

L A W S

1944

PASSED AT

THE EXTRAORDINARY SESSION

OF THE

TWENTY-EIGHTH
LEGISLATIVE ASSEMBLY

OF THE

STATE OF NORTH DAKOTA

BEGUN AND HELD AT BISMARCK, THE CAPITAL OF SAID
STATE, ON MONDAY, THE TWENTIETH DAY OF
MARCH, 1944, AND CONCLUDING THE
TWENTY - EIGHTH DAY OF
MARCH, 1944.



HOLT PRINTING CO. GRAND FORKS, N. D.

AUTHENTICATION

STATE OF NORTH DAKOTA

Secretary's Office, Bismarck.

I, Thomas Hall, Secretary of State, hereby certify that the laws contained in this volume are true and correct copies of the original enrolled bills passed at the Extraordinary Session of the Twenty-Eighth Legislative Assembly of the State of North Dakota, beginning March 20, 1944 and terminating March 28, 1944. now on file in this office.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of North Dakota, this fifteenth day of May, 1944.

(SEAL)

THOMAS HALL
Secretary of State.

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THE LAWS

AGRICULTURE

CHAPTER 1

S. B. No. 3—(Stucke and Young, by request)

STATE AND COUNTY LANDS, SUSPENDING SALE OF

An Act suspending sales of farm and grazing lands owned by the State of North Dakota, its agencies and subdivisions, subject to specified exceptions, and declaring an emergency.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Sales, transfers and conveyances of all farming and grazing lands owned by the State of North Dakota, by the State Treasurer, as Trustee for the State of North Dakota, and by the several counties of the State of North Dakota at the effective date of this act, in fee simple with power of sale, shall be and hereby are suspended until July 1, 1945, subject, however, to the further provisions hereof.

§ 2. All lands optioned or contracted to be sold to the effective date of this act shall be sold and conveyed as agreed.

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

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

§ 5. This act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved April 12, 1944.

ANIMALS

CHAPTER 2

S. B. No. 2—(Stucke and Young, by request)

HUMANE COYOTE TRAPS

An Act to amend and re-enact Section 9498 of the 1913 Compiled Laws prohibiting the setting of spring or other gun or trap or device, operated by firing or exploding of gunpowder or other explosive; providing certain exceptions, and declaring an emergency; and repealing all acts and parts of acts in conflict herewith.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Every person who sets any spring or other gun or trap or device, operating by the firing or exploding of gunpowder or other explosive, and leaves or permits the same to be left, except in the immediate presence of some competent person, shall be deemed to have committed a misdemeanor; and the killing of any person by the firing of a gun or other device so set shall be deemed to be manslaughter in the first degree.

§ 2. That the provisions of this act shall not be construed to prohibit the use of any device, which may be approved by the State Game and Fish Commissioner as hereinafter provided, which is operated by the explosion of small amounts of gunpowder or other explosive, and which device is designed to discharge poison into the mouth of a wolf, coyote, fox, wildcat or other predator, upon the grabbing or seizing of the bait attached to such device by such predator, and which device does not discharge any ball, slug, shot or other missile, and thus endanger the life and limb of any human being or animal. That such device, operated by the explosion of small amounts of gunpowder or other explosive, designed to discharge poison into the mouth of such predator, and which device does not discharge any missile, shall, nevertheless, be legal only if set not less than one hundred feet from any Federal, State or approved County Highway, and not less than five hundred yards from any rural school while functioning, or any inhabited dwelling without permission of the resident of said building; nor may any such device be used on the land without the permission of the owner or operator.

§ 3. EMERGENCY.] An emergency is hereby declared to exist, and this act shall be in full force and effect from and after its passage and approval; and repealing all acts or parts of acts in conflict herewith.

Approved March 27, 1944.

CHAPTER 3

S. B. No. 1—(Stucke and Young, by request)

PREDATORY ANIMAL CONTROL

An Act to appropriate Fifteen Thousand (\$15,000.00) Dollars for the biennium beginning July 1, 1943 and ending June 30, 1945, to provide for the control of predatory animals such as wolves, coyotes, bobcats and foxes which are injurious to livestock, poultry and game animals and birds; to authorize co-operation with the United States in the control of such predatory animals; and in addition thereto appropriating for the same purpose the net proceeds of furs, skins or specimens sold, making such proceeds available in a sum (sum) not to exceed Twenty Thousand (\$20,000.00) Dollars, and to provide for funds to enable the Department of Agriculture and Labor of the State of North Dakota to carry out the provisions of this Act; providing for a transfer to the State Emergency Fund of \$5000.00 from the appropriation herein made to reimburse said fund for monies transferred therefrom in anticipation of said appropriation; declaring an emergency and repealing all acts or parts of acts in conflict herewith.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. The Department of Agriculture and Labor of the State of North Dakota is hereby authorized and directed to co-operate with the United States Department of the Interior, Fish and Wildlife Service, in the control and destruction of coyotes, wolves, bobcats and foxes in this state that are injurious to livestock, poultry, and game animals and birds, in accordance with organized and systematic plans of the Department of the Interior for the destruction of such predatory animals; and for this purpose to enter into written agreements with the Fish and Wildlife Service covering the methods and procedure to be followed in the control and destruction of such predatory animals, the extent of supervision to be exercised by either or both the Department of Agriculture and Labor and the Fish and Wildlife Service, and the use and expenditure of the funds hereinafter appropriated; Provided, that the Department of Agriculture and Labor, in cooperation with the Fish and Wildlife Service may enter into agreements with other governmental agencies, and counties, associations, corporations, or individuals when such co-operation is deemed to be necessary to promote the control and destruction of predatory animals.

§ 2. (a) The Department of Agriculture and Labor is hereby authorized to make such expenditures for equipment, supplies and other expenses, including expenditures for personal services of hunters and trappers, as may be necessary to execute the functions imposed upon it by this act and as may be provided for by the State Legislature from time to time; provided, that hunters and trappers employed under the provisions of this act shall be

residents of the State of North Dakota, but shall not be entitled to bounty provided by the laws of this State for the killing or extermination of predatory animals; and further provided, that all vouchers for such expenditures made by the Department of Agriculture and Labor shall be approved as to correctness by the duly authorized agent of the Fish and Wildlife Service.

(b) For such expenditures there is hereby appropriated out of money in the State Treasury not otherwise appropriated the sum of fifteen thousand (\$15,000.00) dollars, which appropriation shall be available until expended.

(c) Five thousand dollars (\$5000.00) of the appropriation made in (b) above shall be transferred to the State Contingency Fund to reimburse said fund for monies already transferred therefrom to the fund created by said appropriation in anticipation thereof.

§ 3. All furs, skins and specimens taken by hunters whose salaries are paid out of funds hereinbefore appropriated shall be disposed of in such manner as the Department of Agriculture and Labor shall determine to be in the best interest of the State; provided that if such furs, skins or specimens are sold, the net proceeds of such sales but not in excess of twenty thousand (\$20,000.00) dollars, shall be available and are hereby appropriated for payment of expenditures for equipment, supplies and other expenses including expenditures for personal services of hunters and trappers as may be necessary to execute the functions imposed upon it by this act as set forth in Section 2 hereof.

§ 4. EMERGENCY.] An emergency is hereby declared to exist, and this act shall take effect from and after its passage and approval.

§ 5. REPEAL.] All acts or parts of acts in conflict herewith are hereby repealed.

Approved April 3, 1944.

APPROPRIATIONS

CHAPTER 4

H. B. No. 15—(House Appropriations Committee)

BOARD OF ADMINISTRATION, SALARY

An Act making an appropriation for the increase of salaries of the appointive members of the Board of Administration, and declaring an emergency.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. APPROPRIATION.] There is hereby appropriated out of any monies in the State Treasury, not otherwise appropriated, the sum of Thirty-six Hundred Dollars (\$3600.00), or so much thereof as may be necessary, for the payment of salary increase of the appointive members of the Board of Administration for the biennium ending June 30, 1945.

§ 2. EMERGENCY.] This act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 29, 1944.

CHAPTER 5

H. B. No. 14—(House Committee on Appropriations)

CAPITOL ELEVATOR, MAINTENANCE

An Act making an appropriation for payment of the increase in the elevator maintenance contract for the State Capitol, and declaring an emergency.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. APPROPRIATION.] There is hereby appropriated out of any monies in the state Treasury, not otherwise appropriated, the sum of Eight Hundred Forty Dollars (\$840.00), or so much thereof as may be necessary, for the payment of an increase in the elevator maintenance contract for the State Capitol Building.

§ 2. EMERGENCY.] This act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 29, 1944.

CHAPTER 6

S. B. No. 12—(Page, Lofthus, Wog, Brant, Bridston and Lavik)

FIRE AND TORNADO FUND, REFUNDS

An Act making an appropriation for the return of assessments to State Institutions, State Departments, State Industries, and Political Subdivisions for assessments paid by them to the State Fire and Tornado Fund contrary to the provisions of Chapter 159 of the Session Laws of 1943.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the Fire and Tornado Fund in the State Treasury, not otherwise appropriated, the sum of \$31,000.00 or so much thereof as may be necessary for the payment to State Institutions, State Departments, State Industries, and to political subdivisions of the State for assessments paid by them to the State Fire and Tornado Fund contrary to the provisions of Section 13, Chapter 159 of the Session Laws of 1943.

§ 2. EMERGENCY.] This act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 27, 1944.

CHAPTER 7

S. B. No. 10—(Page, Lofthus, Wog, Brant, Bridston and Lavik)

INSURANCE COMPANY EXAMINERS

An Act making an appropriation to pay the per diem of Examiners as provided for in Chapter 155 of the Session Laws of 1943 and declaring an emergency.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. There is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated the sum of \$18,000.00, or so much thereof as may be necessary to pay the per diem of Insurance Examiners provided for in Chapter 155 of the Session Laws of 1943.

§ 2. An emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

Approved April 3, 1944.

CHAPTER 8

S. B. No. 11—(Page, Lofthus, Wog, Brant, Bridston and Lavik)

INSURANCE PREMIUMS, CATASTROPHE

An Act making an appropriation for the payment of premiums on Insurance provided for in Chapter 152 of the Session Laws of 1943.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. There is hereby appropriated out of any moneys in the State Fire & Tornado Fund in the State Treasury not otherwise appropriated the sum of twenty thousand dollars or so much thereof as may be necessary to pay the premium on catastrophe insurance only as provided for in Chapter 152 of the Session Laws of 1943.

Approved March 27, 1944.

CHAPTER 9

S. B. No. 15—(Appropriations Committee)

LEGISLATIVE EXPENSE

An Act making an appropriation to defray the expenses of the extraordinary legislative session of 1944 and the expenses of the Governor's Advisory Committee and declaring an emergency.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. There is hereby appropriated out of any monies in the State Treasury not otherwise appropriated the sum of twenty thousand dollars or so much thereof as may be necessary to pay the expenses of the 1944 extraordinary legislative assembly of the State of North Dakota, and mileage, per diem, stenographic help and postage of the Governor's Advisory Committee.

Mileage and per diem of members, officers and employees; printing and miscellaneous----	\$19,495.00
Legislative janitor service for the 1944 Special Legislative Session, Board of Administration -----	250.00
Mileage, per diem, stenographic help and postage of the Governor's Advisory Committee -----	255.00
Total -----	<u>\$20,000.00</u>

§ 2. EMERGENCY.] This act is hereby declared to be an emergency and shall be in full force and effect from and after its passage and approval.

Approved March 31, 1944.

CHAPTER 10
S. B. No. 8—(Flatt)

SOLDIERS' HOME

An Act reappropriating monies heretofore appropriated for improvements and repairs of the North Dakota Soldiers' Home at Lisbon, North Dakota, and declaring an emergency.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. That all unexpended monies remaining in the North Dakota Soldiers' Home Improvement and Repair Fund, appropriated by Chapter 61 of the Session Laws for the State of North Dakota for 1937, be and hereby are reappropriated to the North Dakota Soldiers' Home at Lisbon, North Dakota, to be used for the purpose of making improvements and repairs at that institution, as provided by said Chapter 61 of the 1937 Session Laws, and for the purpose of meeting increased costs of maintenance.

§ 2. This act is hereby declared to be an emergency act and shall be in full force and effect from and after its passage and approval.

Approved March 27, 1944.

BONDS

CHAPTER 11
H. B. No. 18—(Morland, by request)

WAR BONDS POLITICAL SUBDIVISIONS AUTHORIZED
TO BUY

An Act authorizing counties, cities, villages, school districts, park districts and townships to invest surpluses in their general fund in bonds of the United States; declaring an emergency.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. From and after the passage and approval of this act, it shall be lawful for counties, cities, villages, school districts, park districts and townships in this state to invest surpluses in their general fund in Government bonds of the United States, provided, however, that bonds so purchased shall be taken into consideration in making levies for the ensuing year, and when funds are needed

for current expenses, the governing board and authorities of such municipalities shall be authorized to convert said bonds into cash.

§ 2. EMERGENCY.] This act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved April 3, 1944.

