HOUSE

Senate Chamber,
Bismarck, March 3, 1939.

Mr. Speaker: I have the honor to inform you that the President has appointed as a conference committee to act with a like committee from the House, Senators:

Herman Thorson
A. N. Lavik
Henry Leum.

Relative to:

House Bill No. 158. A Bill for an Act to Amend and Reenact Chapter 30 of the Session Laws of North Dakota for the Year 1937; Making an Appropriation of One Million Dollars to the State Hail Insurance Department From the State Equalization Fund; Repealing all Acts or Parts of Acts in Conflict Herewith.

W. J. LOWE, Secretary.

Representative Scholl moved that the House be on the Eighth Order of Business and be at rest after completion of the same subject to the call of the Chair, which motion prevailed.

There being no objection the House continued on the Tenth Order of Business.

Representative Morland moved that the House do concur in the Senate amendments to Senate Bill No. 277.

Speaker Hagen moved a substitute motion that Senate Bill No. 277 be returned to the Senate, which motion was lost.

The question being on the motion of Representative Morland that the House do concur in the Senate amendments to Senate Bill No. 277, the motion prevailed.

Representative Trydahl moved that the rules be suspended and that Senate Bill No. 277 be placed on the calendar.

Representative Williams of Richland moved a substitute motion that Senate Bill No. 277 be indefinitely postponed, which motion was lost.

The question being on the motion of Representative Trydahl that the rules be suspended and that Senate Bill No. 277 be placed on the calendar. A roll call was demanded and granted.

## ROLL CALL

The question being on suspending the rules for the purpose of placing Senate Bill 277 on the calendar, the roll was called and there were ayes, 46; nays, 39; absent and not voting, 25.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Arneson, Nelson | Kluver | Schwartz |
| Arneson, Ramsey | Lunde | Sellens |
| Benno | McInnes | Severson |
| Bergesen | McIntee | Sharpe |
| Blair | Moe | Singleton |
| Bolmeier | Morland | Skartvedt |
| Boulden | Nelson, Steele | Solberg |
| Brown | Nystrom | Stone |
| Byrne | O'Brien | Stormon |
| Crockett | Peterson, Ransom | Symington |
| Dalzell | Sand | Thompson,Burl'gh |
| Fuglestad | Saumur | Thompson, Steele |
| Gray | Schauss | Trydahl |
| Holm | Schmidt, McHenry | Westby |
| Holthusen | Schimke | Wolf |
| Ireland | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Adam | Fraser | Ostgulen |
| Anderson, Benson | Glas | Panko |
| Anfinson | Haag | Peterson,Bottineau |
| Belzer | Heckman | Rettke |
| Billigmeier | Hofstrand | Rohde |
| Bingenheimer | Ista | Semerad |
| Braun, McLean | Jensen | Tuff |
| Braun, Stark | Johnson, LaMoure | Twichell |
| Buchholz | Joiner | Urschel |
| Dike | Larson | Wambheim |
| Erickson | Levin | Williams,Richland |
| Feton | Mittag | Williams,Stutsm'n |
| Fletcher | Nelson, Dickey | Mr. Speaker |

Absent and not voting:

| | | |
|---|---|---|
| Anderson,M'K'nzie | Johnson, Cass | Odegard |
| Beede | Keller | Oglesby |
| Culver | Knutson | Page |
| Dittmer | Lange | Rait |
| Fitch | McIntyre | Ritter |
| Gainor | Myers | Schmidt, Sheridan |
| Halvorson | Mollet | Scholl |
| Haugland | Nelson, Cass | Shure |
| Hultstrand | | |

So the motion was lost for lack of two-thirds majority.

Representative Trydahl moved that the House refuse to accept the Senate amendments to Senate Bill No. 277 and that a conference committee be appointed to act with a like committee from the Senate in deliberation on Senate Bill No. 277.

Representative Fugelstad moved a substitute motion that Senate Bill No. 277 be indefinitely postponed, which motion was lost.

The question being on the motion of Representative Trydahl that the House do not concur in the Senate amendments and that a conference committee be appointed on Senate Bill No. 277, the motion prevailed and the Chair apointed on that committee Representatives Anderson of McKenzie, Beede, and Trydahl.

## MESSAGE TO THE SENATE

House of Representatives,
Bismarck, March 3, 1939.

Mr. President: I have the honor to inform you that the House has refused to concur in the amendments to:

Senate Bill No. 277. A Bill for an Act Making an Appropriation to Provide Funds for the Payment of Salaries and Expenses Due Inspectors of the Motor Vehicle Registration Department; and Declaring an Emergency.

And the Speaker has appointed as a conference committee to act with a like committee from the Senate, Representatives:

Bernt Anderson of McKenzie
R. G. Beede
Targie Trydahl.

MINNIE D. CRAIG, Chief Clerk.

## MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, March 3, 1939.

Mr. Speaker: I have the honor to transmit herewith the following resolution:

Senate Concurrent Resolution No. 288. A Concurrent Resolution Providing for Payment of House and Senate Employees for Four Extra Days.

Which the Speaker has signed and your signature is respectfully requested.

Mr. Speaker: I have the honor to return herewith the following Resolution:

House Concurrent Resolution No. 411. A Concurrent Resolution Recommending That the Bank of North Dakota, With the Approval of the Industrial Commission, Be Empowered to Make a Loan to the State Welfare Board.

Which the Senate has amended.

WM. J. LOWE, Secretary.

## REPORT OF SELECT COMMITTEES

The Conference Committee on Senate Bill No. 260 made the following report:

Mr. Speaker: Your Conference Committee to whom was referred:

Senate Bill No. 260.

Have had the same under consideration and recommend: That the Senate concede to all House amendments except the following: In iine 152 of the printed bill, strike out the words "seven per cent" and insert in lieu thereof the words "five and two-tenths per cent."

| For the Senate: | For the House: |
|---|---|
| M. R. Young | John J. Adam |
| Axel Olson | Robert Rait |
| J. B. Bridston. | Peter Moe. |

Representative Moe moved that the report be adopted.

Speaker Hagen moved a substitute motion that the House do not concur in the Senate amendments to Senate Bill No. 260 and that a conference committee be appointed, which motion prevailed and the Chair appointed on that committee Representatives Rohde, Semerad and Braun of McLean.

MESSAGE TO THE SENATE

House of Representatives,
Bismarck, March 3, 1939.

Mr. President: I have the honor to inform you that the House has refused to adopt the Conference Committee report on Senate Bill No. 260 and the Speaker has appointed as a new Conference Committee to act with a like committee from the Senate, Representatives:

Harry Semerad,
Theo. O. Rohde,
Fred Braun of McLean.

MINNIE D. CRAIG, Chief Clerk.

MESSAGE TO THE HOUSE

Senate Chamber,
Bismarck, March 3, 1939.

Mr. Speaker: I have the honor to inform you that the Senate has adopted the report of the Conference Committee on:

Senate Bill No. 260. A Bill for an Act Amending and Reenacting Chapter 102, Session Laws of the State of North Dakota for the Year 1929.

WM. J. LOWE, Secretary.

MESSAGE TO THE HOUSE

Senate Chamber,
Bismarck, March 3, 1939.

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. A Bill for an Act Making an Appropriation for the Operation and Maintenance of the State Hail Insurance Department, for the Biennium Beginning July 1, 1939.

WM. J. LOWE, Secretary.

MESSAGE TO THE SENATE

House of Representatives,

Mr. President: I have the honor to inform you that the House has adopted the Conference Committee report on:

Senate Bill No. 226. A Bill for an Act to Amend and Reenact Section 2 of That Certain Initiated Law Entitled "An Act Declaring Mortgages on Growing and Unharvested Crops to Be Against the Public Policy of the State, and Abolishing the Same," Approved and Adopted by the Electors at the June 29, 1932 Primary Election; as Amended by Chapter 150 of the Session Laws of North Dakota for the Year 1933, Repealing All Acts or Parts of Acts in Conflict and Declaring an Emergency.

MINNIE D. CRAIG, Chief Clerk.

REPORT OF SELECT COMMITTEE

The Conference Committee on Senate Bill No. 40 made the following report:

Mr. Speaker: Your Conference Committee to whom was referred Senate Bill No. 40 have had the same under consideration and return the bill without recommendation.

| For the Senate: | For the House: |
|---|---|
| Fred J. Fredrickson | R. G. Beede |
| T. E. Whelan | R. R. Scholl |
| Ben Gilbertson. | J. H. Heckman. |

Rep. Boulden moved that Senate Bill No. 40 be indefinitely postponed.

Rep. Fugelstad moved a substitute motion that Senate Bill No. 40 be passed as amended by the conference committee which brought in amendments, which motion prevailed.

Rep. Beede moved that the rules be suspended and that Senate Bill No. 40 be placed on second reading and final passage as amended by conference committee, which motion prevailed.

## SECOND READING OF SENATE BILL

Senate Bill No. 40. 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 by the conference committee which brought in last amendments, the roll was called and there were ayes, 75; nays, 13; absent and not voting, 22.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Gainor | Oglesby |
| Anderson, Benson | Glas | Ostgulen |
| Anderson,M'K'nzie | Gray | Page |
| Anfinson | Halvorson | Panko |
| Arneson, Nelson | Haugland | Peterson,Bottineau |
| Arneson, Ramsey | Heckman | Peterson, Ransom |
| Beede | Hofstrand | Rettke |
| Belzer | Holm | Saumur |
| Bergesen | Ireland | Schmidt, McHenry |
| Billigmeier | Ista | Schimke |
| Bingenheimer | Jensen | Scholl |
| Braun, McLean | Johnson, LaMoure | Schwartz |
| Braun, Stark | Joiner | Sharpe |
| Brown | Kluver | Singleton |
| Buchholz | Larson | Stone |
| Byrne | Levin | Stormon |
| Crockett | Lunde | Symington |
| Dalzell | McInnes | Tuff |
| Dike | McIntee | Twichell |
| Erickson | Myers | Urschel |
| Feton | Mittag | Westby |
| Fitch | Morland | Williams,Richland |
| Fletcher | Nelson, Dickey | Williams,Stutsm'n |
| Fraser | Nystrom | Wolf |
| Fuglestad | O'Brien | Mr. Speaker |

Those voting in the negative were:

| | | |
|---|---|---|
| Bolmeier | Sellens | Thompson, Burl'gh |
| Haag | Semerad | Thompson, Steele |
| Moe | Severson | Trydahl |
| Rait | Skartvedt | Wambheim |
| Rohde | | |

Absent and not voting:

| | | |
|---|---|---|
| Benno | Keller | Odegard |
| Blair | Knutson | Ritter |
| Boulden | Lange | Sand |
| Culver | McIntyre | Schauss |
| Dittmer | Mollet | Schmidt, Sheridan |
| Holthusen | Nelson, Cass | Shure |
| Hultstrand | Nelson, Steele | Solberg |
| Johnson, Cass | | |

So the bill passed and the title was agreed to.

Rep. Bingenheimer 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.

Rep. Beede: The House has tried its best to make the moratorium measure effectual so that it could be of some benefit to the people of the cities and the farmers of the State of North Dakota. We have had four conference committees and we could not make this effectual because the Senate would not agree. I am going to vote "aye" even though it doesn't give us any relief but nevertheless it may afford some protection. Therefore I vote "aye".

Rep. Myers: I do not consider this a real moratorium but after conference committees with the Senate it seems to be the best we can get so I vote "aye".

Rep. Moe: From Mr. Beede's statement when he explained his vote that this measure wasn't effective I can't see any use of its being passed if it has no effect. Therefore I vote "no".

Rep. Semerad: I feel there is no use in passing that moratorium. It is misleading the people. They might as well be told directly that they haven't any protection so I vote "no".

Speaker Hagen: The only hope of the people is that the Governor of our State will have a big enough heart and a strong enough will so that he will furnish an executive moratorium because the moratorium passing now is only a joke. I reluctantly vote "aye".

## MESSAGE TO THE SENATE

House of Representatives,
Bismarck, March 3, 1939.

Mr. President: I have the honor to inform you that the House has passed:

Senate Bill No. 40. 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.

As amended with the amendments of the last conference committee.

MINNIE D. CRAIG, Chief Clerk.

## MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, March 3, 1939.

Mr. Speaker: I have the honor to return:

House Concurrent Resolution No. 411. A Concurrent Resolution Recommending That the Bank of North Dakota, With the Approval of the Industrial Commission, Be Empowered to Make a Loan to the State Welfare Board.

Which the Senate has amended as follows:

In line 39 after the word "future" insert the language "prior to January 1st, 1941"—

WM. J. LOWE, Secretary.

Rep. Buchholz moved that the House concur in the Senate amendments to House Concurrent Resolution No. 411, which motion prevailed.

Rep. Crockett requested that the House be on the Seventh Order of Business, which request was granted.

Rep. Crockett moved that Mr. William Godwin, Mandan, who was majority floor leader in both the 1935 and 1937 Sessions be given the courtesy of the floor for a short address, which motion prevailed, and Mr. Godwin made a short speech before the Assembly.

The House continued on the Eighth Order of Business.

## SIGNING OF BILLS

The Chief Clerk announced the Speaker was about to sign:

Senate Concurrent Resolution No. 288. A Concurrent Resolution Providing for Payment of House and Senate Employees for Four Extra Days.

And the Speaker signed the same in the presence of the House.

## MESSAGES TO THE SENATE

House of Representatives,
Bismarck, March 3, 1939.

Mr. President: I have the honor to inform you that the House has concurred in the Senate amendment to:

House Concurrent Resolution No. 411. A Concurrent Resolution Recommending That the Bank of North Dakota, With the Approval of the Industrial Commission, Be Empowered to Make a Loan to the State Welfare Board.

Mr. President: I have the honor to return:

Senate Concurrent Resolution No. 288. A Concurrent Reso-

lution Providing for Payment of House and Senate Employees for Four Extra Days.

Which the Speaker has signed.

MINNIE D. CRAIG, Chief Clerk.

## MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, March 3, 1939.

Mr. Speaker: I have the honor to inform you that the Senate has adopted the report of the Conference Committee on:

Senate Bill No. 40. 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.

As agreed upon by the following Conference Committee:

| For the Senate: | For the House: |
|---|---|
| Fred J. Fredrickson | Leonas Myers |
| T. E. Whelan | J. M. Anderson |
| Ben Gilbertson. | Geo. R. Braun. |

WM. J. LOWE, Secretary.

The Senate reverted to the Sixth Order of Business.

## REPORT OF SELECT COMMITTEE

The Conference Committee on House Bill No. 158 made the following report:

Mr. Speaker: Your Conference Committee to whom was referred House Bill No. 158 have had the same under consideration and recommend that the Senate concur with the House on the original bill.

| For the Senate: | For the House: |
|---|---|
| Herman Thorson | Leonas Myers |
| A. N. Lavik | Geo. Schwartz |
| Henry Leum. | Franklin Page. |

Rep. Schwartz moved that the report be adopted and the committee discharged, which motion prevailed and the report was adopted.

## MESSAGE TO THE SENATE

House of Representatives,
Bismarck, March 3, 1939.

Mr. President: I have the honor to inform you that the House has adopted the conference committee report on:

House Bill No. 158. A Bill for an Act to Amend and Reenact Chapter 30 of the Session Laws of North Dakota for the Year 1937; Making an Appropriation of One Million Dollars to the State Hail Insurance Department From the State

Equalization Fund; Repealing all Acts or Parts of Acts in Conflict Herewith.

MINNIE D. CRAIG, Chief Clerk.

## MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, March 3, 1939.

Mr. Speaker: I have the honor to inform you that the Senate has concurred in the House amendment to :

House Bill No. 158. A Bill for an Act to Amend and Reenact Chapter 30 of the Session Laws of North Dakota for the Year 1937; Making an Appropriation of One Million Dollars to the State Hail Insurance Department From the State Equalization Fund; Repealing all Acts or Parts of Acts in Conflict Herewith.

WM. J. LOWE, Secretary.

## REPORT OF SELECT COMMITTEES

The Conference Committee on Senate Bill No. 260 made the following report:

Mr. President: Your Conference Committee to whom was referred:

Senate Bill No. 260. A Bill for an Act Amending and Reenacting Chapter 102, Session Laws of the State of North Dakota for the Year 1929.

Have had the same under consideration and recommend: The Senate do concur on the House Amendments.

| For the Senate: | For the House: |
|---|---|
| J. B. Bridston, | Harry Semerad, |
| Ed A. Hill, | Fred Braun, |
| E. Magoffin. | Theo. O. Rohde. |

Representative Braun of McLean moved that the report be adopted and the committee be discharged, which motion prevailed and the report was adopted.

## MESSAGE TO THE HOUSE

Senate Chamber,
Bismarck, March 3, 1939.

Mr. Speaker: I have the honor to inform you that the Senate has adopted the Conference Committee report on:

Senate Bill No. 260. A Bill for an Act Amending and Reenacting Chapter 102, Session Laws of the State of North Dakota for the Year 1929.

WM. J. LOWE, Secretary.

## MESSAGE TO THE SENATE

House of Representatives,
Bismarck, March 3, 1939.

Mr. President: I have the honor to inform you that the House has adopted the conference committee report on:

Senate Bill No. 260. A Bill for an Act Amending and Reenacting Chapter 102, Session Laws of the State of North Dakota for the Year 1929.

MINNIE D. CRAIG, Chief Clerk.

Representative Scholl moved that the House be on the Eighth Order of Business and be at rest upon completion of same subject to the call of the Chair, which motion prevailed.

There being no objection the House continued on the Seventh Order of Business.

House Concurrent Resolution No. 412 was read from the desk.

Representative Beede moved the adoption of House Concurrent Resolution No. 412 and that it be printed in the journal, which motion prevailed.

HOUSE CONCURRENT RESOLUTION No. 412

Introduced by Representative Anderson of McKenzie

METHOD OF EXPENDITURE OF FUNDS APPROPRIATED FOR OLD AGE ASSISTANCE FOR THE BIENNIUM BEGINNING JULY 1, 1939 AND ENDING JUNE 30, 1941.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING THEREIN, THAT

WHEREAS, the Public Welfare Board has requested an appropriation of $7,143,380 for Old Age Assistance on the $40 a month minimum basis as provided for by the amendment to the Old Age Assistance Act approved by the electorate on November 8, 1938; and

WHEREAS, it is the judgment of the Public Welfare Board, after a careful survey that this amount would be needed to provide for old age assistance in North Dakota for the biennium on the basis of the $40 minimum; and

WHEREAS, the Public Welfare Board have estimated that the sum of $1,414,700 will be necessary to provide for old age assistance for the biennium beginning July 1, 1939 and ending June 30, 1941 on the basis of the Old Age Assistance Act prior to its amendment on November 8, 1938; and

WHEREAS, the Public Welfare Board in estimating the amount necessary for old age assistance during the biennium on the $30 a month maximum basis have made this estimate assuming that the state is only required to pay 50% of the amount in excess of that furnished by the Federal Government and that the counties are to furnish the other 50%; and

WHEREAS, THE INITIATED amendment approved November 8, 1938 provides that the State shall pay 85% of the amount in excess of that furnished by the Federal Government and that the counties shall only pay 15% of the amount in excess of the amount paid by the Federal Government; and

WHEREAS, the Public Welfare Board has asked for an additional appropriation so as to enable the state to pay on the basis of 85% of the amount in excess of that contributed by the Federal Government instead of 50%; and

WHEREAS, the State Senate, because of excess demands made upon public funds from other sources, does not feel that there are funds sufficient available to appropriate either the amount of $7,143,380 required to finance old age assistance on the minimum of $40 a month basis as provided by the initiated amendment of

November 8, 1938 or the additional sum requested by the Public Welfare Board to make payments by the State of 85% of the amount in excess of the amount paid by the Federal Government; and

WHEREAS, the 1939 Legislative Assembly has seen fit to appropriate but the sum of $1,414,700 for old age assistance during the biennium beginning July 1, 1939 and ending June 30, 1941;

THEREFORE, BE IT RESOLVED, that the Public Welfare Board use the sum of $1,414,700 appropriated by this Legislative Assembly in providing for old age assistance; that the Public Welfare Board is authorized and directed to expend such funds each month as it is necessary to use in excess of the amount contributed by the Federal Government to continue paying old age assistance grants to needy old age assistance clients on the basis of need, providing, however, that not to exceed 75% of the appropriation so made may be expended during the first eighteen months of the biennium.

IT IS FURTHER RESOLVED, that in the event that the courts should hold that it is necessary for the state to pay 85% of the amount of old age assistance in excess of that contributed by the Federal Government and that the counties shall only be required to furnish 15% of the amount in excess of that contributed by the Federal Government and the Public Welfare Board finds that the amount appropriated by the 1939 Legislative Assembly is not sufficient to provide for old age assistance on the basis of need that the Governor of the State of North Dakota is hereby requested, if in his judgment it is necessary, to call the Legislative Assembly into special session for the purpose of providing such additional funds as may be necessary to provide for old age assistance to the needy aged of this state and for such other purposes as in the judgment of the Governor of this state may be necessary.

## SECOND READING OF HOUSE CONCURRENT RESOLUTION

**House Concurrent Resolution No. 412. A Concurrent Resolution Relating to Method of Expenditure of Funds Appropriated for Old Age Assistance for the Biennium Beginning July 1, 1939 and Ending June 30, 1941.**

Was read the second time.

## ROLL CALL

The question being on the final passage of the resolution, as amended, the roll was called and there were ayes, 62; nays, 25; absent and not voting, 23.

Those voting in the affirmative were:

| | | |
|---|---|---|
| **Adam** | Fraser | **Ostgulen** |
| **Anderson,M'K'nzie** | **Gainor** | **Page** |
| **Anfinson** | **Glas** | **Panko** |
| **Arneson, Nelson** | **Gray** | **Rohde** |
| **Arneson, Ramsey** | **Haag** | **Sand** |
| **Beede** | Halvorson | **Saumur** |
| **Belzer** | **Holm** | **Schauss** |
| **Benno** | **Ireland** | **Schmidt, Sheridan** |
| **Bergesen** | **Ista** | **Schimke** |

| | | |
|---|---|---|
| Billigmeier | Jensen | Scholl |
| Bingenheimer | Johnson, LaMoure | Schwartz |
| Bolmeier | Joiner | Semerad |
| Boulden | Kluver | Solberg |
| Braun, McLean | Knutson | Stormon |
| Brown | Lange | Tuff |
| Buchholz | Larson | Twichell |
| Byrne | Lunde | Urschel |
| Dalzell | Myers | Williams,Richland |
| Erickson | Mittag | Wolf |
| Feton | Morland | Mr. Speaker |
| Fitch | Nelson, Dickey | |

Those voting in the negative were:

| | | |
|---|---|---|
| Crockett | Nystrom | Skartvedt |
| Dike | O'Brien | Symington |
| Fletcher | Rait | Thompson,Burl'gh |
| Fuglestad | Peterson, Ransom | Thompson, Steele |
| Heckman | Schmidt, McHenry | Trydahl |
| Holthusen | Sellens | Wambheim |
| McInnes | Severson | Westby |
| Moe | Sharpe | Williams,Stutsm'n |
| Nelson, Steele | | |

Absent and not voting:

| | | |
|---|---|---|
| Anderson, Benson | Johnson, Cass | Oglesby |
| Blair | Keller | Peterson,Bottineau |
| Braun, Stark | Levin | Rettke |
| Culver | McIntee | Ritter |
| Dittmer | McIntyre | Shure |
| Haugland | Mollet | Singleton |
| Hofstrand | Nelson, Cass | Stone |
| Hultstrand | Odegard | |

So the resolution was adopted.

Rep. Beede moved that the vote by which House Concurrent Resolution No. 412 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Rep. Thompson of Burleigh: I have faith enough, if I understand this resolution asking the Governor to call a special session of the Legislature, that if we need a special session, the Governor will call one. I have been caught too many times on resolutions in this House coming in the last minute during the last sixteen years. I am suspicious and I am going to vote "no".

House Concurrent Resolution No. 413 was read from the Desk.

Rep. Beede moved the adoption of House Concurrent Resolution No. 413, which motion prevailed.

Rep. Morland moved that House Concurrent Resolution No. 413 be printed in the Journal, which motion prevailed.

## HOUSE CONCURRENT RESOLUTION No. 413

Introduced by Representative Anderson of McKenzie

RECOMMENDING TO THE PUBLIC WELFARE BOARD METHOD OF EXPENDITURE OF FUNDS APPROPRIATED FOR GENERAL RELIEF FOR THE BIENNIUM BEGINNING JULY 1, 1939 AND ENDING JUNE 30, 1941.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING THEREIN:

WHEREAS, the Public Welfare Board has requested an appropriation of $3,743,600 for general relief for the ensuing biennium; and

WHEREAS, it is the best judgment of the Public Welfare Board after a careful survey of probable relief needs has been made, that this sum will be necessary to care for the destitute people of this state on a standard compatible with health and decency; and

WHEREAS, the 1939 Legislative Assembly because of excessive demands made upon it from other sources is unable to appropriate the amount requested by the Public Welfare Board and has seen fit to make an appropriation of but $2,500,000; and

WHEREAS, if during the farming season of 1939, conditions existing in this state during the past 7 years should be reversed and the state enjoy bountiful crops and these crops may be sold for a fair price an appropriation of $2,500,000 may be ample to provide for such needs during the biennium;

THEREFORE, BE IT RESOLVED that the Public Welfare Board use the $2,500,000 appropriated by this Legislative Assembly in caring for the relief needs of the destitute people of this state in a manner compatible with health and decency; that while strict economy should be practiced in the expenditure of such funds that nevertheless the Public Welfare Board is directed to provide for the needs of the destitute people of this state to the best of its ability with the funds appropriated; that in caring for such needs the Public Welfare Board shall not be required to restrict expenditures to such an amount each month as will spread this appropriation over the entire biennium but is directed to expend such funds each month as is necessary to properly care for the needs of the destitute people of this state, providing, however, that not to exceed 75% of the appropriation so made may be expended during the first 18 months of the biennium.

IT IS FURTHER RESOLVED that in the event that the State suffers another crop failure or it becomes evident that the amount of $2,500,000 appropriated is not sufficient to provide for the relief needs that the Governor of the State of North Dakota is hereby requested, if in his judgment it is necessary, to call the Legislative Assembly into special session for the purpose of providing such additional funds

as may be necessary to provide for general relief to the needy and destitute people of this state and for such other purposes as in the judgment of the Governor of the State may be necessary.

MESSAGE TO THE SENATE

House of Representatives,
Bismarck, March 3, 1939.

Mr. President: I have the honor to transmit:

House Concurrent Resolution No. 412. A Concurrent Resolution Relating to Method of Expenditure of Funds Appropriated for Old Age Assistance for the Biennium Beginning July 1, 1939 and Ending June 30, 1941.

House Concurrent Resolution No. 413. A Concurrent Resolution Recommending to the Public Welfare Board Method of Expenditure of Funds Appropriated for General Relief for the Biennium Beginning July 1, 1939 and Ending June 30, 1941.

Which the House has passed and your favorable consideration is requested.

MINNIE D. CRAIG, Chief Clerk.

The House reverted to the Sixth Order of Business.

REPORT OF SELECT COMMITTEE

The Conference Committee on Senate Bill No. 277 made the following report:

Mr. Speaker: Your conference committee to whom was referred Senate Bill No. 277 have had the same under consideration and are unable to agree and recommend that a new conference committee be appointed.

| For the House: | For the Senate: |
|---|---|
| Bernt Anderson of McKenzie | J. C. Blaisdell, Jr. |
| Targie Trydahl | R. R. Morgan |
| R. G. Beede. | Hjalmar Nelson. |

Rep. Anderson of McKenzie moved that the report be adopted and the committee discharged, which motion prevailed and the report was adopted.

The Chair appointed Representatives Myers, Semerad, and Ostgulen as a conference committee to act with a like committee from the Senate in deliberation on Senate Bill No. 277.

MESSAGE TO THE SENATE

House of Representatives,
Bismarck, March 3, 1939.

Mr. President: I have the honor to inform you that the House has refused to adopt the Conference Committee report on:

Senate Bill No. 277. A Bill for an Act Making an Appropriation to Provide Funds for the Payment of Salaries and Expenses Due Inspectors of the Motor Vehicle Registration Department; and Declaring an Emergency.

And the Speaker has appointed as a new conference committee to act with a like committee from the Senate, Representatives:

Lenoas Myers,
Harry Semerad
Olaf Ostgulen.

MINNIE D. CRAIG, Chief Clerk.

## MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, March 3, 1939.

Mr. Speaker: I have the honor to inform you that the President has appointed as a new Conference Committee on:

Senate Bill No. 277. A Bill for an Act Making an Appropriation to Provide Funds for the Payment of Salaries and Expenses Due Inspectors of the Motor Vehicle Registration Department; and Declaring an Emergency.

Senators:
R. R. Morgan,
J. C. Blaisdell,
Hjalmar Nelson of McKenzie.

WM. J. LOWE, Secretary.

## REPORT OF STANDING COMMITTEE

Mr. Speaker: Your committee on Enrollment and Engrossment respectfully report that they have examined the following bills and find the same correctly Enrolled:

House Bill No. 158
House Concurrent Resolution No. 411.

OLAF OSTGULEN, Chairman.

Representative Ostgulen moved that the report be adopted which motion prevailed, and the report was adopted.

Representative Bergesen requested that the House be on the Seventh Order of Business, which request was granted.

Representative Bergesen moved that the House request the Senate for the return of Senate Bill No. 105, which motion was lost.

The House continued on the Eighth Order of Business.

## SIGNING OF BILLS

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 158. A Bill for an Act to Amend and Reenact Chapter 30 of the Session Laws of North Dakota for the Year 1937; Making an Appropriation of One Million Dollars to the State Hail Insurance Department From the State Equalization Fund; Repealing all Acts or Parts of Acts in Conflict Herewith.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

House Concurrent Resolution No. 411. A Concurrent Resolution Recommending That the Bank of North Dakota, With the Approval of the Industrial Commission, Be Empowered to Make a Loan to the State Welfare Board.

And the Speaker signed the same in the presence of the House.

## MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, March 3, 1939.

Mr. Speaker: I have the honor to return herewith the following resolutions:

House Concurrent Resolution No. 412. A Concurrent Resolution Relating to Method of Expenditure of Funds Ap-

propriated for Old Age Assistance for the Biennium Beginning July 1, 1939 and Ending June 30, 1941.

House Concurrent Resolution No. 413. A Concurrent Resolution Recommending to the Public Welfare Board Method of Expenditure of Funds Appropriated for General Relief for the Biennium Beginning July 1, 1939 and Ending June 30, 1941.

Which the Senate has adopted.

WM. J. LOWE, Secretary.

MESSAGE TO THE SENATE

Mr. President: I have the honor to transmit:

House Bill No. 158. A Bill for an Act to Amend and Reenact Chapter 30 of the Session Laws of North Dakota for the Year 1937; Making an Appropriation of One Million Dollars to the State Hail Insurance Department From the State Equalization Fund; Repealing all Acts or Parts of Acts in Conflict Herewith.

House Concurrent Resolution No. 411. A Concurrent Resolution Recommending That the Bank of North Dakota, With the Approval of the Industrial Commission, Be Empowered to Make a Loan to the State Welfare Board.

Which the Speaker has signed and your signature is respectfully requested.

MINNIE D. CRAIG, Chief Clerk.

The House reverted to the Sixth Order of Business.

REPORT OF SELECT COMMITTEES

The Conference Committee on Senate Bill No. 123 made the following report:

Mr. Speaker: Your Conference Committee to whom was referred:

Senate Bill No. 123. A Bill for an Act Making an Appropriation to the State Public Welfare Fund, Established by Section 3, of Chapter 214, of the Session Laws of 1937, for the Biennium Beginning July 1, 1939, and Ending June 30, 1941, to be Expended by the Public Welfare Board in Providing Public Assistance to the Needy Aged, as Provided by Chapter 211 of the Session Laws of 1937, and for Necessary Costs of Administration.

Have had the same under consideration and recommend:

1. That the House recede from all of its amendments to Senate Bill No. 123.

2. That Senate Bill No. 123 be amended as follows:

In Line 5 of the engrossed bill strike out the figures "1,034,942" and insert in lieu thereof the figures "1,414,700."

In Line 10 of the engrossed bill strike out the figures "1,-034,942" and insert in lieu thereof "1,414,700."

In Line 12 of the engrossed bill strike out the figures "116,942" and insert in lieu thereof "127,900."

Strike out all of lines 20 to 28 inclusive and insert in lieu thereof the following:

| | | |
|---|---|---|
| 20. | Salaries and Wages | $ 90,000 |
| 21. | Travel | 16,800 |
| 22. | Postage | 8,000 |
| 23. | Telephone and telegraph | 600 |
| 24. | Printing | 4,800 |
| 25. | Office Supplies | 1,500 |

| | | |
|---|---|---|
| 26. | Rental of equipment | 600 |
| 27. | Operating Expense | 1,000 |
| 28. | Purchase of equipment | 3,600 |
| 29. | Board Member expense | 1,000 |
| | Total | $127,900 |

For the Senate:
Wm. Watt,
M. J. Raschko,
H. G. Guenther.

For the House:
R. G. Beede,
Bernt Anderson of McKenzie,
Harry Semerad.

Representative Anderson of McKenzie moved that the report be adopted, and the committee discharged, which motion prevailed and the report was adopted.

Representative Beede moved that the rules be suspended and that Senate Bill No. 123 be placed on second reading and final passage as amended by conference committee, which motion prevailed.

## SECOND READING OF SENATE BILL

Senate Bill No. 123. A Bill for an Act Making an Appropriation to the State Public Welfare Fund, Established by Section 3, of Chapter 214, of the Session Laws of 1937, for the Biennium Beginning July 1, 1939, and Ending June 30, 1941, to be Expended by the Public Welfare Board in Providing Public Assistance to the Needy Aged, as Provided by Chapter 211 of the Session Laws of 1937, and for Necessary Costs of Administration.

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, 82; nays, 2; absent and not voting, 25.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Heckman | Rettke |
| Anderson,M'K'nzie | Holm | Ritter |
| Anfinson | Holthusen | Sand |
| Arneson, Nelson | Ireland | Saumur |
| Arneson, Ramsey | Ista | Schauss |
| Beede | Jensen | Schmidt, Sheridan |
| Benno | Johnson, LaMoure | Scholl |
| Bergesen | Joiner | Schwartz |
| Billigmeier | Kluver | Sellens |
| Bingenheimer | Knutson | Severson |
| Bolmeier | Lange | Sharpe |
| Braun, McLean | Levin | Singleton |
| Braun, Stark | Lunde | Skartvedt |
| Buchholz | McInnes | Solberg |
| Byrne | McIntee | Stormon |
| Dalzell | Myers | Symington |
| Dike | Mittag | Thompson, Steele |
| Erickson | Moe | Trydahl |
| Feton | Morland | Tuff |
| Fitch | Nelson, Dickey | Twichell |
| Fletcher | Nelson, Steele | Urschel |
| Fraser | Nystrom | Wambheim |
| Fuglestad | O'Brien | Westby |
| Gainor | Ostgulen | Williams,Richland |

| | | |
|---|---|---|
| Glas | Page | Williams, Stutsm'n |
| Gray | Panko | Wolf |
| Haag | Peterson, Ransom | Mr. Speaker |
| Halvorson | | |

Those voting in the negative were:

| | | |
|---|---|---|
| Belzer | Rait | Rohde |

Absent and not voting:

| | | |
|---|---|---|
| Anderson, Benson | Hultstrand | Oglesby |
| Blair | Johnson, Cass | Peterson, Bottineau |
| Boulden | Keller | Schmidt, McHenry |
| Brown | Larson | Schimke |
| Crockett | McIntyre | Semerad |
| Culver | Mollet | Shure |
| Dittmer | Nelson, Cass | Stone |
| Haugland | Odegard | Thompson, Burl'gh |
| Hofstrand | | |

So the bill passed and the title was agreed to.

## MESSAGE TO THE SENATE

House of Representatives,
Bismarck, March 3, 1939.

Mr. President: I have the honor to inform you that the House has adopted the conference committee report on:

Senate Bill No. 123. A Bill for an Act Making an Appropriation to the State Public Welfare Fund, Established by Section 3, of Chapter 214, of the Session Laws of 1937, for the Biennium Beginning July 1, 1939, and Ending June 30, 1941, to be Expended by the Public Welfare Board in Providing Public Assistance to the Needy Aged, as Provided by Chapter 211 of the Session Laws of 1937, and for Necessary Costs of Administration.

MINNIE D. CRAIG, Chief Clerk.

## MESSAGES FROM THE SENATE

Senate Chamber,
Bismarck, March 3, 1939.

Mr. Speaker: I have the honor to return herewith the following:

House Concurrent Resolution No. 411. A Concurrent Resolution Recommending That the Bank of North Dakota, With the Approval of the Industrial Commission, Be Empowered to Make a Loan to the State Welfare Board.

House Bill No. 158. A Bill for an Act to Amend and Reenact Chapter 30 of the Session Laws of North Dakota for the Year 1937; Making an Appropriation of One Million Dollars to the State Hail Insurance Department From the State Equalization Fund; Repealing all Acts or Parts of Acts in Conflict Herewith.

Which the President has signed:

Mr. Speaker: I have the honor to inform you that the Senate has adopted the report of the Conference Committee on:

Senate Bill No. 123. A Bill for an Act Making an Appropriation to the State Public Welfare Fund, Established by Section 3, of Chapter 214, of the Session Laws of 1937, for the Biennium Beginning July 1, 1939, and Ending June 30,

1941, to be Expended by the Public Welfare Board in Providing Public Assistance to the Needy Aged, as Provided by Chapter 211 of the Session Laws of 1937, and for Necessary Costs of Administration.

WM. J. LOWE, Secretary.

REPORT OF STANDING COMMITTEE

The Committee on Enrollment and Engrossment respectfully reports that:

House Bill No. 158.

Was delivered to the Governor for his approval at the hour of 7:44 o'clock P. M., March 3, 1939.

OLAF OSTGULEN, Chairman.

The Committee on Enrollment and Engrossment respectfully reports that:

House Concurrent Resolution No. 411.

Was delivered to the Secretary of State at the hour of 7:44 o'clock P. M., March 3, 1939.

OLAF OSTGULEN, Chairman.

Rep. Fitch requested that the House be on the Seventh Order of Business, which request was granted.

Rep. Fitch moved that the House reconsider action taken on Senate Bill No. 277, which motion prevailed.

Rep. Fitch moved that Senate Bill No. 277 be recalled from the conference committee, which motion prevailed.

The House reverted to the Sixth Order of Business.

Rep. Fitch moved that the House do concur in the Senate amendments to Senate Bill No. 277.

Rep. Joiner moved a substitute motion that Senate Bill No. 277 be indefinitely postponed, which motion was lost.

The question being on the motion of Rep. Fitch that the House do concur in the Senate amendments to Senate Bill No. 277, the motion prevailed.

Rep. Fitch moved that the rules be suspended and that Senate Bill No. 277 be placed on second reading and final passage as amended by conference committee, which motion prevailed.

SECOND READING OF SENATE BILL

Senate Bill No. 277. A Bill for an Act Making an Appropriation to Provide Funds for the Payment of Salaries and Expenses Due Inspectors of the Motor Vehicle Registration Department; and Declaring an Emergency.

Was read the second time.

ROLL CALL

The question being on the final passage of the bill, as amended by the Senate, the roll was called and there were ayes, 50; nays, 42; absent and not voting, 18.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Arneson, **Nelson** | Holthusen | Schimke |
| Arneson, **Ramsey** | Ireland | Sellens |
| Beede | Kluver | Severson |
| Benno | Larson | Sharpe |
| Bergesen | Lunde | Singleton |
| Bolmeier | McInnes | Skartvedt |

| | | |
|---|---|---|
| Brown | Myers | Solberg |
| Byrne | Moe | Stormon |
| Dalzell | Morland | Symington |
| Erickson | Nelson, Steele | Thompson,Burl'gh |
| Feton | Nystrom | Thompson, Steele |
| Fitch | Panko | Trydahl |
| Fuglestad | Peterson, Ransom | Westby |
| Glas | Sand | Williams,Stutsm'n |
| Gray | Saumur | Wolf |
| Haugland | Schauss | Mr. Speaker |
| Holm | Schmidt, McHenry | |

Those voting in the negative were:

| | | |
|---|---|---|
| Adam | Heckman | Peterson,Bottineau |
| Anderson, Benson | Ista | Rait |
| Anderson,M'K'nzie | Jensen | Rettke |
| Anfinson | Johnson, LaMoure | Ritter |
| Belzer | Joiner | Rohde |
| Billigmeier | Knutson | Schmidt, Sheridan |
| Blair | Lange | Scholl |
| Braun, McLean | Levin | Schwartz |
| Buchholz | McIntee | Semerad |
| Dike | Mittag | Tuff |
| Fletcher | Nelson, Dickey | Twichell |
| Fraser | O'Brien | Urschel |
| Haag | Ostgulen | Wambheim |
| Halvorson | Page | Williams,Richland |

Absent and not voting:

| | | |
|---|---|---|
| Bingenheimer | Gainor | Mollet |
| Boulden | Hofstrand | Nelson, Cass |
| Braun, Stark | Hultstrand | Odegard |
| Crockett | Johnson, Cass | Oglesby |
| Culver | Keller | Shure |
| Dittmer | McIntyre | Stone |

So the bill was declared lost.

Speaker Hagen: I think this is the most high-handed piece of business pulled on the House this Session and I am ashamed of it. I believe after the records are checked carefully you will find that the bill was in the Governor's office after being signed by the Chair and the President of the Senate. I am absolutely disappointed that the House takes this action. I am voting "aye" on the bill.

Rep. Braun of McLean: I don't know a thing about the person involved in this although I know that some of these people worked for the State the last part of last year. I know they have their money coming. But since we are wasting time on this I am becoming impatient.

Rep. Ritter voted "no" for the purpose of reconsideration.

MESSAGE TO THE SENATE

House of Representatives,
Bismarck, March 3, 1939.

Mr. President: I have the honor to return:

Senate Bill No. 277. A Bill for an Act Making an Appropriation to Provide Funds for the Payment of Salaries and Expenses Due Inspectors of the Motor Vehicle Registration Department; and Declaring an Emergency.

Which the House has indefinitely postponed.

MINNIE D. CRAIG, Chief Clerk.

## REPORT OF SELECT COMMITTEE

The Conference Committee on Senate Bill No. 141 made the following report:

Mr. Speaker: Your Conference Committee to whom was referred Senate Bill No. 141 have had the same under consideration and recommend:

1. That the House recede from all its amendments to Senate Bill No. 141.

2. In line 32 of the engrossed bill strike out the sum of "68,500" and insert in lieu thereof the sum of "92,150".

3. Strike out all of lines 44 to 53 inclusive and insert in lieu thereof the following figures:

| | | |
|---|---|---|
| 44. | Salaries and Wages | $50,000 |
| 45. | Travel | 10,400 |
| 46. | Postage | 3,600 |
| 47. | Telephone and telegraph | 2,400 |
| 48. | Printing | 13,000 |
| 49. | Office supplies | 3,600 |
| 50. | Other operating expense | 1,750 |
| 51. | Purchase of equipment | 2,400 |
| 52. | Expense of Board Members | 5,000 |
| | Total | $92,150 |

| For the Senate: | For the House: |
|---|---|
| A. W. Fowler | Bernt Anderson of McKenzie |
| G. F. Drew | L. K. Morland |
| J. B. Bridston. | T. O. Rohde. |

Rep. Anderson of McKenzie moved that the report be adopted and that the committee be discharged, which motion prevailed and the report was adopted.

Rep. Beede moved that the rules be suspended and that Senate Bill No. 141 be placed on second reading and final passage as amended by conference committee, which motion prevailed.

## SECOND READING OF SENATE BILLS

Senate Bill No. 141. A Bill for an Act Making an Appropriation for Relief to Destitute and Necessitous Persons for the Biennium Beginning July 1, 1939, and Ending June 30, 1941, Defining the Powers and Duties of the Public Welfare Board in Relation Thereto, and Providing for Allocation of Funds to Counties for Relief Purposes and for Other Specified Relief Expenditures and Costs of Administration.

Was read the second time.

## ROLL CALL

The question being on the final passage of the bill, as amended by Conference Committee, the roll was called and there were ayes, 77; nays, 1; absent and not voting, 32.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Halvorson | Rait |
| Anderson, Benson | Haugland | Rettke |
| Anderson, M'K'nzie | Heckman | Rohde |
| Anfinson | Holm | Sand |
| Arneson, Nelson | Holthusen | Saumur |
| Arneson, Ramsey | Ireland | Schmidt, McHenry |
| Beede | Ista | Schmidt, Sheridan |

| | | |
|---|---|---|
| Belzer | Jensen | Schwartz |
| Bergesen | Johnson, LaMoure | Sellens |
| Billigmeier | Joiner | Semerad |
| Bingenheimer | Kluver | Sharpe |
| Bolmeier | Knutson | Singleton |
| Braun, McLean | Lange | Skartvedt |
| Brown | Larson | Solberg |
| Buchholz | Levin | Stormon |
| Byrne | McInnes | Symington |
| Dalzell | McIntee | Thompson,Burl'gh |
| Dike | Myers | Trydahl |
| Erickson | Morland | Tuff |
| Feton | Nelson, Dickey | Twichell |
| Fletcher | Nystrom | Urschel |
| Fraser | O'Brien | Wambheim |
| Fuglestad | Ostgulen | Westby |
| Glas | Page | Williams,Richland |
| Gray | Panko | Williams,Stutsm'n |
| Haag | Peterson,Bottineau | |

Those voting in the negative were:
Moe

Absent and not voting:

| | | |
|---|---|---|
| Benno | Johnson, Cass | Ritter |
| Blair | Keller | Schauss |
| Boulden | Lunde | Schimke |
| Braun, Stark | McIntyre | Scholl |
| Crockett | Mittag | Severson |
| Culver | Mollet | Shure |
| Dittmer | Nelson, Cass | Stone |
| Fitch | Nelson, Steele | Thompson, Steele |
| Gainor | Odegard | Wolf |
| Hofstrand | Oglesby | Mr. Speaker |
| Hultstrand | Peterson, Ransom | |

So the bill passed and the title was agreed to.

Rep. Twichell 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.

## MESSAGE TO THE SENATE

House of Representatives,
Bismarck, March 3, 1939.

Mr. President: I have the honor to inform you that the House has adopted the Conference Committee report on:

Senate Bill No. 141. A Bill for an Act Making an Appropriation for Relief to Destitute and Necessitous Persons for the Biennium Beginning July 1, 1939, and Ending June 30, 1941, Defining the Powers and Duties of the Public Welfare Board in Relation Thereto, and Providing for Allocation of Funds to Counties for Relief Purposes and for Other Specified Relief Expenditures and Costs of Administration.

MINNIE D. CRAIG, Chief Clerk.

## MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, March 3, 1939.

Mr. Speaker: I have the honor to inform you that the Senate has adopted the report of the Confermence Committee on:

Senate Bill No. 141. A Bill for an Act Making an Appropriation for Relief to Destitute and Necessitous Persons for the Biennium Beginning July 1, 1939, and Ending June 30, 1941, Defining the Powers and Duties of the Public Welfare Board in Relation Thereto, and Providing for Allocation of Funds to Counties for Relief Purposes and for Other Specified Relief Expenditures and Costs of Administration.

WM. J. LOWE, Secretary.

MESSAGE TO THE SENATE

House of Representatives,
Bismarck, March 3, 1939.

Mr. President: I have the honor to inform you that the House has requested the return of:

Senate Bill No. 277. A Bill for an Act Making an Appropriation to Provide Funds for the Payment of Salaries and Expenses Due Inspectors of the Motor Vehicle Registration Department; and Declaring an Emergency.

MINNIE D. CRAIG, Chief Clerk.

REPORT OF STANDING COMMITTEE

Mr. Speaker: Your committee on Enrollment and Engrossment respectfully report that they have examined the following bills and find the same correctly enrolled:

House Concurrent Resolution No. 412. A Concurrent Resolution Relating to Method of Expenditure of Funds Appropriated for Old Age Assistance for the Biennium Beginning July 1, 1939 and Ending June 30, 1941.

House Concurrent Resolution No. 413. A Concurrent Resolution Recommending to the Public Welfare Board Method of Expenditure of Funds Appropriated for General Relief for the Biennium Beginning July 1, 1939 and Ending June 30, 1941.

OLAF OSTGULEN, Chairman.

Rep. Ostgulen moved that the report be adopted, which motion prevailed, and the report was adopted.

SIGNING OF BILLS

The Chief Clerk announced that the Speaker was about to sign:

House Concurrent Resolution No. 412. A Concurrent Resolution Relating to Method of Expenditure of Funds Appropriated for Old Age Assistance for the Biennium Beginning July 1, 1939 and Ending June 30, 1941.

House Concurrent Resolution No. 413. A Concurrent Resolution Recommending to the Public Welfare Board Method of Expenditure of Funds Appropriated for General Relief for the Biennium Beginning July 1, 1939 and Ending June 30, 1941.

And the Speaker signed the same in the presence of the House.

MESSAGE TO THE SENATE

House of Representatives,
Bismarck, March 3, 1939.

Mr. President: I have the honor to transmit:

House Concurrent Resolution No. 412. A Concurrent Resolution Relating to Method of Expenditure of Funds Appropriated for Old Age Assistance for the Biennium Beginning July 1, 1939 and Ending June 30, 1941.

House Concurrent Resolution No. 413. A Concurrent Resolution Recommending to the Public Welfare Board Method of Expenditure of Funds Appropriated for General Relief for the Biennium Beginning July 1, 1939 and Ending June 30, 1941.

Which the Speaker has signed and your signature is respectfully requested.

MINNIE D. CRAIG, Chief Clerk.

MESSAGE FROM THE SENATE

Mr. Speaker: I have the honor to return herewith:

Senate Bill No. 277. A Bill for an Act Making an Appropriation to Provide Funds for the Payment of Salaries and Expenses Due Inspectors of the Motor Vehicle Registration Department; and Declaring an Emergency.

Which the House has requested.

WM. J. LOWE, Secretary.

Rep. Ritter moved that the House reconsider action taken on Senate Bill No. 277, which motion prevailed.

The House reverted to the Sixth Order of Business.

Rep. Ritter moved that the House adopt the amendments to Senate Bill No. 277 as recommended by the Senate, which motion prevailed.

Rep. Ritter moved that the rules be suspended and that Senate Bill No. 277 be placed on second reading and final passage as amended by conference committee, which motion prevailed.

SECOND READING OF SENATE BILLS

Senate Bill No. 277. A Bill for an Act Making an Appropriation to Provide Funds for the Payment of Salaries and Expenses Due Inspectors of the Motor Vehicle Registration Department; and Declaring an Emergency.

Was read the second time.

ROLL CALL

The question being on the final passage of the bill, as amended by Senate, the roll was called and there were ayes, 66; nays, 22; absent and not voting, 22.

