

STATE OF NORTH DAKOTA

Journal of the House

Special Session

of the

Thirty - ninth Session

of the

Legislative Assembly

Begun and held at the Capitol Building at Bismarck,
June 14 to June 21, 1965, inclusive

ARTHUR A. LINK
Alexander, N. Dak.
Speaker of the House

DONNELL HAUGEN
Roseglen, N. Dak.
Chief Clerk

OFFICERS AND EMPLOYEES

for the
Special Session of the
THIRTY-NINTH LEGISLATIVE ASSEMBLY
1965

Name	Position	Home Address
Donnell Haugen.....	Chief Clerk	Roseglen
Richard Ista.....	Sergeant-at-Arms	Colfax
Ruth Smith.....	Desk Reporter	Bismarck
Pam Billigmeier.....	Chief Steno and Payroll Clerk	Bismarck
Enola Eck.....	Proofreader	Bismarck
LeRoy Rolfshoven.....	Audio Operator	Bismarck

HOUSE MEMBERS

DISTRICT	NAME	ADDRESS
1. Pembina.....	Albert J. Christopher.....	Pembina
	Fred Olafson.....	Gardar
2. Pt. Ward.....	L. D. (Lee) Christensen.....	Kenmare
3. Pt. Walsh.....	Lloyd Staven.....	Park River
	Henry O. Lundene.....	Adams
4. Pt. Walsh.....	Wilfred Collette.....	Grafton
	Ed Gudajtes.....	Minto
5. Pt. Grand Forks.....	Arthur G. Bilden.....	Northwood
6. Pt. Grand Forks.....	Ole K. Kvasager.....	Manvel
	Marlin T. Obie.....	Grand Forks
	Patrick E. Ruddy.....	Grand Forks
7. Pt. Grand Forks.....	Richard Larsen.....	Grand Forks
	Kenneth Tweten.....	Reynolds
	George Unruh.....	Grand Forks
8. Traill.....	Eldred N. Dornacker.....	Mayville
	Gilman Westvedt.....	Hatton
9. Pt. Cass.....	Gordon S. Aamoth.....	Fargo
	Russell Duncan.....	Fargo
	Peter S. Hilleboe.....	Fargo
	Mrs. Frances V. Froeschle.....	Fargo
	Jacque Stockman.....	Fargo
	John S. Whittlesey.....	Fargo
10. Pt. Cass.....	Harry Bergman.....	Argusville
	David J. Montplaisir.....	West Fargo
	J. Milton Myhre.....	Kindred
11. Pt. Cass.....	Anna Powers.....	Leonard
12. Pt. Richland.....	Eldon Larson.....	Wahpeton
	Edward Shorma.....	Wahpeton
13. Sargent.....	Ole Breum.....	Rutland
14. Ransom.....	Lawrence Dick.....	Englevale
15. Pt. Barnes.....	Ernest N. Johnson.....	Dazey
	Leslie C. Powers.....	Valley City
16. Griggs-Steele.....	Gillman C. Olson.....	Cooperstown
	Kenneth Gronhovd.....	Hatton
17. Nelson.....	Helmer Dahlen.....	Michigan
18. Cavalier.....	Albert Bowles.....	Milton
	Frank Shablow.....	Langdon
19. Rolette.....	Oscar Solberg.....	Mylo
	Gerhart Wilkie.....	Rolla
20. Benson.....	S. F. Hoffner.....	Esmond
	Archie Borstad.....	Fort Totten
21. Ramsey.....	Thelmer Ivesdal.....	Edmore
	Paul E. Stenhjem.....	Devils Lake
22. Towner.....	Howard Vogel.....	Cando
23. Stutsman.....	Henry Ganser.....	Cleveland
	Robert F. Reimers.....	Melville
	Reuel E. Harrison.....	Edmunds
	James R. Jungroth.....	Jamestown
24. LaMoure.....	Milo Knudsen.....	Edgeley
	Vernon Krenz.....	Litchville
25. Dickey.....	L. C. Mueller.....	Oakes
26. Emmons.....	Howard F. Bier.....	Hazelton
	E. A. Tough.....	Linton

MEMBERS OF THE HOUSE (Continued)

27. Burleigh	Carl H. Boustead	Bismarck
	R. Fay Brown	Bismarck
	John Coles	Bismarck
	Theodore A. Lang	Sterling
28. Bottineau	Vernon E. Wagner	Bismarck
	Chester Fossum	Maxbass
29. Pt. Ward	Lawrence Rosendahl	Westhope
	Brynhild Haugland	Minot
	Larry Erickson	Minot
	Herbert L. Meschke	Minot
	Wayne G. Sanstead	Minot
	Robert L. Schoenwald	Minot
30. Morton	Gary M. Williamson	Minot
	Donald L. Hertz	Mandan
	Carl A. Meyer	Flasher
31. Stark	Wm. N. (Bill) Gietzen	Glen Ullin
	Richard Elkin	Taylor
	Mike Olienyk	Belfield
32. Eddy-Foster	John F. Gengler	Dickinson
	Dale Linderman	Carrington
	Russell L. Belquist	New Rockford
33. Wells	Bryce Streibel	Fessenden
	L. C. Loerch	Harvey
34. McHenry	Emil Anderson	Upham
	John Bruner	Drake
35. Kidder-Sheridan	Gottlieb Frank	Kief
	A. W. Wentz	McClusky
36. McIntosh-Logan	Emil E. Schaffer	Gackle
	Joe Welder	Napoleon
37. Pt. Richland	Treadwell Haugen	Wyndmere
	Thomas R. Stallman	Barney
38. Pt. Barnes	Ralph M. Winge	Litchville
39. Billings-Bowman- Golden Valley-Slope	Lawrence Bowman	Bowman
	Karnes Johnson	Sentinel Butte
	A. R. Miller	Beach
	Earl C. Rundle	New England
40. Burke-Divide	Sam Bloom	Alkabo
	M. E. (Sam) Glaspey	Lignite
41. McKenzie	Arthur A. Link	Alexander
42. Pierce	Vincent B. Rieger	Esmond
43. Renville	Richard J. Backes	Glenburn
44. Mountrail	William Erickson	Stanley
	Harold G. Skaar	New Town
45. Williams	Olaf Opedahl	Tioga
	Clarence Poling	Williston
	Palmer Rustan	Williston
	Walter O. Burk	Williston
46. McLean	Donald Giffey	Roseglen
	Otto Hauf	Max
47. Grant-Sioux	Albert L. Rivinius	Elgin
	Herbert C. Leer	New Leipzig
48. Mercer-Dunn-Oliver	James L. Connolly	Golden Valley
	Leonard J. Davis	Killdeer
	Ralph Hickle	Center
49. Adams-Hettinger	Theo Hardmeyer	Mott
	Theo Strand	Regent

ERRATA

On page 4, line 17, change "107" to "106".

On page 4, line 47, change "105" to "106", change "3" to "2".

SENATE MEMBERS

DISTRICT	Name	Address
1. Pembina.....	Grant Trenbeath.....	Neché
2. Pt. Ward.....	Walter Dahlund.....	Kenmare
3. Pt. Walsh.....	Ludger Kadlec.....	Pisek
4. Pt. Walsh.....	Elton W. Ringsak.....	Grafton
5. Pt. Grand Forks.....	Duane Mutch.....	Larimore
6. Pt. Grand Forks.....	George Saumur.....	Grand Forks
7. Pt. Grand Forks.....	George Longmire.....	Grand Forks
8. Traill.....	Oscar J. Sorlie.....	Buxton
9. Pt. Cass.....	Herschel Lashkowitz.....	Fargo
10. Pt. Cass.....	George A. Sinner.....	Casselton
11. Pt. Cass.....	Francis E. Weber.....	Wheatland
12. Pt. Richland.....	A. W. Luick.....	Fairmount
13. Sargent.....	Leonard A. Bopp.....	Cogswell
14. Ransom.....	Donald C. Holand.....	Lisbon
15. Pt. Barnes.....	Earl M. Kelly.....	Valley City
16. Griggs-Steele.....	Carrol Torgerson.....	Cooperstown
17. Nelson.....	Lester Larson.....	Brocket
18. Cavalier.....	Richard E. Forkner.....	Langdon
19. Rolette.....	Philip Berube.....	Belcourt
20. Benson.....	Bronald Thompson.....	Oberon
21. Ramsey.....	J. H. Mahoney.....	Devils Lake
22. Towner.....	H. B. Baeverstad.....	Cando
23. Stutsman.....	Kenneth Urdahl, Sr.....	Jamestown
24. LaMoure.....	Emil T. Nelson.....	Edgeley
25. Dickey.....	Earl H. Redlin.....	Ellendale
26. Emmons.....	Robert Chesrown.....	Linton
27. Burleigh.....	Evan E. Lips.....	Bismarck
28. Bottineau.....	Edwin C. Becker, Jr.....	Willow City
29. Pt. Ward.....	L. Richard Jurgensen.....	Minot
30. Morton.....	Emil E. Kautzmann.....	Mandan
31. Stark.....	Wm. R. Reichert.....	Dickinson
32. Eddy-Foster.....	H. O. Beck.....	Carrington
33. Wells.....	Robert Walz.....	Fessenden
34. McHenry.....	Bencer N. Kjos.....	Drake
35. Kidder-Sheridan.....	Harry W. George.....	Steele
36. McIntosh-Logan.....	Gail H. Hernet.....	Ashley
37. Pt. Richland.....	Kenneth L. Morgan.....	Walcott
38. Pt. Barnes.....	Theron L. Strinden.....	Litchville
39. Billings-Bowman Golden Valley-Slope.....	Leland H. Roen.....	Bowman
40. Burke-Divide.....	George Rait.....	Noonan
41. McKenzie.....	Halvor Rolfsrud.....	Watford City
42. Pierce.....	Eugene Tuff.....	Barton
43. Renville.....	Orville P. Witteman.....	Mohall
44. Mountrail.....	Clark Van Horn.....	Parshall
45. Williams.....	Iver Solberg.....	Ray
46. McLean.....	Dave M. Robinson.....	Coleharbor
47. Grant-Sioux.....	Frank J. Ruemmele.....	Carson
48. Mercer-Dunn-Oliver.....	Dan Kisse.....	Halliday
49. Adams-Hettinger.....	J. W. (Jim) Ecker.....	Hettinger

MEMBERS OF THE HOUSE, 1965

Dist. No.	Name	Home Address	Occupation	Marital Status	Where Born	When Born	Member During Session of
1	A. J. Christopher	Pembina	Retired Businessman	Married	Minnesota	1897	1953-55-57-59-61-63-65
1	Fred Olafson	Gardner	Farmer	Married	North Dakota	1913	1965
2	L. D. Christensen	Kenmare	Farmer	Married	North Dakota	1924	1961-63-65
3	Henry O. Lundene	Adams	Farmer	Married	Alabama	1904	1963-65
3	Lloyd Staven	Park River	Merchant	Married	North Dakota	1907	1963-65
4	Wilfred Collette	Grafton	Retired Farmer and Businessman	Married	North Dakota	1894	1939-41-43-45-47-49-51-53-55-57-59-61-63-65
4	Ed Gudajtes	Minto	Farmer	Married	North Dakota	1911	1965
5	Arthur G. Bilden	Northwood	Farmer	Married	North Dakota	1924	1963-65
6	Ole K. Kvasager	Manvel	Farmer	Single	North Dakota	1918	1965
6	Marlin T. Obie	Grand Forks	Radio Station Owner	Married	North Dakota	1924	1965
6	Patrick E. Ruddy	Grand Forks	Businessman	Married	North Dakota	1933	1965
7	Richard Larsen	Grand Forks	Professor, UND	Married	North Dakota	1936	1965
7	Kenneth Tweten	Reynolds	Farmer	Single	North Dakota	1928	1959-61-63-65
7	George Unruh	Grand Forks	Lawyer	Married	New York	1920	1965
8	Eldred N. Dornacker	Mayville	Farmer and Businessman	Married	North Dakota	1913	1963-65
8	Gilman Westvedt	Hatton	Farmer	Married	North Dakota	1908	1961-63-65
9	Gordon S. Aamoth	Fargo	Lawyer and Banker	Married	North Dakota	1914	1957-59-61-63-65
9	Russell Duncan	Fargo	Farmer and Seedsman	Married	North Dakota	1910	1965
9	Peter S. Hilleboe	Fargo	Stockbroker	Married	North Dakota	1921	1965
9	Mrs. F. J. Froeschle	Fargo	Housewife, News Woman	Married	North Dakota	1918	1965
9	Jacque Stockman	Fargo	Lawyer and Farmer	Married	North Dakota	1923	1955-57-59-61-63-65
9	John S. Whittlesey	Fargo	Lawyer	Married	North Dakota	1921	1965
10	Harry Bergman	Argusville	Farmer	Married	North Dakota	1911	1963-65
10	D. J. Montplaisir	West Fargo	Teacher	Married	North Dakota	1936	1965
10	J. Milton Myhre	Kindred	Farmer	Married	North Dakota	1903	1959-65
11	Mrs. Anna Powers	Leonard	Housewife	Married	North Dakota	1912	1961-63-65

MEMBERS OF THE HOUSE, 1965 — (Continued)

Dist. No.	Name	Home Address	Occupation	Marital Status	Where Born	When Born	Member During Session of
12	Eldon Larson	Wahpeton	Farmer	Married	North Dakota	1930	1965
12	Edward Shorma	Wahpeton	Businessman	Married	North Dakota	1932	1965
13	Ole Breum	Rutland	Farmer	Married	Minnesota	1903	1953-59-61-63-65
14	Lawrence Dick	Englevale	Farmer	Married	Nebraska	1905	1955-57-59-61-63-65
15	Ernest N. Johnson	Dazey	Farmer	Married	North Dakota	1915	1959-61-63-65
15	Leslie C. Powers	Valley City	Farmer	Married	North Dakota	1906	1965
16	Gilman C. Olson	Cooperstown	Farmer	Married	North Dakota	1905	1955-57-59-61-63-65
16	Kenneth Gronhovd	Hatton	Farmer	Married	North Dakota	1913	1957-59-61-63-65
17	Helmer Dahlen	Michigan	Farmer	Married	North Dakota	1899	1965
18	Albert Bowles	Milton	Farmer	Married	North Dakota	1894	1963-65
18	Frank Shablow	Langdon	Farmer-Businessman	Married	Minnesota	1909	1961-63-65
19	Oscar Solberg	Mylo	Farmer	Married	North Dakota	1911	1949-51-53-55-57-59-61-63-65
19	Gerhart Wilkie	Rolla	Farmer	Married	North Dakota	1907	1957-59-61-63-65
20	S. F. Hoffner	Esmond	Farmer	Married	North Dakota	1924	1963-65
20	Archie Borstad	Fort Totten	Farmer	Married	North Dakota	1919	1965
21	Thelmer Ivesdahl	Edmore	Farmer	Married	North Dakota	1913	1965
21	Paul Stenhjem	Devils Lake	Automobile Dealer	Married	North Dakota	1913	1965
22	Howard Vogel	Cando	Businessman	Married	Nebraska	1911	1963-65
23	Henry Ganser	Cleveland	Farmer	Married	North Dakota	1908	1963-1965
23	Robert F. Reimers	Melville	Farmer	Married	North Dakota	1923	1961-63-65
23	Reuel E. Harrison	Edmunds	Farmer	Single	North Dakota	1914	1965
23	James R. Jungroth	Jamestown	Lawyer	Married	North Dakota	1925	1965
24	Milo Knudsen	Edgeley	Druggist	Married	Minnesota	1901	1955-57-59-61-63-65
24	Vernon Krenz	Litchville	Farmer	Married	North Dakota	1922	1965
25	L. C. Mueller	Oakes	Garageman	Married	South Dakota	1894	1955-57-59-61-63-65
26	Howard F. Bier	Hazelton	Farmer	Married	North Dakota	1919	1959-61-63-65
26	E. A. Tough	Linton	Farmer	Married	North Dakota	1913	1955-57-59-61-63-65

27	Carl H. Boustead	Bismarck	Businessman	Married	Iowa	1917	1965
27	R. Fay Brown	Bismarck	Businessman	Married	North Dakota	1910	1953-55-57-59-61-63-65
27	John Coles	Bismarck	Banker	Married	North Dakota	1916	1965
27	Theodore A. Lang	Sterling	Farmer	Married	North Dakota	1911	1965
27	Vernon E. Wagner	Bismarck	Pharmacist	Single	North Dakota	1926	1963-65
28	Chester Fossum	Maxbass	Farmer	Married	North Dakota	1928	1959-61-63-65
28	Lawrence Rosendahl	Westhoped	Farmer	Married	North Dakota	1916	1965
29	Brynhild Haugland	Minot	Farmer	Single	North Dakota	1905	1939-41-43-45-47-49-51-53-55-57-59-61-63-65
29	Larry Erickson	Minot	Farmer	Married	North Dakota	1930	1965
29	Herbert L. Meschke	Minot	Lawyer	Married	North Dakota	1928	1965
29	Wayne G. Sanstead	Minot	Teacher	Married	Arkansas	1935	1965
29	Robert C. Schoenwald	Minot	Businessman	Married	North Dakota	1923	1965
29	Gary M. Williamson	Minot	REA Employee	Married	Georgia	1936	1965
30	Donald L. Hertz	Mandan	R., R. Brakeman	Married	North Dakota	1923	1963-65
30	William N. Gietzen	Glen Ullin	Retired Farmer	Married	North Dakota	1892	1961-63-65
30	Carl A. Meyer	Flasher	Farmer-Rancher	Married	Iowa	1903	1959-61-63-65
31	Richard Elkin	Taylor	Farmer	Married	North Dakota	1932	1963-65
31	Mike Olienyk	Bolfield	Farmer-Businessman	Married	North Dakota	1915	1963-65
31	John F. Gengler	Dickinson	R. R. Conductor	Married	North Dakota	1916	1961-65
32	Dale Linderman	Carrington	Farmer	Married	North Dakota	1924	1965
32	R. L. Belquist	New Rockford	Farmer	Married	Canada	1907	1959-61-63-65
33	Bryce Streibel	Fessenden	Farmer	Married	North Dakota	1922	1957-59-63-65
33	L. C. Loerch	Harvey	Retail Oil Dealer	Married	South Dakota	1918	1965
34	Emil A. Anderson	Upham	Implement Dealer-Farmer	Married	North Dakota	1908	1959-61-63-65
34	John Bruner	Drake	Farmer	Married	North Dakota	1904	1965
35	Gottlieb Frank	Kief	Farmer	Single	North Dakota	1904	1945-47-49-51-53-55-57-59-61-63-65
35	A. W. Wentz	McClusky	Businessman	Married	South Dakota	1899	1965
36	Emil E. Schaffer	Gackle	Farmer-Businessman	Married	North Dakota	1917	1963-65
36	Joe Welder	Napoleon	Farmer-Bookkeeper	Married	North Dakota	1914	1963-65
37	Treadwell Haugen	Wyndmere	Farmer-Businessman	Married	North Dakota	1933	1961-63-65
37	Thomas R. Stallman	Barney	Farmer	Married	Minnesota	1923	1959-61-63-65

MEMBERS OF THE HOUSE, 1965 — (Continued)

Dist. No.	Name	Home Address	Occupation	Marital Status	Where Born	When Born	Member During Session of
38	Ralph M. Winge	Litchville	Farmer	Single	North Dakota	1925	1959-61-63-65
39	L. G. Bowman	Bowman	Farmer	Married	Minnesota	1903	1961-63-65
39	Karnes Johnson	Sentinel Butte	Rancher	Married	North Dakota	1912	1965
39	A. R. Miller	Beach	Insurance-Real Estate	Married	South Dakota	1902	1961-63-65
39	Earl C. Rundle	New England	Farmer-Rancher	Married	North Dakota	1906	1965
40	Sam O. Bloom	Alkabo	Farmer-Stockman	Married	Minnesota	1915	1959-61-63-65
40	M. E. (Sam) Glaspey	Lignite	Farmer-Auctioneer	Married	Minnesota	1901	1959-61-63-65
41	Arthur A. Link	Alexander	Farmer-Rancher	Married	North Dakota	1914	1947-49-51-53-55-57-59-61-63-65
42	Vincent B. Rieger	Esmond	Farmer	Married	North Dakota	1920	1963-65
43	Richard J. Backes	Glenburn	Farmer	Married	North Dakota	1925	1961-63-65
44	William Erickson	Stanley	Farmer	Married	North Dakota	1910	1963-65
44	Harold Skaar	New Town	Farmer	Married	North Dakota	1904	1957-59-61-63-65
45	Olaf Opedahl	Tioga	Farmer	Single	North Dakota	1912	1963-65
45	Clarence Poling	Williston	Farmer	Married	Indiana	1899	1951-53-55-57-59-61-63-65
35	Palmer Rustan	Williston	Banker	Married	North Dakota	1907	1965
45	Walter O. Burk	Williston	Lawyer	Married	Minnesota	1902	1957-59-61-63-65
46	Donald Giffey	Roseglen	Farmer	Married	North Dakota	1920	1961-63-65
46	Otto Hauf	Max	Farmer	Married	North Dakota	1908	1959-61-63-65
47	Albert R. Rivinius	Elgin	Farmer-Rancher	Married	North Dakota	1916	1965
47	Herbert Leer	New Leipzig	Farmer	Married	North Dakota	1906	1965
48	J. L. Connolly	Golden Valley	Rancher	Married	North Dakota	1912	1963-65
48	Leonard J. Davis	Killdeer	Farmer	Married	North Dakota	1913	1961-63-65
48	Ralph Hickie	Center	Farmer	Married	North Dakota	1904	1965
49	Theodore Hardmeyer	Mott	Businessman	Married	North Dakota	1919	1965
49	Theodore Strand	Regent	Farmer-Stockman	Married			1965

"Buy North Dakota Products"

Journal of the House



Special Session of the Thirty-ninth Legislative Assembly

FIRST DAY

Bismarck, North Dakota, June 14, 1965

At the hour of 10:00 o'clock a.m., the fourteenth day of June, 1965, being the day and hour designated by the Governor of the State of North Dakota in his proclamation issued on the 5th day of June, 1965, the members of the House of Representatives assembled in the House Chamber in the state capitol building at Bismarck, North Dakota, and were called to order by Donnell Haugen, Chief Clerk of the House of Representatives of the Thirty-ninth Legislative Assembly of the State of North Dakota.

The following communication from the Secretary of State was read:

STATE OF NORTH DAKOTA
Department of State
Bismarck

June 14, 1965

The Chief Clerk of the House of Representatives
Thirty-ninth Legislative Assembly
Bismarck, North Dakota

Dear Sir:

Attached hereto please find a copy of Governor's Proclamation calling a special session of the legislature for ten o'clock A.M., June 14, 1965.

Respectfully yours,
BEN MEIER
Secretary of State

PROCLAMATION

WHEREAS, Section 75 of the Constitution of the State of North Dakota provides that the Governor shall have the power to convene the Legislative Assembly on extraordinary occasions; and,

WHEREAS, in my judgment an extraordinary occasion does exist, necessitating the calling of a Special Session of the Legislative Assembly due to the exercise of the power of referendum which, on July 1, 1965, will suspend the operation of the major tax measure passed by the 39th Legislative Assembly; and,

WHEREAS, the suspension of this major tax law will cause serious loss of revenue, and will place in jeopardy the operation of State and local government; and,

WHEREAS, the suspension of this major tax law will cause distortion of private purchasing, and will cast legal doubt of tax application over business transactions, possibly precipitating court actions which would delay administration of a tax program;

NOW, THEREFORE, I, William L. Guy, Governor of the State of North Dakota, because of the extraordinary occasion that exists, and by virtue of the power and authority vested in me by the

Constitution and laws of the State of North Dakota, do hereby call the 39th Legislative Assembly of this State into Special Session to convene in the Legislative Chambers at the State Capitol, Bismarck, North Dakota, on June 14, 1965, at ten o'clock a.m., to consider and enact such laws as may be necessary and advisable in order to safeguard the fiscal operations of the State of North Dakota and its political subdivisions.

IN WITNESS WHEREOF, I hereunto set my hand and cause the Great Seal of the State of North Dakota hereunto affixed this 5th day of June, 1965.

(SEAL)

WILLIAM L. GUY
Governor

ATTEST:

BEN MEIER
Secretary of State

The Chief Clerk read the following list of members of the Thirty-ninth Legislative Assembly, State of North Dakota, 1965:

DISTRICT	NAME	ADDRESS
1. Pembina.....	Albert J. Christopher.....	Pembina
	Fred Olafson.....	Gardar
2. Pt. Ward.....	L. D. (Lee) Christensen.....	Kenmare
3. Pt. Walsh.....	Lloyd Staven.....	Park River
	Henry O. Lundene.....	Adams
4. Pt. Walsh.....	Wilfred Collette.....	Grafton
	Ed Gudajtes.....	Minto
5. Pt. Grand Forks.....	Arthur G. Bilden.....	Northwood
6. Pt. Grand Forks.....	Ole K. Kvasager.....	Manvel
	Marlin T. Obie.....	Grand Forks
	Patrick E. Ruddy.....	Grand Forks
7. Pt. Grand Forks.....	Richard Larsen.....	Grand Forks
	Kenneth Tweten.....	Reynolds
	George Unruh.....	Grand Forks
8. Traill.....	Eldred N. Dornacker.....	Mayville
	Gilman Wastvedt.....	Hatton
9. Pt. Cass.....	Gordon S. Aamoth.....	Fargo
	Russell Duncan.....	Fargo
	Peter S. Hilleboe.....	Fargo
	Mrs. Frances V. Froeschle.....	Fargo
	Jacque Stockman.....	Fargo
10. Pt. Cass.....	John S. Whittlesey.....	Fargo
	Harry Bergman.....	Argusville
	David J. Montplaisir.....	West Fargo
11. Pt. Cass.....	J. Milton Myhre.....	Kindred
	Anna Powers.....	Leonard
12. Pt. Richland.....	Eldon Larson.....	Wahpeton
	Edward Shorma.....	Wahpeton
13. Sargent.....	Ole Breum.....	Rutland
14. Ransom.....	Lawrence Dick.....	Englevale
15. Pt. Barnes.....	Ernest N. Johnson.....	Dazey
	Leslie C. Powers.....	Valley City
16. Griggs-Steele.....	Gillman C. Olson.....	Cooperstown
	Kenneth Gronhovd.....	Hatton
17. Nelson.....	Helmer Dahlen.....	Michigan
18. Cavalier.....	Albert Bowles.....	Milton
	Frank Shablow.....	Langdon
19. Rolette.....	Oscar Solberg.....	Mylo

	Gerhart Wilkie.....	Rolla
20. Benson.....	S. F. Hoffner.....	Esmond
	Archie Borstad.....	Fort Totten
21. Ramsey.....	Thelmer Ivesdal.....	Edmore
	Paul E. Stenhjem.....	Devils Lake
22. Towner.....	Howard Vogel.....	Cando
23. Stutsman.....	Henry Ganser.....	Cleveland
	Robert F. Reimers.....	Melville
	Reuel E. Harrison.....	Edmunds
	James R. Jungroth.....	Jamestown
24. LaMoure.....	Milo Knudsen.....	Edgeley
	Vernon Krenz.....	Litchville
25. Dickey.....	L. C. Mueller.....	Oakes
26. Emmons.....	Howard F. Bier.....	Hazelton
	E. A. Tough.....	Linton
27. Burleigh.....	Carl H. Boustead.....	Bismarck
	R. Fay Brown.....	Bismarck
	John Coles.....	Bismarck
	Theodore A. Lang.....	Sterling
	Vernon E. Wagner.....	Bismarck
28. Bottineau.....	Chester Fossum.....	Maxbass
	Lawrence Rosendahl.....	Westhope
29. Pt. Ward.....	Brynhild Haugland.....	Minot
	Larry Erickson.....	Minot
	Herbert L. Meschke.....	Minot
	Wayne G. Sanstead.....	Minot
	Robert L. Schoenwald.....	Minot
	Gary M. Williamson.....	Minot
30. Morton.....	Donald L. Hertz.....	Mandan
	Carl A. Meyer.....	Flasher
	Wm. N. (Bill) Gietzen.....	Glen Ullin
31. Stark.....	Richard Elkin.....	Taylor
	Mike Olienyk.....	Belfield
	John F. Gengler.....	Dickinson
32. Eddy-Foster.....	Dale Linderman.....	Carrington
	Russell L. Belquist.....	New Rockford
33. Wells.....	Bryce Streibel.....	Fessenden
	L. C. Loerch.....	Harvey
34. McHenry.....	Emil Anderson.....	Upham
	John Bruner.....	Drake
35. Kidder-Sheridan.....	Gottlieb Frank.....	Kief
	A. W. Wentz.....	McClusky
36. McIntosh-Logan.....	Emil E. Schaffer.....	Gackle
	Joe Welder.....	Napoleon
37. Pt. Richland.....	Treadwell Haugen.....	Wyndmere
	Thomas R. Stallman.....	Barney
38. Pt. Barnes.....	Ralph M. Winge.....	Litchville
39. Billings-Bowman- Golden Valley-Slope.....	Lawrence Bowman.....	Bowman
	Karnes Johnson.....	Sentinel Butte
	A. R. Miller.....	Beach
	Earl C. Rundle.....	New England
40. Burke-Divide.....	Sam Bloom.....	Alkabo
	M. E. (Sam) Glaspey.....	Lignite
41. McKenzie.....	Arthur A. Link.....	Alexander
42. Pierce.....	Vincent B. Rieger.....	Esmond
43. Renville.....	Richard J. Backes.....	Glenburn
44. Mountrail.....	William Erickson.....	Stanley

	Harold G. Skaar.....	New Town
45. Williams.....	Olaf Opedahl.....	Tioga
	Clarence Poling.....	Williston
	Palmer Rustan.....	Williston
	Walter O. Burk.....	Williston
46. McLean.....	Donald Giffey.....	Rosegen
	Otto Hauf.....	Max
47. Grant-Sioux.....	Albert L. Rivinius.....	Elgin
	Herbert C. Leer.....	New Leipzig
48. Mercer-Dunn-Oliver.....	James L. Connolly.....	Golden Valley
	Leonard J. Davis.....	Killdeer
	Ralph Hickle.....	Center
49. Adams-Hettinger.....	Theo Hardmeyer.....	Mott
	Theo Strand.....	Regent

Prayer was offered by Rev. H. E. Hendrickson of the Trinity Lutheran Church of Bismarck, North Dakota.

The roll was called and there were 107 members present and three absent, Reps. Knudsen, Schoenwald and Whittlesey, so a quorum was declared present.

Rep. Burk:

"It was my privilege at the opening of the Thirty-ninth Legislative Assembly to place in nomination for Speaker of the House a long-time, close personal friend of mine from the adjoining county of McKenzie. From the impartial manner in which he presided over the regular session, I am convinced that I made no mistake in nominating him for the high position of Speaker of the House, and I now place in nomination for Speaker of the House for this extraordinary session, a man who has served for 18 years in the North Dakota House of Representatives, Rep. Art Link of McKenzie County."