CODE

CHAPTER 12

S. B. No. 9—(Committee on Judiciary)

CODE, PROVISION FOR INCLUDING, SPECIAL SESSION LAWS

An Act to include in the printed volumes of the North Dakota Revised Code of 1943, all of the laws enacted at the extraordinary session of the North Dakota 28th Legislative Assembly, commencing March 20, 1944, and declaring an emergency.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. That the Code Revision Commission of the State of North Dakota be directed to prepare the laws adopted by this special session of the 28th Legislative Assembly, for publication and to deliver the same to the printer now publishing the New Revised Code. The said Commission shall have authority to re-arrange the printing of the North Dakota Revised Code of 1943 so as to include the laws of this special session of the 28th Legislative Assembly in the appendix or addenda of the Revised Code of North Dakota for 1943.

§ 2. EMERGENCY.] This act is hereby declared to be an emergency and shall be in full force and effect from and after its passage and approval.

Approved March 27, 1944.

COUNTIES

CHAPTER 13

S. B. No. 7—(Raschko, Flatt, Lynch)

ASSESSORS, INCREASE OF COMPENSATION

An Act to amend and re-enact Section 2125 of the Compiled Laws of North Dakota for 1913 as amended by Section 1 of Chapter 248 of the Session Laws of 1929, providing for the election, qualifications and compensation of officers in townships and in unorganized districts; declaring an emergency.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Section 2125 of the Compiled Laws of North Dakota for 1913 as amended by Chapter 248 of the Session Laws of 1929 is hereby amended and re-enacted to read as follows:

§ 2125. ASSESSOR'S DISTRICTS. VACANCY. COMPENSATION.] All counties or parts of counties in this state not organized into civil townships shall be divided into assessor districts, which shall comprise the same territory as the commissioner districts of said county, excluding organized civil townships, and the district assessor thereof shall be elected at the same time that state officers are elected, and his term of office shall be two years from and after the first day of January following. In case of vacancy in the office of district assessor in any of such districts, such vacancies shall be filled by the board of county commissioners of the proper county. Each organized civil township in the state shall continue an assessor district and there shall be one township assessor elected for each one of said townships, at the time the other township officers are elected; provided, that any vacancy in township assessor may be filled by appointment by the board of supervisors of said township where such vacancy exists; provided, further, that cities, towns and villages organized under the general laws of this state shall not be included in the districts provided for in this section but assessor of such cities, towns or villages shall act with the board assessors in any meeting which may be held by such board of county assessors. All assessors of territory not organized into civil townships shall be paid \$7.00 per day each and no more, for the time actually spent by them in making and completing said assessment, that such compensation shall be paid only upon itemized statement setting forth the actual time spent. All assessors of civil townships shall receive \$7.00 per day and no more for the time actually employed in making and completing the assessment of their respective townships, but shall not receive more than Eighty Four Dollars (\$84.00) for the assessing of any civil township,

consisting of not to exceed one congressional township. Said compensation shall be paid only upon itemized statement setting forth the actual time spent in said work, provided, further, that no person shall be eligible to be an assessor unless he is a voter and owner of real estate or personal property in the district or township of which he seeks to be assessor.

§ 2. EMERGENCY.] This act is hereby declared to be an emergency measure, and shall be in full force and effect from and after its passage and approval.

Approved March 27, 1944.

DRAINAGE

CHAPTER 14

H. B. No. 26—(McInnes, Levin, Ohnstad, Johnson of Richland, Saumur, Carlson)

DRAIN, REPAIR AUTHORIZED

An Act to amend and re-enact Section 2486 of the 1925 Supplement to the 1913 Compiled Laws, as amended by Chapter 118 of the 1943 Session Laws, relating to repairs of existing drains and declaring an emergency.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Section 2486 of the 1925 Supplement to the 1913 Compiled Laws, as amended by Chapter 118 of the 1943 Session Laws, be amended and re-enacted to read as follows:

§ 2486. All drains that may have been constructed under any law of this state, or that may be constructed under the provisions of this chapter and situated in this state, shall, except as otherwise provided, be under the charge of the board of county commissioners and their successors in office and be by them kept open and in repair. In all cases when any completed drain is or may be situated in more than one county the care of the portion lying within any county is hereby assigned to the board of county commissioners of such county to be by it kept open and in repair. The cost of such keeping open and in repair shall in all cases be assessed, levied and collected in the same manner as is provided in this chapter for the construction of drains in the first instance, and

in cases when no assessments of benefits shall have been made, the board of commissioners having charge of or to whose care such drain may be assigned shall make such assessments.

Provided that any work of cleaning out or repairing any drain, the cost of which said work is not in excess of \$150.00 in any one year, may be done by day work or under contract therefor, which contract may be let without such work being advertised and the expense thereof shall be paid out of the county road and bridge fund.

Provided that the levy in any one year for cleaning out or repairing any drain shall not exceed a maximum of fifty cents per acre on any lands in such drain district. Provided further that the Board of County Commissioners may accumulate a fund for such purpose, but such fund shall not exceed the maximum levy allowable for one year.

Provided that all such cleaning out and repair shall be let by bids as provided by law except that the said Board of County Commissioners may in their discretion reject any and all bids and perform such work with county equipment or enter into an agreement with any State or Federal agency for such cleaning out and repair of drains, provided that such discretionary power in the Board of County Commissioners shall expire on January 1, 1945 and that on and after January 1, 1945 such cleaning and repair can only be let by bids as provided by law.

Provided, however, that if such levy and the funds accumulated in said drain fund shall not be sufficient for properly cleaning out or repairing such drains, the Board of County Commissioners may spend more than the above maximum limit as follows:

Subsection 1. Upon presentation to the Board of County Commissioners of a petition signed by property owners liable for 10% or more of the cost of such repair or improvement requesting the cleaning out and repair of an established drain, the Board of County Commissioners shall forthwith give notice by registered mail, to all property owners interested in such drain of a hearing upon such petition at some convenient time and place.

Subsection 2. At such hearing after the purpose of the proposed improvement and repair has been explained, and the probable cost and all other pertinent information has been presented, the signers of such petition shall have the right to withdraw their names. Other owners of property within the drainage district shall at that time have the right to add their names to such petition at the time of the hearing or within twenty days thereafter, if they so desire.

Subsection 3. If, after ten days and within twenty days thereafter, petitions are signed containing the signatures of persons owning property which is liable for 51% or more of the cost of such

repair or improvement, the Board of County Commissioners shall proceed in the regular way with such repair or improvement. If however, within twenty days after the hearing on the petition, property owners liable for 51% or more of the cost of such repair and improvements, have not signed such petition, then all action of such project shall be postponed for at least one year.

§ 2. DISSOLUTION OF DRAINAGE DISTRICT.] When a drain has been in existence for twenty years or more, the owners of property subject to 51% or more of the liability for maintaining such drain may petition the Board of County Commissioners for the abandonment and dissolution of such drain. Upon receipt of such petition, the County Commissioners shall call a public hearing on such petition and if they find the number of valid signatures to represent property liable to 51% or more of the cost of upkeep of such drain, the Board of County Commissioners shall then declare such drain to be abandoned and such drainage district to be dissolved, and shall spread such declaration upon the minutes and publish the same with the next publication of the regular County Commissioners proceedings. In case the drainage district extends into two or more counties, the Commissioners upon receipt of the petition above referred to shall convene in joint session and call the public meeting above provided. When a drain has been abandoned and dissolved, it may then be re-established in whole or in part only in the same way as a new drain is established.

§ 3. EMERGENCY.] This act is hereby declared to be an emergency and shall be in full force and effect from and after its passage and approval.

Approved April 3, 1944.

CHAPTER 15

H. B. No. 27—(McInnes, Levin, Ohnstad, Johnson of Richland, Saumur, Carlson)

DRAIN COMMISSIONERS, CONTRACTS

An Act to amend and re-enact Section 2472 of the Compiled Laws of 1913 relating to letting of contracts by Board of Drain Commissioners, and declaring an emergency.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Section 2472 of the Compiled Laws of 1913 be amended and re-enacted to read as follows:

§. 2472. At the time and place appointed the board of drain com-

missioners shall proceed to hear all complaints relative to such assessments, unless a hearing has already been had under the provisions of section 2468, and correct and confirm the same. Such board shall then proceed to let contracts for the construction of the drain by divisions as it shall have divided the same, to the persons who will do the work according to the specifications, for the lowest price and give adequate security for the performance of the same within such time as the contract shall specify. Such board may adjourn such letting in whole or in part and from time to time to such other time and place, to be by it at the time of such adjournment publicly announced, as shall to it seem proper and it may reserve the right to reject any and all bids. The parties who are to be assessed for the construction of such drain and who may be bidders for contracts thereon shall, if equal bidders with other parties, be preferred in the awarding of such contracts; provided, that contracts for the building of bridges and culverts mentioned in section 2482 may be deferred, until the construction of the drain has reached such a stage of completion that the character of the bridges and culverts which will be needed can be determined. As soon as the character of such bridges and culverts can be determined such board shall cause plans and specifications of the bridges and culverts to be constructed in connection with such drain to be prepared and shall give at least ten days' notice of the time and place when and where it will meet parties for the purpose of letting contracts for such construction. Such notice shall be published at least fifteen days prior to the date of the opening of the bids thereunder; such notice shall be published in some established newspaper of general circulation qualified to publish legal notices, and which is printed and published in the city or village or county where such work is located and also in some trade publication of general circulation among the contractors of the state. Such contracts shall be let to the lowest bidder as hereinbefore in this section provided, except that said board of drain commissioners may in their discretion reject any and all bids and enter into an agreement with any state or federal agency for the construction of drains, provided that such discretionary power in boards of drain commissioners shall expire on January 1, 1945 and that on and after January 1, 1945 such construction of drains can only be let by bid as hereinbefore in this section provided.

§ 2. EMERGENCY.] This act is hereby declared to be an emergency and shall be in full force and effect from and after its passage and approval.

Approved April 3, 1944.

ELECTIONS

CHAPTER 16

H. B. No. 3—(Bergesen and Graham, by request)

ABSENT VOTERS, APPLICATION FOR BALLOT

An Act to amend and re-enact Sections 992, 993 and 995 of the Compiled Laws of North Dakota for 1913, as amended by Chapter 148 of the Session Laws of 1941, repealing Sections 1002a1, 1002a2, 1002a5 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913; declaring an emergency.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Section 992 of the Compiled Laws of North Dakota for 1913, as amended by Chapter 148 of the Session Laws of 1941, is hereby amended and re-enacted to read as follows:

§ 992. ABSENT VOTER, WHO MAY VOTE.] Any qualified elector of this state, who is absent from the county in which he is an elector, or who by reason of physical disability, or who is in the Military or Naval service or the Merchant Marines of the United States of America, and, is unable to attend at the polling place in his precinct to vote at any general or primary election, may vote an absent voters ballot at any such election as hereinafter provided.

§ 2. AMENDMENT.] That Section 993 of the Compiled Laws of 1913, as amended by Chapter 148 of the 1941 Session Laws is hereby amended and re-enacted to read as follows:

§ 993. APPLICATION FOR BALLOTS. MADE WHEN.] At any time within seventy (70) days next preceding such election, any voter expecting to be absent on the day of election from the county in which his voting precinct is situated, or who by reason of physical disability, or who is in the Military or Naval service or the Merchant Marines of the United States of America and, is unable to attend at the polling place in his precinct to vote at such election, may make application to the county auditor of such county for an official absent voters ballot to be voted at such election.

§ 3. AMENDMENT.] That Section 995 of the Compiled Laws of North Dakota for 1913, as amended by Chapter 148 of the Session Laws of 1941, is hereby amended and re-enacted to read as follows:

§ 995. APPLICATION FOR.] Application for such ballot shall be made on a blank to be furnished by the county auditor of the county of which the applicant is an elector and must be substantially in the following form:

I _____, a duly qualified elector of the township of _____ or of the village of _____ or of the _____ precinct of the _____ ward of the city of _____ of the county of _____ of the State of North Dakota, to my best knowledge and belief entitled to vote in such precinct at the next election, expecting to be absent from said county on the day for holding such election, or by reason of physical disability being unable to attend and vote at such election, hereby make application for an official absent voters ballot to be voted by me at such election.

Date _____ Signed _____
Postoffice _____

Provided, that if the application be made for a primary election ballot such application shall also give the name of the political party with which the applicant is affiliated.

Provided that when such application is made upon the ground of physical disability it shall be accompanied by the certificate of the superintendent of a hospital in which the applicant is actually confined or by the certificate of a licensed physician who is attending said applicant to the effect that said applicant is under such physical disability by reason whereof he is confined to such hospital or other place of confinement (stating location thereof) and is unable to attend and vote at such election.

Provided that qualified electors in the Military or Naval service or the Merchant Marines of the United States of America shall not be required to file any formal application for an absent ballot but each county auditor of each county in the State of North Dakota shall upon receiving any information whether in writing or otherwise as to the mailing address of any qualified elector in the Military or Naval service or the Merchant Marines of the United States immediately upon receiving the ballots from the printers, mail to such electors a ballot together with proper return envelope and instructions for voting.

§ 4. REPEAL.] That Sections 1002a1, 1002a2, 1002a5 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, are hereby repealed.

§ 5. EMERGENCY.] This act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved April 4, 1944.