Those voting in the affirmative were:

| | | |
|---|---|---|
| Adam | Gray | Schmidt, McHenry |
| Anderson,M'K'nzie | Haugland | Schimke |
| Anfinson | Holm | Scholl |
| Arneson, Nelson | Holthusen | Schwartz |
| Arneson, Ramsey | Ireland | Sellens |
| Beede | Ista | Severson |
| Belzer | Kluver | Sharpe |
| Bergesen | Knutson | Singleton |
| Billigmeier | Larson | Skartvedt |
| Bolmeier | Lunde | Solberg |
| Braun, Stark | McInnes | Stormon |
| Brown | McIntee | Symington |
| Buchholz | Myers | Thompson,Burl'gh |
| Byrne | Morland | Thompson, Steele |
| Dalzell | Nystrom | Trydahl |
| Dike | O'Brien | Tuff |
| Erickson | Panko | Urschel |
| Feton | Peterson, Ransom | Westby |
| Fitch | Ritter | Williams,Richland |

| | | |
|---|---|---|
| Fuglestad | Sand | Williams,Stutsm'n |
| Gainor | Saumur | Wolf |
| Glas | Schauss | Mr. Speaker |

Those voting in the negative were:

| | | |
|---|---|---|
| Anderson, Benson | Joiner | Rait |
| Bingenheimer | Levin | Rettke |
| Fletcher | Mittag | Rohde |
| Fraser | Moe | Schmidt, Sheridan |
| Haag | Nelson, Dickey | Semerad |
| Heckman | Ostgulen | Twichell |
| Jensen | Peterson,Bottineau | Wambheim |
| Johnson, LaMoure | | |

Absent and not voting:

| | | |
|---|---|---|
| Benno | Hofstrand | Nelson, Cass |
| Blair | Hultstrand | Nelson, Steele |
| Boulden | Johnson, Cass | Odegard |
| Braun, McLean | Keller | Oglesby |
| Crockett | Lange | Page |
| Culver | McIntyre | Shure |
| Dittmer | Mollet | Stone |
| Halvorson | | |

So the bill passed and the title was agreed to, and the emergency clause was declared carried.

Rep. Ritter moved that the vote by which Senate Bill No. 277 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

## MESSAGE TO THE SENATE

House Chamber,
Bismarck, March 3, 1939.

Mr. President: I have the honor to return herewith the following bill, which the House has passed.

Senate Bill No. 277. A Bill for an Act Making an Appropriation to Provide Funds for the Payment of Salaries and Expenses Due Inspectors of the Motor Vehicle Registration Department; and Declaring an Emergency.

MINNIE D. CRAIG, Chief Clerk.

## MESSAGE TO THE HOUSE

Senate Chamber,
Bismarck, March 3, 1939.

Mr. Speaker: I have the honor to transmit:

House Concurrent Resolution No. 412. A Concurrent Resolution Relating to Method of Expenditure of Funds Appropriated for Old Age Assistance for the Biennium Beginning July 1, 1939 and Ending June 30, 1941.

House Concurrent Resolution No. 413. A Concurrent Resolution Recommending to the Public Welfare Board Method of Expenditure of Funds Appropriated for General Relief for the Biennium Beginning July 1, 1939 and Ending June 30, 1941.

Which the President has signed.

WM. J. LOWE, Secretary.

## REPORT OF STANDING COMMITTEES

The committee on Enrollment and Engrossment respectfully reports that:

House Concurrent Resolution No. 412. A Concurrent Resolution Relating to Method of Expenditure of Funds Appropriated for Old Age Assistance for the Biennium Beginning July 1, 1939 and Ending June 30, 1941.

House Concurrent Resolution No. 413. A Concurrent Resolution Recommending to the Public Welfare Board Method of Expenditure of Funds Appropriated for General Relief for the Biennium Beginning July 1, 1939 and Ending June 30, 1941.

Were delivered to the Secretary of State at the hour of 7:44 o'clock P. M., March 3, 1939.

OLAF OSTGULEN, Chairman.

## MESSAGE FROM THE SENATE

Senate Chamber,
Bismarck, March 3, 1939.

Mr. Speaker: I have the honor to transmit:

Senate Bill No. 255. A Bill for an Act Making an Appropriation for the Operation and Maintenance of the State Hail Insurance Department, for the Biennium Beginning July 1, 1939.

Senate Bill No. 7. 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.

Senate Bill No. 123. A Bill for an Act Making an Appropriation to the State Public Welfare Fund, Established by Section 3, of Chapter 214, of the Session Laws of 1937, for the Biennium Beginning July 1, 1939, and Ending June 30, 1941, to be Expended by the Public Welfare Board in Providing Public Assistance to the Needy Aged, as Provided by Chapter 211 of the Session Laws of 1937, and for Necessary Costs of Administration.

Senate Bill No. 141. A Bill for an Act Making an Appropriation for Relief to Destitute and Necessitous Persons for the Biennium Beginning July 1, 1939, and Ending June 30, 1941, Defining the Powers and Duties of the Public Welfare Board in Relation Thereto, and Providing for Allocation of Funds to Counties for Relief Purposes and for Other Specified Relief Expenditures and Costs of Administration.

Senate Bill No. 226. A Bill for an Act to Amend and Reenact Section 2 of That Certain Initiated Law Entitled "An Act Declaring Mortgages on Growing and Unharvested Crops to Be Against the Public Policy of the State, and Abolishing the Same," Approved and Adopted by the Electors at the June 29, 1932 Primary Election; as Amended by Chapter 150 of the Session Laws of North Dakota for the Year 1933, Repealing All Acts or Parts of Acts in Conflict and Declaring an Emergency.

Senate Bill No. 237. A Bill for an Act to Provide for the Creation of the State Equalization Fund; Providing for Its Distribution in the Payment of Costs of Correspondence Work, Costs of Vocational Education, High School Tuition

and in the Payment of Direct Aid to School Districts Upon a Teacher-Unit and Per Pupil 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 Reports; Repealing Chapter 227 of the Session Laws of 1937 and All Acts or Parts of Acts in Conflict Therewith.

Senate Bill No. 239. A Bill for an Act Making an Appropriation to Pay for a Portion of the Current Operating Expense of Our Public School System as Provided for in the State Equalization Fund Law, as Provided for by Senate Bill No. 237 as Passed by the 1939 Session of the Legislature.

Senate Bill No. 260. A Bill for an Act Amending and Reenacting Chapter 102, Session Laws of the State of North Dakota for the Year 1929.

Senate Bill No. 277. A Bill for an Act Making an Appropriation to Provide Funds for the Payment of Salaries and Expenses Due Inspectors of the Motor Vehicle Registration Department; and Declaring an Emergency.

Senate Bill No. 40. 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.

Senate Bill No. 1. A Bill for an Act to Appropriate Money for the Expenses of the Executive, Legislative and Judicial Departments of the State Government, and for all of the Sub-divisions Thereof, 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 Providing a Penalty for Violation Thereof; and Declaring an Emergency.

Which the President has signed and your signature is respectfully requested.

WM. J. LOWE, Secretary.

## SIGNING OF BILLS

The Chief Clerk announced that the Speaker was about to sign.

Senate Bill No. 1. A Bill for an Act to Appropriate Money for the Expenses of the Executive, Legislative and Judicial Departments of the State Government, and for all of the Sub-divisions Thereof, 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 Providing a Renalty for Violation Thereof; and Declaring an Emergency.

And the Speaker signed the same in the presence of the House.

## MESSAGE TO THE SENATE

House of Representatives,
Bismarck, March 3, 1939.

Mr. President: I have the honor to return:

Senate Bill No. 1. A Bill for an Act to Appropriate Money for the Expenses of the Executive, Legislative and Judicial Departments of the State Government, and for all of the Sub-divisions Thereof, 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 Providing a Penalty for Violation Thereof; and Declaring an Emergency.

Which the Speaker has signed.

MINNIE D. CRAIG, Chief Clerk.

## SIGNING OF BILLS

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 239. A Bill for an Act Making an Appropriation to Pay for a Portion of the Current Operating Expense of Our Public School System as Provided for in the State Equalization Fund Law, as Provided for by Senate Bill No. 237 as Passed by the 1939 Session of the Legislature.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 40. 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 the Speaker signed the same in the presence of the House.

**The Chief Clerk announced that the Speaker was about to sign:**

Senate Bill No. 260. A Bill for an Act Amending and Reenacting Chapter 102, Session Laws of the State of North Dakota for the Year 1929.

**And the Speaker signed the same in the presence of the House.**

**The Chief Clerk announced that the Speaker was about to sign:**

Senate Bill No. 277. A Bill for an Act Making an Appropriation to Provide Funds for the Payment of Salaries Due Inspectors of the Motor Vehicle Registration Department; and Declaring an Emergency.

**And the Speaker signed the same in the presence of the House.**

**The Chief Clerk announced that the Speaker was about to sign:**

Senate Bill No. 255. A Bill for an Act Making an Appropriation for the Operation and Maintenance of the State Hail Insurance Department, for the Biennium Beginning July 1, 1939.

**And the Speaker signed the same in the presence of the House.**

**The Chief Clerk announced that the Speaker was about to sign:**

Senate Bill No. 237. A Bill for an Act to Provide for the Creation of the State Equalization Fund; Providing for Its Distribution in the Payment of Costs of Correspondence Work, Costs of Vocational Education, High School Tuition and in the Payment of Direct Aid to School Districts Upon a Teacher-Unit and Per Pupil 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 Reports; Repealing Chapter 227 of the Session Laws of 1937 and All Acts or Parts of Acts in Conflict Therewith.

**And the Speaker signed the same in the presence of the House.**

**The Chief Clerk announced that the Speaker was about to sign:**

Senate Bill No. 226. A Bill for an Act to Amend and Reenact Section 2 of That Certain Initiated Law Entitled "An Act Declaring Mortgages on Growing and Unharvested Crops to Be Against the Public Policy of the State, and Abolishing the Same," Approved and Adopted by the Electors at the June 29, 1932 Primary Election; as Amended by Chapter 150 of the Session Laws of North Dakota for the Year 1933, Repealing All Acts or Parts of Acts in Conflict and Declaring an Emergency.

**And the Speaker signed the same in the presence of the House.**

**The Chief Clerk announced that the Speaker was about to sign:**

Senate Bill No. 141. A Bill for an Act Making an Appropriation for Relief to Destitute and Necessitous Persons for the Biennium Beginning July 1, 1939, and Ending June 30, 1941, Defining the Powers and Duties of the Public Welfare Board in Relation Thereto, and Providing for Allocation of

Funds to Counties for Relief Purposes and for Other Specified Relief Expenditures and Costs of Administration.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 123. A Bill for an Act Making an Appropriation to the State Public Welfare Fund, Established by Section 3, of Chapter 214, of the Session Laws of 1937, for the Biennium Beginning July 1, 1939, and Ending June 30, 1941, to be Expended by the Public Welfare Board in Providing Public Assistance to the Needy Aged, as Provided by Chapter 211 of the Session Laws of 1937, and for Necessary Costs of Administration.

And the Speaker signed the same in the presence of the House.

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 7. 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.

And the Speaker signed the same in the presence of the House.

## MESSAGE TO THE SENATE

House of Representatives,
Bismarck, March 3, 1939.

Mr. President: I have the honor to return herewith the following bills:

Senate Bill No. 7. 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.

Senate Bill No. 123. A Bill for an Act Making an Appropriation to the State Public Welfare Fund, Established by Section 3, of Chapter 214, of the Session Laws of 1937, for the Biennium Beginning July 1, 1939, and Ending June 30, 1941, to be Expended by the Public Welfare Board in Providing Public Assistance to the Needy Aged, as Provided by Chapter 211 of the Session Laws of 1937, and for Necessary Costs of Administration.

Senate Bill No. 141. A Bill for an Act Making an Appropriaiton for Relief to Destitute and Necessitous Persons for the Biennium Beginning July 1, 1939, and Ending June 30, 1941, Defining the Powers and Duties of the Public Welfare Board in Relation Thereto, and Providing for Allocation of Funds to Counties for Relief Purposes and for Other Specified Relief Expenditures and Costs of Administration.

Senate Bill No. 226. A Bill for an Act to Amend and Reenact Section 2 of That Certain Initiated Law Entitled "An Act Declaring Mortgages on Growing and Unharvested Crops to Be Against the Public Policy of the State, and Abolishing the Same," Approved and Adopted by the Electors at the June 29, 1932 Primary Election; as Amended by Chapter 150 of the Session Laws of North Dakota for the Year 1933, Repealing All Acts or Parts of Acts in Conflict and Declaring an Emergency.

Senate Bill No. 237. A Bill for an Act to Provide for the Creation of the State Equalization Fund; Providing for its Distribution in the Payment of Costs of Correspondence Work, Costs of Vocational Education, High School Tuition and in the Payment of Direct Aid to School Districts Upon a Teacher-Unit and Per Pupil 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 Reports; Repealing Chapter 227 of the Session Laws of 1937 and All Acts or Parts of Acts in Conflict Therewith.

Senate Bill No. 255. A Bill for an Act Making an Appropriation for the Operation and Maintenance of the State Hail Insurance Department, for the Biennium Beginning July 1, 1939.

Senate Bill No. 277. A Bill for an Act Making an Appropriation to Provide Funds for the Payment of Salaries and Expenses Due Inspectors of the Motor Vehicle Registration Department; and Declaring an Emergency.

Senate Bill No. 260. A Bill for an Act Amending and Reenacting Chapter 102, Session Laws of the State of North Dakota for the Year 1929.

Senate Bill No. 40. 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.

Senate Bill No. 239. A Bill for an Act Making an Appropriation to Pay for a Portion of the Current Operating Expense of Our Public School System as Provided for in the State Equalization Fund Law, as Provided for by Senate Bill No. 237 as Passed by the 1939 Session of the Legislature.

Which the Speaker has signed.

MINNIE D. CRAIG, Chief Clerk.

Rep. Scholl moved that a committee of three be appointed to notify the Senate that the House has completed its business and is about to adjourn sine die, which motion prevailed.

The Speaker appointed Reps. Scholl, Ista and Dyke to notify the Senate that the House had completed its business and was about to adjourn sine die.

Rep. Scholl moved that a committee of three be appointed to notify the Governor that the House has completed its business and is about to adjourn sine die, which motion prevailed.

The Speaker appointed on that committee Reps. Anderson of Benson, Myers and Morland.

A committee from the Senate notified the House that the Senate had completed its business and was about to adjourn, sine die.

Rep. Anderson of Benson reported to the House that the committee appointed to notify the Governor that the House had completed its business and was about to adjourn sine die had performed its mission and moved that the committee be discharged, which motion prevailed.

Rep. Scholl reported to the House that the committee appointed to notify the Senate that the House had completed its business and was about to adjourn sine die had performed its mission and moved that the committee be discharged, which motion prevailed.

Rep. Twichell: Mr. Speaker, is there any more business coming before this Legislative Assembly?

Mr. Speaker: The business is completed.

Rep. Twichell moved that the House do now adjourn sine die, which motion prevailed.

And the Twenty-Sixth Legislative Assembly stood adjourned.

MINNIE D. CRAIG, Chief Clerk.

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# RECORD OF HOUSE BILLS IN THE HOUSE

**House Bill No. 1**—(Committee on Appropriations)

House Bill No. 1. A Bill for an Act to Repeal Chapter 138 of the Session Laws of the State of North Dakota for the Year 1929, Creating the Office of Grain Storage Commissioner, and Declaring an Emergency.

First reading, reference, 88.
Do pass, 170.
Second reading 180.
Sent to Senate, 183.
Returned unchanged, 274.
Enrolled, 313.
Speaker signed, 313.
Sent to Senate for signing, 318.
Returned signed, 321.
Delivered to Governor, 324.
Governor signed—Emergency, 363.

**House Bill No. 2**—(Committee on Appropriations)

House Bill No. 2. A Bill for an act to Amend and Reenact Section 858 of the Compiled Laws of North Dakota of 1913, Relating to the Eligibility of Candidates in the General Election.

First reading, reference, 88.
Amended, 198.
Engrossed, 232.
Second reading, lost, 236.

**House Bill No. 3**—(Committee on Appropriations)

House Bill No. 3. A Bill for an Act Making an Appropriation for the Per Diem, Salaries and General Expenses of the State Livestock Sanitary Board.

First reading, reference, 88.
Amended, 491.
General Orders, 547.
Engrossed, 578.
Second reading, 578.
Sent to Senate, 628.
Returned amended, 1327.
House accepts amendments, 1354.
Enrolled, 1436.
Speaker signed, 1437.
Sent to Senate for signing, 1473.
Returned signed, 1512.
Delivered to Governor, 1527.

**House Bill No. 4**—(Committee on Appropriations)

House Bill No. 4. A Bill for an Act Making an Appropriation for the Glanders and Dourine Indemnity Fund.

First reading and reference, 88.
Do pass, 404.
Second reading, 442.
Sent to senate, 495.

Returned unchanged, 1015.
Speaker signed, 1046.
Sent to Senate for signing, 1056.
Returned signed, 1106.
Governor signed, 1165.

**House Bill No. 5**—(Committee on Appropriations)

House Bill No. 5. A Bill for an Act Making an Appropriation for the Purpose of Testing and Indemnifying Owners of Animals Infected With Bovine Tuberculosis and to Pay Expenses in Connection Therewith, and Declaring an Emergency.

First reading and reference, 89.
Amended, 519.
General orders, 583.
Second reading, 611.
Sent to Senate, 628.
Returned amended, 1360.
House accepts Senate amendments, 1376.
Speaker signed, 1453.
Sent to Senate for signing, 1466.
Returned signed, 1513.
Delivered to Governor, 1527.

**House Bill No. 6**—(Committee on Appropriations)

House Bill No. 6. 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 Chaper 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.

First reading, reference, 89.
Amended, 404.
General orders, 466.
Second reading, 484.
Sent to Senate, 495.
Returned unchanged, 1339.
Enrolled, 1316.
Speaker signed, 1387.
Sent to Senate for signing, 1417.
Returned signed, 1440.
Delivered to Governor—Emergency, 1450.

**House Bill No. 7**—(Committee on Appropriations)

House Bill No. 7. 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.

First reading, reference, 89.
Do pass, 404.
Second reading, 442.
Sent to Senate, 495.
Returned unchanged, 1014.
Enrolled, 1046.

Speaker signed, 1048.
Sent to Senate for signing, 1051.
Returned signed, 1107.
Delivered to Governor, 1165.
Governor signed, 1311.

**House Bill No. 8**—(Committee on Appropriations)

**House Bill No. 8. A Bill for an Act Making an Appropriation for the Purpose of Paying Salary, Clerk Hire, and General Expenses of the State Historical Society.**

First reading, reference, 89.
Amended, 688.
General orders, 714.
Second reading, 747.
Sent to Senate, 832.
Returned amended, 1231.
House adopts conference committee report, 1483.
Senate adopts conference committee report, 1431.
Enrolled, 1533.
Speaker signed, 1565.
Sent to Senate for signing, 1570.
Returned signed, 1579.
Delivered to Governor, 1582.

**House Bill No. 9**—(Committee on Appropriations)

House Bill No. 9. A Bill for an Act Making an Appropriation for Acquiring and Maintaining State Parks as Provided for in Chapter 216, Session Laws of 1935.

First reading, reference, 89.
Amended, 689.
General orders, 714.
Second reading, 748.
Sent to Senate, 832.
Returned unchanged, 1329.
Enrolled, 1436.
Speaker signed, 1454.
Sent to Senate for signing, 1466.
Returned signed, 1514.
Delivered to Governor, 1527.

**House Bill No. 10**—(Committee on Appropriations)

**House Bill No. 10. A Bill for an Act Making an Appropriation for the Purpose of Paying Salary, Clerk Hire, and General Expenses of the Department of Public Health.**

First reading, reference, 89.
Amended, 156, then re-referred.
Amended, 220.
General orders, 240.
Second reading, 255.
Sent to Senate, 314.
Returned amended, 1231.
House adopts conference committee report, 1382.
Enrolled, 1436.
Speaker signed, 1438.
Sent to Senate for signing, 1470.
Returned signed, 1512.
Delivered to Governor, 1275.

**House Bill No. 11**—(Committee on Appropriations)

House Bill No. 11. A Bill for an Act Making an Appropriation for the Purpose of Paying Salary, Clerkhire and General Expenses of the Public Health Laboratories.

First reading, reference, 90.
Amended and re-referred, 156.
Amended, 220.
General orders, 240.
Second reading, 257.
Sent to Senate, 314.
Returned amended, 1231.
House adopts conference committee report, 1318.
Enrolled, 1436.
Speaker signed, 1437.
Sent to Senate for signing, 1473.
Returned signed, 1512.
Delivered to Governor, 1527.

**House Bill No. 12**—(Committee on Appropriations)

House Bill No. 12. A Bill for an Act Making an Appropriation for the Purpose of Paying Salaries, Clerkhire and General Expenses of the Division of Child Hygiene.

First reading, reference, 90.
Amended, re-referred, 157.
Amended, 221.
General orders, 241.
Second reading, 258.
Sent to Senate, 314.
Returned amended, 1231.
House adopts conference committee report, 1379.
Enrolled, 1436.
Speaker signed, 1437.
Sent to Senate for signing, 1470.
Returned signed, 1514.
Delivered to Governor, 1527.

**House Bill No. 13.**—(Committee on Appropriations)

House Bill No. 13. 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.

First reading, reference, 90.
Amended, 595.
General orders, 624.
Second reading, 674.
Sent to Senate, 722.
Returned amended, 1231.
House adopts Senate amendments, 1273.
Enrolled, 1316.
Speaker signed, 1385.
Sent to Senate for signing, 1407.
Delivered to Governor, 1450.

**House Bill No. 14**—(Committee on Appropriations)

House Bill No. 14. A Bill for an Act Making an Appropriation for the Use by the Board of Administration in Administering Child Welfare Laws.

First reading, reference, 90.

Indefinitely postponed, 404.
Reconsidered, re-referred, 467.
Indefinitely postponed, 829.

**House Bill No. 15**—(Committee on Appropriations)

House Bill No. 15. 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.

First reading, reference, 90.
Re-referred, 148.
Do pass, 404.
Second reading, 441.
Sent to Senate, 495.
Returned amended, 1108.
House adopts conference committee report, 1340.
Senate adopts conference committee report, 1353.
Enrolled, 1436.
Speaker signed, 1454.
Sent to Senate for signing, 1467.
Returned signed, 1511.
Delivered to Governor, 1527.

**House Bill No. 16**—(Committee on Appropriations)

House Bill No. 16. 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.

First reading, reference, 90.
Re-referred, 148.
Do pass, 405.
Second reading, 443.
Sent to Senate, 495.
Returned amended, 1109.
House adopts conference committee report, 1340.
Senate adopts conference committee report, 1353.
Enrolled, 1436.
Speaker signed, 1454.
Sent to Senate for signing, 1467.
Returned signed, 1511.
Delivered to Governor, 1527.

**House Bill No. 17**—(Committee on Appropriations)

House Bill No. 17. 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.

First reading, reference, 90.
Re-referred, 148.
Do pass, 405.
Second reading, 444.
Sent to Senate, 495.
Returned amended, 1109.
House adopts conference committee report, 1339.
Senate adopts conference committee report, 1353.
Enrolled, 1446.
Speaker signed, 1456.

Sent to Senate for signing, 1468.
Returned signed, 1512.
Delivered to Governor, 1527.

**House Bill No. 18**—(Committee on Appropriations)

House Bill No. 18. A Bill for an Act Making an Appropriation for St. John's Orphanage of Fargo, North Dakota, Providing the Methods of Expenditures and Audit Thereof; Supervision and Inspection Therefor.

First reading, reference, 91.
Re-referred, 148.
Do pass, 405.
Second reading, 445.
Sent to Senate, 495.
Returned amended, 1109.
House adopts conference committee report, 1339.
Senate adopts conference committee report, 1353.
Enrolled, 1436.
Speaker signed, 1454.
Sent to Senate for signing, 1467.
Returned signed, 1513.
Delivered to Governor, 1527.

**House Bill No. 19**—(Committee on Appropriations)

House Bill No. 19. 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.

First reading, reference, 91.
Re-referred, 148.
Do pass, 405.
Second reading, 446.
Sent to Senate, 495.
Returned amended, 1109.
House adopts conference committee report, 1339.
Senate adopts conference committee report, 1353.
Enrolled, 1446.
Speaker signed, 1456.
Sent to Senate for signing, 1468.
Returned signed, 1513.
Delivered to Governor, 1527.

**House Bill No. 20**—(Committee on Appropriations)

House Bill No. 20. 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, Providing the Methods of Expenditure and Audit Thereof; Supervision and Inspection Therefor.

First reading, reference, 91.
Re-referred, 149.
Do pass, 405.
Second reading, 447.
Sent to Senate, 495.
Returned amended, 1109.
House adopts conference committee report, 1337.
Senate adopts conference committee report, 1353.
Enrolled, 1446.

Speaker signed, 1456.
Sent to Senate for signing, 1468.
Returned signed, 1514.
Delivered to Governor, 1527.

**House Bill No. 21**—(Committee on Appropriations)

House Bill No. 21. 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.

First reading, reference, 91.
Re-referred, 163.
Do pass, 405.
Second reading, 448.
Sent to Senate, 495.
Returned unchanged, 1014.
Enrolled, 1046.
Speaker signed, 1048.
Sent to Senate for signing, 1051.
Returned signed, 1107.
Delivered to Governor, 1165.
Governor signed, 1311.

**House Bill No. 22**—(Committee on Appropriations)

House Bill No. 22. 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.

First reading, reference, 91.
Re-referred, 164.
Do pass, 720.
Second reading, 805.
Sent to Senate, 833.
Returned amended, 1015.
House adopts Senate amendments, 1030.
Reconsidered, on calendar, 1076.
Second roll call, 1125.
Enrolled, 1170.
Speaker signed, 1196.
Sent to Senate for signing, 1225.
Returned signed, 1349.
Delivered to Governor, 1357.

**House Bill No. 23**—(Committee on Appropriations)

House Bill No. 23. 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.

First reading, reference, 92.
Re-referred, 164.
Do pass, 522.
Second reading, 570.
Sent to Senate, 600.
Returned unchanged, 1014.

Enrolled, 1046.
Speaker signed, 1048.
Sent to Senate for signing, 1051.
Returned signed, 1107.
Delivered to Governor, 1165.
Governor signed, 1311.

**House Bill No. 24**—(Committee on Appropriations)

House Bill No. 24. 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.

First reading, reference, 92.
Re-referred, 178.
Do pass, 523.
Second reading, 571.
Sent to Senate, 628.
Returned unchanged, 1229.
Enrolled, 1317.
Speaker signed, 1387.
Sent to Senate for signing, 1416.
Returned signed, 1439.
Delivered to Governor, 1450.

**House Bill No. 25**—(Committee on Appropriations)

House Bill No. 25. A Bill for an Act Making an Appropriation for the Purpose of Refunding Money Erroneously Paid Into or Credited to the General Fund.

First reading, reference, 92.
Re-referred, 164.
Do pass, 315.
Second reading, 329.
Sent to Senate, 360.
Returned unchanged, 1014.
Enrolled, 1046.
Speaker signed, 1048.
Sent to Senate for signing, 1051.
Returned signed, 1107.
Delivered to Governor, 1165.
Governor signed, 1311.

**House Bill No. 26**—(Committee on Appropriations)

House Bill No. 26. A Bill for an Act Providing an Appropriation for the Paying of 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, as amended by Chapter 254, Session Laws of 1937, and Acts Amendatory Thereof.

First reading, reference, 92.
Re-referred, 164.
Amended, 405.
General orders, 466.
Second reading, 510.
Sent to Senate, 553.
Returned unchanged, 1068.
Enrolled, 1095.
Speaker signed, 1134.

Sent to Senate for signing, 1163.
Returned signed, 1349.
Delivered to Governor, 1356.

**House Bill No. 27**—(Committee on Appropriations)

House Bill No. 27. 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.

First reading, reference, 92.
Do pass, 315.
Second reading, 330.
Sent to Senate, 361.
Returned unchanged, 1014.
Enrolled, 1046.
Speaker signed, 1048.
Sent to Senate for signing, 1051.
Returned signed, 1107.
Delivered to Governor, 1165.
Governor signed, 1311.

**House Bill No. 28**—(Committee on Appropriations)

House Bill No. 28. 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.

First reading, reference, 92.
Amended, 383.
General orders, 424.
Second reading, 452.
Sent to Senate, 496.
Returned unchanged, 1014.
Enrolled, 1046.
Speaker signed, 1047.
Sent to Senate for signing, 1051.
Returned signed, 1107.
Delivered to Governor, 1165.
Governor signed, 1311.

**House Bill No. 29**—(Committee on Appropriations)

House Bill No. 29. A Bill for an Act Making an Appropriation for the North Dakota Soldiers' Home at Lisbon, North Dakota; Providing for Reports and Deductions.

First reading, reference, 92.
Do pass, 315.
Second reading, 331.
Sent to Senate, 361.
Returned amended, 1109.
House adopts Senate amendments, 1116.
Enrolled, 1234.
Speaker signed, 1298.
Sent to Senate for signing, 1309.
Returned signed, 1350.
Delivered to Governor, 1357.

**House Bill No. 30**—(Committee on Appropriations)

House Bill No. 30. A Bill for an Act Making an Appropriation to Provide Funds for the Arrest and Return of

Fugitives from Justice as Provided by Section 11162, Compiled Laws of 1913, as Amended and Re-enacted by Chapter 160, Laws of 1915, the same being Section 11162 of the Supplement to the 1913 Compiled Laws of North Dakota.

First reading, reference, 93.
Do pass, 315.
Second reading, 332.
Sent to Senate, 361.
Returned unchanged, 1108.
Enrolled, 1170.
Speaker signed, 1195.
Sent to Senate for signing, 1226.
Returned signed, 1351.
Delivered to Governor, 1357.

**House Bill No. 31**—(Committee on Appropriations)

House Bill No. 31. 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.

First reading, reference, 93.
Re-referred, 164.
Do pass, 523.
Second reading, 572.
Sent to Senate, 628.
Returned unchanged, 1108.
Enrolled, 1170.
Speaker signed, 1196.
Sent to Senate for signing, 1226.
Returned signed, 1349.
Delivered to Governor, 1357.

**House Bill No. 32**—(Committee on Appropriations)

House Bill No. 32. A Bill for an Act Making an Appropriation Into the Administration Fund for General Administrative and Operative Expenses of the Water Conservation Commission, According to Chapter 255, Session Laws of 1937 and Section 31, Thereof, Providing for Reimbursement and Providing for Validity.

First reading, reference, 93.
Re-referred, 134.
Amended, 631.
General orders, 678, 679.
Second reading, 749.
Sent to Senate, 832.
Returned amended, 1232.
House adopts conference committee report, 1431.
Senate adopts conference committee report, 1428.
Enrolled, 1436.
Speaker signed, 1458.
Sent to Senate for signing, 1469.
Returned signed, 1512.
Delivered to Governor, 1527.

**House Bill No. 33**—(Committee on Appropriations)

House Bill No. 33. A Bill for an Act to Provide for the Payment of the Expenses of Auditing and Examining the Affairs of the State Industrial Institutions, and the Special Departments and Its Sub-divisions, of the State of North

**Dakota, Designating and Appropriating the Funds from Which Paid; Providing for the Payment of Said Collection Into the Special Fund in the State Treasury; Providing for Repeal of Acts.**

First reading, reference, 93.
Do pass, 668.
Second reading, 695.
Sent to Senate, 757.
Returned amended, 1327.
House adopts Senate amendments, 1340.
Enrolled, 1436.
Speaker signed, 1455.
Sent to the Senate for signing, 1467.
Returned signed, 1514.
Delivered to Governor, 1527.

**House Bill No. 34**—(Committee on Appropriations)

House Bill No. 34. A Bill for an Act Making an Appropriation for Inquest and Burial of Penal Inmates, Headstones for Soldiers and Sailors, Actions to Release Insane, and List of New Taxable Lands.

First reading, reference, 93.
Do pass, 315.
Second reading, 333.
Sent to Senate, 361.
Returned unchanged, 1014.
Enrolled, 1046.
Speaker signed, 1047.
Sent to Senate for signing, 1051.
Returned signed, 1107.
Delivered to Governor, 1165.
Governor signed, 1311.

**House Bill No. 35**—(Committee on Appropriations)

House Bill No. 35. 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.

First reading, reference, 94.
Re-referred, 164.
Indefinitely postponed, 316.

**House Bill No. 36**—(Committee on Appropriations)

House Bill No. 36. 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.

First reading, reference, 94.
Re-referred, 164.
Amended, 276.
General orders, 323.
Second reading, 336. Lost.
Reconsidered, 343.
Amended, 383.
General orders, 424.
Second reading, 453.
Sent to Senate, 472.
Returned amended, 1178.

House adopts conference committee report, 1442.
Senate adopts conference committee report, 1326.
Enrolled, 1533.
Speaker signed, 1565.
Sent to Senate for signing, 1570.
Returned signed, 1579.
Delivered to Governor, 1582.

**House Bill No. 37**—(Committee on Appropriations)

House Bill No. 37. A Bill for an Act Making an Appropriation for the State Employment Service Provided for in Section 13 and Section 11b, Chapter 232, Session Laws of 1937, in Co-operation with the Social Security Act of Congress.

First reading, reference, 94.
Amended, 702.
General orders, 716.
Second reading, 750.
Sent to Senate, 833.
Returned unchanged, 1361.
Enrolled, 1436.
Speaker signed, 1437.
Sent to Senate for signing, 1473.
Returned signed, 1512.
Delivered to Governor, 1527.

**House Bill No. 38**—(Committee on Appropriations)

House Bill No. 38. A Bill for an Act Making an Appropriation for Salaries, Operation, Maintenance, General and Miscellaneous Expenses for the State Laboratories Department.

First reading, reference, 94.
Re-referred, 165.
Amended, 779.
General orders, 813.
Second reading, 896.
Sent to Senate, 934.
Returned amended, 1360.
House adopts conference committee report, 1425.
Senate adopts conference committee report, 1431.
Enrolled, 1533.
Speaker signed, 1565.
Sent to Senate for signing, 1570.
Returned signed, 1579.
Delivered to Governor, 1582.

**House Bill No. 39**—(Committee on Appropriations)

House Bill No. 39. A Bill for an Act Making an Appropriation to Pay the Expenses and Per Diem of Presidential Electors as Prescribed by Section 1038 of the Compiled Laws of 1913.

First reading, reference, 94.
Do pass, 197.
Re-referred, 222.
Amended, 316.
General orders, 338.
Second reading, 349.
Sent to Senate, 374.

Returned unchanged, 1014.
Enrolled, 1046.
Speaker signed, 1048.
Sent to Senate for signing, 1051.
Returned signed, 1107.
Delivered to Governor, 1165.
Governor signed, 1311.

**House Bill No. 40**—(Committee on Appropriations)

House Bill No. 40. A Bill for an Act Making an Appropriation to Defray Expenses of the Delegates to National Political Conventions as Prescribed by Section 916 of the Compiled Laws of 1913.

First reading, reference, 94.
Do pass, 196.
Re-referred, 222.
Indefinitely postponed, 406.

**House Bill No. 41**—(Committee on Appropriations)

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 Institutions of Higher Learning of the State of North Dakota, and Providing for Offsets for Federal Aid Granted to said Institutions and the Sub-divisions Thereof.

First reading, reference, 94.
Amended, 632.
General orders, 745, 759, 764, 870.
Second reading, 926.
Sent to Senate, 936.
Returned amended, 1360.
House adopts Senate amendments, 1364 to 1370.
Enrolled, 1453.
Speaker signed, 1459.
Sent to Senate for signing, 1470.
Returned signed, 1514.
Delivered to Governor, 1527.

**House Bill No. 42**—(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 Workmen's Compensation Bureau.

First reading, reference, 95.
Amended, 595.
General orders, 624.
Second reading, 676.
Sent to Senate, 687.
Returned amended, 1109.
House adopts Senate amendments, 1117.
Enrolled, 1170.
Speaker signed, 1195.
Sent to Senate for signing, 1226.
Returned signed, 1351.
Delivered to Governor, 1357.

**House Bill No. 43**—(Committee on Appropriations)

House Bill No. 43. A Bill for an Act Making an Appro-

priation for the Purpose of Defraying the Expenses of the Maintenance and Operation of the Game and Fish Department.

First reading, reference, 95.
Re-referred, 157.
Amended, 720.
General orders, 771.
Second reading, 848.
Sent to Senate, 869.
Returned amended, 1327.
House adopts Senate amendments, 1352.
Enrolled, 1436.
Epeaker signed, 1455.
Sent to Senate for signing, 1467.
Returned signed, 1514.
Delivered to Governor, 1527.

**House Bill No. 44**—(Committee on Appropriations)

House Bill No. 44. A Bill for an Act Making an Appropriation Out of the Liquor Fund in the State Treasury, for the Operation, Maintenance and Enforcement of the State Liquor Control Act.

First reading, reference, 95.
Re-referred, 157.
Do pass, 642.
Second reading, 682.
Sent to Senate, 758.
Returned unchanged, 1229.
Enrolled, 1317.
Speaker signed, 1388.
Sent to Senate for signing, 1416.
Retured signed, 1439.
Delivered to Governor, 1450.

**House Bill No. 45**—(Committee on Appropriations)

House Bill No. 45. A Bill for an Act Making an Appropriation Out of the Motor Patrol Fund in the State Treasury, for the Operation, Maintenance, Equipment, Supplies, Outfitting of Patrolmen, Travel and Miscellaneous Expenses for the Motor Patrol Branch.

First reading, reference, 95.
Re-reference, 149.
Amended, 703.
General orders, 716.
Second reading, 751.
Sent to Senate, 832.
Returned amended, 1420.
House adopts conference committee report, 1505.
Senate adopts conference committee report, 1505.
Enrolled, 1554.
Speaker signed, 1565.
Sent to Senate for signing, 1570.
Returned signed, 1579.
Delivered to Governor, 1582.

**House Bill No. 46**—(Committee on Appropriations)

House Bill No. 46. A Bill for an Act Making an Appropriation Out of the Teachers' Insurance and Retirement

Fund in the State Treasury for Operation and Maintenance, Equipment, Supplies, Travel and Miscellaneous Expenses for the Teachers' Insurance and Retirement Fund.

First reading, reference, 95.
Do pass, 523.
Second reading, 573.
Sent to Senate, 628.
Returned amended, 1109.
House adopts Senate amendments, 1119.
Enrolled, 1170.
Speaker signed, 1195.
Sent to Senate for signing, 1226.
Returned signed, 1351.
Delivered to Governor, 1357.

**House Bill No. 47—(Committee on Taxes and Tax Laws)**

House Bill No. 47. A Bill for an Act to Amend and Reenact Section 2223 of the Supplement to the Compiled Laws of 1913, as Amended by Chapter 285 of the Session Laws of 1931, Relating to Notice of Expiration of Period of Redemption ,the Rights of Certificate Holders, Mortgagees, or Assignees Thereof and Prescribing the Duties of the County Auditor in Connection Therewith.

First reading, reference, 97.
Amended, 135.
Re-referred, 138.
Indefinitely postponed, 187.

**House Bill No. 48—(McIntyre)**

House Bill No. 48. A Bill for an Act to Amend and Reenact Section 6073 of the Supplement to the 1913 Compiled Laws of North Dakota, as Amended by Chapter 159, Session Laws of 1935, Defining Usury.

First reading, reference, 97.
Do pass, 316.
Second reading, 334.
Sent to Senate, 353.
Returned, indefinitely postponed, 490.

**House Bill No. 49—(Page)**

House Bill No. 49. A Bill for an Act to Amend Section 837 of the Compiled Laws of North Dakota for the Year 1913; and Declaring an Emergency.

First reading, reference, 97.
Indefinitely postponed, 138.

**House Bill No. 50—(Elliott T. Knutson)**

House Bill No. 50. A Bill for an Act Creating the Office of State Liquor Commissioner of the State of North Dakota; Fixing Powers and Compensation and Imposing Duties; Permitting Such Commissioner to Engage in the Wholesale Alcoholic Liquor Business in the State of North Dakota; Authorizing the Commissioner to Promulgate Rules and Regulations and do all Acts and Things Necessary in Carrying Out the Provisions Hereof; Declaring an Emergency.

First reading, reference, 117.
Indefinitely postponed, 326.

Reconsidered, 358.
Amended, 566.
Indefinitely postponed, in general orders, 617.

**House Bill No. 51**—(Schauss, Schimke and Ritter)

House Bill No. 51. A Bill for an Act to Repeal Chapter 217 of the Session Laws of the State of North Dakota for 1935, Relating to the State Planning Board.

First reading, reference, 117.
Do pass, 138.
Second reading, 152.
Sent to Senate, 154.
Returned unchanged, 232.
Enrolled, 245.
Speaker signed, 253.
Sent to Senate for signing, 256.
Returned signed, 273.
Delivered to Governor, 278.
Governor signed, 362.

**House Bill No. 52**—(Fitch, Byrne and Anderson of Benson)

House Bill No. 52. A Bill for an Act Prohibiting Elective and Appointive Officers of the State of North Dakota, or any of Its Political Subdivisions Including Counties, Cities, Villages, School Districts and Townships from Employing at the State's Expense any Married Women Whose Husbands are Able-Bodied and Engaged in a Gainful Occupation, and Providing a Penalty for Violation Thereof.

First reading, reference, 117.
Indefinitely postponed, 170.

**House Bill No. 53**—(Fuglestad and Odegard)

House Bill No. 53. A Bill for an Act Amending and Reenacting Section 2 of Chapter 252 of the Session Laws of 1937, Providing for the Allowance of a Portion of the Cost of Planting and Growing Forest Trees as a Bounty Therefor, and Prescribing Duties of the Assessors in Connection therewith; Repealing All Acts in Conflict Therewith; and Declaring an Emergency.

First reading, reference, 122.
Do pass, 157.
Second reading, 167.
Sent to Senate, 169.
Came to House in error, Senate requests return, 318.
House returns, 320.
Returned amended, 321.
House adopts Senate amendments, 322.
Enrolled, 326.
Speaker signed, 325.
Sent to Senate for signing, 328.
Returned signed, 342.
Delivered to Governor, 344.
Governor signed—Emergency, 369.

**House Bill No. 54**—(Blair)

House Bill No. 54. A Bill for an Act to Amend and Reenact Section 1, Chapter 8 of the Compiled Laws of North

Dakota of 1937; Relating to the Regulation of Roving Grain Buyers.
First reading, reference, 122.
Do pass, 171.
Second reading, 181.
Re-referred, 181.
Indefinitely postponed, 197, 198.

**House Bill No. 55**—(Page and Ritter)
House Bill No. 55. A Bill for an Act to Amend Chapter 269 of the Session Laws of the State of North Dakota for the Year 1935.
First reading, reference, 123.
Amended, 198.
General orders, 229.
Second reading, 237.
Sent to Senate, 275.
Returned, indefinitely postponed, 1067.

**House Bill No. 56**—(Symington and Dalzell)
House Bill No. 56. A Bill for an Act to Amend and Reenact Sections 4262 and 4263 of the Compiled Laws of 1913 as Relating to Irrigation and Conservation of Water, Authorizing Submission to the Voters of Organized Townships the Question of Irrigation and Conservation of Water by Building Dams, Dugouts, Creating Ponds or Reservoirs on Creeks or Coulees, and Other Improvements in Connection Therewith, and Authorizing a Levy Therefore; Declaring an Emergency.
First reading, reference, 123.
Do pass, 135.
Second reading, 139.
Sent to Senate, 148.
Returned amended, 213.
House adopts Senate amendments, 213.
Enrolled, 219.
Speaker signed, 230.
Sent to Senate for signing, 234.
Returned signed, 244.
Delivered to Governor, 255.
Governor signed—Emergency, 362.

**House Bill No. 57**—(Page)
House Bill No. 57. A Bill for an Act to Amend and Reenact Section 5235a1 of the 1925 Supplement to the Compiled Laws of North Dakota for the Year 1913 and Declaring an Emergency.
First reading, reference, 123.
Do pass, 276.
Second reading, 320.
Sent to Senate, 328.
Returned unchanged, 552.
Enrolled, 593.
Speaker signed, 607.
Sent to Senate for signing, 609.
Returned signed, 623.
Delivered to Governor, 624.
Governor signed, 757.

**House Bill No. 58**—(Ista, Williams of Richland, Holthusen and Mittag)

House Bill No. 58. A Bill for an Act Making an Appropriation to the State Historical Society for the Purchase of Materials and Supplies to be Used in the Reconstruction of Fort Abercrombie; and Declaring an Emergency.

First reading, reference, 123.
Do pass, 158.
Second reading, 734.
Sent to Senate, 758.
Returned unchanged, 1329.
Enrolled, 1436.
Speaker signed, 1456.
Sent to Senate for signing, 1468.
Returned signed, 1510.
Delivered to Governor, 1527.

**House Bill No. 59**—(Gray, Wolf and Byrne)

House Bill No. 59. A Bill for an Act Relating to Payment and Collection of Wages for Labor, Excepting Agricultural Labor; Requiring Semi-Monthly Payments; Requiring Written Notice of Terms of Contract of Employment of Posting of Notice; Providing for Separation of Employes From Payroll; Imposing Certain Conditions in the Event of Industrial Disputes; Requiring the Prompt Payments of Wages Conceded to Be Due; Prohibiting Contracts Waiving the Terms of This Act; Making Principal Contractor Liable for Payroll of Sub-Contractor; Placing Responsibility for Enforcement of This Act; Granting the Commissioner of Agriculture and Labor and His Deputy Certain Powers and Imposing Certain Duties; Requiring State's Attorneys to Prosecute Both Civil and Criminal Actions; Generally Providing for the Enforcement of This Act; Requiring Employers to Keep Records; Fixing Penalties for Violation; Permitting Assignment of Claims for Wages to and Imposing Upon Commissioner of Agriculture and Labor and His Deputy the Duty to Prosecute Actions; Fixing Costs be Paid, Charged and Collected; Making an Appropriation Therefor and Providing a Saving Clause.

First reading, reference, 123.
Indefinitely postponed, 171.

**House Bill No. 60**—(Gray, Wolf and Byrne)

House Bill No. 60. A Bill for an Act to Encourage the Making and Maintaining of Agreements Concerning Wages, Hours, and Conditions of Employment Between Employers and Employes by Their Representatives, and the Settlement of Controversies Concerning the Same by Mediation and Vountary Arbitration; Conferring Powers of Mediation and Arbitration of Such Controversies on the Commissioner of Agriculture and Labor and His Deputy; Providing for an Appropriation; and Declaring an Emergency.

First reading, reference, 124.
Re-referred, 172.
Indefinitely postponed, 689.

**House Bill No. 61**—(Committee on Livestock)

House Bill No. 61. A Bill for an Act Relating to the Ap-

plication of the Bang's Test in Counties in North Dakota Under the Direction of the North Dakota Livestock Sanitary Board by Petition of Seventy-five Per Cent of the Freeholders or Livestock Owners in Such Counties, Fixing Penalty for Violation, and Declaring an Emergency.

First reading, reference, 130.
Do pass, 172.
Second reading, 181.
Sent to senate, 211.
Returned unchanged, 1230.
Enrolled, 1316.
Speaker signed, 1384.
Sent to Senate for signing, 1407.
Returned signed, 1441.
Delivered to Governor, 1451.

**House Bill No. 62**—(Livestock Committee)

House Bill No. 62. A Bill for an Act to Provide for the Reimbursement of Owners of Cattle Destroyed by Order of the North Dakota Livestock Sanitary Board on Account of Being Affected With Bang's Disease and to Pay Expenses in Connection Therewith, Limiting the Liability of the State of North Dakota, and Declaring an Emergency.

First reading, reference, 130.
Re-referred, 172.
Amended, 704.
Second reading, 744.
Sent to Senate, 868.
Returned unchanged, 1401.
Enrolled, 1436.
Speaker signed, 1459.
Sent to Senate for signing, 1473.
Returned signed, 1511.
Delivered to Governor, 1527.

**House Bill No. 63**—(Benno, Joiner and Nelson of Steele)

House Bill No. 63. A Bill for an Act to Amend and Reenact Section 12 of Chapter 139 of the Session Laws of 1937, Relating to the Revocation of Driver's License by the Highway Commissioner Upon Receiving a Record of Conviction of Certain Crimes by Such Driver, and Permitting the Judge of the Court Where Such Conviction Was Had to File an Order With the Clerk of Court Regulating Times and Occasions When Such Driver May or May not Drive a Motor Vehicle, and Providing That if Such Order is Filed, the Highway Commissioner Shall not Revoke the License of the Person Affected by Such Order.

First reading, reference, 135.
Do pass, 165.
Second reading, indefinitely postponed, 174.

**House Bill No. 64**—(Committee on Taxes and Tax Laws)

House Bill No. 64. A Bill for an Act to Amend and Reenact Sections 1, 2, 3, 4, 5, 6, 7, and 8, of Chapter 266 of the Session Laws of 1927 as Amended by Chapter 288 of the Session Laws of 1931, the Same Being an Amendment of Section 2202 of the Supplement to the Compiled Laws of 1913, Relating to Giving Notice of Expiration of Period of Re-

demption on Property Forfeited to the County at Tax Sale, Issuance of Tax Deeds to County and Sale by County of Property Acquired by Tax Deed; Declaring an Emergency.

First reading, reference, 135.
Amended, 158.
General orders, 168.
Second reading, re-referred, 174.
Amended, 245.
General orders, 265.
Second reading, 280.
Sent to Senate, 328.
Returned unchanged, 389.
Enrolled, 403.
Speaker signed, 410.
Sent to Senate for signing, 413.
Returned signed, 421.
Delivered to Governor, 422.
Governor signed—Emergency, 468.

**House Bill No. 65**—(Hultstrand)

House Bill No. 65. A Bill for an Act Assenting to the Provisions of the Act of Congress Entitled "AN ACT To Provide That the United States Shall Aid the States in Wildlife-Restoration Projects and for Other Purposes," Approved September 2, 1937.

First reading, reference, 136.
Do pass, 386.
Second reading, 413.
Sent to Senate, 473.
Returned unchanged, 988.
Enrolled, 1004.
Speaker signed, 1012.
Sent to Senate for signing, 1015.
Returned signed, 1068.
Delivered to Governor, 1069.
Governor signed, 1183.

**House Bill No. 66**—(Committee on Game and Fish by request)

House Bill No. 66. A Bill for an Act Creating a North Dakota Game and Fish Department Under the Control and Supervision of the Game and Fish Commission of North Dakota, Consisting of Six Members, Defining the Powers and Duties of the Commission, Transferring to the Commission Certain Powers and Duties, and Repealing Chapter 130 of the 1929 Session Laws, Chapter 120 of the 1933 Session Laws and All Other Acts and Parts of Acts in Conflict Herewith.

First reading, reference, 138.
Amended, 597.
General orders, indefinitely postponed, 625.

**House Bill No. 67**—(Fitch and Crockett)

House Bill No. 67. A Bill for an Act to Amend and Reenact Section 1 of That Certain Initiated Measure Initiated and Approved by the People of the State of North Dakota on November 8, 1932, Being an Act Reducing and Fixing the Salaries or Compensation of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer,

Attorney General, Superintendent of Public Instruction, Commissioner of Insurance, Commissioner of Agriculture and Labor, and Each Commissioner of Railroads, to be Elected at the General Election to be Held on November 8, 1932, and All Subsequent Elections, and Reducing and Fixing the Salaries and Compensation of All Appointive State Officials and Members of All Appointive State Boards, Bureaus and Commissions Provided by Law, and Reducing and Fixing the Salaries and Compensation of All Deputies, Assistants, Secretaries, Clerks and Employes of All State Officials, State Boards, Bureaus and Commissions, Defining the Persons and Class of Persons Whose Salaries Are Deduced or Fixed, Specifying the Time When This Act Shall Take Effect, and Repealing All Acts or Parts of Acts so Far as They Shall Conflict Herewith.