Rep. Streibel:

"Mr. Chief Clerk. It is with considerable pleasure that I rise to represent the minority and to second the motion of Rep. Burk in the nomination of Rep. Link as Speaker of this extraordinary session. I would likewise second the remarks of Rep. Burk when he alluded to Speaker Link's judicious manner, and the way in which he handled the affairs of the office of Speaker and as the representative of the minority I would like to compliment him on the regular session concluded last March. On behalf of the minority members I wish to second the nomination of Rep. Link, and moved that the nominations be closed, and a unanimous ballot be cast for Rep. Link as Speaker."

The motion of Rep. Streibel passed and the nominations were closed.

ROLL CALL

The question now being on the election of Rep. Link as Speaker the roll was called and there were: ayes, 105; absent, 3, passing, 1.

Those voting in the affirmative were:

Aamoth	Erickson,	Krenz	Ruddy
Anderson	Mountrail	Kvasager	Rundle
Backes	Erickson, Ward	Lang	Rustan
Belquist	Fossum	Larsen	Sanstead
Bergman	Frank	Larson	Schaffer
Bier	Froeschle	Leer	Shablow
Bilden	Ganser	Linderman	Shorma
Bloom	Gengler	Loerch	Skaar
Borstad	Gietzen	Lundene	Solberg
Boustead	Giffey	Meschke	Stallman
Bowles	Glaspey	Meyer	Staven

Bowman	Gronhovd	Miller	Stenhjem
Breum	Gudajtes	Montplaisir	Stockman
Brown	Hardmeyer	Mueller	Strand
Bruner	Harrison	Myhre	Streibel
Burk	Hauf	Obie	Tough
Christensen	Haugen	Olafson	Tweten
Christopher	Haugland	Olienyk	Unruh
Coles	Hertz	Olson	Vogel
Collette	Hickle	Opedahl	Wagner
Connolly	Hilleboe	Poling	Wastvedt
Dahlen	Hoffner	Powers, Barnes	Welder
Davis	Ivesdal	Powers, Cass	Wentz
Dick	Johnson,	Reimers	Whittlesey
Dornacker	Barnes	Rieger	Wilkie
Duncan	Johnson, G. V.	Rivinius	Williamson
Elkin	Jungroth	Rosendahl	Winge

Absent and not voting:

Knudsen Schoenwald Mr. Speaker

So Rep. Link was unanimously elected as Speaker of the House.

Rep. Brown moved that a committee of two be appointed to escort the Speaker to the rostrum and the Chief Clerk appointed Reps. Brown and Hauf.

Rep. Solberg moved that a committee of three be appointed by the Chief Clerk to escort the Chief Justice of the State Supreme Court to the rostrum to administer the oath of office to Speaker Link, duly elected as Speaker of the House of Representatives which motion prevailed and the Chief Clerk appointed as such committee Reps. Solberg, Jungroth and Stockman.

Chief Justice Burk was escorted to the rostrum and administered the oath of office to Speaker Link.

Speaker Link:

"Members of the House of Representatives, the brevity of my remarks, I hope, will indicate the pattern, or set the pattern, for the brevity of this session.

"Thank you so much for the confidence you have again expressed in me. It is my hope that the important issues before this special session may be considered without undue delay. To this end I pledge my best efforts."

Rep. Backes moved that Donnell Haugen of Roseglen, N. D., be elected as Chief Clerk; Ruth Smith of Bismarck, N. D., as Desk Reporter and Richard Ista of Colfax, N. D., be elected as Sergeant-at-Arms.

Rep. Fossum moved that nominations be closed, which motion prevailed.

On unanimous consent of the House, separate roll calls were dispensed with and the roll was called.

ROLL CALL

The question being on the employment of a Chief Clerk, a Desk Reporter and Sergeant-at-Arms, the roll was called and there were: ayes, 107; nays, 0; absent and not voting, 2.

Those voting in the affirmative were:

Aamoth	Erickson,	Kvasager	Rundle
Anderson	Mountrail	Lang	Rustan
Backes	Erickson, Ward	Larsen	Sanstead
Belquist	Fossum	Larson	Schaffer
Bergman	Frank	Leer	Shablow
Bier	Froeschle	Linderman	Shorma
Bilden	Ganser	Loerch	Skaar
Bloom	Gengler	Lundene	Solberg
Borstad	Gietzen	Meschke	Stallman

Boustead	Giffey	Meyer	Staven
Bowles	Glaspey	Miller	Stenhjem
Bowman	Gronhovd	Montplaisir	Stockman
Breum	Gudajtes	Mueller	Strand
Brown	Hardmeyer	Myhre	Streibel
Bruner	Harrison	Obie	Tough
Burk	Hauf	Olafson	Tweten
Christensen	Haugen	Olienyk	Unruh
Christopher	Haugland	Olson	Vogel
Coles	Hertz	Opedahl	Wagner
Collette	Hickle	Poling	Wastvedt
Connolly	Hilleboe	Powers, Barnes	Welder
Dahlen	Hoffner	Powers, Cass	Wentz
Davis	Ivesdal	Reimers	Whittlesey
Dick	Johnson,	Rieger	Wilkie
Dornacker	Barnes	Rivinius	Williamson
Duncan	Johnson, G. V.	Rosendahl	Winge
Elkin	Jungroth	Ruddy	Mr. Speaker
	Krenz		

Absent and not voting:

Knudsen Schoenwald

So the above named three employees were elected and sworn in by the Speaker.

A committee of three was received who notified the House that the Senate is organized and ready to do business.

Rep. Burk moved that the House of Representatives of the Thirty-ninth Legislative Assembly adopt as its Rules and Procedures for the Extraordinary Session commencing June 14, 1965, Rules and Procedures of the Regular Session of the Thirty-ninth Legislative Assembly except that House Rules 31, 42, 43, 44, 45, 55, and Joint Rules 8 and 11 be deleted, and the Rules hereinafter enumerated be amended and adopted in the following form:

SECTION 1.) House Rules 28, 30, 32, 36, subsection 14 of Rule 40, House Rules 47, 54, and 62, are hereby amended and adopted in the following form:

28. SUSPENSION OF RULES

No standing rule or order of the House shall be reconsidered or suspended except by a vote of two-thirds of the members-elect, and no motion to suspend the rules and pass a bill shall be entertained except by unanimous consent, unless the bill has first been printed or mimeographed and considered by a committee, nor shall any standing rule or order requiring unanimous consent be reconsidered or suspended without unanimous consent.

30. WHEN INTRODUCED

No bill shall be introduced after the (((twentieth))) first day, nor shall any resolution be introduced after the (((thirty-fifth))) first day, except upon the approval of a majority of the (((Committee on Delayed Bills or upon two-thirds vote))) members-elect of the House. Bills and resolutions shall be introduced in type-written or mimeographed form.

32. FORMS OF BILLS, NUMBER OF COPIES

Every bill, memorial or resolution, shall be in typewritten or mimeographed form and nine copies thereof shall be filed with the Chief Clerk of the House. Each such bill, memorial or resolution shall have endorsed thereon its title and the name of the member or committee introducing the same. The enacting clause shall be as follows: "Be it enacted by the Legislative Assembly of the State of North Dakota." No bill shall embrace more than one subject, which shall be expressed in its title. If the bill amends a present statute, the portion thereof constituting the amendment

or amendments shall be underscored. In all bills which contain both sections amending existing statutes and sections which are new law, the portion containing new law shall be underscored. Any matter contained in the present statute but deleted in the proposed amended statute shall be contained in the typewritten or mimeographed bill but shall be set off from the remainder of the text by two or more parentheses at the beginning and end of such deleted matter. Where Legislative Research Committee sponsored bills do not use the above device of parentheses and underscoring, such bills must be accompanied by appropriate explanatory notations outlining the changes to be effected. The bills and resolutions to be introduced in either House of the Legislative Assembly shall be in such form and style as the Legislative Research Committee shall prescribe. One of such copies shall be delivered to the Chairman of the Committee to which the measure is referred, one shall be delivered to the Chairman on enrollment and engrossment, one copy shall be delivered to the Legislative Research Committee for the purpose of checking the style and form and one shall remain in the custody of the Chief Clerk until otherwise directed by the House, ((one shall be delivered to the printer having the contract for printing of bills,)) one shall be delivered to the printer having the contract for printing the House Journals for use in setting of bill title and (((three))) four copies shall be available for newspaper representatives.

36. PRINTING OR MIMEOGRAPHING OF BILLS

All bills, resolutions or memorials requiring the approval of the Governor or a change in the Constitution of the State of North Dakota, ((after the first reading,)) shall be printed or mimeographed unless otherwise ordered by the House.

40. Standing COMMITTEES (Subsection 14)

14. VETERANS AND MILITARY AFFAIRS B

National Guard and Militia; Adjutant General; Veteran's Matters; Soldiers Home; Civil Defense; and related Military Matters.

Committees in Groups A and B are to consist or not more than twenty-two nor less than twenty-one members each (((, that the appropriations committee shall meet on Monday, Tuesday, Wednesday and Thursday; that such committees as are numbered A-1 shall meet on Monday and Tuesday; such committees as are numbered A-2 shall meet on Wednesday and Thursday, and all B committees shall meet on Friday of each week))).

47. REPORT OF COMMITTEES

The report of a committee shall be for passage, for indefinite postponement, for amendment or without recommendation. If for amendment, the proposed amendment shall be fully set forth in the report. If such report is adopted, the bill shall thereupon go on the calendar (((for the next legislative day))) for action of the House as to amendment under the Sixth Order of Business, when the House, by a majority vote of the members present may adopt or reject such amendments or may commit the bill to the committee of the whole. (((No action shall be taken upon amendments until a full mimeographed or printed copy of the report is in the hands of the members. Upon receiving the report, the Chief Clerk shall cause copies thereof to be made and placed on the desk of each member. Provided, however, that upon a two-thirds vote this rule may be suspended, and the amendment acted on immediately after the report of the committee.)))

If a report or motion recommending a bill for passage (((without amendment))) is adopted, the bill shall go on the calendar for the next legislative day for second reading and final passage.

If a report or motion for indefinite postponement is adopted, it shall have the effect of entirely removing the bill or resolution from before the House for that session, unless revived by a motion to reconsider. The passage of a motion for the adoption of a report recommending amendments has the effect of adopting the report but not the amendments.

54. SECOND READING

No bill, resolution or memorial requiring the approval of the Governor or a change in the Constitution of the State of North Dakota shall be committed or amended until it shall have been read; nor shall any such bill, resolution, or memorial have its second reading and be put upon its final passage until at least one day after ((the same has been reported to the House by the Committee to which the same has been referred, provided that any such bill, resolution, or memorial may have its second reading and be put upon its final passage on the day it was reported back when so ordered by two-thirds of the members of the House present))) its first reading.

62. NOTICE OF INTENTION TO RECONSIDER

Except on the ((forty-fifth)) second and ((sixtieth)) subsequent days of the extraordinary session, when notice or intention to move the reconsideration of any bill or joint resolution shall be given by a member, the clerk of the House shall retain the said bill or joint resolution until the end of the next legislative day, excluding Sundays, unless the same has previously been disposed of. When a member, in explaining his vote, states to the House that his vote is for the purpose of reconsideration, such statement shall be deemed to be notice of such intention.

SECTION 2.) The last paragraph of Joint Rule 14 is hereby amended as follows:

All fiscal notes shall be prepared in triplicate and shall be returned to the Legislative Research Committee or the Committee Chairman making such request, whichever the case may be, not later than ((five days))) one day from the date of receipt of such request. One copy of the fiscal note shall be attached to the original bill or resolution, one copy shall be filed with the bill clerk of the house wherein the bill or resolution originated, and one copy shall be filed in the offices of the Legislative Research Committee. Any bill or resolution requiring a fiscal note shall be stamped or have written on its cover a notation to the effect that a fiscal note is required. Reports of committees shall include a notation that a specific bill or resolution carries a fiscal note. Upon second reading and final passage of all bills or resolutions carrying fiscal notes the Secretary of the Senate or the Clerk of the House, whichever the case may be, shall be required to read the fiscal note in its entirety at the time of reading the title of the bill or resolution to be voted upon.

Rep. Jungroth moved a substitute motion that the report be amended in lines 23, 24, 25, by striking the words "after the first day".

Rep. Brown moved a substitute motion that the Rules Committee of the Thirty-ninth Legislative committee be given the rules amendments as submitted by Rep. Burk and that they study the proposed changes and report back, which motion prevailed.

Rep. Hauf moved that the Department of Accounts and Purchasing be authorized to furnish all of the necessary supplies for this special session, and the Board of Administration be requested to provide janitor service, with the same to be charged to legislative expenses, which motion prevailed on roll call.

ROLL CALL

The question being on the motion of Rep. Hauf, the roll was called and there were: ayes, 107; nays, 0; absent and not voting, 2, so the motion was declared carried.

Those voting in the affirmative were:

Aamoth	Erickson,	Kvasager	Rundle
Anderson	Mountrail	Lang	Rustan
Backes	Erickson, Ward	Larsen	Sanstead
Belquist	Fossum	Larson	Schaffer
Bergman	Frank	Leer	Shablow
Bier	Froeschle	Linderman	Shorma
Bilden	Ganser	Loerch	Skaar
Bloom	Gengler	Lundene	Solberg
Boustad	Gietzen	Meschke	Stallman
Boustead	Giffey	Meyer	Staven
Bowles	Glaspey	Miller	Stenhjem
Bowman	Gronhovd	Montplaisir	Stockman
Breum	Gudajtes	Mueller	Strand
Brown	Hardmeyer	Myhre	Streibel
Bruner	Harrison	Obie	Tough
Burk	Hauf	Olafson	Tweten
Christensen	Haugen	Olienyk	Unruh
Christopher	Haugland	Olson	Vogel
Coles	Hertz	Opedahl	Wagner
Collette	Hickle	Poling	Wastvedt
Connolly	Hilleboe	Powers, Barnes	Welder
Dahlen	Hoffner	Powers, Cass	Wentz
Davis	Ivesdal	Reimers	Whittlesey
Dick	Johnson,	Rieger	Wilkie
Dornacker	Barnes	Rivinius	Williamson
Duncan	Johnson, G. V.	Rosendahl	Winge
Elkin	Jungroth	Ruddy	Mr. Speaker
	Krenz		

Absent and not voting:

Knudsen Schoenwald

Rep. Winge moved that all standing and special committees of the regular session of the Thirty-ninth Legislative Assembly be retained and that the membership of all such committees be the same as was appointed at such regular session and that the Chair be authorized to fill any vacancies which may exist therein, and that the appointments be made on the same arrangement as was carried out in the regular session, which motion prevailed.

REPORT OF EMPLOYMENT COMMITTEE

Mr. Speaker: Your Committee on Employment places in nomination the following named persons for employment:

Mrs. Pam Billigmeier	Chief Stenographer
Mrs. Enola Eck	Proof Reader
LeRoy Rolfshoven	Audio Operator

Rep. Stallman moved that the report of the Committee on Employment be adopted, which motion prevailed on roll call.

ROLL CALL

The question being on the adoption of the report of the Committee on Employment, the roll was called and there were: ayes, 104; nays, 0; absent and not voting, 5.

Those voting in the affirmative were:

Aamoth	Erickson,	Lang	Rustan
Anderson	Mountrail	Larson	Sanstead
Backes	Erickson, Ward	Leer	Schaffer
Belquist	Fossum	Linderman	Shablow
Bergman	Frank	Loerch	Shorma

Bier	Froeschle	Lundene	Skaar
Bilden	Ganser	Meschke	Solberg
Bloom	Gengler	Meyer	Stallman
Borstad	Gietzen	Miller	Staven
Boustead	Giffey	Montplaisir	Stenhjem
Bowles	Gronhøvd	Mueller	Stockman
Bowman	Gudajtes	Myhre	Strand
Breum	Hardmeyer	Obie	Streibel
Brown	Harrison	Olafson	Tough
Bruner	Hauf	Olienyk	Tweten
Burk	Haugen	Olson	Unruh
Christensen	Haugland	Opedahl	Vogel
Christopher	Hertz	Poling	Wagner
Coles	Hickle	Powers, Barnes	Wastvedt
Collette	Hilleboe	Powers, Cass	Welder
Connolly	Hoffner	Reimers	Wentz
Dahlen	Ivesdal	Rieger	Whittlesey
Davis	Johnson,	Rivinius	Wilkie
Dick	Barnes	Rosendahl	Williamson
Dornacker	Johnson, G. V.	Rundle	Winge
Duncan	Krenz	Ruddy	Mr. Speaker
Elkin	Kvasager		
Absent and not voting:			
Glaspay	Knudsen	Larsen	Schoenwald
Jungroth			

So the report of the Employment Committee was adopted and the above named three employees were declared elected and were sworn in by the Speaker.

Rep. Hoffner announced that the committee to notify the Governor that the House is organized and ready to do business has completed its work and asks to be excused, which request was granted.

Rep. Giffey announced that the committee to notify the Senate that the House is organized and ready to transact business had completed its work and wished to be excused, which request was granted.

Rep. Powers moved that a committee of three be appointed to notify the Senate that the House will be ready to receive them in joint session at 11:15 a.m. to receive the Governor's message, which motion prevailed and the Speaker appointed as such committee, Reps. Powers, Haugland and Froeschle.

Rep. Giffey moved that the House now recess for the joint session with the Senate, and reconvene at 1:00 p.m., which motion prevailed.

JOINT SESSION

The joint session was called to order by Speaker Link, who introduced Lt. Governor Tighe.

The colors were presented by members of the National Guard.

Rep. Giffey moved that a committee of two be appointed to escort Governor William L. Guy to the rostrum, which motion prevailed, and Lt. Governor Tighe appointed Senator Holand and Rep. Giffey.

MESSAGE TO THE LEGISLATURE

by William L. Guy, Governor

Special Session of the Thirty-ninth Legislative Assembly
of the State of North Dakota

"On March 12, 1965, the Thirty-ninth Session of the North Dakota Legislature adjourned sine die. On that date, I shared with you a deep satisfaction in knowing that you had done your work well. I doubt that any one session of the legislature ever considered as much legislation of the weighty magnitude as you did in the past

session. Certainly, no legislators ever worked with more diligence. I believe that session will be recorded in North Dakota history, as the most productive since statehood.

"It is the usual, rather than the exception, that the unfolding of time following a session will reveal a few oversights in the drawing of specific bills. Because of the extreme work load last winter, it is remarkable that fewer than usual oversights have been revealed since your adjournment. To correct oversights is not why you were called into special session, but you may wish to address yourselves to such legislation which falls into the category of clarification of intent of the last session. There may be an isolated measure or two of obvious imperative concern which should not be kept waiting until the next regular session. I join with you in hoping that this session can be of very short duration.

"This extraordinary session is called to enact temporary tax legislation. In your last session, you passed a revenue-producing measure which included nearly all of the major methods of state taxation, along with some sorely needed tax reform. This tax program was adopted in one bill in order that all taxpayers might see the changes in the tax program as they related one to another. In placing all major tax revenue and reform measures in one bill, a revenue and reform program was adopted which could not possibly completely satisfy every legislator and every citizen of our state. However, in the fine tradition of representative government, we subordinated our individual self interests in adopting a program satisfactory to the majority of this legislature elected by the people.

"This tax reform and revenue program embodied in House Bill 698 has been challenged by referral action. No appropriation nor any state service has been questioned by a referral challenge. However, the financial support of all state services and appropriations has been indiscriminately challenged by the suspension of House Bill 698 through referral action.

"Because House Bill 698, now the tax law of North Dakota, will remain suspended from its effective date, July 1, 1965, until at least thirty days following a special election, it is necessary that stop-gap tax revenue measures be adopted in order to protect the fiscal soundness of our governmental program until the referral action has been satisfied.

"I must point to several legal considerations involved. The North Dakota Constitution forbids any action which would subvert the move of petitioners to refer any legislation. Since House Bill 698 contains all major sources of tax revenue, it then follows that any tax measure adopted by this session cannot be of a nature which would subvert any part of House Bill 698 in the referral action. I, therefore, recommend to you that you enact the sales tax at 2¼% on its present base to continue in effect from July 1, 1965, until such date as House Bill 698 again becomes effective following a special election on the referral action, or December 31, 1965, whichever comes first. Should House Bill 698 not be upheld in the special election, I would then be required to call another special session of the legislature prior to December 31, 1965, to consider and adopt permanent revenue legislation to carry out the appropriations made by the Thirty-ninth Session.

"I need not emphasize the legal questions which will surround the status of our present legislature when the reapportionment law becomes effective July 1, 1965. It is entirely possible that a second special session in 1965 would first require a second special election to elect legislators from reapportioned districts.

"Because the referral of House Bill 698 has posed one of the most grave fiscal crisis to confront our state in several decades, it

is necessary that voters be well-informed of the tax issue and are able to participate in as large a turn-out as is possible in determining the future of our state. I, therefore, announce to you that the special election to consider the referral of House Bill 698 will be held on Tuesday, September 21, 1965. On this day, we should have a minimum conflict with vacations, harvesting, and weather, any one of which might diminish a voter turn-out.

"I regret the necessity of adding to the cost of state government by calling you into special session to carry on work which you completed so well only a few months ago. I solicit your advice on tax matters and other matters as we enter a stormy period involving reapportionment, consideration of referred and initiated measures, and, possibly, yet another special session in this calendar year.

"I join with our fellow North Dakotans in thanking you for accepting this unusual sacrifice of a special session in the interests of public service."

MOTION

• Senator Lashkowitz moved that the joint session be now dissolved which motion prevailed.

The House now stood in recess until 1:00 p.m. which it was again called to order by Speaker Link.

The House was called to order by Speaker Link pursuant to motion of Rep. Giffey.

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

Rep. Burk moved that the reading of the report of the Committee on Rules be dispensed with which motion prevailed.

REPORT OF A STANDING COMMITTEE

Mr. Speaker: Your Committee on Rules has had the rules under consideration and recommends that the House of Representatives of the Thirty-ninth Legislative Assembly adopt as its Rules and procedures for the Extraordinary Session commencing June 14, 1965, Rules and procedures of the regular session of the Thirty-ninth Legislative Assembly except that House Rules 31, 42, 43, 44, 45, 55, and Joint Rules 8 and 11 be deleted, and the Rules hereinafter enumerated be amended and adopted in the following form:

SECTION 1.) House Rules 28, 30, 32, 36, subsection 14 of Rule 40, House Rules 47, 54, and 62, are hereby amended and adopted in the following form:

28. SUSPENSION OF RULES

No standing rule or order of the House shall be reconsidered or suspended except by a vote of two-thirds of the members-elect, and no motion to suspend the rules and pass a bill shall be entertained except by unanimous consent, unless the bill has first been printed or mimeographed and considered by a committee, nor shall any standing rule or order requiring unanimous consent be reconsidered or suspended without unanimous consent.

30. WHEN INTRODUCED

No bill shall be introduced after the (((twentieth))) first day, nor shall any resolution be introduced after the (((thirty-fifth))) first day, except upon the approval of a majority of the (((Committee on Delayed Bills or upon two-thirds vote))) members-elect of the House. Bills and resolutions shall be introduced in typewritten or mimeographed form.

32. FORMS OF BILLS, NUMBER OF COPIES

Every bill, memorial or resolution, shall be in typewritten or mimeographed form and nine copies thereof shall be filed with the

Chief Clerk of the House. Each such bill, memorial or resolution shall have endorsed thereon its title and the name of the member or committee introducing the same. The enacting clause shall be as follows: "Be it enacted by the Legislative Assembly of the State of North Dakota". No bill shall embrace more than one subject, which shall be expressed in its title. If the bill amends a present statute, the portion thereof constituting the amendment or amendments shall be underscored. In all bills which contain both sections amending existing statutes and sections which are new law, the portion containing new law shall be underscored. Any matter contained in the present statute but deleted in the proposed amended statute shall be contained in the typewritten or mimeographed bill but shall be set off from the remainder of the text by two or more parentheses at the beginning and end of such deleted matter. Where Legislative Research Committee sponsored bills do not use the above device of parentheses and underscoring, such bills must be accompanied by appropriate explanatory notations outlining the changes to be effected. The bills and resolutions to be introduced in either house of the Legislative Assembly shall be in such form and style as the Legislative Research Committee shall prescribe. One of such copies shall be delivered to the Chairman of the Committee to which the measure is referred, one shall be delivered to the Chairman on enrollment and engrossment, one copy shall be delivered to the Legislative Research Committee for the purpose of checking the style and form and one shall remain in the custody of the Chief Clerk until otherwise directed by the House, (((one shall be delivered to the printer having the contract for printing of bills,))) one shall be delivered to the printer having the contract for printing the House Journals for use in setting of bill title and (((three))) four copies shall be available for newspaper representatives.

36. PRINTING OR MIMEOGRAPHING OF BILLS

All bills, resolutions or memorials requiring the approval of the Governor or a change in the Constitution of the State of North Dakota, (((after the first reading,))) shall be printed or mimeographed unless otherwise ordered by the House.

40. STANDING COMMITTEES (Subsection 14)

14. VETERANS AND MILITARY AFFAIRS B

National Guard and Militia; Adjutant General; Veteran's Matters; Soldiers Home; Civil Defense; and related Military Matters.

Committees in Groups A and B are to consist of not more than twenty-two nor less than twenty-one members each (((, that the appropriations committee shall meet on Monday, Tuesday, Wednesday and Thursday; that such committees as are numbered A-1 shall meet on Monday and Tuesday; such committees as are numbered A-2 shall meet on Wednesday and Thursday, and all B committees shall meet on Friday of each week))).

47. REPORT OF COMMITTEES

The report of a committee shall be for passage, for indefinite postponement, for amendment or without recommendation. If for amendment, the proposed amendment shall be fully set forth in the report. If such report is adopted, the bill shall thereupon go on the calendar (((for the next legislative day))) for action of the House as to amendment under the Sixth Order of Business, when the House, by a majority vote of the members present may adopt or reject such amendments or may commit the bill to the committee of the whole. (((No action shall be taken upon amendments until a full mimeographed or printed copy of the report is in the hands of the members. Upon receiving the report, the Chief Clerk shall cause copies

thereof to be made and placed on the desk of each member. Provided, however, that upon a two-thirds vote this rule may be suspended, and the amendment acted on immediately after the report of the committee.))

If a report or motion recommending a bill for passage (((without amendment))) is adopted, the bill shall go on the calendar for the next legislative day for second reading and final passage.

If a report or motion for indefinite postponement is adopted, it shall have the effect of entirely removing the bill or resolution from before the House for that session, unless revived by a motion to reconsider. The passage of a motion for the adoption of a report recommending amendments has the effect of adopting the report but not the amendments.

54. SECOND READING

No bill, resolution or memorial requiring the approval of the Governor or a change in the Constitution of the State of North Dakota shall be committed or amended until it shall have been read; nor shall any such bill, resolution, or memorial have its second reading and be put upon its final passage until at least one day after (((the same has been reported to the House by the Committee to which the same has been referred, provided that any such bill, resolution, or memorial may have its second reading and be put upon its final passage on the day it was reported back when so ordered by two-thirds of the members of the House present))) its first reading.

62. NOTICE OF INTENTION TO RECONSIDER

Except on the (((forty-fifth))) second and (((sixtieth))) subsequent days of the extraordinary session, when notice or intention to move the reconsideration of any bill or joint resolution shall be given by a member, the clerk of the House shall retain the said bill or joint resolution until the end of the next legislative day, excluding Sundays, unless the same has previously been disposed of. When a member, in explaining his vote, states to the House that his vote is for the purpose of reconsideration, such statement shall be deemed to be notice of such intention.

SECTION 2.) The last paragraph of Joint Rule 14 is hereby amended as follows:

All fiscal notes shall be prepared in triplicate and shall be returned to the Legislative Research Committee or the Committee Chairman making such request, whichever the case may be, not later than (((five days))) one day from the date of receipt of such request. One copy of the fiscal note shall be attached to the original bill or resolution, one copy shall be filed with the bill clerk of the house wherein the bill or resolution originated, and one copy shall be filed in the offices of the Legislative Research Committee. Any bill or resolution requiring a fiscal note shall be stamped or have written on its cover a notation to the effect that a fiscal note is required. Reports of committees shall include a notation that a specific bill or resolution carries a fiscal note. Upon second reading and final passage of all bills or resolutions carrying fiscal notes the Secretary of the Senate or the Clerk of the House, whichever the case may be shall be required to read the fiscal note in its entirety at the time of reading the title of the bill or resolution to be voted upon.

WALTER O. BURK, Chairman

Representative Burk moved that the report be adopted.

Rep. Jungroth moved, a substitute motion, that the report of the Rules be amended as follows: Line 23, strike the words "after the"; line 24, strike the words "first day" and "after"; line 25, strike the words "the" and "first day"; strike the parentheses in lines 26 and 27, so that no bills nor resolutions may be introduced except upon

approval of the Committee on Delayed Bills or a two-thirds majority of the members.

The motion of Rep. Jungroth was defeated on a roll call vote.

The question was now on the motion of Rep. Burk that the report of the Rules Committee be adopted, which motion prevailed.

Rep. Brown moved that the rules be adopted as proposed by the Rules Committee, which motion prevailed.

The entrants to the Miss North Dakota Pageant were introduced to the House.

FIRST READING OF HOUSE BILLS

Reps. Giffey, Hoffner and Backes introduced:

House Bill No. 501. A Bill for an Act to provide for the imposition of a temporary sales tax, exemptions thereto, manner of collection and administration, appeals, penalties, refunds, allocation of revenues, effect on existing laws, and providing effective dates.

Was read the first time and referred to the Committee on Finance and Taxation.

Reps. Aamoth, Whittlesey, Stockman, Hilleboe, Froeschle and Duncan introduced:

House Bill No. 502. A Bill for an Act to provide workmen's compensation benefits to volunteer civic project workers while engaged in the construction of civic projects.

Was read the first time.

Rep. Whittlesey moved that House Bill No. 502 be considered in the Committee of the Whole, which motion prevailed.

Reps. Aamoth, Duncan, Froeschle, Hilleboe, Stockman and Whittlesey introduced:

House Bill No. 503. A Bill for an Act to amend and reenact subsection 4 of Section 40-58-06 of the North Dakota Century Code, relating to the preparation and approval of urban renewal plans for municipalities and eliminating certain requirements with regard to permitted uses on redevelopment and declaring an emergency.

Was read the first time.

Rep. Aamoth moved that House Bill No. 503 be considered in the Committee of the Whole, at an appropriate time, which motion prevailed.

Rep. Boustead introduced:

House Bill No. 504. A Bill for an Act to amend and reenact sections 2 and 16 of House Bill No. 903, also known as sections 2 and 16 of Chapter 217 of the 1965 North Dakota Session Laws, relating to the establishment and operation of family courts.

Was read the first time.

Rep. Boustead moved that House Bill No. 504 be considered in the Committee of the Whole, which motion prevailed.

Reps. Powers and Stockman introduced:

House Bill No. 505. A Bill for an Act to amend and reenact section 28-20-34 of the 1963 Supplement to the North Dakota Century Code, relating to interest rates on judgments.

Was read the first time and referred to the Committee of the Whole on motion of Rep. Powers.