CHAPTER 17

H. B. No. 9—(Graham and Bergesen, by request)

ABSENT VOTERS, ARMED FORCES, METHOD OF VOTING

An Act to amend and re-enact Sections 1002a3 and 1002a4 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, relating to absent voters' ballots for voters not in the county on election day and serving in the Armed Forces or Merchant Marine of the United States, declaring an emergency.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Section 1002a3 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913 be amended and re-enacted to read as follows:

§ 1002a3. ABSENT VOTER BALLOT; HOW SENT.] It shall be the duty of each county auditor, at least sixty days before any primary or general election, of his own accord and without application from any elector, to send such absent voter ballot to such elector in the manner provided in section 997 of the Compiled Laws of North Dakota for 1913; provided, however, that the enclosed envelope shall be duly stamped with return air mail postage and the affidavit endorsed thereon may be made by such elector before his immediate commissioned commanding officer, or any commissioned officer, noncommissioned officer not below the rank of sergeant, or petty officer, in the armed forces of the United States and any member of the merchant marine of the United States designated for this purpose by the Administrator of the War Shipping Administration is authorized to administer, and attest such oaths as are required by this act; and provided, further, that such affidavit need not have any venue.

§ 2. AMENDMENT.] That Section 1002a4 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913 be amended and re-enacted to read as follows:

§ 1002a4. BALLOT AND CANVASSING.] Such absent voter shall make and subscribe such affidavit before his immediate commissioned commanding officer or any commissioned officer, noncommissioned officer not below the rank of sergeant, or petty officer, in the armed forces of the United States and any member of the merchant marine of the United States designated for this purpose by the Administrator of the War Shipping Administration is authorized to administer and attest such oaths as are required by this Act; and shall thereupon, in the presence of such officer and of no other person, mark such ballot or ballots in the manner provided in section 998 of the Compiled Laws of North Dakota for 1913; and the county auditor, upon receipt of such envelope shall

proceed in the same manner as provided in Section 999 of the Compiled Laws of 1913 relating to absent voter ballots; provided, however, that if any such envelope is received by such county auditor too late to be forwarded to the proper voting precinct in time to be canvassed, the same shall be retained by him and canvassed by the canvassing board of the county of such auditor at any time prior to the meeting of the state canvassing board or any adjourned meeting of said board where the same has been received by such auditor in time to canvass and transmit the results to the state canvassing board. In all other respects such absent voter ballots of electors engaged in the military service or merchant marine of the United States shall be treated in the same manner as now provided for the absent voter ballots.

§ 3. EMERGENCY.] This Act shall be declared to be an emergency measure, and shall take effect from and after its passage and approval.

Approved April 4, 1944.

CHAPTER 18

H. B. No. 4—(Bergesen and Graham, by request)

BALLOTS, WHEN PREPARED

An Act to amend and re-enact Section 1003 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, relating to the duties of the Secretary of State, County Auditor or any other officer by law required to prepare general or primary election ballots; fixing time when said ballots are to be prepared; declaring an emergency.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Section 1003 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, be amended and re-enacted to read as follows:

§ 1003. BALLOTS FURNISHED AUDITOR, WHEN.] It shall be the duty of the secretary of state, county auditor, or any other officer by law required to prepare any general or primary election ballots, to prepare and have printed and delivered to the county auditor at least sixty (60) days prior to the holding of any general or primary election, a sufficient number of absent voter ballots provided for by law for the use of all voters likely to be absent from such county on the day of such election.

§ 2. EMERGENCY.] This act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 29, 1944.

CHAPTER 19

H. B. No. 11—(Graham and Bergesen, by request)

CANDIDATES COUNTY OFFICE, FILING PETITIONS

An Act amending and re-enacting Section 854 of the 1925 Supplement to the Compiled Laws for North Dakota for 1913 as amended by Chapter 139 of the Session Laws of 1931, relating to the obtaining and filing of petitions for county officers, county commissioners and legislative candidates, filing fees therefor and declaring an emergency.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Section 854 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913 as amended by Chapter 139 of the Session Laws of 1931, is hereby amended and re-enacted to read as follows:

§ 854. Every candidate for a county or district office shall not more than ninety (90) days nor less than seventy (70) days and before four o'clock P. M. of the seventieth (70th) day prior to any primary election present to the County Auditor a petition giving his name, post office address, the title of the office to which he aspires, and if such office is under party designation, then the petition shall state the party represented by the candidate. Such petition shall contain the names of not less than two per cent and not more than five per cent of the total vote cast for said office at the last general election if the office be under no party designation, and if under party designation, then the same percentage shall be applied to the total vote cast for the candidate of the party represented for the same position at the last general election. If no candidate was elected or votes cast for an office at the last general election, a petition shall be deemed sufficient if it has the number of signers equal to the number of the foregoing percentage requirements applied to the total average vote cast for the offices of Sheriff, Superintendent of Schools and County Auditor at the last general election in such county or district as the case may be, such average to be arrived at by dividing the total vote cast for said offices in such county or district as the case may be by three.

Each name on a petition shall be that of a qualified voter and if the office is under party designation, then such name shall be subscribed under the proper party heading. Each signer of a nomination paper shall sign but one such paper for the same office; he shall add his residence with the street number, if any, and the date of signing. Upon the receipt of such petition by the County Auditor and the payment to him of the filing fee of three dollars, (\$3.00), excepting candidates for county commissioners, district assessors, surveyors, coroner, county constables and county justices of the peace, who shall pay no filing fee and when accompanied by an affidavit as provided in Section 853 relating to petitions required, fees and filing affidavit of candidate, such County Auditor shall place the name of such applicant upon the primary election ballot in the columns of his party as hereinbefore provided.

When a legislative district is composed of more than one county, the petition herein provided for shall be filed with the County Auditor of the county where the candidate resides, and such County Auditor shall certify to the county auditors of the other counties comprising such legislative districts the names of the candidates filing such petitions. The filing fees received as above by the County Auditor shall be turned over by him to the County Treasurer to be converted into the general fund.

§ 2. EMERGENCY.] This act is hereby declared to be an emergency measure, and shall be in full force and effect from and after its passage and approval.

Approved March 29, 1944.

CHAPTER 20

H. B. No. 10—(Graham and Bergesen, by request)

CANDIDATES, INDIVIDUAL NOMINATIONS, FILING AND CERTIFICATION

An Act to amend and re-enact Sections 973 and 974 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, relating to the time of certification of nomination to be filed with the Secretary of State and certificates of nomination to be filed with the County Auditors; certification by the Secretary of State to County Auditors, and declaring an emergency.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Section 973 of the Supplement of 1925 to the Compiled Laws of North Dakota for 1913, be amended and re-enacted to read as follows:

§ 973. CERTIFICATE OF NOMINATION WHEN TO BE FILED.] Certificates of nomination to be filed with the secretary of state, shall be filed not less than seventy (70) days before the day fixed by law for election of persons in nomination and not later than 5:00 o'clock P. M. on the seventieth (70) day, and certificates of nomination herein directed to be filed with the county auditor, shall be filed not less than seventy (70) days before the day of election and not later than 5:00 o'clock P. M.; provided that in the case of nominations for special elections called to fill vacancies caused by death, resignation or otherwise, such certificates shall be filed not less than twenty-five (25) days before the day of election and not later than 5:00 o'clock P. M. on the twenty-fifth (25) day. The secretary of state and the several county auditors shall cause to be preserved in their respective offices for six months all certificates of nominations filed therein under the provisions of this article. All such certificates shall be open to public inspection under proper regulations to be made by such officers.

§ 2. AMENDMENT.] That Section 974 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, be amended and re-enacted to read as follows:

§ 974. SECRETARY OF STATE TO CERTIFY NOMINATIONS FOR STATE OFFICE.] Not less than sixty-five (65) days before an election to fill any state or district office, the secretary of state shall certify to the county auditor of each county within which any of the electors may by law vote for candidates for such office, the name and post office address of each person nominated for such office as specified in the certificates of nomination filed with him; provided, that in case of a special election called to fill a vacancy the secretary of state shall so certify the names of such candidates not less than twenty (20) days before such special election.

§ 3. EMERGENCY.] This act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 29, 1944.

CHAPTER 21

H. B. No. 2—(Bergesen and Graham, by request)

CANDIDATES, STATE OFFICE, FILING PETITIONS

An Act to amend and re-enact Section 853 of the Compiled Laws of North Dakota for 1913, relating to the obtaining and filing of petitions of candidates for United States Senate, members of Congress, State officers, Judges of the Supreme and District Courts, and declaring an emergency.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Section 853 of the Compiled Laws of North Dakota for 1913 be amended and re-enacted to read as follows:

§ 853. PETITION REQUIRED. FEES FOR FILING. AFFIDAVIT OF CANDIDATES.] Every candidate for United States senator, member of congress, state officers, (judge of the supreme and district courts,) shall not more than ninety (90) days nor less than seventy (70) days prior to said primary election, present to the secretary of state a petition giving his name, post office address, the title of the office to which he aspires and the party which he represents, containing the names of 3 per cent of the total vote cast for the candidates of the party with which he affiliates, for the same position at the last general election; provided, however, that in no case shall more than three hundred names be required. Each name on the petition shall be that of a legal voter and be subscribed under a certified party heading.

Upon receipt by the secretary of state of such petition accompanied by the following affidavit, he shall place the applicant's name upon the primary election ballot in the columns of his party as hereinafter provided. Said affidavit may be substantially as follows:

State of North Dakota }
County of ----- } ss

I, -----, being duly sworn, depose and say that I reside in the County of ----- and State of North Dakota; that I am a qualified voter therein; that I am a candidate for nomination to the office of ----- to be chosen at the primary election to be held on the -----, 19-- and I do hereby request that my name be printed upon the primary election ballot as provided by law, as a candidate of the ----- party for said office.

Subscribed and sworn to before me, this_____day of
_____, 19--.

Notary Public
North Dakota.

§ 2. EMERGENCY.] This act is hereby declared to be an emergency measure, and shall be in full force and effect from and after its passage and approval.

Approved March 29, 1944.

CHAPTER 22

H. B. No. 13—(Graham and Bergesen, by request)

CANDIDATES, WITHDRAWAL FROM BALLOT

An Act to amend and re-enact Section 976 of the Compiled Laws of North Dakota for 1913, relating to withdrawal of nominees from public office as candidates; fixing time within which such withdrawal may be made; declaring an emergency.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Section 976 of the Compiled Laws of North Dakota for 1913, is hereby amended and re-enacted to read as follows:

§ 976. IN CASE NOMINEE DECLINES, CERTIFICATE VOID.] Whenever any person nominated for public office as in this chapter provided, shall, at least seventy (70) days before election, in writing notify the officer with whom the certificate nominating him is filed that he declines such nomination; such nomination shall be void.

§ 2. EMERGENCY.] This act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 29, 1944.

CHAPTER 23

H. B. No. 8—(Graham and Bergesen, by request)

CERTIFICATION AND PUBLICATION, MEASURES

An Act to amend and re-enact Section 979 of the Compiled Laws of North Dakota for 1913 relating to certification by Secretary of State to County Auditors of proposed constitutional amendment and publication for same in the several counties of the State; and declaring an emergency.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Section 979 of the Compiled Laws of North Dakota for 1913 be amended and re-enacted to read as follows:

§ 979. CONSTITUTIONAL AMENDMENTS TO BE ADVERTISED.] Whenever a proposed constitutional amendment or other question is to be submitted to the people of the state for popular vote the secretary of state shall, not less than sixty-five (65) days before election, certify the same to the auditor of each county in the state and the auditor of each county shall include the same in the publication provided for in Section 975. Questions to be submitted to the people of the county shall be advertised as provided for nominees for office in such section.

§ 2. EMERGENCY.] This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 29, 1944.

CHAPTER 24

H. B. No. 5—(Bergesen and Graham, by request)

CERTIFICATION OF CANDIDATES, PRIMARY ELECTION

An Act to amend and re-enact Section 920 of the Compiled Laws of North Dakota for 1913, relating to certification by the Secretary of State to county auditors of a certified list of names and addresses of candidates at the primary election, and declaring an emergency.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Section 920 of the Compiled Laws of North Dakota for 1913 be amended and re-enacted to read as follows:

§ 920. CERTIFIED LISTS OF NOMINEES.] At least sixty-five (65) days before any primary preceding a general election, the secretary of state shall transmit to each county auditor a certified list containing the names and post-office addresses of each person for whom nomination papers have been filed in his office and entitled to be voted for at such primary, together with a designation of the office for which he is a candidate, and the party or principle he represents.

§ 2. EMERGENCY.] This act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 29, 1944.

CHAPTER 25

H. B. No. 7—(Graham and Bergesen, by request)

COUNTY NO-PARTY BALLOT, FILLING VACANCIES

An Act to amend and re-enact Chapter 138 of the Session Laws of 1939, relating to filling of vacancies of elective county officers, superintendents of schools, and county commissioners on the no-party ballot; declaring an emergency.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Chapter 138 of the Session Laws of 1939 is hereby amended and re-enacted to read as follows:

§ 1. Whenever a vacancy shall exist on the no-party ballot in any county, or district within any county, by reason of the death of any person who was candidate and was nominated at the primary election, or whenever a vacancy shall exist on the no-party ballot due to the failure of a candidate or candidates at the primary election to receive the number of votes required by Section 862a of the Supplement to the Compiled Laws of 1913, or whenever a vacancy shall exist on the no-party ballot by the conviction of a candidate of a crime or offense involving moral turpitude, or due to the death, insanity or mental incompetency of any such candidate, then and in that event, such vacancy may be filled by filing with the county auditor at least seventy (70) days prior to the general election a petition in writing as provided for in Section 854, Supplement to the Compiled Laws of 1913 and acts amendatory thereof and supplemental thereto by such person or persons as desire to become a candidate or candidates for the election to the office for which a vacancy exists pursuant to the terms

of this act, except that the petition for the nomination of any person to fill such vacancy shall be signed by at least twenty per cent (20%) of the voters of such county or district, as shown by the total vote cast for Governor at the last preceding general election in said county or district.