First reading, reference, 139.
Indefinitely postponed, 233.

**House Bill No. 68**—(Schimke)

First reading, reference, withdrawn, 138.

**House Bill No. 69**—(Schauss, Schimke and Ritter)

House Bill No. 69. A Bill for an Act to Repeal Chapter 123 of the Session Laws of the State of North Dakota for 1935, Relating to the County Welfare Board.

First reading, reference, 139.
Indefinitely postponed, 407.

**House Bill No. 70**—(Jensen, Semerad, Lange)

House Bill No. 70. A Bill for an Act Permitting the Purchase of Gasoline to be Used Solely for Agricultural and Industrial Purposes Without the Payment of a Gasoline Tax on the Purchase Price Thereof; Licensing Purchasers and Sellers; Providing Penalties; Repealing Chapter 189 of the Session Laws of North Dakota for 1931.

First reading, reference, 139.
Amended, 383.
General orders, 424.
Second reading, 454.
Sent to Senate, 472.
Returned amended, 1178.
House adopts Senate amendments, 1190.
Enrolled, 1234.
Speaker signed, 1298.
Sent to Senate for signing, 1309.
Returned signed, 1350.
Delivered to Governor, 1357.

**House Bill No. 71**—(Schauss, Schimke)

House Bill No. 71. A Bill for an Act Relative to the Manufacture of Spirituous, Vinous, and Other Intoxicating Liquor; Providing for the Issuance of a License Therefore and the Filing of a Bond; Providing for the Payment of a License Fee for Such Manufacture; Providing a Penalty for the Violation of This Act, and Declaring an Emergency.

First reading, reference, 151.
Do pass, 407.
Second reading, re-referred, 449.

Amended, 491
General orders, 548.
Second reading, indefinitely postponed, 579.

**House Bill No. 72**—(Page and Ritter)

House Bill No. 72. A Bill for an Act to Repeal Section 3080a7 of the 1925 Supplement to the Compiled Laws of North Dakota for the Year 1913.

First reading, reference, 151.
Do pass, 198.
Second reading, 222.
Sent to Senate, 234.
Returned, indefinitely postponed, 325.

**House Bill No. 73**—(Committee on Public Welfare)

House Bill No. 73. A Bill for an Act Validating, Ratifying and Confirming Warrants, and Other Instruments or Obligations Evidencing or Representing Indebtedness, or Evidencing or Representing the Borrowing of Money, or Evidencing or Representing a Charge, Lien or Encumbrance on Specific Revenues of Any County Heretofore Issued and Levies Heretofore Made by Boards of County Commissioners in any County of This State for the Purpose of Financing Poor Relief, Under the Conditions Specified in This Act, and Validating All Proceedings Heretofore Taken by Any Board of County Commissioners in Connection With the Issuance of Emergency Poor Fund Warrants and the Making of Emergency Poor Relief Levies Under the Provisions of Chapter 98, Laws of 1933, as Amended by Chapter 120, Laws of 1935, or Under Any Assumed, Implied or Purported Authority of Said Statutes, and Declaring an Emergency.

First reading, reference, 151.
Do pass, 327.
Second reading, 348.
Sent to Senate, 374.
Returned amended, 987.
House adopts Senate amendments, 992.
Enrolled, 1004.
Speaker signed, 1012.
Sent to Senate for signing, 1016.
Returned signed, 1068.
Delivered to Governor, 1069.
Governor signed—Emergency, 1181.

**House Bill No. 74**—(Committee on Public Welfare)

House Bill No. 74. A Bill for an Act Making a Deficiency Emergency Appropriation for Relief of Destitute and Necessitous Persons of the State of North Dakota for the Months of December, 1938, and January and February, 1939, as Provided by Chapter 214 of the Session Laws of 1937, Declaring an Emergency.

First reading, reference, 151.
Re-referred, 165.
Amended, 177.
General orders, 191.
Second reading, 211.
Sent to Senate, 234.
Returned amended, 520.

Sent to Senate for correction, 571.
Returned amended, 617.
House adopts conference committee report, 798.
Senate adopts conference committee report, 827.
Enrolled, 820.
Speaker signed, 831.
Sent to Senate for signing, 833.
Returned signed, 882.
Delivered to Governor, 884.
Governor signed, 889.

**House Bill No. 75**—(Committee on Public Welfare)

House Bill No. 75. A Bill for an Act Providing That Cream Buyers, Creameries, and All Persons and Corporations Engaging in the Business of Buying Farm Produce Shall Keep Accurate Records; Providing for Furnishing of Such Information to, and for the Inspection of Such Records by County Welfare Boards or Their Employes With the Written Consent of the Seller; Providing for a Penalty and Declaring an Emergency.

First reading, reference, 151.
Indefinitely postponed, 172.

**House Bill No. 76**—(Williams of Richland)

House Bill No. 76. A Bill for an Act to Repeal Chapter 183 of the Session Laws of North Dakota for the Year 1937, and Declaring an Emergency.

First reading, reference, 152.
Indefinitely postponed, 199.

**House Bill No. 77**—(Moe)

House Bill No. 77. A Bill for an Act to Amend and Reenact Section 967 of the Compiled Laws of North Dakota for 1913, Relating to the Duty of the County Auditor to Provide Uniform Poll Books for the Use of the County and Deliver to the Inspector of the Election Precinct.

First reading, reference, 162.
Amended, 178.
General orders, 192.
Second reading, (passed as originally drawn), 212.
Sent to Senate, 234.
Returned unchanged, 389.
Enrolled, 403.
Speaker signed, 410.
Sent to Senate for signing, 413.
Returned signed, 421.
Delivered to Governor, 422.
Governor signed, 468.

**House Bill No. 78**—(H. A. Kluver)

House Bill No. 78. A Bill for an Act Declaring to Be Common Nuisances any Building, Place, or Room, Where Intoxicating Liquors Are Sold, Bartered, or Furnished in Violation of Law, and Prescribing Remedies and Penalties for the Prevention of the Same, and Evidence Admissible.

First reading, reference, 162.
Do pass, 222.
Second reading, 238.

Sent to Senate, 275.
Returned indefinitely postponed, 490.

**House Bill No. 79**—(Anderson of McKenzie)

House Bill No. 79. A Bill for an Act Making an Appropriation for the Purpose of Maintaining and Operating the Bridge Across the Yellowstone River in McKenzie County, North Dakota, Declaring an Emergency.

First reading, reference, 162.
Amended, re-referred, 222.
Amended, 518.
General orders, 550.
Second reading, 577.
Sent to Senate, 600.
Returned unchanged, 1521.
Enrolled, 1554.
Speaker signed. 1564.
Sent to Senate for signing, 1570.
Returned signed, 1580.
Delivered to Governor, 1582.

**House Bill No. 82**—(Committee on Livestock)

House Bill No. 82. A Bill for an Act to Amend and Reenact Section 2761 of the Compiled Laws of the State of North Dakota for 1913 as Amended by Chapter 64, Session Laws of 1915, Prohibiting the Sale of Purebred Cattle and Non-registered Bulls for Any Other Purpose Except Slaughter, Unless Accompanied by a Certificate of Health, and Providing a Penalty Therefor.

First reading, reference, 166.
Do pass, 473.
Second reading, 508.
Sent to Senate, 521.
Returned unchanged, 1230.
Enrolled, 1317.
Speaker signed, 1388.
Sent to Senate for signing, 1416.
Returned signed, 1439.
Delivered to Governor, 1450.

**House Bill No. 84**—(E. C. Stone)

House Bill No. 84. A Bill for an Act Providing for the Repeal of Section Eighteen (18) of Chapter 139 of the Session Laws of 1937.

First reading, reference, 166.
Indefinitely postponed, 725.

**House Bill No. 85**—(Committee on Ways and Means)

House Bill No. 85. A Bill for an Act to Amend and Reenact Section 591 of North Dakota Compiled Laws of 1913, Relative to the Powers of the Board of Railroad Commissioners, and Extending Such Powers to Include Common Carrier Pipe Lines; and Declaring an Emergency.

First reading, reference, 173.
Amended, 233.
General orders, 260.
Second reading, 278.
Sent to Senate, 314.

Returned unchanged, 410.
Enrolled, 430.
Speaker signed, 434.
Sent to Senate for signing, 436.
Returned signed, 471.
Delivered to Governor, 478.
Governor signed—Emergency, 496.

**House Bill No. 86—(E. C. Stone)**

House Bill No. 86. A Bill for an Act Making it the Duty of State's Attorneys and Their Assistants, Sheriffs, Deputy Sheriffs, Police Officers and All Law Enforcement Officers in the Counties of This State to Whom Information Has Been Furnished of Violation of the Laws of This State to Prosecute the Violators; and Providing a Penalty for Failure to Prosecute by Removal from Office; Declaring an Emergency.

First reading, reference, 174.
Indefinitely postponed, 390.

**House Bill No. 87—(Benno, Fitch, Anfinson)**

House Bill No. 87. A Bill for an Act Providing for the Use of Hunting Dogs in the Hunting of Upland and Migratory Game Birds and Prohibiting the Running at Large of Hunting Dogs Afield, and Providing for the Licensing of Hunting Dogs, and Providing the Punishment for Violation of This Act.

First reading, reference, 174.
Do pass, 386.
Second reading, indefinitely postponed, 414.

**House Bill No. 88—(Levin and O'Brien)**

House Bill No. 88. A Bill for an Act Making an Appropriation to Refund Certain Monies Turned Over by the Guaranty Fund Commission to the General Fund of the State Being Dividends Unclaimed by Depositors of Closed Banks.

First reading, reference, 179.
Re-referred, 404.
Do pass, 492.
Second reading, lost, 529.

**House Bill No. 89—(Shure)**

House Bill No. 89. A Bill for an Act Permitting the County Court to Make Decrees of Distribution and Close Estates Without the Payment of Real Estate Taxes Levied Upon Real Property of the Estate.

First reading, reference, 179.
Do pass, 199.
Second reading, 223.
Sent to Senate, 243.
Returned indefinitely postponed, 376.

**House Bill No. 90—(Bingenheimer and Page)**

House Bill No. 90. A Bill for an Act to Repeal Sections 923, 924, 925, 926, 927, and 928 of the Compiled Laws of North Dakota for the Year 1913 and Sections 927a1 and 927a2

of the 1925 Supplement to the Compiled Laws of North Dakota for the Year 1913.
First reading, reference, 179.
Indefinitely postponed, 370.

**House Bill No. 93**—(Crockett)
House Bill No. 93. A Bill for an Act to Prohibit Certain Conditional Sales or Reservation of Title Agreements; Declaring Them to Be Null and Void and Unenforcible; Repealing All Acts in Conflict, and Declaring an Emergency.
First reading, reference, 179.
Indefinitely postponed, 789.

**House Bill No. 95**—(Crockett and Schimke)
House Bill No. 95. A Bill for an Act to Make Farming Unlawful in the State of North Dakota by Anyone Other Than an Actual Bona Fide Farmer; Defining a "Bona Fide Farmer"; Providing a Penalty and Declaring an Emergency
First reading, reference, 182.
Amended, 407.
General orders, 466.
Second reading, 511.
Sent to Senate, 522.
Returned, indefinitely postponed, 1108.

**House Bill No. 96**—(Crockett)
House Bill No. 96. A Bill for an Act to Amend and Reenact Section 4929 of the 1913 Compiled Laws of the State of North Dakota, Relating to Fees Paid by Insurance and Surety Companies:
First reading, reference, 182.
Indefinitely postponed, 523.

**House Bill No. 97**—(Twichell and Scholl)
House Bill No. 97. A Bill for an Act Making an Appropriation of $362.00 for the Purpose of Paying the Funeral Expenses of Representative Robert Rotering of Slope County, and Declaring an Emergency.
First reading, reference, 182.
Do pass, 642.
Second reading, 683.
Sent to Senate, 758.
Returned amended, 1015.
House adopts Senate amendments, 1026.
Enrolled, 1046.
Speaker signed, 1047.
Sent to Senate for signing, 1056.
Returned signed, 1107.
Delivered to Governor, 1165.
Governor signed—Emergency, 1311.

**House Bill No. 98**—(Ritter and Schauss)
House Bill No. 98. A Bill for an Act to Repeal Chapter 28 of the 1925 Session Laws, Being Section 1796a5 of the 1925 Supplement, Making an Appropriation for Civil War Veterans; and Declaring an Emergency.
First reading, reference, 182.
Do pass, 199.

Second reading, 224.
Sent to Senate, 234.
Returned unchanged, 988.
Enrolled, 1004.
Speaker signed, 1012.
Sent to Senate for signing, 1016.
Returned signed, 1069.
Delivered to Governor, 1069.
Governor signed—Emergency, 1181.

**House Bill No. 99**—(Committee on Taxes and Tax Laws)

House Bill No. 99. A Bill for an Act to Authorize County Commissioners to Lease Real Property Acquired by Tax Deed and Not Sold or Leased; to Limit Term of Lease; to Permit Longer Leases to Co-operative Grazing Associations, Soil Conservation Districts, and Individuals; to Limit Expense of Supervising and Collecting Rentals; to Provide That Net Revenue be Distributed to Taxing Districts; to Repeal Any Acts in Conflict; and to Declare an Emergency.

First reading, reference, 188.
Amended, 234.
General orders, 260.
Second reading, 279.
Sent to Senate, 328.
Returned amended, 1109.
House adopts Senate amendments, 1120.
Enrolled, 1234.
Speaker signed, 1298.
Sent to Senate for signing, 1309.
Returned signed, 1350.
Delivered to Governor, 1357.

**House Bill No. 100**—(Holm, Nelson of Steele, Jensen and Solberg)

House Bill No. 100. A Bill for an Act to Provide for the Method and Time for Renewing Contracts of Teachers, Principals and Superintendents in the Public Schools and Institutions of Higher Education in the State of North Dakota.

First reading, reference, 188.
Amended, 372.
General orders, 400.
Second reading, indefinitely postponed, 419.

**House Bill No. 101**—(Joiner)

House Bill No. 101. A Bill for an Act to Amend and Reenact Chapter 137, Session Laws of 1931, Relating to Filling of Vacancies of Elective County Officers, Superintendent of Schools and County Commissioners on the No-Party Ballot.

First reading, reference, 188.
Do pass, 317.
Second reading, 335.
Sent to Senate, 361.
Returned unchanged, 552.
Enrolled, 593.
Speaker signed, 607.
Sent to Senate for signing, 609.

Returned signed, 623.
Delivered to Governor, 624.
Governor signed, 662.

**House Bill No. 102**—(Levin, Ritter, Schimke)

House Bill No. 102. A Bill for an Act Forbidding the Sale of Fermented Malt Beverages in the State of North Dakota Which Are Manufactured With Less Than Sixty-six and Two-thirds Per Cent (66 2/3%) of Barley Malt.

First reading, reference, 188.
Amended, 370.
General orders, 399.
Second reading, 417.
Sent to Senate, 437.
Returned unchanged, 553.
Enrolled, 593.
Speaker signed, 607.
Sent to Senate for signing, 609.
Returned signed, 623.
Delivered to Governor, 624.
Governor signed, 662.

**House Bill No. 103**—(Holthusen)

House Bill No. 103. 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 Therefore.

First reading, reference, 189.
Amended, 370.
General orders, 400.
Second reading, 418.
Sent to Senate, 436.
Returned, amended, 1015.
House adopts Senate amendments, 1029.
Enrolled, 1046.
Speaker signed, 1046.
Sent to Senate for signing, 1056.
Returned signed, 1106.
Delivered to Governor, 1165.
Governor signed, 1311.

**House Bill No. 104**—(Crockett, Gray, Stormon and Byrne)

House Bill No. 104. A Bill for an Act to Repeal Chapter 162 of the Session Laws of 1933, as Amended by Chapters 186 and 187 of the Session Laws of 1935; to Repeal That Part of Subdivision (c) of Section 25 of Chapter 179 of the Session Laws of 1927, as Amended by Chapter 186 of the Session Laws of 1931, as Amended by Chapter 160 of the Session Laws of 1933, as Amended by Chapter 180 of the Session Laws of 1935, Which Requires an Additional Fee of $25.00 Per Vehicle for Motor Trucks Used in Commerce Freighting; to Amend Chapter 164 of the Session Laws of

1933; as Amended by Chapter 182 of the Session Laws of 1935, by Adding Thereto an Additional Article to be Known as Article VI; and in said Article VI Providing That Every Common Motor Carrier of Property, Every Contract Motor Carrier of Property, and Every Person Engaged in Carrying Property for Hire by Motor Vehicle Upon the Public Highways of This State in Interstate Commerce and Not Otherwise Subject to the Provisions of This Act, Shall Pay to This State a Compensation Tax for the Privilege of Using the Public Highways of This State, and That Said Compensation Tax Shall be Based Upon the Gross Weight of Any Motor Vehicle or Combination of Vehicles, and Defining Gross Weight as Used in This Act, and Fixing a Schedule of Amounts of Compensation Taxes, and Fixing Penalties for Failure to Pay Compensation Taxes, and Providing for the Enforcement of This Act, and Providing Criminal Penalties for the Violation of This Act, and Appropriating the Monies Received as Compensation Taxes.

First reading, reference, 189.
Indefinitely postponed, 828.

**House Bill No. 105**—(Ireland, Solberg, J. M. Thompson, Symington, Lange, Haugland and Beede)

House Bill No. 105. A Bill for an Act Creating a Division of Co-operatives in the Department of Agriculture and Labor, and Prescribing Its Functions; Creating and Establishing the Office of Director of Said Division and Prescribing His Duties; and Making an Appropriation Therefor.

First reading, reference, 189.
Re-referred, 234.
Amended, 775.
General orders, 814.
Second reading, 898.
Sent to Senate, 933.
Returned unchanged, 1401.
Enrolled, 1436.
Speaker signed, 1457.
Sent to Senate for signing, 1469.
Returned signed, 1513.
Delivered to Governor, 1527.

**House Bill No. 106**—(Gray and Bergesen)

House Bill No. 106. A Bill for an Act to Amend and Reenact Section 1 of Chapter 128 of the Session Laws of the State of North Dakota for the Year 1925, Being Section 3163a1 of the Supplement to the 1913 Compiled Laws of the State of North Dakota, Defining a Public Dancing Place.

First reading, reference, 189.
Do pass, 371.
Second reading, 392.
Sent to Senate, 402.
Returned unchanged, 1232.
Enrolled, 1317.
Speaker signed, 1389.
Sent to Senate for signing, 1406.
Returned signed, 1442.
Delivered to Governor, 1450.

**House Bill No. 107—(Elliott Knutson)**

House Bill No. 107. A Bill for an Act to Amend and Reenact Section 17 of Chapter 148 of Session Laws of 1931, Relating to Hunting Upon the Premises of Another.

First reading, reference, 190.
Amended, 430.
General orders, 468.
Second reading, 515.
Sent to Senate, 553.
Returned indefinitely postponed, 651.

**House Bill No. 108—(Byrne)**

House Bill No. 108. A Bill for an Act to Amend and Reenact Section 889 of the Compiled Laws of North Dakota for 1913.

First reading, reference, 192.
Indefinitely postponed, 317.

**House Bill No. 109—(Byrne)**

House Bill No. 109. A Bill for an Act to Amend and Reenact Section 890 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, as Amended by Chapter 125 of the Laws of North Dakota for 1929, as Amended by Chapter 110 of the Laws of North Dakota for 1933; and Repealing Chapter 135 of the Laws of North Dakota for 1935, and All Acts and Parts of Acts in Conflict Herewith.

First reading, reference, 193.
Indefinitely postponed, 318.

**House Bill No. 110—(Schmidt of Sheridan)**

House Bill No. 110. A Bill for an Act to Amend and Reenact Sub-section 1 of Section 32, Chapter 148, Session Laws of 1931, Relating to Fur-Bearing Animals; and Declaring an Emergency.

First reading, reference, 209.
Do pass, 386.
Second reading, 414.
Sent to Senate, 496.
Returned unchanged, 988.
Enrolled, 1004.
Speaker signed, 1012.
Sent to Senate for signing, 1016.
Returned signed, 1068.
Delivered to Governor, 1069.
Governor signed—Emergency, 1181.

**House Bill No. 111—(Schwartz)**

House Bill No. 111. A Bill for an Act to Amend and Reenact Chapter 3 of the Session Laws of 1933; Defining Unfair Discrimination in the Purchase of Certain Farm Products; Prohibiting Such Discrimination; Providing a Penalty Therefor; and Repealing Acts in Conflict Herewith; and Declaring an Emergency.

First reading, reference, 209.
General orders, 354, (amendments, 353, 369).
Second reading, 364.

Sent to Senate, 374.
Returned unchanged, 552.
Enrolled, 593.
Speaker signed, 607.
Sent to Senate for signing, 609.
Returned signed, 623.
Delivered to Governor, 624.
Governor signed—Emergency, 662.

**House Bill No. 112**—(Williams of Richland)

House Bill No. 112. A Bill for an Act to Amend and Reenact Section 1 of Chapter 125 of the Session Laws of 1933.

First reading, reference, 209.
Indefinitely postponed, 371.

**House Bill No. 113**—(Solberg, Ireland, Hultstrand and Rohde)

House Bill No. 113. A Bill for an Act Requiring Boards of County Commissioners or Any Other Public Boards Administering Poor Relief to Give Equal Consideration to Legally Licensed Practitioners of Medicine, Osteopathy, Chiropractic, Dentistry, Optometry, and Any Other Legally Licensed Practitioner, 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.

First reading, reference, 209.
Amended, 340.
General orders, 367.
Second reading, 654.
Sent to Senate, 663.
Returned indefinitely postponed, 1233.

**House Bill No. 115**—(Gray, Byrne and Stormon)

House Bill No. 115. A Bill for an Act Providing for the Regulation and Supervision of the Transportation of Motor Vehicles Over the Public Highways of North Dakota by Motor Propelled Vehicles, and Providing for the Supervision and Enforcement Thereof and Penalties for Violation.

First reading, reference, 210.
Indefinitely postponed, 555.

**House Bill No. 116**—(Gray, Byrne, Stormon)

House Bill No. 116. A Bill for an Act to Promote Safety Upon the Public Highways by Prohibiting the Transportation Thereon by the Use of Any Automobile, Motor Truck, Tractor, Semi-Trailer, Trailer, Wagon, Tank-Wagon, Tank-Truck, or Any Combination Thereof, of Any Inflammable or Explosive Liquid in a Quantity of More Than One Thousand Five Hundred Gallons in Any One Load.

First reading, reference, 210.
Indefinitely postponed, 555.

**House Bill No. 117**—(Shure, Fitch and Bergesen)

House Bill No. 117. A Bill for an Act to Amend and Reenact Sections 2, 3, and 6 of That Certain Initiated Measure Approved by the People of North Dakota on June 29, 1932, Reducing and Fixing Salaries of County Officials; Providing for Appointment of Certain Deputies, Clerks and Assist-

ants, Fixing Their Salaries; for Payment of All Fees to County, Etc., Repealing Certain Acts in Conflict With Such Initiated Measure, and Declaring an Emergency.

First reading, reference, 210.
Indefinitely postponed, 431.

**House Bill No. 118**—(Bergesen)

House Bill No. 118. A Bill for an Act Amending and Reenacting Section 1 of Chapter 173 of the Session Laws of the State of North Dakota for 1937, Relating to Permitting and Authorizing the Adoption of Civil Service by Cities Having a Population in Excess of 4,000; Providing for Such Adoption by Passage of Ordinance; and Defining the Term Governing Body.

First reading, reference, 210.
Amended, 539.
General orders, 585.
Second reading, lost, 615.

**House Bill No. 119**—(Anderson of Benson and Myers)

House Bill No. 119. A Bill for an Act to Amend and Reenact Section 8 of Chapter 135, Session Laws 1935, Relating to the Election of Party Precinct Committeemen and Providing for the Election of Members to the State Central Committee; for Financial Reports; for the Bonding of Treasurers of Political Parties; for the Election of State Executive Boards and Other Officials of Political Organization, and for the Repeal of All Inconsistent Acts.

First reading, reference, 210.
Do pass, 317.
Second reading, re-referred, 336.
Indefinitely postponed, 778.

**House Bill No. 120**—(Belzer, McIntyre and Culver)

House Bill No. 120. A Bill for an Act Establishing Rules and Regulations and Sanitary Conditions for Cream Buying Stations; Sanitary Requirements for Haulers of Cream; Equipment and Care of Equipment; Care of Cream Held in the Station; Care of Cream in Transit; Repealing Acts in Conflict Herewith; Providing Penalties, and Declaring an Emergency.

First reading, reference, 228.
Amended, 327.
General orders, indefinitely postponed, 353.
Reconsidered, re-referred, 358.
Amended, 372.
General orders, 400.
Second reading, re-referred, 420.
Amended, 492.
General orders, 548.
Second reading, 580.
Sent to Senate, 600.
Returned amended, 1230.
House adopts senate amendments, 1271, 1310.
Enrolled, 1316.
Speaker signed, 1387.
Sent to Senate for signing, 1417.
Returned signed, 1440.
Delivered to Governor—Emergency, 1450.

**House Bill No. 121**—(Dalzell by request)

House Bill No. 121. A Bill for an Act to Amend and Reenact Article 41, Chapter 38, 1913 Compiled Laws, to Regulate the Licensing, Registration, Sale, Inspection, Sampling and Analysis of Commercial Fertilizers, Superphosphates and Fertilizer Materials in the State of North Dakota, and to Repeal All Laws and Parts of Laws in Conflict Therewith.

First reading, reference, 228.
Do pass, 276.
Second reading, 321.
Reconsidered, re-referred, 328.
Amended, 389.
General orders, 427.
Second reading, 457.
Sent to Senate, 473.
Returned indefinitely postponed, 1108.

**House Bill No. 122**—(Anderson of Benson and Byrne)

House Bill No. 122. A Bill for an Act to Exempt From Taxation Farm Lands Owned and Operated by Institutions of Public Charity in the State of North Dakota, When Such Lands Are Used by the Charitable Institution Owning the Same Solely for the Support and Maintenance of Such Institution and Not for Profit.

First reading, reference, 228.
Indefinitely postponed, 390.

**House Bill No. 123**—(Schimke, Fitch and Byrne)

House Bill No. 123. A Bill for an Act to Create a State Board of Plumbing for the Regulation of Plumbing in Cities and Villages; for the Licensing and Registration of Plumbers; for the Supervision and Inspecting of Plumbing and the Addition and Enforcement of Minimum Standards of Plumbing.

First reading, reference, 229.
Indefinitely postponed, 390.

**House Bill No. 124**—(Adam and Schmidt of Sheridan)

House Bill No. 124. A Bill for an Act Providing a Two-Year Period of Redemption Upon All Real Estate Foreclosures; Repealing Laws in Conflict Herewith, and Declaring an Emergency.

First reading, reference, 229.
Indefinitely postponed, 358.
Reconsidered, re-referred, 358.
Indefinitely postponed, 437.

**House Bill No. 125**—(Trydahl)

House Bill No. 125. A Bill for an Act Amending and Reenacting Sub-section 1 of Chapter 97 of the Session Laws of 1933 and Sub-section 4 of Section 4 of Chapter 97 of the Session Laws of 1933, as Amended by Chapter 119 of the Session Laws of 1935; Providing the Loss of Residence Upon Moving to Another State and Declaring an Emergency.

First reading, reference, 229.
Amended, 327.
General orders, 353.
Second reading, 363.

Sent to Senate, 392.
Returned unchanged, 553.
Enrolled, 593.
Speaker signed, 607.
Sent to Senate for signing, 608.
Returned signed, 623.
Delivered to Governor, 624.
Governor signed—Emergency, 662.

**House Bill No. 126**—(Committee on Agriculture)

House Bill No. 126. A Bill for an Act to Amend and Re-enact Section 336, Compiled Laws of 1913, as Amended by Chapter 177, Laws of 1925, Relating to the Leasing and Sale of School and Other Public Lands of the State, and Declaring an Emergency.

First reading, reference, 229.
Do pass, 339.
Second reading, 350.
Sent to Senate, 374.
Returned unchanged, 1014.
Enrolled, 1046.
Speaker signed, 1047.
Sent to Senate for signing, 1051.
Returned signed, 1107.
Delivered to Governor—Emergency, 1165.

**House Bill No. 127**—(Saumur, Trydahl and Boulden)

House Bill No. 127. A Bill for an Act to Amend and Re-enact Sections 3610 and 3612 of the Compiled Laws of the State of North Dakota for the Year 1913 Relating to the Election and Appointment of Officers in Cities Under Mayor and Council Form of Government.

First reading, reference, 234.
Indefinitely postponed, 318.
Reconsideration, lost.

**House Bill No. 128**—(Ritter, Schauss and Schimke)

House Bill No. 128. A Bill for an Act to Amend and Re-enact Chapter 123 of the 1935 Session Laws of the State of North Dakota, Being an Act to Amend and Re-enact Section 25 of Chapter 98 of the 1933 Session Laws of the State of North Dakota; Relating to Relief for the Poor; Describing the Establishment of a County Relief Board by the Board of County Commissioners, Constituting the County Commissioners in the Respective Counties to Replace the County Welfare Board; Repealing All Acts and Parts of Acts in Conflict Herewith; and Declaring an Emergency.

First reading, reference, 235.
Indefinitely postponed, 371.
Reconsidered, re-referred, 387.
Amended, 420.
General orders, re-referred, 467.
Amended, 565.
General orders, 590.
Second reading, 655.
Sent to Senate, 663.
Returned, indefinitely postponed, 1233.

**House Bill No. 129**—(Schauss and Schimke)

House Bill No. 129. A Bill for an Act to Amend and Reenact Chapter 162 of the 1929 Session Laws of North Dakota, Providing That Attachment Shall Lie as Against Motor Vehicles, in Case of Accidents Occasioned Through the Negligence of the Driver or Owner Thereof, and Making Provision for Execution Against Motor Vehicles Involved in Accidents, Repealing All Acts or Parts of Acts in Conflict Herewith and Declaring it to be an Emergency.

First reading, reference, 235.
Indefinitely postponed, 391.

**House Bill No. 130**—(Committee on Agriculture)

House Bill No. 130. A Bill for an Act Providing for the Sale to the Federal Government for Inclusion in Federal Reclamation Projects of Lands, or Other Federal Purposes, Acquired by the State of North Dakota on Foreclosure of Mortgages Given to Secure Repayment of Loans of Permanent School Funds at Less Than the Amount of the State's Investment Therein; and Making an Appropriation to Reimburse the Permanent School Funds for the Difference Between the Price Received on Sale to the Federal Government and the Amount of the State's Investment in Such Lands; and Declaring an Emergency.

First reading, reference, 235.
Re-referred, 342.
Indefinitely postponed, 780.

**House Bill No. 131**—(Morland, Ritter, Scholl, Ireland and Schauss)

**House Bill No. 131. A Bill for an Act Appropriating Money for the School of Mines at the University of North Dakota, to Supplement Works Progress Administration and United States Bureau of Mines Funds for the Investigation and Development of the Lignite Resources Within the Bounds of the State of North Dakota.**

First reading, reference, 235.
Do pass, 864.
Second reading, 910.
Sent to Senate, 934.
Returned unchanged, 1229.
Enrolled, 1317.
Speaker signed, 1388.
Sent to Senate for signing, 1416.
Returned signed, 1439.
Delivered to Governor, 1450.

**House Bill No. 133**—(Schimke, Schauss and Ritter)

House Bill No. 133. A Bill for an Act to Provide That Judgments Not Renewed or Extended of Record Within Ten Years Shall be Discharged From the Public Record; and Declaring an Emergency.

First reading, reference, 236.
Indefinitely postponed, 367.

**House Bill No. 134**—(Schwartz)

House Bill No. 134. A Bill for an Act Providing for Direct Liability of the Insurer to Persons Entitled to Recover

for Death, for Injuries to Persons, or Damages to Property, Caused by the Negligent, Maintenance, Use, or Operation of Motor Vehicles, Limiting the Amount of Liability; Authorizing the Persons Entitled to Recover Such Damages to Join the Insurer in Single Action Against Owner or Operator of Motor Vehicle; Declaring Conditions and Covenants in Liability Contracts or Policies of Insurance, Limiting or Restricting Such Rights, or Which Are Violative of the Provisions of This Act, as Against Public Policy and Void and Providing for Repeal of Inconsistent Acts.

First reading, reference, 236.
Indefinitely postponed, 407.

**House Bill No. 136**—(Anderson of McKenzie)

House Bill No. 136. A Bill for an Act to Curb the Theft of Livestock by Truck by Requiring Livestock Truckers to Have With the Load, Display Upon Demand of Proper Officer and File With the Sheriff of the County and the First Recipient of Such Livestock From the Trucker, a Certificate Giving Information Relative to Such Livestock

First reading, reference, 254.
Indefinitely postponed, 375.

**House Bill No. 137**—(Solberg, Ireland and Erickson)

House Bill No. 137. A Bill for an Act Authorizing and Directing the State Historical Society of North Dakota to Purchase Land Bordering Upon and Adjacent to a Lake Situated Between Epping and Springbrook in the County of Williams, State of North Dakota; and Making an Appropriation Therefor.

First reading, reference, 254.
Indefinitely postponed, 391.

**House Bill No. 138**—(Rettke)

House Bill No. 138. A Bill for an Act Providing for the Protection of Motor Vehicles and Contents While in Storage and Making the Owners and Operators of Garages and Warehouses Where Same May Be Stored Liable for all Loss By Fire, Theft or Accident. Repealing all Laws in Conflict Herewith, and Declaring an Emergency.

First reading, reference, 254.
Indefinitely postponed, 389.

**House Bill No. 139**—(Committee on Public Welfare)

House Bill No. 139. A Bill for an Act Making an Appropriation to the State Public Welfare Fund, Established by Section 3 of Chapter 214 of the Session Laws of 1937, for the Biennium Beginning July 1, 1939, and Ending June 30, 1941; to be Expended by the Public Welfare Board in Providing Public Assistance to the Needy Aged, as Provided by Chapter 211 of the Session Laws of 1937 as Amended by the Initiated Act Approved November 8, 1938; Repealing all Acts and Parts of Acts in Conflict Herewith.

First reading, reference, 254.
Re-referred, 473.
Do pass, 721.
Second reading, 807.
Sent to Senate, 826.
Returned indefinitely postponed, 1177.

**House Bill No. 140—(Committee on Public Welfare)**

House Bill No. 140. A Bill for an Act Making an Appropriation to the State Public Welfare Fund, Established by Section 3 of Chapter 214 of the Session Laws of 1937, for the Period from December 8, 1938, to Juyluly 1, 1939; To Be Expended by the Public Welfare Board in Providing Public Assistance to the Needy Aged, as Provided by Chapter 211 of the Session Laws of 1937 as Amended by the Initiated Act Approved November 8, 1938; Repealing all Acts and Parts of Acts in Conflict Herewith; and Declaring an Emergency.

First reading, reference, 254.
Re-referred, 474.
Indefinitely postponed, 721.

**House Bill No. 141—(Anderson of Benson by request)**

House Bill No. 141. A Bill for an Act Appropriating money To Be Expended by the Commissioner of Agriculture and Labor in the Interest of Securing the Enactment by Congress of Measures Establishing Parity Prices for Farm Products.

First reading, reference, 254.
Indefinitely postponed, 375.

**House Bill No. 142—(Panko)**

House Bill No. 142. A Bill for an Act Authorizing the State and Counties to Exchange Tracts of State and County Lands Within Indian Reservations of This State, for Tracts of Lands Owned by the United States Government, Providing for Appraisals, Execution of Conveyances, and Repealing All Acts or Parst of Acts in Conflict Therewith.

First reading, reference, 255.
Do pass, 343.
Second reading, 365.
Sent to Senate, 392.
Returned unchanged, 664.
Enrolled, 688.
Speaker signed, 692.
Sent to Senate for signing, 695.
Returned signed, 698.
Delivered to Governor, 698.
Governor signed, 837.

**House Bill No. 143—(Committee on Appropriations)**

House Bill No. 143. A Bill for an Act Making a Deficiency Emergency Appropriation for Relief of Destitute and Necessitous Persons of the State of North Dakota for the Months of March, April, May and June, 1939, as Provided by Chapter 214 of the Session Laws of 1937, Declaring an Emergency.

First reading, reference, 255.
Amended, 774.
General orders, 812.
Second reading, 890.
Sent to Senate, 936.
Returned unchanged, 1360.
Enrolled, 1436.
Speaker signed, 1454.
Sent to Senate for signing, 1467.
Returned signed, 1510.
Delivered to Governor, 1527.

**House Bill No. 144—(Braun of McLean)**

House Bill No. 144. A Bill for an Act Providing for the Conduct of Elections on all Municipal Bond Issues; Providing a Separate Ballot Box for the Ballots of Voters Owning Real Property and a Separate Ballot Box for the Ballots of Other Voters; and Requiring a Two-thirds Vote of Both Such Real Property Owners and Such Other Voters, for all Municipal Bond Issues; Repealing all Acts and Parts of Acts in Conflict Herewith; and Declaring an Emergency.

First reading, reference, 255.
Amended, 596.
General orders, 625.
Second reading, 677.
Sent to Senate, 688.
Returned indefinitely postponed, 1067.

**House Bill No. 145—(Panko)**

House Bill No. 145. A Bill for an Act Appropriating the Sum of $10,000.00 for the Payment of Rattlesnake Bounties as Provided by Law; Declaring an Emergency.

First reading, reference, 261.
Indefinitely postponed, 406.

**House Bill No. 146—(Ritter)**

House Bill No. 146. A Bill for an Act Declaring the Law of the State of North Dakota With Reference to the Extent to Which Homesteads as Defined by Section 5605 of the 1925 Supplement to the Laws of North Dakota for 1913 May Be Charged With Tax Obligations; and Providing the Value at Which They Shall Be Assessed; Repealing All Acts and Parts of Acts in Conflict Herewith.

First reading, reference, 261.
Indefinitely postponed, 943.

**House Bill No. 147—(Byrne)**

House Bill No. 147. A Bill for an Act Ceding to the United State Exclusive Jurisdiction Over Certain Lands in Burleigh County Which are Parts of the Fort Lincoln Military Reservation.

First reading, reference, 261.
Do pass, 343.
Second reading, 366.
Sent to Senate, 392.
Returned unchanged, 988.
Enrolled, 1004.
Speaker signed, 1011.
Sent to Senate for signing, 1015.
Returned signed, 1068.
Delivered to Governor, 1069.
Governor signed, 1181.

**House Bill No. 148—(Johnson of LaMoure and Dalzell)**

House Bill No. 148. A Bill for an Act to Amend and Reenact Section 10246a1 of the Supplement to the Compiled Laws of North Dakota for 1913, as Amended by Chapter 142 of the Session Laws of North Dakota for 1927, Regulating and Fixing the Hours of Labor of Females and Providing Penalties for Violation Thereof.

First reading, reference, 261.
Do pass, 371.
Second reading, 393.
Sent to Senate, 402.
Returned unchanged, 627.
Enrolled, 666.
Speaker signed, 672.
Sent to Senate for signing, 674.
Returned signed, 684.
Delivered to Governor, 684.
Governor signed, 838.

**House Bill No. 149**—(Skartvedt, Schwartz and Morland)

House Bill No. 149. A Bill for an Act Providing for a Transfer of Certain School Land Situated in Slope County, North Dakota, to the Game and Fish Commission of the State of North Dakota, in Co-operation With an Act of Congress to Provide That the United States Shall Aid the State in Wild-Life Restoration Projects, and for Other Purposes to Be Used and Maintained Under the Direction of the Game and Fish Commission to Aid in Wild-Life Restoration in the State of North Dakota, and Providing for an Appropriation to Reimburse the Permanent School Fund of the State of North Dakota; and Declaring an Emergency.

First reading, reference, 386.
Do pass, 721.
Second reading, 806.
Sent to Senate, 823.
Returned, amended, 1327.
House adopts Senate amendments, 1342.
Enrolled, 1446.
Speaker signed, 1453.
Sent to Senate for signing, 1466.
Returned signed, 1514.
Delivered to Governor, 1527.

**House Bill No. 150**—(Brown, McIntee, Heckman and Rait)

House Bill No. 150. A Bill for an Act Making an Appropriation for the State to Pay Seventy-five Per Cent (75%) of All Costs and Expenses of Maintaining and Providing for Patients at the State Hospital for the Insane, Patients at the Feeble-minded Institution, and Patients at the Tuberculosis Sanatorium, for the Biennium Beginning July 1, 1939, and Ending June 30, 1941, Seventy-five Per Cent (75%) of Such Costs of Caring for Such Patients to Be Charged to the State of North Dakota, and the Remaining Twenty-five Per Cent (25%) to Be Charged to the Counties, Now Required by Law to so Provide for Such Patients; Repealing All Acts or Parts of Acts in Conflict Herewith, and Declaring an Emergency.

First reading, reference, 262.
Re-referred, 557.
Do pass as amended, P. 557.
Second reading, 834.
Reconsidered, re-referred, 837.
General orders, 875.
Second reading, 920.
Sent to Senate, 931.
Returned indefinitely postponed, 1233.

**House Bill No. 151**—(Solberg, Ireland, Erickson and Anderson of McKenzie)

House Bill No. 151. A Bill for an Act Providing for the Transfer of Certain School Lands Situated in the Lewis and Clark Irrigation District of McKenzie County, North Dakota, to the State of North Dakota to be Used in Connection With the Experiment Station, Established at Williston, North Dakota, Pursuant to the Provision of Section 1629 of the Compiled Laws of 1913, for the Purpose of Establishing, Maintaining and Operating Thereon an Irrigation Demonstration and Experiment Farm; Providing for an Appropriation to Reimburse the Permanent School Fund of the State, Providing for an Exchange of Such Lands for Other Lands More Suitably Situated; and Declaring an Emergency.

First reading, reference, 262.
Amended, 464.
General orders, re-referred, 469.
Amended, 704.
General orders, 744.
Second reading, 846.
Sent to Senate, 868.
Returned unchanged, 1329.
Enrolled, 1436.
Speaker signed, 1456.
Sent to Senate for signing, 1468.
Returned signed, 1512.
Delivered to Governor, 1527.

**House Bill No. 152**—(Committee on Public Welfare)

House Bill No. 152. A Bill for an Act Amending and Reenacting Section 4446 of the Compiled Laws of North Dakota for 1913, as Amended by Chapter 151 of the Session Laws of 1923 Relating to the Adoption of Minor Children.

First reading, reference, 262.
Do pass, 358.
Second reading, 377.
Sent to Senate, 402.
Returned indefinitely postponed, 664.

**House Bill No. 153**—(Committee on Public Welfare)

House Bill No. 153. A Bill for an Act Amending and Reenacting Chapter 123 of the Session Laws of 1931, Authorizing the Juvenile Court to Commit to the Institution for the Feeble Minded Any Dependent, Neglected or Delinquent Child Who is Feeble Minded or Whose Mental Condition is Found a Subject for Inquiry.

First reading, reference, 263.
Do pass, 358.
Second reading, amended, 379.
Sent to Senate, 402.
Returned unchanged, 553.
Enrolled, 593.
Speaker signed, 607.
Sent to Senate for signing, 609.
Returned signed, 623.
Delivered to Governor, 624.
Governor signed, 662.

**House Bill No. 154**—(Committee on Public Welfare)

House Bill No. 154. A Bill for an Act Relating to Licensing, Inspecting, Supervising and Regulating of Maternity Homes, Hospitals With Maternity Beds and Institutions With Maternity Beds; Defining the Same; Prohibiting the Disposal of Infants; and Providing a Penalty for the Violation of Provisions of This Act; and Providing for Administration of This Law by the State Department of Health; and Repealing All Acts or Parts of Acts in Conflict With This Act.

First reading, reference, 263.
Indefinitely postponed, 523.

**House Bill No. 155**—(Knutson and Rettke)

House Bill No. 155. A Bill for an Act to Amend and Reenact 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, as Amended and Reenacted by Chapter 98 of the Session Laws of the State of North Dakota for the Year of 1935, and as Further Amended by Chapter 98 of the Session Laws of the State of North Dakota for the Year of 1937, Which Act is 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.

First reading, reference, 263.
Indefinitely postponed, 554.

**House Bill No. 156**—(Knutson and Johnson of LaMoure)

House Bill No. 156. A Bill for an Act Authorizing the Commissioner of Agriculture and Labor or His Deputy to Cooperate With the Wage and Hour Division, U. S. Department of Labor, in the Enforcement Within this State of the Fair Labor Standards Act of 1938; and Providing for Reimbursement by Said Wage and Hour Division for the Reasonable Cost of Such Assistance and Cooperation; and Declaring an Emergency.

First reading, reference, 263.
Indefinitely postponed, 391.

**House Bill No. 157**—(Gray)

House Bill No. 157. A Bill for an Act Making an Appropriation for the Maintenance and Operation of the North Dakota State Criminal Identification Bureau for the Period

From January 1st, 1939 to June 30th, 1939, and Declaring an Emergency.

First reading, reference, 263.
Indefinitely postponed, 494.
Reconsidered, re-referred, 519.
Do pass, 596.
Second reading, 656.
Sent to Senate, 664.
Returned amended, 1230.
House adopts Senate amendments, 1269.
Enrolled, 1316.
Speaker signed, 1389.
Sent to Senate for signing, 1406.
Returned signed, 1442.
Delivered to Governor, 1451.

**House Bill No. 158**—(Myers)

House Bill No. 158. A Bill for an Act to Amend and Reenact Chapter 30 of the Session Laws of North Dakota for the Year 1937; Making an Appropriation of One Million Dollars to the State Hail Insurance Department From the State Equalization Fund; Repealing all Acts or Parts of Acts in Conflict Herewith.

First reading, reference, 264.
Do pass, 439.
Second reading, 482.
Sent to Senate, 496.
Returned amended, 1519.
House adopts conference committee report, 1600.
Senate adopts conference committee report, 1601.
Enrolled, 1607.
Speaker signed, 1607.
Sent to Senate for signing, 1608.
Returned signed, 1610.
Delivered to Governor, 1611.

**House Bill No. 159**—(Gray and Schauss)

House Bill No. 159. A Bill for an Act to License, tax, and Regulate Mechanical Amusement Devices and Vending Machines, and to Provide for Licensing the Operator Thereof, and Licensing Such Devices, Defining Mechanical Amusement Devices and Vending Machines, Providing Who May be Licensed, and Providing Penalty for the Violation of Said Act, and Declaring an Emergency.

First reading, reference, 264.
Indefinitely postponed, 387.

**House Bill No. 160**—(Committee on Appropriations)

House Bill No. 160. 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.

First reading, reference, 264.
Do pass, 643.
Second reading, 684.
Sent to Senate, 722.
Returned unchanged, 1361.
Enrolled, 1436.

Speaker signed, 1454.
Sent to Senate for signing, 1467.
Returned signed, 1511.
Delivered to Governor, 1527.

**House Bill No. 161—(Myers)**

House Bill No. 161. A Bill for an Act Authorizing, Empowering and Directing the Printing Commission to Secure Plans and Specifications, Advertise for and Receive Bids; Enter Into Contracts and Make Necessary Arrangements for the Installation and Completion of a State Printing Plant in Such Place Within the State of North Dakota as They Deem Most Desirable; Do All Things Necessary to Fully Complete, Erect, Establish and Operate Such Printing Plant; Provide for an Appropriation, and Declare an Emergency.

First reading, reference, 264.
Re-referred, 371.
Indefinitely postponed, 643.

**House Bill No. 162—(Haag)**

House Bill No. 162. A Bill for an Act Making an Appropriation for the Purpose of Paying for a Polygraph and Polygraph Equipment, and Declaring an Emergency.

First reading, reference, 264.
Indefinitely postponed, 643.

**House Bill No. 163—(Erickson)**

House Bill No. 163. A Bill for an Act Making an Appropriation to the State Historical Society for the Purchase of Materials and Supplies to be Used in the Reconstruction of Fort Union and Fort Buford.

First reading, reference, 264.
Do pass, 408.
Second reading, re-referred, 449.
Do pass, 690.
Second reading, 735.
Sent to Senate, 758.
Returned unchanged, 1329.
Enrolled, 1436.
Speaker signed, 1455.
Sent to Senate for signing, 1467.
Returned signed, 1514.
Delivered to Governor, 1527.

**House Bill No. 164—(Bergesen and Wolf)**

House Bill No. 164. 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, Journeyman 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.

First reading, reference, 264.
Indefinitely postponed, 389.

**House Bill No. 165**—(Gray)

House Bill No. 165. A Bill for an Act Providing for the Appointment, by the Board of County Commissioners of Any County, of a Special Collector of Personal Property Taxes; Providing for the Bonding of Such Collector; Prescribing His Duties. Authority and Compensation; and Declaring an Emergency.

First reading, reference, 319.
Indefinitely postponed, 358.

**House Bill No. 166**—(Gray and Schauss)

House Bill No. 166. A Bill for an Act to Amend and Re-enact Section 9007 of the 1913 Compiled Laws Relating to the Criminal Jurisdiction of Justices of the Peace, and Providing that Such Jurisdiction Extend to Misdemeanors, and Repealing All Acts or Parts of Acts in Conflict Therewith, and Declaring an Emergency.

First reading, reference, 319.
Indefinitely postponed, 494.

**House Bill No. 167**—(Schauss)

House Bill No. 167. A Bill for an Act to Amend and Re-enact Section 13 of Chapter 145 of the Session Laws of 1937, and Declaring an Emergency.

First reading, reference, 319.
Indefinitely postponed, 523.

**House Bill No. 168**—(Heckman, Rait, Anderson of Benson, McIntee and Joiner)

House Bill No. 168. A Bill for an Act to Amend and Re-enact Section 4656 of the Compiled Laws of 1913, Relative to the Maintenance of Railroad Stations and Station Agents.

First reading, reference, 319.
Amended, 439.
General orders, 469.
Second reading, 518.
Sent to Senate, 553.
Returned amended, 1267.
House adopts Senate amendments, lost on roll call.
Reconsidered, put on calendar, 1277.
Second reading, 1481.
Enrolled, 1554.
Speaker signed, 1565.
Sent to Senate for signing, 1570.
Returned signed, 1579.
Delivered to Governor, 1582.

**House Bill No. 169**—(Solberg, Ireland, Rait, Hultstrand, Morland and Heckman)

House Bill No. 169. A Bill for an Act to Amend and Re-enact Section 2078 of the Supplement to the Compiled

Laws of 1913 as Amended by Chapter 230 Session Laws of 1929, Relating to Exemption from Taxation.
First reading, reference, 319.
Indefinitely postponed, 474.

**House Bill No. 170**—(Stone and Anderson of Benson)
House Bill No. 170. A Bill for an Act to Amend and Re-enact Sub Section 8 of Section 2078 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, Relating to the Exemption of Public Hospitals from Taxation.
First reading, reference, 319.
Indefinitely postponed, 408.

**House Bill No. 171**—(Bingenheimer, Byrne and Lange)
House Bill No. 171. A Bill for an Act Providing for the Testing of Gasoline, Kerosene and Other Petroleum Products Used for Fuel and Power Purposes and Purchased for Resale; Repealing All Acts and Parts of Acts in Conflict Herewith; Providing a Penalty; Declaring an Emergency.
First reading, reference, 328.
Do pass, 408.
Second reading, 449.
Sent to Senate, 472.
Returned indefinitely postponed, 987.
Senate requests return, 1008.
House grants, 1009.
Senate returns unchanged, 1068.
Enrolled, 1095.
Speaker signed, 1135.
Sent to Senate for signing, 1163.
Returned signed, 1349.
Delivered to Governor, 1357.