Rep. Brown introduced:

House Bill No. 506. A Bill for an Act to authorize the North Dakota board of higher education to grant to Northwestern Bell Telephone Company an easement over certain tracts of land, and declaring an emergency.

Was read the first time and referred to the Committee of the Whole on motion of Rep. Brown.

Rep. Dornacker introduced:

House Concurrent Resolution "A". A concurrent resolution applying to the Congress of the United States to call a convention for the purpose of proposing an amendment to the Constitution of the United States, relating to apportionment.

Was read the first time.

Rep. Dornacker moved that House Concurrent Resolution "A" be referred to the Committee of the Whole.

Rep. Hauf moved a substitute motion that House Concurrent Resolution "A" be taken up at the next regular session, which motion was withdrawn.

Rep. Hauf moved a substitute motion that House Concurrent Resolution "A" be referred to a committee, which motion prevailed.

Speaker Link referred House Concurrent Resolution "A" to the Committee on State and Federal Government.

Speaker Link announced the House would recess and reconvene at 7:30 p.m., pursuant to the motion of Rep. Giffey.

The House reconvened at 8:00 p.m. pursuant to recess.

Speaker Link announced that the House would be on the 14th order of business.

GENERAL ORDERS

Rep. Brown moved that the House resolve itself into a committee of the whole for the consideration of general orders; and the House resolved itself into a committee of the whole and the Speaker be named as Chairman, which motion prevailed.

When the committee arose it submitted the following report:

MR. SPEAKER: The committee of the whole have had under consideration House Bill No. 502 and recommends that this bill be referred to the Committee on Labor Relations;

House Bill No. 503 and recommends that this bill be recommended for passage as amended by reference to Section 40-58-06 rather than 40-50-06 wherever it appears in the bill;

House Bill No. 504 and recommends this bill for passage;

House Bill No. 505 and recommends this bill for passage;

House Bill No. 506 and recommends this bill for passage.

ARTHUR A. LINK, Chairman

Rep. Stockman moves the Committee of the Whole do now arise, which motion prevailed.

Rep. Giffey moved that the report of the Committee of the Whole be adopted, which motion prevailed.

Speaker Link announced that House Bills Nos. 504, 505, 506 will be placed on the calendar and House Bill No. 503 will be placed in the Sixth Order of Business.

REPORTS OF STANDING COMMITTEES

Mr. Speaker: Your Committee on Finance and Taxation to whom was referred House Bill No. 501 has had the same under consideration and recommends that the same do pass.

REP. BACKES, Chairman

Rep. Harrison moved that the report be adopted, which motion prevailed.

Mr. Speaker: Your Committee on State and Federal Government to whom was referred House Concurrent Resolution "A" has had the same under consideration and a majority recommends that the same be amended as follows:

In line 3 of the resolution after the word "population" delete the words "and has thus asserted".

Delete all of lines 4 through 15.

In line 16 delete the words "people of their right to determine how they shall be governed"

Renumber the lines accordingly.

For the majority:

Rep. Glaspey
Rep. Gronhovd
Rep. Burk
Rep. Gietzen
Rep. Larson of Richland
Rep. Krenz
Rep. Winge
Rep. Unruh
Rep. Elkin
Rep. Wentz
Rep. Rivinius
Rep. Rundle
Rep. Hickie

And when so amended recommend the same do pass.

REP. BELQUIST, Chairman

Mr. Speaker: Your Committee on State and Federal Government to whom was referred House Concurrent Resolution "A" has had the same under consideration and a minority recommends that the same be indefinitely postponed.

For the minority:

Rep. Powers of Cass
Rep. Rustan
Rep. Jungroth
Rep. Williamson
Rep. Duncan
Rep. Brown
Rep. Haugland

REP. BELQUIST, Chairman

Rep. Williamson moved that the report of the minority be adopted.

Rep. Dornacker moved a substitute motion that the report of the majority be substituted for the report of the minority which motion was declared lost, on a division vote.

The question was now on the motion that the report of the minority be adopted, which motion prevailed, on a roll call vote, requested by Rep. Sireibel.

ROLL CALL

The question being on the motion of Rep. Williamson that the minority report be adopted, the roll was called and there were 55 ayes; 47 nays; 7 absent and not voting.

Those voting in the affirmative were:

Anderson	Froeschle	Leer	Rustan
Belquist	Gengler	Linderman	Sanstead
Bergman	Giffey	Meschke	Shablow
Bloom	Glaspey	Montplaisir	Skaar
Borstad	Gudajtes	Myhre	Solberg
Breum	Hardmeyer	Obie	Staven
Brown	Harrison	Olafson	Stockman
Bruner	Hauf	Olson	Strand
Christensen	Hertz	Opedahl	Tough
Coles	Hilleboe	Poling	Wagner
Collette	Hoffner	Powers, Cass	Whittlesey
Duncan	Ivesdal	Rieger	Williamson
Erickson,	Jungroth	Rosendahl	Mr. Speaker

Mountrail Kvasager Ruddy
Erickson, Ward

Those voting in the negative were:

Aamoth	Elkin	Krenz	Rivinius
Backes	Fossum	Lang	Rundle
Bier	Frank	Larsen	Schaffer
Bilden	Ganser	Larson	Shorma
Bowman	Gietzen	Loerch	Streibel
Burk	Gronhovd	Lundene	Unruh
Christopher	Haugen	Meyer	Vogel
Connolly	Haugland	Miller	Wastvedt
Dahlen	Hickle	Mueller	Welder
Davis	Johnson,	Olienyk	Wentz
Dick	Barnes	Powers, Barnes	Wilkie
Dornacker	Johnson, G. V.	Reimers	Winge

Absent and not voting:

Boustead	Knudsen	Stallman	Tweten
Bowles	Schoenwald	Stenhjem	

So the motion of Rep. Williamson prevailed and the report of the minority was adopted.

Rep. Brown moved that the roll call vote on Rep. Williamson's motion be expunged from the record, which motion was withdrawn.

Rep. Brown moved that the House reconsider its action in voting on Rep. Williamson's motion and vote on the question of whether a record vote be taken, which motion was withdrawn.

Rep. Williamson moved that the vote by which the report of the minority of the committee on House Concurrent Resolution "A" was adopted be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

FIRST READING OF A HOUSE CONCURRENT RESOLUTION

Reps. Brown and Powers of Cass introduced:

House Concurrent Resolution "B". A concurrent resolution urging and requesting the Diamond Jubilee Committee to transfer all remaining unencumbered funds to the North Dakota Heritage Commission for deposit in the state treasury in the special heritage center fund.

Was read the first time in its entirety on motion of Rep. Brown.

Rep. Jungroth moved that the rules be suspended and House Concurrent Resolution "B" be placed on final passage at this time, which motion prevailed.

SECOND READING OF A HOUSE CONCURRENT RESOLUTION

House Concurrent Resolution "B". A concurrent resolution urging and requesting the Diamond Jubilee Committee to transfer all remaining unencumbered funds to the North Dakota Heritage Commission for deposit in the state treasury in the special heritage center fund.

Which had been read.

ROLL CALL

The question being on the final passage of the resolution, the roll was called and there were: ayes, 99; nays, 3; absent and not voting,

7.

Those voting in the affirmative were:

Aamoth	Erickson, Ward	Larsen	Rustan
Anderson	Fossum	Larson	Sanstead
Belquist	Frank	Leer	Schaffer
Bergman	Froeschle	Linderman	Shorma
Bier	Ganser	Loerch	Skaar
Bilden	Gengler	Lundene	Solberg
Bloom	Gietzen	Meschke	Stallman

Borstad	Giffey	Meyer	Staven
Bowman	Glaspey	Montplaisir	Stockman
Breum	Gronhovd	Mueller	Strand
Brown	Gudajtes	Myhre	Streibel
Bruner	Hardmeyer	Obie	Tough
Burk	Harrison	Olafson	Tweten
Christensen	Hauf	Olienyk	Unruh
Christopher	Haugen	Olson	Vogel
Coles	Haugland	Opedahl	Wagner
Collette	Hertz	Poling	Wastvedt
Connolly	Hickle	Powers, Barnes	Welder
Dahlen	Hilleboe	Powers, Cass	Wentz
Davis	Hoffner	Reimers	Whittlesey
Dick	Ivesdal	Rieger	Wilkie
Dornacker	Jungroth	Rivinius	Williamson
Duncan	Krenz	Rosendahl	Winge
Elkin	Kvasager	Ruddy	Mr. Speaker
Erickson,	Lang	Rundle	
Mountrail			

Those voting in the negative were:

Backes Johnson, G. V. Miller

Absent and not voting:

Boustead Johnson, Knudsen Shablow
Bowles Barnes Schoenwald Stenhjem

So the resolution passed and the title was agreed to.

Rep. Giffey moved that 1,000 copies of the House Journal be printed each day, which motion prevailed.

Rep. Brown moved that the names of temporary pages be recorded in permanent record, which motion prevailed.

Rep. Giffey moved that the House now recess until 9:30 a.m., June 15, 1965, which motion prevailed.

DONNELL HAUGEN, Chief Clerk

FIRST DAY AFTER RECESS AND SECOND DAY

The House reconvened at 9:30 a.m. pursuant to recess taken.

Speaker Link announced that the House would be on the Ninth Order of Business.

FIRST READING OF A HOUSE BILL

Rep. Burk introduced:

House Bill No. 507. A Bill for an Act to provide medical assistance for needy persons.

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

SIXTH ORDER OF BUSINESS

Rep. Whittlesey moved that the rules be suspended and House Bill No. 503 be amended by inserting the words: "Be It Enacted by the Legislative Assembly by the State of North Dakota", which motion prevailed.

Rep. Whittlesey moved that the amendments to House Bill No. 503 as recommended by the Committee of the Whole with the further amendment be adopted, which motion prevailed.

EIGHTH ORDER OF BUSINESS

On motion of Rep. Brown, the names of the temporary pages for this extraordinary session are herewith listed for a permanent record: David Solberg; David Dornacker, Rickey Backes and Bonnie Austin.

The House recessed for 15 minutes and then were reconvened.

Speaker Link announced that the House would be on the Fifth Order of Business.

REPORTS OF STANDING COMMITTEES

Mr. Speaker: Your Committee on Social Welfare to whom was referred House Bill No. 507 has had the same under consideration and recommends that the same do pass.

REP. POLING, Chairman

Rep. Borstad moved that the report be adopted, which motion prevailed.

Mr. Speaker: Your Committee on Labor to whom was referred House Bill No. 502 has had the same under consideration and recommends that the same be indefinitely postponed.

REP. HERTZ, Chairman

Rep. Loerch moved that the report be adopted, which motion prevailed.

MESSAGE TO THE SENATE

House Chambers
Bismarck, June 15, 1965

Mr. President: I have the honor to transmit:

House Concurrent Resolution "B"

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

DONNELL HAUGEN, Chief Clerk

Rep. Giffey moved that the House do now adjourn, which motion prevailed, and the House stood adjourned.

SECOND DAY

Bismarck, June 15, 1965

The House reconvened at 10:00 a.m., pursuant to adjournment with Speaker Link presiding.

Prayer was offered by Rev. Allan Strohschein of the Bismarck Baptist Church of Bismarck, North Dakota.

Roll call: All members present except Reps. Knudsen, Schoenwald, Backes, Christopher, Jungroth, Larsen, Shorma, and Solberg.

Mr. Speaker: Your Committee on Revision and Correction of the Journal have carefully examined the Journal of the first day and find the same correct.

REP. OPEDAHL, Chairman

Rep. Shorma moved that the report be adopted, which motion prevailed.

MOTION

Rep. Aamoth moved that the House reconsider the action by which the report of the Committee on Correction and Revision of the Journal was adopted, which motion prevailed.

Rep. Aamoth moved that on page 15 of the House Journal, House Bill No. 502 be shown as 503, and House Bill No. 503 shown as House Bill No. 502, which motion prevailed.

SECOND READING OF HOUSE BILLS

House Bill No. 501. A Bill for an Act to provide for the imposition of a temporary sales tax, exemptions thereto, manner of collection and administration, appeals, penalties, refunds, allocation of revenues, effect on existing laws, and providing effective dates.

Which had been read.

ROLL CALL

The question being on final passage of the bill, the roll was called and there were: ayes, 67; nays, 38; absent and not voting, 4.

Those voting in the affirmative were:

Anderson	Gietzen	Leer	Rustan
Backes	Giffey	Linderman	Sanstead
Belquist	Glaspey	Loerch	Shablow
Bergman	Gronhovd	Lundene	Shorma
Bloom	Gudajtes	Meschke	Skaar
Borstad	Hardmeyer	Meyer	Solberg
Bowles	Harrison	Montplaisir	Stallman
Breum	Hauf	Myhre	Staven
Bruner	Haugen	Obie	Stenhjem
Burk	Haugland	Olafson	Stockman
Christensen	Hertz	Olson	Strand
Collette	Hoffner	Opedahl	Vogel
Dahlen	Ivesdal	Poling	Whittlesey
Erickson,	Jungroth	Powers, Cass	Wilkie
Mountrail	Krenz	Rieger	Williamson
Erickson, Ward	Kvasager	Rosendahl	Winge
Gengler	Larson	Ruddy	Mr. Speaker

Those voting in the negative were:

Aamoth	Dick	Johnson,	Rundle
Bier	Dornacker	Barnes	Schaffer
Bilden	Elkin	Johnson, G. V.	Streibel

Boustead	Fossum	Lang	Tough
Bowman	Frank	Larsen	Tweten
Brown	Froeschle	Miller	Unruh
Christopher	Ganser	Olienyk	Wagner
Coles	Hickle	Powers, Barnes	Wastvedt
Connolly	Hilleboe	Reimers	Welder
Davis		Rivinius	Wentz
Absent and not voting:			
Duncan	Knudsen	Mueller	Schoenwald

So the bill passed and the title was agreed to.

House Bill No. 503. A Bill for an Act to amend and reenact subsection 4 of Section 40-58-06 of the North Dakota Century Code, relating to the preparation and approval of urban renewal plans for municipalities and eliminating certain requirements with regard to permitted uses on redevelopment and declaring an emergency.

Which had been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were: ayes, 95; nays, 9; absent and not voting, 5.

Those voting in the affirmative were:

Aamoth	Erickson, Ward	Larson	Schaffer
Anderson	Fossum	Leer	Shablow
Backes	Frank	Linderman	Shorma
Belquist	Froeschle	Loerch	Skaar
Bergman	Ganser	Lundene	Solberg
Bier	Gietzen	Meschke	Stallman
Bloom	Giffey	Meyer	Staven
Borstad	Glaspey	Montplaisir	Stenhjem
Boustead	Gronhovd	Myhre	Stockman
Bowles	Gudajtes	Obie	Strand
Bowman	Hardmeyer	Olafson	Streibel
Breum	Harrison	Olienyk	Tough
Brown	Hauf	Olson	Tweten
Bruner	Haugen	Opedahl	Unruh
Burk	Haugland	Poling	Vogel
Christensen	Hertz	Powers, Barnes	Wagner
Christopher	Hilleboe	Powers, Cass	Wastvedt
Coles	Hoffner	Reimers	Welder
Collette	Ivesdal	Rieger	Wentz
Dahlen	Jungroth	Rivinius	Whittlesey
Dick	Krenz	Rosendahl	Wilkie
Dornacker	Kvasager	Rundle	Williamson
Erickson,	Lang	Rustan	Winge
Mountrail	Larsen	Sanstead	Mr. Speaker

Those voting in the negative were:

Bilden	Elkin	Hickle	Miller
Connolly	Gengler	Johnson, G. V.	Ruddy
Davis			

Absent and not voting:

Duncan	Johnson,	Knudsen	Schoenwald
	Barnes	Mueller	

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

House Bill No. 504. A Bill for an Act to amend and reenact sections 2 and 16 of House Bill No. 903, also known as sections 2 and 16 of Chapter 217 of the 1965 North Dakota Session Laws, relating to the establishment and operation of family courts.

Which had been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were: ayes, 98; nays, 8; absent and not voting, 3.

Those voting in the affirmative were:

Aamoth	Fossum	Larsen	Sanstead
Backes	Frank	Larson	Schaffer
Belquist	Froeschle	Leer	Shablow
Bergman	Ganser	Linderman	Shorma
Bier	Gengler	Loerch	Skaar
Bloom	Gietzen	Lundene	Solberg
Borstad	Giffey	Meschke	Stallman
Boustead	Glaspey	Meyer	Staven
Bowles	Gronhovd	Montplaisir	Stenhjem
Bowman	Gudajtes	Myhre	Stockman
Breum	Hardmeyer	Obie	Strand
Brown	Harrison	Olafson	Streibel
Burk	Hauf	Olienyk	Tough
Christensen	Haugen	Olson	Tweten
Christopher	Haugland	Opedahl	Unruh
Coles	Hertz	Poling	Vogel
Collette	Hickle	Powers, Barnes	Wagner
Dahlen	Hilleboe	Powers, Cass	Wastvedt
Dick	Ivesdal	Reimers	Welder
Dornacker	Johnson,	Rieger	Wentz
Duncan	Barnes	Rivinius	Whittlesey
Elkin	Jungroth	Rosendahl	Wilkie
Erickson,	Krenz	Ruddy	Williamson
Mountrail	Kvasager	Rundle	Winge
Erickson, Ward	Lang	Rustan	Mr. Speaker

Those voting in the negative were:

Anderson	Bruner	Davis	Johnson, G.V.
Bilden	Connolly	Hoffner	Miller

Absent and not voting:

Knudsen	Mueller	Schoenwald
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So the bill passed and the title was agreed to.

House Bill No. 505. A Bill for an Act to amend and reenact section 28-20-34 of the 1963 Supplement to the North Dakota Century Code, relating to interest rates on judgments.

Which had been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were: ayes, 94; nays, 11; absent and not voting, 4.

Those voting in the affirmative were:

Aamoth	Elkin	Krenz	Rundle
Anderson	Erickson,	Kvasager	Rustan
Backes	Mountrail	Lang	Sanstead
Belquist	Erickson, Ward	Larsen	Shablow
Bergman	Fossum	Larson	Shorma
Bier	Frank	Leer	Skaar
Bilden	Froeschle	Linderman	Solberg
Bloom	Ganser	Loerch	Stallman
Borstad	Gengler	Lundene	Staven
Boustead	Gietzen	Meyer	Stenhjem
Bowles	Giffey	Montplaisir	Stockman
Bowman	Glaspey	Myhre	Strand
Breum	Gronhovd	Obie	Streibel
Brown	Gudajtes	Olafson	Tough
Bruner	Hardmeyer	Olienyk	Unruh
Burk	Harrison	Olson	Vogel
Christensen	Hauf	Opedahl	Wagner
Christopher	Haugen	Poling	Wastvedt
Coles	Hertz	Powers, Cass	Wentz

Collette	Hilleboe	Reimers	Whittlesey
Dahlen	Hoffner	Rieger	Wilkie
Dick	Ivesdal	Rivinius	Williamson
Dornacker	Johnson,	Rosendahl	Winge
Duncan	Barnes	Ruddy	Mr. Speaker

Those voting in the negative were:

Connolly	Johnson, G.V.	Miller	Schaffer
Davis	Jungroth	Mueller	Welder
Hickle	Meschke	Powers, Barnes	

Absent and not voting:

Haugland	Knudsen	Schoenwald	Tweten
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So the bill passed and the title was agreed to.

House Bill No. 506. A Bill for an Act to authorize the North Dakota board of higher education to grant to Northwestern Bell Telephone Company an easement over certain tracts of land, and declaring an emergency.

Which had been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were: ayes, 99; nays, 7; absent and not voting, 3.

Those voting in the affirmative were:

Aamoth	Erickson,	Kvasager	Rustan
Anderson	Mountrail	Lang	Sanstead
Backes	Fossum	Larsen	Schaffer
Belquist	Frank	Larson	Shablow
Bergman	Froeschle	Leer	Shorma
Bier	Ganser	Linderman	Skaar
Bilden	Gengler	Loerch	Solberg
Bloom	Gietzen	Lundene	Stallman
Borstad	Giffey	Meyer	Staven
Boustead	Glaspay	Mueller	Stenhjem
Bowles	Gronhovd	Myhre	Stockman
Bowman	Gudajtes	Obie	Strand
Breum	Hardmeyer	Olafson	Streibel
Brown	Harrison	Olienyk	Tough
Bruner	Hauf	Olson	Unruh
Burk	Haugen	Opedahl	Vogel
Christensen	Haugland	Poling	Wagner
Christopher	Hertz	Powers, Barnes	Wastvedt
Coles	Hickle	Powers, Cass	Welder
Collette	Hilleboe	Reimers	Wentz
Dahlen	Ivesdal	Rieger	Whittlesey
Dick	Johnson,	Rivinius	Wilkie
Dornacker	Barnes	Rosendahl	Williamson
Duncan	Johnson, G.V.	Ruddy	Winge
Elkin	Jungroth	Rundle	Mr. Speaker
	Krenz		

Those voting in the negative were:

Connolly	Erickson, Ward	Meschke	Montplaisir
Davis	Hoffner	Miller	

Absent and not voting:

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

House Bill No. 507. A Bill for an Act to provide medical assistance for needy persons.

Which had been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were: ayes, 93; nays, 12; absent and not voting, 4.

Those voting in the affirmative were:

Aamoth	Erickson, Ward	Larsen	Rustan
Anderson	Frank	Larson	Sanstead
Backes	Froeschle	Leer	Schaffer
Belquist	Ganser	Linderman	Shablow
Bergman	Gengler	Loerch	Shorma
Bloom	Gietzen	Lundene	Skaar
Borstad	Giffey	Meschke	Solberg
Boustead	Gronhovd	Meyer	Stallman
Bowles	Gudajtes	Montplaisir	Staven
Bowman	Hartmeyer	Mueller	Stenhjem
Breum	Harrison	Myhre	Stockman
Brown	Hauf	Obie	Strand
Bruner	Haugen	Olafson	Streibel
Burk	Haugland	Olienyk	Tweten
Christensen	Hertz	Olson	Vogel
Christopher	Hickle	Opedahl	Wagner
Coles	Hoffner	Poling	Wastvedt
Collette	Ivesdal	Powers, Barnes	Wentz
Dahlen	Johnson,	Powers, Cass	Whittlesey
Dick	Barnes	Reimers	Wilkie
Dornacker	Jungroth	Rieger	Williamson
Elkin	Krenz	Rosendahl	Winge
Erickson,	Kvasager	Ruddy	Mr. Speaker
Mountrail	Lang	Rundle	

Those voting in the negative were:

Bier	Davis	Johnson, G.V.	Tough
Bilden	Duncan	Miller	Unruh
Connolly	Hilleboe	Rivinius	Welder

Absent and not voting:

Fossum	Glaspey	Knudsen	Schoenwald
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So the bill passed and the title was agreed to.

MESSAGE TO THE SENATE

House Chamber

Bismarck, June 15, 1965

Mr. President: I have the honor to transmit:

House Bill No. 501

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

DONNELL HAUGEN, Chief Clerk

The House reconvened at the expiration of the recess.

MESSAGE TO THE SENATE

House Chamber

Bismarck, June 15, 1965

Mr. President: I have the honor to transmit:

House Bill No. 503 - 504 - 505

House Bill No. 506 - 507

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

DONNELL HAUGEN, Chief Clerk

MESSAGE TO THE HOUSE

Senate Chamber

Bismarck, June 15, 1965

Mr. Speaker: I have the honor to transmit:

Senate Bills Nos. 3 - 5 - 6 - 8

Senate Bills Nos. 9 and 10

Senate Concurrent Resolution "B"

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

GERALD L. STAIR, Secretary

FIRST READING OF SENATE BILLS

Senate Bill No. 3. A Bill for an Act to amend and reenact sections 28-32-15, 28-32-16, 28-32-17, 28-32-19, and 28-32-21 of the North Dakota Century Code to provide that appeals taken from a decision of an administrative agency shall be tried de novo in the district court, and to repeal section 28-32-18 of the North Dakota Century Code, relating to additional evidence to be taken by an administrative agency pending an appeal to the district court.

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

Senate Bill No. 5. A Bill for an Act making an appropriation for the purpose of paying expenses of the institutional collections program for the state hospital.

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

Senate Bill No. 6. A Bill for an Act to amend and reenact section 36-15-08 of the North Dakota Century Code relating to compensation and indemnity payments for herds of animals infected with tuberculosis.

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

Senate Bill No. 8. A Bill for an Act to provide for the imposition of a temporary sales tax, exemptions thereto, manner of collection and administration, appeals, penalties, refunds, allocation of revenues, effect on existing laws, and providing effective dates.

Was read for the first time and referred to the Committee on Finance and Taxation.

Senate Bill No. 9. A Bill for an Act to amend and reenact section 26-24-22 of the North Dakota Century Code, relating to reinsurance of the state fire and tornado fund, as amended by Senate Bill 340 of the Thirty-Ninth Legislative Assembly of North Dakota also known as Chapter 214 of the 1965 Session Laws of the State of North Dakota, and declaring an Emergency.

Was read for the first time and referred to the Committee on Industry and Business.

Senate Bill No. 10. A Bill for an Act providing an appropriation and authorizing the payment of expenses of the Extraordinary Session of the Thirty-ninth Legislative Assembly commencing June 14, 1965, and declaring an emergency.

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

Senate Concurrent Resolution "B". A concurrent resolution commending the citizens of North Dakota, and especially those residing in the Grafton, North Dakota area, for their efforts toward establishing an all-faiths chapel at the Grafton State School.

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

A wedding gift from the minority group was presented to Rep. Wagner by Rep. Streibel. Rep. Wagner thanked the group.

The Finance and Taxation Committee was excused to hold a hearing on Senate Bill No. 8.

REPORTS OF STANDING COMMITTEES

Mr. Speaker: Your Committee on Appropriations to whom was referred Senate Bill No. 5 has had the same under consideration and recommends that the same do pass.

REP. SOLBERG, Chairman

Rep. Solberg moved that the report be adopted, which motion prevailed.

Mr. Speaker: Your Committee on Agriculture to whom was referred Senate Bill No. 6 has had the same under consideration and recommends that the same do pass.

REP. WILKIE, Chairman

Rep. Glaspey moved that the report be adopted, which motion prevailed.

Mr. Speaker: Your Committee on Industry and Business to whom was referred Senate Bill 9 has had the same under consideration and recommends that the same do pass.

REP. LUNDENE, Chairman

Rep. Brown moved that the report be adopted, which motion prevailed.

Mr. Speaker: Your Committee on Appropriations to whom was referred Senate Bill No. 10 has had the same under consideration and recommends that the same do pass.

REP. SOLBERG, Chairman

Rep. Solberg moved that the report be adopted, which motion prevailed.

Mr. Speaker: Your Committee on Judiciary to whom was referred Senate Bill No. 3 has had the same under consideration and recommends that the same be indefinitely postponed.

REP. BURK, Chairman

Rep. Meschke moved that the report be adopted.

Rep. Unruh moved a substitute motion that Senate Bill No. 3 be re-referred to the Committee of the Whole, which motion lost.

The question was now on the original motion that the report of the Judiciary Committee on Senate Bill No. 3 be adopted, which motion prevailed.

Mr. Speaker: Your Committee on Judiciary to whom was referred Senate Concurrent Resolution "B" has had the same under consideration and recommends that the same do pass.

REP. BURK, Chairman

Rep. Jungroth moved that the report be adopted, which motion prevailed.

Rep. Brown moved that the rules be suspended and Senate Concurrent Resolution "B" placed on final passage at this time, which motion prevailed.

The question being on the final passage of Senate Concurrent Resolution "B", the question was put and carried, so Senate Concurrent Resolution "B" was declared adopted.

MOTION

Rep. Giffey moved that the House now stand in recess until 9:00 a.m., June 16, 1965, which motion prevailed.

DONNELL HAUGEN, Chief Clerk

SECOND DAY AFTER RECESS AND THIRD DAY

Bismarck, June 16, 1895

The House reconvened at 9:20 a.m. pursuant to recess taken.

Speaker Link announced that the House would be on the fifth order of business.

FIFTH ORDER OF BUSINESS

Rep. Breum moved that the reading of the report of the Committee on Mileage and Per Diem be dispensed with, which motion prevailed.

REPORT OF THE MILEAGE AND
PER DIEM COMMITTEE

Mr. Speaker: Your Committee on Mileage and Per Diem has completed the accounting for the mileage and per diem of the members of the House and recommends the following:

Mileage for the House of Representatives showing actual number of miles traveled at 10 cents per mile.