§ 2. EMERGENCY.] This act is hereby declared to be an emergency measure and shall be in full force and effect from and after passage and approval.

Approved March 29, 1944.

CHAPTER 26

H. B. No. 12—(Graham and Bergesen, by request)

PRECINCT COMMITTEEMEN, FILING REQUIREMENTS

An Act to amend and re-enact Sections 1 and 3 of Chapter 135 of the Session Laws of 1935 fixing time for the primary election, for the election of precinct committeemen and declaring an emergency.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Section 1 of Chapter 135 of the Session Laws of 1935 be amended and re-enacted to read as follows:

§ 1. That at the Party Primary Election now held on the last Tuesday in June of each even numbered year prior to Presidential years and commencing with the year 1938, and each fourth year thereafter, there shall be elected as hereinafter provided by the qualified electors of each political party from each voting precinct, committeemen to represent such political party.

§ 2. AMENDMENT.] That Section 3 of Chapter 135 of the Session Laws of 1935 be amended and re-enacted to read as follows:

§ 3. Candidates for precinct committeemen may have their names placed on separate party ballots of their respective parties within their respective precincts by filing with the county auditor not more than ninety (90) nor less than seventy (70) days prior to the election petitions bearing the signatures of not less than five per cent of the last vote in such precinct for the aforesaid candidate for presidential elector of the party to which the candidate for precinct committeeman belongs. Such nominating petitions shall conform with the now existing requirements of law in all matters not specifically provided for herein. Each name on the petition shall be that of a qualified voter of the precinct of which the candidate seeks to be elected and be subscribed under a party heading. Each signer of

a nomination paper shall be entitled to sign the same number of petitions as the number of precinct committeemen entitled to be elected in his precinct; he shall add his residence with the street number, if any, and the date of signing.

§ 3. EMERGENCY.] This act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 29, 1944.

HEALTH

CHAPTER 27

S. B. No. 5—(Stucke, Drew, Porter, Bridston and Day)

BLOOD PLASMA, STORAGE AND DISTRIBUTION

An Act authorizing and directing the State Health Department to secure and process blood; to store and distribute blood plasma free of charge to the people of the State of North Dakota; providing an appropriation of \$10,000.00 therefore; and declaring an emergency.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. The State Health Department in cooperation with the University of North Dakota, is hereby authorized and directed to obtain blood from donors in the State of North Dakota, to purchase equipment necessary for processing such blood, to process the same, and to furnish blood plasma so processed free of charge to the people of the State of North Dakota, and to provide reserves of blood plasma in various parts of the state.

§ 2. The State Health Officer is in authority to establish from time to time rules and regulations covering the distribution and use of such plasma.

§ 3. APPROPRIATION.] There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of \$10,000.00 to be used for the purpose of purchasing equipment and paying expenses necessary to carry out the purposes of this act. Disbursements shall be made on vouchers approved by the State Health Officer.

§ 4. The State Health Officer shall present a detailed report

of progress made and monies expended under this act to the 29th Legislative Assembly of the State of North Dakota.

§ 5. This act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 27, 1944.

INSURANCE

CHAPTER 28

S. B. No. 13—(Page, Lofthus, Wog, Brant, Bridston and Lavik)

FIRE AND TORNADO FUND LAW AMENDMENT

An Act to amend and re-enact Sections 1, 13, and 19 of Chapter 159 of the Laws of 1943 (being Sections 26-2401, 26-2413 and 26-2419 of the Revised Code for 1943), defining the words "Commissioner", "Fund", "Political Subdivision", and "Permanent Contents" as used in the State Fire and Tornado Fund Law; providing for the assessments to be made for such Fund.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Section 1 of Chapter 159 of the Laws of 1943, being Section 26-2401 of the Revised Code for 1943, be and the same is hereby amended and re-enacted to read as follows:

§ 1. DEFINITIONS.] In this Act unless the context or subject matter otherwise requires:

- (1) Commissioner shall mean the Commissioner of Insurance;
- (2) Fund, shall mean the State Fire and Tornado Fund;
- (3) Political Subdivision, shall include a County, City, Township, Village, School District or Park District of this State;
- (4) Permanent Contents, shall refer only to such public property usually kept or used in or about public buildings insured in the Fund, and to all public personal property usually kept or used in or about all buildings used for public purposes, or within 100 feet of all such buildings, or while on sidewalks, streets, alleys, yards, detached platforms and in or on railway cars. Permanent Contents, as used in this Act, shall not, however, include automobiles, trucks, tractors, road machinery or similar property used principally outside of such buildings.

§ 2. AMENDMENT.] That Section 13 of Chapter 159 of the Laws of 1943, being Section 26-2413 of Revised Code for 1943, be and the same is hereby amended and re-enacted to read as follows:

§ 13. ASSESSMENT.] Between the first day of July and the first day of August, 1945, and each odd numbered year thereafter, if the reserve fund shall have been depleted below the sum of Two Million Dollars, the Commissioner shall determine the amount of money which may be necessary as of the first day of July in such year, to bring the said reserve fund up to the sum of Two Million Dollars and he, thereupon shall levy an assessment against each and every policy on all public property except as hereinafter provided, in proportion to the length of time such policy shall have been in force during the preceding two year period. Said assessment shall be computed as follows:

The 80% or 90% co-insurance rate established by the Fire Underwriters Inspection Bureau for each insured property to which said 80% or 90% co-insurance rate may be applicable, and the full rate established for properties to which the said co-insurance rate is not applicable under the rules of the said Fire Underwriters Inspection Bureau, shall be applied to the amount of insurance provided in each policy and the result of the application of said rate to the amount of insurance shall set the tentative assessment to be made against such policy. The total of all of such tentative assessments shall then be ascertained. The percentage of such assessment necessary to restore the reserve fund to the sum of Two Million Dollars shall then be computed and collected on each policy, but in no case shall any assessment be greater than 50% of the rate established by the Fire Underwriters Inspection Bureau for such risk. In case of a fractional percentage the next higher whole per cent shall be used in such computation.

§ 3. AMENDMENT.] That Section 19 of Chapter 159 of the Laws of 1943, being Section 26-2419 of the Revised Code for 1943, be and the same is hereby amended and re-enacted to read as follows:

"REPAIR OR REPLACEMENT OF DESTROYED BUILDINGS." In the event that the Commissioner and the insured shall agree that the Fund shall repair or replace the building destroyed or damaged, no such repairs, rebuilding or replacement shall be undertaken by the Commissioner or any employees of his department but if they are deemed necessary or proper in any case, they shall be performed by independent contractors. In no event shall the cost of such repairs, rebuilding or replacements exceed the amount of the insurance carried upon the particular risk.

Approved April 3, 1944.

CHAPTER 29
S. B. No. 16—(Page)

INTERIM LEGISLATIVE COMMITTEE

An Act to establish an Interim Legislative Committee to investigate charges made against the Department of Insurance, to fix the duties of such Committee and provide the procedure for such Committee, to compel the attendance of witnesses and the production of records before the Committee and/or its representatives, and fix penalties for refusal, and making an appropriation for the use of said Committee.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. A Joint Legislative Committee, consisting of three members from the Senate and four members from the House of Representatives selected by each House, respectively, and known as the Interim Investigating Committee, having been established by concurrent resolution of the House and Senate at the 1944 Special Session of the Legislature for the purpose of investigating the funds, agencies and departments under the supervision of the Insurance Commissioner, it is the purpose of this Act to give legal status beyond that created by the Concurrent Resolution to the Acts of such Committee and its representatives, and provide legal penalties in addition to the general remedies for contempt of the legislature, and to provide an appropriation for the payment of the expense of such Committee.

§ 2. The members of the Senate and House of Representatives appointed to such Interim Investigating Committee at the 1944 Special Session of the Legislature by virtue of said Concurrent Resolution, shall constitute the Committee referred to in this Act.

§ 3. It shall be the duty of such Committee to make a thorough investigation, within and without the State of North Dakota, concerning the operation of the several departments, agencies, and funds which are under the jurisdiction of the Commissioner of Insurance. Said Committee shall report to the Regular Session of the Legislature its finding as to whether or not the Insurance Commissioner and the employees, agencies, departments and funds within the Insurance Department, or any of them, have failed or refused to comply with legislation and resolutions passed by the Regular Session of 1943 or the Special Session of 1944; whether or not they or any of them have made payments for reinsurance not authorized by the Legislature; whether or not they or any of them have been engaged in questionable practices in the adjustment of losses; whether or not they or any of them have been involved in questionable bond transactions with or without the assistance of other

state departments or institutions, and whether or not there are any other practices, acts or conduct in said departments, agencies or funds, by any of the officers or employers thereof, including the Commissioner and the heads of the several agencies, departments and funds, which should merit further or curative legislative action.

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

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

§ 6. All corporations and all officers, agents, servants and employees of all corporations licensed or authorized to do business within this state by any authority of the state, (such as the Insurance Commissioner, State Banking Board, Secretary of State and all other licensing and supervisory authorities), shall be required to obey all subpoenas and orders to produce issued by the Committee or its authorized members or representative as provided in the previous section, at any place within the county where it shall have its principal office or any other office which may have evidence, records and documents desired by the Committee or its authorized member or representative, whether within or without this state; and in case of the failure or refusal of any such corporation or any of its officers, agents or servants to obey any such subpoena or order to produce, or to appear and testify under oath or affirmation, concerning the matters requested, the committee shall forthwith make report of the facts of such failure or refusal to the supervising or licensing

authority of this State, and it shall thereupon be the mandatory duty of such supervising or licensing authority or officer to give said corporation 10 days notice in writing by registered mail or his or its intention to cancel the license or authority of said corporation to do business within this state, and at the expiration of said 10 day period said licensing or supervisory authority shall hear evidence only upon the question of the failure or refusal to obey such subpoena or order to produce, and if the evidence shall show such refusal or failure, the license and authority of said corporation to do business in this State shall be forthwith cancelled and revoked; and in case of the failure of said supervising or licensing authority to give such notice, or in case of the failure or refusal of the supervising authority to cancel and revoke such license, the said Committee may institute an action in the District Court, in the nature of a writ of mandamus, to compel such cancellation and revocation by the supervising and licensing authority, and upon the hearing before the Court, the Court shall pass upon the evidence as to whether or not there has been such failure or refusal to obey such subpoenas or orders to produce, and if the Court shall find such failure or refusal, the Court shall order the license and authority cancelled by the licensing or supervisory authority or officer.

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

§ 8. There is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, the sum of \$20,000 for the purpose of carrying out the provisions of this Act and said concurrent resolution, and any expenses incurred by the committee under said concurrent resolution, prior to the effective date of this Act, as well as expenses incurred thereafter, shall be proper charges to be paid for out of this appropriation.

Approved April 3, 1944.

MILITARY AFFAIRS

CHAPTER 30

H. B. No. 24—(Fitch and Crockett)

COUNTY VETERANS' SERVICE OFFICER

An Act authorizing the Board of County Commissioners to appoint, employ, and pay a County Veterans' Service Officer to assist returning members of the Armed Forces in the solution of their problems.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. The Board of County Commissioners of each County in the State of North Dakota is hereby authorized to appoint, employ and pay, on a full-time or part-time basis, an officer to be known as a County Veterans' Service Officer whose duty it shall be to acquaint himself with the laws, both State and Federal, enacted for the benefit of returning servicemen and to assist such returning members of the Armed Forces in the presentation, proof and establishment of such claims, privileges and rights as they may have. It shall also be the duty of the County Veterans' Service Officer to actively cooperate with and to coordinate the activities of State and Federal agencies within the county which he serves to facilitate their operation and insure promptness in the solution of the problems concerned with the re-establishment of returning servicemen and women in civilian pursuits.

§ 2. The County Veterans' Service Officer shall be paid such monthly salary for full-time or part-time work together with traveling expenses as the Board of County Commissioners shall deem commensurate with the needs of the situation.

Approved April 3, 1944.

CHAPTER 31

S. B. No. 4—(Stucke and Young, by request)

RECORDING DISCHARGES, ARMED FORCES

An Act to amend Chapter 178 of the laws of 1943, providing for the recording of the discharge papers from the National Guard, the Army, Navy, Marine Corps, and all other branches of the Military Forces of the United States, without fee; declaring an emergency; legalizing previous filings, exempting clerks of court from certain accountability and repealing all acts and parts of acts in conflict herewith.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] Section 1 of Chapter 178 of the laws of 1943 is hereby amended and re-enacted to read as follows:

§ 1. It is hereby provided that those discharged from the National Guard, the Army, the Marine Corps and other branches of the armed forces of the United States, may record their discharges from such armed forces, certificates issued in lieu thereof, duly authenticated and certified copies thereof, or duly certified records of their service and discharge from such armed forces in the office of the Clerk of the District Court of the county in which they reside, without payment of any fee whatsoever, and such recording shall have the same force and effect as the recording of other instruments.

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

§ 3. EMERGENCY.] This act is hereby declared to be an emergency measure and shall be in full force and effect from and after the date of its passage and approval.

§ 4. REPEAL.] All acts or parts of acts in conflict herewith are hereby repealed.

Approved April 3, 1944.