**House Bill No. 172**—(Byrne and Schimke)
House Bill No. 172. A Bill for an Act to Amend and Reenact Sections 5, 6, 7, 8 and 9 of Chapter 91 of the 1935 Session Laws of 1935, Relating to an Act Creating the State Athletic Commission, Prescribing Its Powers and Duties, Providing Penalties for Violations and Repealing All Acts or Parts of Acts in Conflict Therewith; and Providing an Appropriation Therefor.
First reading, reference, 328.
Do pass, 408.
Second reading, 450.
Sent to senate, 496.
Returned amended, 1177.
House refuses to concur, 1190.
House adopts Senate amendments, 1198.
Enrolled, 1234.
Speaker signed, 1298.
Sent to Senate for signing, 1309.
Returned signed, 1350.
Delivered to Governor, 1357.

**House Bill No. 173**—(Boulden, Thompson of Burleigh and Gray)
House Bill No. 173. A Bill for an Act Creating Local Boards of "Carpenter Examiners," Defining the Terms "Con-

tracting Carpenters" and "Carpenters," Providing for Appointment of Members of Such Boards, Providing for Holding of Examinations and the Issuing of Licenses and Prohibiting Unlicensed Persons From Engaging in the Business of Carpentry in Designated Cities; Providing for Fees and Disposition of Funds and Providing for Penalties for Violation of This Act.

First reading, reference, 329.
Indefinitely postponed, 390.

**House Bill No. 174**—(Peterson and Fraser)

House Bill No. 174. A Bill for an Act to Amend and Reenact Section 686 of the Compiled Laws of North Dakota for 1913, as Amended by Section 686 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, Being an Act Providing for Petitioning the Governor to Remove Certain Public Officials; Providing the Procedure Therefor; Requiring a Petition by Qualified Electors, and Prescribing the Procedure Thereon; Further Providing for the Attorney General and Appointed Attorneys to Prosecute Such Proceedings.

First reading, reference, 329.
Amended, 395.
General orders, 427.
Second reading, 458.
Sent to Senate, 473.
Returned unchanged, 1547.
Enrolled, 1559.
Speaker signed, 1566.
Sent to Senate for signing, 1572.
Returned signed, 1580.
Delivered to Governor, 1582.

**House Bill No. 175**—(Committee on Taxes and Tax Laws)

House Bill No. 175. A Bill for an Act to Provide Revenue by Means of a Transaction Tax Upon Sales of Certain Alcoholic Beverages by Licensed Wholesale Liquor Dealers; Authorizing the State Treasurer to Prescribe Rules and Regulations for the Collection Thereof; Prescribing the Method of Payment of the Tax to, and Collections by, the State Treasurer, and Providing Penalty.

First reading, reference, 329.
Do pass, 376.
Second reading, re-referred, 387.
Amended, 484.
General orders, 507.
Second reading, 537.
Sent to Senate, 600.
Returned amended, 1231.
House adopts conference committee report, 1381.
Senate adopts conference committee report, 1409.
Enrolled, 1436.
Speaker signed, 1457.
Sent to Senate for signing, 1469.
Returned signed, 1513.
Delivered to Governor, 1527.

**House Bill No. 176—(Bergesen and Shure)**

House Bill No. 176. A Bill for an Act to Amend and Reenact Section 34, Chapter 94, Session Laws of 1931, Pertaining to Examination of Building and Loan Associations.

First reading, reference, 329.
Do pass, 494.
Second reading, 530.
Sent to Senate, 628.
Returned unchanged, 1231.
Enrolled, 1317.
Speaker signed, 1389.
Sent to Senate for signing, 1406.
Returned signed, 1442.
Delivered to Governor, 1450.

**House Bill No. 177—(Byrne, Trydahl and Gray)**

House Bill No. 177. A Bill for an Act to Create a North Dakota Board of Examiners in Watchmaking, and to Regulate Watchmaking and to Provide for Issuance of Certificates to and Registration of Persons Engaging in Watchmaking and for Examination of Applicants for Such Certificates; Providing for Regulations for Indenturing and Training of and Issuing Certificates of Registration to Apprentice Watchmakers; for the Protection of the Public From Fraud Practiced by Unscrupulous and Irresponsible Persons Through Misrepresentation and Other Unconscionable Artifices, and for the Protection of the Public Safety; Providing for the Enforcement of the Provisions of This Act and for Punishment for the Violation Thereof.

First reading, reference, 337.
Indefinitely postponed, 431.

**House Bill No. 178—(Ritter, Schauss and Schimke)**

House Bill No. 178. A Bill for an Act Authorizing and Empowering Cities and Villages to Control, Regulate and License Public Card Tables; Prohibiting Certain Card Games; Providing Penalties for Violation; Repealing Acts in Conflict Herewith; Providing for the Distribution of Revenue; Repealing Acts or Parts of Acts in Conflict; Saving Clause and Declaring an Emergency.

First reading, reference, 344.
Indefinitely postponed, 712.

**House Bill No. 180—(Singleton)**

House Bill No. 180. A Bill for an Act to Repeal Chapter Four of the Session Laws of 1935.

First reading, reference, 345.
Indefinitely postponed, 439.

**House Bill No. 181—(Stone)**

House Bill No. 181. A Bill for an Act to Repeal Section 2173 of the Compiled Laws of North Dakota for 1913; Being an Act Authorizing the County Commissioners to Contract With the Sheriff for the Collection of Delinquent Personal Property Taxes for Additional Compensation.

First reading, reference, 345.
Do pass, 474.
Second reading, 509.

Sent to Senate, 522.
Returned indefinitely postponed, 1177.

**House Bill No. 182**—(Benno and Anderson of Benson)

House Bill No. 182. A Bill for an Act Making it a Misdemeanor for any Person to Hunt Game of any Kind at Night With the Aid of a Spot Light or Any Other Kind of Artificial Light.

First reading, reference, 345.
Do pass, 387.
Second reading, 415.
Reconsidered, re-referred, 470.
Indefinitely postponed, 496.

**House Bill No. 183**—(Myers)

House Bill No. 183. A Bill for an Act Creating a Tax on Money, Credits, Claims and Demands for Money, Annuities, Securities and Stocks; Providing for the Listing and Assessing Thereof; Excepting the Money and Credits of Incorporated Banks, Otherwise Taxed; and Providing a Penalty for the Failure to Properly List the Same Under Oath; Further Providing for the Review and Equalization Thereof, and the Computation of Taxes Thereon; Repealing all Acts and Parts of Acts in Conflict Herewith; and Declaring an Emergency.

First reading, reference, 345.
Indefinitely postponed, 690.

**House Bill No. 184**—(Committee on Public Welfare)

House Bill No. 184. A Bill for an Act Relating to Vital Statistics Records of Illegitimate Children, and to Provide for the Making of a New Certificate for a Child Legitimatized by Marriage of Parents and for a Child Legitimatized by Adoption.

First reading, reference, 346.
Amended, 523.
General orders, 583.
Second reading, 612.
Sent to Senate, 628.
Returned unchanged, 1015.
Enrolled, 1046.
Speaker signed, 1048.
Sent to Senate for signing, 1051.
Returned signed, 1107.
Delivered to Governor, 1165.
Governor signed, 1312.

**House Bill No. 185**—(Committee on Taxes and Tax Laws)

House Bill No. 185. A Bill for an Act Relating to the Issuance of Tax Sale Certificates; the Payment of Subsequent Taxes; the Issuance of Subsequent Tax Sale Certificates; Amending and Re-enacting Section 2192, as Amended by Chapter 298, Session Laws of 1931, of the Supplement to the Compiled Laws of 1913; and to Make the Records of the County Auditor Evidence of the Rights of the County; and Dispensing With the Necessity of Issuing Tax Sale Certificates and Subsequent Tax Sale Certificates to the Counties; Declaring an Emergency.

First reading, reference, 346.
Amended, 409.
General orders, 467.
Second reading, 514.
Sent to Senate, 600.
Returned unchanged, 1108.
Enrolled, 1170.
Speaker signed, 1196.
Sent to Senate for signing, 1225.
Returned signed, 1351.
Delivered to Governor, 1357.

**House Bill No. 186**—(Committee on Taxes and Tax Laws)

House Bill No. 186. A Bill for an Act Providing for the Resale of Lands Acquired by the State on Foreclosure of Mortgages Given to Secure Loans of Permanent School Funds, or by Deed Given in Lieu of Foreclosure; Giving a Preference to Mortgagors Whose Lands Are Resold or to Their Heirs; Providing for the Terms and Conditions of Resale; and Declaring an Emergency.

First reading, reference, 346.
Re-referred, 409.
Do pass, 496.
Second reading, 531.
Sent to Senate, 600.
Returned unchanged, 1108.
Enrolled, 1170.
Speaker signed, 1197.
Sent to Senate for signing, 1225.
Returned signed, 1351.
Delivered to Governor, 1357.

**House Bill No. 187**—(Committee on Irrigation and Drainage)

House Bill No. 187. A Bill for an Act to Empower the State Industrial Commission to Enter Into Obligations, Trust Agreements or Trust Indentures With Any State Department, Commission, Bureau or Agency, or With Any Municipal Corporation; for the Benefit, Convenience and Protection of Purchasers, Owners or Holders of Bonds or Other Securities Issued by Such State Agency, Commission or Bureau; or Issued by a Municipal Corporation; Empowering the State Industrial Commission to Authorize the Manager of the Bank of North Dakota to Enter Into Such Obligation, Trust Agreement or Trust Indenture; Defining the Term "Municipal Corporation," and Declaring an Emergency.

First reading, reference, 346.
Re-referred, 524.
Indefinitely postponed, 669.

**House Bill No. 188**—(Knutson and Adam)

House Bill No. 188. A Bill for an Act Amending in Part Chapter 5, of the 1937 Session Laws; Transferring the Licensing and Regulating of Poultry Buyers to the Dairy Division of the Department of Agriculture and Labor; Defining Dealers; Providing for a License; Establishing Powers and Duties of Dairy Commissioner; Providing for a Penalty; and Declaring an Emergency.

First reading, reference, 346.

Withdrawn for correction then re-introduced, 348.
Indefinitely postponed, 439.

**House Bill No. 189**—(Bergesen and Williams of Richland)

House Bill No. 189. A Bill for an Act Declaring it Unlawful to Drink or to Permit Drinking of Beer or Intoxicating Liquors in a Public Place, Providing a Penalty Therefor, Repealing All Acts or Parts of Acts in Conflict Therewith, and Declaring an Emergency.

First reading, reference, 352.
Indefinitely postponed, 789.

**House Bill No. 190**—(Ritter, Schauss, Schimke)

House Bill No. 190. A Bill for an Act to License Certain Types of Coin Operated Devices, Including Automatic Coin Operated Vending and Amusement Machines With Premium Features, Coin Operated Skill Machines; Trade Machines, and Other Machines; Designating Penalties for the Violation of the Provisions of This Act; Defining Certain Types of Coin Operated, Skill, Trade and Other Machines; Providing for the Licensing and Distribution of the Fees Derived Therefrom, the Application for Licenses Therefor; Repealing All Laws or Parts of Laws in Conflict Herewith and Declaring an Emergency.

First reading, reference, 352.
Re-referred, 387.
Indefinitely postponed, 712.

**House Bill No. 191**—(McIntyre by request)

House Bill No. 191. A Bill for an Act to Amend and Reenact Chapter 267 of the Session Laws of North Dakota of 1935, Relating to the Custodian and Guide of the State Capitol Building and Grounds, and Describing the Powers, Duties, Compensation; Making an Appropriation, and Declaring an Emergency.

First reading, reference, 352.
Indefinitely postponed, 431.

**House Bill No. 192**—(Ritter, Morland, Schauss, Page, Johnson of Cass and Solberg)

House Bill No. 192. A Bill for an Act to Amend and Reenact Section 1828 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, as Amended by Chapter 241 of the Session Laws of the State of North Dakota for the Year 1933, Relating to the Use of Native Lignite Coal in State and County Institutions and Schools, and to Provide for the Use of Native North Dakota Lignite Coal, North Dakota Native Natural Gas, and Native Oil as Fuel in Such Institutions and Schools; Defining North Dakota Native Gas and North Dakota Native Oil; Repealing All Acts or Parts of Acts in Conflict Herewith, and Declaring an Emergency.

First reading, reference, 352.
Amended, 599.
General orders, indefinitely postponed, 625, 626.
Reconsideration, lost, 660.

**House Bill No. 193**—(Schauss, Odegard, Williams of Richland)

House Bill No. 193. A Bill for an Act to Amend and Re-

enact Section 869 of the Compiled Laws of North Dakota for the Year 1913; and Repealing All Acts or Parts of Acts in Conflict Herewith.

First reading, reference, 352.
Do pass, 396.
Second reading, 416.
Sent to Senate, 437.
Returned amended, 664.
House adopts senate amendments, 743.
Enrolled, 787.
Speaker signed, 831.
Sent to Senate for signing, 833.
Returned signed, 882.
Delivered to Governor, 884.
Governor signed, 1049.

**House Bill No. 194—(Jensen and Page)**

House Bill No. 194. 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, 1938. Permitting Payments in Ten Installments. Providing Manner of Payments. Suspending Operation of Law and Collection of Delinquent Taxes. Permitting Suit by Civil Action and Declaring an Emergency.

First reading, reference, 355.
Amended, 387.
General orders, 427.
Second reading, 455.
Sent to Senate, 473.
Returned amended, 1253.
House adopts conference committee report, 1393.
Senate adopts conference committee report, 1431.
Enrolled, 1436.
Speaker signed, 1457.
Sent to Senate for signing, 1469.
Returned signed, 1513.
Delivered to Governor, 1527.

**House Bill No. 195—(Johnson of Cass, Nelson of Dickey and Mittag)**

House Bill No. 195. A Bill for an Act Providing that the State Board of Higher Education Created and Established by an Initiated Act Submitted to the Electors and Approved June 28, A. D. 1938, Shall be and Hereby is Vested With all the Rights, Powers, Duties, Obligations and Perogatives Heretofore Vested in the Board of Administration, as to Vocational Education, Vocational Rehabilitation, and of the Extension Division of the North Dakota Agricultural College.

First reading, reference, 355.
Do pass, 432.
Second reading, lost, 481.
Reconsidered, 500.
Re-referred, 502.
Placed in General Orders, 882.
Passed as originally drawn, 886.
Second reading, 902.

Sent to Senate, 932.
Returned unchanged, 1229.
Enrolled, 1316.
Speaker signed, 1389.
Sent to Senate for signing, 1416.
Returned signed, 1439.
Delivered to Governor, 1450.

**House Bill No. 196**—(Anderson of Benson, Adam and Joiner)

House Bill No. 196. A Bill for an Act Declaring a Suspension of Highway, Road and Bridge Construction until July 1, 1941; Limiting Expenditures for Maintenance During Said Period; Providing Exceptions to Such Suspension in Cases Where Contracts are in Force at the time of the Passage and Approval of This Act, and in the Case of Federal Grants; and Prohibiting the Levying of Taxes by Counties and Townships for Highway, Road and Bridge Construction During the Said Period of Suspension; and Providing that any Balance of all Funds Arising From the Proceeds of Motor Vehicle Registration Fees and Licenses and Motor Fuel Taxes Remaining Unexpended and Alloted to or Retained by any County or by the State Shall be Paid into the General Funds of the County and of the State.

First reading, reference, 355.
Indefinitely postponed, 825.

**House Bill No. 197**—(Schmidt of McHenry and Sticka)

House Bill No. 197. A Bill for an Act Creating the North Dakota Traffic Safety Department, Providing for the Appointment of a Superintendent of Highway Safety and Highway Safety Police, Prescribing Their Duties and Compensation, Providing the Appropriation for the Expense Thereof, Providing for Penalties for Violation of This Act, Abolishing the Present Division of Highway Safety and Police Patrol, Transferring the Driver's License Bureau, and for Repeal of all Conflicting Acts.

First reading, reference, 356.
Indefinitely postponed, 497.

**House Bill No. 198**—(Ritter, Billigmeier and Haag)

House Bill No. 198. A Bill for an Act Imposing a Tax Upon Theatre and Entertainment Tickets to be Applied to the Old Age Assistance Fund; to Provide for the Collection of Such Tax; Requiring Reports; Naming Exemptions; Establishing a Lien for the Payment of Such Tax; Fixing Fines and Penalties for Violations; Repealing Laws in Conflict Herewith and Declaring an Emergency.

First reading, reference, 359.
Amended, 483.
General orders, 507.
Second reading, re-referred, 537.
Amended, 554.
General orders, 589.
Second reading, 652.
Sent to Senate, 663.
Returned indefinitely postponed, 1233.

**House Bill No. 199**—(Bergesen and Gray)

House Bill No. 199. A Bill for an Act Providing for the

Establishment and Government of a Correctional Institution, to be Known as the North Dakota State Farm, Providing for the Commitment and Transfer of Prisoners Thereto, and Their Care and Supervision Therein; Making an Appropriation for the Establishment and Maintenance of Said Institution; Repealing All Acts or Parts of Acts in Conflict Herewith.

First reading, reference, 359.
Re-referred, 497.
Do pass, 780.
Second reading, lost, 851.

**House Bill No. 200**—(Ostgulen)

House Bill No. 200. A Bill for an Act to Amend and Reenact Chapter 59 of the Laws of North Dakota for 1917, as Amended by Chapter 220, Laws of 1919, as Amended by Chapter 298 of the Laws of 1923 (Being Section 2122A of the 1925 Supplement) as Amended by That Initiated Measure Reducing Assessed Valuation Approved by the People on June 29, 1932; Classifying Property for Purposes of Assessment; Repealing Acts in Conflict Herewith; Saving Clause, and Declaring an Emergency.

First reading, reference, 361.
Indefinitely postponed, 943.

**House Bill No. 201**—(Stone)

House Bill No. 201. A Bill for an Act to Amend Section 2, Chapter 4 of the 1937 Session Laws of North Dakota to Establish a Sub-grade of Grade Two Cream; to Establish Equitable Deferentials Between Sub-grade and Grade Two Cream, and Declaring an Emergency.

First reading, reference, 362.
Indefinitely postponed, 387.

**House Bill No. 202**—(Committee on Delayed Bills)

House Bill No. 202. A Bill for an Act Authorizing and Directing the State Board of Administration, or Its Successor in Authority, to Engage in the Manufacture of Shoes and Other Leather Goods at the State Training School for Use at State Institutions; Making an Appropriation and Declaring an Emergency.

First reading, reference, 362.
Re-referred, 497.
Indefinitely postponed, 690.

**House Bill No. 203**—(Delayed Bills Committee)

House Bill No. 203. A Bill for an Act Authorizing the State Board of Administration to Engage in the Tanning of Hides at the State Penitentiary, to be Used in the Manufacture of Shoes and Leather Goods for Consumption at State Institutions; Making an Appropriation Therefor and Declaring an Emergency.

First reading, reference, 362.
Re-referred, 497.
Indefinitely postponed, 690.

**House Bill No. 204**—(Committee on Taxes and Tax Laws)

House Bill No. 204. A Bill for an Act to Provide for Better

Control and Regulation of the Sale of Alcohol, Alcoholic Beverages and Intoxicating Liquors Within the State of North Dakota; to License the Importation Thereof; to Provide for the Issuance and Cancellation of Importers' Licenses and Set the Fees Therefor; Provide for the Disposition of Said Fees; to Provide Penalties and Declaring an Emergency.

First reading, reference, 372.
Do pass, 409.
Second reading, 451.
Sent to Senate, 473.
Returned, indefinitely postponed, 776.

**House Bill No. 205**—(Schauss and Blair)

House Bill No. 205. A Bill for an Act to Amend and Reenact Section 2 of That Certain Initiated Law Entitled, "An Act Declaring Mortgages on Growing and Unharvested Crops to Be Against the Public Policy of the State, and Abolishing the Same," Approved and Adopted by the Electors at the June 29, 1932, Primary Election; as Amended by Chapter 150 of the Session Laws of North Dakota for the Year 1933, Repealing All Acts or Parts of Acts in Conflict and Declaring an Emergency.

First reading, reference, 373.
Indefinitely postponed, 408.

**House Bill No. 206**—(Lunde)

House Bill No. 206. A Bill for an Act to Amend and Reenact Section 1, of Chapter 246, of the Session Laws of 1931, Relating to the Establishment and Maintenance in Certain High Schools of This State of a Department of Junior College Work and Providing for Supervision Thereof and for Maintenance of Instruction by Tuition Fees.

First reading, reference, 373.
Re-referred, 524.
Indefinitely postponed, 566.

**House Bill No. 207**—(Schauss)

House Bill No. 207. A Bill for an Act to Amend and Reenact Section 3756a5, of the 1925 Supplement to the Compiled Laws of the State of North Dakota for the Year 1913, Relating to Changes in Zoning Districts.

First reading, reference, 373.
Do pass, 430.
Second reading, lost, 479.

**House Bill No. 208**—(Schauss)

House Bill No. 208. A Bill for an Act to Amend and Reenact Section 1151 of the Compiled Laws of North Dakota for 1913, as Amended and Re-enacted by Chapter 237, of the Session Laws of 1927, and as Amended and Re-enacted by Chapter 219 of the Session Laws of 1937, Relating to the Election and Qualification of Officers of Common School Districts; Amending and Re-enacting Section 1248 of the Compiled Laws of North Dakota for 1913, Relating to the Organization of the Boards of Special School Districts; Amending and Re-enacting Section 1220, of the Compiled Laws of North Dakota for 1913, Requiring County Treasurer to Keep Accounts With Separate School Districts; Providing

That the County Treasurer Shall Be Treasurer of the Common and Special School Districts in His County; Repealing Section 1254 of the Compiled Laws of North Dakota for 1913, and Section 1172, of the Compiled Laws of 1913, as Amended and Re-enacted by Chapter 241, of the Session Laws of 1927, and as Amended and Re-enacted by Chapter 226, of the Session Laws of 1933, and All Laws or Parts of Laws in Conflict Therewith.

First reading, reference, 373.
Indefinitely postponed, 524.

**House Bill No. 209**—(Lange and Wolf)

House Bill No. 209. A Bill for an Act to Regulate the Employment of Teachers in the State Institutions of Higher Learning, and to Name the Conditions Under Which They May Hold Their Positions or May Be Discharged.

First reading, reference, 373.
Indefinitely postponed, 432.

**House Bill No. 210**—(Bergesen and Shure)

House Bill No. 210. A Bill for an Act to Amend and Reenact Section 14, of Chapter 94, Session Laws of 1931, Providing for Investment in Shares of Building and Loan Associations by Fiduciaries, Trusts, Insurance Companies, and Banks.

First reading, reference, 376.
Do pass, 497.
Second reading, re-referred, 532.
Amended, 642.
General orders, 678.
Second reading, 707.
Sent to Senate, 722.
Returned unchanged, 1232.
Enrolled, 1317.
Speaker signed, 1389.
Sent to senate for signing, 1405.
Returned signed, 1441.
Delivered to Governor, 1450.

**House Bill No. 211**—(Committee on Banks and Banking)

House Bill No. 211. A Bill for an Act to Amend and Reenact Section 45 of Chapter 94 of the Session Laws of 1931 Relating to Building and Loan Associations and Making Provision for Appointment of Federal Savings and Loan Insurance Corporation as Receiver or Co-receiver of Associations in Liquidation Which Are Insured by Said Insurance Corporation.

First reading, reference, 376.
Do pass, 498.
Second reading, lost, 532.
Reconsidered, 554.
Second reading, 610.
Sent to Senate, 628.
Returned unchanged, 1232.
Enrolled, 1317.
Speaker signed, 1387.
Sent to Senate for signing, 1416.
Returned signed, 1439.
Delivered to Governor, 1450.

**House Bill No. 212**—(Schauss, Schimke, Ritter)

House Bill No. 212. A Bill for an Act to Amend and Reenact Subdivision (b) of Section 3 of Chapter 221 of the 1935 Session Laws Relating to State Board of Public Welfare.

First reading, reference, 376.
Indefinitely postponed, 721.

**House Bill No. 213**—(Schauss, Schimke, Ritter)

House Bill No. 213. A Bill for an Act Directing and Requiring the Industrial Commission to Sell at Public Auction, All State, Industry, Institution, Bureau or Department Owned Automobiles Now Used or Heretofore Used for Transporting or Conveying Any Official, Officer, or Any Institution, Board, Bureau, Industry, Commission or Department Head or Employee; Directing the Attorney General to Institute the Necessary Proceedings for Securing Possession of Any Such Automobiles; Directing the Manner and Terms of Sale; Making Disposition of the Receipts Thereof, and Making it Unlawful for Any Official, Officer, or Any Institution, Board, Bureau, Industry, Commission or Department Head or Employee to Purchase Any New or Other Automobile or Automobiles Out of State or Other Public Funds; Fixing a Penalty for Violation Hereof, and Repealing All Acts in Conflict Herewith.

First reading, reference, 377.
Indefinitely postponed, 566.

**House Bill No. 214**—(Rettke)

House Bill No. 214. A Bill for an Act to Amend and Reenact Paragraph (c), Section 2 and Section 10 of Chapter 232, Session Laws of North Dakota for 1937, Defining the Term Bureau, Created in the Office of the Commissioner of Agriculture and Labor; a Division to be Known as the Unemployment Compensation Division, and Providing for the Administrative Organization Thereof; and Declaring an Emergency.

First reading, reference, 377.
Do pass, 408.
Second reading, re-referred, 465.
Indefinitely postponed, 644.

**House Bill No. 215**—(Knutson and Adam)

House Bill No. 215. A Bill for an Act for the Regulation of Roving Handlers of Dairy Products; Establishing a Place of Business Within the State; Providing for a License; Act to be Enforced by State Dairy Commissioner; Penalties for Violation; and Declaring an Emergency.

First reading, reference, 377.
Indefinitely postponed, 498.

**House Bill No. 216**—(Myers and Jensen)

House Bill No. 216. A Bill for an Act to Amend and Reenact Section 8175 of the Compiled Laws of the State of North Dakota for 1913 Relating to Actions Against the State of North Dakota, and Declaring an Emergency.

First reading, reference, 377.
Amended, 524.

General orders, 583.
Second reading, 613.
Sent to Senate, 628.
Returned unchanged, 1108.
Enrolled, 1170.
Speaker signed, 1196.
Sent to Senate for signing, 1225.
Returned signed, 1350.
Delivered to Governor, 1357.

**House Bill No. 217—(Byrne)**

House Bill No. 217. A Bill for an Act to Facilitate the Co-operation of This State With Other Units of Government and to Establish an Unpaid Commission for That Purpose, and Declaring an Emergency.

First reading, reference, 380.
Do pass, 431.
Second reading, lost, 480.

**House Bill No. 218—(Schauss, Schimke, Ritter and Fitch)**

House Bill No. 218. A Bill for an Act to Provide for the Regulation and Licensing of Horse Racing in the State of North Dakota; to Legalize and Permit the Parimutuel or Certificate Method of Wagering on the Results of Horse Races at Licensed Racing Meetings in Said State for the Purpose of Assisting in Raising Funds for the Promotion of the Agricultural, Livestock and Fair Exposition Conducted by the State and Counties of North Dakota, and Authorizing Such Fairs and Exposition to Permit the Wagering Upon the Results of Horse Races Through the Pari-Mutuel or Certificate Method; and to Render Inapplicable Certain Acts in Conflict Hereof, and Declaring an Emergency.

First reading, reference, 381.
Amended, 474.
General orders, 507.
Second reading, lost, 536.

**House Bill No. 219—(Mittag)**

House Bill No. 219. A Bill for an Act Requiring That All Babies Born in Hospitals Be Fingerprinted at Time of Birth, and Babies Born at Other Places to Be Fingerprinted Within One Year After Date of Birth, and Providing for the Filing of Such Fingerprints in the Office of the Clerk of the District Court of the County in Which the Birth Takes Place; Further Providing for the Fingerprinting of the Mothers; Penalty for Violation; Repealing All Acts or Parts of Acts in Conflict Herewith; and Declaring an Emergency.

First reading, reference, 382.
Indefinitely postponed, 474.

**House Bill No. 220—(Mittag)**

House Bill No. 220. A Bill for an Act to Amend and Reenact Section 438 of the Compiled Laws of North Dakota for the Year 1913, Relating to the Registration of Births; Repealing All Acts and Parts of Acts in Conflict Herewith; and Declaring an Emergency.

First reading, reference, 382.
Indefinitely postponed, 474.

**House Bill No. 221**—(Panko)

House Bill No. 221. A Bill for an Act Providing for a Bounty for Rattle Snakes; Prescribing the Method of Payment; Prescribing the Penalty for Violation; Duties of County and State Officers; and Declaring an Emergency.

First reading, reference, 382.
Indefinitely postponed, 430.

**House Bill No. 222**—(Fitch)

House Bill No. 222. A Bill for an Act Relating to the Manner in Which Taxes Raised for Road and Bridge Purposes in Counties Having a Population of More Than Forty Thousand Shall Be Expended, and Repealing All Acts or Parts of Acts in Conflict Herewith, and Declaring an Emergency.

First reading, reference, 382.
Indefinitely postponed, 828.

**House Bill No. 223**—(Committee on Insurance)

House Bill No. 223. A Bill for an Act to Amend and Reenact Section 4847 of the Civil Code of the Compiled Laws of North Dakota for 1913.

First reading, reference, 391.
Do pass, 526.
Second reading, 574.
Sent to Senate, 629.
Returned amended, 1015.
House adopts Senate amendments, 1028.
Enrolled, 1046.
Speaker signed, 1047.
Sent to Senate for signing, 1056.
Returned signed, 1106.
Delivered to Governor, 1165.
Governor signed, 1312.

**House Bill No. 226**—(Bergesen, Byrne, Boulden, Sand, Schauss and Levin)

House Bill No. 226. A Bill for an Act Requiring Applicants who Seek to Practice Medicine, Osteopathy, Chiropractic, or to Diagnose Disease or Ailment of the Human Body and to Apply Any Therapeutic Agent as Remedy for a Fee, to Take an Examination in the Basic Sciences, Providing for a Basic Science Board of Examiners, and Prescribing Their Duties.

First reading, reference, 392.
Indefinitely postponed, 646.

**House Bill No. 227**—(Wolf)

House Bill No. 227. A Bill for an Act to Repeal Section 4799 of the 1925 Supplement to the Compiled Laws of North Dakota for the Year 1913, Relating to Free Passes by Common Carriers.

First reading, reference, 392.
Indefinitely postponed, 475.

**House Bill No. 228**—(Ritter, Schauss, Schimke and Joiner)

House Bill No. 228. A Bill for an Act to Amend and Reenact Sections 10183 A1, 10183 A2, 10183 A3. 10183 A4, 10183 A5, 10183 A6, 10183 A7, and 10183 A8, of the 1925 Supplement to the Compiled Laws of North Dakota for 1913,

Being an Act Relating to the Sale of Cigarettes, and Cigarette Papers and Wrappers and Papers Used and Prepared for the Making of Cigarettes, Providing for Issuing Licenses for the Purpose of Making Sales Thereof at Wholesale, Requiring Wholesalers to be North Dakota Residents, and Requiring the Furnishing of a Bond, and Providing for the Levy, Assessment, Collection and Payment of a Tax Thereon; Providing for the Regulation of the Sales Thereof; Vending Machines; Penalties for the Violation of This Act and Defining the Duties of the Attorney General, State Auditor, and the State Treasurer Imposed Under the Provisions of this Act, and Providing That any Person Violating This Act Shall be Enjoined and That any Building or Premises Made Use of For Purpose of Violation of This Act Shall be Deemed a Nuisance and Abated by Injunction; Requiring That Such Tax be Paid, and the Stamps Affixed Thereto, Prior to the Same Being Wholesaled; and Repealing all Acts or Parts of Acts in Conflict Herewith; and Declaring an Emergency.

First reading, reference, 394.
Indefinitely postponed, 498.

**House Bill No. 232—(Saumur by request)**

House Bill No. 232. A Bill for an Act to Provide for the Better Protection of Life and Property Against Injury or Damage Resulting From the Operation of Steam Boilers and Engines or Stationary Internal Combustion Engines by Incompetent Engineers and Others, and to Formulate Rules and Regulations for the Safe Design, Construction, Installation, Repair, Use and Operation of Steam Boilers and Pressure Vessels; to Provide for the Licensing of Engineers, the Appointment of a Chief Examiner, and Appointment of District Examiners, Classifications of Engineers, Application and Examination for License, Revocation of License, Inspection of Steam Boilers and Pressure Vessels, Fees to Be Charged for Inspection, Certification of Inspection, Reports by Insurance Companies, Exemption from Inspection, Penalties, Repeal, Emergency, and Appropriation.

First reading, reference, 399.
Indefinitely postponed, 475.

**House Bill No. 233—(Schmidt of Sheridan and Adam)**

House Bill No. 233. A Bill for an Act to Provide Additional Method for the Issuance of Professional Teachers' Certificates. Repealing All Acts or Parts of Acts in Conflict Herewith; Declaring an Emergency.

First reading, reference, 399.
Amended, 526.
General orders, 585.
Second reading, lost, 614.

**House Bill No. 234—(Shure)**

House Bill No. 234. A Bill for an Act to Amend and Reenact Section 3802, Compiled Laws of North Dakota for the Year 1913, Relating to Salaries Under the Commission Form of Government.

First reading, reference, 410.
Do pass, 576.

Second reading, 576.
Sent to Senate, 629.
Returned, indefinitely postponed, 1233.

**House Bill No. 235**—(Buchholz)

House Bill No. 235. A Bill for an Act Requiring All Receiving Scales Exceeding Twelve Thousand Pounds Capacity Upon Which Grain is Weighed to Be Equipped With a Self-Registering Type Beam Prior to August 1, 1939; Requiring the Operator to Supply the Hauler With an Impressed Scale Ticket; Prescribing a Penalty; and Declaring an Emergency.

First reading, reference, 410.
Amended, 644.
General orders, 679.
Second reading, lost, 708.

**House Bill No. 236**—(H. C. Williams and Mittag)

House Bill No. 236. A Bill for an Act Authorizing Submission to the Electors of the Counties of the State of North Dakota the Question of Local Option of the Sale of Alcoholic and Intoxicating Beverages and Beer in Cafes, Restaurants and Other Places Where Food is Served to the Public for Consumption on the Premises.

First reading, reference, 410.
Indefinitely postponed, 940.

**House Bill No. 237**—(Rettke and McIntyre)

House Bill No. 237. A Bill for an Act Creating the State Dairy Improvement Commission; Establishing a Tax of 25c Upon Each Thousand Pounds of Butterfat Purchased for Re-sale and/or Manufacture, to Be Expended for Advertising, Improving and Encouraging the Dairy Industry; Creating the State Dairy Improvement Fund; Providing for Enforcement; Penalties for Violation; and Declaring an Emergency.

First reading, reference, 410.
Indefinitely postponed, 644.

**House Bill No. 238**—(Williams and Ista)

House Bill No. 238. A Bill for an Act Prohibiting Possession, Purchase, Sale and Dispensing of Alcohol and Alcoholic Beverages and Beer, Outside the Limits of Any City or Village in the State of North Dakota, Prescribing A Penalty for the Violation Thereof.

First reading, reference, 411.
Amended, 773.
General orders, 815.
Second reading, 903.
Sent to Senate, 948.
Returned, indefinitely postponed, 1233.

**House Bill No. 239**

Withdrawn.

**House Bill No. 241**—(Hultstrand, Schauss, Symington and Solberg)

House Bill No. 241. A Bill for an Act Providing for the

Election, on the No-Party Ballot, of a State Game and Fish Commissioner; Providing for His Powers, Duties and Salary; Providing for His Removal, and Declaring an Emergency.
First reading, reference, 411.
Re-referred, 498.
Indefinitely postponed, 569.

**House Bill No. 242**—(Bergesen)
House Bill No. 242. A Bill for an Act to Amend and Reenact Section 9873 of the Compiled Laws of the State of North Dakota for the Year 1913, to Define the Crime of Burglary in the Third Degree.
First reading, reference, 411.
Do pass, 498.
Second reading, 534.
Sent to Senate, 601.
Returned unchanged, 987.
Enrolled, 1004.
Speaker signed, 1012.
Sent to Senate for signing, 1016.
Returned signed, 1069.
Delivered to Governor, 1069.
Governor signed, 1181.

**House Bill No. 243**—(Bergesen)
House Bill No. 243. A Bill for an Act to Amend and Reenact Section 9878 of the Compiled Laws of the State of North Dakota for the Year 1913, Relating to Unlawful Entry.
First reading, reference, 411.
Do pass, 499.
Second reading, 535.
Sent to Senate, 601.
Returned unchanged, 987.
Enrolled, 1004.
Speaker signed, 1012.
Sent to Senate for signing, 1016.
Returned signed, 1069.
Delivered to Governor, 1069.
Governor signed, 1181.

**House Bill No. 244**—(Semerad)
House Bill No. 244. A Bill for an Act to Amend and Reenact Section 1218 of the Compiled Laws of North Dakota for the Year 1913, as Amended by Section 1218 of the 1925 Supplement to the Compiled Laws of North Dakota for the Year 1913, and Acts Amendatory Thereof, Relating to School District Treasurers Without Annual Settlement, and the Publication Thereof, Repealing All Acts and Parts of Acts in Conflict Herewith.
First reading, reference, 411.
Do pass, 526.
Second reading, re-referred, 575.
Do pass, 789.
Second reading, lost, 856.

**House Bill No. 245**—(Committee on Ways and Means)
House Bill No. 245. A Bill for an Act to Repeal Chapter

165 of the Session Laws of the State of North Dakota for the Year 1937, Relating to the Operation of Motion Picture Theatres, and Declaring an Emergency.

First reading, reference, 411.
Do pass, 491.
Second reading, 527.
Sent to Senate, 528.
Returned unchanged, 559.
Enrolled, 593.
Speaker signed, 695.
Sent to Senate for signing, 695.
Returned signed, 698.
Delivered to Governor, 698.
Governor signed, 838.

**House Bill No. 246**—(Johnson of Cass)

House Bill No. 246. A Bill for an Act to Amend and Reenact Subdivision (5) of Section 4059 of the Compiled Laws of 1913, as Amended by Chapter 180 of the Session Laws of 1929, Relating to Elections and Powers of Park Commissioners; Repealing All Acts or Parts of Acts in Conflict Herewith.

First reading, reference, 412.
Do pass, 539.
Second reading, 575.
Sent to Senate, 629.
Returned, indefinitely postponed, 1233.

**House Bill No. 247**—(Schmidt of Sheridan and Mollet)

House Bill No. 247. A Bill for an Act Amending and Reenacting Section 2263 of the Compiled Laws of North Dakota for 1913, as Amended by Section 2263 of the 1925 Supplement to the Laws of the State of North Dakota for the Year 1913, Relating to Voting Upon the Office of County Agent, Providing an Election Thereof, to Have Carried on in the County, County Agent Work; Providing for the Appointment and Selection of Such an Agent, in the Event of the Voters Deciding to Have County Agent Work and to Provide a Levy Therefor; Providing for the Discontinuance of County Agent Work in Any County; and Repealing All Acts and Parts of Acts in Conflict Herewith.

First reading, reference, 412.
Indefinitely postponed, 555.

**House Bill No. 249**—(Crockett, Scholl, Twichell and Thompson)

House Bill No. 249. A Bill for an Act Relating to the Sale of Cigarettes, Cigarette Papers, and Wrappers, 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 and the Sales Thereof; Providing Penalties for the Violation Thereof; Repealing Chapter 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.

First reading, reference, 412.
Amended, 718.
General orders, 770.

Second reading, 847.
Sent to Senate, 868.
Returned, indefinitely postponed, 1359.

**House Bill No. 250—(Bergesen)**

House Bill No. 250. A Bill for an Act Authorizing the Public Welfare Board of North Dakota, With the Approval of the Attorney General, to Enter Into Reciprocal Agreements With Other States Having Like Authority Relative to Residence, Care and Transportation of Indigent Persons; and Declaring an Emergency.

First reading, reference, 412.
Amended, 556.
General orders, 589.
Second reading, 653.
Sent to Senate, 663.
Returned unchanged, 1232.
Enrolled, 1317.
Speaker signed, 1385.
Sent to Senate for signing, 1406.
Returned signed, 1440.
Delivered to Governor—Emergency, 1450.

**House Bill No. 251—(Trydahl)**

House Bill No. 251. A Bill for an Act to Amend and Reenact Chapter 9 of the Session Laws of North Dakota of 1933, Relating to Wolf Bounty; and Declaring an Emergency.

First reading, reference, 412.
Do pass, 645.
Second reading, indefinitely postponed, 693.

**House Bill No. 252—(E. C. Stone)**

House Bill No. 252. A Bill for an Act to Amend and Reenact Section 4688a6 of the Supplement to the 1913 Compiled Laws of North Dakota Requiring Vehicles Carrying School Children, Passengers or Explosive or Inflammable Liquids for Hire or Other Vehicles, to Stop Before Crossing Railroad Tracks; Declaring an Emergency.

First reading, reference, 423.
Amended, 566.
General orders, 617.
Second reading, re-referred, 657.
Indefinitely postponed, 943.

**House Bill No. 253—(Twichell, Fitch and Bergesen)**

House Bill No. 253. A Bill for an Act to Amend and Reenact Section 1 of Chapter 174 of the Session Laws of North Dakota for the Year 1937, Relating to Pensions for Policemen and Dependents in Cities Now or Hereafter Having a Population in Excess of Ten Thousand (10,000) Inhabitants.

First reading, reference, 423.
Do pass, 670.
Second reading, amended, 696.
Sent to Senate, 722.
Returned amended, 1247.
House adopts Senate amendments, 1247.
Enrolled, 1317.

Speaker signed, 1385.
Sent to Senate for signing, 1406.
Returned signed, 1441.
Delivered to Governor, 1450.

**House Bill No. 254**—(Schauss and Schimke)

House Bill No. 254. A Bill for an Act to Amend Section 2 of Chapter 232 of the Session Laws of North Dakota for the Year 1937 to Provide That Subsection (f) Defining "Employer" be Changed to Include Employers of One or More Individuals, Repealing All Acts and Parts of Acts in Conflict Herewith and Declaring an Emergency.

First reading, reference, 423.
Indefinitely postponed, 526.

**House Bill No. 255**—(Fletcher, Schmidt of Sheridan, Anderson of Benson)

House Bill No. 255. A Bill for an Act to Amend and Reenact Subdivision (f) of Section 4609b8; Section 4609b9; and Subdivision (c) of Section 4609b10, as Amended and Reenacted by Chapter 112 of the 1931 Session Laws of the State of North Dakota; of the Supplement to the Compiled Laws of North Dakota of 1913; Relating to Articles of Incorporation, Amendments to Articles of Incorporation, and By-Laws of Co-operative Marketing Associations.

First reading, reference, 423.
Indefinitely postponed, 691.

**House Bill No. 256**—(Symington, Schimke, Solberg, Schauss)

House Bill No. 256. A Bill for an Act to Create and Establish the State Insurance Commission, Defining its Powers, Duties and Obligations, Fixing the Terms and Compensation of the Members of Said Commission, Repealing All Acts or Parts of Acts in Conflict With This Act and Declaring an Emergency.

First reading, reference, 423.
Indefinitely postponed, 668.

**House Bill No. 257**—(Ista)

House Bill No. 257. A Bill for an Act to Amend and Reenact Chapter 106 of the 1933 Session Laws, Relating to Marihuana, and Defining Marihuana as a Narcotic and a Habit-forming Drug; Prohibiting the Sale or Gift Thereof; Providing a Penalty for Violation; and Declaring an Emergency.

First reading, reference, 432.
Re-referred, 467, 668.
Do pass, 721.
Second reading, 835.
Sent to Senate, 867.
Returned, unchanged, 1230.
Enrolled, 1317.
Speaker signed, 1390.
Sent to Senate for signing, 1405.
Returned signed, 1441.
Delivered to Governor—Emergency, 1450.

**House Bill No. 258**—(Semerad)

House Bill No. 258. A Bill for an Act to Amend and Re-

enact Section 409 of the Compiled Laws of North Dakota for 1913, as Amended by Section 409, of the 1925 Supplement to the Laws of the State of North Dakota, and as Also Further Amended by Chapter 105, of the 1929 Session Laws, and Chapter 113 of the 1935 Session Laws of the State of North Dakota, Relating to the Compensation of the President and Vice President of County Boards of Health, and Superintendent of Health, Mileage and Expenses, Repealing All Acts and Parts of Acts in Conflict Herewith, and Declaring an Emergency.

First reading, reference, 432.
Indefinitely postponed, 668.

**House Bill No. 259**—(Gray)

House Bill No. 259. A Bill for an Act Amending Section 7316 of the Compiled Laws of 1913, Relating to the Enforcement of Penalty; Forfeiture and Punishment of Violators of a Statute That Has Been Repealed; and Declaring an Emergency.

First reading, reference, 432.
Amended, 597.
General orders, 625.
Second reading, 681.
Sent to Senate, 722.
Returned unchanged, 1231.
Enrolled, 1317.
Speaker signed, 1389.
Sent to Senate for signing, 1406.
Returned signed, 1442.
Delivered to Governor, 1451.

**House Bill No. 260**—(Committee on State Affairs)

House Bill No. 260. A Bill for an Act to Create a North Dakota Poultry Improvement Board; to Define Its Powers and Duties; to Provide for Licenses and Fees for Poultry Processers, Packers, Hatching, Baby Chick Jobbers, Record of Performance Breeders and Poultry Feed Manufacturers and Wholesalers, and for the Disposition of the Proceeds Thereof; to Require the Filing of Reports by Carriers and Shippers of Poultry and Poultry Products, and Fixing Penalties for the Violation Hereof.

First reading, reference, 432.
Amended, 668.
General orders, 713.
Second reading, 745.
Sent to Senate, 833.
Returned unchanged, 1068.
Enrolled, 1095.
Speaker signed, 1135.
Sent to Senate for signing, 1164.
Returned signed, 1349.
Delivered to Governor, 1357.

**House Bill No. 261**—(Committee on State Affairs)

House Bill No. 261. A Bill for an Act to Provide Revenue for the Enforcement of the North Dakota Food and Drugs Act and the North Dakota Cosmetic Act; to Prevent Adulteration and Misbranding of Foods, Drugs and Cosmetics; to

Provide for Registration and Licensing Thereof; and to Provide Penalties for Violation Thereof.

First reading, reference, 433.
Do pass, 645.
Second reading, indefinitely postponed, 693.

**House Bill No. 262**—(Committee on State Affairs)

House Bill No. 262. A Bill for an Act to Provide Revenue for the Enforcement of the Paint and Varnish Laws of This State; to Prevent Fraud and Deception in the Sale of Paints and Varnishes; to Prevent Adulteration and Misbranding Thereof; to Provide Licensing, Payment and Disposition of License Fees; and to Provide Penalties for Violations Thereof.

First reading, reference, 433.
Do pass, 645.
Second reading, indefinitely postponed, 693.

**House Bill No. 263**—(Committee on State Affairs)

House Bill No. 263. A Bill for an Act to Amend and Reenact Sections 10169a4, and 10169a5 of the 1925 Supplement to the Compiled Laws of North Dakota, 1913, of the North Dakota Beverage Inspection Act, to Include Alcoholic Beverages, Defining the Beverages Coming Within the Provisions of That Act, and Fixing the License Fee Required to Be Paid, and Declaring an Emergency.

First reading, reference, 433.
Do pass, 645.
Second reading, 693.
Sent to Senate, 722.
Returned amended, 1232.
House adopts Senate amendments, 1285.
Enrolled, 1316.
Speaker signed, 1390.
Sent to Senate for signing, 1405.
Returned signed, 1442.
Delivered to Governor, 1450.

**House Bill No. 264**—(Schauss and Fitch)

House Bill No. 264. A Bill for an Act to Authorize the Commissioner of Agriculture and Labor to Assemble, Publish and Distribute Literature Necessary to Advertise the State, Its Agricultural Resources, Business Opportunities, Educational Facilities and Places of Scenic Interest and to Provide for an Appropriation Therefor.

First reading, reference, 433.
Re-referred, 597.
Indefinitely postponed, 780.

**House Bill No. 265**—(Moe, Crockett, Hultstrand, Schimke and Fitch)

House Bill No. 265. A Bill for an Act to Encourage the Further Development of Durum Wheat in North Dakota; Providing for Collection and Furnishing of Information Regarding Durum Wheat by the Commissioner of Agriculture and Labor and the North Dakota Durum Wheat Show at Langdon, N. Dak.; Appropriating the Sum of $2,500.00 to

the North Dakota Durum Wheat Show at Langdon; Declaring an Emergency.

First reading, reference, 433.
Re-referred, 526.
Do pass, 780-781.
Second reading, 852.
Sent to Senate, 868.
Returned indefinitely postponed, 1328.

**House Bill No. 267**—(Boulden and Bolmeier)

House Bill No. 267. A Bill for an Act Providing for Serological Test, for Syphilis of All Persons Applying for Marriage Licenses; Prohibiting Marriage of Any Person Afflicted With Syphilis in Communicable Form; Providing for Proofs of Serological Test to Be Required by and Submitted to County Judges Before the Issuance of a Marriage License; Repealing All Acts and Parts of Acts Inconsistent With or in Conflict Herewith; Making an Appropriation for the State Health Department to Enable it to Comply With the Provisions Hereof.

First reading, reference, 434.
Amended, 669.
General orders, 714.
Second reading, 746.
Sent to Senate, 832.
Returned amended, 1323.
House adopts conference committee report, 1487.
Senate adopts conference committee report, 1489.
Enrolled, 1554.
Speaker signed, 1564.
Sent to Senate for signing, 1570.
Returned signed, 1580.
Delivered to Governor, 1582.

**House Bill No. 268**—(Westby)

House Bill No. 268. A Bill for an Act to Amend and Reenact Section 19 of Chapter 148 of the Session Laws of the State of North Dakota, Relating to Game and Fish, for the Conservation, Protection and Preservation of Wild Birds, Wild Animals and Fish; Providing for Open Seasons for Taking or Killing Certain Game Birds, Game Animals, Furbearing Animals, Fish and Deer; Authorizing the Governor Upon Recommendation of Game and Fish Commissioner to Open, Curtail, or Extend Seasons for Taking or Killing Wild Birds or Animals; Preventing the Killing, Taking or Hunting of Pinnated Grouse, Known as the Wild Prairie Chicken, for a Period of Two Years; Providing a Penalty.

First reading, reference, 440.
Indefinitely postponed, 499.

**House Bill No. 269**—(Myers)

House Bill No. 269. A Bill for an Act to Amend and Reenact Section 6073 of the 1925 Supplement to the 1913 Compiled Laws for the State of North Dakota, as Amended by Chapter 274 of the 1927 Session Laws for North Dakota and as Further Amended by Chapter 140 of the 1933 Session Laws for the State of North Dakota, Prescribing Low Rates of Interest for Any Legal Indebtedness, and Defining Usury,

and Which Act is to Further Provide That no Person, Copartnership, Association or Corporation, Shall Directly or Indirectly Take or Receive, or Agree to Take or Receive More than Six (6%) Per Cent Per Annum, by Way of Interest, or Otherwise, Upon Any Contract, and Providing That Charging More for Goods or Chattles When Sold on Credit or on Deferred Payments Upon Monthly Installment Payments, to Be Deemed Usury Whenever the Total Payments Shall Exceed the Cash Sale Price Plus Six (6%) Per Cent Interest, and Further Providing That the Fixing of a Price, in Making Payments, Where the Merchandise Is to Be Paid for in Monthly Installments Under a Conditional Sales Contract, or Otherwise, Where the Total Amount to Be Paid Thereby Exceeds the Cash Price for Such Property or Merchandise, Plus Six (6%) Per Cent Interest to Be Usury; Repealing All Acts or Parts of Acts in Conflict Therewith; and Declaring an Emergency.