Name and Address	Total Number of Miles	Amount Due at 10 cents per Mile	Dist.
Gordon Aamoth, Fargo.....	400	\$40.00	9
Emil Anderson, Upham.....	340	34.00	34
Richard J. Backes, Glenburn.....	290	29.00	43
Russell L. Belquist, New Rockford.....	290	29.00	32
Harry Bergman, Argusville.....	368	36.80	10
Howard F. Bier, Hazelton.....	118	11.80	26
Arthur G. Bilden, Northwood.....	450	45.00	5
Sam Bloom, Alkabo.....	570	57.00	40
Archie Borstad, Fort Totten.....	386	38.60	20
Carl H. Boustead, Bismarck.....	3	.30	27
Albert Bowles, Milton.....	520	52.00	18
Lawrence Bowman, Bowman.....	365	36.50	39
Ole Breum, Rutland.....	456	45.60	13
John Bruner, Drake.....	220	22.00	34
Walter O. Burk, Williston.....	480	48.00	45
L. D. (Lee) Christensen, Kenmare.....	340	34.00	2
Albert J. Christopher, Pembina.....	700	70.00	1
John Coles, Bismarck.....	0	0.00	27
Wilfred Collette, Grafton.....	640	64.00	4
James L. Connolly, Dunn Center.....	280	28.00	48
Helmer Dahlen, Michigan.....	480	48.00	17
Leonard J. Davis, Killdeer.....	280	28.00	48
Lawrence Dick, Englevale.....	360	36.00	14
Eldred N. Dornacker, Mayville.....	420	42.00	8
Russell Duncan, Fargo.....	400	40.00	9
Richard Elkin, Taylor.....	170	17.00	31

William Erickson, Stanley.....	350	35.00	44
Larry Erickson, Minot.....	208	20.80	29
Chester Fossum, Maxbass.....	300	30.00	28
Gottlieb Frank, Drake.....	174	17.40	35
Mrs. Frances Froeschle, Fargo.....	400	40.00	9
Henry Ganser, Cleveland.....	180	18.00	23
John F. Gengler, Dickinson.....	210	21.00	31
William Gietzen, Glen Ullin.....	120	12.00	30
Donald Giffey, Roseglen.....	224	22.40	46
M. E. Glaspey, Lignite.....	410	41.00	40
Kenneth Gronhovd, Hatton.....	420	42.00	16
Ed Gudajtes, Minto.....	610	61.00	4
Ted Hardmeyer, Mott.....	200	20.00	49
Reuel Harrison, Edmonds.....	268	26.80	23
Otto Hauf, Max.....	184	18.40	46
Treadwell Haugen, Wyndmere.....	464	46.40	37
Brynhild Haugland, Minot.....	228	22.80	29
Donald L. Hertz, Mandan.....	12	1.20	30
Ralph Hickle, Center.....	70	7.00	48
Peter S. Hilleboe, Fargo.....	400	40.00	9
S. F. Hoffner, Esmond.....	290	29.00	20
Theimer Ivesdal, Edmore.....	460	46.00	21
Ernest N. Johnson, Daisey.....	320	32.00	15
Karnes Johnson, Beach.....	336	33.60	39
James R. Jungroth, Jamestown.....	204	20.40	23
Vernon Krenz, Litchville.....	304	30.40	24
Ole Kvasager, Manvel.....	527	52.70	6
Theodore Lang, Sterling.....	54	5.40	27
Richard Larsen, Grand Forks.....	550	55.00	7
Eldon Larson, Wahpeton.....	520	52.00	12
Herbert C. Leer, New Leipzig.....	200	20.00	47
Dale Linderman, Carrington.....	254	25.40	32
Arthur Link, Alexander.....	450	45.00	41
L. C. Loerch, Harvey.....	222	22.20	23
Henry O. Lundene, Adams.....	560	56.00	3
Herbert L. Meschke, Minot.....	228	22.80	29
Carl A. Meyer, Flasher.....	104	10.40	30
A. R. Miller, Beach.....	336	33.60	39
David Montplaisir, West Fargo.....	396	39.60	10
L. C. Mueller, Oakes.....	378	37.80	25
J. Milton Myhre, Kindred.....	400	40.00	10
Marlin T. Obie, Grand Forks.....	492	49.20	6
Fred Olafson, Gardar.....	600	60.00	1
Mike Olienyk, Belfield.....	240	24.00	31
Gilman C. Olson, Cooperstown.....	360	36.00	16
Olaf Opedahl, Tioga.....	400	40.00	45
Clarence Poling, Williston.....	480	48.00	45
Leslie C. Powers, Valley City.....	270	27.00	15
Mrs. Anna Powers, Leonard.....	380	38.00	11
Robert F. Reimer, Melville.....	260	26.00	23
Vincent B. Rieger, Esmond.....	280	28.00	42
Albert L. Rivinius, Elgin.....	160	16.00	47
Lawrence Rosendahl, Westhope.....	364	36.40	28
Patrick E. Ruddy, Grand Forks.....	492	49.20	6
Earl C. Rundle, New England.....	278	27.80	39
Palmer Rustan, Williston.....	480	48.00	45
Wayne G. Sanstead, Minot.....	228	22.80	29
Emil E. Schaffer, Gackle.....	208	20.80	36
Frank Shablow, Langdon.....	520	52.00	18
Edward Shorma, Wahpeton.....	520	52.00	12
Harold G. Skaar, Newtown.....	310	31.00	44
Oscar Solberg, Rolla.....	440	44.00	19
Thomas R. Stallman, Barney.....	476	47.60	37
Lloyd Staven, Park River.....	590	59.00	3

Paul Stenhjem, Devils Lake.....	400	40.00	21
Jacque Stockman, Fargo.....	400	40.00	9
Theodore Strand, Regent.....	250	25.00	49
Bryce Streibel, Fessenden.....	226	22.60	33
E. A. Tough, Strasburg.....	196	19.60	26
Kenneth Tweten, Reynolds.....	500	50.00	7
George Unruh, Grand Forks.....	492	49.20	7
Howard Vogel, Cando.....	420	42.00	22
Gilman Wastvedt, Hatton.....	440	44.00	8
Joe Welder, Napoleon.....	160	16.00	36
A. W. Wentz, McClusky.....	125	12.50	35
Gerhardt Wilke, Rolla.....	440	44.00	19
Gary M. Williamson, Minot.....	228	22.80	29
Ralph M. Winge, Litchville.....	320	32.00	38
John S. Whittlesey, Fargo.....	400	40.00	9

REP. BREUM, Chairman

Rep. Breum moved that the report of the committee on Mileage and Per Diem be approved, which motion prevailed on roll call vote.

ROLL CALL

Those voting in the affirmative were:

Anderson	Frank	Larsen	Schaffer
Backes	Froeschle	Larson	Shorma
Belquist	Ganser	Leer	Skaar
Bergman	Gengler	Linderman	Stallman
Bier	Gietzen	Loerch	Staven
Bloom	Giffey	Lundene	Stenhjem
Borstad	Glaspey	Meyer	Stockman
Bowles	Gronhovd	Miller	Strand
Bowman	Gudajtes	Montplaisir	Streibel
Breum	Harrison	Mueller	Tough
Brown	Hauf	Obie	Tweten
Bruner	Haugland	Olafson	Unruh
Burk	Hickle	Olson	Vogel
Christensen	Hilleboe	Opedahl	Wagner
Christopher	Hoffner	Poling	Wastvedt
Coles	Ivesdal	Powers, Barnes	Welder
Collette	Johnson,	Powers, Cass	Wentz
Connolly	Barnes	Rieger	Whittlesey
Dick	Johnson, G. V.	Rivinius	Wilkie
Dornacker	Krenz	Ruddy	Winge
Duncan	Kvasager	Rustan	Mr. Speaker
Erickson,	Lang		

Mountrail

Absent and not voting:

Aamoth	Erickson, Ward	Knudsen	Rundle
Bilden	Fossum	Meschke	Sanstead
Boustead	Hardmeyer	Myhre	Schoenwald
Dahlen	Haugen	Olienyk	Shablow
Davis	Hertz	Reimers	Solberg
Elkin	Jungroth	Rosendahl	Williamson

So the report of the Committee on Mileage and Per Diem was adopted.

REPORT OF A STANDING COMMITTEE

Mr. Speaker: Your Committee on Finance and Taxation to whom was referred Senate Bill No. 8 has had the same under consideration and recommends that the same be amended as follows:

Following the words "A Bill" delete all of the remaining language and insert in lieu thereof the following:

For an Act to provide for the imposition of a temporary sales tax, exemptions thereto, manner of collection and administration,

appeals, penalties, refunds, allocation of revenues, effect on existing laws, and providing effective dates.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. DEFINITIONS.) The following words, terms and phrases, when used in this Act, have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

1. "Person" includes any individual, firm, partnership, joint adventure, association, corporation, estate, business trust, receiver, or any other group or combination acting as a unit and the plural as well as the singular number;
2. "Sale" means any transfer of title or possession, exchange or barter, conditional or otherwise, in any manner or by any means whatsoever, for a consideration, and includes the furnishing of services relating to personal property, the furnishing or service of steam, gas, electricity, water, or communication, the furnishing of hotel, motel, or tourist court accommodations, the furnishing of tickets or admissions to any place of amusement, athletic event or place of entertainment including the playing of any machine for amusement or entertainment in response to the use of a coin, and sales of subscriptions to magazines and other periodicals regardless of whether or not such magazines or periodicals are to be delivered in the future and regardless of whether or not they are in existence at the time of the sale of any subscription; provided that the words "magazines and other periodicals" as used herein shall not include newspapers nor shall they include magazines or periodicals that are furnished free by a nonprofit corporation or organization to its members or because of payment by its members of membership fees or dues;
3. "Retail sale" or "sale at retail" means the sale, including the leasing or renting, to a consumer or to any person for any purpose, other than for processing or for resale, of tangible personal property; the sale of steam, gas, electricity, water, and communication service to retail consumers or users; the ordering, selecting or aiding a customer to select any goods, wares, or merchandise from any price list or catalog, which the customer might order, or be ordered for such customer to be shipped directly to such customer; the sale or furnishing of hotel, motel, or tourist court accommodations, services relating to personal property, tickets or admissions to any place of amusement, athletic event or place of entertainment including the playing of any machine for amusement or entertainment in response to the use of a coin; and the sales of magazines and other periodicals. By the term "processing" is meant any tangible personal property including containers which it is intended, by means of fabrication, compounding, manufacturing, producing or germination shall become an integral or an ingredient or component part of other tangible personal property intended to be sold ultimately at retail. The sale of an item of tangible personal property for the purpose of incorporating it in or attaching it to other real or personal property otherwise exempt from the sales tax shall be considered as a sale of tangible personal property for a purpose other than for processing; the delivery of possession within the state of North Dakota of tangible personal property by a wholesaler or distributor to an out-of-state retailer who does not hold a North Dakota retail sales tax permit or to a person who by contract incorporates such tangible personal property into, or attaches it to, real property situated outside of North Dakota shall not be considered a taxable sale;

4. "Business" includes any activity engaged in by any person or caused to be engaged in by him with the object of gain, benefit or advantage, either direct or indirect;
5. "Retailer" includes every person engaged in the business of leasing or renting hotel, motel, or tourist court accommodations, and every person engaged in the business of selling tangible goods, wares, or merchandise at retail, or furnishing of steam, gas, electricity, water and communication services, or tickets or admissions to places of amusement, entertainment and athletic events including the playing of any machine for amusement or entertainment in response to the use of a coin, or services relating to personal property, or magazines, or other periodicals; and shall include any person as herein defined who by contract or otherwise agrees to furnish for a consideration a totally or partially finished product consisting in whole or in part of tangible personal property subject to the sales tax herein provided, and all items of tangible personal property entering into the performance of such contract as a component part of the product agreed to be furnished under said contract shall be subject to the sales tax herein provided and the sales tax thereon shall be collected by the contractor from the person for whom the contract has been performed in addition to the contract price agreed upon, and shall be remitted to the state in manner provided in this Act; and shall include the state or any municipality furnishing steam, gas, electricity, water, or communication service to members of the public in its proprietary capacity;
6. "Gross receipts" means the total amount of the sales of retailers, valued in money, whether received in money or otherwise, provided, however, that discounts for any purposes allowed and taken on sales shall not be included, nor shall the sale price of property returned by customers when the full sale price thereof is refunded either in cash or by credit. Provided, however, that on all sales of retailers, valued in money, when such sales are made under conditional sales contract, or under other forms of sale wherein the payment of the principal sum thereunder be extended over a period longer than sixty days from the date of sale thereof that only such portion of the sale amount thereof shall be accounted for, for the purpose of imposition of tax imposed by this Act, as has actually been received in cash by the retailer during each quarterly period as defined herein. "Gross receipts" shall also mean, with respect to the leasing or renting of tangible personal property, the amount of consideration, valued in money, whether received in money or otherwise, received from the leasing or renting of only such tangible personal property the transfer of title to which has not been subjected to a retail sales tax in this state. "Gross receipts" shall also mean, with respect to subscriptions to magazines and other periodicals, the amount of consideration, valued in money, whether received in money or otherwise, received from the sale of such subscriptions regardless of whether or not such magazines or periodicals are to be delivered in the future and regardless of whether or not they are in existence at the time of the sale of any subscription;
7. "Relief agency" means the state, any county, city and county, city or district thereof, or an agency engaged in actual relief work;
8. "Commissioner" means the tax commissioner of the state of North Dakota; and
9. "Local governmental unit" means incorporated cities, towns and villages, counties, school districts and townships.

SECTION 2. TAX IMPOSED.) Except as otherwise expressly provided by this Act, there is hereby imposed a tax of two and one-quarter percent upon the gross receipts of retailers from all sales at retail including the leasing or renting of tangible personal property as hereinafter provided in this section, within the state of North Dakota of the following to consumers or users:

1. Tangible personal property, consisting of goods, wares, or merchandise;
2. The furnishing or service of steam, gas, electricity, water, or communication services;
3. Tickets or admissions to places of amusement or entertainment or athletic events, including amounts charged for participation in an amusement, entertainment or athletic activity, and including the playing of any machine for amusement or entertainment in response to the use of a coin;
4. Magazines and other periodicals, including subscriptions thereto;
5. The leasing or renting of hotel, motel, or tourist court accommodations for periods of less than thirty consecutive calendar days or one month;
6. Services furnished in repairing, altering, restoring, or cleaning any tangible personal property provided that this subsection shall not apply to retailers who furnish such services to agricultural producers with respect to agricultural products; and
7. The leasing or renting of tangible personal property the transfer of title to which has not been subjected to a retail sales tax under this chapter or a use tax under the provisions of chapter 57-40 or chapter 57-40.1 of the North Dakota Century Code.

SECTION 3. EXEMPTIONS.) There are specifically exempted from the provisions of this Act and from computation of the amount of tax imposed by it:

1. Gross receipts from sales of tangible personal property which this state is prohibited from taxing under the Constitution or laws of the United States or under the Constitution of this state;
2. Gross receipts from the sales, furnishing or service of transportation service;
3. Gross receipts from sales of tangible personal property processed from agricultural products, when such property is sold in exchange for like agricultural products produced by the purchaser and is for the purchaser and his family;
4. Gross receipts from sales of tickets, or admissions to state, county, district and local fairs, and the gross receipts from educational, religious, or charitable activities, where the entire amount of such receipts is expended for educational, religious or charitable purposes;
5. Gross receipts from the sale by any school board of this state of books and school supplies to regularly enrolled students at costs;
6. Gross receipts from all sales otherwise taxable under this chapter made to the United States or any state thereof, including the state of North Dakota, or any of the subdivisions, departments, agencies or institutions thereof;
7. Gross receipts from the sale, by any drug store, of drugs sold under a doctor's prescription;
8. Gross receipts from sales of commercial fertilizers and from the sale of seeds, roots, bulbs and small plants to users or

consumers for planting or transplanting for vegetable gardens or agricultural purposes;

9. Gross receipts from sales of oxygen sold to any person who purchases it upon the written order of a doctor for his own use for medical purposes; and
10. Gross receipts from the sale of gasoline, cigarettes, snuff, insurance premiums, or any other article or product upon which the state of North Dakota imposes a special tax.
11. Gross receipts from the sale of feed which is fed to poultry or livestock, including breeding stock and wool bearing stock, for the purpose of producing eggs, milk, meat, fibers or other products for human consumption and the gross receipts from the sale of feed purchased for the purpose of being fed to draft or fur bearing animals. The word "feed" as used herein shall be construed to mean and include only salt, grains, hays, tankage, oyster shells, mineral supplements, limestone, molasses, beet pulp, meat and bone scraps, meal and other generally recognized animal feeds. The term "feed" does not include drugs, medicants, disinfectants, wormers, tonics and like items.
12. Gross receipts from all sales otherwise taxable under this Act when made to persons who are residents of adjoining states which do not impose or levy a retail sales tax; provided that such persons are in the state of North Dakota for the express purpose of making such purchases, and not as tourists; and provided further that any such person furnish to the North Dakota retailer a certificate signed by him in such form as the tax commissioner may prescribe reciting sufficient facts establishing the exempt status of the sale. Unless such certificate is furnished it shall be presumed, until the contrary is shown, that such person was not in the state of North Dakota for the express purpose of making such purchases; provided further that this exemption shall not apply to any sale to any person if the sales price is ten dollars or less. The deduction for this exemption shall not exceed one and one-half of the amount of the deduction for exempt sales in interstate commerce which the retailer was legally entitled to deduct on his sales tax returns for the calendar year 1964. If no deduction was taken for interstate commerce sales on returns filed for the calendar year 1964 or if no returns were required to be filed for the calendar year 1964, the deduction for this exemption shall not exceed the average interstate commerce deduction legally allowed by retailers conducting similar business, as determined by the tax commissioner.

SECTION 4. CREDIT OR REFUND FOR TAXES PAID ON WORTHLESS ACCOUNTS AND REPOSSESSIONS.)

1. Taxes paid on gross receipts represented by accounts found to be worthless and actually charged off for income tax purposes may be credited upon subsequent payment of the tax herein provided; provided, that if such accounts are hereafter collected by the retailer, a tax shall be paid upon the amount so collected.

2. If a retailer has remitted the sales tax due on the full amount of an installment sales contract rather than on only the installment payments received as provided in subsection 6 of section 1 of this Act, he may deduct as a credit against his sales tax liability on the next return that he is required to file the amount of sales tax he paid on the installment contract payments which were not made by the purchaser of the merchandise sold under such contract; such credit may be deducted by the retailer regardless of whether or not said retailer has assigned the contract, provided, however, that if the retailer has assigned the contract he must have assigned it subject to an agreement to repurchase the contract in the event of default by the purchaser under the contract or subject to a guarantee that

the payments under the contract would be made. In the event such deduction exceeds the amount of sales tax due the state by the retailer in the next regular return, such excess shall be allowed as credit against future sales tax due from the retailer. If in any case the credit, or any part of it, cannot be utilized by the retailer because of a discontinuance of a business or for other valid reasons, the amount thereof may be refunded to the retailer.

SECTION 5. CREDIT TO RELIEF AGENCY AND LOCAL GOVERNMENTAL UNITS.) A relief agency may apply to the commissioner for refund of the amount of tax imposed hereunder and paid upon sales to it of any goods, wares, or merchandise used for free distribution to the poor and needy. Such refunds may be obtained only in the following amount and in the manner and only under the following conditions:

1. On forms furnished by the commissioner, and during the time herein provided for the filing of quarterly tax returns by retailers, the relief agency shall report to the commissioner the total amount or amounts, valued in money, expended directly or indirectly for goods, wares or merchandise used for free distribution to the poor and needy;
2. On these forms the relief agency shall separately list the persons making the sales to it or to its order, together with the dates of the sales, and the total amount so expended by the relief agency; and
3. The relief agency must prove to the satisfaction of the commissioner that the person making the sales has included the amount thereof in the computation of the gross receipts of such person and that such person has paid the tax levied by this Act, based upon such computation of gross receipts.

If the commissioner is satisfied that the foregoing conditions and requirements have been complied with, he shall refund the amount claimed by the relief agency.

SECTION 6. TAX TO BE ADDED TO PURCHASE PRICE AND BE A DEBT.) Retailers shall add the tax imposed under this Act, or the average equivalent thereof, to the sales price or charge and when added such taxes shall constitute a part of such price or charge, shall be a debt from the consumer or user to the retailer until paid, and shall be recoverable at law in the same manner as other debts.

In adding such tax to the price or charge, retailers shall adopt the following bracket system for the application of the tax:

\$0.01 to \$0.19.....	no tax
.20 to .59.....	1¢ tax
.60 to .99.....	2¢ tax
1.00 to 1.49.....	3¢ tax
1.50 to 1.99.....	4¢ tax
2.00 to 2.49.....	5¢ tax
2.50 to 2.99.....	6¢ tax
3.00 to 3.49.....	7¢ tax
3.50 to 3.99.....	8¢ tax

An additional tax of 1c for each 50c, or fraction thereof, over \$3.99 except that for each full \$4.00 there shall be collected a tax of 9c.

SECTION 7. UNLAWFUL ACT.) No retailer shall advertise or hold out or state to the public or to any consumer, directly or indirectly, that the tax or any part thereof imposed by this Act shall be assumed or absorbed by the retailer or that it will not be considered as an element in the price to the consumer or, if added, that it or any part thereof will be refunded.

SECTION 8. RECORDS REQUIRED.) Every retailer required to make a report and pay any tax under this Act, shall preserve such records of the gross proceeds of sale as the commissioner may require and every retailer shall preserve for a period of six years all invoices and other records of goods, wares, or merchandise purchased for resale. All such books, invoices, and other records shall be open to examination at any time by the commissioner or any of his duly authorized agents.

SECTION 9. RETURN OF GROSS RECEIPTS.) 1. On or before the last day of the month following the close of the first quarterly period as defined in the following section, and on or before the last day of the month following each subsequent quarterly period of three months, the retailer shall make out a return for the preceding quarterly period in such form and manner as may be prescribed by the commissioner, showing the gross receipts of the retailer, the amount of the tax for the period covered by such return, and such further information as the commissioner may require to enable him correctly to compute and collect the tax herein levied. The commissioner upon request by any retailer and a proper showing of the necessity therefor, may grant unto such retailer an extension of time not to exceed thirty days for making such return. If such extension is granted to any such retailer, the time in which he is required to make payment as provided for in section 10 of this Act shall be extended for the same period;

2. The commissioner, if he deems it necessary or advisable in order to insure the payment of the tax imposed by this chapter, or if he deems it practical, may require returns and payment of the tax to be made for annual periods or other than quarterly periods, the provisions of this Act to the contrary notwithstanding; and

3. Returns shall be signed by the retailer or his duly authorized agent.

SECTION 10. PAYMENT OF TAX, BOND, CREATION OF LIEN.) 1. The tax levied under the provisions of this Act shall be due and payable in quarterly installments on or before the last day of the month next succeeding each calendar quarterly period, except that when there is a sale of any business by any retailer or when any business is discontinued by a retailer, the tax shall become due immediately prior to the sale or discontinuance of such business and if not paid within fifteen days thereafter it shall become delinquent and subject to the penalties provided in section 16 of this Act.

2. Every retailer, at the time of making the return required hereunder, shall compute and pay to the commissioner the tax due for the preceding period;

3. The commissioner, when in his judgment it is necessary and advisable to do so in order to secure the collection of the tax levied under this Act, may require any person subject to such tax to file with him a bond, issued by a surety company authorized to transact business in this state and approved by the insurance commissioner as to solvency and responsibility in such amount as the commissioner may fix, to secure the payment of any tax and penalties due or which may become due from such person. In lieu of such bond, securities approved by the commissioner in such amounts as he may prescribe, may be deposited with him, which securities shall be kept in the custody of the commissioner and may be sold by him at public or private sale, without notice to the depositor thereof, if it becomes necessary so to do in order to recover any tax and penalties due. All moneys deposited as security with the state tax commissioner under the provisions of this subsection shall be paid by the state tax commissioner to the state treasurer and shall be credited by the state treasurer into a special fund to be known as

the "Retail Sales and Use Tax Security Trust Fund". If any tax, penalty or costs imposed by this Act are not paid when due, by the person depositing moneys with the state tax commissioner as security for the payment of tax, penalty or costs imposed by this Act, the state tax commissioner shall certify that information to the director of accounts and purchases who shall transmit the money to the tax commissioner who shall apply the money deposited by the person or so much thereof as is necessary to satisfy the tax and penalties due. The state tax commissioner, when in his judgment it is no longer necessary to require the deposit to be maintained by the person, shall certify that information to the director of accounts and purchases who shall pay the unused money to the person entitled thereto.

4. Remittances on account of tax due under this Act shall not be deemed or considered payment thereof unless or until the commissioner shall have collected or received the amount due for such tax in cash or equivalent credit.

SECTION 11. LIEN OF TAX — COLLECTION — ACTION AUTHORIZED.) 1. Whenever any taxpayer liable to pay a tax or penalty imposed refuses or neglects to pay the same, the amount, including any interest, penalty, or addition to such tax, together with the costs that may accrue in addition thereto, shall be a lien in favor of the state of North Dakota upon all property and rights to property, whether real or personal, belonging to said taxpayer, and in the case of property in which a deceased taxpayer held an interest as joint tenant or otherwise with right of survivorship at the time of his death, the lien shall continue as a lien against the property in the hands of the survivor or survivors to the extent of the deceased taxpayer's interest therein, which interest shall be determined by dividing the value of the entire property at the time of the taxpayer's death by the number of joint tenants or persons interested therein;

2. The lien aforesaid shall attach at the time the tax becomes due and payable and shall continue until the liability for such amount is satisfied; for the purposes of this provision the words "due" and "due and payable" shall mean the first instant at which the tax becomes due;

3. In order to preserve the aforesaid lien against subsequent mortgages, purchasers, or judgment creditors, for value and without notice of the lien, on any property situated in a county, the tax commissioner shall file with the register of deeds of the county in which said property is located, a notice of said lien;

4. The register of deeds of each county shall prepare and keep in his office a book known as "Index of Tax Liens", so ruled as to show in appropriate columns the following data, under the names of taxpayers, arranged alphabetically:

- a. The name of the taxpayer;
- b. The name "State of North Dakota" as claimant;
- c. Time notice of lien was received;
- d. Date of notice;
- e. Amount of lien then due; and
- f. When satisfied.

The register of deeds shall endorse on each notice of lien the day, hour and minute when received and preserve the same, and forthwith shall index said notice in said index book and forthwith shall record said lien in the manner provided for recording real estate mortgages, and the said lien shall be effective from the time of the indexing thereof;

5. The tax commissioner shall be exempt from the payment of

the recording and filing fees as otherwise provided by law for the recording and filing of such lien, or for the satisfaction thereof;

6. Upon the payment of a tax as to which the tax commissioner has filed notice with the register of deeds, the tax commissioner forthwith shall file with said register of deeds a satisfaction of said tax and the register of deeds shall enter said satisfaction on the notice on file in his office and indicate said fact on the index aforesaid;

7. The attorney general, upon the request of the tax commissioner, shall bring an action at law or in equity, as the facts may justify, without bond to enforce payment of any taxes and any penalties, or to foreclose the lien therefor in the manner provided for mortgages on real or personal property, and in such action he shall have the assistance of the state's attorney of the county in which the action is pending;

8. It is expressly provided that the foregoing remedies of the state shall be cumulative and that no action taken by the tax commissioner or attorney general shall be construed to be an election on the part of the state or any of its officers to pursue any remedy hereunder to the exclusion of any other remedy provided by law;

9. The technical, legal requirements outlined in this section relating to tax liens on all real and personal property of the taxpayer to insure payment of the taxes, including penalties, interest and other costs, are self-explanatory.

SECTION 12. PERMITS — APPLICATION FEE FOR RE-ISSUANCE.) 1. No person shall engage in or transact business as a retailer within this state unless a permit or permits shall have been issued to him as hereinafter prescribed. Every person desiring to engage in or conduct business as a retailer within this state shall file with the commissioner an application for a permit or permits. Every application for such a permit shall be made upon a form prescribed by the commissioner and shall set forth the name under which the applicant transacts or intends to transact business, the location of his place or places of business, and such other information as the commissioner may require. The application shall be signed by the owner if a natural person; in the case of an association or partnership, by a member or partner thereof; in the case of a corporation, by an executive officer thereof or some person specifically authorized by the corporation to sign the application, to which shall be attached the written evidence of his authority;

2. Upon determining that each applicant for a sales tax permit is a bona fide retailer the commissioner shall grant and issue to each applicant a permit for each place of business within the state. A permit is not assignable and shall be valid only for the person in whose name it is issued and for the transaction of business at the place designated therein. It shall at all times be conspicuously displayed at the place for which issued. Any transient merchant who is in the business of soliciting or making sales at retail to consumers shall, before soliciting such a sale from a consumer, exhibit to the consumer or prospective consumer the retail sales tax permit required by this section; for the purposes of this sentence the term "transient merchant" shall include any person, individual, co-partnership, or corporation, either as principal or agent, who solicits, engages in, does, or transacts any temporary or transient business in this state, either in one locality, or in traveling from place to place in this state, selling goods, wares, and merchandise, who does not intend to become and does not become a permanent merchant of such place, and who, for the purpose of carrying on such business, hires, leases, occupies, or uses, a building, structure, lot, tract, railroad car, motor vehicle, or display case or sample case of any kind for the exhibition and sale of such goods, wares, and merchandise;

3. Permits issued under the provision of this section shall be valid and effective until revoked by the commissioner;

4. Whenever the holder of a permit fails to comply with any of the provisions of this chapter or any rules or regulations prescribed by the commissioner and adopted under this Act, or whenever the holder of a permit shall file returns showing no tax due for four consecutive quarters, the commissioner upon hearing after giving ten days' notice of the time and place of the hearing to show cause why his permit should not be revoked, may revoke the permit. The commissioner also shall have the power to restore licenses after such revocation;

5. The commissioner shall charge a fee of five dollars for the issuance of a permit to a retailer whose permit has been previously revoked; and

6. All permits in effect at the time this Act takes effect are hereby continued and shall remain in full force and effect unless revoked as herein provided; provided that the commissioner may issue a new form of permit to replace, at no charge to the permit holders, all permits previously granted and issued that have not been revoked or surrendered.

SECTION 13. FAILURE TO FILE RETURN—INCORRECT RETURN.) If a return required by this Act is not filed, or if a return when filed is incorrect or insufficient the commissioner shall determine the amount of tax due from such information as he may be able to obtain, and, if necessary, may estimate the tax on the basis of external indices, such as number of employees of the person concerned, rentals paid by him, his stock on hand, and other factors. The commissioner shall give notice of such determination to the person liable for the tax. Such determination shall fix the tax finally and irrevocably unless the person against whom it is assessed, within fifteen days after the giving of notice of such determination, shall apply to the commissioner for a hearing or unless the commissioner of his own motion shall reduce the same. At such hearing evidence may be offered to support such determination or to prove that it is incorrect. After such hearing the commissioner shall give notice of his decision to the person liable for the tax.

SECTION 14. APPEALS.) 1. An appeal may be taken by the taxpayer to the district court of the county in which he resides, or in which his principal place of business is located, within thirty days after he shall have received notice from the commissioner of his determination as provided for in section 13 of this Act;

2. The appeal shall be taken by a written notice to the commissioner and served as an original notice. When said notice is so served it shall be filed with the return thereon in the office of the clerk of said district court, and docketed as other cases, with the taxpayer as plaintiff and the commissioner as defendant. The plaintiff shall file with such clerk a bond for the use of the defendant, with sureties approved by such clerk, in penalty at least double the amount of tax appealed from and in no case shall the bond be less than fifty dollars, conditioned that the plaintiff shall perform the orders of the court; and

3. The court shall hear the appeal in equity and determine anew all questions submitted to it on appeal from the determination of the commissioner. The court shall render its decree thereon and a certified copy of said decree shall be filed by the clerk of said court with the commissioner who shall then correct the assessment in accordance with said decree. An appeal may be taken by the taxpayer or the commissioner to the supreme court of this state in the same manner that appeals are taken in suits in equity, irrespective of the amount involved.

SECTION 15. SERVICE OF NOTICE.) 1. Any notice, except notice of appeals, authorized or required under the provisions of this

Act may be given by mailing the same to the person for whom it is intended by registered or certified mail addressed to such person at the address given in the last return filed by him pursuant to the provisions of this Act, or if no return has been filed, then such address as may be obtainable. The mailing of such notice shall be presumptive evidence of the receipt of the same by the person to whom addressed. Any period of time which is determined according to the provisions of this Act by giving of notice shall commence to run from the date of registration and posting of such notice;

2. If any tax imposed by this Act or by chapter 57-40 of the North Dakota Century Code remains unpaid, a proceeding in court for the collection of such tax may be begun at any time within six years after the due date of such tax; provided that no limitation of time to collect such tax shall apply if the failure to pay such tax was due to the fraudulent intent or willful attempt of the taxpayer in any manner to evade the tax. The limitations provided by this Act in regard to a commencement of court proceedings shall not apply to any assessment of tax made by the tax commissioner prior to July 1, 1963.