CHAPTER 32

H. B. No. 20—(Fitch)

VETERANS AID COMMISSION, AMENDMENT

An Act to amend and re-enact Section 11 and Section 13 of Chapter 269 of the Session Laws of 1943, relating to Veterans Aid Commission, and increasing the amount which may be expended by the Commission, and providing for compensation for the members of the Commission and providing for compensation for the Executive Secretary of the Commission; and declaring an emergency.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Section 11 of Chapter 269 of the Session Laws of 1943 be and the same is hereby amended and re-enacted to read as follows:

§ 11. It is further provided that the Veterans' Aid Commission may expend for any purpose necessary to the proper administration of this Act sums not to exceed an aggregate of \$5000.00, and for the items of such sum so expended, vouchers shall be issued in the manner hereinbefore provided.

§ 2. AMENDMENT.] That Section 13 of Chapter 269 of the Session Laws of 1943 be and the same is hereby amended and re-enacted to read as follows:

§ 13. Each member of the Veterans' Aid Commission shall receive the sum of Five Dollars (\$5.00) per day as compensation for his services while actually engaged in the performance of the duties of his office, and shall be reimbursed for his actual and necessary expenses in the travel to, from and during their attendance at meetings of the Veterans' Aid Commission, such expenses to be repaid by a voucher issued and drawn as hereinbefore provided, based upon itemized vouchers sworn to by the members of such Commission.

The Executive Secretary shall be paid his actual and necessary expenses while actually engaged in the performance of his office.

§ 3. EMERGENCY.] This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved April 3, 1944.

NORTH DAKOTA

CHAPTER 33

H. B. No. 6—(Graham and Bergesen, by request)

JUDGES SUPREME COURT, SALARY

An Act amending and re-enacting the Initiated Act approved by the electors of the State of North Dakota on November 8, 1932, which Act amended and re-enacted Section 719 of the 1925 Supplement to the Compiled Laws of the State of North Dakota for 1913, relating to the salaries of Judges of the Supreme Court of the State of North Dakota, and providing for an increase of salaries for said Supreme Court Judges from Five Thousand Dollars (\$5000.00) to Five Thousand Five Hundred Dollars (\$5500.00) a year; and declaring an emergency.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. That Section 719 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, as amended by the Initiated Act, approved by the electors of the State of North Dakota on the 8th day of November, 1932, fixing the salaries of the Supreme Court Judges of this State, is hereby amended and re-enacted to read as follows:

§ 719. Each Judge of the Supreme Court shall, from and after the first day of January, 1945, receive an annual salary of Five Thousand Five Hundred Dollars (\$5500.00).

§ 2. EMERGENCY.] An emergency is hereby declared to exist and this act shall take effect and be in force from and after its passage and approval.

Approved April 3, 1944.

CHAPTER 34

H. B. No. 17—(Fitch and Schnell)

STATE TAX COMMISSIONER, SALARY

An Act fixing the salary of the State Tax Commissioner at Four Thousand Dollars (\$4000.00) per annum, and repealing all acts or parts of acts in conflict herewith.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. From and after the first day of January, 1945, the salary

of the Tax Commissioner shall be the sum of Four Thousand Dollars (\$4000.00) per annum.

§ 2. All acts or parts of acts in conflict herewith are hereby repealed.

Approved April 3, 1944.

SCHOOLS

CHAPTER 35

S. B. No. 14—(Watt)

SCHOOL LAND FUNDS, INTEREST REDUCED

An Act to amend and re-enact Subsection (1) of Section 287 of the Supplement to the Compiled Laws of North Dakota, as amended by Chapter 215 of the Session Laws for 1929, relating to the investment of University and School land funds; and providing that monies so invested shall bear interest at the rate of Three and One-Half percent per annum; and declaring an emergency.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That subsection (1) of section 287 of the Supplement to the Compiled Laws of North Dakota, as amended by Chapter 215 of the 1929 Session Laws, be and the same is hereby amended and re-enacted to read as follows:

1. The first mortgage on farm lands and each of them shall run for a period of time not to exceed twelve years, and the funds so invested shall bear interest at the rate of three and one-half percent ($3\frac{1}{2}$) percent per annum. Principal and interest shall be payable to the State Land Commissioner at Bismarck, North Dakota, interest being payable annually. The State Land Commissioner shall daily report and pay into the State Treasury all collections of principal and interest payments. The borrower shall have his option of paying ten percent or any multiple thereof of the principal at any interest-bearing date, and the interest when paid shall be converted into and become a part of the interest and income fund.

§ 2. EMERGENCY.] This act is hereby declared to be an emergency measure and shall be in full force from and after its passage and approval.

Approved April 3, 1944.

RESOLUTIONS

Senate Concurrent Resolution G—(Introduced by Senators Streibel and Bridston)

APPRECIATION TO GREATER NORTH DAKOTA ASSOCIATION

WHEREAS, one of the great problems which faces the people of the agricultural state of North Dakota is the problem of adequately assisting our returned farmers and farm boys to become farm home owners in this State,

AND WHEREAS, North Dakota needs the courage, the vision, the experience and the stamina of our returned veterans, who are farm born and farm bred, and who will contribute greatly to the up-building of this State through the years,

AND WHEREAS, it is essential and necessary to any good sound constructive farm plan, that complete, detailed and down-to-the-ground information be secured, based upon a detailed canvass of each individual soldier, and his plans, his means and his needs,

AND WHEREAS, The Greater North Dakota Association, with the cooperation of hundreds of farmers and town people throughout the State, is now engaged in a survey of North Dakota, outside of the towns, cities, and villages, on an individual basis, to secure such information,

AND WHEREAS, the survey now covers 327 townships, and is progressing steadily throughout the State, and whereas such information will be of great value to the 29th Legislative Assembly, when it convenes in January 1945, providing basic information, necessary for that assembly to base a definite farm program on,

BE IT THEREFORE RESOLVED, that the 28th Legislative Assembly of the State of North Dakota, in extraordinary session assembled, extend its sincere thanks to the President, the officers, directors and members of the Greater North Dakota Association, as well as to the hundreds of farmers and town people, who have completed individual township surveys, and who will complete the surveys of the rest of North Dakota's townships, without charge and without cost, for their splendid and patriotic service, which we are confident will be most helpful to our successor, the 29th Legislative Assembly.

Filed March 27, 1944.

House Concurrent Resolution No. 9—(Introduced by Johnson—
Cass County)

CLARIFYING SENATE BILL 15, REGARDING
LEGISLATIVE EXPENSE

WHEREAS, Senate Bill No. 15, being a bill for an Act, making an appropriation to defray the expenses of the extraordinary session of the 28th Legislative Assembly of 1944, has been passed by said extraordinary session, and

WHEREAS, provision has been made in said Senate Bill No. 15 for the payment of mileage and per diem of officers and employees of the said extraordinary session, and

WHEREAS, the aforesaid provision with respect to the payment of such mileage and per diem of officers and employees, found in lines 8 and 9 of the original Bill, is not sufficiently clear,

NOW, THEREFORE BE IT RESOLVED by the House of Representatives of the 28th Legislative Assembly, in extraordinary session, the Senate concurring therein:

That the mileage for officers and employees referred to in lines 8 and 9 of the original Senate Bill No. 15, means the same amount of mileage as provided for State officers and employees at the present time under North Dakota State laws.

Filed March 27, 1944.

Senate Resolution D—(Introduced by Senators Streibel, Greiser,
Day and Foss)

CONDOLENCE TO SENATOR NORDHOUGEN,
DEATH OF FATHER

WHEREAS, it has come to the attention of this Senate that grief and sorrow have entered the home of our colleague Senator Orris G. Nordhogen, by reason of the tragic death of his father on March 22nd, and

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

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

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

Filed March 25, 1944.

House Concurrent Resolution No. 7—(Introduced by Representatives Graham and Bergesen)

DELAYING VOTE ON CONCURRENT RESOLUTION X

Be It Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring Therein:

WHEREAS, the 28th session of the Legislative Assembly of the State of North Dakota adopted House Concurrent Resolution "X" for the amendment of Section 45 of the Constitution of the State of North Dakota, relating to salary for members of the Legislative Assembly; and

WHEREAS, such proposed amendment of the Constitution is by its terms to be submitted to the qualified electors of the State of North Dakota for approval or rejection, as provided by Section 202 of the Constitution of the State, as amended; and

WHEREAS, the provisions of said House Concurrent Resolution X do not state whether such amendment is to be submitted to the qualified electors of the State of North Dakota for approval or rejection at the primary election in June of 1944, or at the general election in November of 1944; and

WHEREAS, it is desirable that such amendment be submitted to the qualified electors of the State of North Dakota for approval or rejection at the general election to be held in November of 1944;

NOW, THEREFORE BE IT RESOLVED, by the House of Representatives of the State of North Dakota, the Senate concurring therein, that House Concurrent Resolution X, providing for the amendment of Section 45 of the Constitution of the State of North Dakota, approved by the regular session of the 28th Session of the Legislative Assembly of the State of North Dakota, be submitted to the qualified electors of the State of North Dakota for approval or rejection at the general election to be held November 7, 1944; that the Secretary of State be instructed to place said House Concurrent Resolution X, providing for such amendment of Section 45 of the Constitution of North Dakota on the ballot for approval at that election.

Filed March 27, 1944.

Joint Memorial Resolution A—(Introduced by Senators Day and Bridston and Representatives Saumur and Allen of Grand Forks)

HONORABLE HENRY HOLT

Be It Resolved by the Senate and the House of Representatives of the State of North Dakota at the 1944 Extra-ordinary Session in Joint Session assembled:

THAT, WHEREAS, God in His Wisdom saw fit to summon to his eternal rest the late Lieutenant Governor Henry Holt on March 2, 1944;

WHEREAS, he was born in Elgin, Ill., November 13, 1888, to Edward and Mary Holt, natives of Norway, who had become naturalized citizens of the United States, with whom he returned to Norway where he received his education, returning to this country in 1906 and to Grand Forks, North Dakota, in 1907, where he resided until his death;

WHEREAS, he has been interested and active in public affairs in our State during his entire life having been Chairman of the Democratic State Central Committee from 1920 to 1930, and again in 1935, a candidate for United States Senator in 1934, a member of the Public Works Administration Board in 1933, and Lieutenant Governor of the State of North Dakota from January 1, 1943, until his death;

WHEREAS, he was particularly interested in the future of North Dakota agriculture, having long been an advocate of the Missouri River Diversion Project, which he supported as one of the vital steps in a long range program of water conservation and proper soil care, and having served as vice-chairman of the North Dakota Water Conservation Commission for five years following its organization in 1937;

WHEREAS, he presided over the Senate during the 1943 Regular Session of the 28th Legislative Assembly with the same honesty, dignity, fairness to all parties, and devotion to duty that always characterized his every public and private act;

NOW, THEREFORE, BE IT RESOLVED that every member of this Extra-ordinary Session does hereby pay tribute to the memory of this distinguished citizen and this Joint Assembly does hereby express appreciation on behalf of the State of North Dakota for his many years of loyal and devoted service;

BE IT FURTHER RESOLVED that a copy of this Resolution be spread in the Journal of the House and of the Senate, and that a properly enrolled copy of the same be sent by the Secretary of State

to his wife Marie Holt, 113 Walnut Street, Grand Forks, North Dakota, and to his daughter Betty Ann, and to each of his four sons, Henry, Jr., Arthur, Lorentz, and Leif.

Filed March 27, 1944.

Joint Memorial Resolution B—(Introduced by Senator Stucke)

HONORABLE JOHN G. NELSON

Be it Resolved by the Senate and the House of Representatives of the 1944 Extraordinary Session of the Legislative Assembly of the State of North Dakota, in Joint Session Assembled:

WHEREAS, the late Senator John G. Nelson of Fullerton, Dickey County, North Dakota, Twenty-fifth Legislative District, was called by death on April 23, 1943, and

WHEREAS, from the time he came to the United States in 1896 from his native Sweden where he was born April 18, 1872, at Kalmar Smosland, he constantly manifested a keen interest in the upbuilding of the land of his adoption;

WHEREAS, as a pioneer of North Dakota where he lived since 1898, he held a number of township offices in Wright Township, Dickey County, and served as a Senator from the Twenty-fifth District in the 1941 and 1943 Sessions;

THEREFORE, BE IT RESOLVED by the joint assembly of the House and Senate of the State of North Dakota that we express our appreciation of his work on the committees on which he served, and that he fulfilled all his duties in a faithful and conscientious manner, using his best judgment as to the way he voted which he believed to be for the best interests of the people of North Dakota;

BE IT FURTHER RESOLVED that this resolution be inscribed on the records of the Senate and the Secretary of the Senate be instructed to send a properly executed and enrolled copy of this resolution to his wife, Sophia M. Nelson at Fullerton, North Dakota.

Filed March 25, 1944.