First reading, reference, 440.
Indefinitely postponed, 788.

**House Bill No. 270**—(Schauss, Benno and Bergesen)

House Bill No. 270. A Bill for an Act to Create a State Board of Photographic Examiners and to Regulate the Practice of Professional Photograpy and to Provide for Licensing and Registration of Persons Engaged in the Practice of Professional Photography and to Protect the Public From Fraud Practiced by Unscrupulous and Irresponsible Persons Through Misrepresentation and Other Unconscionable Artifices and the Obtaining of the Possession of Property Without Returning Value Therefor and for the Protection of the Public Health and Safety; Providing for the Enforcement of the Provisions of This Act and for the Punishment for Violation Thereof.

First reading, reference, 440.
Do pass, 690.
Second reading, 738.
Sent to Senate, 758.
Returned unchanged, 1229.
Enrolled, 1317.
Speaker signed, 1385.
Sent to Senate for signing, 1407.
Returned signed, 1441.
Delivered to Governor, 1450.

**House Bill No. 271**—(Schauss, Panko and Wolf)

House Bill No. 271. A Bill for an Act Regulating the Operation of Commercial Motor Vehicles; With Certain Exceptions; and Prohibiting During Certain Periods of Time the Operation Thereof on the Public Highways of This State; Providing a Penalty for the Violation Thereof; and Declaring an Emergency.

First reading, reference, 459.
Indefinitely postponed, 828.

**House Bill No. 272**—(Bergesen)

House Bill No. 272. A Bill for an Act to Amend and Reenact Section 160, of the 1925 Supplement to the 1913 Com-

piled Laws of North Dakota, Relating to the Appointment of Assistant Attorneys General.

First reading, reference, 459.
Indefinitely postponed, 558.

**House Bill No. 273**—(Benno, Erickson and Byrne)

House Bill No. 273. A Bill for an Act Providing for the Taking and Killing of Deer, Elk and Antelope Doing Damage to Private Property; Providing License Fees and Empowering the Game and Fish Commissioner to Make and Enforce Rules and Regulations in Connection Therewith.

First reading, reference, 459.
Withdrawn, 505.

**House Bill No. 274**—(Committee on Irrigation and Drainage)

House Bill No. 274. 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 Water Sheds, 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, Maintenance and Financing 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; Authorizing the Commission to Obligate or Pledge Monies Available in Its Operating or Construction Fund to Insure the Payment of Twenty Per Cent of the Par Value of Revenue 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; Validating Proceedings and Acts of the State Water Conservation Commission Done and Performed Under the Provisions of Chapter 255 of the Session Laws of 1937; Repealing Inconsistent Acts, and Declaring an Emergency.

First reading, reference, 459.
Amended, 773.
General orders, 815.
Second reading, 899.
Sent to Senate, 932.
Returned amended, 1324.
House adopts conference committee report, 1443.
Senate adopts conference committee report, 1489.
Enrolled, 1533.
Speaker signed, 1563.
Sent to Senate for signing, 1571.
Returned signed, 1578.
Delivered to Governor, 1582.

**House Bill No. 275**—(Schimke and Schauss)

House Bill No. 275. A Bill for an Act to Amend and Reenact Chapter 174, of the Session Laws of 1937, Making Provision for Pensions for Disabled and Retired County, Park and City Employes, Exclusive of Firemen, in Cities Now or Hereafter Having a Population in Excess of Two Thousand Five Hundred; and Upon Their Deaths, Their Widows, Children and Dependent Parents; 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 Disbursement of Such Fund.

First reading, reference, 460.
Indefinitely postponed, 558.

**House Bill No. 276**—(Adam and Ritter)

House Bill No. 276. A Bill for an Act Providing for Nomination of Employes at the State Hospital for the Insane at Jamestown by the Board of County Commissioners; Defining Qualifications and Powers of Such Employes; Fixing Authority for Recall of Such Employes; Repealing All Acts or Parts of Acts in Conflict Herewith; and Declaring an Emergency.

First reading, reference, 460.
Re-referred, 669.
Indefinitely postponed, 703.

**House Bill No. 277**—(Schimke, Halvorson, Schauss)

House Bill No. 277. A Bill for an Act to Amend Sec-

tion 10145b1 of the 1925 Supplement to the 1913 Compiled Laws of North Dakota, Defining Intoxicating Liquors, and Excepting Therefrom Certain Fruit Juices, Wine, Beer, Ale and Porter Containing Less Than One-Half of 1 Percent of Alcohol by Volume; Repealing All Acts in Conflict Therewith.

First reading, reference, 461.
Do pass, 720.
Second reading, sent to General Orders, 805.
Passed as originally drawn, 882.
Second reading, amended, 937.
Sent to Senate, 945.
Returned amended, 1245.
House adopts conference committee report, 1338.
Reconsidered, put on calendar, 1482.
House adopts conference committee report, 1483, 1556.
Lost on final roll call, 1556.

**House Bill No. 279**—(Committee on Highways and Bridges)

House Bill No. 279. A Bill for an Act to Amend and Reenact Sub-divisions (a) and Section 19 of Chapter 179 of the 1927 Session Laws as Amended by Section 6, of Chapter 160, of the 1933 Session Laws; Providing for the Registration of Motor Vehicles, Registration Fees for Motor Vehicles Except Trucks and Busses, and When All Motor Vehicle Fees Shall Become Delinquent, and Penalties Therefor; and Repealing All Acts and Parts of Acts in Conflict Herewith.

First reading, reference, 461.
Amended, 822.
General orders, 866.
Second reading, 913.
Sent to Senate, 931.
Returned amended, 1360.
House adopts conference committee report, 1371.
Senate adopts conference committee report, 1431.
Enrolled, 1453.
Speaker signed, 1453.
Sent to Senate for signing, 1466.
Returned signed, 1513.
Delivered to Governor—Emergency, 1527.

**House Bill No. 280**—(Nelson of Dickey)

House Bill No. 280. A Bill for an Act to Create a State Board for the State of North Dakota for the Purpose of Filling All Appointive Positions and Offices, Wherein Such Appointments Have Heretofore Been Made Solely by the Governor; the Board to Consist of the Governor, Attorney General, Commissioner of Agriculture and Labor, Insurance Commissioner, and Secretary of State; Providing That All Appointments Herein Described and Heretofore Made by the Governor Shall Be Void Unless Approved by Such Board Within Thirty Days After Effective Date Hereof.

First reading, reference, 475.
Indefinitely postponed, 670.

**House Bill No. 281**—(Bergesen, Scholl, Morland)

House Bill No. 281. 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 Coun-

ties of the State of North Dakota, Either Separately or in Conjunction and Co-operation With One or More Contiguous Counties; to Establish and Maintain Full Time Local Health Departments in Co-operation With and Under the Direction of the State Department of Health, Provide for the Appointment of Local Boards of Health, a Full Time 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 Declaring an Emergency.

First reading, reference, 476.
Do pass, 597.
Re-referred, 647.
Amended, 723.
General orders, indefinitely postponed, 771.

**House Bill No. 282**—(Moe and Crockett)

House Bill No. 282. A Bill for an Act to Amend and Reenact Chapter 168 of the Session Laws of the State of North Dakota for the Year 1927, as Amended by Chapter 151 of the Session Laws of the State of North Dakota for the Year 1929, Relating to the Investment of Funds of County Mutual Insurance Companies, and Prescribing the Character of Such Investment; Declaring an Emergency.

First reading, reference, 476.
Indefinitely postponed, 559.

**House Bill No. 283**—(Fitch by request)

House Bill No. 283. A Bill for an Act Relating to the Business of Selling Fresh Meats, Wholesale and Retail, Creating a Board of Meat Cutters' Examiners, Including Slaughter House Workers and Sausage Makers; to Provide for Registration for Meat Cutters and Apprentices; to Provide for Examinations of Applicants for Registration; Providing for Inspections and Adopting Rules and Regulations Relating to Sanitary Condition in the Meat Business.

First reading, reference, 476.
Indefinitely postponed, 566.

**House Bill No. 284**—(Semerad)

House Bill No. 284. A Bill for an Act to Amend and Reenact Section 3591a of the 1925 Supplement to the 1913 Compiled Laws of North Dakota, the Same Being Chapter 35 of the Session Laws of 1921, Providing for the Publication of Proceedings of All Meetings by City Councils and City Commissions in an Official Paper to Be Designated by Them.

First reading, reference, 476.
Re-referred, 559.
Indefinitely postponed, 670.

**House Bill No. 285**—(Anderson of Benson, Crockett, Twichell and O'Brien)

House Bill No. 285. A Bill for an Act to Amend Chapter

**138 Session Laws of 1937, State of North Dakota, Relating to Secondary and Feeder Roads by Adding An Additional Section Designated as Section 3, Relating to Designation of a Secondary Highway System and Authorizing the State Highway Commissioner to Designate Highways in Such System; and Declaring an Emergency.**

First reading, reference, 477.
Amended, 821.
General orders, 867.
Second reading, 921.
Sent to Senate, 934.
Returned, indefinitely postponed, 1401.
Senate requests return, 1422.
Sent to Senate, 1460.
Returned amended, 1499.
House adopts conference committee report, 1552.
Senate adopts conference committee report, 1579.
Enrolled, 1559.
Speaker signed, 1566.
Sent to Senate for signing, 1572.
Returned signed, 1580.
Delivered to Governor—Emergency, 1582.

**House Bill No. 286—**(Ritter and Crockett)

House Bill No. 286. A Bill for an Act Amending and Reenacting Section 2 and Section 4 of Chapter 286 of the Session Laws of 1935, Defining the Terms, Employment, Hazardous Employment, Employee, Employer, Partial Disability, Wages, Weekly Wages and Child, and Providing for Disbursement of Workmen's Compensation Fund, and Declaring an Emergency.

First reading, reference, 478.
Indefinitely postponed, 788.

**House Bill No. 287—**(Hultstrand, Moe and Crockett)

House Bill No. 287. A Bill for an Act Defining, Licensing, Regulating the Practice of Naturopathy in the State of North Dakota; Creating a Board of Naturopathic Examiners to Examine and License Persons to Practice Naturopathy; Providing for the Enforcement of the Provisions of This Act and Prescribing Penalties for the Violation Thereof.

First reading, reference, 478.
Do pass, 788.
Second reading, 855.
Sent to Senate, 868.
Returned indefinitely postponed, 1177.

**House Bill No. 288—**(Stone)

House Bill No. 288. A Bill for an Act to Amend and Reenact Subdivisions 8 and 10 of Section 2078 of the Supplement to the Compiled Laws of North Dakota for 1913; Relating to Property Exempt From Taxation and Declaring an Emergency.

First reading, reference, 486.
Indefinitely postponed, on motion, 557.

**House Bill No. 289—**(Sellens)

House Bill No. 289. A Bill for an Act Authorizing the

State Industrial Commission to Cause to be Purchased by the Bank of North Dakota and Stored at Convenient Market Centers, Feed Grain for Re-sale to Farmers to Enable Them to Retain Needed Livestock; Defining the Terms "Livestock" and "Feed Grain." Authorizing the Bank of North Dakota to Sell Such Grain for Feed in Seasons of Drought or Scarcity: Declaring Such Purchases Investments; Authorizing the State Industrial Commission to Formulate and Establish Rules and Regulations With Reference to the Purchase; Storage and Sale of Such Grains; Directing the Cooperation and Aid of the Board of Railroad Commissioners, Boards of County Commissioners and Extension Department of the State Agricultural College in Carrying Out Such Program and Limiting the Amount of Funds to be Thus Invested.

First reading, reference, 502.
Indefinitely postponed, 670.

**House Bill No. 290**—(Arneson of Nelson)

House Bill No. 290. A Bill for an Act to Amend and Reenact Section 8 of Chapter 145 of the Session Laws of North Dakota, for the Year 1937, Relating to All Benevolent Corporations, Associations or Societies Operating on Voluntary or Involuntary Assessment or Contribution Plan.

First reading, reference, 502.
Withdrawn, 502; re-introduced, 513.
Do pass, 690.
Second reading, 736.
Sent to Senate, 758.
Returned amended, 1232.
House adopts Senate amendments, 1259.
Enrolled, 1316.
Speaker signed, 1390.
Sent to Senate for signing, 1405.
Returned signed, 1442.
Delivered to Governor, 1450.

**House Bill No. 291**—(Committee on Irrigation and Drainage)

House Bill No. 291. A Bill For an Act Declaring that Revenue Bonds Legally and Validly Issued by the State Water Conservation Commission Are Legal and Valid Investments by Banks, Trust Companies, Insurance Companies, Investment Companies, Building and Loan Associations and of Similar Financial Institutions; and Declaring an Emergency.

First reading, reference, 502.
Amended, 779.
General orders, 812.
Second reading, 892.
Sent to Senate, 930.
Returned unchanged, 1230.
Enrolled, 1316.
Speaker signed, 1385.
Sent to Senate for signing, 1407.
Returned signed, 1441.
Delivered to Governor, 1451.

**House Bill No. 292**—(Mittag)

House Bill No. 292. A Bill for an Act to Amend and Re-

enact Sections 2552 and 2553 of the Compiled Laws of the State of North Dakota for the Year 1913, as Amended by Chapter 142 of the 1937 Session Laws for the State of North Dakota, Relating to the Procedure to be Followed in the Investigation and Commitment of Patients to the State Hospital for the Insane, Providing a Hearing Therefore, the Investigation Thereof, Giving Notice to the Immediate Relatives, or the Next Friend of the Person Informed Against, Providing Said Parties With an Opportunity to Appear at Such Insanity Hearings, by Counsel, and Providing for a Judicial Review of the Findings, of County Boards of Insanity; and Repealing All Acts and Parts of Acts in Conflict Herewith, and Declaring an Emergency.

First reading, reference, 502.
Do pass, 723.
Second reading, lost, 836.

**House Bill No. 293**—(Committee on Irrigation and Drainage)

**House Bill No. 293. A Bill for an Act to Amend and Reenact Section 8235 of the Compiled Laws of 1913, Relating to Waters Subject to Beneficial Appropriation and Declaring an Emergency.**

First reading, reference, 503.
Do pass, 670.
Second reading, 698.
Sent to Senate, 722.
Returned unchanged, 1068.
Enrolled, 1095.
Speaker signed, 1135.
Sent to Senate for signing, 1163.
Returned signed, 1349.
Delivered to Governor—Emergency, 1356.

**House Bill No. 294**—(Committee on Irrigation and Drainage)

House Bill No. 294. A Bill for an Act Authorizing and Empowering the Board of University and School Lands to Pay Benefits in Whole or in Part Apportioned, Levied and Assessed Against State School Land, Under the Jurisdiction and Control of Said Board, by Any Irrigation District in Which Such Lands are Located, for the Cost of Establishing, Constructing and Completing Irrigation Works for the Irrigation of Such State Lands, and Other Lands Within Such District, or for the Purchase of Such Irrigation Works; Authorizing the Said Board to Pay Charges for the Operation and Maintenance of Such Irrigation Works and Charges for Water Supplied for the Irrigation of Such State Lands; Authorizing Said Board to Level and Develop Such Land for Irrigation or to Pay the Cost Thereof; Repealing All Acts and Parts of Acts in Conflict With the Provisions of This Act and Declaring an Emergency.

First reading, reference, 503.
Indefinitely postponed, 943.

**House Bill No. 295**—(Halvorson, Crockett, Fraser and Lange)

House Bill No. 295. A Bill for an Act Prohibiting Hunters From Using and Driving Motor Cars or Other Motor Vehicles Upon or Across Any Public or Private Land, Field,

Meadows or Prairies for the Purpose of Hunting Game Birds Providing a Penalty for Violation Thereof.

First reading, reference, 503.
Indefinitely postponed, 690.

**House Bill No. 296**—(Crockett, Williams of Stutsman and Westby)

House Bill No. 296. A Bill for an Act to Amend Subdivision (b) of Section 25 of Chapter 179 of the Session Laws of 1927, as Amended by Chapter 186 of the Session Laws of 1931, as Amended by Chapter 160 of the Session Laws of 1933, as Amended by Chapter 180 of the Session Laws of 1935, by Adding Thereto a Proviso Increasing the Registration Fees for Trucks Propelled by Diesel Engines by Thirty-five Per Cent Over the Registration Fees for Trucks Not so Propelled; and Declaring an Emergency.

First reading, reference, 503.
Amended, 828.
General orders, 876.
Second reading, 922.
Sent to Senate, 934.
Returned indefinitely postponed, 1250.

**House Bill No. 297**—(Crockett, Williams of Stutsman and Westby)

House Bill No. 297. A Bill for an Act to Require That for Any Motor Vehicle, or Any Combination of Vehicles Operated as One Unit, Propelled by a Diesel Engine, the Registration Fee Shall Be Seventy-five Per Cent More Than for Any Motor Vehicle or Any Combination of Vehicles Operated as One Unit Not So Propelled; and Declaring an Emergency.

First reading, reference, 504.
Amended, 828.
General orders, 866.
Second reading, 915.
Sent to Senate, 931.
Returned indefinitely postponed, 1250.

**House Bill No. 298**—(Buchholz)

House Bill No. 298. A Bill for an Act Amending and Reenacting Section 368 A4 of the 1925 Supplement to the 1913 Laws to the State of North Dakota, Relating to the Industrial Commission, the Powers Thereof, the Powers and Procedure Thereof, Repealing All Acts and Parts of Acts in Conflict Herewith, and Declaring an Emergency.

First reading, reference, 504.
Re-referred, 829.
Indefinitely postponed, 878.

**House Bill No. 299**—(Semerad and Bergesen)

House Bill No. 299. A Bill for an Act to State and Prescribe the Law of the State of North Dakota, Governing Borrowing, Funding and Refunding, by Means of Bond Issues, by Counties, Cities, Villages, Townships, School Districts, Park Districts and Other Municipalities, Validating Certain Procedure Heretofore Taken, Repealing All Acts and

Parts of Acts in Conflict Herewith, and Declaring an Emergency.

First reading, reference, 504.
Indefinitely postponed, 824.

**House Bill No. 300**—(Fitch)

House Bill No. 300. A Bill for an Act to Amend and Reenact Section 14, Chapter 309 of the Laws of North Dakota, 1931, Providing for the Furnishing Without Charge of Copies of Public Records; Repealing All Acts in Conflict and Declaring an Emergency.

First reading, reference, 504.
Do pass, 671.
Second reading, 699.
Sent to Senate, 722.
Returned unchanged, 1068.
Enrolled, 1095.
Speaker signed, 1134.
Sent to Senate for signing, 1163.
Returned signed, 1349.
Delivered to Governor—Emergency, 1356.

**House Bill No. 301**—(Bergesen)

House Bill No. 301. A Bill for an Act to Make Uniform the Law on Criminal Indictment and Information; Defining Terms Included in This Act; Providing What an Indictment or Information Must or Need Not Contain; Setting Forth Forms Thereof; Providing for Bills of Particular; in General Covering and Interpreting the Laws Pertaining to Indictments and Informations, and Repealing All Acts or Parts of Acts in Conflict Herewith.

First reading, reference, 504.
Amended, 723.
General orders, 771.
Second reading, 850.
Sent to Senate, 869.
Returned unchanged, 1108.
Enrolled, 1170.
Speaker signed, 1196.
Sent to Senate for signing, 1225.
Returned signed, 1349.
Delivered to Governor, 1357.

**House Bill No. 302**—(Committee on Highways and Bridges)

House Bill No. 302. A Bill for an Act to Amend Sections 1, 3 and 15 of Chapter 164, of the Session Laws of North Dakota for the Year 1933, and Acts Amendatory Thereof and Supplementary Thereto; Defining and Classifying Agriculture Carriers and Providing for Their Licensing, Regulations and Exemption; and Providing for the Enforcement of the Provisions of This Act, and for Penalties for the Violation Thereof; Repealing all Acts and Parts of Acts in Conflict Herewith, and Declaring an Emergency.

First reading, reference, 504.
Amended, 823.
General orders, 866.
Second reading, amended, 914.
Sent to Senate, 931.

Returned amended, 1360.
House adopts Senate amendments, 1378.
Enrolled, 1446.
Speaker signed, 1457.
Sent to Senate for signing, 1468.
Returned signed, 1513.
Delivered to Governor, 1527.

**House Bill No. 303**—(Adam)

House Bill No. 303. A Bill for an Act Vesting in the Board of University and School Lands the Authority to Compromise With Dealers Upon Equitable Basis for Lands Purchased From the Board of University and School Lands; Repealing All Parts of Acts in Conflict Herewith and Declaring an Emergency.

First reading, reference, 505.
Indefinitely postponed, 671.

**House Bill No. 304**—(Panko)

House Bill No. 304. A Bill for an Act Relating to the Holding of Elections in School Districts on Townships for the Purpose of Building New School Buildings, or for Voting to Bond the School District for the Purpose of Erecting New Buildings, and Declaring an Emergency.

First reading, reference, 505.
Indefinitely postponed, 645.

**House Bill No. 305**—(Panko)

House Bill No. 305. A Bill for an Act Providing for Limited Representation in the House of Representatives of North Dakota of the Indians of This State, and the Method of Electing Them; Repealing All Acts and Parts of Acts in Conflict Herewith.

First reading, reference, 505.
Indefinitely postponed, 719.

**House Bill No. 306**—(Knutson)

House Bill No. 306. A Bill for an Act to Amend and Reenact Section 2 of Chapter 5 of the 1937 Session Laws.

First reading, reference, 505.
Do pass, 788.
Second reading, re-referred, 856.
Amended, 877.
General orders, 881.
Second reading, 929.
Sent to Senate, 936.
Returned unchanged, 1328.
Enrolled, 1436.
Speaker signed, 1438.
Sent to Senate for signing, 1466.
Returned signed, 1513.
Delivered to Governor, 1527.

**House Bill No. 307**—(Committee on Mines and Mining)

House Bill No. 307. A Bill for an Act to Amend and Reenact Chapter 167 of the 1935 Session Laws, Providing for the Procuring of Coal Mine Licenses From the State Coal Mine Inspector, the Payment of Moneys Collected Into the

General Treasury of the State of North Dakota, and Appropriating Therefrom Moneys to be Paid Into the Coal Mining Safety Fund, Providing for the Keeping and Furnishing by Coal Mine Operators of Such Records and Statistics and the Reporting Thereof to the State Coal Mine Inspector, Giving the State Coal Mine Inspector Power to Revoke Licenses and Enjoin the Operation of Unlicensed Mines, Providing for an Appeal to the District Court From Such Order of Revocation, Providing a Penalty for Failure to Comply With the Law.

First reading, reference, 505.
Do pass, 795.
Second reading, 862.
Sent to Senate, 869.
Returned unchanged, 1328.
Enrolled, 1436.
Speaker signed, 1455.
Sent to Senate for signing, 1468.
Returned signed, 1511.
Delivered to Governor, 1527.

**House Bill No. 308**—(Knutson)

House Bill No. 308. A Bill for an Act to Amend and Re-Enact Certain Initiated Law Adopted by the Voters of the State of North Dakota at the Special Election Held September 22, 1933, as Amended and Re-enacted by Chapter 98 of the Session Laws of the State of North Dakota for the Year 1935, and as Further Amended by Chapter 98 of the Session Laws of the State of North Dakota for the Year of 1937, Defining and Providing for the Manufacture, Sale and Distribution of Beer, Providing Revenue Therefrom, and for the Distribution Thereof, and Licenses Therefor, the Cancellation of Such Licenses, Prohibiting the Transfer of Licenses, Excluding Certain Persons From the Right to Purchase the Same, Assigning to and Requiring the Attorney General to Supervise the Same, to Provide the Issuance of Licenses Hereunder, Defining His Powers and Duties Relating Thereto; 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; Making an Appropriation Therefor; 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 Herewith, and Declaring an Emergency.

First reading, reference, 506.
Indefinitely postponed, 691.

**House Bill No. 309**—(Williams)

House Bill No. 309. A Bill for an Act to Amend and Reenact Section 8 of Chapter 135 of the 1935 Session Laws of the State of North Dakota, Relating to the Nomination of Candidates for the Offices of Presidential Electors; for the Election of Party Precinct Committeemen; Delegates to the National Party Conventions and National Party Commit-

teemen and National Party Committeewomen; for the Organization of Party County and State Committees, Such Amendment Requiring That in Selecting Proxies, the Same Shall Be Taken From the Precinct in Which the Committeemen or Committeewomen Were Elected; Repealing All Acts or Parts of Acts in Conflict Herewith.

First reading, reference, 506.
Do pass, 671.
Re-referred, 700.
Amended, 779.
General orders, 814.
Second reading, 897.
Sent to Senate, 933.
Returned amended, 1110.
House adopts Senate amendments, 1111.
Enrolled, 1170.
Speaker signed, 1195.
Sent to Senate for signing, 1226.
Returned signed, 1351.
Delivered to Governor, 1357.

**House Bill No. 310**—(Schimke, Schauss and Hofstrand)

**House Bill No. 310. A Bill for an Act to Amend and Reenact Section 2790a7 and 2790a8 of the 1925 Supplement to the Compiled Laws of the State of North Dakota; Relating to Duties of Bee Inspector and of Owners; Providing for Inspection Fees and the Collection Thereof and Repealing All Acts in Conflict Herewith.**

First reading, reference, 513.
Do pass, 795.
Second reading, 909.
Sent to Senate, 932.
Returned unchanged, 1230.
Senate requests return, 1394.
Request refused, 1415.
Enrolled, 1316.
Speaker signed, 1388.
Sent to Senate for signing, 1416.
Returned signed, 1439.
Delivered to Governor, 1450.

**House Bill No. 311**—(Committee on Irrigation and Drainage)

**House Bill No. 311. A Bill for an Act Relating to the Organization of Irrigation Districts, the Powers and Functions of Such Districts, the Establishment and Construction of Irrigation Works Therein and Methods and Procedure for Financing the Cost of Purchasing or Constructing Such Irrigation Works; Amending Section 8247a1 of the Supplement to the Compiled Laws of 1913, as Amended and Reenacted by Section 1 of Chapter 142 of the Session Laws of 1933; Section 8247a2 of the Supplement to the Compiled Laws of 1913; Section 8247a3 of the Supplement to the Compiled Laws of 1913, as Amended and Re-enacted by Section 2 of Chapter 142 of the Session Laws of 1933; Sections 8247a4, 8247a5, 8247a6, 8247a7, 8247a8, and 8247a9 of the Supplement to the Compiled Laws of 1913; Section 8247a10 of the Supplement to the Compiled Laws of 1913, as Amended and Re-enacted by Section 3 of Chapter 142 of the Session Laws of 1933 and Amending Sections 8247a11,**

**8247a12, 8247a13, 8247a14, 8247a15, 8247a16, 8247a17, 8247a18, 8247a19, 8247a20, 8247a21a, 8247a23, 8247a24, 8247a26, 8247a47, 8247a51, 8247a52, 8247a53, 8247a56, 8247a57, 8247a59, 8247a60, 8247a61, 8247a63, 8247a64, 8247a65, and 8247a66 of the Supplement to the Compiled Laws of 1913; Validating Organization and Acts of Certain Irrigation Districts; Repealing All Acts and Parts of Acts in Conflict With the Provisions of This Act and Declaring an Emergency.**

First reading, reference, 513.
Amended, 779.
General orders, 813.
Sent to Senate, 930.
Returned amended, 1109.
House adopts conference committee report, 1238.
Senate adopts conference committee report, 1248.
Enrolled, 1317.
Speaker signed, 1386.
Sent to Senate for signing, 1406.
Returned signed, 1440.
Delivered to Governor, 1451.

**House Bill No. 312**—(Hultstrand, Crockett, Byrne and Fitch)

**House Bill No. 312. A Bill for an Act to Amend and Reenact Section 2373 of the Supplement to the 1913 Compiled Laws of North Dakota Relating to Appointment and Election of Officers Under the Provisions of the Military Code; Declaring an Emergency.**

First reading, reference, 514.
Amended, 646.
Second reading, 709.
Sent to Senate, 722.
Returned indefinitely postponed, 1233.

**House Bill No. 313**—(Arneson of Nelson)

House Bill No. 313. A Bill for an Act to Amend and Reenact Section 12 and Sectoin 13 of Chapter 145 of the Session Laws of 1937, Relating to Benevolent Societies.

First reading, reference, 514.
Withdrawn, 583; reinstated, sent to Insurance, 686.
Indefinitely postponed, 879.

**House Bill No. 314**—(Bergesen)

House Bill No. 314. A Bill for an Act to Amend and Reenact Section 6764 of the Compiled Laws of North Dakota for the Year 1913 as Amended by Chapter 175 of the Session Laws of 1927 Relating to the Cancellation and Satisfaction of Chattel Mortgages.

First reading, reference, 514.
Amended, 824.
General orders, indefinitely postponed, 867.

**House Bill No. 315**—(Bergesen)

House Bill No. 315. A Bill for an Act to Amend and Reenact Section 10524 of the Compiled Laws of North Dakota for 1913 Relating to the Commencement of a Criminal Action by the Filing of an Information, the Filing of an In-

dictment or the Filing of a Complaint, and Prescribing When Such Action Is Commenced.

First reading, reference, 514.
Do pass, 692.
Second reading, indefinitely postponed, 742.

**House Bill No. 316**—(Tuff and Wolf)

House Bill No. 316. A Bill for an Act to Amend and Reenact Subsections 1, 2 and 3 of Section 10, of Chapter 249, of the Session Laws of 1937, Relating to Collection of Sales Tax by Retailers, Providing Compensation for Services of Collection, and Providing for a Bond to Secure Payment of Such Tax, and Declaring an Emergency.

First reading, reference, 526.
Indefinitely postponed, 671.

**House Bill No. 317**—(Committee on Ways and Means)

House Bill No. 317. A Bill for an Act to License Certain Types of Coin Operated Devices, Including Automatic Coin Operated Vending and Amusement Machines With Premium Features, Coin Operated Skill Machines, Trade Machines, and Other Machines; Designating Penalties for the Violation of the Provisions of This Act; Defining Certain Types of Coin Operated, Skill, Trade and Other Machines; Providing for the Licensing and Distribution of the Fees Derived Therefrom, the Application for Licenses Therefor, Repealing All Laws or Parts of Laws in Conflict Herewith; and Declaring an Emergency.

First reading, reference, 527.
Do pass, 712.
Second reading, lost, 799.

**House Bill No. 318**—(Lunde, Wolf and Panko)

House Bill No. 318. A Bill for an Act to Define, Regulate, License and Tax the Business of Itinerant Merchants; to Provide for the Administration and Enforcement of This Act; to Appropriate the Revenues Derived From License Fees and Taxes; to Require Itinerant Merchants to Obtain and Carry Motor Vehicle Liability and Property Damage Insurance, and Bonds Conditioned to Pay Damages for Civil Liability Incurred and Conditioned to Pay Taxes; to Provide for Exemptions From This Act and to Require Persons Claiming Exemptions to Sign and Swear to Written Statements Supporting Such Claims; to Provide Criminal Penalties and Civil Liabilities for Violations of This Act; to Provide for Restraining by Injunction Violation of This Act; and to Declare an Emergency.

First reading, reference, 527.
Indefinitely postponed, 672.

**House Bill No. 319**—(Crockett, Sharpe and Ritter)

House Bill No. 319. A Bill for an Act Declaring the Transmission of Electric Energy Within the State of North Dakota to Be Impressed With a Public Interest Requiring Persons, Firms or Corporations Engaged in the Distribution of Electric Energy in This State Thorugh Transmission Lines, to Place the Same Within a Distance From Travelled Portions of the Public Highways, so as Not to Affect the

Safety of the Travelling Public, and Fixing the Effective Date of This Act.
First reading, reference, 527.
Indefinitely postponed, 791.

**House Bill No. 320**—(Joiner)
House Bill No. 320. A Bill for an Act to Amend and Reenact Section 2 of Chapter 156 of the Session Laws of 1935, Relating to Hail Tax Refund, and Declaring an Emergency.
First reading, reference, 539.
Do pass, 691.
Second reading, 739.
Sent to Senate, 758.
Returned unchanged, 1230.
Enrolled, 1316.
Speaker signed, 1390.
Sent to Senate for signing, 1405.
Returned signed, 1442.
Delivered to Governor, 1450.

**House Bill No. 321**—(Committee on Public Welfare)
House Bill No. 321. A Bill for an Act to Amend and Reenact Chapter 5-a of the 1925 Supplement to the 1913 Compiled Laws of North Dakota by Inserting and Adding Thereto Section 10500a6a, Providing for Joint and Several Liability by More Than One Possible Father and Declaring an Emergency.
First reading, reference, 539.
Do pass, 725.
Second reading, 840.
Sent to Senate, 868.
Returned indefinitely postponed, 1177.

**House Bill No. 322**—(Trydahl and Boulden)
House Bill No. 322. A Bill for an Act to Amend and Reenact Section 1946a1 of the Supplement to the 1913 Compiled Laws of North Dakota Concerning Contracts to Be Advertised.
First reading, reference, 539.
Indefinitely postponed, not printed, 792.

**House Bill No. 323**—(Crockett)
House Bill No. 323. A Bill for an Act to Amend and Reenact Section 369 of the Compiled Laws of 1913, as Amended by Chapter 226, Laws of 1915, and by the Initiated Measure on Page 254 of the Session Laws of 1921, Providing for a State Board of Auditors.
First reading, reference, 540.
Indefinitely postponed, 727.

**House Bill No. 324**—(Crockett)
House Bill No. 324. A Bill for an Act to Amend and Reenact Section 2 of Chapter 71 of the Session Laws of North Dakota for 1933, Providing for Membership of the State Banking Board.
First reading, reference, 540.
Indefinitely postponed, 727-728.

**House Bill No. 325**—(Crockett)

House Bill No. 325. A Bill for an Act to Amend and Reenact Section 375b2 of the 1925 Supplement to the 1913 Compiled Laws, Relating to State Publication and Printing Permission.

First reading, reference, 540.
Indefinitely postponed, 824.

**House Bill No. 326**—(Crockett)

House Bill No. 326. A Bill for an Act to Amend and Reenact Section 710a1 of the 1925 Supplement to the Compiled Codes of North Dakota for 1913, as Amended by Chapter 93 of the Session Laws of 1929, Relating to the State Budget Board.

First reading, reference, 540.
Indefinitely postponed, 720.

**House Bill No. 327**—(Fletcher, Fraser and Wambheim)

House Bill No. 327. A Bill for an Act Prescribing the Qualifications of County Coroner.

First reading, reference, 540.
Do pass, 672.
Re-referred, 706.
Amended, 778.
General orders, 813.
Second reading, 923.
Sent to Senate, 934.
Returned indefinitely postponed, 1177.

**House Bill No. 328**—(Schauss)

House Bill No. 328. A Bill for an Act to Amend and Re-enact Section 6 of That Certain Initiated Measure Adopted by the Electors of the State of North Dakota on September 22, 1933, Relating to the Manufacture, Sale and Distribution of Beer, as Amended by Chapter 98 of the Session Laws of North Dakota for the Year 1935, and Chapter 98 of the Session Laws of North Dakota for the Year 1937; Repealing All Acts and Parts of Acts in Conflict Herewith, and Declaring an Emergency.

First reading, reference, 540.
Do pass, 672.
Second reading, 706.
Sent to Senate, 1068.
Returned unchanged, 1068.
Enrolled, 1095.
Speaker signed, 1135.
Sent to Senate for signing, 1164.
Returned signed, 1349.
Delivered to Governor—Emergency, 1357.

**House Bill No. 329**—(Panko and Knutson)

House Bill No. 329. A Bill for an Act to Provide for the Protection of Workingmen by Providing One Day of Rest in Each Week, Providing for Emergencies in Which men May Work More Than Six Days; Providing a Penalty for Violation and Declaring an Emergency.

First reading, reference, 540.
Indefinitely postponed, 702.

**House Bill No. 330**—(Committee on Judiciary)

House Bill No. 330. A Bill for an Act to Amend and Reenact Section 10727 of the Compiled Laws of North Dakota for 1913, Relative Answer, Motion to Set Aside, Demurrer. Plea. Waiver of Jury.

First reading, reference, 541.
Do pass, 692.
Second reading, indefinitely postponed, 741.

**House Bill No. 331**—(Ritter)

House Bill No. 331. A Bill for an Act Imposing a Tax Upon Malt Beverages Not Taxed Under Initiated Beer Law of 1933, Providing for Reports by the Vendor, Prescribing Penalties and Providing That the Proceeds of Such Tax Shall Be Paid Into the General Fund of the State, and Declaring an Emergency.

First reading, reference, 541.
Amended, 787.
General orders, 820.
Second reading, 916.
Sent to Senate, 931.
Returned indefinitely postponed, 1233.

**House Bill No. 332**—(Brown, Morland and Hultstrand)

House Bill No. 332. A Bill for an Act to Extend the Powers of Credit Unions Organized Under Chapter 108 of the 1935 Session Laws, as Amended by Chapter 113 and 114 of the 1937 Session Laws, and Providing for the Creation of a Permanent Fund; Prescribing How Obtainable, Its Limits, Ownership, Uses, to Whom Obtainable and Other Procedure Thereunder.

First reading, reference, 541.
Do pass, 795.
Second reading, 861.
Sent to Senate, 867.
Returned unchanged, 1361.
Enrolled, 1436.
Speaker signed, 1437.
Sent to Senate for signing, 1473.
Returned signed, 1511.
Delivered to Governor, 1527.

**House Bill No. 333**—(Ritter)

House Bill No. 333. A Bill for an Act Imposing a Tax Upon Cigars, Providing for Reports by Vendors, Prescribing Penalties, and Providing That the Proceeds of Such Tax Shall be Paid Into the General Fund of the State and Declaring an Emergency.

First reading, reference, 560.
Re-referred, 740.
Amended, 883.
General orders, 885.
Second reading, lost, 924.

**House Bill No. 334**—(Ireland, Solberg and Kluver)

House Bill No. 334. A Bill for an Act to Amend and Reenact Section 686 of the 1925 Supplement to the 1913 Compiled Laws of the State of North Dakota, Relating to Filing

of Complaints for Removal of Public Officials by the Governor; Declaring an Emergency.

First reading, reference, 560.
Re-referred, 692.
Do pass, 795.
Second reading, lost, 863.

**House Bill No. 335**—(Knutson, Kluver, Moe, Dike and Myers)

House Bill No. 335. A Bill for an Act Requiring the Operators of All Public Dance Places, Road Inns, Liquor Parlors, Including All Places Where Intoxicating Liquors Are Served, Are Permitted to Be Consumed, and Including Night Clubs, and Place Where Meals Are Served and Dancing is Permitted, to Obtain a License Therefor, in All Places Outside of Cities and Incorporated Villages; Providing a Penalty for the Vioaltion Thereof; Providing for the Distribution of Revenue Therefrom; Providing for Cancellation of Licenses; and Declaring an Emergency.

First reading, reference, 561.
Indefinitely postponed, 712-713.

**House Bill No. 336**—(Byrne, Crockett and Stone)

House Bill No. 336. A Bill for an Act Requiring Drivers and Operators of School Busses to Equip the Same With Certain Safety Devices, Requiring School Boards to Inspect Such Busses, Providing a Penalty for Failure to Comply, and Declaring an Emergency.

First reading, reference, 561.
Indefinitely postponed, 791.

**House Bill No. 337**—(Bergesen)

House Bill No. 337. A Bill for an Act Amending and Reenacting Section 4444 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, Relating to the Consent of Parents or Guardians of Children Involved in Adoption Proceedings, Relating to the Giving of Consent Therein by the State Board of Administration or its Successor, Providing Service of Notice of Such Adoption Proceedings Upon Such Parents, Guardians and/or Said Board of Administration, or its Successor, and Providing for Exceptions Thereto; Providing for Method by Which Decrees of Adoption May Be Attacked and Time When Such Proceedings Therefor May Be Commenced; Specifying the Procedure by Which Custody of Children Involved in Such Proceedings May Be Changed; and Declaring That an Emergency Exists.

First reading, reference, 561.
Do pass, 691.
Second reading, 740.
Sent to Senate, 758.
Returned amended, 1067.
House adopts Senate amendments, 1081.
Enrolled, 1095.
Speaker signed, 1136.
Sent to Senate for signing, 1163.
Returned signed, 1348.
Delivered to Governor—Emergency, 1357.

**House Bill No. 338**—(Schmidt of McHenry)

House Bill No. 338. A Bill for an Act Requiring Insur-

ance Companies, Before Paying any Losses Upon Property, Covered by Fire or Windstorm Insurance Written by Them, to Determine Prior to Paying Such Losses, the Taxes Owing Upon the Insured and Destroyed Property, Both Real and Personal, and Requiring All Such Delinquent Taxes to be a First and Prior Lien Upon the Destroyed Property of Such Insured, and Requiring the Payment of Such Taxes From Such Insurance, Fixing the Insurer's Liability for Failure to Comply Therewith, and Providing that Actions May be Brought by the Counties for the Collection of Such Taxes From the Insured; Repealing All Acts and Parts of Acts in Conflict Herewith, and Declaring an Emergency.

First reading, reference, 561.
Indefinitely postponed, 691.

**House Bill No. 339**—(Gray and Bergesen)

House Bill No. 339. A Bill for an Act Providing That the State of North Dakota May Enter Into a Compact With Any of the United States for Mutual Helpfulness in Relation to Persons Convicted of Crime or Offenses Who May be on Probation or Parole; Providing Certain Terms Thereof; Saving Clause.

First reading, reference, 562.
Indefinitely postponed, 791.

**House Bill No. 340**—(Moe and Lunde)

House Bill No. 340. A Bill for an Act to Amend and Reenact Sections 528 and 536 of Chapter 261 of the Session Laws of the State of North Dakota for the Year 1923.

First reading, reference, 562.
Indefinitely postponed, 702.

**House Bill No. 341**—(Schauss, Schimke, Sharpe and Haugland)

House Bill No. 341. A Bill for an Act Assessing and Levying From April 1, 1939, to July 1, 1941, on All Licensed Dealers of Motor Vehicle Fuels, a Special License Tax of One Cent Per Gallon of Motor Vehicle Fuels Used or Sold by Them in Addition to All Other Taxes Now Imposed Upon Them, Appropriating the Proceeds of Such Special Tax to the State Highway Fund for Specific Purposes, Making All Provisions of Initiated Measures Approved June 30, 1926 and Known as the "Motor Vehicle Fuel Tax Law," Other Than Division of Proceeds Between the State and Counties and for Costs of Administration and Collection, Applicable to Said Special License Tax and Declaring an Emergency.

First reading, reference, 562.
Do pass, 726.
Second reading, lost, 842.
Reconsidered, 877.
Second reading, 889.
Sent to Senate, 936.
Returned unchanged, 1328.
Enrolled, 1436.
Speaker signed, 1455.
Sent to Senate for signing, 1467.

Returned signed, 1512.
Delivered to Governor, 1527.

**House Bill No. 343**—(Schauss)

House Bill No. 343. A Bill for an Act Pertaining to Conditional Sales and Making Uniform the Law Relating Thereto; Repealing All Inconsistent Acts, and Declaring an Emergency.

First reading, reference, 562.
Indefinitely postponed, 878.

**House Bill No. 344**—(Skartvedt, Hofstrand and Saumur)

House Bill No. 344. A Bill for an Act Establishing and Creating a Highway Aid Commission of North Dakota; Defining the Powers and Duties of Such Commission; Providing for the Issuance and Sale of State of North Dakota Highway Debentures in Anticipation of the Collection of an Excise Tax Upon Motor Vehicle Fuels and Payable Solely From the State's Share of Such Tax, the Proceeds to Be Used for the Construction, Reconstruction, Maintenance or Repair of the Roads and Highways of the State of North Dakota, or for Refunding Debentures; Prescribing the Terms and Conditions and Regulating the Sale Thereof, and Providing for the Repayment of Both Principal and Interest of Such Debentures or Refunding Debentures; Fixing Penalties for the Violations of This Act, Repealing All Acts or Parts of Acts Inconsistent With the Provisions of This Act, and Declaring an Emergency.

First reading, reference, 562.
Indefinitely postponed, 726.

**House Bill No. 345**—(Skartvedt, Hofstrand and Saumur)

House Bill No. 345. A Bill for an Act to Provide for State Highway Treasury Anticipation Debentures, Authorizing the Issuance of Said Debentures of the State of North Dakota in the Principal Sum of Four Million One Hundred Thousand Dollars at Such Times and in Such Amounts Up to the Said Principal Sum, as Shall From Time to Time Be Required for the Purpose Hereinafter Set Forth, Providing for the Sale Thereof for the Use of the State Highway Fund in Matching Federal Highway Grants; Providing for the Sale and Issuance Thereof By a Debenture Board Herein Created; Providing for the Repayment of Both Principal and Interest of Such Debentures; and for the Pledging and Setting Aside of a Sufficient Amount of the Receipts of a Debenture Tax on the Motor Vehicle Fuel Herein Provided for, to Pay the Same From the State Highway Treasury Redemption Fund Herein Created; Providing for the Creation of a Liability Binding the State of North Dakota Not to Reduce the Debenture Tax on Motor Vehicle Fuel Herein Provided in the Amount of One Cent Per Gallon on All Such Motor Fuel Used in Propelling Motor Vehicles Upon the Highways of the State of North Dakota, Until After the Accrual of a Sufficient Amount of Money in Such Highway Treasury Redemption Fund as Will Pay in Full the Principal and Interest of Such Debentures Lawfully Issued Under the Authority Hereof, and Declaring an Emergency.

First reading, reference, 563.
Indefinitely postponed, 726.

**House Bill No. 346**—(Johnson of Cass, Trydahl, Williams of Richland and Holthusen)

House Bill No. 346. A Bill for an Act Requiring and Fixing Hours of Labor Per Week of All State, County and Municipal Officers and Employees and Providing for Deduction of Salary and Pay.

First reading, reference, 563.
Do pass, 703.
Second reading, 741.
Sent to Senate, 758.
Returned indefinitely postponed, 1250.

**House Bill No. 347**—(Schimke)

House Bill No. 347. A Bill for an Act Regulating the Speed of Trains Operating in the State of North Dakota, Providing That When Any Train Operating in the State of North Dakota is Behind Schedule, Such Train Shall Not Proceed Faster Than Fifty (50) Miles Per Hour, and Providing a Penalty for the Violation Thereof.

First reading, reference, 563.
Indefinitely postponed, 791.

**House Bill No. 348**—(Schimke)

House Bill No. 348. A Bill for an Act Regulating the Length of Trains Operating in the State of North Dakota, Providing That no Train Shall Contain More Than Forty Cars, and Limiting the Number of Cars to be Transported, and Providing a Penalty for the Violation Thereof.

First reading, reference, 563.
Indefinitely postponed, 720.

**House Bill No. 349**—(Gray and Bergesen)

House Bill No. 349. A Bill for an Act to Make Uniform the Law on Fresh Pursuit and Authorizing This State to Cooperate With Other States Therein; Providing for Arrests in This State by Officers of Other States, Defining the Terms "Fresh Pursuit," Providing for Certification to Other States; Saving Clause.

First reading, reference, 564.
Indefinitely postponed, 790.
Placed on calendar by motion, 790.
Second reading, 857.
Sent to Senate, 868.
Returned unchanged, 1067.
Enrolled, 1095.
Speaker signed, 1134.
Sent to Senate for signing, 1163.
Returned signed, 1348.
Delivered to Governor, 1356.

**House Bill No. 350**—(Ista)

House Bill No. 350. A Bill for an Act Defining and Relating to Narcotic Drugs and to Make Uniform the Law With Reference Thereto; Prohibiting the Making, Using or Possessing of Narcotic Drugs Except by License; Providing for the Licensing Thereof; Providing for Use by Physicians, Dentists and Veterinarians; Setting Forth Exceptions to the Act; Providing for Records to Be Kept by Authorized Per-

sons; Providing Regulations as to Apothecaries; Defining Common Nuisance in Connection Herewith; Providing for the Disposition of Narcotic Drugs Seized by Authorities; Forbidding the Procuring of Such Drugs by Fraud or Deceit; Placing Certain Burdens of Proof Upon the Defendants; Providing for Co-operation With Other Authorities; Providing Penalties for Violations of This Act, Repealing All Acts or Parts of Acts in Conflict Herewith, and Declaring an Emergency.

First reading, reference, 564.
Do pass, 724.
Withdrawn, 837.

**House Bill No. 351**—(Brown and Morland)

House Bill No. 351. A Bill For an Act to Amend and Reenact Section 2346a18 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, as Amended by Section 4, Chapter 283 of the Session Laws of 1931, as Amended by Section 2, Chapter 241, Session Laws of 1937, to Repeal Section 4 of Chapter 241 Session Laws of 1937; and Declaring an Emergency.

First reading, reference, 564.
Amended, 781.
General orders, 817.
Second reading, 905.
Sent to Senate, 932.
Returned unchanged, 1178.
Enrolled, 1234.
Speaker signed, 1299.
Sent to Senate for signing, 1308.
Returned signed, 1350.
Delivered to Governor, 1357.

**House Bill No. 352**—(Adam and Shure)

House Bill No. 352. A Bill for an Act to Amend and Reenact Section 4873, of the Compiled Laws of North Dakota for the Year 1913.

First reading, reference, 564.
Indefinitely postponed, 719.

**House Bill No. 353**—(Committee on Public Welfare)

House Bill No. 353. A Bill for an Act to Amend and Reenact Sections 13 and 14, of Chapter 97 of the Session Laws of 1933, as Amended by Chapter 119 of the Session Laws of 1935, Relating to the Administration of County Poor Relief; and Declaring an Emergency.

First reading, reference, 564.
Amended, 724.
General orders, 811.
Second reading, 888.
Sent to Senate, 936.
Returned unchanged, 1232.
Enrolled, 1317.
Speaker signed, 1389.
Sent to Senate for signing, 1405.
Returned signed, 1442.
Delivered to Governor, 1450.

**House Bill No. 354**—(Ritter, Skartvedt, Anderson of McKenzie, Holthusen and Crockett)

House Bill No. 354. A Bill for an Act for the Regulation of Motor Trucks, Trailers, Semi-Trailers, and Busses, Relative to Size and Weights of Vehicles and Loads, and to the Taxation and Licensing of Such Vehicles in Operation Upon the Highways of This State; and Amending and Re-enacting Sub-sections (c), (e) and (f) of Section 36, of Chapter 162 of the Session Laws of 1927, as Amended by Chapter 185, of the Session Laws of 1935, and Sub-sections (b) of Section 25, of Chapter 179, of the Session Laws of 1927, as Amended by Section 5, of Chapter 186 of the Session Laws of 1931; and Repealing Sub-section (c) of Section 25, of Chapter 179, of the 1927 Session Laws, as Amended by Chapter 180 of the Session Laws of 1935, and Sub-sections (d), (e), and (f), of Section 25, of Chapter 179, of the Session Laws of 1927; and Repealing All Other Acts or Parts of Acts in Conflict Herewith.