SECTION 16. PENALTIES, OFFENSES.) 1. Any person failing to file a return or corrected return or to pay any tax within the time required by this Act shall be subject to a penalty of five percent of the amount of tax due or of five dollars, whichever is greater, plus one percent of such tax for each month of delay or fraction thereof, excepting the first month after such return was required to be filed or such tax became due. The commissioner, if satisfied that the delay was excusable, may remit all or any part of the five dollar or five percent penalty, whichever was imposed. Such penalty shall be paid to the commissioner and disposed of in the same manner as other receipts under this Act. Unpaid penalties may be enforced in the same manner as the tax imposed by this Act;

2. Any person who shall sell tangible personal property, tickets or admissions to places of amusement, and athletic events, or steam, gas, water, electricity and communication service at retail in this state after his license shall have been revoked, or without procuring a license within sixty days after the effective date of this Act, as provided in section 12 of this Act, or who shall violate the provisions of section 7 of this Act, and the officers of any corporation who shall so act, shall be guilty of a misdemeanor, punishment for which shall be a fine of not more than one thousand dollars or imprisonment for not more than one year, or both such fine and imprisonment, in the discretion of the court;

3. Any person required to make, render, sign or verify any return or supplementary return, who makes any false or fraudulent return with intent to defeat or evade the assessment required by law to be made, shall be guilty of a misdemeanor and, for each such offense, shall be fined not to exceed five hundred dollars or shall be imprisoned in the county jail not exceeding one year, or shall be subject to both a fine and imprisonment, in the discretion of the court;

4. The certificate of the commissioner to the effect that a tax has not been paid, that a return has not been filed, or that information has not been supplied pursuant to the provisions of this Act, shall be prima facie evidence thereof;

5. Any person failing to comply with any of the provisions of this Act, or failing to remit within the time herein provided to the state the tax due on any sale or purchase of tangible personal property subject to said sales tax, shall be guilty of a misdemeanor and shall be punished by imprisonment in the county jail not exceeding six months or by a fine of not exceeding five hundred dollars, or by both such fine and imprisonment, in the discretion of the

court. This criminal liability shall be culmative and in addition to the civil liability for penalties hereinbefore provided.

SECTION 17. TAX COMMISSIONER TO ADMINISTER ACT.) The tax commissioner is hereby charged with the administration of this Act and the taxes imposed thereby. Such commissioner may prescribe all rules and regulations not inconsistent with the provisions of this Act, necessary and advisable for its detailed administration and to effectuate the purposes, including the right to provide for the issuance and sale by the state of coupons covering the amount of tax or taxes to be paid under this Act, if such method is deemed advisable by said commissioner.

SECTION 18. TAX, PENALTIES AND OTHER CHARGES PAID TO COMMISSIONER — DISPOSITION.) All fees, taxes, penalties and other charges imposed and collected under this Act shall be paid to the commissioner in the form of a remittance payable to the commissioner who shall transmit each payment monthly to the state treasury to be deposited in the state treasury to the credit of the general fund.

SECTION 19. GENERAL POWERS.) 1. The commissioner, for the purpose of ascertaining the correctness of any return or for the purpose of making an estimate of the taxable income and receipts of any taxpayer, shall have power to examine or cause to be examined by any agent or representative designated by him, books, papers, records, or memoranda; to require by subpoena the attendance and testimony of witnesses; to issue and sign subpoenas; to administer oaths; to examine witnesses and receive evidence; to compel witnesses to produce for examination books, papers, records, and documents relating to any matter which he shall have the authority to investigate or determine;

2. Where the commissioner finds the taxpayer has made a fraudulent return, the costs of said hearing shall be taxed to the taxpayer. In all other cases the cost shall be paid by the state;

3. The fees and mileage to be paid witnesses and taxed as costs shall be the same as prescribed by law in proceedings in the district court of this state in civil cases. All costs shall be taxed in the manner provided by law in proceedings in civil cases. Where the costs are taxed to the taxpayer, they shall be added to the taxes assessed against said taxpayer and shall be collected in the same manner. Costs taxed to the state shall be certified by the commissioner to the state treasurer, who shall issue warrants for the amount of said costs;

4. In cases of disobedience to a subpoena the commissioner may invoke the aid of any court of competent jurisdiction in requiring the attendance and testimony of witnesses and production of records, books, papers, and documents, and such court may issue an order requiring the person to appear before the commissioner and give evidence or produce records, books, papers, and documents, as the case may be, and any failure to obey such order of court may be punished by the court as contempt thereof;

5. Testimony on hearings before the commissioner may be taken by a deposition as in civil cases, and any person may be compelled to appear and depose in the same manner as witnesses may be compelled to appear and testify as hereinbefore provided.

SECTION 20. COMMISSIONER MAY APPOINT AGENTS AND EMPLOYEES — COMPENSATION — BOND.) 1. The commissioner may appoint such agents, auditors, clerks and employees as he may deem necessary, fix their salaries and compensation and prescribe their duties and powers, and may remove such persons so appointed by him. Each auditor appointed by the commissioner shall have had at least three years' experience, or the educational

equivalent thereof, in the auditing and checking of books of account;

2. All such agents and employees shall be allowed such reasonable and other necessary traveling expenses as may be incurred in the performance of their duties not to exceed, however, such amounts as are now or may hereafter be fixed by law;

3. The commissioner may require such of the officers, agents, and employees as he may designate to give bond for the faithful performance of the duties in such sum and such sureties as he may determine and the state shall pay the premiums on such bonds;

4. The commissioner may utilize the office of the treasurer of the various counties in order to administer this Act and effectuate its purposes and may appoint the treasurers of the various counties his agents to collect any or all of the taxes imposed by this Act. No additional compensation shall be paid to said treasurer by reason thereof.

SECTION 21. INFORMATION DEEMED CONFIDENTIAL — PENALTY.) It shall be unlawful for the commissioner, or any person having an administrative duty under this Act, to divulge or to make known in any manner whatever, the business affairs, operations, or information obtained by an investigation of records and equipment of any person or corporation visited or examined in the discharge of official duty, or the amount or sources of income, profits, losses, expenditures or any particulars thereof, set forth or disclosed in any return, or to permit any return or copy thereof or any book containing any abstract of particulars thereof to be seen or examined by any person except as provided by law. The commissioner may authorize examination of such returns by other state officers, or, if a reciprocal arrangement exists, by tax officers of another state, or the federal government. Any person violating the provisions of this section shall be guilty of a misdemeanor and punishable by a fine of not to exceed one thousand dollars.

SECTION 22. CORRECTION OF ERRORS.) If it shall appear that, as a result of a mistake, an amount of tax, penalty, or interest has been paid which was not due under the provisions of this Act, then such amount shall be credited against any tax due, or to become due, under this Act from the person who made the erroneous payment, or such amount shall be refunded to such person by the commissioner.

SECTION 23. PAYMENT OF REFUND.) Wherever by any provisions of this Act a refund is authorized, the commissioner shall certify the amount of the refund, the reason therefor and the name of the payee to the department of accounts and purchases, who shall thereupon draw a warrant on the general fund in the amount specified payable to the named payee.

SECTION 24. ALLOCATION OF REVENUE.) All moneys collected and received under this Act shall be paid into the state treasury and shall be credited by the state treasurer to the general fund. Moneys deposited with the tax commissioner as security for the payment of tax, penalties or costs due shall be deposited and accounted for as provided in subsection 3 of section 10.

SECTION 25. EFFECT ON EXISTING LAWS.) The provisions of this Act shall be construed as superseding the provisions of chapter 57-39 of the North Dakota Century Code during such time as specified in section 26 of this Act. Any reference in the North Dakota Century Code to chapter 57-39 or any part of such chapter, shall be construed as a reference to this Act, or the applicable section of this Act, during such time as this Act remains in effect.

SECTION 26. EFFECTIVE DATE.) The provisions of this Act shall remain in effect until the following events occur;

1. In the event House Bill No. 698 of the Thirty-Ninth Regular Session, also known as chapter 386 of the 1965 Session Laws, shall be referred and approved by the electorate at any election held prior to December 31, 1965, then, and in that event, upon the date House Bill No. 698 shall become effective, the tax imposed by this Act shall cease, and this Act shall become inoperative except as to tax liabilities incurred prior to the date of its expiration; or
2. In the event a sales tax Act of two and one-quarter percent or more upon the gross receipts of retailers is submitted to and adopted by the electorate at any election held prior to December 31, 1965, then, and in such event, upon the date such an initiated sales tax Act shall become effective, the tax imposed by this Act shall become inoperative except as to tax liabilities incurred prior to the date of its expiration.
3. In any event the provisions of this Act shall not remain in effect beyond the thirty-first day of December, 1965.

And when so amended recommends the same do pass.

REP. BACKES, Chairman

Rep. Christensen moved that the report be adopted, which motion prevailed.

Speaker Link announced that Senate Bill No. 8 would be considered in the Sixth Order of Business.

Rep. Backes moved that the rules be suspended and Senate Bill No. 8 be considered in the Sixth Order of Business at this time, which motion prevailed.

Rep. Backes moved that the reading of the amendments to Senate Bill No. 8 be dispensed with, which motion prevailed.

Rep. Backes moved that the amendments to Senate Bill No. 8 as recommended by the Committee on Finance and Taxation be adopted, which motion prevailed.

Speaker Link announced that Senate Bill No. 8 will now be placed on the calendar.

MESSAGES TO THE SENATE

House Chambers

Bismarck, June 16, 1965

Mr. President: I have the honor to return:

Senate Bill No. 3

Which the House has indefinitely postponed.

DONNELL HAUGEN, Chief Clerk

House Chamber

Bismarck, June 16, 1965

Mr. President: I have the honor to return:

Senate Concurrent Resolution "B"

Which the House has passed unchanged.

DONNELL HAUGEN, Chief Clerk

MESSAGE TO THE HOUSE

Senate Chamber

Bismarck, June 15, 1965

Mr. Speaker: I have the honor to return:

House Bills No. 501 - 504

House Concurrent Resolution "B"

Which the Senate has indefinitely postponed.

GERALD L. STAIR, Secretary

Rep. Giffey moved that Reps. Backes, Christopher, Jungroth, Larsen, Shorma and Solberg, who were absent on the first roll call on the second day, be excused, which motion prevailed.

Rep. Giffey moved that the House do now adjourn, which motion prevailed.

DONNELL HAUGEN, Chief Clerk

THIRD DAY

Bismarck, June 16, 1965

The House reconvened at 10:00 a.m. pursuant to adjournment with Speaker Link presiding.

Prayer was offered by Rev. Ira Herzberg of Calvary Evangelical United Brethren Church of Bismarck, N.D.

Roll call: All members present except Reps. Knudsen and Schoenwald.

Mr. Speaker: Your Committee on Revision and Correction of the Journal have carefully examined the Journal of the first day after recess and second day and find the same correct.

REP. OPEDAHL, Chairman

Rep. Shorma moved that the report be adopted, which motion prevailed.

Rep. Giffey moved that Senate Bill No. 8 be placed at the head of the calendar, which motion prevailed.

SECOND READING OF SENATE BILLS

Senate Bill No. 8. A Bill for an Act to provide for the imposition of a temporary sales tax, exemptions thereto, manner of collection and administration, appeals, penalties, refunds, allocation of revenues, effect on existing laws, and providing effective dates.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were ayes, 68; nays, 38; absent and not voting 3.

Those voting in the affirmative were:

Anderson	Giffey	Linderman	Rustan
Backes	Glaspey	Loerch	Sanstead
Belquist	Gronhovd	Lundene	Shablow
Bergman	Gudajtes	Meschke	Shorma
Bloom	Hardmeyer	Meyer	Skaar
Borstad	Harrison	Montplaisir	Solberg
Bowles	Hauf	Mueller	Stallman
Breum	Haugen	Myhre	Staven
Bruner	Haugland	Obie	Stenhjem
Burk	Hertz	Olafson	Stockman
Christensen	Hoffner	Olson	Strand
Collette	Ivesdal	Opedahl	Vogel
Dahlen	Jungroth	Poling	Whittlesey
Erickson,	Krenz	Powers, Cass	Wilkie
Mountrail	Kvasager	Rieger	Williamson
Erickson, Ward	Larson	Rosendahl	Winge
Gengler	Leer	Ruddy	Mr. Speaker
Gietzen			

Those voting in the negative were:

Aamoth	Dornacker	Johnson,	Rundle
Bier	Duncan	Barnes	Schaffer
Bilden	Elkin	Johnson, G. V.	Streibel
Boustead	Fossum	Lang	Tough
Bowman	Frank	Larsen	Tweten
Brown	Froeschle	Miller	Unruh
Christopher	Ganser	Olienyk	Wagner

Coles	Hickle	Powers, Barnes	Wastvedt
Connolly	Hilleboe	Reimers	Welder
Dick		Rivinius	Wentz

Absent and not voting:

Davis	Knudsen	Schoenwald
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So the bill passed and the title was agreed to.

Senate Bill No. 5. A Bill for an Act making an appropriation for the purpose of paying expenses of the institutional collections program for the state hospital.

Which had been read.

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 3.

Those voting in the affirmative were:

Aamoth	Erickson, Ward	Lang	Rustan
Anderson	Fossum	Larsen	Sanstead
Backes	Frank	Larson	Schaffer
Belquist	Froeschle	Leer	Shablow
Bergman	Ganser	Linderman	Shorma
Bier	Gengler	Loerch	Skaar
Bilden	Gietzen	Lundene	Solberg
Bloom	Giffey	Meschke	Stallman
Borstad	Glaspay	Meyer	Staven
Boustead	Gronhovd	Miller	Stenhjem
Bowles	Gudajtes	Montplaisir	Stockman
Bowman	Hardmeyer	Mueller	Strand
Breum	Harrison	Myhre	Streibel
Brown	Hauf	Obie	Tough
Bruner	Haugen	Olafson	Tweten
Burk	Haugland	Olienyk	Unruh
Christensen	Hertz	Olson	Vogel
Christopher	Hickle	Opedahl	Wagner
Coles	Hilleboe	Poling	Wastvedt
Collette	Hoffner	Powers, Barnes	Welder
Connolly	Ivesdal	Powers, Cass	Wentz
Dahlen	Johnson,	Reimers	Whittlesey
Dick	Barnes	Rieger	Wilkie
Dornacker	Johnson, G. V.	Rivinius	Williamson
Duncan	Jungroth	Rosendahl	Winge
Elkin	Krenz	Ruddy	Mr. Speaker
Erickson,	Kvasager	Rundle	

Mountrail

Absent and not voting:

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

Senate Bill No. 6. A Bill for an Act to amend and reenact section 36-15-08 of the North Dakota Century Code relating to compensation and indemnity payments for herds of animals infected with tuberculosis.

Which had been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were: ayes, 102; nays, 3; absent and not voting, 4.

Those voting in the affirmative were:

Aamoth	Erickson, Ward	Lang	Rustan
Anderson	Fossum	Larsen	Sanstead
Backes	Frank	Larson	Schaffer
Belquist	Froeschle	Leer	Shablow
Bergman	Ganser	Linderman	Shorma

Bier	Gengler	Loerch	Skaar
Bilden	Gietzen	Lundene	Stallman
Bloom	Giffey	Meschke	Staven
Borstad	Glaspey	Meyer	Stenhjem
Bowles	Gronhovd	Montplaisir	Stockman
Bowman	Gudajtes	Mueller	Strand
Breum	Hardmeyer	Myhre	Streibel
Brown	Harrison	Obie	Tough
Bruner	Hauf	Olafson	Tweten
Burk	Haugen	Olienyk	Unruh
Christensen	Haugland	Olson	Vogel
Christopher	Hertz	Opedahl	Wagner
Coles	Hickle	Poling	Wastvedt
Collette	Hilleboe	Powers, Barnes	Welder
Connolly	Hoffner	Powers, Cass	Wentz
Dahlen	Ivesdal	Rieger	Whittlesey
Dick	Johnson,	Rivinius	Wilkie
Dornacker	Barnes	Rosendahl	Williamson
Duncan	Johnson, G. V.	Ruddy	Winge
Elkin	Jungroth	Rundle	Mr. Speaker
Erickson,	Krenz		
Mountrail	Kvasager		

Those voting in the negative were:

Davis	Miller	Solberg
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Absent and not voting:

Boustead	Knudsen	Reimers	Schoenwald
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So the bill passed and the title was agreed to, and the emergency clause was declared carried.

Senate Bill No. 9. A Bill for an Act to amend and reenact section 26-24-22 of the North Dakota Century Code, relating to reinsurance of the state fire and tornado fund, as amended by Senate Bill 340 of the Thirty-Ninth Legislative Assembly of North Dakota also known as Chapter 214 of the 1965 Session Laws of the State of North Dakota, and declaring an Emergency.

Which had been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 90; nays, 14; absent and not voting 5.

Those voting in the affirmative were:

Aamoth	Fossum	Lang	Sanstead
Anderson	Frank	Larsen	Schaffer
Backes	Froeschle	Larson	Shablow
Belquist	Ganser	Leer	Shorma
Bergman	Gengler	Linderman	Skaar
Bier	Gietzen	Lundene	Stallman
Bilden	Giffey	Meyer	Staven
Bloom	Glaspey	Montplaisir	Stenhjem
Borstad	Gudajtes	Mueller	Stockman
Bowman	Hardmeyer	Myhre	Strand
Brown	Harrison	Obie	Streibel
Bruner	Hauf	Olafson	Tough
Burk	Haugen	Olienyk	Tweten
Christensen	Haugland	Opedahl	Unruh
Christopher	Hertz	Poling	Vogel
Coles	Hilleboe	Powers, Barnes	Wagner
Collette	Ivesdal	Powers, Cass	Wastvedt
Dahlen	Johnson,	Reimers	Wentz
Dick	Barnes	Rieger	Whittlesey
Dornacker	Johnson, G. V.	Rivinius	Wilkie
Duncan	Jungroth	Rosendahl	Williamson
Elkin	Krenz	Ruddy	Winge

Erickson, Kvasager Rustan
Mountrail

Those voting in the negative were:

Connolly	Hickle	Miller	Solberg
Davis	Hoffner	Olson	Welder
Erickson, Ward	Loersch	Rundle	Mr. Speaker
Gronhovd	Meschke		

Absent and not voting:

Boustead	Breum	Knudsen	Schoenwald
Bowles			

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

MESSAGE TO THE SENATE

House Chamber
Bismarck, June 16, 1965

Mr. President: I have the honor to return:

Senate Bill No. 8.

Which the House has amended.

DONNELL HAUGEN, Chief Clerk

SECOND READING OF A SENATE BILL

Senate Bill No. 10. A Bill for an Act providing an appropriation and authorizing the payment of expenses of the Extraordinary Session of the Thirty-ninth Legislative Assembly commencing June 14, 1965, and declaring an emergency.

Which had been read.

The question being on the final passage of the bill. Rep. Giffey moved that further action on Senate Bill No. 10 be delayed at this time, which motion prevailed.

Rep. Giffey moved that the House now recess until 1:00 p.m., which motion prevailed.

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

MESSAGES TO THE HOUSE

Senate Chamber
Bismarck, June 16, 1965

Mr. Speaker: I have the honor to inform you that the Senate has refused to concur in the House amendment to Senate Bill No. 8 and the President has appointed as a Conference Committee to act with a like committee from the House, Senators:

Becker
Holand
Van Horn

GERALD L. STAIR, Secretary

Senate Chamber
Bismarck, June 16, 1965

Mr. Speaker: I have the honor to transmit:

Senate Concurrent Resolution "A"

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

GERALD L. STAIR, Secretary

Senate Chamber
Bismarck, June 16, 1965

Mr. Speaker: I have the honor to return:

House Bills Nos. 503 - 505 - 506 - 507

Which the Senate has passed unchanged.

GERALD L. STAIR, Secretary

MOTIONS

Rep. Backes moved that a committee of three be appointed to confer with a like committee from the Senate on Senate Bill No. 8, which motion prevailed, and the Speaker appointed as such committee Representatives:

Shablow
Christensen
Dornacker

Rep. Breum moved that the House reconsider the action by which the report of the Committee on Mileage and Per Diem had been adopted, which motion prevailed.

Rep. Breum moved that the report of the Committee on Mileage and Per Diem be amended to include mileage of 228 miles for Rep. Schoenwald.

ROLL CALL

The question being on the amendment to the report of the Committee on Mileage and Per Diem, the roll was called and there were: ayes, 89; nays, 0; absent and not voting, 20.

Those voting in the affirmative were:

Aamoth	Duncan	Kvasager	Rosendahl
Anderson	Elkin	Larsen	Ruddy
Backes	Erickson,	Larson	Rundle
Belquist	Mountrail	Leer	Sanstead
Bergman	Erickson, Ward	Loerch	Shorma
Bier	Frank	Lundene	Skaar
Bilden	Froeschle	Meschke	Solberg
Bloom	Ganser	Meyer	Stallman
Borstad	Gengler	Miller	Staven
Boustead	Gronhovd	Montplaisir	Stenhjem
Bowles	Gudajtes	Mueller	Streibel
Bowman	Harrison	Myhre	Tweten
Breum	Hauf	Obie	Unruh
Brown	Haugland	Olafson	Vogel
Bruner	Hertz	Olienyk	Wagner
Burk	Hickle	Olson	Wastvedt
Christopher	Hoffner	Opedahl	Welder
Coles	Ivesdal	Poling	Wentz
Collette	Johnson,	Powers, Barnes	Wilkie
Connolly	Barnes	Powers, Cass	Williamson
Dahlen	Johnson, G.V.	Reimers	Winge
Davis	Jungroth	Rieger	Mr. Speaker
Dick	Krenz	Rivinius	

Absent and not voting:

Christensen	Glaspay	Lang	Shablow
Dornacker	Hardmeyer	Linderman	Stockman
Fossum	Haugen	Rustan	Strand
Gietzen	Hilleboe	Schaffer	Tough
Giffey	Knudsen	Schoenwald	Whittlesey

So the motion carried and the report of the Committee on Mileage and Per Diem was adopted.

A 15-minute recess was announced.

The House reconvened at the expiration of the recess.

MESSAGES TO THE SENATE

House Chamber

Bismarck, June 16, 1965

Mr. President: I have the honor to return:

Senate Bills No. 5 - 6 - 9

Which the House has passed unchanged.

DONNELL HAUGEN, Chief Clerk

House Chamber
Bismarck, June 16, 1965

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:

Shablow
Christensen
Dornacker

On Senate Bill No. 8. DONNELL HAUGEN, Chief Clerk

REPORT OF A SELECT COMMITTEE

Mr. Speaker: Your Conference Committee to whom was referred Senate Bill No. 8 has had the same under consideration and recommends:

That the Conference Committee be discharged and a new Conference Committee be appointed.

For the Senate:
Senator Holand
Senator Becker
Senator Van Horn

For the House:
Rep. Shablow
Rep. Christensen
Rep. Dornacker

Rep. Shablow moved that the report be adopted, which motion prevailed and the report was adopted, and the Speaker appointed as such a new Conference Committee, Representatives:

Shablow
Meschke
Dornacker

MESSAGES TO THE HOUSE

Senate Chamber
Bismarck, June 16, 1965

Mr. Speaker: I have the honor to inform you that the Senate requests the return of House Bill No. 501.

GERALD L. STAIR, Secretary
Senate Chamber
Bismarck, June 16, 1965

Mr. Speaker: I have the honor to inform you that the Senate has adopted the Conference Committee report on Senate Bill No. 8 and the committees having been unable to agree, the President appointed as a new Conference Committee, Senators:

Holand
Becker
Van Horn

GERALD L. STAIR, Secretary

MESSAGE TO THE SENATE

House Chamber
Bismarck, June 16, 1965

Mr. President: I have the honor to inform you that the House has adopted the Conference Committee report on Senate Bill No. 8, and the Speaker has appointed as a new Conference Committee to act with a like committee from the Senate, Representatives:

Shablow
Meschke
Dornacker

DONNELL HAUGEN, Chief Clerk

REPORT OF A SELECT COMMITTEE

Mr. Speaker: Your Conference Committee to whom was referred Senate Bill No. 8 has had the same under consideration and recommends: That the Conference Committee be discharged and a new Conference Committee be appointed.

For the Senate:
Senator Holand
Senator Becker
Senator Van Horn

For the House:

Rep. Shablow
Rep. Meschke
Rep. Dornacker

Rep. Shablow moved that the report be adopted, which motion prevailed and the report was adopted and the Speaker appointed as such new Conference Committee, Representatives:

Backes
Meschke
Davis

Rep. Brown moved that the House ask the Senate for the return of Senate Bill No. 9, which motion prevailed.

Rep. Giffey moved that the House now stand recessed until 7:30 p.m. which motion prevailed. The House reconvened pursuant to recess taken.

FIRST READING OF SENATE RESOLUTION

Senate Concurrent Resolution "A" A concurrent resolution applying to the Congress of the United States to call a convention for the purpose of proposing an amendment to the Constitution of the United States, relating to apportionment.

Was read for the first time and referred to the Committee on State and Federal Government.

MESSAGES TO THE SENATE

House Chamber
Bismarck, June 16, 1965

Mr. President: I have the honor to request the return of:
Senate Bill No. 9 DONNELL HAUGEN, Chief Clerk

House Chamber
Bismarck, June 16, 1965

Mr. President: I have the honor to inform you that the House has adopted the Conference Committee report on Senate Bill No. 8, and the Speaker has appointed as a new Conference Committee to act with a like committee from the Senate, Representatives:

Backes
Meschke
Davis

DONNELL HAUGEN, Chief Clerk

REPORT OF A STANDING COMMITTEE

Mr. Speaker: Your Committee on State and Federal Government to whom was referred Senate Concurrent Resolution "A" has had the same under consideration and recommends that the same be indefinitely postponed. REP. BELQUIST, Chairman

Rep. Glaspey moved the report be adopted.

Rep. Dornacker moved a substitute motion that Senate Concurrent Resolution "A" be placed on the calendar.

Rep. Wagner moved a substitute motion that Senate Concurrent Resolution "A" be laid on the table which motion prevailed.

Rep. Fossum moved that the House now adjourn, which motion was ruled out of order by the Speaker.

MESSAGE TO THE HOUSE

Senate Chamber
Bismarck, June 16, 1965

Mr. Speaker: I have the honor to transmit:

Senate Bill No. 4

Which the Senate has passed and your favorable consideration is requested. GERALD L. STAIR, Secretary

FIRST READING OF A SENATE BILL

Senate Bill No. 4. A Bill for an Act to provide for the imposition of a temporary sales tax, exemptions thereto, manner of collection and administration, appeals, penalties, refunds, allocation of revenues, effect on existing laws, and providing effective dates.

Was read for the first time and referred to the Committee on Finance and Taxation.

Rep. Giffey moved that the House stand recessed in order that the Committee on Finance and Taxation might hold a hearing immediately on Senate Bill No. 4, which motion prevailed.

REPORT OF A STANDING COMMITTEE

Mr. Speaker: Your Committee on Finance and Taxation to whom was referred Senate Bill No. 4 has had the same under consideration and recommends that the same be amended as follows:

Delete everything after the words "A Bill" and insert the following in lieu thereof:

For an Act to provide for the imposition of a temporary sales tax, exemptions thereto, manner of collection and administration, appeals, penalties, refunds, allocation of revenues, effect on existing laws, and providing effective dates.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. DEFINITIONS.) The following words, terms and phrases, when used in this Act, have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

1. "Person" includes any individual, firm, partnership, joint adventure, association, corporation, estate, business trust, receiver, or any other group or combination acting as a unit and the plural as well as the singular number;
2. "Sale" means any transfer of title or possession, exchange or barter, conditional or otherwise, in any manner or by any means whatsoever, for a consideration, and includes the furnishing of services relating to personal property, the furnishing or service of steam, gas, electricity, water or communication, the furnishing of hotel, motel, or tourist court accommodations, the furnishing of tickets or admissions to any place of amusement, athletic event or place of entertainment including the playing of any machine for amusement or entertainment in response to the use of a coin, and sales of subscriptions to magazines and other periodicals regardless of whether or not such magazines or periodicals are to be delivered in the future and regardless of whether or not they are in existence at the time of the sale of any subscription; provided that the words "magazines and other periodicals" as used herein shall not include newspapers nor shall they include magazines or periodicals that are furnished free by a nonprofit corporation or organization to its members or because of payment by its members of membership fees or dues;
3. "Retail sale" or "sale at retail" means the sale, including the leasing or renting, to a consumer or to any person for any purpose, other than for processing or for resale, of tangible personal property; the sale of steam, gas, electricity, water, and communication service to retail consumers or users; the ordering, selecting or aiding a customer to select any goods, wares, or merchandise from any price list or catalog, which the customer might order, or be ordered for such customer to be shipped directly to such customer; the sale or furnishing of hotel, motel, or tourist court accommodations, services relating to personal property, tickets or admissions to any place of amusement, athletic event or place of entertainment including the playing of any machine for amusement or entertainment in response to the use of a coin; and the sales of magazines and other periodicals. By the term "processing" is meant any tangible personal property including containers which it is intended, by means of fabrication, compounding, manufacturing, producing or germination shall become an integral or an ingredient or component part of other tangible personal property intended to be sold ultimately at retail. The sale of an item of tangible personal property for the

purpose of incorporating it in or attaching it to other real or personal property otherwise exempt from the sales tax shall be considered as a sale of tangible personal property for a purpose other than for processing; the delivery of possession within the state of North Dakota of tangible personal property by a wholesaler or distributor to an out-of-state retailer who does not hold a North Dakota retail sales tax permit or to a person who by contract incorporates such tangible personal property into, or attaches it to, real property situated outside of North Dakota shall not be considered a taxable sale;

4. "Business" includes any activity engaged in by any person or caused to be engaged in by him with the object of gain, benefit or advantage, either direct or indirect;
5. "Retailer" includes every person engaged in the business of leasing or renting hotel, motel, or tourist court accommodations, and every person engaged in the business of selling tangible goods, wares, or merchandise at retail, or furnishing of steam, gas, electricity, water and communication services, or tickets or admissions to places of amusement, entertainment and athletic events including the playing of any machine for amusement or entertainment in response to the use of a coin, or services relating to personal property, or magazines, or other periodicals; and shall include any person as herein defined who by contract or otherwise agrees to furnish for a consideration a totally or partially finished product consisting in whole or in part of tangible personal property subject to the sales tax herein provided, and all items of tangible personal property entering into the performance of such contract as a component part of the product agreed to be furnished under said contract shall be subject to the sales tax herein provided and the sales tax thereon shall be collected by the contractor from the person for whom the contract has been performed in addition to the contract price agreed upon, and shall be remitted to the state in manner provided in this Act; and shall include the state or any municipality furnishing steam, gas, electricity, water, or communication service to members of the public in its proprietary capacity;
6. "Gross receipts" means the total amount of the sales of retailers, valued in money, whether received in money or otherwise, provided, however, that discounts for any purposes allowed and taken on sales shall not be included, nor shall the sale price of property returned by customers when the full sale price thereof is refunded either in cash or by credit. Provided, however, that on all sales of retailers, valued in money, when such sales are made under conditional sales contract, or under other forms of sale wherein the payment of the principal sum thereunder be extended over a period longer than sixty days from the date of sale thereof that only such portion of the sale amount thereof shall be accounted for, for the purpose of imposition of tax imposed by this Act, as has actually been received in cash by the retailer during each quarterly period as defined herein. "Gross receipts" shall also mean, with respect to the leasing or renting of tangible personal property, the amount of consideration, valued in money, whether received in money or otherwise, received from the leasing or renting of only such tangible personal property the transfer of title to which has not been subjected to a retail gas tax in this state. "Gross receipts" shall also mean, with respect to subscriptions to magazines and other periodicals, the amount of consideration, valued in money, whether received in money or otherwise, received from the sale of such subscriptions regardless of whether

or not such magazines or periodicals are to be delivered in the future and regardless of whether or not they are in existence at the time of the sale of any subscription;

7. "Relief agency" means the state, any county, city and county, city or district thereof, or an agency engaged in actual relief work;
8. "Commissioner" means the tax commissioner of the state of North Dakota; and
9. "Local governmental unit" means incorporated cities, towns and villages, counties, school districts and townships.