Joint Memorial Resolution C—(Introduced by Representative Larson
of Wells)

HONORABLE LEONAS MYERS

*Be it Resolved by the House of Representatives and the Senate of
the 1944 Extraordinary Session of the Legislative Assembly of
the State of North Dakota in Joint Session:*

WHEREAS, Almighty God in His infinite wisdom has called to his eternal rest our former colleague, the late Leonas Myers who passed on, on January 31, 1944 at the age of 56 years, and

WHEREAS, Leonas Myers came to North Dakota in 1899 with his mother and step-father and has ever since resided in Progress Township, south of Bowden, in the County of Wells where he attended the schools of the State and qualified himself as a teacher in the public schools. He was engaged in teaching for a period of five years and thereafter became interested in farming and resided on his farm homestead until the date of his death, and

WHEREAS, he was very active in community and civic affairs, and served as clerk of his school district for a period of 32 years and as township clerk since its organization. He served as president of the Wells County School Officers Association since 1930, and

WHEREAS, he was elected as representative to the State Legislature from his district in 1934, and had served as such to the time of his death, and

WHEREAS, Leonas Myers was a man of honor in all his dealings with his fellow-men and whose honesty and integrity are unquestioned by friend and foe, a man who had the courage of his convictions and who would never compromise principle for political favor or financial gain, a man of sound judgment, tolerant of his opponents and above reproach in all his dealings with his fellow-men; had the complete confidence of his friends, and commanded the respect of his opponents, and

WHEREAS, his passing is a distinct loss to the State of North Dakota, and especially to the community in which he resided;

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives and the Senate of the 1944 extraordinary session of the Legislative Assembly of the State of North Dakota in joint session, that we express our sincere appreciation of the loyal and devoted service of this distinguished citizen and that we express our sympathy to his widow and surviving members of his family, and

BE IT FURTHER RESOLVED, that this resolution be printed in the House and Senate Journals and that the chief clerk be instructed to

forward copies thereof properly executed and enrolled to his surviving widow, Mrs. Leonas Myers at Bowden, North Dakota.

Filed March 25, 1944.

House Concurrent Resolution No. 11 (Joint Memorial Resolution)—
(Introduced by Rep. Maurice Aker and Senator H. R. Morgan)

HONORABLE NELS OLESGAARD

Be It Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring,

THAT WHEREAS, the Creator did on Friday, the 24th day of March, 1944, end the earthly life of Nels Olesgaard, of Kindred, North Dakota, a member of the House of Representatives in the terms of 1911 and 1913 and again in 1919 and 1921,

AND WHEREAS, Nels Olesgaard served as a member of the House at such terms with integrity and ability, and who beyond that, bore the respect and affection of all those knowing him in public and private life,

NOW THEREFORE BE IT RESOLVED, by the House of Representatives of the State of North Dakota at the 1944 Extraordinary Session assembled, the Senate concurring, that the Legislature does hereby express its appreciation for the public life of Nels Olesgaard, and its sympathy to the family of the deceased.

BE IT FURTHER RESOLVED that an engrossed copy of this resolution be sent by the clerk of the House to his sons and daughters who survive him.

Filed March 27, 1944.

Concurrent Resolution B—(Introduced by Senator Page)

INTERIM LEGISLATIVE COMMITTEE, INSURANCE
DEPARTMENT INVESTIGATION

To establish an Interim Legislative Committee to investigate charges made against the Department of Insurance, to fix the duties of such Committee and provide its procedure and to compel the attendance of witnesses and the production of records before the Committee and/or its representatives, and fix penalties for refusal.

Be It Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring:

§ 1.] A Joint Legislative Committee, to consist of three members from the Senate and four members from the House of Representatives to be selected by each house, respectively, and to be known as the Interim Investigating Committee, is hereby established. The members shall serve from July first 1944, until the close of the regular 1945 Session of the Legislature.

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

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

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

§ 5.] All corporations and all officers, agents, servants and employees of all corporations licensed or authorized to do business within this state by any authority of the state, (such as the Insurance Commissioner, State Banking Board, Secretary of State and all other licensing and supervisory authorities), shall be required to obey all subpoenas and orders to produce issued by the Committee or its authorized member or representative as provided in the previous section, at any place within the county where it shall have its principal office or any other office which may have evidence, records and documents desired by the Committee or its authorized member or representative, whether within or without this state, and in case of the failure or refusal of any such corporation or any of its officers, agents or servants to obey any such subpoena or order to produce, or to appear and testify under oath or affirmation, concerning the matters requested, the committee shall forthwith make report of the facts of such failure or refusal to the supervising or licensing authority of this State, and it shall thereupon be the mandatory duty of such supervising or licensing authority or officer to give said corporation 10 days notice in writing by registered mail of intention to cancel the license or authority of said corporation to do business within this state, and at the expiration of said 10 day period said licensing or supervisory authority shall hear evidence only upon the question of the failure or refusal to obey such subpoena or order to produce, and if the evidence shall show such refusal or failure, the license and authority of said corporation to do business in this State shall be forthwith cancelled and revoked; and in case of the failure of said supervising or licensing authority to give such notice, or in case of the failure or refusal of the supervising authority to cancel and revoke such license after such hearing, the said Committee may institute an action in the District Court, in the nature of a writ of mandamus, to compel such cancellation and revocation by the

supervising and licensing authority, and upon the hearing before the Court, the Court shall pass upon the evidence as to whether or not there has been such failure or refusal to obey such subpoenas or orders to produce, and if the Court shall find such failure or refusal, the Court shall order the license and authority cancelled by the licensing or supervisory authority or officer.

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

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

Filed March 27, 1944.

Senate Concurrent Resolution E—(Introduced by the Appropriations Committee)

LEGISLATIVE COMMITTEE, SPECIAL SESSION

WHEREAS, prior to the opening of the extra-ordinary session of the legislature on March 20, 1944, the Governor called together certain members of the legislature at Bismarck for the purpose of making plans and arrangements to save time and expense at such extra-ordinary session,

NOW, THEREFOR BE IT RESOLVED by the Senate of the State of North Dakota in Extra-ordinary Session Assembled, the House of Representatives concurring therein: That the members of such legislative committee shall be allowed mileage and per diem for attending such meeting at the same rates authorized by law for legislators attending sessions of the legislature; and that stenographic and postage expense incurred in connection with the work of said committee be allowed and paid on vouchers approved by the Governor.

Filed March 27, 1944.

House Resolution No. 5—(Introduced by Fleck, Falconer and Sellens)

LEGISLATIVE GROUP PICTURE

WHEREAS, the Legislative Assembly of the State of North Dakota passed a resolution, and appointed a Committee consisting of Representatives John Fleck, William B. Falconer, and Walter E. Sellens, with authority and instructions to take charge of the assembling of individual photographs of the members of the House of Representatives of the 28th Legislative Assembly at the earliest possible moment, and to perform such other acts as were enumerated in said Resolution, and

WHEREAS, said resolution made a provision for an appropriation of the sum of \$200.00 to be paid as Legislative expense for the purpose of defraying the expenses of assembling such photographs and making such group pictures, and

WHEREAS, the members of said committee having found that the amount appropriated is insufficient and that at least an additional \$100.00 will be needed in order to comply with the provisions of said resolution;

NOW, THEREFORE, BE IT RESOLVED, that there is hereby appropriated the sum of \$100.00 in addition to the appropriation made by House Resolution 1-R of the 28th Legislative Assembly to enable the members of said committee to complete the work and to assemble the photographs of the members of the House of Representatives, the Chief Clerk and desk force, as provided in House Resolution 1-R of the 28th Legislative Assembly.

Dated this 25th day of March, 1944.

Filed March 27, 1944.

House Concurrent Resolution 3—(Introduced by Fitch and Crockett)

LISBON SOLDIERS HOME

Be It Resolved by the House of Representatives of the State of North Dakota, and the Senate Concurring:

WHEREAS, it has been reported to members of the Legislative Assembly of the State of North Dakota that the buildings and facilities for the care and maintenance of old soldiers at the Soldiers' Home in the City of Lisbon, in the State of North Dakota, are inadequate, and that because of the crowded condition of such buildings

and lack of necessary equipment, it is impracticable to give such proper medical attention and maintenance to which the old soldiers are entitled;

NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the 1944 extra-ordinary session of the Legislative Assembly of the State of North Dakota, the Senate concurring that the Trustees of the Old Soldiers' Home at Lisbon be authorized, directed and required to make a thorough and complete investigation of all of the needs of said institution, including necessary repairs of buildings, construction of needed new buildings and other requirements for the proper operation of said institution and that a full and complete report be made to the next regular session of the Legislative Assembly of the State of North Dakota.

Filed March 27, 1944.

House Concurrent Resolution No. 6—(Introduced by Representative Graham)

NEED OF TIRES FOR FARMERS

A Concurrent Resolution memorializing Congress and the President to take immediate steps for securing necessary tires for the use of farmers.

Be It Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring Therein:

WHEREAS, due to the present war emergency there is a great shortage of automobile tires in this country; and

WHEREAS, it has been particularly called to the attention of this 28th Legislative Assembly in extraordinary session assembled that the farmers of North Dakota are in dire need of automobile, tractor and truck tires of a quality adequate for the conduct of farm operations involving travel over long distances on rough roads and hauling heavy loads of produce, and

WHEREAS, the tires now on the market in North Dakota seem largely to be grade III, as classified by the Office of Price Administration, which are not adequate for use for the aforementioned purposes, causing breakdowns resulting in loss of time from the production of food, endangering life through failing on the road during our severe winter temperatures, and

WHEREAS, because of the great distances to be traveled in the State of North Dakota where there is no other mode of travel than by auto and truck, it is absolutely necessary and essential that Con-

gress and the President of the United States take immediate steps to provide the necessary tires of Grade I quality for the farmers of the State of North Dakota.

NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives, the Senate concurring therein, that the Congress of the United States and the President take steps forthwith to see that the farmers of the State of North Dakota are provided with tires of adequate quality to permit full production of food for victory.

BE IT FURTHER RESOLVED, that it is not the intent of this resolution to criticize the work of the War Production and Rationing Boards, whose members are in our opinion, fairly and conscientiously discharging their duties.

BE IT FURTHER RESOLVED that copies of this resolution be sent to the President of the United States and to all of the United States Senators and Representatives of the State of North Dakota at Washington, D. C.

Filed March 27, 1944.

House Resolution No. 2—(Introduced by Representatives Morland and Bymers)

PAY FOR REPRESENTATIVE C. T. OLSON

WHEREAS, the Honorable C. T. Olson of Bowman, a member of the House of Representatives from the 39th Legislative District, is ill.

BE IT RESOLVED, that he be shown by the records of the House as excused for this session, but that his name be continued upon the payroll as a member of this body; that the Chief Clerk be hereby authorized and directed to sign the Legislative payroll for and in the name of said member, and that warrants to be issued in payment of per diem of said C. T. Olson be mailed to him at Bowman, North Dakota.

Filed March 25, 1944.

House Resolution No. 1—(Introduced by Representative Morris Larson)

PAY FOR REPRESENTATIVE MYERS

WHEREAS, the Honorable Leonas Myers, a member of this House from the 33rd Legislative District, on January 31st, 1944, passed to the Great Beyond;

BE IT RESOLVED that he be shown by the records of this House as excused for this session and his name be omitted in reading the roll call; but that his name be continued upon the payroll as a member of this body; that the Chief Clerk be hereby authorized and directed to sign the Legislative payroll for and in the name of said deceased member, and that warrants to be issued in payment of per diem of said Leonas Myers, our said fellow Member, be made out in the name of his widow, Mrs. Leonas Myers; and that the same be by the House Voucher Clerk forwarded to her at Bowdon, North Dakota.

Filed March 25, 1944.

Senate Concurrent Resolution F

PAY LEGISLATIVE OFFICERS AND EMPLOYEES

Be It Resolved by the Senate of the Twenty-eighth Extraordinary Legislative Assembly of the Senate of North Dakota and the House Concurring:

That for and during this twenty-eighth Extraordinary Legislative Assembly the following named persons be employed and appointed as officers and employees of the Senate and of the House and shall be paid the compensation set opposite their respective names:

SENATE

W. J. Trout, Secretary of the Senate-----	\$ 8.00
Ruth Smith, Desk Reporter-----	8.00
A. J. Anderson, Sergeant-at-arms-----	5.00
Arthur Herk, Assistant Secretary-----	6.50
John W. Benson, Proofreader-----	5.00
Helen MacLachlan, Enroll. & Engross. Clerk-----	5.00
Ray Unzelman, Page -----	4.50
Jerry Stair, Page -----	4.50
E. Willoughby, Cloak Room Attendant-----	4.50

HOUSE

W. M. Smart, Chief Clerk.....	8.00
Kenneth Morgan, Ass't Chief Clerk.....	6.50
Marie Tunell, Desk Reporter.....	8.00
Emil Braun, Page.....	4.50
Oswald Krusick, Doorkeeper.....	4.50
Barney Monahan, Proofreader.....	5.00
Fred Ingstad, Sergeant-at-arms.....	5.00
Clara Rishling Trout, Enrolling & Engrossing Clerk.....	5.00
Miles Nelson, Mailing Clerk.....	5.00

BE IT FURTHER RESOLVED that the Speaker of the House and the President Pro-tem of the Senate each receive \$2.00 per day.

Filed March 27, 1944.

House Concurrent Resolution No. 10—(Introduced by Joint Committee on Employment)

PREPARING SPECIAL SESSION JOURNALS
FOR PUBLICATION

Be It Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring Therein:

That W. J. Trout, Secretary of the Senate; Ruth Smith, Desk Reporter for the Senate; W. M. Smart, Chief Clerk of the House; and Marie Tunell, Desk Reporter of the House, are hereby authorized, empowered, and employed to compare and index of the Journal of the Extraordinary Session of the Twenty-Eighth Legislative Assembly, and perform whatever other duties their positions require.