First reading, reference, 565.
Amended, 821.
General orders, 865.
Second reading, 912.
Sent to Senate, 931.
Returned, indefinitely postponed, 1359.

**House Bill No. 355**—(Anderson of Benson, by request)

House Bill No. 355. A Bill for an Act Providing for Direct Liability of the Insurer to Persons Entitled to Recover for Death, for Injuries to Persons, or Damages to Property, Caused by the Negligent Maintenance, Use or Operation of Motor Vehicles, Limiting the Amount of Liability; Imposing Duty to Disclose Existence of Insurance; Authorizing the Persons Entitled to Recover Such Damages to Join the Insurer in Single Action Against Owner or Operator of Motor Vehicle; Declaring Conditions and Covenants in Liability Contracts or Policies of Insurance, Limiting or Restricting Such Rights, or Which Are Violative of the Provisions of This Act as Against Public Policy and Void and Providing for Repeal of All Acts in Conflict Herewith.

First reading, reference, 565.
Do pass, 790.
Second reading, lost, 858.

**House Bill No. 356**—(Severson)

House Bill No. 356. A Bill for an Act to Amend and Reenact Section 3186 of the Compiled Laws of North Dakota for 1913, Relating to the Preferment for Official Appointment, and Providing for Repeal of Any Acts in Conflict Herewith.

First reading, reference, 580.
Do pass, 719.
Second reading, 803.
Sent to Senate, 826.
Returned unchanged, 1178.
Enrolled, 1234.
Speaker signed, 1299.
Sent to Senate for signing, 1308.

Returned signed, 1350.
Delivered to Governor, 1357.

**House Bill No. 357**—(Committee on Taxes and Tax Laws)

House Bill No. 357. A Bill for an Act to License the Consumers of Alcoholic Beverages Within the State of North Dakota, Providing for a License Fee; Regulating the Issuance of Licenses; and Providing for Penalties for the Violation of This Act.

First reading, reference, 581.
Do pass, 725.
Second reading, lost, 841.

**House Bill No. 359**—(Morland, Byrne, Peterson, Bingenheimer and Fitch)

House Bill No. 359. A Bill for an Act to Amend and Reenact Section 189b3, 189b5, 189b9, 189b14 and 189b15 of Chapter 137 of the Session Laws of North Dakota for 1933, Relating to State Hail Insurance, Providing for the Manner of Taking Applications Therefor; Defining Duty of Hail Inspectors, Adjustors and County Auditors; Repealing Acts in Conflict Herewith, and Declaring an Emergency.

First reading, reference, 581.
Do pass, 724.
Second reading, 838.
Sent to Senate, 869.
Returned unchanged, 1328.
Enrolled, 1436.
Speaker signed, 1437.
Sent to Senate for signing, 1472.
Returned signed, 1511.
Delivered to Governor, 1527.

**House Bill No. 360**—(Rettke)

House Bill No. 360. A Bill for an Act Providing Additional Means for the Assessment of Personal Property That Has Escaped Taxation; Providing for the Investigation Thereof by the Attorney General's Office, Authorizing the Attorney General to Subpoena Witnesses and the Records of the Owners of Such Property, Which the Attorney General Believes Has Escaped Taxation; for Administering Oaths to Such Witnesses, and Fining Them for Contempt for Refusal to Testify and Misconduct; Defining Perjury Herein; Providing for the Collection of Such Taxes, After the Same Has Been Assessed, and Levied Upon for Taxes, and for Authorizing the Attorney General to Bring Any and All Actions Necessary to Have Such Property Assessed for Taxes, and Necessary in the Collection of Such Taxes; Further Providing That the Attorney General May Employ Additional Agents in the Collection of Such Taxes, Levied Upon Property That Has Heretofore Escaped Taxation, and Permitting the Attorney General to Enter Into Contracts in Behalf of the State for the Collection of Such Taxes Upon a Percentage Basis, Where Deemed More Advantageous and Less Expensive, Making Such Taxes, and All Personal Property Taxes a Prior Lien Upon All of the Personal Property of the Tax Debtor, Without Regard to the Nature, and the Classes, of Such Property, and Such Lien to Apply to All of Such Property, Though Subsequently Acquired;

Providing a Penalty for the Failure to Permit the Attorney General, or His Duly Appointed Agents, to Examine Records and Take Testimony, in Determining the Nature and Extent of Such Property Escaping Taxation; Repealing All Acts and Parts of Acts in Conflict Herewith, and Declaring an Emergency.

First reading, reference, 581.
Indefinitely postponed, 790.

**House Bill No. 361**—(Gray and Bergesen)

House Bill No. 361. A Bill for an Act to Make Uniform the Procedure on Interstate Extradition; Providing a Uniform Method Between States for the Apprehension and Return of Fugitives From Justice; Providing for the Duties and Powers of Authorities and the Rights of the Accused; Saving Clause; Repeals Acts or Parts of Acts in Conflict Herewith.

First reading, reference, 582.
Do pass, 790.
Second reading, lost, 859.

**House Bill No. 362**—(Twichell)

House Bill No. 362. A Bill for an Act Amending and Reenacting Section 5099c8 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913 Relating to the Duties of Child Placement Agencies.

First reading, reference, 582.
Do pass, 719.
Second reading, 804.
Sent to Senate, 833.
Returned amended, 1261.
House adopts conference committee report, 1382.
Senate adopts conference committee report, 1364.
Enrolled, 1446.
Speaker signed, 1457.
Sent to Senate for signing, 1468.
Returned signed, 1512.
Delivered to Governor, 1527.

**House Bill No. 363**—(Lange, Byrne and Levin)

House Bill No. 363. A Bill for an Act to Amend and Reenact Section 21 Chapter 148 of the Laws of North Dakota for 1931 Relating to Hunting, Trapping and Fishing Licenses.

First reading, reference, 582.
Indefinitely postponed, 725.

**House Bill No. 364**—(Committee on Game and Fish)

House Bill No. 364. A Bill for an Act to Amend and Reenact Section 10322a3 of the Supplement to the Compiled Laws of 1913 as Amended by Chapter 130 of the Session Laws of 1929, Relating to the Game and Fish Department of the State of North Dakota.

First reading, reference, 582.
Do pass, 726.
Second reading, lost, 841.
Reconsidered, 935.

Second reading, 938.
Sent to Senate, 939.
Returned indefinitely postponed, 1177.

**House Bill No. 366**—(Byrne and Solberg)

House Bill No. 366. A Bill for an Act Reserving to State and Counties One-half of all Oil, Oil Sale and Gas Deposits in Land Belonging to a State or Counties and Providing for Such Reservation in the Event of a Sale of Such Lands; and Repealing all Other Acts or Parts of Acts in Conflict Herewith and Declaring an Emergency.

First reading, reference, 586.
Indefinitely postponed, 790.

**House Bill No. 367**—(Stone)

House Bill No. 367. A Bill for an Act Requiring School Boards of any School District However Organized to Provide for Insurance in Transporting School Children, Waiving of Defenses by Insurance Companies.

First reading, reference, 586.
Indefinitely postponed, 719.

**House Bill No. 369**—(Crockett, Fitch, Schimke and Twichell)

House Bill No. 369. A Bill for an Act Relating to Copyrights and Public Performing Rights in Musical Compositions and Dramatico-Musical Compositions, Requiring Lists Thereof to be Filed, Regulating the Issue of Licenses With Respect Thereto, Prohibiting Discrimination, Providing for Service of Process, Levying a Privilege Tax, Providing Penalties, and Repealing Inconsistent Acts.

First reading, reference, 586.
Do pass, 784.
Second reading, lost, 853.

**House Bill No. 370**—(Byrne)

House Bill No. 370. A Bill for an Act to Amend and Reenact Section 3684a3 of the Supplement to the Compiled Laws of North Dakota for 1913 and Requiring the Filing of Final Budgets and Annual Tax Levies.

First reading, reference, 370.
Do pass, 790.
Second reading, 860.
Sent to Senate, 868.
Returned amended, 1360.
House adopts Senate amendments, 1373.
Enrolled, 1436.
Speaker signed, 1438.
Sent to Senate for signing, 1470.
Returned signed, 1511.
Delivered to Governor, 1527.

**House Bill No. 371**—(Byrne)

House Bill No. 371. A Bill for an Act Amending and Reenacting 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.

First reading, reference, 587.
Indefinitely postponed, 724.

**House Bill No. 372**—(Shure)

House Bill No. 372. A Bill for an Act to Amend and Reenact Section 10954, Compiled Laws of North Dakota for 1913 Relating to Probation of Persons Convicted of Crime and the Duties of the Clerks of Court in Such Cases.

First reading, reference, 587.
Do pass, 724.
Second reading, 839.
Sent to Senate, 869.
Returned unchanged, 1067.
Enrolled, 1095.
Speaker signed, 1133.
Sent to Senate for signing, 1163.
Returned signed, 1348.
Delivered to Governor, 1356.

**House Bill No. 373**—(Anderson of McKenzie)

House Bill No. 373. A Bill for an Act Providing for Mileage and Traveling Expense of County Commissioners, Sheriffs and All Other County Officials; Repealing All Acts or Parts of Acts in Conflict Herewith and Declaring an Emergency.

First reading, reference, 587.
Indefinitely postponed, 718.

**House Bill No. 374**—(Crockett and Ritter)

House Bill No. 374. A Bill For an Act Imposing a Ten-cent (10c) Tax Upon Each Ton of Coal Deep-Mined in the State of North Dakota, Twenty-five Cent (25c) Tax Upon Each Ton of Coal Strip-Mined in the State of North Dakota, and a Fifty-cent (50c) Tax Upon Each Ton of Coal Imported in the State of North Dakota; Defining Ton; Providing Duties of Tax Commissioner; Providing Penalties and Declaring an Emergency.

First reading, reference, 587.
Indefinitely postponed, 726.

**House Bill No. 375**—(Shure)

House Bill No. 375. A Bill for an Act to Amend and Reenact Sections 11105, 11106, and 11107, Compiled Laws of the State of North Dakota, for the Year 1913 Relating to the Board of Pardons, the Powers and Duties Thereof, and the Procedure Before Such Board, and Providing for the Appointment of Parole Officers and Other Assistants, and Declaring an Emergency.

First reading, reference, 587.
Do pass, 724.
Re-referred, Judiciary, 724.
Do pass, 821.
Second reading, 906.
Sent to Senate, 932.
Returned unchanged, 1231.
Enrolled, 1317.
Speaker signed, 1386.
Sent to Senate for signing, 1406.
Returned signed, 1440.
Delivered to Governor, 1450.

**House Bill No. 376**—(Semerad, by request)

House Bill No. 376. A Bill for an Act Amending and Reenacting Section 396a8 of the 1925 Supplement to the Compiled Laws of 1913, as Amended by Chapter 315 of the 1931 Session Laws Providing for Assessment of Premiums by the Workmen's Compensation Bureau; the Payment Thereof; Penalties for Default; Making Judgments Obtained for Premiums for Prior Liens; Providing for Remedies Available on Collection of Premiums.

First reading, reference, 588.
Indefinitely postponed, 791.

**House Bill No. 377**—(Schimke, Schauss and Hofstrand)

House Bill No. 377. A Bill for an Act to Provide for the Licensing of Bee-Keepers and for Apiaries; for Issuance of License; for an Appropriation; for Penalties and Declaring an Emergency.

First reading, reference, 608.
Re-referred, 817.
Do pass, on motion, 829.
General orders for amendments, 829.
General orders, 876.
Second reading, 917.
Sent to Senate, 931.
Returned amended, 1409.
House adopts Senate amendments, 1423.
Enrolled, 1436.
Speaker signed, 1457.
Sent to Senate for signing, 1469.
Returned signed, 1513.
Delivered to Governor, 1527.

**House Bill No. 378**

First reading, reference, 608.
Indefinitely postponed, not printed.

**House Bill No. 379**—(Ista and Rohde)

House Bill No. 379. A Bill for an Act Providing for the Making of Complaints by Citizens Committees in Cases Where Such Committees Feel that the States Attorney and Sheriff are not Doing Their Duties in Enforcing the Laws Pertaining to Illegal Selling of Liquor, Keeping a Place for Gambling, and Allowing Slot Machines to Operate, and Providing Penalties for Violation of the Provisions of This Act.

First reading, reference, 608.
Indefinitely postponed, 788.

**House Bill No. 380**—(Mittag)

House Bill No. 380. A Bill for an Act Amending and Reenacting Chapter 242 of the Session Laws of 1935 Providing Relief From Foreclosure of Real Estate Mortgages, and Providing for an Adjustment of Equities on Foreclosure Between Mortgagor and Mortgagee; Saving Clause; and Declaring an Emergency.

First reading, reference, 608.
Indefinitely postponed, 942.

**House Bill No. 381**—(Ritter)

House Bill No. 381. A Bill for an Act Relating to the

Foreclosure of Mortgages on Farm and City Homes, Limiting the Duration of This Act, Repealing All Acts and Parts of Acts in Conflict Herewith, and Declaring an Emergency.

First reading, reference, 608.
Do pass, 788.
Second reading, indefinitely postponed, 854.

**House Bill No. No. 382**—(Dalzell)

House Bill No. 382. A Bill for an Act to Amend and Reenact Section 2450 of the Supplement to the 1913 Compiled Laws of North Dakota as Amended by Chapter 120, Session Laws of 1929, Relative to the Making of Reports of Creameries, Process Butter Factories, Cheese Factories, Ice Cream Factories and Cream Stations to the State Dairy Commissioner, Providing Penalties, Repealing All Acts and Parts of Acts in Conflict Herewith, and Declaring an Emergency.

First reading, reference, 672.
Indefinitely postponed, 781.

**House Bill No. 383**—(Ritter)

House Bill No. 383. A Bill for an Act Providing for the Assessment and Taxation of Railway Property; the Collection of Railway Taxes by the State Treasurer; Providing a Method of Apportionment and Distribution Thereof, and Repealing Sections 2242, 2243, 2244, and 2246 of the Compiled Laws of 1913 and All Acts and Parts of Acts in Conflict With the Provisions of This Act.

First reading, reference, 673.
Indefinitely postponed, 943.

**House Bill No. 384**—(Delayed Bills Committee)

House Bill No. 384. A Bill for an Act to Equalize Taxation and Replace in Part the Tax on Property, Providing for the Application of the Sales Tax Upon the Real Estate or Personal Property Taxes, at the Option of the Taxpayer; to Provide the Public Revenue to Be Used for 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.

First reading, reference, 673.
Indefinitely postponed, 943.

**House Bill No. 385**—(Delayed Bills Committee)

House Bill No. 385. A Bill for an Act Making an Appropriation for the Operating, Administration, Salaries and Other Expenses for the State Hospital for the Insane at Jamestown, North Dakota and Declaring an Emergency.

First reading, reference, 673.
Do pass, 781.
Second reading, 853.
Re-referred, 853.
Amended, 879.
General orders, 881.

Second reading, 935.
Sent to Senate, 936.
Returned amended, 1067.
Amendments of Senate, 1080.
House adopts conference committee report, 1191.
Senate adopts conference committee report, 1249.
Enrolled, 1234.
Speaker signed, 1299.
Sent to Senate for signing, 1308.
Returned signed, 1350.
Delivered to Governor—Emergency, 1357.

**House Bill No. 386**—(Delayed Bills Committee)

House Bill No. 386. A Bill for an Act to Amend and Reenact Chapter 235 of the 1919 Session Laws, Constituting Section 6076 of the 1925 Supplement.

First reading, reference, 673.
Indefinitely postponed, 824.

**House Bill No. 388**—(Delayed Bills Committee)

House Bill No. 388. A Bill for an Act to Provide for the Raising of Public Revenues by Imposing a Tax Upon the Privilege of Engaging in any Business, Trade, Profession, Occupation or Calling, to be Measured by Gross Income, to Provide That This Tax Shall be a Replacement Tax to the Extent Herein Specified, to Provide for the Ascertainment, Assessment and Collection of Said Tax, to Provide Certain Exemptions From the Tax, to Provide for the Administration Thereof, to Provide a Penalty for the Violation of the Terms of the Act, to Provide for the Disposition of Revenues, to Provide an Appropriation for the Administration of This Act, and Declaring an Emergency.

First reading, reference, 705.
Do pass, 713.
Second reading, 800.
Sent to Senate, 826.
Returned indefinitely postponed, 1328.

**House Bill No. 389**—(Committee on Delayed Bills)

House Bill No. 389. A Bill for an Act to License Certain Types of Coin-operated Devices; to Regulate the Operation Thereof; to Designate the Penalties for the Violation of the Provisions of This Act; to Define Certain Types of Coin-operated Devices; Providing for the Division and Distribution of the Revenue Derived Therefrom and Other Matters Properly Thereto; and Providing That All Laws in Conflict are Repealed.

First reading, reference, 673.
Indefinitely postponed, 824.

**House Bill No. 390**—(Committee on Delayed Bills)

House Bill No. 390. A Bill for an Act Reserving to the State of North Dakota All Rights to Minerals, Natural Gas or Oil Which May Be Found or Underlying All Lands Owned by the State of North Dakota or Hereafter Acquired by the State of North Dakota by Foreclosure, Quit Claim Deed or Otherwise; Declaring an Emergency.

First reading, reference, 733.

Do pass, 824.
Second reading, 908.
Sent to Senate, 932.
Returned amended, 1409.
House adopts conference committee report, 1485.
Senate adopts conference committee report, 1493.
Enrolled, 1533.
Speaker signed, 1565.
Sent to Senate for signing, 1570.
Returned signed, 1579.
Delivered to Governor—Emergency, 1582.

**House Bill No. 392**—(Scholl and Twichell)

House Bill No. 392. A Bill for an Act Making an Appropriation of Three Hundred Forty-Three Dollrs ($343.00) for the Purpose of Paying the Funeral Expenses of Representative Ignatz Sticka of Stark County, and Declaring an Emergency.

First reading, reference, 795.
Do pass, 829.
Second reading, 907.
Sent to Senate, 931.
Returned amended, 1015.
House adopts Senate amendments, 1027.
Enrolled, 1046.
Speaker signed, 1047.
Sent to Senate for signing, 1056.
Returned signed, 1107.
Delivered to Governor, 1165.
Governor signed—Emergency, 1312.

**House Bill No. 393**—(Committee on Delayed Bills)

House Bill No. 393. A Bill for an Act to Amend Section 3080a5, 1925 Supplement to the 1913 Compiled Laws of North Dakota.

First reading, reference, 795.
Indefinitely postponed, 878.

**House Bill No. 394**—(Committee on Delayed Bills)

House Bill No. 394. A Bill for an Act Defining and Prohibiting Unfair Sales, Providing for Remedies for Violation Thereof, and Establishing Penalties Therefor.

First reading, reference, 795.
Indefinitely postponed, 878.

**House Bill No. 395**—(Ritter)

House Bill No. 395. A Bill for an Act Requiring That Board and Officers in Control of State Lands Remit a Percentage of Net Returns Therefrom to Counties; Providing for Exceptions; Repealing All Inconsistent Acts.

First reading, reference, 795.
Indefinitely postponed, 878.

**House Bill No. 396**—(Committee on Delayed Bills)

House Bill No. 396. A Bill for an Act Amending and Reenacting Section 189b11 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, as Amended by Sec-

**tion 10 of Chapter 137, Laws of 1933, in Reference to State Hail Insurance, Crop Affidavit, Insurability and Liens; Repealing Acts in Conflict Herewith, and Declaring an Emergency.**

First reading, reference, 829.
Do pass, 879.
Second reading, 919.
Sent to Senate, 934.
Returned unchanged, 1231.
Enrolled, 1317.
Speaker signed, 1388.
Sent to Senate for signing, 1416.
Returned signed, 1439.
Delivered to Governor, 1450.

# HOUSE ACTION ON HOUSE CONCURRENT RESOLUTIONS

**House Concurrent Resolution No. 80**—(Crockett)

House Concurrent Resolution No. 80. A Concurrent Resolution Petitioning the Postmaster General at Washington, D. C., to Issue a Stamp Commemorating the 50th Anniversary of the Statehood of the State of North Dakota.

Printed and adopted, 150.
Sent to Senate, 154.
Returned unchanged, 177.
Enrolled, 187.
Speaker signed, 188.
Sent to Senate for signing, 188.
Returned signed, 196.
Delivered to Secretary of State, 1-24-39.

**House Concurrent Resolution No. 81**—(Committee on Employment)

House Concurrent Resolution No. 81. A Concurrent Resolution Providing and Designating House and Senate Employes and Naming and Fixing Their Salaries; Legislative Assembly.

Introduced, printed, 158. (Senate introduced simultaneously)
Passed by roll call, 160.
Enrolled, 187.
Speaker signed, 434.
Sent to Senate for signing, 436.
Returned signed, 471.
Sent to Secretary of State, 477.

**House Concurrent Resolution No. 83**—(Stone)

House Concurrent Resolution No. 83. A Concurrent Resolution Memorializing Congress to Make Appropriation for WPA Purposes and That Congress do Not Enact Any Law Curtailing WPA Activities.

First reading, reference, 166.
Printed, 166.
Do pass, 177.
Adopted, 177.
Sent to Senate, 183.
Senate passed unchanged, 342.
Enrolled, 356.
Speaker signed, 356.
Sent to Senate for signing, 361.
Returned signed, 376.
Delivered to Secretary of State, 378.

**House Concurrent Resolution No. 91**—(Page, Bingenheimer, Saumur, Wambheim)

House Concurrent Resolution No. 91. Providing for the Amendment of Section 25, of Article 2, of the Constitution of the State of North Dakota, Relating to the Legislative Power of the State, and the Initiative and Referendum.

First reading, reference, 179.
Do pass, 198.
Second reading, 225.
Sent to Senate, 243.
Senate amended, 664.
House refuses to concur, 743.
Senate adopts conference committee report, 1020.
Action deferred one day, 1009.
House adopts conference committee report, 1069.
Enrolled, 1095.
Speaker signed, 1135.
Sent to Senate for signing, 1164.
Returned signed, 1350.
Delivered to Governor, 3-3-39.

**House Concurrent Resolution No. 92**—(Fuglestad, Nelson of Steele, Thompson of Steele)

House Concurrent Resolution No. 92. Providing for the Amendment of Section 25 of the Constitution of North Dakota as Amended by Article 26, Initiated and Approved by the People, November 5, 1918, and Ratified by the Legislative Session of 1919.

First reading, reference, 179.
Indefinitely postponed, 395.

**House Concurrent Resolution No. 94**—(Morland, Ireland, Symington, Brown)

House Concurrent Resolution No. 94. 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 General Relief Emergency for December, 1938, and January and February, 1939.

First reading, reference, 180.
Do pass, action delayed, 187.
Printed, adopted, 216.
Sent to Senate, 275.
Senate returned indefinitely postponed, 490.

**House Concurrent Resolution No. 114**—(Committee on Public Welfare)

House Concurrent Resolution No. 114. Relating to Employment of Women in Paid Work.

First reading, reference, 210.
Adopted, 222.
Not printed.
Sent to Senate, 243.
Returned from Senate unchanged, 313.
Enrolled, 326.
Speaker signed, 325.
Sent to Senate for signing, 328.
Returned signed, 342.
Delivered to Secretary of State, 356.

**House Concurrent Resolution No. 132**—(Committee on Agriculture)

House Concurrent Resolution No. 132. A Concurrent Resolution Relating to an Amendment of the Enabling Act of February 22, 1889.

First reading, reference, 235.
Printed as a bill.
Amended, 342.
General orders, 368.
Engrossed, 369.
Adopted, 380.
Sent to Senate, 392.
Returned unchanged, 1015.
Enrolled, 1046.
Speaker signed, 1047.
Sent to Senate for signing, 1056.
Returned signed, 1108.
Delivered to Secretary of State, 1165.

**House Concurrent Resolution No. 135**—(Committee on State Affairs)

House Concurrent Resolution No. 135. A Concurrent Resolution Petitioning the U. S. Secretary of Agriculture to provide for the state to participate in soil conservation payments on State land.

First reading, reference, 239.
Adopted, 239.
Not printed.
Sent to Senate, 243.
Returned unchanged, 274.
Enrolled, 326.
Speaker signed, 325.
Sent to Senate for signing, 328.
Returned signed, 342.
Delivered to Secretary of State, 356.

**House Concurrent Resolution No. 179**—(McInnes)

House Concurrent Resolution No. 179. Authorizing and Directing the Governor, Tax Commissioner and Attorney General to Ascertain What Provision Has Been Made by the Federal Government for Making Payments in Lieu of Taxes on Lands Acquired in This State by Various Departments, Bureaus and Agencies of the Government and Authorizing and Directing the Governor, Attorney General and Tax Commissioner to File With the Secretary of State Proposals or Commitments Submitted by Such Departments, Bureaus or Agencies With Reference Thereto.

First reading, reference, 344, 345.
Printed, 359.
Do pass, adopted, 644.
Sent to Senate, 663.
Returned unchanged, 1231.
Enrolled, 1317.
Speaker signed, 1387.
Sent to Senate for signing, 1407.
Returned signed, 1438.
Delivered to Secretary of State, 1466.

**House Concurrent Resolution No. 224**—(Crockett, Byrne and Fitch)

House Concurrent Resolution No. 224. A Concurrent Resolution Making the Memorial Hall of the State Capitol

**Building Available to the Members of the "Third House" for Various Entertainments.**

First reading, adopted, 391.
Printed, 391.
Sent to Senate, 402.
Returned unchanged, 439.
Enrolled, 472.
Speaker signed, 475.
Sent to Senate for signing, 479.
Returned signed, 492.
Delivered to Secretary of State, 498.

**House Concurrent Resolution No. 225**—(Anderson of Benson, Anfinson, Beede, Panko, Ireland, Byrne)

House Concurrent Resolution No. 225. Memorializing Congress to Pass $4,000,000.00 Appropriation Bill to Be Allotted Several U. S. Indian Reservations.

Printed in bill form.
First reading, reference, 392.
Do pass, adopted, 644.
Sent to Senate, 663.
Returned unchanged, 1178.
Enrolled, 1234.
Speaker signed, 1299.
Sent to Senate for signing, 1309.
Returned signed, 1350.
Delivered to Secretary of State, 1411.

**House Concurrent Resolution No. 229**—(Stormon, Morland, Rait, Fraser, O'Brien and Senators Holl, Guenther, Lavik, Thatcher and Gronvold)

House Concurrent Resolution No. 229. A Concurrent Resolution Extending an Invitation to the King and Queen of the United Kingdom of Great Britain and Ireland to Visit the International Peace Gardens.

Printed, adopted, 396.
Sent to Senate, 402.
Returned unchanged, 438.
Enrolled, 472.
Speaker signed, 475.
Sent to Senate for signing, 478.
Returned signed, 492.
Delivered to Governor, 500.
Governor signed and filed, 536.

**House Concurrent Resolution No. 230**—(Reps. Stormon, Morland, Rait, Fraser, O'Brien, and Senators Holl, Guenther, Lavik, Thatcher and Gronvold)

House Concurrent Resolution No. 230. A Concurrent Resolution Extending an Invitation to the Crown Prince and Crown Princess of Norway to Visit the International Peace Gardens.

First reading, 397.
Printed, 397.
Adopted, 397.
Sent to Senate, 402.
Returned unchanged, 438.
Enrolled, 472.

Speaker signed, 475.
Sent to Senate for signing, 479.
Returned signed, 492.
Delivered to Governor, 500.
Governor signed, 536.

**House Concurrent Resolution No. 231**—(Reps. Stormon, Morland, Rait, Fraser, O'Brien and Senators Holl, Guenther, Lavik, Thatcher and Gronvold)

House Concurrent Resolution No. 231. **A Concurrent Resolution Extending an Invitation to the President of the United States to Visit the International Peace Gardens.**

First reading, adoption, printed, 398.
Sent to Senate, 402.
Returned unchanged, 438.
Enrolled, 472.
Speaker signed, 475.
Sent to Senate for signing, 478.
Returned signed, 492.
Delivered to Governor, 500.
Governor signed, 536.

**House Concurrent Resolution No. 240**—(Reps. Mollet and Rohde and Sen. Olson of Mountrail)

House Concurrent Resolution No. 240. **A Resolution Requesting Congress to Enact Legislation to Secure Lost AAA Payments for Mountrail County Farmers Misinformed on Compliance Regulations.**

First reading, reference, 411.
Adopted, 498.
Sent to Senate, 522.
Returned amended, 1067.
House concurs, 1080.
Senate notified, 1089.
Enrolled, 1095.
Speaker signed, 1134.
Sent to Senate for signing, 1163.
Returned signed, 1349.
Delivered to Secretary of State, 1411.

**House Concurrent Resolution No. 248**—(Schimke, Myers, Schauss and Gray)

House Concurrent Resolution No. 248. **A Concurrent Resolution Memorializing Congress to Enact the Frazier-Lemke Refinancing Act.**

First reading, reference, 412.
Adopted, 499.
Sent to Senate, 522.
Returned unchanged, 1178.
Enrolled, 1234.
Speaker signed, 1299.
Sent to Senate for signing, 1308.
Returned signed, 1351.
Delivered to Secretary of State, 1411.

**House Concurrent Resolution No. 266**—(McIntyre, Belzer, and Johnson of LaMoure)

House Concurrent Resolution No. 266. **A Concurrent Reso-**

lution Providing for the Amendment of Section 173 of Article 48 of the Constitution of the State of North Dakota, as Amended Through an Initiative Vote in 1933, Shown on Page 494 of the 1935 Session Laws to the State of North Dakota, Relating to the Election and Terms of County Officers, and Consolidating Certain County Offices.

First reading, reference, 434.
Indefinitely postponed, 789.

**House Concurrent Resolution No. 278**—(Scholl and Fitch)

House Concurrent Resolution No. 278. Relating to Amendment to Section 176 of the Constitution of the State of North Dakota, Be Agreed to and Submitted to the Qualified Electors of the State for Approval or Rejection, in Accordance With the Provisions of Section 202, as Amended, of the Constitution of the State of North Dakota.

First reading, reference, 461.
Indefinitely postponed, 558.

**House Concurrent Resolution No. 342**—(Ireland and Solberg)

House Concurrent Resolution No. 342. A Concurrent Resolution Authorizing the Industrial Commission to Lease the State Mill and Elevator to the Farmers Union Grain Terminal Association.

First reading, reference, 562.
Indefinitely postponed, 792.

**House Concurrent Resolution No. 365**—(Scholl and Fitch)

House Concurrent Resolution No. 365. Relating to Amendment to Section 176 of the Constitution of the State of North Dakota.

First reading, reference, 582.
Re-referred, 703.
Amended, 778.
General orders, 813.
Engrossed, 820.
Second reading, 893.
Sent to Senate, 934.
Returned indefinitely postponed, 1531.

**House Concurrent Resolution No. 368**—(Braun, Scholl, Lange, Mollet, Rohde, Anderson of McKenzie, Jensen, Rettke, Semerad, Hofstrand, Anderson of Benson)

**House Concurrent Resolution No. 368. A Concurrent Resolution Relating to Payments of Old Age Assistance, Aid to the Blind, and Aid to Dependent Children Grants to Ward Indians.**

First reading, reference, 586.
Do pass, 726.
Second reading, 833.
Sent to Senate, 869.
Returned unchanged, 1232.
Enrolled, 1316.
Speaker signed, 1386.
Sent to Senate for signing, 1407.
Returned signed, 1441.
Delivered to Secretary of State, 1466.

**House Concurrent Resolution No. 387—(Delayed Bills Committee)**

House Concurrent Resolution No. 387. Relating to the Cancellation of Outstanding Uncollected Seed and Feed Loans.

First reading, reference, 673.
Indefinitely postponed, 787.

**House Concurrent Resolution No. 391—(Scholl)**

House Concurrent Resolution No. 391. A Concurrent Resolution Expressing the Regrets of the Legislative Assembly at the Demise of a Former Representative, Rev. R. E. Strutz.

Read and adopted, 733.
Sent to Senate, 734.
Returned unchanged, 827.
Enrolled, 877.
Speaker signed, 887.
Sent to Senate for signing, 887.
Returned signed, 929.
Delivered to Secretary of State, 935.

**House Concurrent Resolution No. 397—(Delayed Bills Committee)**

House Concurrent Resolution No. 397. A Concurrent Resolution Commending That Higher Education Institutions Include in Teachers Training Courses Instruction Encouraging Cooperative Community Spirit and Activity.

First reading, reference, 950.
Printed, 950.
Adopted, 1104, 1201.
Sent to Senate, 1226.
Returned unchanged, 1250.
Enrolled, 1317.
Speaker signed, 1390.
Sent to Senate for signing, 1407.
Returned signed, 1441.
Delivered to Secretary of State, 1466.

**House Concurrent Resolution No. 398—(Scholl and Lange)**

House Concurrent Resolution No. 398. A Concurrent Resolution Petitioning Congress to Make Appropriations Ample for the Road Program of the Fort Berthold Reservation.

First reading, reference, 951.
Adopted, 1238.
Sent to Senate, 1306.
Returned unchanged, 1327.
Enrolled, 1446.
Speaker signed, 1458.
Sent to Senate for signing, 1469.
Returned signed, 1510.
Delivered to Secretary of State, 1519.

**House Concurrent Resolution No. 399—(Lange, Benno, Johnson of Cass)**

House Concurrent Resolution No. 399. A Concurrent Resolution to Authorize the Board of Administration to Transfer Funds for the Purpose of Paving the State Capitol Grounds.

Read, adopted, 971.

Printed, 971.
Sent to Senate, 988.
Returned amended, 1231.
Enrolled, 1317.
Speaker signed, 1386.
Sent to Senate for signing, 1407.
Returned signed, 1441.
Delivered to Secretary of State, 1466.

**House Concurrent Resolution No. 400**—(Byrne and O'Brien)

**House Concurrent Resolution No. 400. A Concurrent Resolution to Extend an Invitation to Eamon DeValera to Visit the State of North Dakota.**

Read, adopted, 973.
Sent to Senate, 988.
Returned amended, 1232.
House concurs, 1257.
Enrolled, 1316.
Speaker signed, 1391.
Sent to Senate for signing, 1407.
Returned signed, 1441.
Delivered to Secretary of State, 1466.

**House Concurrent Resolution No. 401**—(Culver and Crockett)

House Concurrent Resolution No. 401. **A Concurrent Resolution Memorializing the Congress of the United States to Establish an Agency to Set Up Grazing Units Within the State of North Dakota.**

First reading, reference, 1001.
Adopted, 1011.
Second reading, lost, 1072.

**House Concurrent Resolution No. 402**—(Peterson of Bottineau)

House Concurrent Resolution No. 402. **Memorializing Congress to Pass Such Legislation as May Be Necessary to Enable the Federal Government to Purchase Wheat, Corn, Barley, Oats, Spelts, Flax, Cotton, Rye and Other Agricultural Products and to Store Same in Suitable Local Government Terminal Elevators.**

Read, printed, adopted, 1278.
Sent to Senate, 1306.
Returned unchanged, 1327.
Enrolled, 1436.
Speaker signed, 1459.
Sent to Senate for signing, 1470.
Returned signed, 1510.
Delivered to Secretary of State, 1519.

**House Concurrent Resolution No. 403**—(Crockett, Dike and Schauss)

House Concurrent Resolution No. 403 **A Concurrent Resolution Providing for Participation by Both Houses of the Legislature in a Joint Meeting of The State Board of Auditors and the Industrial Commission for Study of Audits of the State Mill and Elevator.**

First reading, printed, 1278.
Indefinitely postponed, 1279.

**House Concurrent Resolution No. 404—(Joint Committee on Employment)**

House Concurrent Resolution No. 404. A Concurrent Resolution Empowering William J. Lowe, Secretary of the Senate, and Minnie D. Craig, Chief Clerk of the House to complete the Index Senate and House Journals of the Session, and Providing Compensation Therefor.

Read, 1279.
Printed and adopted, 1280.
Sent to Senate, 1306.
Returned unchanged, 1327.
Enrolled, 1436.
Speaker signed, 1458.
Sent to Senate for signing, 1469.
Returned signed, 1510.
Delivered to Secretary of State, 1519.

**House Concurrent Resolution No. 405—(Joint Committee on Employment)**

House Concurrent Resolution 405. Providing for continued employment and compensation thereof to complete records of present legislative session.

Read, printed, 1281.
Adopted, 1282.
Sent to Senate, 1306.
Returned unchanged, 1327.
Enrolled, 1446.
Speaker signed, 1458.
Sent to Senate for signing, 1470.
Returned signed, 1510.
Delivered to Secretary of State, 1519.

**House Concurrent Resolution No. 406—(Joint Committee on Employment)**

House Concurrent Resolution No. 406. Providing for employment and compensation to complete final record of all bills of the 26th Legislative Session.

Read, printed, adopted, 1283.
Sent to Senate, 1306.
Returned unchanged, 1328.
Enrolled, 1436.
Speaker signed, 1458.
Senate to Senate for signing, 1469.
Returned signed, 1510.
Delivered to Secretary of State, 1519.

**House Concurrent Resolution No. 407—(Twichell, Scholl and Byrne)**

House Concurrent Resolution No. 407. A Concurrent Resolution to Appropriate $255.00 to Reimburse Members of Hospital Investigation Committee.

Read, printed, 1287.
Adopted, 1288.
Sent to Senate, 1307.
Returned unchanged, 1327.
Enrolled, 1446.
Speaker signed, 1458.

Sent to Senate for signing, 1470.
Returned and signed, 1510.
Delivered to Secretary of State, 1519.

**House Concurrent Resolution No. 408**—(Scholl, Byrne, Symington)

**House Concurrent Resolution No. 408. A Concurrent Resolution to Establish a State Relief and Debt Survey Commission.**

Read, printed, 1284.
Adopted, 1286.
Sent to Senate, 1307.
Returned unchanged, 1525.
Enrolled, 1554.
Speaker signed, 1564.
Sent to Senate for signing, 1570.
Returned signed, 1580.
Delivered to Secretary of State, 1585.

**House Concurrent Resolution No. 409**—(Scholl)

House Concurrent Resolution No. 409. A Resolution Requesting the Governor to Close by Executive Order During the Entire Biennium Beginning July 1, 1939, all of the State Educational Institutions of Higher Learning Because Aid for the Poor and Aged Has not Been Provided.

Read, 1573.
Printed, indefinitely postponed, 1574.

**House Concurrent Resolution No. 410**—(Anderson of Benson and Shure)

House Concurrent Resolution No. 410. A Concurrent Resolution Proposing the Appropriation of Twelve Thousand Dollars ($12,000.00) or so Much Thereof as May Be Necessary for the Purpose of Paying the Salaries of the Legislative Employees of the 26th Legislative Assembly.

Read, 1319.
Sent to Senate, 1323.
Returned unchanged, 1360.
Dropped, found to be null and void.

**House Concurrent Resolution No. 411**—(Anderson of McKenzie)

House Concurrent Resolution No. 411. A Concurrent Resolution Recommending That the Bank of North Dakota, With the Approval of the Industrial Commission, Be Empowered to Make a Loan to the State Welfare Board.

Read, printed, adopted, 1574.
Sent to Senate, 1578.
Returned amended, 1595.
House adopted Senate amendments, 1599.
Enrolled, 1607.
Speaker signed, 1607.
Sent to Senate for signing, 1608.
Returned signed, 1610.
Delivered to Secretary of State, 1611.

**House Concurrent Resolution No. 412**—(Anderson of McKenzie)

House Concurrent Resolution No. 412. A Concurrent

**Resolution Relating to Method of Expenditure of Funds Appropriated for Old Age Assistance for the Biennium Beginning July 1, 1939 and Ending June 30, 1941.**

Read, printed, adopted, 1602.
Sent to Senate, 1606.
Returned adopted, 1608.
Enrolled, 1615.
Speaker signed, 1615.
Sent to Senate for signing, 1615.
Returned signed, 1617.
Delivered to Secretary of State, 1617.

**House Concurrent Resolution No. 413—(Anderson of McKenzie)**

House Concurrent Resolution No. 413. A Concurrent Resolution Recommending to the Public Welfare Board Method of Expenditure of Funds Appropriated for General Relief for the Biennium Beginning July 1, 1939 and Ending June 30, 1941.

Read, adopted, 1604.
Printed, 1605.
Sent to Senate, 1606.
Returned unchanged, 1608.
Enrolled, 1615.
Speaker signed, 1615.
Sent to Senate for signing, 1616.
Returned signed, 1617.
Delivered to Secretary of State, 1617.

# HOUSE RESOLUTIONS

**House Resolution "A"**—(Morland)

Relative to the death of Robert Rotering.

First reading, adoption, 115.
Enrolled, delivered to Secretary of State, 1-16-39.

**House Resolution "B"**—(Anderson of Benson)

Relative to inconsistencies on incoming and outgoing Governor's messages.

First reading, 121.
Printed, 121.
Special order, indefinitely postponed, 140.

**House Resolution "C"**—(Page)

Requesting ex-Governor Langer to advise the method of obtaining revenue for the Old Age Pension.

Read, printed, 161.
Action deferred one day, 162.
Laid on the table, 165.

**House Resolution "D"**—(Beede)

Providing for a committee of three to investigate affairs at the State Hospital at Jamestown.

Not printed.
Adopted, 208, 209.
Enrolled, 313.
Speaker signed, 318.

**House Resolution "E"**—(Panko)

Pertaining to investigation of State Hospital at Jamestown.

(Similar to House Resolution "D".)
Printed, 173.
Withdrawn, 179.

**House Resolution "F"**—(Joiner, Lange, Anderson of McKenzie, Rettke and Knutson)

Asking for an appropriation for Missouri river diversion.

Not printed.
Adopted, 253.
Enrolled, 313.
Speaker signed, 318.

**House Resolution "G"**—(Stone)

Reproof to Lemke and Nye for their vote on WPA fund.

Printed, adopted, 277.
Enrolled, 313.
Speaker signed, 318.

**House Resolution "H"**—(Williams of Richland, Symington, Odegard and Hultstrand)

Memorializing Congress relative to the lifting of the embargo in Spain.

Read, referred, 328.

Printed, adopted, 406.
Enrolled, 472.
Speaker signed, 475.

**House Resolution "I"—(Gainor)**
Relative to the death of O. C. Anderson.
Printed, adopted, 347.
Enrolled, 356.
Speaker signed, 356.
Delivered to Secretary of State, 359.

**House Resolution "J"—(Heckman, Morland, Brown and Rait)**
Relative to waste in grasshopper poisoning.
Read, referred, 477.
Printed, adopted, 477.
Enrolled, 688.
Signed by Speaker, 692.
Delivered to Secretary of State, 693.

**House Resolution "K"—(Scholl)**
Calling the attention of the Governor to the error made by the House in passing House Bill No. 245 and requesting the return of the same.
Printed, 585.
Referred to Judiciary.

**House Resolution "L"—(Braun of Stark)**
Relative to the death of Rep. Ignatz Sticka.
Printed, adopted, 784.
Enrolled, 820.
Speaker signed, 831
Delivered to Secretary of State, 837.

**House Resolution "M"—(Dike)**
Relative to hearing on State Mill and Elevator audits.
Read, printed, 1009.
Indefinitely postponed, 1009.

**House Resolution "N"—(Stone, by request)**
Not printed.
Laid on table, 1489.

**House Resolution "O"—(Jensen)**
Relative to shipping by express bill books, etc.
Printed, read, adopted, 1487-88.
Enrolled, 1533.
Signed by Speaker, 1566.
Delivered to Secretary of State, 1577.

**Joint Memorial Resolution "A"—(Anderson of Benson)**
In honor of the deceased Robert Rotering.
Read, printed, adopted, 129.
Speaker signed, 137.
Sent to Senate for signing, 137.
Returned signed, 140.
Delivered to Secretary of State, 3-3-39.

**Joint Resolution "A"**
Printed, 751, Senate Journal.
Came to House, 1230.
Adopted, 1287.
Sent to Senate, 1306.
Came for signing, 1397.
Speaker signed, returned, 1412.

# RECORD OF SENATE BILLS IN THE HOUSE

**Senate Bill No. 1**

Senate Bill No. 1. A Bill for an Act to Appropriate Money for the Expenses of the Executive, Legislative and Judicial Departments of the State Government, and for all of the Sub-divisions Thereof, 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 Declaring an Emergency.

Came to House, 947.
First reading, reference, 967.
Amended, 1263.
General orders, 1329.
Second reading, 1550.
Returned amended, 1559.
Senate adopts House amendments, 1590.
Came for signing, 1619.
Speaker signed, 1619.
Returned signed, 1620.

**Senate Bill No. 2**

Senate Bill No. 2. 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.

Came to House, 471.
First reading, reference, 486.
Do pass, 1237.
Second reading, 1497.
Returned unchanged, 1500.
Came to House for signing, 1547.
Speaker signed, 1562.
Returned signed, 1569.

**Senate Bill No. 3**

Senate Bill No. 3. 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.

Came to House, 490.
First reading, reference, 542.
Do pass, 1237.
Second reading, 1496.
Returned unchanged, 1500.
Came for signing, 1547.
Speaker signed, 1563.
Returned signed, 1569.

**Senate Bill No. 4**

Senate Bill No. 4. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Items for the Grafton State School at Grafton, North Dakota.

Came to House, 520.
First reading, reference, 543.
Do pass, 1237.
Second reading, 1495.
Returned unchanged, 1500.
Came for signing, 1546.
Returned signed, 1569.

**Senate Bill No. 5**

Senate Bill No. 5. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, New Buildings and Equipment for the Tuberculosis Sanatorium at San Haven, North Dakota.

Came to House, 471.
First reading, reference, 486.
Amended, 1237.
General orders, 1314.
Second reading, 1529.
Returned amended, 1535.
Senate adopts House amendments, 1540.
Came to House for signing, 1549.
Speaker signed, 1561.
Returned signed, 1568.

**Senate Bill No. 6**

Senate Bill No. 6. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Expenses of the State Penitentiary.

Came to House, 627.
First reading, reference, 658.
Amended, 1236.
General orders, 1313.
Second reading, 1524.
Returned amended, 1528.
Senate adopts House amendments, 1543.
Came for signing, 1575.
Speaker signed, 1576.
Returned signed, 1578.

**Senate Bill No. 7**

Senate Bill No. 7. 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.

Came to House, 592.
First reading, reference, 622.
Amended, 1242.
General orders, 1314.
Second reading, 1532.
Returned amended, 1535.
Senate refuses to concur in House amendments, 1543.
House adopts conference committee report, 1589.

Senate adopts conference committee report, 1593.
Came for signing, 1618.
Speaker signed, 1622.
Returned signed, 1622.

**Senate Bill No. 8**

Senate Bill No. 8. A Bill for an Act Making an Appropriation for the General Maintenance, and Miscellaneous Expenses of the State Hospital for the Insane at Jamestown, North Dakota.

Came to House, 730.
First reading, reference, 752.
Amended, 1236.
General orders, 1313.
Second reading, 1528.
Returned amended, 1535.
Came to House for signing, 1549.
Senate concurs in House amendments, 1559.
Speaker signed, 1561.
Returned signed, 1568.

**Senate Bill No. 9**

Senate Bill No. 9. 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.

Came to House, 943.
First reading, reference, 965.
Amended, 1235.
General orders, 1313.
Second reading, 1522.
Returned amended, 1528.
Senate concurs in House amendments, 1535.
Came for signing, 1545.
Speaker signed, 1559.
Returned signed, 1569.

**Senate Bill No. 10**

Senate Bill No. 10. 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, as Provided for Under Chapter 137, Session Laws of 1935; Repealing all Acts or Parts of Acts in Conflict Herewith.

Came to House, 627.
First reading, reference, 658.
Senate requests return, 877.
Request granted, 883.
Returned, 884.

**Senate Bill No. 11**

Senate Bill No. 11. An Act Prohibiting any person who was a candidate for nomination for office at a primary election and who was defeated for said office, from being a candidate for the same office at the ensuing general election.

Came to House, 388.
First reading, reference, 401.
Do pass, 598.

Second reading, 954.
Returned unchanged, 972.
Came for signing, 997.
Speaker signed, 1011.
Returned signed, 1016.

**Senate Bill No. 13**

Senate Bill No. 13. A Bill for an Act to Amend and Reenact Section 4141 of the Compiled Laws of North Dakota for 1913, Relating to the Organization for the Annual or Special Township Meetings.

Came to House, 176.
First reading, reference, 181.
Indefinitely postponed, 187.
Returned, 219.

**Senate Bill No. 14**

Senate Bill No. 14. A Bill for an Act Authoriizng the County Commissioners, in an Emergency, to Destroy Noxious Weeds on Private Property at the Expense of the County; Declaring an Emergency.

Came to House, 173.
First reading, reference, 175.
Indefinitely postponed, 232.
Returned to Senate, 274.

**Senate Bill No. 22**

Senate Bill No. 22. A Bill for an Act to Amend and Reenact Chapter 220 of the Session Laws of 1929 Relating to the Distribution of Seeds and Seedlings by the State Forester, and Declaring an Emergency.

Came to House, 196.
First reading, reference, 214.
Do pass, 232.
Second reading, 259.
Returned unchanged, 314.
Came for signing, 342.
Speaker signed, 343.
Returned signed, 361.

**Senate Bill No. 23**

Senate Bill No. 23. A Bill for an Act to Amend and Reenact Sections 4535, 4538 and 4539 of Chapter 12 of the Compiled Laws of North Dakota for 1913; Relating to Election and Terms of Directors.

Came to House, 196.
First reading, reference, 215.
Indefinitely postponed, 315.
Reconsidered, 328.
Do pass, 395.
Second reading, 422.
Returned unchanged, 472.
Came for signing, 492.
Speaker signed, 500.
Returned signed, 500.

**Senate Bill No. 26**

Senate Bill No. 26. A Bill for an Act to Impose a Tax

on the Storage, Use or Consumption in This State of Tangible Personal Property as Such Terms Are Defined Herein: to Provide Certain Exemptions Therefrom; to Provide for the Collection of Such Tax and the Administration of This Act; to Fix Fines and Penalties for the Violation of the Provisions of This Act and Declaring an Emergency.

Came to House, 186.
First reading, reference, 191.
Amended, 484.
General orders, 508.
Action deferred one day, 526.
Action deferred one day, 549.
Amendments on P. 582.
Re-referred, 952.
Amended, 1197.
General orders, 1228.
Second reading, 1408.
Returned amended, 1415.
Senate refuses to concur, 1423.
Conference committee appointed, 1425.
House adopts conference committee report, 1507.
Senate notified, 1509.
Senate adopts conference committee report, 1509.
Came to House for signing, 1547.
Speaker signed, 1563.
Returned signed, 1596.

**Senate Bill No. 27**

Senate Bill No. 27. A Bill for an Act Providing That in Proceedings Taken Under the Provisions of Chapter 266 of the Session Laws of 1927, no Tax Deed Shall Be Issued Prior to October 1, 1939, and the Period of Redemption from Any Tax Sale Made Under the Provisions of Said Chapter is Hereby Extended to October 1, 1939, and Declaring an Emergency.

Came to House, 156.
First reading, reference, 156.
Do pass, 187.
Second reading, 215.
Returned unchanged, 219.
Came for signing, 244.
Speaker signed, 253.
Returned signed, 256.

**Senate Bill No. 28**

Senate Bill No. 28. A Bill for an Act to Amend and Reenact Paragraph (c) of Subsection (2) of Section 4 of Chapter 196, Laws of 1927, as Amended by Chapter 169, Laws of 1929 and Chapter 195, Laws of 1931, Relating to Bond Issues of Cities to Permit the Issuance of Bonds for the Joint Construction of a Water and Sewer System and Legalizing Elections Heretofore Held to Vote Bonds for Such Purpose, and Declaring an Emergency.