SECTION 2. TAX IMPOSED.) Except as otherwise expressly provided by this Act, there is hereby imposed a tax of two and one-quarter percent upon the gross receipts of retailers from all sales at retail including the leasing or renting of tangible personal property as hereinafter provided in this section, within the state of North Dakota of the following to consumers or users:

1. Tangible personal property, consisting of goods, wares, or merchandise;
2. The furnishing or service of steam, gas, electricity, water, or communication services;
3. Tickets or admissions to places of amusement or entertainment or athletic events, including amounts charged for participation in an amusement, entertainment or athletic activity, and including the playing of any machine for amusement or entertainment in response to the use of a coin;
4. Magazines and other periodicals, including subscriptions thereto;
5. The leasing or renting of hotel, motel, or tourist court accommodations for periods of less than thirty consecutive calendar days or one month;
6. Services furnished in repairing, altering, restoring, or cleaning any tangible personal property provided that this subsection shall not apply to retailers who furnish such services to agricultural producers with respect to agricultural products; and
7. The leasing or renting of tangible personal property the transfer of title to which has not been subjected to a retail sales tax under this chapter or a use tax under the provisions of chapter 57-40 or chapter 57-40.1 of the North Dakota Century Code.

SECTION 3. EXEMPTIONS.) There are specifically exempted from the provisions of this Act and from computation of the amount of tax imposed by it:

1. Gross receipts from sales of tangible personal property which this state is prohibited from taxing under the Constitution or laws of the United States or under the Constitution of this state;
2. Gross receipts from the sales, furnishing or service of transportation service;
3. Gross receipts from sales of tangible personal property processed from agricultural products, when such property is sold in exchange for like agricultural products produced by the purchaser and is for the purchaser and his family;
4. Gross receipts from sales of tickets, or admissions to state, county, district and local fairs, and the gross receipts from educational, religious, or charitable activities, where the entire amount of such receipts is expended for educational, religious or charitable purposes;

5. Gross receipts from the sale by any school board of this state of books and school supplies to regularly enrolled students at costs;
6. Gross receipts from all sales otherwise taxable under this chapter made to the United States or any state thereof, including the state of North Dakota, or any of the subdivisions, departments, agencies or institutions thereof;
7. Gross receipts from the sale, by any drug store, of drugs sold under a doctor's prescription;
8. Gross receipts from sales of commercial fertilizers and from the sale of seeds, roots, bulbs and small plants to users or consumers for planting or transplanting for vegetable gardens or agricultural purposes;
9. Gross receipts from sales of oxygen sold to any person who purchases it upon the written order of a doctor for his own use for medical purposes; and
10. Gross receipts from the sale of gasoline, cigarettes, snuff, insurance premiums, or any other article or product upon which the state of North Dakota imposes a special tax.
11. Gross receipts from the sale of feed which is fed to poultry or livestock, including breeding stock and wool bearing stock, for the purpose of producing eggs, milk, meat, fibers or other products for human consumption and the gross receipts from the sale of feed purchased for the purpose of being fed to draft or fur bearing animals. The word "feed" as used herein shall be construed to mean and include only salt, grains, hays, tankage, oyster shells, mineral supplements, limestone, molasses, beet pulp, meat and bone scraps, meal and other generally recognized animal feeds. The term "feed" does not include drugs, medicants, disinfectants, wormers, tonics and like items.
12. Gross receipts from all sales otherwise taxable under this Act when made to persons who are residents of adjoining states which do not impose or levy a retail sales tax; provided that such persons are in the state of North Dakota for the express purpose of making such purchases, and not as tourists; and provided further that any such person furnish to the North Dakota retailer a certificate signed by him in such form as the tax commissioner may prescribe reciting sufficient facts establishing the exempt status of the sale. Unless such certificate is furnished it shall be presumed, until the contrary is shown, that such person was not in the state of North Dakota for the express purpose of making such purchases; provided further that this exemption shall not apply to any sale to any person if the sales price is ten dollars or less. The deduction for this exemption shall not exceed one and one-half of the amount of the deduction for exempt sales in interstate commerce which the retailer was legally entitled to deduct on his sales tax returns for the calendar year 1964. If no deduction was taken for interstate commerce sales on returns filed for the calendar year 1964 or if no returns were required to be filed for the calendar year 1964, the deduction for this exemption shall not exceed the average interstate commerce deduction legally allowed by retailers conducting similar business, as determined by the tax commissioner.

SECTION 4. CREDIT OR REFUND FOR TAXES PAID ON WORTHLESS ACCOUNTS AND REPOSSESSIONS.) 1. Taxes paid on gross receipts represented by accounts found to be worthless and actually charged off for income tax purposes may be credited upon subsequent payment of the tax herein provided; provided, that if such accounts are hereafter collected by the retailer, a tax shall be paid upon the amount so collected.

2. If a retailer has remitted the sales tax due on the full amount of an installment sales contract rather than on only the installment payments received as provided in subsection 6 of section 1 of this Act, he may deduct as a credit against his sales tax liability on the next return that he is required to file the amount of sales tax he paid on the installment contract payments which were not made by the purchaser of the merchandise sold under such contract; such credit may be deducted by the retailer regardless of whether or not said retailer has assigned the contract, provided, however, that if the retailer has assigned the contract he must have assigned it subject to an agreement to repurchase the contract in the event of default by the purchaser under the contract or subject to a guarantee that the payments under the contract would be made. In the event such deduction exceeds the amount of sales tax due the state by the retailer in the next regular return, such excess shall be allowed as credit against future sales tax due from the retailer. If in any case the credit, or any part of it, cannot be utilized by the retailer because of a discontinuance of a business or for other valid reasons, the amount thereof may be refunded to the retailer.

SECTION 5. CREDIT TO RELIEF AGENCY AND LOCAL GOVERNMENTAL UNITS.) A relief agency may apply to the commissioner for refund of the amount of tax imposed hereunder and paid upon sales to it of any goods, wares, or merchandise used for free distribution to the poor and needy. Such refunds may be obtained only in the following amount and in the manner and only under the following conditions:

1. On forms furnished by the commissioner, and during the time herein provided for the filing of quarterly tax returns by retailers, the relief agency shall report to the commissioner the total amount or amounts, valued in money, expended directly or indirectly for goods, wares or merchandise used for free distribution to the poor and needy;
2. On these forms the relief agency shall separately list the persons making the sales to it or to its order, together with the dates of the sales, and the total amount so expended by the relief agency; and
3. The relief agency must prove to the satisfaction of the commissioner that the person making the sales has included the amount thereof in the computation of the gross receipts of such person and that such person has paid the tax levied by this Act, based upon such computation of gross receipts.

If the commissioner is satisfied that the foregoing conditions and requirements have been complied with, he shall refund the amount claimed by the relief agency.

SECTION 6. TAX TO BE ADDED TO PURCHASE PRICE AND BE A DEBT.) Retailers shall add the tax imposed under this Act, or the average equivalent thereof, to the sales price or charge and when added such taxes shall constitute a part of such price or charge, shall be a debt from the consumer or user to the retailer until paid, and shall be recoverable at law in the same manner as other debts.

In adding such tax to the price or charge, retailers shall adopt the following bracket system for the application of the tax:

\$0.01 to \$0.19.....	no tax
.20 to .59.....	1¢ tax
.60 to .99.....	2¢ tax
1.00 to 1.49.....	3¢ tax
1.50 to 1.99.....	4¢ tax
2.00 to 2.49.....	5¢ tax
2.50 to 2.99.....	6¢ tax

3.00 to 3.49.....	7¢ tax
3.50 to 3.99.....	8¢ tax

An additional tax of 1c for each 50c, or fraction thereof, over \$3.99 except that for each full \$4.00 there shall be collected a tax of 9c.

SECTION 7. UNLAWFUL ACT.) No retailer shall advertise or hold out or state to the public or to any consumer, directly or indirectly, that the tax or any part thereof imposed by this Act shall be assumed or absorbed by the retailer or that it will not be considered as an element in the price to the consumer or, if added, that it or any part thereof will be refunded.

SECTION 8. RECORDS REQUIRED.) Every retailer required to make a report and pay any tax under this Act, shall preserve such records of the gross proceeds of sale as the commissioner may require and every retailer shall preserve for a period of six years all invoices and other records of goods, wares, or merchandise purchased for resale. All such books, invoices, and other records shall be open to examination at any time by the commissioner or any of his duly authorized agents.

SECTION 9. RETURN OF GROSS RECEIPTS.) 1. On or before the last day of the month following the close of the first quarterly period as defined in the following section, and on or before the last day of the month following each subsequent quarterly period of three months, the retailer shall make out a return for the preceding quarterly period in such form and manner as may be prescribed by the commissioner, showing the gross receipts of the retailer, the amount of the tax for the period covered by such return, and such further information as the commissioner may require to enable him correctly to compute and collect the tax herein levied. The commissioner upon request by any retailer and a proper showing of the necessity therefor, may grant unto such retailer an extension of time not to exceed thirty days for making such return. If such extension is granted to any such retailer, the time in which he is required to make payment as provided for in section 10 of this Act shall be extended for the same period;

2. The commissioner, if he deems it necessary or advisable in order to insure the payment of the tax imposed by this chapter, or if he deems it practical, may require returns and payment of the tax to be made for annual periods or other than quarterly periods, the provisions of this Act to the contrary notwithstanding; and

3. Returns shall be signed by the retailer or his duly authorized agent.

SECTION 10. PAYMENT OF TAX, BOND, CREATION OF LIEN.) 1. The tax levied under the provisions of this Act shall be due and payable in quarterly installments on or before the last day of the month next succeeding each calendar quarterly period, except that when there is a sale of any business by any retailer or when any business is discontinued by a retailer, the tax shall become due immediately prior to the sale or discontinuance of such business and if not paid within fifteen days thereafter it shall become delinquent and subject to the penalties provided in section 16 of this Act.

2. Every retailer, at the time of making the return required hereunder, shall compute and pay to the commissioner the tax due for the preceding period;

3. The commissioner, when in his judgment it is necessary and advisable to do so in order to secure the collection of the tax levied under this Act, may require any person subject to such tax to file with him a bond, issued by a surety company authorized to transact business in this state and approved by the insurance commissioner as to solvency and responsibility in such amount as the commis-

sioner may fix, to secure the payment of any tax and penalties due or which may become due from such person. In lieu of such bond, securities approved by the commissioner in such amounts as he may prescribe, may be deposited with him, which securities shall be kept in the custody of the commissioner and may be sold by him at public or private sale, without notice to the depositor thereof, if it becomes necessary so to do in order to recover any tax and penalties due. All moneys deposited as security with the state tax commissioner under the provisions of this subsection shall be paid by the state tax commissioner to the state treasurer and shall be credited by the state treasurer into a special fund to be known as the "Retail Sales and Use Tax Security Trust Fund". If any tax, penalty or costs imposed by this Act are not paid when due, by the person depositing moneys with the state tax commissioner as security for the payment of tax, penalty or costs imposed by this Act, the state tax commissioner shall certify that information to the director of accounts and purchases who shall transmit the money to the tax commissioner who shall apply the money deposited by the person or so much thereof as is necessary to satisfy the tax and penalties due. The state tax commissioner, when in his judgment it is no longer necessary to require the deposit to be maintained by the person, shall certify that information to the director of accounts and purchases who shall pay the unused money to the person entitled thereto.

4. Remittances on account of tax due under this Act shall not be deemed or considered payment thereof unless or until the commissioner shall have collected or received the amount due for such tax in cash or equivalent credit.

SECTION 11. LIEN OF TAX — COLLECTION — ACTION AUTHORIZED.) 1. Whenever any taxpayer liable to pay a tax or penalty imposed refuses or neglects to pay the same, the amount, including any interest, penalty, or addition to such tax, together with the costs that may accrue in addition thereto, shall be a lien in favor of the state of North Dakota upon all property and rights to property, whether real or personal, belonging to said taxpayer, and in the case of property in which a deceased taxpayer held an interest as joint tenant or otherwise with right of survivorship at the time of his death, the lien shall continue as a lien against the property in the hands of the survivor or survivors to the extent of the deceased taxpayer's interest therein, which interest shall be determined by dividing the value of the entire property at the time of the taxpayer's death by the number of joint tenants or persons interested therein;

2. The lien aforesaid shall attach at the time the tax becomes due and payable and shall continue until the liability for such amount is satisfied; for the purposes of this provision the words "due" and "due and payable" shall mean the first instant at which the tax becomes due;

3. In order to preserve the aforesaid lien against subsequent mortgages, purchasers, or judgment creditors, for value and without notice of the lien, on any property situated in a county, the tax commissioner shall file with the register of deeds of the county in which said property is located, a notice of said lien;

4. The register of deeds of each county shall prepare and keep in his office a book known as "Index of Tax Liens", so ruled as to show in appropriate columns the following data, under the names of taxpayers, arranged alphabetically:

- a. The name of the taxpayer;
- b. The name "State of North Dakota" as claimant;
- c. Time notice of lien was received;
- d. Date of notice;

- e. Amount of lien then due; and
- f. When satisfied.

The register of deeds shall endorse on each notice of lien the day, hour and minute when received and preserve the same, and forthwith shall index said notice in said index book and forthwith shall record said lien in the manner provided for recording real estate mortgages, and the said lien shall be effective from the time of the indexing thereof;

5. The tax commissioner shall be exempt from the payment of the recording and filing fees as otherwise provided by law for the recording and filing of such lien, or for the satisfaction thereof;

6. Upon the payment of a tax as to which the tax commissioner has filed notice with the register of deeds, the tax commissioner forthwith shall file with said register of deeds a satisfaction of said tax and the register of deeds shall enter said satisfaction on the notice on file in his office and indicate said fact on the index aforesaid;

7. The attorney general, upon the request of the tax commissioner, shall bring an action at law or in equity, as the facts may justify, without bond to enforce payment of any taxes and any penalties, or to foreclose the lien therefor in the manner provided for mortgages on real or personal property, and in such action he shall have the assistance of the state's attorney of the county in which the action is pending.

8. It is expressly provided that the foregoing remedies of the state shall be cumulative and that no action taken by the tax commissioner or attorney general shall be construed to be an election on the part of the state or any of its officers to pursue any remedy hereunder to the exclusion of any other remedy provided by law;

9. The technical, legal requirements outlined in this section relating to tax liens on all real and personal property of the taxpayer to insure payment of the taxes, including penalties, interest and other costs, are self-explanatory.

SECTION 12. PERMITS—APPLICATION FEE FOR RE-ISSUANCE.) 1. No person shall engage in or transact business as a retailer within this state unless a permit or permits shall have been issued to him as hereinafter prescribed. Every person desiring to engage in or conduct business as a retailer within this state shall file with the commissioner an application for a permit or permits. Every application for such a permit shall be made upon a form prescribed by the commissioner and shall set forth the name under which the applicant transacts or intends to transact business, the location of his place or places of business, and such other information as the commissioner may require. The application shall be signed by the owner if a natural person; in the case of an association or partnership, by a member or partner thereof; in the case of a corporation, by an executive officer thereof or some person specifically authorized by the corporation to sign the application, to which shall be attached the written evidence of his authority;

2. Upon determining that each applicant for a sales tax permit is a bona fide retailer the commissioner shall grant and issue to each applicant a permit for each place of business within the state. A permit is not assignable and shall be valid only for the person in whose name it is issued and for the transaction of business at the place designated therein. It shall at all times be conspicuously displayed at the place for which issued. Any transient merchant who is in the business of soliciting or making sales at retail to consumers shall, before soliciting such a sale from a consumer, exhibit to the consumer or prospective consumer the retail sales tax permit required by this section; for the purposes of this sentence the term "transient merchant" shall include any person, individual, co-partnership,

or corporation, either as principal or agent, who solicits, engages in, does, or transacts any temporary or transient business in this state, either in one locality, or in traveling from place to place in this state, selling goods, wares, and merchandise, who does not intend to become and does not become a permanent merchant of such place, and who, for the purpose of carrying on such business, hires, leases, occupies, or uses, a building, structure, lot, tract, railroad car, motor vehicle, or display case or sample case of any kind for the exhibition and sale of such goods, wares, and merchandise;

3. Permits issued under the provision of this section shall be valid and effective until revoked by the commissioner;

4. Whenever the holder of a permit fails to comply with any of the provisions of this chapter or any rules or regulations prescribed by the commissioner and adopted under this Act, or whenever the holder of a permit shall file returns showing no tax due for four consecutive quarters, the commissioner upon hearing after giving ten days' notice of the time and place of the hearing to show cause why his permit should not be revoked, may revoke the permit. The commissioner also shall have the power to restore licenses after such revocation;

5. The commissioner shall charge a fee of five dollars for the issuance of a permit to a retailer whose permit has been previously revoked; and

6. All permits in effect at the time this Act takes effect are hereby continued and shall remain in full force and effect unless revoked as herein provided; provided that the commissioner may issue a new form of permit to replace, at no charge to the permit holders, all permits previously granted and issued that have not been revoked or surrendered.

SECTION 13. FAILURE TO FILE RETURN—INCORRECT RETURN.) If a return required by this Act is not filed, or if a return when filed is incorrect or insufficient the commissioner shall determine the amount of tax due from such information as he may be able to obtain, and, if necessary, may estimate the tax on the basis of external indices, such as number of employees of the person concerned, rentals paid by him, his stock on hand, and other factors. The commissioner shall give notice of such determination to the person liable for the tax. Such determination shall fix the tax finally and irrevocably unless the person against whom it is assessed, within fifteen days after the giving of notice of such determination, shall apply to the commissioner for a hearing or unless the commissioner of his own motion shall reduce the same. At such hearing evidence may be offered to support such determination or to prove that it is incorrect. After such hearing the commissioner shall give notice of his decision to the person liable for the tax.

SECTION 14. APPEALS.) 1. An appeal may be taken by the taxpayer to the district court of the county in which he resides, or in which his principal place of business is located, within thirty days after he shall have received notice from the commissioner of his determination as provided for in section 13 of this Act;

2. The appeal shall be taken by a written notice to the commissioner and served as an original notice. When said notice is so served it shall be filed with the return thereon in the office of the clerk of said district court, and docketed as other cases, with the taxpayer as plaintiff and the commissioner as defendant. The plaintiff shall file with such clerk a bond for the use of the defendant, with sureties approved by such clerk, in penalty at least double the amount of tax appealed from and in no case shall the bond be less than fifty dollars, conditioned that the plaintiff shall perform the orders of the court; and

3. The court shall hear the appeal in equity and determine anew all questions submitted to it on appeal from the determination of

the commissioner. The court shall render its decree thereon and a certified copy of said decree shall be filed by the clerk of said court with the commissioner who shall then correct the assessment in accordance with said decree. An appeal may be taken by the taxpayer or the commissioner to the supreme court of this state in the same manner that appeals are taken in suits in equity, irrespective of the amount involved.

SECTION 15. SERVICE OF NOTICE.) 1. Any notice, except notice of appeals, authorized or required under the provisions of this Act may be given by mailing the same to the person for whom it is intended by registered or certified mail addressed to such person at the address given in the last return filed by him pursuant to the provisions of this Act, or if no return has been filed, then such address as may be obtainable. The mailing of such notice shall be presumptive evidence of the receipt of the same by the person to whom addressed. Any period of time which is determined according to the provisions of this Act by giving of notice shall commence to run from the date of registration and posting of such notice;

2. If any tax imposed by this Act or by chapter 57-40 of the North Dakota Century Code remains unpaid, a proceeding in court for the collection of such tax may be begun at any time within six years after the due date of such tax; provided that no limitation of time to collect such tax shall apply if the failure to pay such tax was due to the fraudulent intent or willful attempt of the taxpayer in any manner to evade the tax. The limitations provided by this Act in regard to a commencement of court proceedings shall not apply to any assessment of tax made by the tax commissioner prior to July 1, 1963.

SECTION 16. PENALTIES, OFFENSES.) 1. Any person failing to file a return or corrected return or to pay any tax within the time required by this Act shall be subject to a penalty of five percent of the amount of tax due or of five dollars, whichever is greater, plus one percent of such tax for each month of delay or fraction thereof, excepting the first month after such return was required to be filed or such tax became due. The commissioner, if satisfied that the delay was excusable, may remit all or any part of the five dollar or five percent penalty, whichever was imposed. Such penalty shall be paid to the commissioner and disposed of in the same manner as other receipts under this Act. Unpaid penalties may be enforced in the same manner as the tax imposed by this Act;

2. Any person who shall sell tangible personal property, tickets or admissions to places of amusement, and athletic events, or steam, gas, water, electricity and communication service at retail in this state after his license shall have been revoked, or without procuring a license within sixty days after the effective date of this Act, as provided in section 12 of this Act, or who shall violate the provisions of section 7 of this Act, and the officers of any corporation who shall so act, shall be guilty of a misdemeanor, punishment for which shall be a fine of not more than one thousand dollars or imprisonment for not more than one year, or both such fine and imprisonment, in the discretion of the court;

3. Any person required to make, render, sign or verify any return or supplementary return, who makes any false or fraudulent return with intent to defeat or evade the assessment required by law to be made, shall be guilty of a misdemeanor and, for each such offense, shall be fined not to exceed five hundred dollars or shall be imprisoned in the county jail not exceeding one year, or shall be subject to both a fine and imprisonment, in the discretion of the court;

4. The certificate of the commissioner to the effect that a tax has not been paid, that a return has not been filed, or that informa-

tion has not been supplied pursuant to the provisions of this Act, shall be prima facie evidence thereof;

5. Any person failing to comply with any of the provisions of this Act, or failing to remit within the time herein provided to the state the tax due on any sale or purchase of tangible personal property subject to said sales tax, shall be guilty of a misdemeanor and shall be punished by imprisonment in the county jail not exceeding six months or by a fine of not exceeding five hundred dollars, or by both such fine and imprisonment, in the discretion of the court. This criminal liability shall be culmative and in addition to the civil liability for penalties hereinbefore provided.

SECTION 17. TAX COMMISSIONER TO ADMINISTER ACT.) The tax commissioner is hereby charged with the administration of this Act and the taxes imposed thereby. Such commissioner may prescribe all rules and regulations not inconsistent with the provisions of this Act, necessary and advisable for its detailed administration and to effectuate the purposes, including the right to provide for the issuance and sale by the state of coupons covering the amount of tax or taxes to be paid under this Act, if such method is deemed advisable by said commissioner.

SECTION 18. TAX, PENALTIES AND OTHER CHARGES PAID TO COMMISSIONER — DISPOSITION.) All fees, taxes, penalties and other charges imposed and collected under this Act shall be paid to the commissioner in the form of a remittance payable to the commissioner who shall transmit each payment monthly to the state treasury to be deposited in the state treasury to the credit of the general fund.

SECTION 19. GENERAL POWERS.) 1. The commissioner, for the purpose of ascertaining the correctness of any return or for the purpose of making an estimate of the taxable income and receipts of any taxpayer, shall have power to examine or cause to be examined by any agent or representative designated by him, books, papers, records, or memoranda; to require by subpoena the attendance and testimony of witnesses; to issue and sign subpoenas; to administer oaths; to examine witnesses and receive evidence; to compel witnesses to produce for examination books, papers, records, and documents relating to any matter which he shall have the authority to investigate or determine;

2. Where the commissioner finds the taxpayer has made a fraudulent return, the costs of said hearing shall be taxed to the taxpayer. In all other cases the cost shall be paid by the state;

3. The fees and mileage to be paid witnesses and taxed as costs shall be the same as prescribed by law in proceedings in the district court of this state in civil cases. All costs shall be taxed in the manner provided by law in proceedings in civil cases. Where the costs are taxed to the taxpayer, they shall be added to the taxes assessed against said taxpayer and shall be collected in the same manner. Costs taxed to the state shall be certified by the commissioner to the state treasurer, who shall issue warrants for the amount of said costs;

4. In cases of disobedience to a subpoena the commissioner may invoke the aid of any court of competent jurisdiction in requiring the attendance and testimony of witnesses and production of records, books, papers, and documents, and such court may issue an order requiring the person to appear before the commissioner and give evidence or produce records, books, papers, and documents, as the case may be, and any failure to obey such order of court may be punished by the court as contempt thereof;

5. Testimony on hearings before the commissioner may be taken by a deposition as in civil cases, and any person may be

compelled to appear and depose in the same manner as witnesses may be compelled to appear and testify as hereinbefore provided.

SECTION 20. COMMISSIONER MAY APPOINT AGENTS AND EMPLOYEES — COMPENSATION — BOND.) 1. The commissioner may appoint such agents, auditors, clerks and employees as he may deem necessary, fix their salaries and compensation and prescribe their duties and powers, and may remove such persons so appointed by him. Each auditor appointed by the commissioner shall have had at least three years' experience, or the educational equivalent thereof, in the auditing and checking of books of account;

2. All such agents and employees shall be allowed such reasonable and other necessary traveling expenses as may be incurred in the performance of their duties not to exceed, however, such amounts as are now or may hereafter be fixed by law;

3. The commissioner may require such of the officers, agents, and employees as he may designate to give bond for the faithful performance of the duties in such sum and such sureties as he may determine and the state shall pay the premiums on such bonds;

4. The commissioner may utilize the office of the treasurer of the various counties in order to administer this Act and effectuate its purposes and may appoint the treasurers of the various counties his agents to collect any or all of the taxes imposed by this Act. No additional compensation shall be paid to said treasurer by reason thereof.

SECTION 21. INFORMATION DEEMED CONFIDENTIAL — PENALTY.) It shall be unlawful for the commissioner, or any person having an administrative duty under this Act, to divulge or to make known in any manner whatever, the business affairs, operations, or information obtained by an investigation of records and equipment of any person or corporation visited or examined in the discharge of official duty, or the amount or sources of income, profits, losses, expenditures or any particulars thereof, set forth or disclosed in any return, or to permit any return or copy thereof or any book containing any abstract of particulars thereof to be seen or examined by any person except as provided by law. The commissioner may authorize examination of such returns by other state officers, or, if a reciprocal arrangement exists, by tax officers of another state, or the federal government. Any person violating the provisions of this section shall be guilty of a misdemeanor and punishable by a fine of not to exceed one thousand dollars.

SECTION 22. CORRECTION OF ERRORS.) If it shall appear that, as a result of a mistake, an amount of tax, penalty, or interest has been paid which was not due under the provisions of this Act, then such amount shall be credited against any tax due, or to become due, under this Act from the person who made the erroneous payment, or such amount shall be refunded to such person by the commissioner.

SECTION 23. PAYMENT OF REFUND.) Wherever by any provisions of this Act a refund is authorized, the commissioner shall certify the amount of the refund, the reason therefor and the name of the payee to the department of accounts and purchases, who shall thereupon draw a warrant on the general fund in the amount specified payable to the named payee.

SECTION 24. ALLOCATION OF REVENUE.) All moneys collected and received under this Act shall be paid into the state treasury and shall be credited by the state treasurer to the general fund. Moneys deposited with the tax commissioner as security for the payment of tax, penalties or costs due shall be deposited and accounted for as provided in subsection 3 of section 10.

SECTION 25. EFFECT ON EXISTING LAWS.) The provisions of this Act shall be construed as superseding the provisions of chapter 57-39 of the North Dakota Century Code during such time as specified in section 26 of this Act. Any reference in the North Dakota Century Code to chapter 57-39 or any part of such chapter, shall be construed as a reference to this Act, or the applicable section of this Act, during such time as this Act remains in effect.

SECTION 26. EFFECTIVE DATE.) The provisions of this Act shall remain in effect until the following events occur;

1. In the event House Bill No. 698 of the Thirty-Ninth Regular Session, also known as chapter 386 of the 1965 Session Laws, shall be referred and approved by the electorate at any election held prior to December 31, 1965, then, and in that event, upon the date House Bill No. 698 shall become effective, the tax imposed by this Act shall cease, and this Act shall become inoperative except as to tax liabilities incurred prior to the date of its expiration; or
2. In the event a sales tax Act of two and one-quarter percent or more upon the gross receipts of retailers is submitted to and adopted by the electorate at any election held prior to December 31, 1965, then, and in such event, upon the date such an initiated sales tax Act shall become effective, the tax imposed by this Act shall become inoperative except as to tax liabilities incurred prior to the date of its expiration.
3. In any event the provisions of this Act shall not remain in effect beyond the thirty-first day of December, 1965.

Rep. Backes moved that the rules be suspended and the amendments to Senate Bill No. 4 be considered at this time, which motion prevailed.

Rep. Backes moved that reading of the amendments to Senate Bill No. 4 be dispensed with, which motion prevailed.

Rep. Backes moved that the amendments to Senate Bill No. 4 be adopted, which motion prevailed, and the Speaker announced that Senate Bill No. 4 will go on the calendar.

Rep. Giffey moved that the House now recess until 9:30 a.m., June 17th, 1965, which motion prevailed.

DONNELL HAUGEN, Chief Clerk

THIRD DAY AFTER RECESS AND FOURTH DAY

Bismarck, June 17, 1965

The House reconvened pursuant to recess taken.

Speaker Link announced that the House would be on the ninth order of business.

FIRST READING OF A HOUSE RESOLUTION

Reps. Solberg and Stockman introduced:

House Resolution "C". A resolution commending the North Dakota congressional delegation for their united support and efforts in the passage of the Garrison Diversion bill in the United States House of Representatives.

Was read the first time.

Rep. Solberg moved that House Resolution "C" be not printed as a bill but printed in the House Journal, which motion prevailed.

HOUSE RESOLUTION "C"

Introduced by Representatives Solberg and Stockman

A resolution commending the North Dakota congressional delegation for their united support and efforts in the passage of the Garrison Diversion bill in the United States House of Representatives.

1 WHEREAS, the state of North Dakota, its political
2 subdivisions, and its citizens have long indicated their
3 support for the passage of legislation authorizing the
4 construction of the Garrison Diversion Unit; and

5 WHEREAS, the passage of legislation authorizing such
6 construction by the United States House of Representatives
7 on June 16, 1965, is viewed as a crucial landmark by North
8 Dakota and its citizens in their efforts to secure final
9 approval of such project; and

10 WHEREAS, the congressional delegation of North Dakota
11 have given their utmost efforts and support to the passage
12 of such legislation on a united, bipartisan basis, thereby
13 serving their state in the most effective fashion possible;

14 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF
15 REPRESENTATIVES OF THE STATE OF NORTH DAKOTA:

16 That it most highly commend each member of the North
17 Dakota congressional delegation for his dedication and service
18 to the state in securing the passage of the bill in the
19 United States House of Representatives authorizing the
20 construction of the Garrison Diversion Unit, thereby, in
21 one giant stride, bringing the construction of this project,
22 with its manifold benefits to the State and Nation, exceedingly
23 close to reality.