BE IT FURTHER RESOLVED that the said W. J. Trout, Ruth Smith, W. M. Smart, and Marie Tunell, as above set forth, be retained at their present salary, or its equivalent, not to exceed six legislative days, all to be paid as legislative expense and paid when the respective claims are verified by affidavits of the said W. J. Trout and W. M. Smart.

Filed March 27, 1944.

Concurrent Resolution A—(Introduced by Stucke and Young
by request)

PUBLICATION 1944 SESSION LAWS

WHEREAS, under the provisions of Section 69 of the 1925 Supplement to the Compiled Laws of the State of North Dakota for 1913, the Secretary of State of the State of North Dakota is required to publish a popular edition of the Session Laws, and

WHEREAS, the laws enacted at this special session of the 28th Legislative Assembly will only require a small book, making it possible to publish the authenticated edition of such laws within a short space of time, thereby eliminating the necessity of a popular edition, and

WHEREAS, publication of such popular edition would appear to be an unnecessary expense,

Now, Therefore, Be It Resolved, by the Senate of the State of North Dakota in Extraordinary Session Assembled, the House of Representatives Concurring therein:

That the popular edition of the laws passed at this special session of the 28th Legislative Assembly in extraordinary session assembled be not printed, and

BE IT FURTHER RESOLVED, that the authenticated edition of laws of this special session of the 28th Legislative Assembly be printed in style similar to that of authenticated edition Session Laws for the regular session of the 28th Legislative Assembly, except that same be wire stitched and paper covered, quality and weight of cover paper to be similar to that now used for departmental reports.

BE IT FURTHER RESOLVED, that the laws of this special session of the 28th Legislative Assembly be printed in the authenticated and popular editions of the regular Session Laws of the 29th Legislative session to be held in the year 1945 in the State of North Dakota.

Filed March 25, 1944.

House Concurrent Resolution 5—(Introduced by Senators Solberg, Stucke, Nelson of McKenzie, Olson of Mountrail, and Representatives Forseth, Kolpin, Rohde, Schnell, Haugland, Drovdal, Halvorson and Schmalenberger)

REHABILITATION LOANS, SERVICEMEN

Memorializing Congress to make provision enabling persons serving in the Armed Forces of the United States or who have served therein and who have been honorably discharged, to establish and rehabilitate themselves in the post-war era, under a farm Home Ownership Plan and to provide adequate Federal funds to be loaned to such persons, as provided in the Bankhead-Jones Act and as administered by the Farm Security Administration.

WHEREAS, it is highly important to make provision enabling persons serving in the Armed Forces of the United States, or who have served therein and who have been honorably discharged, to establish ownership of farm homes for themselves and their families after the termination of the present war, and that it is necessary that adequate provisions be made by the Federal Government by appropriating sufficient funds to be loaned to such persons desiring to take advantage of same, such provisions to be made under the terms of the Bankhead-Jones Act as administered by the Farm Security Administration, and

WHEREAS, experience has demonstrated that loans made in the past under said Act have been highly satisfactory to the borrowers and to the loaning agency of the Federal Government and has afforded the greatest measure of security for continued home ownership as compared with any program of similar nature yet devised,

NOW, THEREFORE, be it resolved by the House of Representatives of the 1944 extraordinary session of the Legislative Assembly, the Senate concurring, that the Congress of the United States is hereby respectfully urged to make an appropriation of Federal funds sufficient to provide loans to be made to persons serving in the Armed Forces of the United States, or who have served therein and been honorably discharged, and who desire to rehabilitate themselves and establish farm home ownership under the provisions of the Bankhead-Jones Act as administered by the Farm Security Administration, and

BE IT FURTHER RESOLVED that copies of this Resolution be sent to the President of the United States, to the Secretary of the Senate of the United States, to the Chief Clerk of the House of Representatives of the United States, to the Secretary of Agriculture, to United States Senator Cooley and to each of the Senators and Representatives from the State of North Dakota.

Filed March 27, 1944.

House Resolution No. 3—(Introduced by Representatives Heckman
and McInnes)

REQUESTING ADDITIONAL FARM MACHINERY
ALLOTMENT

WHEREAS, there prevails in North Dakota a critical shortage of farm machinery, and

WHEREAS, if maximum production of agricultural produce is to be achieved by this great agricultural area, and

WHEREAS, it is absolutely necessary that a great number of tractors, combines, harvesting equipment and other farm machinery be allotted to this area to complete the planting, harvesting and threshing of the 1944 crop, and

WHEREAS, power equipment is more vitally needed than ever before by reason of the critical manpower shortage, and

WHEREAS, a quota system of allotting machinery is based on past sales, and in western North Dakota this has resulted in a greatly aggravated condition by reason of the small purchases during the drought years,

THEREFORE, BE IT RESOLVED, that the President and the Congress of the United States exert every influence to provide for this vitally necessary equipment in this most critical period in this nation's history, and that close examination be made into the shipment of such farm equipment as is required in North Dakota which is now being made to foreign countries and, in many instances, have demonstrated that they do not require full use of them or desire them.

Filed March 27, 1944.

House Concurrent Resolution No. 8—(Introduced by Committee on
Irrigation and Drainage)

REQUESTING IRRIGATION FOR NORTH DAKOTA

Be It Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring:

WHEREAS, both the United States Army Engineers and the United States Bureau of Reclamation have proposed water development projects for North Dakota;

AND WHEREAS, these projects or any combination of them de-

pend for their success upon an adequate water supply which can be made available only from the Missouri river ;

AND WHEREAS, it now appears that there may not be sufficient water in the Missouri river to supply all of the demands which may be made upon it ;

AND WHEREAS, proposed navigation developments alone may be of sufficient magnitude to require all of the water available in a dry season ;

AND WHEREAS, the vital needs of North Dakota, for the maintenance of economic stability, and for future development depend upon an adequate quantity of water for domestic, farm, irrigation and industrial purposes ;

AND WHEREAS, the Congress of the United States ought to allot the waters of the Missouri river on the basis of the greatest good to the greatest number and to the Nation as a whole.

NOW, THEREFORE BE IT RESOLVED by the Twenty-Eighth General Assembly of the State of North Dakota in extraordinary session duly assembled, both House and Senate concurring, that the Congress and the President of the United States are hereby petitioned to inquire into the relative value of water for domestic, farm, irrigation, and industrial purposes, as well as for the needs of navigation, and to allot to domestic, farm, irrigation and industrial purposes—upon which an adequate food supply for the Nation may easily depend in the near future—that proportion of the water of the Missouri river which it needs for domestic purposes and for the development and maintenance of irrigation projects in this and other states, both present and prospective.

AND BE IT FURTHER RESOLVED, that the Congress of the United States is further petitioned to adopt a policy for the development of streams in the Western Part of the United States which will allocate their waters on the following basis : First for domestic, farm, irrigation, industrial and mining needs, second for the needs of and purposes of navigation.

AND BE IT FURTHER RESOLVED, that the senators and representatives from North Dakota in the Congress of the United States are hereby requested to work for the adoption of such a policy so that the interests of North Dakota may be properly protected ;

AND BE IT FURTHER RESOLVED, that copies of this resolution be sent to the President of the United States, to the secretaries of the United States Senate and House of Representatives, to the chairmen of committees on Appropriations, Irrigation, Flood Control and Rivers and Harbors of the House of Representatives and to the proper committees of the United States Senate, before which such

measures will probably come for consideration, and to the Governors of each of the several states in the Missouri valley.

Filed March 27, 1944.

House Concurrent Resolution No. 2—(Introduced by Representatives Fitch & Crockett)

RESOLUTION REGARDING ADDITIONAL QUOTA ALLOTMENT
SPECIFICALLY DESIGNATED FOR RETURNING
SOLDIERS, SAILORS, AND MARINES

WHEREAS, considerable difficulty is being encountered by persons discharged from the armed forces who wish to engage in agriculture and other callings, because of the shortage of farm implements and other critical materials, and

WHEREAS, it is the sense of this Legislative Assembly that first priority should be granted to such men and women who are returning to civilian life to re-establish themselves;

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives in the State of North Dakota, the Senate concurring, that the situation of these returning service men and women be by means of this resolution, drawn specifically to the attention of the Congress of the United States for appropriate legislation, if such action is necessary, or by specific regulation if the end sought can be accomplished in that way to provide a special quota in addition to quotas already established so as to permit such individuals to be given priority in obtaining their needed supplies and equipment.

Filed March 27, 1944.

Concurrent Resolution No. C—(Introduced by Senator Bond)

URGING A LIBERALIZATION OF OLD AGE ASSISTANCE

Be It Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring:

WHEREAS, under the provisions of Chapter 257 of the Laws of 1939, an initiated measure, the amount of assistance which any person shall receive shall be determined with due regard to the resources and necessary expenditures of the individual and the conditions existing in each case; and

WHEREAS, due to the rise in the actual cost of the bare necessities of living occasioned by the war in which our nation is now engaged, many of the recipients of old age assistance are having undue difficulty in providing themselves with the bare necessities of living with the amounts so allotted them by the Public Welfare Board; and

WHEREAS, it is the sense of the Legislature of the State of North Dakota that it has, by legislation now in full force and effect, provided ample funds for old age assistance at the disposal of the Public Welfare Board, and that those of the residents of this State who are entitled to and need such assistance are entitled to sufficient assistance to amply protect them from want;

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Public Welfare Board be, and it hereby is requested to liberalize the assistance given those entitled thereto, to an average of at least Thirty Dollars per month to meet the increase in the cost of the necessities of life, occasioned by the present emergency.

Filed March 25, 1944.

VETOES

S. B. No. 6—(Committee on Elections)

PROXY VOTING, ARMED FORCES

An Act to amend and re-enact Sections 992, 993 and 995 of the Compiled Laws of North Dakota for 1913 as amended by Chapter 148 of the Session Laws of 1941 to amend and re-enact Sections 1002a3 and 1002a4 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, repealing Sections 1002a1, 1002a2, 1002a5 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, relating to absent voters, and permitting electors engaged in the defense of their country or members of the American Red Cross, Merchant Marine or United Service Organizations outside the territorial limits of the United States of America as a result of any war in which the United States of America may be engaged and until six months after the termination thereof, to vote by proxy during the emergency of any such war, defining the duties of the county auditor, providing a savings clause, and declaring an emergency.

April 6, 1944.

Honorable Thomas Hall
Secretary of State
Bismarck, North Dakota

Dear Mr. Hall:

I transmit herewith Senate Bill No. 6, an act to amend certain sections of the absent voter laws of this State, and to permit members of the armed services and certain service organizations outside the territorial limits of the United States to issue proxies for voting purposes during wartime, without my approval.

Following are the principal reasons by which I am impelled to veto this bill:

(1) The Amendments to the absent voter laws which are contained in S. B. 6 are substantially the same as those contained in House Bill No. 3, which I have approved, and are therefore duplications and unnecessary.

(2) The proxy voting procedure provided in S. B. 6 is, in my opinion, contrary to good public policy.

(3) Proxy voting, in my opinion, violates both our State Constitution and the Constitution of the United States, and is repugnant to certain fundamental principles upon which our democratic form of government is based.

The bill provides that any qualified elector who is a member of the armed forces, or of the Red Cross, the Merchant Marine, or the United Service Organizations, and who is outside the territorial limits of the United States may delegate his right to vote at any State-wide election held during wartime, by issuing a written proxy appoint-

ment to his mother, father, brother, sister, husband or wife. The proxy thus appointed would present his appointment to the Election Board of the proper precinct, receive a ballot therefor, and vote such ballot for the elector who issued the appointment unless it appears that such elector is then deceased.

It should be noted that the number of proxy appointments which might be held and voted upon by any one person is not limited by the act, but would be limited only by the number of eligible relatives such person might have in the war services. It should also be noted that the absent voter is not required to instruct his proxy holder how or for whom to vote, nor is the proxy holder obligated to vote in accordance with any instructions he might receive from such absent voter. The net result would be that many ballots thus cast would express, not the will of the voters for whom they were cast, but the will of the persons appointed by such absent voters to vote in their stead. In other words, the proxy holder would acquire an additional vote, and the proxy issuer would deprive himself of his right of franchise.

To my mind, this procedure is politically unsound and morally inequitable, and if followed it would produce serious consequences and introduce many evils into our governmental system. Our government is founded upon two basic principles; first, the principle of majority rule—the rule of government according to the expressed will of a majority (or plurality) of our qualified electors, such elector, for himself and without interference, expressing his own individual will or choice; second, the principle of equality in voting rights as between individual voters. Proxy voting clearly violates both of these thoroughly fundamental American principles.

The elective franchise is a personal right of the elector. It is an attribute of personal sovereignty, an incident of his citizenship. It is at once a privilege and a duty, and it can no more be assigned, delegated or transferred by the individual citizen than can any other right or duty of his citizenship. To my mind, the idea that an elector may confer upon someone else his right and his duty to vote is as violently opposed to all our fundamental concepts of responsible government as is the idea that he might confer upon another his right and his duty to hold an office in that government to which he himself had been elected.

It seems equally certain that a procedure which permits an elector to vote more than his own vote would completely destroy the principle of equality in voting rights as between citizens. This would be the result under the provisions of S. B. 6, because certain proxy holders would cast more ballots than other proxy holders, and all proxy holders would cast more ballots than non-proxy holders. Thus, a candidate could be elected, not by the majority of the voters who actually cast their own ballot, but by the majority of ballots cast, even though that majority might actually have been cast by a minority of those voting at the election.