Came to House, 176.
First reading, reference, 181.
Do pass, 199.
Second reading, 226.
Returned unchanged, 243.

Came for signing, 282.
Speaker signed, 282.
Returned signed, 314.

**Senate Bill No. 29**

Senate Bill No. 29. A Bill for an Act to Amend and Reenact Section 1189 of the Compiled Laws of 1913, as Amended by Chapter 236 of the 1931 Session Laws of North Dakota; and to Provide for Minimum Attendance Under Which School Boards May Discontinue a School.

Came to House, 686.
First reading, reference, 752.
Do pass, 1010.
Second reading, 1064.
Returned unchanged, 1089.
Came for signing, 1177.
Speaker signed, 1193.
Returned signed, 1225.

**Senate Bill No. 30**

Senate Bill No. 30. A Bill for an Act to Amend and Reenact Chapter 158, Laws of 1933, Relating to the Foreclosure of Real Estate Mortgages by Advertisement.

Came to House, 490.
First reading, reference, 542.
Indefinitely postponed, 1057.
Returned indefinitely postponed, 1302.

**Senate Bill No. 32**

Senate Bill No. 32. A Bill for an Act to Amend Section 396a8 of the Supplement to the Compiled Laws of 1913, as Amended by Chapter 315 of the Session Laws for 1931, Relating to Premiums Due and Workmen's Compensation Bureau.

Came to House, 665.
First reading, reference, 680.
Do pass, 1083.
Second reading, indefinitely postponed, 1157.
Returned indefinitely postponed, 1300.

**Senate Bill No. 34**

Senate Bill No. 34. A Bill for an Act to Amend and Reenact Section 5 and Section 9 of Chapter 4 of the Session Laws of North Dakota for 1935.

Came from Senate, 196.
First reading, reference, 215.
Do pass, 991.
Second reading, 1036.
Returned unchanged, 1050.
Came for signing, 1176.
Speaker signed, 1192.
Returned signed, 1225.

**Senate Bill No. 35**

Senate Bill No. 35. A Bill for an Act to Amend and Reenact Sections 859 and 860 of the Compiled Laws for the Year 1913, Relating to the Form of Party Primary Election Ballots and the Manner of Voting the Same.

Came to House, 244.
First reading, reference, 258.
Amended, 315.
General orders, 338.
Re-referred, 339.
Amended, 395.
General orders, 428.
Second reading, 463.
Returned amended, 472.
Senate refuses to concur, 595.
Senate adopts conference committee report, 827.
House adopts conference committee report, 879.
Senate notified, 880, 881.
Came for signing, 971.
Speaker signed, 972.
Returned signed, 973.

**Senate Bill No. 37**

Senate Bill No. 37. A Bill for an Act to Create and Establish The State Board of Finance and Administration, Defining Its Powers, Duties and Obligations, Fixing the Terms and Compensation of the Members of Said Board, Providing an Appropriation, Repealing All Acts or Parts of Acts in Conflict With This Act, and Declaring an Emergency.

Came to House, 388.
First reading, reference, 401.
Indefinitely postponed, 1102.
Returned indefinitely postponed, 1302.

**Senate Bill No. 39**

Senate Bill No. 39. A Bill for an Act to Repeal Chapter 168 of the Session Laws of the State of North Dakota for 1927, as Amended by Chapter 151 of the Session Laws of North Dakota for 1929, Relating to the Investment of Funds of County Mutual Insurance Companies, and Prescribing the Character of the Investment.

Came to House, 244.
First reading, reference, 258.
Do pass, 389.
Second reading, re-referred, 423.
Do pass, 526.
Action deferred one day, 583.
Second reading, 952.
Returned unchanged, 973.
Came for signing, 997.
Speaker signed, 1011.
Returned signed, 1016.

**Senate Bill No. 40**

Senate Bill No. 40. 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.**

Came to House, 388.
First reading, reference, 401.
Amended, 437.
General orders, re-referred, 467.
Amended, 1004.
General orders, 1041.
Second reading, 1127.
Returned amended, 1160.
Senate refuses to concur, 1250.
House refuses to adopt conference committee report, 1337.
Senate adopts conference committee report, 1482.
House refuses to adopt second conference committee report, 1483.
Senate notified, 1485.
Conference committee appointed, 1554.
House refuses to adopt third conference committee report, 1567.
Conference committee report no recommendation, 1597.
Finally accepted as on page 1554.
Senate notified, 1598.
Senate adopts bill as on P. 1554 H. J., 1600.
Came for signing, 1619.
Speaker signed, 1620.
Returned signed, 1623.

**Senate Bill No. 41**

Senate Bill No. 41. A Bill for an Act Declaring All Tax Charges Based on Original Final Values of Property Assessed by Local Assessors, in Excess of Amount That Would Have Been Charged Had Said Original Final Value Been Limited to the Full and True Value in Money, Null and Void; Providing Remedy to the Taxpayer; and Repealing All Laws or Parts of Laws in Conflict Therewith.

Came to House, 941.
First reading, reference, 966.
Do pass, 1045.
Second reading, 1157.
Returned unchanged, 1161.
Came for signing, 1399.
Speaker signed, 1413.
Returned signed, 1472.

**Senate Bill No. 43**

Senate Bill No. 43. A Bill for an Act to Amend and Reenact Section 3790 of the Compiled Laws of the State of North Dakota for the Year 1913 With Reference to Boards of City Commissioners and Salaries Paid Thereto.

Came to House, 196.
First reading, reference, 215.
Indefinitely postponed, 538.
Returned indefinitely postponed, 553.

**Senate Bill No. 47**

Senate Bill No. 47. 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-fifth Session of the Legislative Assembly of the State of North Dakota, and Declaring an Emergency.

Came to House, 273.
First reading, reference, 282.
Reported without recommendation, 1044.
Do pass on motion, 1044.
Second reading, 1130.
Returned unchanged, 1223.
Came for signing, 1401.
Speaker signed, 1465.
Returned signed, 1474.

**Senate Bill No. 48**

Senate Bill No. 48. A Bill for an Act to Amend and Reenact Chapter 240 of the Session Laws of North Dakota for 1937, Providing for an Adjustment of Delinquent Taxes for 1937 and Prior Years, Authorizing Boards of County Commissioners to Make Extension Contracts for the Payment of Delinquent Taxes and for the Cancellation of Such Contracts, Providing for the Suspension of Tax Collection and Tax Deed Laws as to Taxes Affected by Such Contracts, Repealing All Acts and Parts of Acts in Conflict Herewith, and Declaring an Emergency.

Came to House, 438.
First reading, reference, 464.
Indefinitely postponed, 499.
Returned indefinitely postponed, 521.

**Senate Bill No. 49**

Senate Bill No. 49. A Bill for an Act to Amend and Reenact Chapter 245 of the Session Laws of 1937. An Act to Encourage and Promote the Payment of Taxes by Providing for a Rebate on Prepayments.

Came to House, 218.
First reading, reference, 226.
Amended, 276.
General orders, 323.
Second reading, 337.
Returned amended, 361.
Senate concurs, 684.
Came to House for signing, 731.
Returned signed, 734.

**Senate Bill No. 50**

Senate Bill No. 50. A Bill for an Act to Amend and Reenact Sections 1 and 13 of Chapter 92 of the Session Laws of 1933, Providing for the Consolidation of Counties and Parts of Counties, the Petition Therefor, and the Liabilities and Debts of Counties Affected; and Repealing All Acts in Conflict Herewith.

Came to House, 231.
First reading, reference, 239.
Amended, 357.
General orders, 380.

Re-referred, 394.
Reported indefinitely postponed, referred, 473.
Amended, 991.
General orders, 1032.
Second reading, 1075.
Returned amended, 1088.
Senate concurs, 1095.
Came for signing, 1176.
Speaker signed, 1193.
Returned signed, 1225.

**Senate Bill No. 51**

Senate Bill No. 51. A Bill for an Act Providing for the Redemption of Real Estate Forfeited to the County for Delinquent Taxes by Former Owners, Prescribing the Conditions Therefor, Providing for the Repurchase of Real Estate Forfeited to the County for Delinquent Taxes on Contract for Deed, Prescribing the Terms Therefor, and Declaring an Emergency.

Came to House, 388.
First reading, reference, 401.
Do pass, 499.
Second reading, 541.
Returned unchanged, 600.
Came for signing, 664.
Speaker signed, 672.
Returned signed, 674.

**Senate Bill No. 52**

Senate Bill No. 52. A Bill for an Act to Amend and Reenact Chapter 30 of the Session Laws of North Dakota for the Year 1937, and Repealing All Acts or Parts of Acts in Conflict Herewith.

Came to House, 231.
First reading, reference, 239.
Re-referred, 343.
Indefinitely postponed, 437.
Returned indefinitely postponed, 494.

**Senate Bill No. 53**

Senate Bill No. 53. A Bill for an Act to Repeal Section 1796a5 of the Supplement to the Compiled Laws of 1913, Relating to the Appropriation for the Annual Encampment of the Grand Army of the Republic.

Came to House, 244.
First reading, reference, 259.
Indefinitely postponed, 646.
Returned indefinitely postponed, 663.

**Senate Bill No. 55**

Senate Bill No. 55. A Bill for an Act to Amend and Reenact Chapter 195, Session Laws of 1935 as Amended Relating to Funding and Refunding Existing Indebtedness of Municipalities. Validating Proceedings Thereunder, and Declaring an Emergency.

Came to House, 341.
First reading, reference, 351.
Amended, 461.

General orders, 470.
Second reading, re-referred, 541.
Do pass, 1057.
Second reading, 1139.
Returned amended, 1159.
Senate concurs in House amendments, 1169.
Came for signing, 1399.
Speaker signed, 1413.
Returned signed, 1472.

**Senate Bill No. 56**

Senate Bill No. 56. A Bill for an Act Amending and Reenacting the Initiated Measure Entitled: "An Act Reducing and Fixing Allowances for Mileage and Travel Expense 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 30, 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," Adopted and Approved by the Electors at the June 29, 1932, Primary Election, Fixing Allowances for Mileage and Travel Expense of County Officials and Their Deputies; and Repealing Chapter 119, Session Laws of 1931, and All Acts and Parts of Acts in Conflict Herewith.

Came to House, 627.
First reading, reference, 658.
Do pass, 1010.
Second reading, 1065.
Reconsidered, placed in general orders, 1067.
General orders, 1087.
Second reading, 1185.
Reconsidered, 1214.
Returned unchanged, 1223.
Came for signing, 1401.
Speaker signed, 1464.
Returned signed, 1474.

**Senate Bill No. 60**

Senate Bill No. 60. A Bill for an Act to Amend and Reenact Section 9, of Chapter 213, of the 1935 Session Laws, Providing That State and Municipal Officers and Employees Shall Not Lose Pay While on Duty, and Including Therein Members of the Officers Reserve Corps of the United States and Repealing All Acts or Parts of Acts in Conflict Therewith, and Declaring an Emergency.

Came to House, 341.
First reading, reference, 351.
Do pass, 431.
Second reading, 487.
Returned unchanged, 494.
Came for signing, 532.
Speaker signed, 560.
Returned signed, 560.

**Senate Bill No. 61**

Senate Bill No. 61. A Bill for an Act to Regulate the Sale of Heating Oil and Diesel Fuel; to Provide Specifications Therefor, and for Inspection Thereof; to Provide for Inspec-

tion Fees, the Collection and Disposition Thereof; to Define the Duties of the State Food Commissioner and Chemist as Regards Such Inspection and Providing Penalties for Violation of the Act.

Came to House, 322.
First reading, reference to State Affairs, P. 322.
Amended, 1099.
General orders, 1166.
Second reading, 1293.
Returned amended, 1305.
Senate concurs, 1326.
Came for signing, 1392.
Speaker signed, 1462.
Returned signed, 1475.

**Senate Bill No. 65**

Senate Bill No. 65. A Bill for an Act Levying and Imposing a Tax to Carry Out the Provisions of That Certain Initiated Measure Adopted at the General Election November 8, 1938, Entitled "An Act Amending and Re-enacting Section 3 of Chapter 211 of the Session Laws of North Dakota for 1937, and Providing That the Amount of Assistance Which Any Person Shall Receive Shall be Sufficient When Added to All Other Income of Recipient to Provide Such Person With a Reasonable Subsistence Compatible With Decency and Health But Shall Not be Less Than a Minimum of Forty Dollars ($40.00) Per Month Except That it Shall Not be Less than a Minimum of Thirty Dollars ($30.00) Per Month for Each Recipient Where There Is More Than One Recipient in a Family and Each County Shall Reimburse the State Agency for Fifteen Per Cent of the Amount Expended for Such Assistance in Such County in Excess of the Amount Provided by the Federal Government and Repealing All Acts and Parts of Acts in Conflict Herewith"; Providing That All Funds Derived From Such Tax Shall be Paid Into the State Treasury and Shall be Deposited in the State Public Welfare Fund in Said Treasury and Disbursed by the Public Welfare Board of North Dakota as Provided by Law; and Providing for the Submission of This Act to a Vote of the Electors of the State of North Dakota for Their Approval or Rejection and Providing That If This Act Is Rejected at Such Election it Shall be of No Force or Effect, Making an Appropriation, and Declaring an Emergency.

Came to House, 928.
First reading, reference, 965.
Indefinitely postponed, 1023.
Returned indefinitely postponed, 1089.

**Senate Bill No. 66**

Senate Bill No. 66. A Bill for an Act to Repeal Section 17, Chapter 27, of the Session Laws of 1929 Relating to the Standing Appropriation for the Supreme Court Commissioner.

Came to House, 326.
First reading, reference, 337.
Do pass, 409.
Second reading, 462.

Returned unchanged, 495.
Came for signing, 532.
Speaker signed, 560.
Returned signed, 560.

**Senate Bill No. 68**

Senate Bill No. 68. A Bill for an Act to Amend and Reenact Section 4 of Chapter 152 of the Session Laws of 1929, Relating to an Appropriation for the Necessary Costs of Investigations, Etc., of Fire Insurance Rates.

Came to House, 943.
First reading, reference, 965.
Re-referred, 1007.
Do pass, 1097.
Second reading, 1218.
Returned unchanged, 1223.
Came for signing, 1401.
Speaker signed, 1464.
Returned signed, 1474.

**Senate Bill No. 69**

Senate Bill No. 69. A Bill for an Act to Amend and Reenact Section 4924, Compiled Laws of North Dakota for the Year 1913, as Amended by Chapter 79 of the Session Laws of 1921, Relating to the Taxation of Insurance Companies.

Came to House, 376.
First reading, reference, 380.
Do pass, 1060.
Second reading, 1151.
Returned unchanged, 1161.
Came for signing, 1399.
Speaker signed, 1413.
Returned signed, 1472.

**Senate Bill No. 71**

Senate Bill No. 71. A Bill for an Act to Amend and Reenact Section 4 of Chapter 249 of the Session Laws of 1937, Providing for Certain Credits and Exemptions and Providing for Payment of a Sales Tax on Sales of Motor Vehicle Fuels Upon Which Refunds of Special Taxes are Allowed, and Declaring an Emergency.

Came to House, 490.
First reading, reference, 542.
Indefinitely postponed, 1045.
Returned indefinitely postponed, 1303.

**Senate Bill No. 73**

Senate Bill No. 73. A Bill for an Act to Amend and Reenact Section 29 of Chapter 179 of the Session Laws of 1927 as Amended by Chapter 165 of the Session Laws of 1929 and Chapter 186 of the Session Laws of 1931, Relating to When Fees on Motor Vehicles Become Delinquent, Providing Penalties, Providing for the Collection Thereof, and Declaring an Emergency.

Came to House, 438.
First reading, reference, 465.
Indefinitely postponed, 1010.
Returned indefinitely postponed, 1090.

**Senate Bill No. 74**

Senate Bill No. 74. 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.

Came to House, 471.
First reading, reference, 486.
Indefinitely postponed, 1102.
Returned indefinitely postponed, 1302.

**Senate Bill No. 76**

Senate Bill No. 76. A Bill for an Act to Amend and Reenact Section 2 and Section 25 of Chapter 249 of the Session Laws of North Dakota for 1937, Relating to the Levying and Imposing of a Retail Sales Tax and the Disposition of the Funds Collected Therefrom.

Came to House, 342.
First reading, reference, 351.
Do pass, 1318.
Second reading, 1540.
Returned unchanged, 1543.
Came for signing, 1549.
Speaker signed, 1561.
Returned signed, 1568.

**Senate Bill No. 77**

Senate Bill No. 77. A Bill for an Act Providing for Reciprocity in Fixing Tuition Fees of Non-resident Students Attending Institutions of Higher Education in the State of North Dakota and Defining Non-resident Students, and Fixing Registration and Tuition Fees of Non-resident Students Residing in Foreign Countries Other Than the Dominion of Canada.

Came to House, 731.
First reading, reference, 752.
Do pass, 1105.
Second reading, 1203.
Returned unchanged, 1304.
Came for signing, 1397.
Speaker signed, 1460.
Returned signed, 1476.

**Senate Bill No. 78**

Senate Bill No. 78. A Bill for an Act Requiring Licenses for the Operation, Maintenance, Opening, and Establishment of Stores in This State, Prescribing the License and Filing Fees to be Paid Therefore, and the Disposition Thereof, and the Powers and Duties of the Tax Commissioner of the State

of North Dakota in Connection Therewith, and Prescribing Penalties for the Violation Thereof.

Came to House, 551.
First reading, reference, 618.
Indefinitely postponed, 1197.
Returned indefinitely postponed, 1300.

**Senate Bill No. 79**

Senate Bill No. 79. A Bill for an Act Providing for the Closing of the Hunting Season and Prohibiting all Hunting of Upland Game Birds Until the Opening of the Hunting Season in the Year 1942; Providing a Penalty for Violation of the Provisions Hereof.

Came to House, 777.
First reading, reference, 958.
Indefinitely postponed, 1106.
Returned indefinitely postponed, 1302.

**Senate Bill No. 82**

**Senate Bill No. 82. A Bill for an Act to Amend and Re-enact Section Six of Chapter 235 of the Session Laws of the State of North Dakota for the year 1929, Relating to Park District Tax Levies.**

Came to House, 552.
First reading, reference, 619.
Amended, 990.
General orders, indefinitely postponed, 1032.
Returned indefinitely postponed, 1090.
Reconsidered, 1110.
House requests return, 1124.
Senate returns, 1126.
Reconsidered, re-referred, 1168.
Amended, 1170.
General orders, 1227.
Second reading, 1394.
Returned amended, 1415.
Senate concurs, 1430.
Came for signing, 1509.
Speaker signed, 1561.
Returned signed, 1599.

**Senate Bill No. 84**

Senate Bill No. 84. A Bill for an Act to Amend and Re-enact Section 42, of Chapter 162, of the Session Laws of 1927, Relating to Restrictions as to Tire Equipment, and Repealing All Acts or Parts of Acts in Conflict Herewith.

Came to House, 438.
First reading, reference, 465.
Amended, 1238.
General orders, 1314.
Second reading, 1530.
Returned amended, 1535.
Senate concurs, 1542.
Came for signing, 1575.
Speaker signed, 1577.
Returned signed, 1578.

**Senate Bill No. 86**

Senate Bill No. 86. A Bill for an Act to Amend and Reenact Section 2588 of the Supplement to the Compiled Laws of 1913, as Amended by Chapter 251 of the Session Laws of 1929, Relating to the Treatment of Patients at the North Dakota Tuberculosis Sanitarium, and Declaring an Emergency.

First reading, reference, 542.
Amended, 989.
General orders, 1032.
Second reading, 1074.
Returned amended, 1160.
Senate concurs, 1179.
Came to House for signing, 1399.
Speaker signed, 1413.
Returned signed, 1472.

**Senate Bill No. 88**

Senate Bill No. 88. A Bill for an Act Providing for a Recodification and Revision of the Laws of North Dakota; Authorizing the Supreme Court to Create a Code Revision Commission; Defining Its Powers and Duties; Making an Appropriation Therefor; and Declaring an Emergency.

Came to House, 409.
First reading, reference, 421.
Do pass, 990.
Second reading, 1023.
Motion to reconsider, 1025.
Reconsideration motion special order, 1033.
Motion failed, 1058.
Returned unchanged, 1089.
Came for signing, 1176.
Speaker signed, 1194.
Returned signed, 1224.

**Senate Bill No. 89**

Senate Bill No. 89. A Bill for an Act to Amend and Reenact Sub-section (a) and Sub-section (f) of Section 5, Section 6, Section 8 and Section 9 of Chapter 9 of the Session Laws of North Dakota for 1937; Relating to the Organization of Soil Conservation Districts, the Election, Qualification and Tenure of Supervisors Thereof; and Relating to the Adoption and Enforcement of Land-use Regulations, and Declaring an Emergency.

Came to House, 438.
First reading, reference, 465.
Amended, 1004.
General orders, 1041.
Second reading, 1083.
Reconsidered, 1111.
On calendar, 1128.
Reconsidered, 1198.
Calendar, 1217.
Returned amended, 1222.
Senate concurs, 1249.
Came for signing, 1397.
Speaker signed, 1412.
Returned signed, 1471.

**Senate Bill No. 90**

Senate Bill No. 90. A Bill for an Act to Amend and Reenact Chapter 166 of the Session Laws of North Dakota for the Year 1937, Relating to the Application to Highway Purposes of All Special Taxes on Motor Vehicle Transportation and Declaring an Emergency.

Came to House, 438.
First reading, reference, 465.
Do pass, 970.
Second reading, amended, 994.
Returned amended, 1008.
Senate concurs, 1017.
Came for signing, 1106.
Speaker signed, 1134.
Returned signed, 1162.

**Senate Bill No. 93**

Senate Bill No. 93. A Bill for an Act to Prohibit the Use of Certain Properties of the State of North Dakota and Its Political Sub-divisions in the Discharge of Private Business; Providing Penalties for the Violation Thereof; Repealing All Acts and Parts of Acts in Conflict Herewith; and Declaring an Emergency.

Came to House, 882.
First reading, reference, 960.
Indefinitely postponed, 1060.
Returned indefinitely postponed, 1301.

**Senate Bill No. 94**

Senate Bill No. 94. A Bill for an Act Appropriating Five Thousand Dollars ($5,000.00) to the State Historical Society for the Development of the International Peace Garden, American Section, in Rolette County, North Dakota.

Came to House, 644.
First reading, reference, 626.
Re-referred, 991.
Amended, 1044.
General orders, 1086.
Second reading, 1173.
Returned amended, 1306.
Senate concurs, 1325.
Came for signing, 1392.
Speaker signed, 1462.
Returned signed, 1476.

**Senate Bill No. 95**

Senate Bill No. 95. A Bill for an Act to Amend and Reenact Section 4914, Compiled Laws of North Dakota for the Year 1913, Relating to the Limit of Risks to Which Insurance Companies Shall Be Exposed.

Came to House, 551.
First reading, reference, 619.
Indefinitely postponed, 1060.
Returned indefinitely postponed, 1089.

**Senate Bill No. 96**

Senate Bill No. 96. A Bill for an Act to Provide for the Removal of Certain Public Officers in Said Act Enumerated

and Establishing the Procedure Therefor and Repealing Sections 685, 686, 688, 689, 690, 691, 692, 693, 694, and 695 of the 1925 Supplemnet to the Compiled Laws of the State of North Dakota for the Year 1913, Sections 687, 10467, 10468, 10469, 10470, 10471, 10472, 10473, 10474, 10475, 10476, 10477, 10478, 10479, 10480, 10481 and 10482 of the Compiled Laws of the State of North Dakota for the Year 1913, and Chapter 230, of the Session Laws of the State of North Dakota for the Year 1927.

Came to House, 490.
First reading, reference, 543.
Amended, 1056.
General orders, 1086.
Second reading, 1174.
Reconsidered, 1277.
Second reading, lost, 1518.
To Senate indefinitely postponed, 1535.

**Senate Bill No. 97**

Senate Bill No. 97. A Bill for an Act to Repeal Subsection 3 of Section 9 of Chapter 249 of the Session Laws of North Dakota for the Year 1937 Requiring Returns of Retail Sales Tax Collections to be Verified by Oath and Declaring an Emergency.

Came to House, 471.
First reading, reference, 486.
Indefinitely postponed, 559.
Returned indefinitely postponed, 600.

**Senate Bill No. 98**

Senate Bill No. 98. A Bill for an Act to Amend and Reenact Sections 506a2, 506a3, 506a4, 506a5, 506a6 as Amended by Chapter 208 of the Session Laws of 1927, 506a7, 506a9 as Amended by Chapter 208 of the Session Laws of 1927, 506a11, 506a12, 506a18, and 506a19 of the 1925 Supplement to the 1913 Compiled Laws of North Dakota, Relating to Creating a Board of Nurse Examiners, Providing for the Appointment of an Inspector of Schools of Nursing, and for the Examination, Registration, Re-registration, and Regulation of Graduated Nurses, and Exempting Practical Nurses from Registration, and Empowering the Board to Prescribe the Minimum Course of Study and Standards for Schools of Nursing, and Prescribing a Penalty for the Violation Thereof. Also, Defining Terms as Used in This Act; Repealing All Acts or Parts of Acts in Conflict Herewith; and Declaring an Emergency.

Came to House, 520.
First reading, reference, 543.
Do pass, 989.
Second reading, 1013.
Returned unchanged, 1050.
Came for signing, 1176.
Speaker signed, 1193.
Returned signed, 1224.

**Senate Bill No. 99**

Senate Bill No. 99. A Bill for an Act to Amend and Reenact Section 2 of Chapter 210 of the Session Laws of 1937,

Known as the Aid to the Blind Act, and Providing for Eligibility for Assistance to the Needy Blind, Declaring an Emergency.

Came to House, 520.
First reading, reference, 544.
Do pass, 989.
Second reading, 1016.
Returned unchanged, 1050.
Came for signing, 1176.
Speaker signed, 1194.
Returned signed, 1224.

**Senate Bill No. 100**

Senate Bill No. 100. A Bill for an Act Amending and Reenacting Sections 1 and 9 of Chapter 161 of the Session Laws of 1923, Being Sections 5099b1 and 5099b9 of the 1925 Supplement to the 1913 Compiled Laws of North Dakota; and Declaring an Emergency.

Came to House, 520.
First reading, reference, 544.
Do pass, 989.
Second reading, 1018.
Returned unchanged, 1050.
House requested return, 1124.
Senate refuses to return, 1168.
Came for signing, 1175.
Speaker signed, 1194.
Returned signed, 1224.

**Senate Bill No. 101**

Senate Bill No. 101. A Bill for an Act Amending and Reenacting Sections 1, 6 and 16 of Chapter 209 of the Session Laws of 1937, Being Those Parts of the Aid to Dependent Children Act Defining a Dependent Child; Naming Relatives; Providing the Amount of Assistance; and Method of Disbursement of Aid to Dependent Children Fund; and Declaring an Emergency.

Came to House, 521.
First reading, reference, 544.
Do pass, 989.
Second reading, 1019.
Returned unchanged, 1050.
House requests return, 1124.
Senate refuses to return, 1169.
Came for signing, 1177.
Speaker signed, 1193.
Returned signed, 1225.

**Senate Bill No. 102**

Senate Bill No. 102. A Bill for an Act Granting Certain Powers and Imposing Certain Duties Heretofore Delegated to the Board of Administration, in Connection With Child Welfare Laws of This State, to the Public Welfare Board of North Dakota, Division of Child Welfare; Providing for Cooperation With the Federal Government in Carrying Out Child Welfare Services and Services to Crippled Children and to Receive and Disburse Federal Funds Granted for Such Purposes; Repealing Chapter 150 of the Session Laws

of 1923, Being Sections 283b6 and 283b7 of the 1925 Supplement to the 1913 Codes; and Declaring an Emergency.
Came to House, 521.
First reading, reference, 544.
Do pass, 989.
Second reading, action deferred one day, 1020.
Further action delayed, 1032.
Indefinitely postponed, 1073.
Returned indefinitely postponed, 1301.

**Senate Bill No. 103**

Senate Bill No. 103. A Bill for an Act Amending and Reenacting Sections 2 and 11 of Chapter 211 of the Session Laws of 1937 and Validating Payments Heretofore Made to Certain Non-citizen Old Age Assistance Clients, Declaring an Emergency.
Came to House, 520.
First reading, reference, 544.
Do pass, 1106.
Second reading, 1207.
Returned unchanged, 1304.
Came for signing, 1396.
Speaker signed, 1463.
Returned signed, 1475.

**Senate Bill No. 104**

Senate Bill No. 104. A Bill for an Act to Amend and Reenact Chapter 274 of the Session Laws of North Dakota for the Year 1935 as Amended by Chapter 243 of the Session Laws of North Dakota for 1937, 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, Extending the Application Thereof to Persons Receiving, Claiming or Demanding Money From Municipalities and Political Sub-divisions Within the State, and Providing That Entering Into of Installment Contracts for Payment of Personal Property Taxes Shall Not Relieve Anyone From the Operation of This Act, Repealing All Acts or Parts of Acts in Conflict Herewith, and Declaring an Emergency.
Came to House, 626.
First reading, reference, 658.
Amended, 1045.
General orders, 1086.
General orders, 1166.
Second reading, 1289.
Returned amended, 1305.
Senate concurs, 1325.
Came for signing, 1396.
Speaker signed, 1463.
Returned signed, 1475.

**Senate Bill No. 105**

Senate Bill No. 105. A Bill for an Act Amending and Reenacting Section 5063 of the Compiled Laws of the State of North Dakota for the Year 1913, as Amended by Chapter 165

of the Session Laws of North Dakota for the Year 1931, Relating to the Regulation and Control of the Payment of Death Benefits by Fraternal Benefit Societies; Declaring an Emergency.

Came to House, 592.
First reading, reference, 622.
Amended, 1061.
General orders, 1086.
Indefinitely postponed on second reading, 1180.
Returned indefinitely postponed, 1304.

**Senate Bill No. 109**

Senate Bill No. 109. A Bill for an Act Providing for the Appointment of a Commission to Examine the Accounting Systems of State Departments and Institutions, and of Local Sub-divisions; Providing for the Establishment of Uniform Systems of Accounting, and Providing a Penalty for Violation; Providing for Biennial Examinations of the Affairs of State Departments and Institutions; Providing an Appropriation; and Repealing Sections 711, 712, 713, and 714 of the Compiled Laws of North Dakota for 1913.

Came to House, 945.
First reading, reference, 964.
Do pass, 1058.
Second reading, indefinitely postponed, 1143.
Returned indefinitely postponed, 1300.

**Senate Bill No. 112**

Senate Bill No. 112. A Bill for an Act to Amend and Reenact Section 1 of Chapter 252 of the Session Laws of North Dakota for the Year 1937, Relating to Bounty for Tree Planting.

Came to House, 521.
First reading, reference, 544.
Do pass, 559.
Second reading, 953.
Returned unchanged, 973.
Came for signing, 998.
Speaker signed, 1011.
Returned signed, 1016.

**Senate Bill No. 115**

Senate Bill No. 115. A Bill for an Act to Amend and Reenact Chapter 242, Session Laws of 1937, Relating to the Levying of a Tax for the Purpose of Paying Interest and Creating a Sinking Fund for the Payment of the Principal of the North Dakota Real Estate Bonds Now Outstanding.

Came to House, 882.
First reading, reference, 959.
Do pass, 970.
Second reading, 995.
Reconsidered, 1022.
Action deferred, 1039.
Action deferred, 1076.
Second reading, indefinitely postponed, 1124.
Returned indefinitely postponed, 1302.

**Senate Bill No. 119**

Senate Bill No. 119. A Bill for an Act to Amend and Reenact Paragraph (c) of Section 7, Chapter 164, of the Session Laws of 1919, the Same Being Paragraph (c) of Section 4881a7 of 1925 Supplement to the 1913 Compiled Laws of North Dakota, Relating to Mutual Insurance Companies.

Came to House, 551.
First reading, reference to Insurance Committee, P. 619.
Indefinitely postponed, 1098.
Reconsidered, 1169.
Second reading, 1172.
Returned indefinitely postponed, 1304.

**Senate Bill No. 120**

Senate Bill No. 120. A Bill for an Act to Amend and Reenact Section 4907, Compiled Laws of the State of North Dakota for 1913, to Make More Certain the Requirement That All Foreign Insurance Companies Have a Capital of Two Hundred and Fifty Thousand Dollars ($250,000.00) as a Condition to Writing Fidelity and Surety Risks in This State.

Came to House, 552.
First reading, reference, 619.
Do pass, 1061.
Second reading, 1152.
Returned unchanged, 1161.
Came for signing, 1399.
Speaker signed, 1413.
Returned signed, 1472.

**Senate Bill No. 121**

Senate Bill No. 121. A Bill for an Act to Amend and Reenact Chapter 161 of the Session Laws of 1931, Relating to the Admission of Foreign Mutual Insurance Companies.

Came to House, 552.
First reading, reference, 619.
Do pass, 1061.
Second reading, 1153.
Returned unchanged, 1161.
Came for signing, 1399.
Speaker signed, 1414.
Returned signed, 1472.

**Senate Bill No. 122**

Senate Bill No. 122. A Bill for an Act to Amend and Reenact Sections Six (6) and Seven (7), of Chapter 255, of the Session Laws of 1937, Relating to the State Water Conservation Commission.

Came to House, 687.
First reading, reference, 753.
Amended, 1096.
General orders, indefinitely postponed, 1166.
Returned indefinitely postponed, 1301.

**Senate Bill No. 123**

Senate Bill No. 123. A Bill for an Act Making an Appropriation to the State Public Welfare Fund, Established by

Section 3, of Chapter 214, of the Session Laws of 1937, for the Biennium Beginning July 1, 1939, and Ending June 30, 1941, to be Expended by the Public Welfare Board in Providing Public Assistance to the Needy Aged, as Provided by Chapter 211 of the Session Laws of 1937, and for Necessary Costs of Administration.

Came to House, 944.
First reading, reference, 964.
Amended, 1242.
General orders, 1315.
Second reading, 1533.
Returned amended, 1535.
Senate refuses to concur, 1538.
House adopts conference committee report, 1608-09.
Senate adopts conference committee report, 1610.
Came for signing, 1618.
Speaker signed, 1622.
Returned signed, 1622.

**Senate Bill No. 124**

Senate Bill No. 124. A Bill for an Act Making an Appropriation for a Pension for Patricia Ann Crites and Dennis Duane Crites, Minor Children of National Guardsman, John E. Crites.

Came to House, 627.
First reading, reference, 659.
Do pass, 1096.
Second reading, 1186.
Returned unchanged, 1304.
Came for signing, 1397.
Speaker signed, 1460.
Returned signed, 1476.

**Senate Bill No. 125**

Senate Bill No. 125. A Bill for an Act Defining and Prohibiting Unfair Sales, Providing Remedies for Violation Thereof, and Establishing Penalties Therefor, and Declaring an Emergency.

Came to House, 731.
First reading, reference, 753.
Indefinitely postponed, 1102.
Returned indefinitely postponed, 1302.

**Senate Bill No. 126**

Senate Bill No. 126. A Bill for an Act to Amend and Reenact Section 6762, of the Compiled Laws of the State of North Dakota for the Year 1913, as Amended by Chapter 175, Session Laws of 1927, by Chapter 168, of the Session Laws for 1935, Relating to Filing, Renewal and Limitations of Chattel Mortgages, and Providing for the Cancellation and Satisfaction of Same; and Further Providing for the Repeal of All Acts or Parts of Acts in Conflict Herewith.

Came to House, 490.
First reading, reference, 543.
Re-referred, 646.
Do pass, 950.
Action deferred, 972.
Re-referred, 1000.

Do pass, 1045.
Second reading, indefinitely postponed, 1132.
Returned indefinitely postponed, 1300.

**Senate Bill No. 127**

Senate Bill No. 127. A Bill for an Act to Amend and Reenact Chapter 216, Session Laws 1923, Constituting Section 950a2 of the 1925 Supplement; and Providing for the Division and Consolidation of Voting Districts.

Came to House, 552.
First reading, reference, 619.
Re-referred, 1104.
Indefinitely postponed, 1171.
Returned indefinitely postponed, 1300.

**Senate Bill No. 130**

Senate Bill No. 130. A Bill for an Act Providing for the Protection of Pre-historic Deposits, Relics, Indian Mounds, Graves, Village Sites and Other Archaeological Material; Providing for Licensing Persons Engaged in Exploring and Excavating for Ancient Ruins and Archaeological Materials, Restricting Such Exploration and Excavation on State-Owned Lands and Requiring That One-Half of Such Materials be Delivered to the State Historical Society and Providing a Penalty for Violation of This Act.

Came to House, 551.
First reading, referred to State Affairs Committee, 619.
Do pass, 1060.
Second reading, 1149.
Returned unchanged, 1223.
Came for signing, 1401.
Speaker signed, 1464.
Returned signed, 1474.

**Senate Bill No. 131**

Senate Bill No. 131. A Bill for an Act to Amend and Reenact Chapter 151 of the Session Laws of North Dakota for 1935, Providing for Licenses for Reciprocal Fire and Life Insurance Underwriters.

Came to House, 551.
First reading, reference, 619.
Do pass, 1171.
Second reading, 1435.
Returned unchanged, 1469.
Came for signing, 1523.
Speaker signed, 1561.
Returned signed, 1570.

**Senate Bill No. 132**

Senate Bill No. 132. A Bill for an Act to Make an Appropriation for the Financing of the Operations of the State Soil Conservation Committee or the Activities of the State Soil Conservation Districts.

Came to House, 687.
First reading, reference, 753.
Do pass, 1096.
Second reading, 1187.

Returned unchanged, 1223.
Came for signing, 1400.
Speaker signed, 1464.
Returned signed, 1474.

**Senate Bill No. 133**

Senate Bill No. 133. A Bill for an Act Relating to the Duties of County Auditors and County Treasurers, With Relation to the Levy, Collection and Record of Municipal Bonds Sinking Funds.

Came to House, 552.
First reading, reference, 620.
Do pass, 1104.
Second reading, 1200.
Returned unchanged, 1304.
Came for signing, 1397.
Speaker signed, 1460.
Returned signed, 1476.

**Senate Bill No. 134**

Senate Bill No. 134. A Bill for an Act Permitting the Killing of Dogs, Wolves and Coyotes Kept as Domestic Animals When Caught in the Act of Killing, Chasing, Worrying or Damaging Livestock or Poultry, Providing Owners of Livestock and Poultry Killing Such Animals Shall Not Be Held Civilly Liable, and Declaring an Emergency.

Came to House, 521.
First reading, reference, 544.
Reported indefinitely postponed, placed on calendar by motion, 992.
Second reading, 1037.
Returned unchanged, 1050.
Came for signing, 1176.
Speaker signed, 1194.
Returned signed, 1224.

**Senate Bill No. 136**

Senate Bill No. 136. A Bill for an Act to Encourage and Permit the Propagation of Domestic Game Birds by Private Enterprise in the State of North Dakota; Declaring an Emergency.

Came to House, 947.
First reading, reference, 968.
Indefinitely postponed, 1172.
Returned indefinitely postponed, 1303.

**Senate Bill No. 139**

Senate Bill No. 139. A Bill for an Act to Amend and Reenact Subdivision 4 of Section 7426 of the Compiled Laws of North Dakota for 1913, Relating to Service of Summons on a Domestic Corporation, and Providing for Service by Publication on Any Domestic Corporation, the Charter of Which Has Been Forfeited.

Came to House, 551.
First reading, reference, 620.
Do pass, 1056.
Second reading, 1137.
Returned unchanged, 1223.

Came for signing, 1400.
Speaker signed, 1464.
Returned signed, 1474.

**Senate Bill No. 140**

Senate Bill No. 140. A Bill for an Act Making an Appropriation for the Biennium Beginning July 1, 1939, and Ending June 30, 1941 to the Public Welfare Fund, Created and Established by Section 3 of Chapter 214 of the Session Laws of 1937, for Disbursement by the Public Welfare Board in Providing Public Assistance to the Needy Blind and to Dependent Children, as Provided by Chapters 209 and 210 of the Session Laws of 1937, and in Providing Child Welfare Services and Services to Crippled Children in Coordination With and Supplementary to Funds Made Available for Like Purposes in North Dakota by the Federal Government, as Provided by Chapter 221 of the Session Laws of 1935.

Came to House, 944.
First reading, reference, 964.
Do pass, 1007.
Returned to general orders, 1064.
General orders, 1087. (Left as it came from the Senate.)
Second reading, 1184.
Returned amended (in error), 1306.
Senate refuses to concur.
House adopts conference committee report, 1446.
Senate adopts conference committee report, 1326.
Came for signing, 1546.
Speaker signed, 1562.
Returned signed, 1568.

**Senate Bill No. 141**

Senate Bill No. 141. A Bill for an Act Making an Appropriation for Relief to Destitute and Necessitous Persons for the Biennium Beginning July 1, 1939, and Ending June 30, 1941, Defining the Powers and Duties of the Public Welfare Board in Relation Thereto, and Providing for Allocation of Funds to Counties for Relief Purposes and for Other Specified Relief Expenditures and Costs of Administration.

Came to House, 943.
First reading, reference, 965.
Amended, 1243.
General orders, 1314.
Second reading, 1536.
Returned amended, 1543.
Senate refuses to concur, 1544.
House adopts conference committee report, 1613.
Senate adopts conference committee report, 1614.
Came for signing, 1618.
Speaker signed, 1621.
Returned signed, 1622.

**Senate Bill No. 143**

Senate Bill No. 143. 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.

Came to House, 551.

First reading, reference, 620.
Indefinitely postponed, 1057.
Returned indefinitely postponed, 1303.

**Senate Bill No. 144**

Senate Bill No. 144. A Bill for an Act Requiring State Officers, Boards, Bureaus, Commissions, Departments, Institutions, Industries and Businesses to Prepare and File Reports, and Providing a Penalty for Failure to Comply With This Act, and Repealing All Acts or Parts of Acts in Conflict Herewith.

Came to House, 940.
First reading, reference, 966.
Indefinitely postponed, 1102.
Returned indefinitely postponed, 1302.

**Senate Bill No. 145**

Senate Bill No. 145. 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.

Came to House, 551.
First reading, reference, 620.
Indefinitely postponed, 1057.
Returned indefinitely postponed, 1303.

**Senate Bill No. 146**

Senate Bill No. 146. A Bill for an Act Empowering the Governing Board of Cities and Villages to Provide for the Lighting of All Streets, Avenues, Alleys, Sidewalks, Wharves, Parks and Public Grounds, and for the Furnishing and Supplying of Electric Energy or Gas to the City or Village for Lighting, Power, and Other Municipal Purposes, and to the Inhabitants Thereof, and to Enter Into Contracts for Electric Energy or Gas for Municipal and Private Purposes, and Specifying the Manner of Execution of Such Contracts, and Repealing Chapter 173, of the Session Laws of North Dakota for 1929.

Came to House, 592.
First reading, reference, 622.
Amended, 1007.
General orders, indefinitely postponed, 1044.
Returned indefinitely postponed, 1300.

**Senate Bill No. 147**

Senate Bill No. 147. A Bill for an Act to Amend and Reenact Section 3725 of the 1913 Compiled Laws of the State of North Dakota, Relating to Special Assessments.

Came to House, 551.
First reading, reference, 620.
Do pass, 1007.
Second reading, 1062.
Returned unchanged, 1162.
Came for signing, 1399.
Speaker signed, 1414.
Returned signed, 1471.

**Senate Bill No. 149**

Senate Bill No. 149. A Bill for an Act to Amend and Reenact Section 714a7 of the 1925 Supplement to the Compiled Laws of North Dakota for the Year 1913, Relating to Securities for Public Deposits.

Came to House, 928.
First reading, reference, 960.
Do pass, 1045.
Second reading, 1136.
Returned unchanged, 1223.
Came for signing, 1396.
Speaker signed, 1461.
Returned signed, 1476.

**Senate Bill No. 150**

Senate Bill No. 150. A Bill for an Act Amending and Reenacting the Workmen's Compensation Act by Amending and Re-enacting Sub-sections A and C of Section 3, Chapter 162, Session Laws of 1919 as Amended by Chapter 260, Session Laws of 1929 and Chapter 286, Session Laws of 1935; Paragraph F of Section 4 of Chapter 162, Session Laws of 1919, as Amended by Chapter 285, Session Laws of 1927 and Chapter 314, Session Laws of 1931; Paragraph I of Section 4 of Chapter 162, Session Laws of 1919, as Amended by Chapter 314, Session Laws of 1931 and Chapter 286, Session Laws of 1935; the First Paragraph of Section 5 of Chapter 162, Session Laws of 1919 as Amended by Chapter 143, Session Laws of 1921 and Which Appears as Section 396a5 of the 1925 Supplement; the Ninth and Final Paragraph of Section 7 of Chapter 162, Session Laws of 1919 as Amended by Chapter 312, Session Laws of 1931; the Fourth and Fifth Paragraphs of Section 8, Chapter 162, Session Laws of 1919 as Amended by Chapter 315, Session Laws of 1931; and Section 23 of Chapter 162, Session Laws of 1919 Which Also Appears as Section 396a23 of the 1925 Supplement.

Came to House, 776.
First reading, reference, 957.
Do pass, 1061.
Second reading, 1154.
Returned unchanged, 1162.
Came for signing, 1400.
Speaker signed, 1414.
Returned signed, 1471.

**Senate Bill No. 151**

Senate Bill No. 151. A Bill for an Act to Amend and Reenact Section 189b7 of the 1925 Supplement to the Compiled Laws of 1913, as Last Amended by Section 3 of Chapter 137 of the Session Laws of the State of North Dakota for the Year 1933, Relating to State Hail Insurance, Providing for the Levy of a Hail Indemnity Tax, Fixing the Priority of the Lien Therefor; Declaring That Any and All Existing Hail Indemnity Taxes, Which Have Not Heretofore Been Sold to Private Parties, Shall be Liens Subsequent and Inferior to Mortgages, Liens and Judgments Executed Prior to the Levy of Such Hail Indemnity Taxes; and Declaring an Emergency.

Came to House, 552.
First reading, reference, 620.
Indefinitely postponed, 1058.
Returned indefinitely postponed, 1091.

**Senate Bill No. 153**

Senate Bill No. 153. A Bill for an Act to Amend and Reenact Section 1 of Chapter 92 of the Session Laws of North Dakota for the Year 1931, Relating to Public Airports and Landing Fields and Declaring an Emergency.

Came to House, 592.
First reading, reference, 622.
Do pass, 990.
Second reading, 1034.
Returned unchanged, 1050.
Came for signing, 1176.
Speaker signed, 1195.
Returned signed, 1224.

**Senate Bill No. 154**

Senate Bill No. 154. A Bill for an Act to Amend and Reenact Section 3009a2 of the 1925 Supplement to the Compiled Laws of 1913, Relating to the Standard Weight of Coal, and Providing Penalty.

Came to House, 591.
First reading, reference, 621.
Indefinitely postponed, 1171.
Returned indefinitely postponed, 1300.

**Senate Bill No. 157**

Senate Bill No. 157. A Bill for an Act Relating to Civil Liability of Owners and Operators of Motor Vehicles, Service of Civil Process on Non-residents and Requirement That Owners of For-rent Vehicles Give Proof of Financial Responsibility and to Make Uniform the Law With Reference Thereto.

Came to House, 940.
First reading, reference, 967.
Do pass, 1171.
Second reading, 1434.
Motion to reconsider lost, 1435.
Returned to Senate indefinitely postponed, 1536.

**Senate Bill No. 158**

Senate Bill No. 158. A Bill for an Act to Amend and Reenact Chapter 163 of the Session Laws of the State of North Dakota for the Year 1929, Being an Act to Require Persons Convicted of Reckless Driving, or of Driving a Motor Vehicle While Under the Influence of Intoxicating Liquor or Narcotic Drugs, or of Failure to Stop in Event of an Accident Involving Injury or Death to a Person, to Furnish a Bond or Insurance Policy; Providing for the Enforcement of Such Act; and Providing a Penalty for the Violation Thereof.

Came to House, 940.
First reading, reference, 966.
Indefinitely postponed, 1238.
Returned indefinitely postponed, 1391.

**Senate Bill No. 159**

Senate Bill No. 159. A Bill for an Act to Amend and Re-enact Sections 2, 5 and 6, of Chapter 232, of the Session Laws of North Dakota for the Year 1937, Transition Provisions for Simplification, Relating to Base Period and Benefit Year, and Also to Amend and Re-enact Sections 3, 5, 12, 13 and 14, of Chapter 232 of the Session Laws of North Dakota for the Year 1937, to Comply With That Act of Congress Known as the Railroad Unemployment Insurance Act, and Amending and Re-enacting Section 10, of Chapter 232 of the Session Laws of 1937, Authorizing the United States Government or Social Security Board to Allow the Commissioners of the North Dakota Workmen's Compensation Bureau Compensation for Services as Administrative Heads of Unemployment Compensation Division and State Employment Service, Repealing All Acts and Parts of Acts in Conflict Herewith, and Declaring an Emergency.

Came to House, 687.
First reading, reference, 753.
Do pass, 1098.
Second reading, 1221. (Referred to general orders.)
General orders, 1228.
Second reading, 1409.
Returned amended, 1415.
Senate refuses to concur, 1422.
House adopts conference committee report, 1509.
Senate adopts conference committee report, 1519.
Came for signing, 1575.
Speaker signed, 1576.
Returned signed, 1577.

**Senate Bill No. 162**

Senate Bill No. 162. A Bill for an Act to Amend and Re-enact Section 10, of Chapter 102, of the Session Laws of the State of North Dakota for the Year 1937, Relating to Rentals and the Selection of Tenants in Housing Projects of Housing Authorities, and Declaring an Emergency.

Came to House, 591.
First reading, reference, 621.
Do pass, 1058.
Second reading, indefinitely postponed, 1141.
Reconsidered, 1212.
Second reading, indefinitely postponed, 1540.
Returned indefinitely postponed, 1544.

**Senate Bill No. 163**

Senate Bill No. 163. A Bill for an Act to Amend and Re-enact Section 6, of Chapter 104, of the Session Laws of North Dakota for the Year 1937, Relating to Revenue Bonds of Municipalities, and Declaring an Emergency.

Came to House, 592.
First reading, reference, 621.
Do pass, 991.
Second reading, 1035.
Returned unchanged, 1050.
Request Senate for return, 1076.
Senate returns, 1091.
Reconsidered, re-referred, 1110.

Amended, 1172.
General orders, 1227.
Second reading, lost, 1403.
Returned indefinitely postponed, 1536.

**Senate Bill No. 164**

Senate Bill No. 164. A Bill for an Act Relating to the Enactment of Ordinances in Cities Having the Commission Form of Government and Validating Ordinances Heretofore Enacted in Such Cities.

Came to House, 591.
First reading, reference, 621.
Indefinitely postponed, 1007.
Returned indefinitely postponed, 1090.

**Senate Bill No. 168**

Senate Bill No. 168. A Bill for an Act Relating to the Furnishing of Certified Checks or Bidder's Bonds by Contractors Submitting Proposals for the Construction of Public Improvements; Repealing All Acts or Parts of Acts in Conflict Herewith; and Declaring an Emergency.

Came to House, 940.
First reading, reference, 963.
Do pass, 1058.
Second reading, lost, 1141.
Returned indefinitely postponed, 1301.