24 BE IT FURTHER RESOLVED, that a copy of this resolution
25 be forwarded to each member of the North Dakota congressional
26 delegation.

Rep. Solberg moved that the rules be suspended and House Resolution "C" be placed on final passage at this time, which motion prevailed.

Rep. Solberg moved that a roll call vote be taken on House Resolution "C", which motion prevailed.

SECOND READING OF A HOUSE RESOLUTION

House Resolution "C". A resolution commending the North Dakota congressional delegation for their united support and efforts in the passage of the Garrison Diversion bill in the United States House of Representatives.

Which had been read.

ROLL CALL

The question being on the final passage of the resolution, the roll was called and there were: ayes, 105; nays, 0; absent and not voting, 4.

Those voting in the affirmative were:

Aamoth	Erickson, Ward	Lang	Rustan
Anderson	Fossum	Larsen	Sanstead
Backes	Frank	Larson	Schaffer
Belquist	Froeschle	Leer	Schoenwald
Bergman	Ganser	Linderman	Shablow
Bier	Gengler	Loerch	Shorma
Bilden	Gietzen	Lundene	Skaar
Bloom	Giffey	Meschke	Solberg
Borstad	Glaspey	Meyer	Stallman
Boustead	Gronhovd	Miller	Staven
Bowles	Gudajtes	Montplaisir	Stockman
Bowman	Hardmeyer	Mueller	Strand
Breum	Harrison	Myhre	Streibel
Brown	Hauf	Obie	Tough
Bruner	Haugen	Olafson	Tweten
Burk	Haugland	Olienyk	Unruh
Christensen	Hertz	Olson	Vogel
Christopher	Hickle	Opedahl	Wagner
Coles	Hilleboe	Poling	Wastvedt
Collette	Hoffner	Powers, Barnes	Welder
Connolly	Ivesdal	Powers, Cass	Wentz
Dahlen	Johnson,	Rieger	Whittlesey
Davis	Barnes	Rivinius	Wilkie
Dick	Johnson, G. V.	Rosendahl	Williamson
Dornacker	Jungroth	Ruddy	Winge
Duncan	Krenz	Rundle	Mr. Speaker
Elkin	Kvasager		

Absent and not voting:

Erickson,	Knudsen	Reimers	Stenhjem
Mountrail			

So the resolution passed and the title was agreed to.

FIRST READING OF A HOUSE RESOLUTION

Reps. Solberg and Stockman introduced.

House Resolution "D". A resolution expressing appreciation to House Speaker John W. McCormack, Majority Floor Leader Carl Albert, Minority Floor Leader Gerald R. Ford, and all members of the United States House of Representatives for their support of legislation authorizing the construction of the Garrison Diversion Unit.

Was read the first time.

Rep. Solberg moved that House Resolution "D" be not printed as a bill but only in the House Journal, which motion prevailed.

HOUSE RESOLUTION "D"

Introduced by Representatives Solberg and Stockman

A resolution expressing appreciation to House Speaker John W. McCormack, Majority Floor Leader Carl Albert, Minority Floor Leader Gerald R. Ford, and all members of the United States House of Representatives for their support of legislation authorizing the construction of the Garrison Diversion Unit.

1 WHEREAS, legislation authorizing the construction of
2 the Garrison Diversion Unit has been pending in the Congress
3 for many years, but for many reasons its approval was
4 delayed; and

5 WHEREAS, such project will bring manifold
6 benefits to the Nation, this State, and the citizens of
7 North Dakota; and

8 WHEREAS, legislation authorizing the construction
9 of the Garrison Diversion Unit was approved by the United
10 States House of Representatives on June 16, 1965, thereby
11 bringing the construction of such project exceedingly
12 close to reality; and

13 WHEREAS, such legislation received the bipartisan
14 support of the great majority of the members of the
15 United States House of Representatives, and especially
16 effective support from the House Speaker, the Majority
17 Floor Leader, and the Minority Floor Leader;

18 NOW, THEREFORE, BE IT RESOLVED BY THE
19 HOUSE OF REPRESENTATIVES OF THE STATE
20 OF NORTH DAKOTA:

21 That it hereby expresses, on behalf of the state
22 of North Dakota and its citizens, its most sincere
23 appreciation to all members of the United States House
24 of Representatives for the bipartisan support given
25 to the legislation authorizing the construction of the
26 Garrison Diversion Unit and wishes to especially express
27 its gratitude to Speaker John W. McCormack, Majority
28 Floor Leader Carl Albert, and Minority Floor Leader
29 Gerald R. Ford for their sincere and effective interest
30 and support of such legislation; and

31 BE IT FURTHER RESOLVED, that a copy of this
32 resolution be forwarded to the Speaker of the United
33 States House of Representatives.

Rep. Solberg moved that the rules be suspended and House Resolution "D" be placed on final passage, which motion prevailed.

Rep. Solberg moved that a roll call vote be taken on House Resolution "D", which motion prevailed.

SECOND READING OF A HOUSE RESOLUTION

House Resolution "D". A resolution expressing appreciation to House Speaker John W. McCormack, Majority Floor Leader Carl Albert, Minority Floor Leader Gerald R. Ford, and all members of the United States House of Representatives for their support of legislation authorizing the construction of the Garrison Diversion Unit.

Which had been read.

ROLL CALL

The question being on the final passage of the resolution, the roll was called and there were: ayes, 107; nays, 0; absent and not voting, 2.

Those voting in the affirmative were:

Aamoth	Erickson,	Kvasager	Rundle
Anderson	Mountrail	Lang	Rustan
Backes	Erickson, Ward	Larsen	Sanstead
Belquist	Fossum	Larson	Schaffer

Bergman	Frank	Leer	Schoenwald
Bier	Froeschle	Linderman	Shablow
Bilden	Ganser	Loerch	Shorma
Bloom	Gengler	Lundene	Skaar
Borstad	Gietzen	Meschke	Solberg
Boustead	Giffey	Meyer	Stallman
Bowles	Glaspay	Miller	Staven
Bowman	Gronhovd	Montplaisir	Stockman
Breum	Gudajtes	Mueller	Strand
Brown	Hardmeyer	Myhre	Streibel
Bruner	Harrison	Obie	Tough
Burk	Hauf	Olafson	Tweten
Christensen	Haugen	Olienyk	Unruh
Christopher	Haugland	Olson	Vogel
Coles	Hertz	Opedahl	Wagner
Collette	Hickle	Poling	Wastvedt
Connolly	Hilleboe	Powers, Barnes	Welder
Dahlen	Hoffner	Powers, Cass	Wentz
Davis	Ivesdal	Reimers	Whittlesey
Dick	Johnson,	Rieger	Wilkie
Dornacker	Barnes	Rivinius	Williamson
Duncan	Johnson, G. V.	Rosendahl	Winge
Elkin	Jungroth	Ruddy	Mr. Speaker
	Krenz		

Absent and not voting:

Knudsen Stenhjem

So the resolution passed and the title was agreed to.

Rep. Giffey moved that the House now stand adjourned, which motion prevailed.

DONNELL HAUGEN, Chief Clerk

FOURTH DAY

Bismarck, June 17, 1965

The House convened at 10:50 a.m. pursuant to adjournment with Speaker Link presiding.

Prayer was offered by Capt. Gordon Spicer of the Salvation Army, in Bismarck, North Dakota.

The roll was called. All members were present except Reps. Knudsen and Stenhjem.

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

Line 8, page 29, change the word "adopted" to "dispended with"

Correct the title of Senate Bill No. 4, page 51, as follows:

"For an Act to provide for the imposition of a temporary sales tax, exemptions thereto, manner of collection and administration, appeals, penalties, refunds, allocation of revenues, effect on existing laws, and providing effective dates.

Line 22, change "Finance and Taxation" to "State and Federal Government".

And when so corrected recommend that the same be approved.

REP. OPEDAHL, Chairman

Rep. Opedahl moved that the report be adopted, which motion prevailed.

SECOND READING OF A SENATE BILL

Senate Bill No. 4. A Bill for an Act to provide for the imposition of a temporary sales tax, exemptions thereto, manner of collection and administration, appeals, penalties, refunds, allocation of revenues, effect on existing laws, and providing effective dates.

Which had been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were: ayes, 66; ayes, 39; absent and not voting, 4.

Those voting in the affirmative were:

Anderson	Gengler	Leer	Sanstead
Backes	Gietzen	Linderman	Schoenwald
Belquist	Giffey	Loerch	Shablow
Bergman	Glaspey	Lundene	Shorma
Bloom	Gudajtes	Meschke	Skaar
Borstad	Hardmeyer	Meyer	Solberg
Bowles	Harrison	Montplaisir	Stallman
Breum	Hauf	Myhre	Staven
Bruner	Haugen	Obie	Stockman
Burk	Haugland	Olafson	Strand
Christensen	Hertz	Olson	Vogel
Collette	Hoffner	Opedahl	Whittlesey
Dahlen	Ivesdal	Poling	Wilkie
Erickson,	Jungroth	Powers, Cass	Williamson
Mountrail	Krenz	Rieger	Winge
Erickson, Ward	Kvasager	Rosendahl	Mr. Speaker
Froeschle	Larson	Ruddy	

Those voting in the negative were:

Aamoth	Dick	Johnson, G. V.	Schaffer
Bier	Dornacker	Lang	Streibel
Bilden	Duncan	Larsen	Tough
Boustead	Elkin	Miller	Tweten
Bowman	Fossum	Mueller	Unruh
Brown	Frank	Olienyk	Wagner
Christopher	Ganser	Powers, Barnes	Wastvedt
Coles	Hickle	Reimers	Welder
Connolly	Hilleboe	Rivinius	Wentz
Davis	Johnson,	Rundle	
	Barnes		

Absent and not voting:

Gronhovd	Knudsen	Rustan	Stenhjem
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So the bill passed and the title was agreed to.

EIGHTH ORDER OF BUSINESS

Rep. Brown moved that the name of Nikki Thomas be added to the list of temporary pages, which motion prevailed.

Rep. Giffey moved that the House now adjourn until 1:30 p.m., Saturday, June 19, 1965, which motion prevailed.

DONNELL HAUGEN, Chief Clerk

SIXTH DAY

Bismarck, June 19, 1965

The House convened at 1:30 p.m., pursuant to adjournment motion.

Prayer was offered by Rev. George L. Van Bockern of the First Presbyterian Church of Bismarck, N. D.

The Speaker announced that the House would be at ease subject to the Call of the Chair.

The House reconvened at the Call of the Chair.

Roll call: All members present except Reps. Bier, Bilden, Bloom, Collette, Davis, Dick, Fossum, Hilleboe, Lundene, Miller, Mueller, Reimers, Rundle, Schoenwald, Stenhjem and Whittlesey.

FOURTH ORDER OF BUSINESS

Rep. Link read a communication from Rep. A. R. Miller explaining that his absence from the session today is because of illness in the family.

Mr. Speaker: Your Committee of Revision and Correction of the Journal have carefully examined the Journal of the third day after recess and fourth day and find the same correct.

REP. OPEDAHL, Chairman

Rep. Shorma moved that the report be adopted, which motion prevailed.

FIRST READING OF A HOUSE RESOLUTION

Reps. Shablow, Olafson, Christopher and Bowles introduced:

House Resolution "E". A resolution commending members of the North Dakota congressional delegation for their efforts in behalf of the Pembina River Development Plan.

Was read the first time.

Rep. Christopher moved that House Resolution "E" be read in its entirety, which motion prevailed.

Rep. Christopher moved that House Resolution "E" be not printed as in bill form but printed in the House Journal, which motion prevailed.

HOUSE RESOLUTION "E"

Introduced by Representatives Shablow, Olafson, Christopher, and Bowles

A resolution commending members of the North Dakota congressional delegation for their efforts in behalf of the Pembina River Development Plan.

- 1 Whereas, the proposed Pembina River Basin
- 2 Development Plan on the Pembina River near Walhalla, North
- 3 Dakota, has now advanced to the point where final approval
- 4 of an adoption of the plan appears possible within the near
- 5 future; and

6 WHEREAS, there appear to be potential
7 irrigable areas of up to 26,000 acres or more susceptible
8 of development in connection with such project, plus addi-
9 tional benefits including a resulting reservoir which would
10 insure a municipal and industrial water supply adequate to
11 care for present needs, and insure a supply for developments
12 in the immediate future; and

13 WHEREAS, the International Joint Commission
14 has devoted much time and study to this proposal to develop
15 the water resources of the Pembina River Basin in the province
16 of Manitoba and the state of North Dakota; and

17 WHEREAS, much of the credit for the progress
18 that has been made to date on this project so important to
19 northeastern North Dakota should be given to all members of
20 the North Dakota congressional delegation for their unceasing
21 efforts on behalf of such project;

22 NOW, THEREFORE, BE IT RESOLVED BY THE
23 HOUSE OF REPRESENTATIVES OF THE STATE OF
24 NORTH DAKOTA CONVENING IN SPECIAL SESSION:

25 That it hereby extends its gratitude and commenda-
26 tion to all members of the North Dakota congressional
27 delegation for its wise advice, counsel, and assistance
28 in bringing near to completion this long-sought
29 project for the state of North Dakota and the province
30 of Manitoba; and

31 BE IT FURTHER RESOLVED, that copies hereof
32 will be transmitted by the Secretary of State to the
33 President of the United States Senate; the Speaker
34 of the United States House of Representatives; the
35 chairman of the Committees on Public Works; the Chief
36 of Engineers, U. S. Army Corps of Engineers; the District
37 Engineer, St. Paul office of U. S. Army Corps of Engineers;
38 Commissioner, Bureau of Reclamation; Chairman of the
39 Canadian and United States Sections, International Joint
40 Commission; to Senators Milton R. Young, and Quentin N.
41 Burdick, and Representatives Mark Andrews and Rolland
42 Redlin; and to Governor William L. Guy of North Dakota.

Rep. Christopher moved that the rules be suspended and House Resolution "E" be placed on final passage at this time, which motion prevailed.

SECOND READING OF A HOUSE RESOLUTION

House Resolution "E". A resolution commending members of the North Dakota congressional delegation for their efforts in behalf of the Pembina River Development Plan.

Which had been read.

ROLL CALL

The question being on the final passage of the resolution, the roll was called and there were, ayes, 93; nays, 0; absent and not voting, 16.

Those voting in the affirmative were:

Aamoth	Frank	Kvasager	Sanstead
Anderson	Froeschle	Lang	Schaffer
Backes	Ganser	Larsen	Shablow
Belquist	Gengler	Larson	Shorma
Bergman	Gietzen	Leer	Skaar
Borstad	Giffey	Linderman	Solberg
Boustead	Glaspey	Loerch	Stallman
Bowles	Gronhovd	Meschke	Staven
Bowman	Gudajtes	Meyer	Stockman
Breum	Hardmeyer	Montplaisir	Strand
Brown	Harrison	Myhre	Streibel
Bruner	Hauf	Obie	Tough
Burk	Haugen	Olafson	Tweten

Christensen	Haugland	Olienyk	Unruh
Christopher	Hertz	Olson	Vogel
Coles	Hickle	Opedahl	Wagner
Connolly	Hoffner	Poling	Wastvedt
Dahlen	Ivesdal	Powers, Barnes	Welder
Dornacker	Johnson,	Powers, Cass	Wentz
Duncan	Barnes	Rieger	Wilkie
Elkin	Johnson, G. V.	Rivinius	Williamson
Erickson,	Jungroth	Rosendahl	Winge
Mountrail	Knudsen	Ruddy	Mr. Speaker
Erickson, Ward	Krenz	Rustan	
Absent and not voting:			
Bier	Davis	Lundene	Rundle
Bilden	Dick	Miller	Schoenwald
Bloom	Fossum	Mueller	Stenhjem
Collette	Hilleboe	Reimers	Whittlesey

So the resolution passed and the title was agreed to.

On request of Rep. Giffey, the House recessed to the Call of the Chair.

The House reconvened at the Call of the Chair.

Rep. Dornacker rose to a point of personal privilege and requested that his remarks be printed in the House Journal, which request was granted.

Rep. Dornacker:

"Mr. Speaker and Members of this Assembly:

"I wish to arise to a point of personal privilege and request that my remarks are printed in the Journal.

Throughout this special session of the legislature I have opposed a sales tax bill which carries an extension date which will result in, we as legislators calling ourselves back into a special session. I feel this is not our prerogative. This prerogative is given by the North Dakota constitution to the Governor who shall when emergencies arise, call a special session of the legislature.

"It is the duty of any session of the legislature to pass legislation which will provide orderly government until the next regular session is duty bound to again meet. In the last session we passed such legislation. This legislation now has been referred by the people. The Governor has called a special session of which we now meet. Is it then, our duty to provide for orderly government to carry on until either the people pass such legislation or defeat the proposal.

"I feel if we are to be responsible legislators and worthy of the trust given us in our election, duty bound to provide for orderly government until the next regular session will meet by law. The date of December 30, 1965, will not provide such. The date of July 1, 1967, will provide for orderly government and if an emergency shall arise then it is the duty of the Governor to call a special session, not the legislature to legislate ourselves back into a special session.

"I realize that in responsible legislation we probably should increase the sales tax to 3% but this would most likely be declared unconstitutional with the referral coming up, thus we have possibly only one choice and this is the 2¼% tax.

"It is the duty of all of us in government to cause the least confusion while passing laws that will provide necessary government.

"I hope that the members of this Assembly and the Senate will agree upon such legislation. I hope the Governor will reconsider his date for the election call and at least change this to August 31, 1965, so that we can have orderly government. August 31, 1965, will in either case of win or lose provide orderly government as if the 3% tax law is upheld we will have the third quarter of sales tax at 3% instead of the first 21 days at 2¼% or the tax we pass here and

the balance of quarter at 3% which will make a real problem for us as holders of sales tax permits and the auditors of the tax department. We would have one quarter of withholding instead of part of a quarter or none.

"The press and this Assembly have been filled with counter charges, half truths and statements which do not tell all of the facts regarding each proposal. I feel we have been not entirely fair to the public we represent. I have by my voting record been in favor of elimination of personal property in an orderly manner which will be fair to all classes of taxpayers. I have and am still opposed to complete withholding, I feel we can do as good a job with non-resident withholding plus giving the tax commissioner the authority to compel employees who have and are employing non-resident people to withhold from them.

"I believe it is our duty to stay here until we perform the duties of government which is to reach a fair and reasonable solution to our problems. I will stay here as long as it is necessary to do the job that the people who elected me felt I should do. I will compromise, I will give and I expect you likewise to compromise and give and take. Representative government demands that we shall never compromise principle or issues that are detrimental to our people but it also demands that we must consider majorities and minorities as they too have large obligations to the people who elected them here.

"Take it or leave it legislation is always detrimental to our people. Likewise the leaders of either party have no authority to bind the members to any legislation before or during any session. In the days ahead we shall tell the people whether we still believe in democracy or government by dictatorship."

Rep. Shablow requested that his remarks be printed in the House Journal, which request was granted.

Rep. Shablow:

"Mr. Speaker: Members of this legislative assembly;

"I rise on a point of personal privilege to say a few things that could be informative to this Assembly or should remind this Assembly of some of the things that have happened up to this point.

"By virtue of my position as vice-chairman of the Committee on Finance and Taxation, I have heard all the testimony in our committee and have been in attendance, and listened to all that has been said on the floor of this chamber.

"I was asked to serve on the Conference Committees that were held, and I think I should tell you of some of the things that happened or were said in Conference Committee.

"I don't believe it is necessary to repeat or be repetitious relative to why this extraordinary session was called by the Governor. As you know, the leaders of both houses and the Legislative Research Committee agreed, that stop-gap legislation should be passed, and it was on Senator Holand's motion and the substitute motion of Rep. Hoffner (that set out in more detail what House Bill No. 501 contained) and that motion was unanimously approved. The Legislative Research Committee drew House Bill No. 501. You have heard that the testimony that was presented in committee by the various legal minds, indicated to us that we are on very dangerous ground if we in any way interfere with the referral. On specific reference to the date that the stop-gap legislation should terminate, they indicated that the later the date the more vulnerable the legislation would be to challenge in the courts, which would nullify all our efforts.

"Now in Conference Committee I went over the things that I thought were pertinent, and asked Senator Holand why he was not going along with the legislation that he agreed to, and his answer

was, and I quote "I do not in any sense morally, or legally feel responsible to fulfill any promises made before this session."—end of quote. I then summed up to the best of my ability what I thought might happen, not only what the effect would be on the financial position of the state, but also how the public would react to the legislators if they failed to fulfill the purpose for which they were assembled, and his answer was, and I quote "I could care less."—unquote.

"I cannot say to which part of my question he was referring.

"I want it to be part of the record, that I personally feel that I am and should be, held at least morally responsible, to the people of North Dakota and especially to my constituents in Cavalier County for any promises or commitments I have made. And as to what the results of our actions shall be, and the effect they have on the State of North Dakota, I want to assure each and every one of you in this Assembly as well as my constituents, that I do care what the results may be and I think everyone here should feel the same.

"It is hard for me to believe that Sen. Holand as Senate Majority Floor Leader was speaking for each and every member of the majority party in the Senate. I am proud to be a member of the House of Representatives that are acting with responsibility and with the best interests of the people of North Dakota at heart. Thank you, Mr. Speaker and members of this Assembly for your considerate attention."

Rep. Giffey moved that the House recess until 2:00 p.m., June 21, 1965, which motion prevailed.

DONNELL HAUGEN, Chief Clerk

SIXTH DAY AFTER RECESS

Bismarck, June 21, 1965

The House reconvened at 2:00 p.m. pursuant to recess taken.

Speaker Link announced that the House would be on the eighth order of business.

Rep. Breum moved that the House reconsider the action by which the report of the Committee on Mileage and Per Diem were adopted, which motion prevailed.

Rep. Breum moved that the report of the Committee on Mileage and Per Diem be amended by adding the name of Rep. Knudsen with mileage of 278 miles — \$27.80.

ROLL CALL

The question being on the motion to amend the report of the Committee on Mileage and Per Diem, the roll was called and there were: ayes, 92; nays, 0; absent and not voting, 17.

Those voting in the affirmative were:

Aamoth	Erickson,	Larsen	Schaffer
Anderson	Mountrail	Larson	Schoenwald
Backes	Erickson, Ward	Leer	Shablow
Belquist	Frank	Linderman	Shorma
Bergman	Froeschle	Lundene	Skaar
Bier	Ganser	Meschke	Solberg
Bilden	Gietzen	Meyer	Stallman
Bloom	Giffey	Montplaisir	Staven
Borstad	Glaspay	Mueller	Stenhjem
Boustead	Gronhovd	Myhre	Stockman
Bowles	Gudajtes	Obie	Strand
Breum	Hardmeyer	Olafson	Streibel
Brown	Harrison	Olienyk	Tough
Bruner	Hauf	Olson	Tweten
Christensen	Haugland	Opedahl	Unruh
Christopher	Hertz	Poling	Vogel
Coles	Hilleboe	Powers, Barnes	Wagner
Collette	Hoffner	Powers, Cass	Welder
Connolly	Ivesdal	Rieger	Wentz
Dahlen	Johnson,	Rivinius	Wilkie
Dick	Barnes	Rosendahl	Williamson
Dornacker	Johnson, G. V.	Rundle	Winge
Duncan	Jungroth	Sanstead	Mr. Speaker
Elkin	Krenz		

Absent and not voting:

Bowman	Haugen	Lang	Ruddy
Burk	Hickle	Loerch	Rustan
Davis	Knudsen	Miller	Wastvedt
Fossum	Kvasager	Reimers	Whittlesey
Gengler			

So the motion of Rep. Breum prevailed.

Rep. Stockman moved that Rep. Whittlesey be excused for absence from the session due to a National Guard commitment. The motion prevailed.

FOURTH ORDER OF BUSINESS

Rep. Giffey moved that the message from Governor Guy be printed in the House Journal, which motion prevailed.

STATE OF NORTH DAKOTA

Executive Office
Bismarck

(SEAL)

William L. Guy
Governor

June 21, 1965

The Honorable Arthur Link
Speaker of the North Dakota House of Representatives
House Chambers
Bismarck, North Dakota

Dear Mr. Speaker:

I send my personal greetings to all members of the House. I am enclosing a message to the legislature concerning the purpose for calling the present extraordinary session. I am requesting that you read the enclosed message to the House at the first convenient opportunity. This message, which is supplemental to the message given to the joint session on June 14, is for the purpose of more clearly defining the primary reason for the present extraordinary session.

Respectfully yours,
WILLIAM L. GUY
Governor

STATE OF NORTH DAKOTA

Executive Office
Bismarck

(SEAL)

William L. Guy
Governor

June 21, 1965

SPECIAL MESSAGE TO THE EXTRAORDINARY SESSION OF THE 39th LEGISLATIVE ASSEMBLY

The Honorable Arthur Link
Speaker of the House of Representatives
Bismarck, North Dakota

Dear Mr. Speaker:

Our system of government in America is our pride and joy. We hope that each generation of Americans can see our system of government work in such a way that they will be willing to lay down their lives defending it, if this is necessary. Our system of government is a democracy in which the majority rules, with the minority's right of criticism ever respected.

Our democracy is divided into three separate branches. These three branches are elected by the people in a democratic process in which the majority prevails. These three branches of government are interdependent, yet entirely separate in their function and responsibility. The Federal and State Constitutions form the basis for the laws under which all three branches operate.

Last fall, various members of all three branches of government were elected. That election was the most recent test of the will of the voting public. In that election, the present state administration was given the four-year responsibility to administer the services and laws of North Dakota. This administration is given

even more responsibility. Section 75 of the North Dakota Constitution states that "(the Governor) shall have the power to convene the legislative assembly on extraordinary occasions. He shall at the commencement of each session communicate to the legislative assembly, by message, information of the condition of the state and recommend such measures as he shall deem expedient."

In the last general election, all of you in the House of Representatives and half of you in the Senate won your seat in this legislative assembly. In the last session which adjourned sine die on the calendar day of March 12, 1965, you passed a very full and admirable program of legislation. Included in this legislation which, by majority rule, you passed was a sweeping tax reform and revenue bill numbered House Bill 698. When I signed House Bill 698 on March 19, 1965, it became law in North Dakota.

It is still the law of this state, even though on June 9, 1965, its effective date was suspended by referral action.

At the moment House Bill 698 was suspended by referral action, the administration was faced with an administrative problem. The administrative problem was to decide how best to continue tax revenue collections until a special referral election could be held. This administrative task of tax revenue collections caused by the referral of House Bill 698 required that a method be sought in order that collection losses be minimized, confusion to taxpayers and tax collectors be prevented, and that tax lawsuits and tax refunds be avoided.

The alternate courses which the administration might follow all presented problems of their own. However, I emphasize at this point that the decisions to be made had to be administrative decisions. I could allow the use tax to be regarded as a substitute for the 2¼% sales tax suspended on July 1, 1965, by referral of House Bill 698. This plan had obvious shortcomings. A legal question as to whether the use tax could be used in place of the sales tax, or whether the use tax was in fact only supplementary to the very sales tax which would expire on July 1, 1965, has not been tested in court. Only the North Dakota Supreme Court can finally answer this question.

A test suit apparently cannot be started until the attempt to substitute the use tax for the sales tax might become a reality on July 1, 1965. If a test suit is not begun on July 1, 1965, or soon thereafter, each passing day would pose a greater threat than some day the law would be challenged when the resulting confusion and refunding between customer and retailer and the Tax Department would reach chaotic and expensive proportions.

The unwarranted burden that the use tax would place on the purchaser of equipment, machinery, trucks and autos would be frustrating to seller and purchaser alike, for the 2¼% use tax under the law would be collected against the full retail selling price with no credit given for trade-in allowances. The use tax might, if the Supreme Court so ruled, cover some of the transactions now taxed by sales taxes, but the use tax could not apply, under any conditions, to such transactions as theatre admissions, telephone, hotel, motel, and such services extended to by the 1963 session. Use taxes from motor vehicles and mobile homes would be shared by the state and political subdivisions.

Other serious consequences of a failure to extend a temporary sales tax measure would certainly include:

- 1.) North Dakota merchants would be prevented from granting tax exemption to non-residents purchasing here.
- 2.) Livestock and poultry feed would not gain exemption from tax.
- 3.) All dealers of autos, heavy equipment, farm machinery, and

mobile homes selling on installment basis would be taxed even on losses from repossession.

Should the North Dakota Supreme Court rule that the use tax could not be substituted for all or part of the suspended sales tax, a serious loss of tax revenue would result.

Clearly, an administrative decision to seek a solution to the losses from the suspended sales tax by attempting to adapt the use tax to the situation poses such serious questions that it cannot rank well as a solution. However, it can and will be attempted if this becomes necessary.

A second solution to the administration tax problem was to call the legislative assembly into extraordinary session and request that they supply a temporary administrative tool with which to prevent tax revenue losses during the period of sales tax suspension. I sought the advice of legislative leaders from both the House and the Senate on the matter. I was grateful for their concern over our administrative problem.

It is at this point that I wish to respectfully stress this observation. We need to observe shadings between administrative and legislative responsibility. Last winter, in a regularly convened legislative session, you carried out your legislative responsibility extremely well. Your legislative responsibility to enact permanent legislation will again be called upon in regular session in 1967. Once permanent legislation is passed, the responsibility shifts to the administration to see that that legislation is implemented and carried out according to majority legislative decision. This, our administration is sincerely doing. In the intervening months, most of your legislation will receive the test and trial that comes from implementation. I sincerely hope that your tax program passed by you in your last session will receive such a fair trial.

However, it is now suspended by referral until such time as the voting public can make its wishes known. Until the voting public makes its wishes known, no further permanent tax legislation is required, nor could it be passed lest it appear to flaunt the Constitution in the face of the referral action. If the voting public votes down House Bill 698, the responsibility would then shift from the administrative responsibility of coping with a referral action, to a legislative responsibility to fill the nearly total void in permanent tax legislation, in a second extraordinary session.

This administration had no responsibility for the tax referral. However, the tax referral does pose problems for this administration which must be met. I have asked you to supply an administrative tool. This was my sole purpose in calling you into extraordinary session.

When I asked you, in my opening message to this session, to extend the present $2\frac{1}{4}\%$ sales tax on its present base for another temporary period of six months, I was making an administrative request for a specific administrative tool. There will be those who will disagree with my choice of tools, but as long as I was elected to this responsibility of administration, I cannot shift the burden of administrative decision. In the sound tradition of our system of government, those decisions become the record upon which an administration must rise or fall. I ask you to regard my call of this extraordinary session as an administrative decision and not a legislative decision. I ask that you regard my request for temporary tax legislation as my request for an administrative tool to meet an administrative emergency problem rather than a permanent legislative problem.

The democratic process of government, with its checks and balances, is a wonderful instrument. If you and I shoulder those responsibilities assigned us under the Constitution, we can make

this system of government work for our state in such a way that it hastens progress. Our fellow citizens want it that way.

Respectfully yours,
WILLIAM L. GUY
Governor

Miss Julie See Ming Tseng, International Farm Youth Exchange student of Taiwan was escorted to the rostrum and spoke to the assembly. Host families, Edmund Hartl of New Rockford and Lynn Braeger of Fessenden, were also introduced.