The situation resulting from this multiplication of voting powers in favor of voters who have qualified relatives in the service can readily be anticipated. Such voters would be importuned to urge their sons, daughters, brothers or sisters in the service to return their proxy appointments instead of casting their own ballots under the absent voter laws as amended by the Special Session of the Legislature. No one, I am sure, believes that this practice would produce a desirable result in our governmental system, and I submit that it is a wiser policy to encourage all absent voters to register their own choices and their own decisions by marking their own ballots.

Furthermore, I believe that the proxy provisions of the bill violate the Constitution of North Dakota and the Constitution of the United States. Our constitutional system of government, both State and National, rests upon the principle of equal suffrage by a majority of qualified voters, not upon the theory of the largest number of ballots cast by a minority of voters through some scheme devised by law to permit duplication or multiplication of votes. This principle was recognized by the Supreme Court of North Dakota in the case of *State v. Thompson*, 131 N. W. 231, involving the construction of a city commission law which appeared to authorize a procedure under which one elector could cast two or more votes for one candidate instead of distributing his votes among the number of candidates to be elected. In its decision the court said:

"The fundamental idea underlying the elective franchise has always been one of the exercise of a privilege of *choice*, as well as the exercise of individual power incidental thereto; that each voter is privileged to make his *single choice* for each elective official, that each voter should have *equal rights* under the law, not only to exercise an equal power, but to manifest equally his choice that the election reflect the will of the majority, whose will so exercised to that extent is law. *No double right of suffrage is granted to any one individual, but that every voter have the privilege of exercising his ballot in the same manner, with the same effect, under the same plan for the same purpose, with no greater power than that of any other qualified voter.*"

In a concurring opinion in the same case, Justice Spalding said:

"The placing of marks upon the ballot is *only a method of enumerating persons*, and if the number of persons desiring election of a named candidate can be *multiplied by two* by the fiat of the Legislature, it can, by the same means, be *multiplied indefinitely*. Our system of government is based upon the doctrine that the majority rules. This does not mean a *majority of marks*, but a *majority of persons* possessing the necessary qualifications and the number of such persons is ascertained by means of an election."

Justice Fisk, in his specially concurring opinion in the same

case, adopted the views expressed in the Michigan case of Maynard V. Board of Canvassers (47 N. W. 756, 11 LRA 232) from which the following pertinent statement is taken:

"The constitution does not contemplate, but by implication forbids any elector to cast more than one vote for any candidate for any office. This prohibition is implied from the system of representative government provided for in that instrument . . . When he has expressed his preference in this manner (that is by voting), he has exhausted his privilege; and it is not in the power of the Legislature to give to his preference or choice, without conflicting with these provisions of the constitution, more than a single expression of opinion or choice. . . . No reason can be given why, under our constitution, one elector should be entitled to vote twice or seven times for any particular person to represent him in the Legislature when any other elector who desires to exercise the right which the constitution gives him to vote and every person allowed by law to represent him in the Legislature is entitled to vote but once."

A single example demonstrates how easily this basic constitutional principle of majority rule through equality in voting privileges could be nullified under S. B. 6. If 90,000 electors voting for one candidate for office cast 10,000 proxy ballots for the same candidate, they could and would outvote 99,000 electors voting for another candidate without proxy ballots, or 94,000 such electors casting 5,000 proxy ballots for the same candidate. I am convinced that no such election, depending as it would on the number of proxy ballots cast, would be sustained in North Dakota, and I think it is neither wise, safe nor just to jeopardize the validity of our State elections by incorporating such a principle into our absent voter law.

I am also convinced that the proxy voting principle violates the Constitution of the United States for substantially the same reasons that it violates our State Constitution. Our Federal government is founded upon the same democratic principles as our State government, and any device that permits duplication or multiplication of voting rights is completely at variance with those principles. In this connection, it should be borne in mind that Congress, and not the States, is the final judge of the validity of election of members to that body, as well as of Presidential electors. I am sure that if any member of the United States Congress, or any Presidential elector were to be elected by less than a majority (or plurality) of the voters actually voting at a National election, through the use of proxy voting, the validity of such an election would most certainly be challenged, and would probably be declared void by Congress.

Our absent voter law, as amended at the Special Session, is sufficient to provide opportunity for every voter in the armed services, who can be reached by the military mail service, to cast his own ballot in the manner contemplated by our constitutional principles.

Senate Bill 6 adds nothing to that opportunity except the questionable privilege of permitting a voter in the service to allow someone else to do his thinking and make his decisions for him. I am firmly convinced that such a dangerous privilege can have no place in our democratic system of government, and that Senate Bill 6 should not become a part of our absent voter system.

Sincerely yours,
JOHN MOSES,
Governor

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Section 992 of the Compiled Laws of North Dakota for 1913 as amended by Chapter 148 of the Session Laws of 1941 is hereby amended and re-enacted to read as follows:

§ 992. ABSENT VOTERS' BALLOT. WHO MAY VOTE.] Any qualified elector of the State, who is absent from the county in which he is an elector, or who by reason of physical disability, is unable to attend at the polling place in his precinct to vote at any general or primary election, may vote an absent voters ballot at any such election as hereinafter provided.

§ 2. AMENDMENT.] That Section 993 of the Compiled Laws of 1913, as amended by Chapter 148 of the 1941 Session Laws is hereby amended and re-enacted to read as follows:

§ 993. APPLICATION FOR BALLOTS. MADE WHEN.] At any time within seventy (70) days next preceding such election, any voter expecting to be absent on the day of the election from the county in which his voting precinct is situated, or who by reason of physical disability is unable to attend at the polling place in his precinct to vote at such election, may make application to the county auditor of such county for an official absent voters ballot to be voted at such election.

§ 3. AMENDMENT.] That Section 995 of the Compiled Laws of North Dakota for 1913, as amended by Chapter 148 of the Session Laws of 1941, is hereby amended and re-enacted to read as follows:

§ 995. APPLICATION FOR.] Application for such ballot shall be made on a blank to be furnished by the county auditor of the county of which the applicant is an elector and must be substantially in the following form:

I, _____, a duly qualified elector of the township of _____ or the village of _____ or of the _____ precinct of the _____ ward of the city of _____ of the county of _____ of the State of North Dakota, to my best knowledge and belief en-

titled to vote in such precinct at the next election, expecting to be absent from said county on the day for holding such election, or by reason of physical disability being unable to attend and vote at such election, hereby make application for an official absent voters ballot to be voted by me at such election.

Date-----

Signed-----

Postoffice-----

Provided, that if the application be made for a primary election ballot such application shall also give the name of the political party with which the applicant is affiliated.

Provided that when such application is made upon the ground of physical disability it shall be accompanied by the certificate of the superintendent of a hospital in which the applicant is actually confined or by the certificate of a licensed physician who is attending said applicant to the effect that said applicant is under such physical disability by reason whereof he is confined to such hospital or other place of confinement (stating location thereof) and is unable to attend and vote at such election.

§ 4. AMENDMENT.] That Section 1002a3 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913 be amended and re-enacted to read as follows:

§ 1002a3. ABSENT VOTERS BALLOT.] It shall be the duty of each county auditor upon receipt of an application for an absent voters ballot immediately to mail such absent voters ballot to such elector in the manner provided in Section 997 of the Compiled Laws of North Dakota for 1913; provided, however, that the enclosed envelope shall be duly stamped with return air mail postage and the affidavit endorsed thereon may be made by such elector before his immediate commissioned commanding officer, or any commissioned officer, non-commissioned officer not below the rank of a sergeant or petty officer, in the armed forces of the United States and any member of the merchant marine of the United States designated for this purpose by the Administrator of the War Shipping Administration is authorized to administer and attest such oaths as are required by this Act; and provided further that such affidavit need not have any venue. Provided, however, that it shall be the duty of such county auditor, at least sixty (60) days before any primary or general election, of his own accord and without application, to send such absent voters ballot to every elector in the manner provided in Section 997 of the Compiled Laws of North Dakota for 1913, who is a member of the armed forces of the United States of America, in every case wherein the address of such elector is furnished such county auditor.

§ 5. AMENDMENT.] That Section 1002a4 of the 1925 Supple-

ment to the Compiled Laws of North Dakota for 1913 be amended and re-enacted to read as follows:

§ 1002a4. BALLOT AND CANVASSING.] Such absent voter shall make and subscribe such affidavit before his immediate commissioned commanding officer or any commissioned officer, noncommissioned officer not below the rank of sergeant, or petty officer, in the armed forces of the United States and any member of the merchant marine of the United States designated for this purpose by the Administrator of the War Shipping Administration is authorized to administer and attest such oaths as are required by this Act, and shall thereupon, in the presence of such officer and of no other persons, mark such ballot or ballots in the manner provided in Section 998 of the Compiled Laws of North Dakota for 1913; and the county auditor, upon receipt of such envelope, shall proceed in the same manner as provided in Section 999 of the Compiled Laws of 1913 relating to absent voters ballots; provided, however, that if any such envelope is received by such county auditor too late to be forwarded to the proper voting precinct in time to be canvassed, the same shall be retained by him and canvassed by the canvassing board of the county of such auditor at any time prior to the meeting of the state canvassing board or any adjourned meeting of said board where the same has been received by such auditor in time to canvass and transmit the results to the state canvassing board. In all other respects such absent voter ballots of electors engaged in the military service or merchant marine of the United States shall be treated in the same manner as now provided for the absent voter ballots.

§ 6.] That during any National emergency arising out of the United States of America being engaged in war and until the expiration of six months after the termination thereof, the duly qualified electors of the State of North Dakota, men and women, who may be serving in the armed forces of the United States, the American Red Cross, the Merchant Marine or the United Service Organizations outside the territorial limits of the United States, may delegate his right to vote and shall be permitted to vote by proxy at all statewide elections, primary and general.

§ 7.] (a) Every qualified elector coming within the provisions of Section 6, desiring to vote by proxy at any such election, shall name in writing either his mother, father, brother, sister, husband, or wife, if any he has in the county of his residence as his proxy to cast his vote at any such election.

(b) Such proxy appointment shall be in substantially the following form: I _____ a duly qualified elector of the township of _____ of the village of _____ of the _____ precinct of the _____ ward of the city of _____, and of the county of _____, of the state of North Dakota, to my best

knowledge and belief entitled to vote at such precinct at the next election, and now serving in the defense of the United States of America outside the territorial limits thereof, do hereby name _____ of _____ County, North Dakota, who is my _____ as
 (father, mother, brother, sister, husband, or wife)
 my proxy to vote for me in my name at the _____ election to be held in the State of North Dakota on the _____ day of _____, 19_____.

X _____

We as witnesses to the signature of the above named elector hereby certify that we know such elector and know that his signature thereto is genuine.

 Witnesses.

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

§ 8.] Each county auditor in the state of North Dakota, shall, for every such election held during any such national emergency:

(a) Provide such proxy appointment, with a reprint of subdivisions (a) and (c) of Section 7 of this Act on the back thereof.

(b) Any relative or friend of any such elector, having the information, is required to furnish the name and military address and each change in such address as same may occur of such elector to the county auditor of the county of the residence of such elector and such county auditor shall make and preserve a permanent record in his office of the names and addresses so furnished him and the date of mailing each proxy appointment and shall keep such record concealed from the public.

(c) Each county auditor shall include with each absent voters ballot or ballots sent by him to each of the electors coming within the provisions of Section 6 of this Act, who is without the territorial limits of the United States of America, one such proxy appointment and a letter in the following language:

“LETTER

You may fill out the enclosed proxy appointment and mail it to the one you appoint or if you prefer to vote by absent voters ballot, fill out the enclosed absent voters ballot and return it to this office.

County Auditor, _____ County, _____ North Dakota.”

(d) Such county auditor shall include with each such proxy an unaddressed envelope with the postage thereon fully prepaid by

air mail, to be used by the elector in returning the proxy appointment to his proxy.

§ 9.] Such proxy appointment must be presented by the proxy to the Election Board of the precinct wherein such elector is qualified to vote, whereupon such proxy shall be furnished such ballot as the elector would be entitled to receive if personally present, and shall be permitted to vote such ballot for and on behalf of such elector unless such election board shall have theretofore received evidence it deems sufficient that such elector is deceased.

§ 10.] The proxy appointment shall be filed with the election board and shall, by it, be returned to the county auditor with the other election returns, and by him kept and preserved for the period of two years after the expiration of the emergency.

§ 11.] Any elector coming within the provisions of Section 6 of this Act, may at his option vote personally or by his absent voters ballot or by a proxy at any such election, and if he shall vote personally or his absent voters ballot shall have been filed with the election board before his proxy offers to vote, the vote of the proxy shall be rejected. However, if a duly appointed proxy shall have voted before the elector offers to vote personally or before his absent voters ballot shall be presented, his personal vote shall be rejected.

§ 12.] The proxy must be a duly qualified voter of the county of the residence of the elector in the State of North Dakota, but need not be a resident of the precinct wherein the elector resides. If he is not a resident of such precinct, he shall file with the election board an affidavit stating of what precinct he is a resident.

§ 13. REPEAL.] That Sections 1002a1, 1002a2, 1002a5 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, are hereby repealed.

§ 14. EMERGENCY.] This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

§ 15. SAVINGS CLAUSE.] If any part of this Act shall be declared invalid, such invalidity shall not be held or deemed to impair the operation of the remainder of this Act.

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