**Senate Bill No. 170**

Senate Bill No. 170. A Bill for an Act to Amend Section 4073a of the 1925 Supplement to the Compiled Laws of North Dakota for 1913; and Declaring an Emergency.

Came to House, 731.
First reading, reference, 753.
Do pass, 1198.
Second reading, 1492.
Returned unchanged, 1495.
Came to House for signing, 1546.
Speaker signed, 1562.
Returned signed, 1568.

**Senate Bill No. 171**

Senate Bill No. 171. A Bill for an Act Authorizing and Directing the North Dakota Agricultural College to Enter Into A Co-operative and License Agreement With the United States of America for Agricultural Investigational Work on Land Located in the Sheyenne River Project in Richland and Ransom Counties, State of North Dakota.

Came to House, 777.
First reading, reference, 959.
Do pass, 1060.
Second reading, 1146.
Returned unchanged, 1161.
Came for signing, 1400.
Speaker signed, 1414.
Returned signed, 1471.

**Senate Bill No. 172**

Senate Bill No. 172. A Bill for an Act to Repeal Chapter

255 of the Session Laws of the State of North Dakota for 1931.

Came to House, 686.
First reading, reference, 753.
Do pass, 1058.
Second reading, 1142.
Returned unchanged, 1161.
Came for signing, 1400.
Speaker signed, 1414.
Returned signed, 1472.

**Senate Bill No. 175**

Senate Bill No. 175. A Bill for an Act Providing for the Establishment of, License Fee for, and Setting up Regulations to Govern Muskrat Propagation in the State of North Dakota.

Came to House, 592.
First reading, reference, 621.
Do pass, 990.
Second reading, 1022.
Returned unchanged, 1089.
Came for signing, 1176.
Speaker signed, 1194.
Returned signed, 1224.

**Senate Bill No. 177**

Senate Bill No. 177. A Bill for an Act to Repeal That Certain Initiated Law Entitled "An Act Prohibiting Corporation Farming and Relating to Corporations Acquiring and Holding Real Estate Not Necessary in the Operation of Their Business." Approved and Adopted by the Electors at the June 29, 1932 Primary Election, as Amended by Chapter 89 of the Session Laws of the State of North Dakota for the Year 1933, and as Further Amended by Chapter 111 of the Session Laws of North Dakota for the Year 1935.

Came to House, 777.
First reading, reference, 959.
Indefinitely postponed, 1098.
Returned indefinitely postponed, 1303.

**Senate Bill No. 178**

Senate Bill No. 178. A Bill for an Act Providing That the State Board of Finance and Administration Created and Established by Senate Bill Number 37 Now Pending Before This Legislative Assembly Shall be the Successor of The Board of Administration and Vesting in and Imposing Upon Said State Board of Finance and Administration All the Rights, Powers, Duties, Obligations and Prerogatives of Said Board of Administration, and Declaring an Emergency.

Came to House, 777.
First reading, reference, 958.
Indefinitely postponed, 1099.
Returned indefinitely postponed, 1303.

**Senate Bill No. 179**

Senate Bill No. 179. A Bill for an Act Licensing the Sale and Use of Punch Boards, Tip Books, Tip Jars, Pull Boards

and Push Boards; Providing for Certain License Fees and for Certain Taxes Thereon; for the Disposition of Monies Obtained Thereunder; Prohibiting the Sale and Use of Punch Boards, Tip Boards, Tip Jars, Pull Boards and Push Boards Not Duly Stamped; Providing for the Enforcement of This Act and Penalties for the Violation Thereof; Providing for a Saving Clause; Repealing All Acts or Parts of Acts in Conflict Therewith and Declaring an Emergency.

Came to House, 940.
First reading, reference, 962.
Do pass, 1097.
Second reading, 1219.
Returned indefinitely postponed, 1299.

**Senate Bill No. 180**

Senate Bill No. 180. A Bill for an Act to Repeal Sections 1326a1, 1326a2, 1326a3, 1326a4 and 1326a5 of the Supplement to the 1913 Compiled Laws of North Dakota, Relating to a Petition by Electors to Increase Debt Limit of School Districts.

Came to House, 730.
First reading, reference, 753.
Do pass, 971.
Second reading, lost, 998.
Returned indefinitely postponed, 1090.

**Senate Bill No. 181**

Senate Bill No. 181. A Bill for an Act to Amend and Reenact Section 15, Chapter 309, Laws of North Dakota, 1931, Providing for Commitment of Veterans, Repealing All Acts and Parts of Acts in Conflict Herewith and Declaring an Emergency.

Came to House, 731.
First reading, 753.
Do pass, 1060.
Second reading, 1147.
Returned unchanged, 1161.
Came for signing, 1397.
Speaker signed, 1411.
Returned signed, 1471.

**Senate Bill No. 182**

Senate Bill No. 182. A Bill for an Act Relating to the Status of Municipal Civil Service in Municipalities Which Change Their Form of Government and Amending Chapter 173 of the Session Laws of the State of North Dakota for the Year 1937.

Came to House, 592.
First reading, reference, 621.
Do pass, 991.
Second reading, 1037, action deferred.
Lost, 1077, amended on second reading.
Reconsidered, 1111.
Placed on calendar, passed, 1129.
Returned amended, 1160.
Senate concurs, 1179.
Came for signing, 1397.

Speaker signed, 1411.
Returned signed, 1470.

**Senate Bill No. 183**

Senate Bill No. 183. A Bill for an Act to Fix the Tax Levy Limitation for School Districts Which Have Heretofore Voted to Increase the Tax Levy Limit Therein; and Repealing Acts or Parts of Acts in Conflict Herewith.

Came to House, 731.
First reading, reference, 754.
Amended, 970.
General orders, 1000.
Second reading, 1038, lost.
Returned indefinitely postponed, 1090.

**Senate Bill No. 184**

Senate Bill No. 184. A Bill for an Act Authorizing the Adjutant General to Expend the Sum of $8,000.00 From the Balance Remaining in the "Returned Soldiers Fund" for the Purpose of Registering and Compiling Records of the Graves of Deceased Soldiers, Sailors, or Marines Buried in This State and for Caring for and Preserving of Soldier Records, and Declaring an Emergency.

Came to House, 730.
First reading, reference, 754.
Do pass, 1011.
Second reading, 1071, amended.
Returned amended, 1160.
Senate concurs, 1179.
Came for signing, 1398.
Speaker signed, 1460.
Returned signed, 1477.

**Senate Bill No. 186**

Senate Bill No. 186. A Bill for an Act Providing the Maximum Salary or Compensation Which May Be Paid to or Received by Any Member, Appointee or Employee of Any Board, Bureau, Commission or Department of the State of North Dakota and Providing Penalties for Violation of This Act.

Came to House, 627.
First reading, reference, 659.
Indefinitely postponed, 1058.
Returned indefinitely postponed, 1303.

**Senate Bill No. 187**

Senate Bill No. 187. A Bill for an Act to Permit School Districts, Discontinuing High Schools, to Furnish for High School Students, Transportation to Other School Districts Having High School Facilities.

Came to House, 731.
First reading, reference, 754.
Do pass, 1105.
Second reading, lost, 1204.
Reconsidered and placed on calendar, 1240.
Second reading, 1517.
Returned unchanged, 1521.
Came for signing, 1546.

Speaker signed, 1560.
Returned signed, 1569.

**Senate Bill No. 189**

Senate Bill No. 189. A Bill for an Act to Amend and Re-enact Section 1190 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, as Amended and Re-enacted by Chapter 243 of the Session Laws of North Dakota for 1927, and as Amended and Re-enacted by Chapter 231 of the Session Laws of North Dakota for 1937, Relating to Consolidation of Schools and Transportation of Pupils; and Repealing All Laws or Parts of Laws in Conflict Therewith.

Came to House, 627.
First reading, reference, 659.
Amended, 1103.
General orders, 1167.
Second reading, 1296.
Returned amended, 1305.
Senate concurs, 1326.
Came for signing, 1392.
Speaker signed, 1462.
Returned signed, 1475.

**Senate Bill No. 190**

Senate Bill No. 190. A Bill for an Act Authorizing the Board of Trustees of the Teachers' Insurance and Retirement Fund to Employ an Actuary and Clerical Assistance and Making an Appropriation Therefor.

Came to House, 687.
First reading, reference, 754.
Do pass, 1104.
Second reading, 1201.
Returned unchanged, 1304.
Came for signing, 1395.
Speaker signed, 1461.
Returned signed, 1476.

**Senate Bill No. 191**

Senate Bill No. 191. A Bill for an Act to Amend and Re-enact Section 1506 of the Compiled Laws of 1913 as Amended and Re-enacted by Section 1506 of the 1925 Supplement to the Compiled Laws of 1913, and to Amend and Re-enact Section 1517 of the Compiled Laws of 1913, as Amended and Re-enacted by Section 1517 of the 1925 Supplement to the Compiled Laws of 1913, Pertaining to the Teachers' Insurance and Retirement Fund.

Came to House, 687.
First reading, reference, 754.
Do pass, 1198.
Second reading, lost, 1451.
Motion to reconsider lost.
Returned indefinitely postponed, 1536.

**Senate Bill No. 193**

Senate Bill No. 193. A Bill for an Act Permitting the County Court to Make Decrees of Distribution and Close

Estates Without the Payment of Real Estate Taxes Levied Upon Real Property of the Estate.

Came to House, 730.
First reading, reference, 754.
Do pass, 1057.
Second reading, 1140.
Returned unchanged, 1161.
Came for signing, 1398.
Speaker signed, 1465.
Returned signed, 1474.

**Senate Bill No. 194**

Senate Bill No. 194. A Bill for an Act to Amend and Reenact Section 7971 of the Compiled Laws of the State of North Dakota for 1913, Relating to Actions Against Usurping Officers and Persons.

Came to House, 944.
First reading, reference, 963.
Indefinitely postponed, 1316.
Returned indefinitely postponed, 1391.

**Senate Bill No. 195**

Senate Bill No. 195. A Bill for an Act Clarifying, Confirming and Validating Chapter 86 of the Session Laws of 1937, which is an Act Making an Appropriation to be expended in Providing Public Assistance to the Needy Aged, the Needy Blind, and to Dependent Children, and for Providing Child Welfare Services and Services to Crippled Children in Coordination With and Supplementary to Funds Made Available for Like Purposes in North Dakota by the Federal Government; and Declaring an Emergency.

Came to House, 944.
First reading, reference, 963.
Do pass, 1105.
Second reading, 1206.
Returned unchanged, 1304.
Came for signing, 1396.
Speaker signed, 1461.
Returned signed, 1476.

**Senate Bill No. 196**

Senate Bill No. 196. A Bill for an Act to Amend and Reenact Section 6 of Chapter 198 of the Session Laws of 1937, 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.

Came to House, 591.
First reading, reference, 620.
Do pass, 1059.
Second reading, 1143.
Returned unchanged, 1161.
Came for signing, 1398.
Speaker signed, 1465.
Returned signed, 1474.

**Senate Bill No. 197**

Senate Bill No. 197. A Bill for an Act to Amend and Reenact Section 470 of the Compiled Laws of the State of North Dakota for 1913, Being Section 13, of Chapter 189, Session Laws of 1911, Relating to Penalties for Violation of the Laws Concerning the Practice of Medicine and Surgery.

Came to House, 944.
First reading, reference, 963.
Indefinitely postponed, 1317.
Returned indefinitely postponed, 1391.

**Senate Bill No. 198**

Senate Bill No. 198. A Bill for an Act to Amend and Reenact Section 1218 of the Supplement to the Compiled Laws for 1913, of the State of North Dakota, and Relating to the Report of the Treasurer in Common School Districts; and Repealing All Acts or Parts of Acts in Conflict Therewith.

Came to House, 944.
First reading, reference, 964.
Do pass, 1198.
Second reading, 1491.
Returned unchanged, 1495.
Came for signing, 1546.
Speaker signed, 1568.
Returned signed, 1568.

**Senate Bill No. 203**

Senate Bill No. 203. A Bill for an Act Authorizing and Directing the President of the North Dakota Agricultural College to Enter Into a Leasing Agreement in Behalf of the North Dakota Agricultural College, with Hettinger Special School District No. 13, Leasing the Hettinger Experimental Substation Property Located Adjacent to the Village of Hettinger in the County of Adams, State of North Dakota; and Repealing Chapter 185, of the Session Laws of North Dakota for the Year 1937.

Came to House, 778.
First reading, reference, 959.
Do pass, 1059.
Second reading, amended, 1144.
Returned amended, 1160.
Senate concurs, 1179.
Came for signing, 1398.
Speaker signed, 1465.
Returned signed, 1473.

**Senate Bill No. 204**

Senate Bill No. 204. A Bill for an Act Permitting County Commissioners to Publish Delinquent Real Estate Tax Sale Notices in the Legal Newspapers of the County, Repealing All Acts and Parts of Acts in Conflict Herewith, and Declaring an Emergency.

Came to House, 944.
First reading, reference, 964.
Do Pass, 1105.
Second reading, indefinitely postponed, 1206.
Reconsidered, placed on calendar, 1288.
Second reading, lost, 1498.
Returned indefinitely postponed, 1536.

**Senate Bill No. 205**

Senate Bill No. 205. A Bill for an Act Requiring the Publication of the Proceedings of Meetings of County Welfare Boards, Repealing All Acts and Parts of Acts in Conflict Herewith, and Declaring an Emergency.

Came to House, 928.
First reading, reference, 965.
Do pass, 1105.
Second reading, lost, 1205.
Reconsidered, put on calendar, 1212.
Returned unchanged, 1305.
Came for signing, 1396.
Speaker signed, 1461.
Returned signed, 1476.

**Senate Bill No. 208**

Senate Bill No. 208. A Bill for an Act to Encourage the Investment of Monies in the State of North Dakota, and to Encourage the Development of Industries and Resources in the State of North Dakota, Providing for Exempting, for a Period of Five Years, All of the Property of New Business Places, Hereafter Entered Into in the State of North Dakota, Whether the Same Be by Corporations, Firms, or Individuals, Providing That the Same Shall Only Apply Where Twenty-five Thousand Dollars or More of Capital Is Invested in Such Industry or Business Place, Within the State of North Dakota; Repealing All Acts and Parts of Acts in Conflict Herewith and Declaring an Emergency.

Came to House, 776.
First reading, reference, 957.
Indefinitely postponed, 1059.
Returned indefinitely postponed, 1090.

**Senate Bill No. 211**

Senate Bill No. 211. A Bill for an Act Appropriating Money for the Use of the Board of Railroad Commissioners for the Purpose of the Valuation and Revaluation of Public Utilities by the Board of Railroad Commissioners, as Provided by Chapter 253, Session Laws of 1935.

Came to House, 777.
First reading, reference, 958.
Do pass, 1111.
Second reading, 1213.
Returned unchanged, 1223.
Came for signing, 1400.
Speaker signed, 1462.
Returned signed, 1476.

**Senate Bill No. 212**

Senate Bill No. 212. A Bill For an Act Amending and Reenacting Section 2093 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, Relating to the Manner of Listing Real and Personal Property for Assessment Purposes, and Providing That as to General Merchandise, or Any Inventory of Goods and Wares, the Average Value of the Same for the Year Preceding the Time of the Assessment, Shall Be Taken as the Value Thereof for Assessment Purposes,

Repealing All Acts in Conflict Therewith and Declaring an Emergency.

Came to House, 946.
First reading, reference, 967.
Do pass, 971.
Second reading, 996.
Returned unchanged, 1008.
Came for signing, 1106.
Speaker signed, 1134.
Returned signed, 1163.

**Senate Bill No. 213**

Senate Bill No. 213. A Bill for an Act to Amend and Reenact Sections 3, 4, 12, 15, 26 and 27, of Chapter 157, of the Laws of 1927, and Section 1, of Chapter 137, of the Laws of 1937, Relating to the Occupation of Hairdressers and Cosmetologists, the Conduct of Schools for Hairdressing and Cosmetology, the Qualification of Applicants for Examinations, Certificates, and Making Provisions for the Payment of Fees in Connection Therewith.

Came to House, 730.
First reading, reference, 754.
Indefinitely postponed, 1317.
Returned indefinitely postponed, 1391.
Request Senate for return, 1480.
Senate returned, 1499.
Motion to reconsider lost, 1499.
Motion to reconsider carried, 1502.
Second reading, 1502.
Returned unchanged, 1505.
Came for signing, 1546.
Speaker signed, 1560.
Returned signed, 1569.

**Senate Bill No. 215**

Senate Bill No. 215. A Bill for an Act Amending and Reenacting Section 16, of Chapter 139, of the 1937 Session Laws Relating to Motor Vehicle Drivers Licenses, to Provide for Appointment of Local Agents and Their Compensation for Issuing Licenses, and Repealing Section 17, of Said Chapter 139, of the 1937 Session Laws and All Acts or Parts of Acts in Conflict Herewith, and Declaring an Emergency.

Came to House, 940.
First reading, reference, 967.
Do pass, 1045.
Second reading, indefinitely postponed, 1137.
Reconsidered, placed on calendar, 1234.
Second reading, 1417.
Returned unchanged, 1470.
Came for signing, 1523.
Speaker signed, 1561.
Returned signed, 1569.

**Senate Bill No. 216**

Senate Bill No. 216. A Bill for an Act to Amend and Reenact Chapter 284, of the 1927 Session Laws of the State of North Dakota, Providing for the Investment of Monies

in the Workmen's Compensation Fund, and Making an Appropriation for Such Investments.

Came to House, 945.
First reading, reference, 963.
Do pass, 1098.
Second reading, indefinitely postponed, 1288.
Returned indefinitely postponed, 1301.

**Senate Bill No. 218**

Senate Bill No. 218. A Bill for an Act to Amend and Reenact Section 9, of Chapter 311 of the Session Laws for the Year 1931, as Amended and Re-enacted by Chapter 269, of the Session Laws for the Year 1933; Relating to Fees for Inspection of Weights and Measures, and Declaring an Emergency.

Came to House, 591.
First reading, reference, 620.
Indefinitely postponed, 1096.
Returned indefinitely postponed, 1301.

**Senate Bill No. 222**

Senate Bill No. 222. A Bill for an Act Making an Appropriation for $5,598.30 for Payment of Fire and Tornado Insurance Premiums Upon the Transient Camp Buildings, Located at Lake Metigoshe, Belonging to the State Historical Society.

Came to House, 927.
First reading, reference, 962.
Do pass, 1097.
Second reading, 1216.
Returned unchanged, 1305.
Came for signing, 1397.
Speaker signed, 1412.
Returned signed, 1471.

**Senate Bill No. 225**

Senate Bill No. 225. A Bill for an Act Relating to the Giving of Proof of Financial Responsibility by Owners and Operators of Motor Vehicles and to Make Uniform the Law With Reference Thereto.

Came to House, 928.
First reading, reference, 960.
Do pass, 1171.
Second reading, 1448.
Returned unchanged, 1469.
Came for signing, 1546.
Speaker signed, 1560.
Returned signed, 1569.

**Senate Bill No. 226**

Senate Bill No. 226. A Bill for an Act to Amend and Reenact Section 2 of That Certain Initiated Law Entitled "An Act Declaring Mortgages on Growing and Unharvested Crops to Be Against the Public Policy of the State and Abolishing the Same," Approved and Adopted by the Electors at the June 29, 1932 Primary Election; as Amended by Chapter 150 of the Session Laws of North Dakota for the Year

1933, Repealing All Acts or Parts of Acts in Conflict and Declaring an Emergency.
Came to House, 776.
First reading, reference, 957.
Amended, 1105.
General orders, 1168.
Second reading, 1419.
Returned amended, 1469.
Senate refuses to concur, 1490.
Senate adopts conference committee report, 1524.
Senate concurs in House amendments, 1553.
House adopts conference committee report, 1596.
Came for signing, 1618.
Speaker signed, 1621.
Returned signed, 1622.

**Senate Bill No. 228**

Senate Bill No. 228. A Bill for an Act Providing for Transfer of Certain School Lands Situated in Williams and Barnes Counties, Respectively, State of North Dakota, to Williams and Barnes Counties to Be Used and Maintained as Public Parks, and Authorizing the Exchange of Lands Belonging to Said Counties Therefor; and Declaring an Emergency.
Came to House, 776.
First reading, reference, 957.
Amended, 1100.
General orders, 1167.
Second reading, 1295.
Returned amended, 1305.
Senate concurs, 1325.
Came for signing, 1396.
Speaker signed, 1463.
Returned signed, 1475.

**Senate Bill No. 232**

Senate Bill No. 232. A Bill for an Act Making an Appropriation for the Use and Benefit of the State Highway Department of the State of North Dakota to Pay for Equipment (Purchased From and Installed by the Addressograph Multigraph Corporation.)
Came to House, 943.
First reading, reference, 965.
Amended, 1061.
General orders, 1087.
Second reading, 1182.
Returned amended, 1228.
Senate concurs, 1249.
Came for signing, 1397.
Speaker signed, 1412.
Returned signed, 1471.

**Senate Bill No. 233**

Senate Bill No. 233. A Bill for an Act Providing for a Lien in Favor of House-Movers and Providing for the Filing, Perfection and Enforcement of Said Lien.
Came to House, 731.
First reading, reference, 755.

Indefinitely postponed, 1059.
Returned indefinitely postponed, 1301.

**Senate Bill No. 234**

Senate Bill No. 234. A Bill for an Act to Amend and Reenact Section 6 of Chapter 108 of the Session Laws of 1935 as Amended by Chapter 114 of the Session Laws of 1937 and Sections 9, 10, 17 and 18 of Chapter 108 of the Session Laws of 1935; Repealing All Inconsistent Acts; and Declaring an Emergency.

Came to House, 928.
First reading, reference, 961.
Do pass, 1045.
Second reading, 1132.
Returned unchanged, 1162.
Came for signing, 1399.
Speaker signed, 1465.
Returned signed, 1473.

**Senate Bill No. 235**

Senate Bill No. 235. 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.

Came to House, 626.
First reading, reference, 659.
Do pass as Senate amended, 1007.
Second reading, 1063.
Returned indefinitely postponed, 1303.

**Senate Bill No. 236**

Senate Bill No. 236. A Bill for an Act to Amend and Reenact Section 3 of Chapter 255 of the Session Laws of 1937, Relating to the Creation of State Water Conservation Commission.

Came to House, 686.
First reading, reference, 755.
Do pass, 1096.
Second reading, lost, 1188.
Returned indefinitely postponed, 1304.

**Senate Bill No. 237**

Senate Bill No. 237. A Bill for an Act to Provide for the Creation of the State Equalization Fund; Providing for its Distribution in the Payment of Costs of Correspondence Work, Costs of Vocational Education, High School Tuition and in the Payment of Direct Aid to School Districts Upon a Teacher-Unit and Per Pupil 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 Reports; Repealing Chapter 227 of the Session Laws of 1937 and All Acts or Parts of Acts in Conflict Therewith.

Came to House, 687.
First reading, reference, 755.
Amended.

General orders, 1321.
Second reading, 1494.
Returned amended, 1501.
Senate refuses to concur, 1516.
House adopts conference committee report, 1583.
Senate adopts conference committee report, 1585.
Came for signing, 1618.
Speaker signed, 1621.
Returned signed, 1623.

**Senate Bill No. 238**

Senate Bill No. 238. 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.

Came to House, 946.
First reading, reference, 961.
Amended, 1235.
General orders, 1312.
Second reading, 1521.
Returned amended, 1528.
Senate refuses to concur, 1532.
Senate concurs in House amendments, 1549.
House refuses to adopt conference committee report, 1553.
House adopts conference committee report, 1567.
Came for signing, 1575.
Speaker signed, 1576.

**Senate Bill No. 239**

Senate Bill No. 239. A Bill for an Act Making an Appropriation to Pay for a Portion of the Current Operating Expense of Our Public School System as Provided for in the State Equalization Fund Law, as Provided for by Senate Bill No. 237 as Passed by the 1939 Session of the Legislature.

Came to House, 943.
First reading, reference, 965.
Amended, 1096.
General orders, 1166.
Second reading, 1291.
Returned amended, 1305.
Senate refuses to concur, 1516.
House adopts conference committee report, 1580.
Senate adopts conference committee report, 1585.
Came for signing, 1619.
Speaker signed, 1620.
Returned signed, 1623.

**Senate Bill No. 240**

Senate Bill No. 240. A Bill for an Act to Authorize the Disorganization of Counties by Petition and Election or by Judicial Procedure and for the Proceedings Therefor; and for the Elimination of County Officers and the Termination of Their Terms of Office; and for the Attachment to an Organized County for Judicial and Administrative Purposes; and Providing for the Duties of the Officers of the Organized County to Which Attached, Including the Powers and Limitations to Tax; to Maintain Separate Records, to Act as Trustee, Collect the Revenue and to Disburse the Expenses for the Operation of the Unorganized County; and

for Submitting the Question if Portions of This Act Are Unconstitutional or Final Decree Denies the Petition; and for Retaining the Validity of the Remaining Provisions of This Act if Any Are Declared Unconstitutional; and for the Repeal of Acts in Conflict Herewith, and Declaring an Emergency.

Came to House, 946.
First reading, reference, 961.
Do pass, 990.
Second reading, action deferred one day, 1023.
Action deferred one day, 1074.
Final passage, amended, 1078.
Returned amended, 1088.
Senate concurs, 1094.
Came for signing, 1398.
Speaker signed, 1459.
Returned signed, 1477.

**Senate Bill No. 241**

Senate Bill No. 241. A Bill for an Act to Provide for the Better Enforcement and Collection of Personal Property Taxes by Providing for the Appointment of a Special Tax Collector; Prescribing His Duties, Authority and Compensation; and Declaring an Emergency.

Came to House, 776.
First reading, reference, 957.
Indefinitely postponed, 970.
Returned indefinitely postponed, 988.

**Senate Bill No. 242**

Senate Bill No. 242. A Bill for an Act to Re-establish the North Dakota Mill and Elevator Association and Define Its Powers and Duties; to Provide for the Establishment of a North Dakota Board of Industrial Management, Define Its Powers and Duties in Respect to the Management, Operation and Control of the Properties and Businesses of the North Dakota Mill and Elevator Association, and Repealing All Acts or Parts of Acts in Conflict Herewith.

Came to House, 928.
First reading, reference, 960.
Indefinitely postponed, 1318.
Returned indefinitely postponed, 1391.

**Senate Bill No. 244**

Senate Bill No. 244. A Bill for an Act Making an Appropriation for the Purpose of Defraying the Expense of the Maintenance and Operation of the Bank of North Dakota.

Came to House, 946.
First reading, reference, 961.
Amended, 1244.
General orders, 1315.
Second reading, 1537.
Returned amended, 1543.
Senate concurs, 1545.
Came for signing, 1575.
Speaker signed, 1576.
Returned signed, 1577.

**Senate Bill No. 245**

Senate Bill No. 245. A Bill for an Act Making an Appropriation for the General Maintenance and Operation of the North Dakota Twine and Cordage Plant at the State Penitentiary.

Came to House, 945.
First reading, reference, 964.
Amended, 1244.
General orders, 1315.
Second reading, 1539.
Returned amended, 1543.
Senate concurs, 1544.
Came for signing, 1575.
Speaker signed, 1576.
Returned signed, 1576.

**Senate Bill No. 246**

Senate Bill No. 246. A Bill for an Act Exempting Employes Who Are Residents of and Who Are Insured Under the Workmen's Compensation Act or Similar Statute of Another State From the Application of the North Dakota Workmen's Compensation Act Where Such Other State Recognizes Extra-territorial Coverage Furnished to North Dakota Employers for Their Employes While Working in Such Other State.

Came to House, 735.
First reading, reference, 755.
Do pass, 1083.
Second reading, 1155.
Returned unchanged, 1162.
Came for signing, 1399.
Speaker signed, 1465.
Returned signed, 1473.

**Senate Bill No. 247**

Senate Bill No. 247. A Bill for an Act Amending Section 9991 of the 1925 Supplement of the Compiled Laws of 1913. Relating to Misuse of Fraternal and Other Emblems to Victimize Charitably Disposed Persons Through False Personification.

Came to House, 730.
First reading, reference, 755.
Do pass, 1060.
Second reading, amended, 1148.
Returned amended, 1160.
Senate concurs, 1169.
Came for signing, 1400.
Speaker signed, 1466.
Returned signed, 1473.

**Senate Bill No. 248**

Senate Bill No. 248. A Bill for an Act Making an Appropriation for the Purpose of Operating and Maintaining the State Fire and Tornado Fund for the Biennium Beginning July 1, 1939.

Came to House, 945.
First reading, reference, 963.
Do pass, 1044.

Second reading, 1131.
Returned unchanged, 1162.
Came for signing, 1400.
Speaker signed, 1466.
Returned signed, 1473.

**Senate Bill No. 249**

Senate Bill No. 249. A Bill for an Act Making an Appropriation for the Purpose of Operating and Maintaining the State Bonding Fund for the Biennium Beginning July 1, 1939.

Came to House, 945.
First reading, reference, 963.
Amended, 1096.
General orders, 1166.
Second reading, 1292.
Returned amended, 1305.
Senate concurs, 1326.
Came for signing, 1396.
Speaker signed, 1461.
Returned signed, 1476.

**Senate Bill No. 250**

Senate Bill No. 250. A Bill for an Act to Amend and Reenact Section 2565 of the Compiled Laws of North Dakota for the Year 1913, as Amended by Chapter 109, of the Session Laws of 1929, Relating to Salaries and Fees of Members of Board of Commissioners of Insanity, by Whom Paid, and Declaring an Emergency.

Came to House, 731.
First reading, reference, 755.
Indefinitely postponed, 1059.
Returned indefinitely postponed, 1302.

**Senate Bill No. 251**

Senate Bill No. 251. A Bill for an Act to Facilitate the Co-operation of This State With Other Units of Government and to Establish an Unpaid Commission for That Purpose, and Declaring an Emergency.

Came to House, 777.
First reading, reference, 958.
Indefinitely postponed, 1057.
Returned indefinitely postponed, 1091.

**Senate Bill No. 252**

Senate Bill No. 252. A Bill for an Act to Repeal Section 8 of Chapter 125 of the 1933 Session Laws Relating to Duties of State Highway Commissioner and to Dispense With the Necessity of Filing Monthly With the State Auditing Board an Itemized Statement of Materials Sold or Purchased.

Came to House, 928.
First reading, reference, 962.
Do pass, 1010.
Second reading, lost, 1070.
Returned indefinitely postponed, 1090.

**Senate Bill No. 253**

Senate Bill No. 253. A Bill for an Act Making an Appropriation for the Purpose of Defraying the Expense of the

**Maintenance and Operation of the State of North Dakota Doing Business as the North Dakota Mill and Elevator Association.**

Came to House, 946.
First reading, reference, 961.
Do pass, 1097.
Second reading, lost, 1289.
Reconsidered, placed on calendar, 1292.
Second reading, 1500.
Returned unchanged, 1505.
Came for signing, 1546.
Speaker signed, 1560.
Returned signed, 1569.

**Senate Bill No. 255**

Senate Bill No. 255. A Bill for an Act Making an Appropriation for the Operation and Maintenance of the State Hail Insurance Department, for the Biennium Beginning July 1, 1939.

Came to House, 945.
First reading, reference, 963.
Amended, 1235.
General orders, 1312.
Second reading, 1520.
Returned amended, 1529.
Senate refuses to concur, 1531.
House adopts conference committee report, 1591.
Senate adopts conference committee report, 1596.
Came for signing, 1618.
Speaker signed, 1621.
Returned signed, 1623.

**Senate Bill No. 256**

Senate Bill No. 256. A Bill for an Act to Amend and Reenact Sub-division (1) of Section 811 of the Supplement to the Compiled Laws of North Dakota for 1913, as Amended by Chapter 143, of the Session Laws of North Dakota for 1933, Relating to the Distribution of State Bar Funds to the Bar Association of North Dakota and Declaring an Emergency.

Came to House, 730.
First reading, reference, 755.
Do pass, 1057.
Second reading, 1138.
Returned unchanged, 1160.
Came for signing, 1400.
Speaker signed, 1461.
Returned signed, 1476.

**Senate Bill No. 257**

Senate Bill No. 257. A Bill for an Act Providing for Special Audits and Investigations of the North Dakota Mill and Elevator Association, the Bank of North Dakota, the State Highway Department and the Office of State Highway Commissioner, the Board of Administration, the Board of University and School Lands, the Industrial Commission and the State Securities Commission, and Such Other Offices, Departments, Institutions and Commissions of the State as

the Governor Shall Designate; Providing for the Appointment of a Special Examining Commissioner and for the Prosecution of Any Action or Proceeding Which May Be Deemed Warranted as a Result of Such Audit, Investigation or Check Up; Providing for an Appropriation to Carry Out the Purposes of This Act, and Declaring an Emergency.

Came to House, 947.
First reading, reference, 967.
Indefinitely postponed, 1100.
Reconsidered, 1183.
Roll call, 1183.
Motion to place in General orders, 1183.
General orders, 1227.
Indefinitely postponed, 1240.
Returned indefinitely postponed, 1301.

**Senate Bill No. 258**

Senate Bill No. 258. A Bill for an Act Providing Suspension of Remedies to Enforce or Effectuate Tax Liens, Certificates and Titles Affecting Lands Acquired by the State Treasurer as Trustee for the State of North Dakota Under the Provisions of Sections 2290b9 and 2290c9 of the 1925 Supplement to the 1913 Compiled Laws of North Dakota, and Acts Amendatory Thereof, Providing for Removal of Such Suspension Upon Sale of Said Lands, Providing Authority for Payment of the Original Amounts of General Taxes, and Cancellation of Liens, Certificates and Titles Based Thereon, and Providing for Repeal of All Inconsistent Acts, Including Chapter 290 of the North Dakota Session Laws of 1931, and Declaring an Emergency.

Came to House, 777.
First reading, reference, 958.
Do pass, 989.
Second reading, 1020.
Reconsidered and re-referred, 1021.
Amended, 1197.
General orders, 1228.
Second reading, 1404.
Returned amended, 1415.
Senate concurs, 1430.
Came for signing, 1510.
Speaker signed, 1567.
Returned signed, 1572.

**Senate Bill No. 259**

Senate Bill No. 259. A Bill for an Act Authorizing the State Treasurer to Invest and Reinvest Funds of the State Fire and Tornado Fund, and Appropriating Such Funds for That Purpose.

Came to House, 675.
First reading, reference, 680.
Second reading, 901.
Returned unchanged, 934.
Came for signing, 971.
Speaker signed, 972.
Returned signed, 973.

**Senate Bill No. 260**

Senate Bill No. 260. A Bill for an Act Amending and Re-

**enacting Chapter 102, Session Laws of the State of North Dakota for the Year 1929.**

Came to House, 827.
First reading, reference, 959.
Reported amended,
General orders, 1322.
Second reading, 1541.
Returned amended, 1544.
Senate refuses to concur, 1545.
Senate adopts conference committee report, 1577.
House refuses to concur in conference committee report, new conference committee, 1595.
Senate adopts conference committee report, 1601.
House adopts conference committee report, 1601.
Came for signing, 1619.
Speaker signed, 1621.
Returned signed, 1623.

**Senate Bill No. 261**

Senate Bill No. 261. A Bill for an Act Authorizing the State Treasurer as Trustee for the State of North Dakota to Transfer Lands Owned by Him to Owners of Other Lands of Approximately Equal Value in Exchange for Transfers of Such Other Lands, and Declaring an Emergency.

Came to House, 941.
First reading, reference, 966.
Do pass, 1060.
Second reading, 1150.
Returned unchanged, 1161.
Came for signing, 1398.
Speaker signed, 1459.
Returned signed, 1477.

**Senate Bill No. 262**

Senate Bill No. 262. A Bill for an Act Authorizing Investment of All Trust Funds by Legal Custodian; Providing Appropriations of Trust Funds for Investment Purposes and Repealing All Acts in Conflict Herewith.

Came to House, 730.
First reading, reference, 756.
Do pass, 1060.
Second reading, 1145.
Returned unchanged, 1161.
Came for signing, 1398.
Speaker signed, 1460.
Returned signed, 1477.

**Senate Bill No. 263**

Senate Bill No. 263. A Bill for an Act to Amend and Reenact Section 7412 of the Compiled Laws of 1913, Relating to Power of Court, Interpleader, and Declaring an Emergency.

Came to House, 827.
First reading, reference, 959.
Indefinitely postponed, 1095.
Returned indefinitely postponed, 1301.

**Senate Bill No. 265**

Senate Bill No. 265. A Bill for an Act Providing That

the Emergency Commission Created and Established by Section 283c1 of the 1925 Supplement to the Compiled Laws of the State of North Dakota Shall Pass Upon All Expenditures From the Emergency Fund of the State Hail Insurance Department, and Declaring an Emergency.

Came to House, 940.
First reading, reference, 966.
Do pass, 1509.
Second reading, 1294.
Reconsidered, referred, 1076.
Amended, 1099.
General orders, 1167.
Second reading, 1294.
Returned amended, 1305.
Senate refuses to concur, lost on roll call, 1433.

**Senate Bill No. 268**

Senate Bill No. 268. A Bill for an Act to Amend and Reenact Section 1498 of the Compiled Laws of 1913, Relating to the Records of the Teachers' Insurance and Retirement Fund.

Came to House, 927.
First reading, reference, 962.
Indefinitely postponed, 1104.
Returned indefinitely postponed, 1302.

**Senate Bill No. 270**

Senate Bill No. 270. A Bill for an Act Providing That the Furnishing of Transportation or Its Equivalent to School Children Shall Be Optional With the School Board of Each District; Repealing All Laws or Parts of Laws in Conflict Therewith.

Came to House, 928.
First reading, reference, 962.
Indefinitely postponed, 1103.
Returned indefinitely postponed, 1302.

**Senate Bill No. 275**

Senate Bill No. 275. A Bill for an Act Prohibiting the Use of Motor Vehicles Owned by the State, or Any Department, Board, Bureau, Commission, Institution, or Other Agency of the State, Including the State Mill and Elevator and the Bank of North Dakota by Any State Officer or Other Public Employee, and Prohibiting the Collection and Receipt of Any Mileage or Other Traveling Expenses for the Operation of a Privately Owned Motor Vehicle by Such State Officer or Other Public Employee While Engaged in Any Political Activity, and Prescribing Penalties Therefor.

Came to House, 882.
First reading, reference, 960.
Do pass, 1172.
Second reading, 1449.
Returned unchanged, 1470.
Came for signing, 1523.
Speaker signed, 1560.
Returned signed, 1569.

**Senate Bill No. 276**

Senate Bill No. 276. A Bill for an Act to Amend and Reenact Section 6, of Chapter 244, of the Session Laws of 1937, Relating to Liens and Assignments Acquired in Proceedings for the Collection of Rents to Be Applied on Real Estate Taxes; Providing for Priority of Liens Acquired by the United States Government or Any Agency Thereof, and Repealing All Acts in Conflict Herewith; Declaring an Emergency.

Came to House, 927.
First reading, reference, 962.
Indefinitely postponed, 990.
Returned indefinitely postponed, 1008.
House requests return, 1124.
Senate grants request, 1126.
Reconsidered, 1133.
Placed in General orders, 1168.
Placed at foot of calendar, 1434.
Second reading, 1515.
Returned amended, 1527.
Senate concurs, 1530.
Came for signing, 1546.
Speaker signed, 1562.
Returned signed, 1568.

**Senate Bill No. 277**

Senate Bill No. 277. A Bill for an Act Making an Appropriation to Provide Funds for the Payment of Salaries and Expenses Due Inspectors of the Motor Vehicle Registration Department; and Declaring an Emergency.

Came to House, 944.
First reading, reference, 963.
Amended, 991.
General orders, 1032.
Second reading, amended, 1076.
Returned amended, 1088.
Senate concurs, 1094.
Senate refuses to concur, 1346.
House requests Senate for return of enrolled bill for signature, 1481.
Reconsidered, placed on calendar, lost, 1593.
Conference committee appointed, 1594.
House refuses to adopt conference committee report, 1606.
New conference committee appointed, 1606.
Reconsidered, called from conference committee, lost, 1611.
Returned indefinitely postponed, 1612.
House requests return, 1615.
House adopts conference committee report, 1616.
Returned to Senate, conference committee report adopted, 1617.
Came for signing, 1619.
Speaker signed, 1621.
Returned signed, 1623.

**Senate Bill No. 278**

Senate Bill No. 278. A Bill for an Act Relating to the Board of University and School Lands; Relating to Its Duties and Powers in Relation to Investment of Its Funds,

Management of Same; Providing for Levy to Take Care of Losses; Repealing All Acts or Parts of Acts in Conflict Therewith.

Came to House, 927.
First reading, reference, 962.
Indefinitely postponed, 1198.
Returned indefinitely postponed, 1303.

**Senate Bill No. 281**

Senate Bill No. 281. A Bill for an Act to Amend and Reenact Section 548a1 of the 1925 Supplement to the Compiled Laws of North Dakota for the Year 1913, Relating to the Licensing of Pool Halls, Dance Halls, Theatres, Moving Picture Shows, Etc.

Came to House, 944.
First reading, reference, 964.
Amended, 1172.
General orders, 1227.
Second reading, 1402.
Returned amended, 1415.
Senate concurs, 1430.
Came for signing, 1509.
Speaker signed, 1566.
Returned signed, 1572.

**Senate Bill No. 283**

Senate Bill No. 283. A Bill for an Act Prescribing the Oath to Be Taken and Subscribed to by Professors, Instructors and Teachers in Public Schools, Colleges and Universities of the State.

Came to House, 946.
First reading, reference, 960.
Do pass, 1105.
Second reading, 1202.
Returned unchanged, 1304.
Came for signing, 1398.
Speaker signed, 1413.
Returned signed, 1471.

**Senate Bill No. 284**

Senate Bill No. 284. A Bill for an Act Relating to Copyrights and Public Performing Rights in Musical Compositions and Dramatico-Musical Compositions, Requiring Lists Thereof to Be Filed, Regulating the Issue of Licenses With Respect Thereto, Prohibiting Discrimination, Providing for Service of Process, Levying a Privilege Tax, Providing Penalties, and Repealing Inconsistent Acts.

Came to House, 946.
First reading, reference, 961.
Amended, 1170.
General orders, 1226.
Second reading, 1251.
Returned amended, 1306.
Senate concurs, 1326.
Came for signing, 1392.
Speaker signed, 1462.
Returned signed, 1475.

# HOUSE ACTION UPON SENATE RESOLUTIONS

**Senate Concurrent Resolution No. 12**

Senate Concurrent Resolution No. 12. Relating to the Research by the Northern Federal Laboratory on Production of Power Alcohol.

Came to House, 177.
First reading, reference, 181.
Do pass, 187.
Returned unchanged, 234.
Came for signing, 273.
Speaker signed, 278.
Returned signed, 278.

**Senate Concurrent Resolution No. 17**

Senate Concurrent Resolution No. 17. Relating to Fuel Briquettes to Be Made from Straw.

Came to House, 172.
Passed, 175.
Returned unchanged, 181.
Came for signing, 196.
Speaker signed, 209.
Returned signed, 219.

**Senate Concurrent Resolution No. 18**

Senate Concurrent Resolution No. 18. Memorializing Congress to Pass the Townsend Recovery Plan.

Came to House, 172.
Adopted, 175.
Returned unchanged, 181.
Came for signing, 196.
Speaker signed, 209.
Returned signed, 219.

**Senate Concurrent Resolution No. 20**

Senate Concurrent Resolution No. 20. Memorializing Congress for Establishment of Prices on Farm Products Equal to the Cost of Production.

Came to House, 172.
Adopted, 175.
Returned unchanged, 181.
Came for signing, 196.
Speaker signed, 209.
Returned signed, 219.

**Senate Concurrent Resolution No. 21**

Senate Concurrent Resolution No. 21. A Concurrent Resolution Requesting Congress to Include "Cost of Production" in the Soil Conservation Act, Together With Its Insurance Features.

Came to House, 173.
Adopted, 175.
Returned unchanged, 181.

Came for signing, 218.
Speaker signed, 230.
Returned signed, 234.

**Senate Concurrent Resolution No. 24**

Senate Concurrent Resolution No. 24. Urging the Establishment of a Division of Co-operatives in the Department of Agriculture.

Came to House, 177.
First reading, reference, 181.
Adopted, 196, 228.
Returned unchanged, 243.
Came for signing, 281.
Speaker signed, 282.
Returned signed, 314.

**Senate Concurrent Resolution No. 25**

Senate Concurrent Resolution No. "25." A Concurrent Resolution Urging Enactment of the Harrison-Fletcher Bill for the Benefit of Needy Schools, and for the Expansion of the Smith-Hughes Act.

Came to House, 627.
First reading, reference, 658.
Adopted, 1010.
Returned unchanged, 1050.
Came for signing, 1176.
Speaker signed, 1193.
Returned signed, 1224.

**Senate Concurrent Resolution No. 31**

Senate Concurrent Resolution No. 31. Urging Congress of the United States to Establish Work Projects for Farmers.

Came to House, 173.
Adopted, 175.
Returned unchanged, 181.
Came for signing, 196.
Speaker signed, 209.
Returned signed, 219.

**Senate Concurrent Resolution No. 42**

Senate Concurrent Resolution No. 42. Re-establishing and Rehabilitating the Foundation Herds of Livestock for the Farmers and Ranchers of the State of North Dakota.

Came to House, 232.
First reading, reference, 239.
Adopted, 275.
Returned unchanged, 314.
Came for signing, 342.
Speaker signed, 343.
Returned signed, 361.

**Senate Concurrent Resolution No. 44**

Senate Concurrent Resolution No. 44. Memorializing Congress to Make Credit Immediately Available to Finance Wheat Crop Insurance.

Came to House, 232.
First reading, reference, 239.

Adopted, 275.
Returned unchanged, 314.
Came for signing, 342.
Speaker signed, 343.
Returned signed, 361.

**Senate Concurrent Resolution No. 64**

Senate Concurrent Resolution No. 64. A Concurrent Resolution Memorializing the Congress of the United States to Provide Funds for the Payment of a Proportion of the Outstanding Indebtedness of the Taxing District, in Which the Federal Government Has Made or Will Make Land Purchases.

Came from Senate, 312.
First reading, reference, 322.
Adopted, 357.
Returned unchanged, 392.
Came for signing, 421.
Speaker signed, 434.
Returned signed, 437.

**Senate Concurrent Resolution No. 67**

Senate Concurrent Resolution No. 67. A Concurrent Resolution Requesting Congress to Enact Legislation Permitting Payment of Seed Loans Bushel for Bushel.

Came to House, 360.
First reading, reference, 367.
Adopted, 371.
Returned unchanged, 403.
Came for signing, 472.
Speaker signed, 475.
Returned signed, 478.

**Senate Concurrent Resolution No. 106**

Senate Concurrent Resolution No. 106. A Concurrent Resolution Urging Immediate Investigation by Congress of Manufacturers of Farm Implements to Determine Costs of Raw Materials, Manufacture, Distribution, Ultimate Costs to Farmer, Price Spread Between Farmer and Consumer of Farm Products, Determination of Farm Machinery Prohibitions, Prohibitions as to Flax Crops and Importation to Meet the Country's Need, and to Determine if a Trust Exists Exercising Unfair Practices to the Detriment of the Agricultural Commonwealth.

Came to House, 471.
First reading, reference, 486.
Adopted, 499.
Returned unchanged, 553.
Came for signing, 623.
Speaker signed, 647.
Returned signed, 647.

**Senate Concurrent Resolution No. 129**

Senate Concurrent Resolution No. 129. A Concurrent Resolution Memorializing Congress to Support the Proposed Legislation Prohibiting Retro-active Federal Taxation of State and Municipal Securities and Employes.

Came to House, 471.

First reading, reference, 486.
Indefinitely postponed, 499.
Returned indefinitely postponed, 553.

**Senate Concurrent Resolution No. 135**

Senate Concurrent Resolution No. 135. A Concurrent Resolution Providing for the Amendment of Sections 167, 170, 172 and 173 and the Repeal of Section 171 of the Constitution of North Dakota.

Came to House, 521.
First reading, reference, 545.
Amended, 692.
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Second reading, 999.
Returned amended, 1008.
Senate refuses to concur, 1019.
House adopts conference committee report, 1252.
Senate adopts conference committee report, 1259.
Came for signing, 1397.
Speaker signed, 1412.
Returned signed, 1472.

**Senate Concurrent Resolution No. 148**

Senate Concurrent Resolution No. 148. A Concurrent Resolution Providing for the Amendment of Article 33 of the Constitution of North Dakota, Relating to the Recall.

Came to House, 552.
First reading, reference, 620.
Do pass, 990.
Second reading, 1034.
Returned unchanged, 1050.
Came for signing, 1176.
Speaker signed, 1194.
Returned signed, 1224.

**Senate Concurrent Resolution No. 185**

Senate Concurrent Resolution No. 185. A Concurrent Resolution Memorializing Congress to Increase the Minimum Number of Employees Required in Agricultural States Under the Unemployment Compensation Act.

Came to House, 592.
First reading, reference, 621.
Adopted, 1059.
Returned unchanged, 1162.
Came for signing, 1398.
Speaker signed, 1462.
Returned signed, 1476.

**Senate Concurrent Resolution No. 271**

Senate Concurrent Resolution No. 271. A Concurrent Resolution Relating to the Distribution of Food Commodities by Federal Relief Agencies.

Came to House, 827.
First reading, reference, 959.
Do pass, 1105.
Second reading, adoption, 1207.

Returned unchanged, 1222.
Came for signing, 1397.
Speaker signed, 1463.
Returned signed, 1476.

**Senate Concurrent Resolution No. 282**

Senate Concurrent Resolution No. 282. A Concurrent Resolution Providing for the Amendment of the Constitution to Provide for an Appointive Board to Manage the Permanent Funds of the State, Abolishing the Board of University and School Lands, and the Local Board of Appraisal, and Repealing Sections 156 and 157 of the Constitution.

Came to House, 946.
First reading, reference, 960.
Amended, 1104.
General orders, 1168.
Second reading, lost, 1418.
Returned indefinitely postponed, 1536.

**Senate Concurrent Resolution No. 285**

Senate Concurrent Resolution No. 285. A Concurrent Resolution Memorializing the Members of the United States Congress Urging Congress to Pass a Bill to Establish a National Land Policy and to Provide Homesteads Free of Debt for Actual Farm Families, Which Bill is Now Pending in Congress Known as S. 136.

Came to House, 1178.
Adopted, 1198.
Returned unchanged, 1222.
Came for signing, 1396.
Speaker signed, 1412.
Speaker signed, 1460.
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**Senate Concurrent Resolution No. 286**

Senate Concurrent Resolution No. 286. A Concurrent Resolution Relating to the Distribution of Money Obtained From the Sale of Public Lands and From Royalties on Minerals Contained Therein.

Came to House, 1359.
Indefinitely postponed, 1393.
Returned indefinitely postponed, 1411.

**Senate Concurrent Resolution No. 287**

Senate Concurrent Resolution No. 287. A Concurrent Resolution Urging an Investigation by the President of the United States and Congress of the Relief Situation in North Dakota.

Came to House, 1359.
House adopted, 1392.
Returned unchanged, 1411.
Came for signing, 1510.
Speaker signed, 1561.
Returned signed, 1570.

**Senate Concurrent Resolution No. 288**

Senate Concurrent Resolution No. 288. A Concurrent Resolution Providing for Payment of House and Senate Employes for Four Extra Days.

Came to House, 1543.
Adopted, 1557.
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