Rep. Brown moved that unanimous consent be given to Rep. Obie to introduce a resolution, which motion prevailed. Rep. Obie read his resolution to the assembly.

Rep. Obie moved that his resolution be printed in the House Journal and not as a bill, which motion prevailed.

THIRTY-NINTH LEGISLATIVE ASSEMBLY
OF NORTH DAKOTA

Extraordinary Session Commencing June 14, 1965
HOUSE RESOLUTION "F"

Introduced by Representative Obie.

A resolution requesting consideration by the Atomic Energy Commission of establishing a site for the National Laboratory Accelerator in the Grand Forks area.

1 WHEREAS, a site proposal for a
2 National Laboratory Accelerator has been presented to the
3 Atomic Energy Commission by the Grand Forks Chamber of
4 Commerce, the City of Grand Forks, the University of North
5 Dakota, the Grand Forks County Board of Commissioners, and
6 the state of North Dakota; and

7 WHEREAS, this proposal has the support of
8 Governor William L. Guy, and Governor Guy has written to the
9 Atomic Energy Commission indicating his support; and

10 WHEREAS, in reviewing the considerations
11 involved in location of a new site for the Accelerator, the
12 Grand Forks area can meet the general requirements, and a
13 North Dakota location would be unique and advantageous to
14 offer;

15 NOW, THEREFORE, BE IT RESOLVED BY THE
16 HOUSE OF REPRESENTATIVE OF THE THIRTY-NINTH
17 LEGISLATIVE ASSEMBLY CONVENING IN SPECIAL
17a SESSION:

18 That the Atomic Energy Commission be respectfully
18a requested
19 to give every consideration to a location in the Grand Forks
20 area as the site for such Accelerator; and

21 BE IT FURTHER RESOLVED, that copies of
22 this resolution be transmitted to Mr. Glenn Seaborg, Chairman
23 of the Atomic Energy Commission, to members of the North
23a Dakota

24 congressional delegation, and to Governor William L. Guy.

The Chief Clerk announced that Rep. Obie's resolution would be House Resolution "F".

Rep. Obie moved that the rules be suspended and House Resolution "F" be placed on final passage, which motion prevailed.

Rep. Obie moved the adoption of House Resolution "F" which motion prevailed and the resolution was declared adopted.

MESSAGE TO THE SENATE

House Chamber
Bismarck, June 21, 1965

Mr. President: I have the honor to return:

Senate Bill No. 4

Which the House has amended.

DONNELL HAUGEN, Chief Clerk

REPORT OF A 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 Bills No. 503 - 505 - 506 - 507

House Resolutions "C" - "D" - "E"

REP. SHABLOW, Chairman

Rep. Shablow moved that the report be adopted, which motion prevailed.

SIGNING OF BILLS

The Chief Clerk announced that the Speaker was about to sign:

House Bills No. 503 - 505 - 506 - 507

House Resolutions "C" - "D" - "E"

And the Speaker signed the same in the presence of the House.

REPORT OF A STANDING COMMITTEE

The Committee on Enrollment and Engrossment respectfully reports that:

House Resolutions "C" - "D" - "E"

Were delivered to the Secretary of State at the hour of 3:10 o'clock p.m., June 21, 1965.

REP. SHABLOW, Chairman

MESSAGE TO THE SENATE

House Chamber

Bismarck, June 21, 1965

Mr. President: I have the honor to transmit:

House Bills No. 503 - 505 - 506 - 507

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

DONNELL HAUGEN, Chief Clerk

MESSAGE TO THE HOUSE

Senate Chamber

Bismarck, June 21, 1965

Mr. Speaker: I have the honor to inform you that the Senate has refused to concur in the House amendment to Senate Bill No. 4 and the President has appointed as a Conference Committee to act with a like committee from the House Senators:

Holand

Becker

Van Horn

GERALD L. STAIR, Secretary

ELEVENTH ORDER OF BUSINESS

Rep. Backes moved that the Speaker appoint a Conference Committee of three to meet with a like committee from the Senate on Senate Bill No. 4, which motion prevailed, and the Speaker appointed as such committee, Reps. Backes, Meschke and Boustead.

SECOND READING OF A SENATE BILL

Senate Bill No. 10. A Bill for an Act providing an appropriation and authorizing the payment of expenses of the Extraordinary Session of the Thirty-ninth Legislative Assembly commencing June 14, 1965 and declaring and emergency.

Which had been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were: ayes, 86; nays, 4; absent and not voting, 19.

Those voting in the affirmative were:

Anderson	Frank	Larsen	Schoenwald
Bergman	Froeschle	Larson	Shablow
Bier	Gietzen	Leer	Shorma
Bilden	Giffey	Linderman	Skaar
Bloom	Gronhovd	Loerch	Solberg
Borstad	Gudajtes	Lundene	Stallman
Bowles	Hardmeyer	Meyer	Staven
Breum	Harrison	Montplaisir	Stenhjem
Brown	Hauf	Mueller	Stockman
Bruner	Haugen	Myhre	Strand
Christensen	Haugland	Obie	Streibel
Christopher	Hertz	Olafson	Tough
Coles	Hickle	Olienyk	Tweten
Collette	Hilleboe	Olson	Unruh
Connolly	Hoffner	Opedahl	Vogel
Dahlen	Ivesdal	Poling	Wagner
Dornacker	Johnson,	Powers, Barnes	Wastvedt
Duncan	Barnes	Powers, Cass	Wentz
Elkin	Johnson, G. V.	Rieger	Wilkie
Erickson,	Jungroth	Rivinius	Williamson
Mountrail	Knudsen	Rosendahl	Winge
Erickson, Ward	Krenz	Rundle	Mr. Speaker

Those voting in the negative were:

Dick	Ganser	Schaffer	Welder
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Absent and not voting:

Aamoth	Burk	Kvasager	Ruddy
Backes	Davis	Lang	Rustan
Belquist	Fossum	Meschke	Sanstead
Boustead	Gengler	Miller	Whittlesey
Bowman	Gaspey	Reimers	

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

MESSAGES TO THE HOUSE

Senate Chamber

Bismarck, June 21, 1965

Mr. Speaker: I have the honor to return:

House Bills Nos. 503 - 505 - 506 - 507.

Which the President has signed.

GERALD L. STAIR, Secretary

Senate Chamber

Bismarck, June 21, 1965

Mr. Speaker: I have the honor to transmit:

Senate Bills Nos. 5 - 6 - 9.

Senate Concurrent Resolution "B"

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

GERALD L. STAIR, Secretary

MESSAGES TO THE SENATE

House Chamber

Bismarck, June 21, 1965

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:

Backes
Meschke
Boustead

To act on Senate Bill No. 4.

DONNELL HAUGEN, Chief Clerk
House Chamber
Bismarck, June 21, 1965

Mr. President: I have the honor to return:

Senate Bill No. 10

Which the House has passed unchanged.

DONNELL HAUGEN, Chief Clerk

REPORT OF A STANDING COMMITTEE

The Committee on Enrollment and Engrossment respectfully reports that:

House Bills Nos. 503 - 505 - 506 - 507

Were delivered to the Governor for his approval at the hour of 4:15 o'clock p.m., June 21, 1965.

REP. SHABLOW, Chairman

SIGNING OF BILLS

The Chief Clerk announced that the Speaker was about to sign:

Senate Bills Nos. 5 - 6 - 9

Senate Concurrent Resolution "B"

And the Speaker signed the same in the presence of the House.

MESSAGE TO THE SENATE

House Chamber
Bismarck, June 21, 1965

Mr. President: I have the honor to return:

Senate Bills Nos. 5 - 6 - 9

Senate Concurrent Resolution "B"

Which the Speaker has signed.

DONNELL HAUGEN, Chief Clerk

MESSAGE TO THE SENATE

House Chamber
Bismarck, June 21, 1965

Mr. President: I have the honor to return:

Senate Concurrent Resolution "A"

Which the House has indefinitely postponed.

DONNELL HAUGEN, Chief Clerk

REPORT OF A SELECT COMMITTEE

Mr. Speaker: Your Conference Committee to whom was referred Senate Bill No. 4 has had the same under consideration and recommends:

That the Conference Committee be dissolved and that further consideration on Senate Bill No. 4 be laid on the table.

For the Senate:

Senator Holand
Senator Becker
Senator Van Horn

For the House:

Rep. Meschke
Rep. Backes
Rep. Boustead

Rep. Giffey moved that the report of the Conference Committee on Senate Bill No. 4 be rejected and a new Conference Committee be appointed. The motion of Rep. Giffey prevailed and the Speaker appointed as such committee, Reps. Hoffner, Lundene and Knudsen.

MESSAGE TO THE SENATE

House Chamber

Bismarck, June 21, 1965

Mr. President: I have the honor to inform you that the House has rejected the Conference Committee report recommending that Senate Bill No. 4 be laid on the table, and the Speaker has appointed as a new Conference Committee to act with a like committee from the Senate, Representatives:

Hoffner
Lundene
Knudsen

On Senate Bill No. 4.

DONNELL HAUGEN, Chief Clerk

Speaker Link announced that the House would now stand in recess until 7:45 p.m.

The House reconvened at 11:00 p.m. with Speaker Link presiding.

MESSAGE TO THE HOUSE

Senate Chamber

Bismarck, June 21, 1965

Mr. Speaker: I have the honor to inform you that the Senate has refused to accept the Conference Committee report on Senate Bill No. 4, and the President has appointed as a new Conference Committee to act with a like committee from the House, Senators:

Holand
Becker
Van Horn

GERALD L. STAIR, Secretary

REPORT OF A 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 Resolution "F"

REP. SHABLOW, Chairman

Rep. Shablow moved that the report be adopted, which motion prevailed.

SIGNING OF BILLS

The Chief Clerk announced that the Speaker was about to sign:

House Resolution "F"

And the Speaker signed the same in the presence of the House.

REPORT OF A SELECT COMMITTEE

Mr. Speaker: Your Conference Committee to whom was referred Senate Bill No. 4 has had the same under consideration and recommends:

That the Conference Committee be dissolved and a new Conference Committee be appointed.

For the Senate:

Senator Holand
Senator Becker
Senator Van Horn

For the House:

Rep. Hoffner
Rep. Lundene
Rep. Knudsen

Rep. Hoffner moved that the report be adopted, which motion prevailed and the Speaker appointed as such committee, Representatives Lundene, Obie and Johnson of Barnes.

Rep. Giffey asked for unanimous consent to introduce a resolution expressing sympathy at the passing of Mrs. A. G. Sorlie, which consent was given.

Rep. Giffey moved that a copy of this House Memorial Resolution No. 1 be sent to the members of Mrs. Sorlie's family, which motion prevailed.

Rep. Giffey moved that House Memorial Resolution No. 1 be printed in the House Journal, which motion prevailed.

HOUSE MEMORIAL RESOLUTION NO. 1

A resolution in memoriam of Mrs. A. G. Sorlie, a former first lady of North Dakota.

Mrs. A. G. Sorlie, widow of former Governor of North Dakota, Arthur G. Sorlie, passed away at 8:20 Saturday, June 19, 1965, in Bismarck. Mrs. Sorlie was the first lady of North Dakota from January, 1925, through August, 1928. Her husband died in office.

The passage of time since her tour of public service as this state's first lady has not diminished the importance of her contribution to North Dakota.

A first lady shares with her husband the fears that cannot be shown, and the joys that cannot be expressed. It is often her considered advice and reassurance that eases the loneliness of a Governor in moments of grave decision.

A first lady is the state's representative in a capacity that equals and sometimes surpasses that of her husband. She must smile though she might feel sorrow. She must be radiant and sparkling even in moments of bone weariness. Her voice must have the lilt of optimism even when she is surrounded by the pall of pessimism.

A first lady serves the state without pay. The public's gratitude is her recompense. It is time now for us to pay that last measure of recompense to a loved and charming person, Mrs. A. G. Sorlie, a first lady of North Dakota.

GOVERNOR WILLIAM L. GUY

Rep. Giffey moved that the rules be suspended and House Memorial Resolution No. 1 be placed on final passage at this time, which motion prevailed.

Rep. Giffey moved that House Memorial Resolution No. 1 be adopted at this time, which motion prevailed and the resolution was declared adopted.

MESSAGE TO THE HOUSE

Senate Chamber
Bismarck, June 21, 1965

Mr. Speaker: I have the honor to transmit:

Senate Bill No. 10

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

GERALD L. STAIR, Secretary

House Chamber
Bismarck, June 21, 1965

Mr. President: I have the honor to inform you that the House has adopted the Conference Committee report on Senate Bill No. 4, and the Speaker has appointed as a new Conference Committee to act with a like committee from the Senate, Representatives:

Lundene
Obie
Johnson of Barnes

DONNELL HAUGEN, Chief Clerk

JOURNAL OF THE HOUSE

MESSAGE TO THE HOUSE

Senate Chamber

Bismarck, June 21, 1965

Mr. Speaker: I have the honor to inform you that the Senate has adopted the Conference Committee report on Senate Bill No. 4 and the President has appointed as a new Conference Committee to act with a like committee from the House, Senators:

Longmire
Torgerson
Thompson

GERALD L. STAIR, Secretary

SIGNING OF BILLS

The Chief Clerk announced that the Speaker was about to sign Senate Bill No. 10

And the Speaker signed the same in the presence of the House.

MESSAGE TO THE SENATE

House Chamber

Bismarck, June 21, 1965

Mr. President: I have the honor to return:

Senate Bill No. 10

Which the Speaker has signed.

DONNELL HAUGEN, Chief Clerk

REPORT OF A SELECT COMMITTEE

Mr. Speaker: Your Conference Committee to whom was referred Senate Bill No. 4 has had the same under consideration and recommends:

That, as the Conference Committee has been unable to agree, the committee be discharged.

For the Senate:

Senator Longmire
Senator Torgerson
Senator Thompson

For the House:

Rep. Lundene
Rep. Obie
Rep. Johnson of Barnes

Rep. Lundene moved that the report be adopted, which motion prevailed.

MESSAGE TO THE HOUSE

Senate Chamber

Bismarck, June 21, 1965

Mr. Speaker: I have the honor to request leave of the House for the Senate to adjourn sine die.

GERALD L. STAIR, Secretary

Rep. Giffey moved that a message be sent to the Senate requesting their consent to adjourn sine die, which motion prevailed.

MESSAGE TO THE SENATE

House Chamber

Bismarck, June 21, 1965

Mr. President: I have the honor to inform you that the House has requested the consent of the Senate to adjourn sine die.

DONNELL HAUGEN, Chief Clerk

Rep. Giffey moved that the request of the Senate to adjourn sine die be approved, which motion prevailed and the request was granted.

Rep. Meschke requested that his remarks be printed in the House Journal.

Rep. Meschke: "I rise on a point of personal privilege and request that my remarks be recorded in the Journal.

The following is a direct quotation of two paragraphs from a Memorandum on "Questions Concerning A Special Session and the Passage of A Temporary Act Extending the Present Sales Tax", Prepared by the Staff of the Legislative Research Committee for the Use of the Subcommittee on Special Session Arrangements, May, 1965.

"In looking over the Constitution and the statutory laws of this state, nothing can be found that would prohibit or restrict the Legislature from passing a temporary act extending the sales tax.

There is, however, one precaution which should be observed. There are cases which hold that a legislature cannot interfere with the people's reserved right to accept or reject legislation through the referral process. Thus, if the Legislature should, for example, repeal House Bill No. 698, repeal parts of House Bill No. 698, or pass any provisions which would be identical in their effort to those found in House Bill No. 698 for the purpose of frustrating the results of the referral election, it may be construed by the courts as interfering with the referendum. There are no North Dakota cases on this point, but the possibility still exists. Any act determined to be an interference, then, could be declared null and void. See *State ex rel Drain vs. Becker*, 240 S.W. 229 (Mo.-1922); *In re Opinion of the Justices*, 174 A. 853 (Maine 1933); 97 A.L.R. 1050, 33 A.L.R. 2d 1133. There is, however, some authority to the contrary. See *In re Opinion of the Justices*, 191 N.E. 33 (Mass.-1934). (Unless in the meantime it shall have been repealed.)"

We, the Democratic Majority of the House, wish to make clear to all that the Republican Majority in the Senate has insisted on compromising this constitutional principle — a constitutional principle so distinctly set forth by the Legislature's independent research staff.

I respectfully submit that you cannot compromise constitutional principles. We have not done so. The resulting impasse brings this state face to face with a patchwork of use tax measures — the result of 30 years of Republican tax responsibility.

Rep. Brown: "By Section 75 of the constitution, we concede the Governor has a right to call a special session of the legislature. However, the condition of the treasury does not indicate a financial crisis. It cannot be determined until after the end of the biennium. Because of the referral it would appear incumbent upon the chief executive to call a special referral election at the earliest possible date so that the people could express their will in regard to their desire for the tax program."

Rep. Streibel: "When the proclamation for this extraordinary special session was issued by the Governor, nowhere did it contain reference to the urgency of the establishment of specific termination date. The proclamation centered around the urgency of financing for the State of North Dakota and its political subdivisions.

If a particular date were so urgent why didn't the Governor make mention of this in the proclamation which called us into session.

By not allowing the people of North Dakota to vote on this special election in July, this we feel is the sole cause for this deadlock. We feel the people of North Dakota would have resolved this issue — that had the election been held in July, this would not have necessitated a drain on the treasury.

We will now leave this extraordinary special session with the legal question of whether or not the use tax will take over where the suspension of the sales tax gives way. We of the minority, feel

that in order to meet this situation in a responsible manner, it would be proper to let the people of North Dakota make their decision first, rather than calling this special session and setting a referral election at such a late date as he gave to us in his message last Monday.

I personally made the statement before we came here a week ago today that I felt that this extraordinary special session before it adjourned would center itself very much in the arena of politics in preference to the main concern, the fiscal affairs of the state. I think in looking back over these 8 days—6 legislative days—that that prediction has come true.

We, in the Republican minority, feel that the Senate majority has offered several compromises. All we have to do is to reflect back to the regular session last winter and review just how many compromises we made on 698 and we are aware that the Republican majority in the Senate was always prepared to compromise. If the issue of fiscal solvency of the state government was the only issue before us we would not be adjourning sine die without having passed any temporary tax legislation."

MESSAGE TO THE HOUSE

Senate Chamber

Bismarck, June 21, 1965

Mr. Speaker: I have the honor to inform you that the Senate grants the House of Representatives request to adjourn sine die.

GERALD L. STAIR, Secretary

MESSAGE TO THE SENATE

House Chamber

Bismarck, June 21, 1965

Mr. President: I have the honor to inform you that the House has agreed to the Senate's request to adjourn sine die.

DONNELL HAUGEN, Chief Clerk

REPORT OF A 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 Resolution "F"

House Memorial Resolution No. 1

REP. SHABLOW, Chairman

Rep. Harrison moved that the report be adopted, which motion prevailed.

SIGNING OF BILLS

The Chief Clerk announced that the Speaker was about to sign:

House Resolution "F"

House Memorial Resolution No. 1

And the Speaker signed the same in the presence of the House.

REPORT OF A STANDING COMMITTEE

The Committee on Enrollment and Engrossment respectfully reports that:

House Resolution "F"

House Memorial Resolution No. 1

Were delivered to the Secretary of State at the hour of 9:40 o'clock a.m., June 22, 1965.

REP. SHABLOW, Chairman

Rep. Giffey moved that the House be on the fifteenth and sixteenth order of business and on conclusion there, stand adjourned, sine die, which motion prevailed.

DONNELL HAUGEN, Chief Clerk

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RECORD OF HOUSE BILLS IN THE HOUSE

House Bill No. 501—

House Bill No. 501. A Bill for an Act to provide for the imposition of a temporary sales tax, exemptions thereto, manner of collection and administration, appeals, penalties, refunds, allocation of revenues, effect on existing laws, and providing effective dates.

Introduction, first reading, 15.

Referred to Committee on Finance and Taxation, 15.

Reported back, do pass, 16.

Second reading, 21.

Passed, 22.

To Senate, 25.

Returned to House, indefinitely postponed, 43.

Senate requests return, 49.

House Bill No. 502—

House Bill No. 502. A Bill for an Act to provide workmen's compensation benefits to volunteer civic project workers while engaged in the construction of civic projects.

Introduction, first reading, 15.

Referred to Committee of the Whole, 15.

Re-referred to Committee on Labor Relations, 16.

Reported back, indefinitely postponed, 20.

House Bill No. 503—

House Bill No. 503. A Bill for an Act to amend and reenact subsection 4 of Section 40-58-06 of the North Dakota Century Code, relating to the preparation and approval of urban renewal plans for municipalities and eliminating certain requirements with regard to permitted uses on redevelopment and declaring an emergency.

Introduction, first reading, 15.

Referred to Committee of the Whole, 15.

Reported back, amended, 16.

Second reading, 22.

Passed, 22.

Emergency carried, 22.

To Senate, 25.

Returned to House, 47.

Enrolled, 79.

Signed by Speaker, 79.

Sent to Senate, 79.

Received from Senate, 80.

Message to Governor, 81.

House Bill No. 504—

House Bill No. 504. A Bill for an Act to amend and reenact sections 2 and 16 of House Bill No. 903, also known as sections 2 and 16 of Chapter 217 of the 1965 North Dakota Session Laws, relating to the establishment and operation of family courts.

Introduction, first reading, 15.

Referred to Committee of the Whole, 15.

Reported back, do pass, 16.

Sixth Order of Business, 20.

Amendments adopted, 20.

Second reading, 23.

Passed, 23.

To Senate, 25.

Returned to House, 43, indefinitely postponed, 43.

House Bill No. 505—

House Bill No. 505. A Bill for an Act to amend and reenact section 28-20-34 of the 1963 Supplement to the North Dakota Century Code, relating to interest rates on judgments.

Introduction, first reading, 15.

Referred to Committee of the Whole, 15.

Reported back, do pass, 16.

Second reading, 23.

Passed, 24.

To Senate, 25.

Returned to House, 47.

Enrolled, 79.

Signed by Speaker, 79.

Sent to Senate, 79.

Received from Senate, 80.

Message to Governor, 81.

House Bill No. 506—

House Bill No. 506. A Bill for an Act to authorize the North Dakota board of higher education to grant to Northwestern Bell Telephone Company an easement over certain tracts of land, and declaring an emergency.

- Introduction, first reading, 15.
- Referred to Committee of the Whole, 15.
- Reported back, do pass, 16.
- Second reading, 24.
- Passed, emergency clause carried, 24.
- To Senate, 25.
- Returned to House, 47.
- Enrolled, 79.
- Signed by Speaker, 79.
- Sent to Senate, 79.
- Received from Senate, 80.
- Message to Governor, 81.

House Bill No. 507—

House Bill No. 507. A Bill for an Act to provide medical assistance for needy persons.

- Introduction, first reading, 20.
- Referred to Committee on Social Welfare.
- Reported back, do pass, 20.
- Second reading, 24.
- Passed, 25.
- To Senate, 25.
- Returned to House, 47.
- Enrolled, 79.
- Signed by Speaker, 79.
- Sent to Senate, 79.
- Received from Senate, 80.
- Message to Governor, 81.

HOUSE CONCURRENT RESOLUTIONS

House Concurrent Resolution "A"—

House Concurrent Resolution "A". A concurrent resolution applying to the Congress of the United States to call a convention for the purpose of proposing an amendment to the Constitution of the United States, relating to apportionment.

- Introduction, first reading, 16.
- Referred to Committee on State and Federal Government, 16.
- Reported back, 16.
- Majority, amend, 16.
- Minority, indefinitely postponed, 17.
- Minority report adopted, 18.
- Clincher motion, 18.

House Concurrent Resolution "B"—

House Concurrent Resolution "B". A concurrent resolution urging and requesting the Diamond Jubilee Committee to transfer all remaining unencumbered funds to the North Dakota Heritage Commission for deposit in the state treasury in the special heritage center fund.

Introduction, first reading, 18.
 Rules suspended, 18.
 Second reading, 18.
 Passed, 19.
 To Senate, 21.
 Returned to House, indefinitely postponed, 43.

House Resolution "C"—

House Resolution "C". A resolution commending the North Dakota congressional delegation for their united support and efforts in the passage of the Garrison Diversion bill in the United States House of Representatives.

Introduction, first reading, 64.
 Rules suspended, 65.
 Second reading, 65.
 Passed, 65.
 Enrolled, 79.
 Signed by Speaker, 79.
 Message to Secretary of State, 79.

House Resolution "D"—

House Resolution "D". A resolution expressing appreciation to House Speaker John W. McCormack, Majority Floor Leader Carl Albert, Minority Floor Leader Gerald R. Ford, and all members of the United States House of Representatives for their support of legislation authorizing the construction of the Garrison Diversion Unit.

Introduction, first reading, 65.
 Rules suspended, 66.
 Second reading, 66.
 Passed, 67.
 Enrolled, 79.
 Signed by Speaker, 79.
 Message to Secretary of State, 79.

House Resolution "E"—

House Resolution "E". A resolution commending members of the North Dakota congressional delegation for their efforts in behalf of the Pembina River Development Plan.

Introduction, first reading, 69.
 Rules suspended, 70.
 Second reading, 70.
 Passed, 71.
 Enrolled, 79.
 Signed by Speaker, 79.
 Message to Secretary of State, 79.

House Resolution "F"—

House Resolution "F". A resolution requesting consideration by the Atomic Energy Commission of establishing a site for the National Laboratory Accelerator in the Grand Forks area.

Introduction, first reading, 78.
 Rules suspended, 78.
 Second reading, 78.
 Passed, 78.
 Enrolled, 82.
 Signed by Speaker, 82.
 Message to Secretary of State, 86.

House Memorial Resolutions No. 1—

House Memorial Resolution No. 1. A resolution in memoriam of Mrs. A. G. Sorlie, a former first lady of North Dakota.

Introduction, first reading, 83.
Rules suspended, 83.
Second reading, 83.
Passed, 83.
Enrolled, 86.
Signed by Speaker, 86.
Message to Secretary of State, 86.

RECORD OF SENATE BILLS IN THE HOUSE

Senate Bill No. 3—

Senate Bill No. 3. A Bill for an Act to amend and reenact sections 28-32-15, 28-32-16, 28-32-17, 28-32-19, and 28-32-21 of the North Dakota Century Code to provide that appeals taken from a decision of an administrative agency shall be tried de novo in the district court, and to repeal section 28-32-18 of the North Dakota Century Code, relating to additional evidence to be taken by an administrative agency pending an appeal to the district court.

To House, 25.
Introduction, first reading, 26.
Referred to Committee on Judiciary.
Reported back, indefinitely postponed, 27.
Returned to Senate, 43.

Senate Bill No. 4—

Senate Bill No. 4. A Bill for an Act to provide for the imposition of a temporary sales tax, exemptions thereto, manner of collection and administration, appeals, penalties, refunds, allocation of revenues, effect on existing laws, and providing effective dates.

To House, 50.
Introduction, first reading, 50.
Referred to Committee on Finance and Taxation, 50.
Reported back, amended, 51.
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Passed, 68.
Returned to Senate, 79.
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Senate Bill No. 5—

Senate Bill No. 5. A Bill for an Act making an appropriation for the purpose of paying expenses of the institutional collections program for the state hospital and to amend and reenact subdivision 17 of subsection 3 of House Bill No. 501 of the Thirty-ninth Legislative Assembly, also known as subdivision 17 of section 3 of chapter 28 of the 1965 North Dakota Session Laws, relating to the appropriation for the board of administration, and declaring an emergency.

To House, 25.
Introduction, first reading, 26.
Referred to Committee on Appropriations.
Reported back, do pass, 27.
Second reading, 45.
Passed, emergency clause carried, 45.

Returned to Senate, 48.
Received from Senate, 80.
Signed by Speaker, 81.
Sent to Senate, 81.

Senate Bill No. 6—

Senate Bill No. 6. A Bill for an Act to amend and reenact section 36-15-08 of the North Dakota Century Code relating to compensation and indemnity payments for herds of animals infected with tuberculosis.

To House, 25.
Introduction, first reading, 26.
Referred to Committee on Agriculture.
Second reading, 45.
Passed, emergency clause carried, 46.
Returned to Senate, 48.
Received from Senate, 80.
Signed by Speaker, 81.
Sent to Senate, 81.

Senate Bill No. 8—

Senate Bill No. 8. A Bill for an Act to provide for the imposition of a temporary sales tax, exemptions thereto, manner of collection and administration, appeals, penalties, refunds, allocation of revenues, effect on existing laws, and providing effective dates.

To House, 25.
Introduction, first reading, 26.
Referred to Committee on Finance and Taxation.
Reported back, amended, 30.
Sixth Order of Business, 43.
Amendments adopted, 43.
Second reading, 44.
Passed, 45.
Returned to Senate, 47.
Senate does not concur, 47.
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Conference Committee Report, 49, 50.

Senate Bill No. 9—

Senate Bill No. 9. A Bill for an Act to amend and reenact section 26-24-22 of the North Dakota Century Code, relating to reinsurance of the state fire and tornado fund, as amended by Senate Bill 340 of the Thirty-Ninth Legislative Assembly of North Dakota also known as Chapter 214 of the 1965 Session Laws of the State of North Dakota, and declaring an emergency.

To House, 25.
Introduction, first reading, 26.
Referred to Committee on Industry and Business.
Reported back, do pass, 27.
Second reading, 46.
Passed, emergency clause carried, 46.
Returned to Senate, 48.
House requests return, 50.
Received from Senate, 80.
Signed by Speaker, 81.
Sent to Senate, 81.

Senate Bill No. 10—

Senate Bill No. 10. A Bill for an Act providing an appropriation and authorizing the payment of expenses of the Extraordinary Session of the Thirty-ninth Legislative Assembly commencing June 14, 1965, and declaring an emergency.

To House, 25.
Introduction, first reading, 26.
Referred to Committee on Appropriations.
Reported back, do pass, 27.
Second reading, 47.
Action delayed, 47.
Second reading, 79.
Passed, emergency clause carried, 80.
Returned to Senate, 81.
Received from Senate, 83.
Signed by Speaker, 84.
Sent to Senate, 84.

Senate Concurrent Resolution "A"—

Senate Concurrent Resolution "A" A concurrent resolution applying to the Congress of the United States to call a convention for the purpose of proposing an amendment to the Constitution of the United States, relating to apportionment.

To House, 47.
Introduction, first reading, 50.
Referred to Committee on State and Federal Government, 50.
Reported back, indefinitely postponed, 50.
Laid on the table, 50.
Returned to Senate, 81.

Senate Concurrent Resolution "B"—

Senate Concurrent Resolution "B". A concurrent resolution commending the citizens of North Dakota, and especially those residing in the Grafton, North Dakota area, for their efforts toward establishing an all-faiths chapel at the Grafton State School.

To House, 26.
Introduction, first reading, 26.
Referred to Committee on Judiciary.
Reported back, do pass, 27.
Second reading, 27.
Passed, 27.
Returned to Senate, 43.
Received from Senate, 80.
Signed by Speaker, 81.
Returned to Senate, 81.