

president and vice-president, judges of the supreme and district courts, members of the legislative assembly and for amendments to the Constitution or proposition submitted by the legislative assembly; *provided*, that the County Auditor shall make a separate certified abstract of the votes cast for persons for electors of president and vice-president of the United States. He shall seal up such separate abstract and endorse it: "Presidential Election Returns" and without delay transmit it to the Secretary of State by registered mail. It is also hereby made the duty of the County Auditor to file with the Secretary of State, at the same time as he transmits the certified abstract of the votes cast in his county, a certificate showing the names and addresses of the persons who were elected to the various county offices in his county.

§ 2. AMENDMENT.] That Section 1015 of the Compiled Laws of 1913 be and is hereby amended to read as follows:

§ 1015. STATE CANVASSING BOARD, MEETING OF.] For the purpose of canvassing and ascertaining the result of such election, the State Board of Canvassers shall meet at the office of the Secretary of State on the first Tuesday in December next after a general election and within thirty days after a special election, and the Secretary of State shall notify the other members of the board of the same.

Approved, February 20, 1915.

EMERGENCY COMMISSION

CHAPTER 152.

[H. B. No. 216—Smith of Ward.]

POWERS OF EMERGENCY COMMISSION.

AN ACT Relating to an Emergency Board, and to Repeal Sections 1821, 1823 and 1824 of the Compiled Laws of 1913.

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

§ 1. EMERGENCY COMMISSION.] An Emergency Commission consisting of the Governor, the Secretary of State, and the State Auditor is hereby established which shall exercise the powers and perform the duties hereinafter specified. The Governor shall be chairman of the board, and the Secretary of State the secretary. The Emergency Commission shall meet upon the call of the chairman thereof. The proceedings of the Emergency Commission shall be entered in a record book, or a minute book and no order of the Emergency Commission shall be valid unless so entered.

§ 2. Whenever it shall be made to appear to the Emergency Commission by an itemized, verified petition of any board of control, board of regents, commission or officer authorized to expend public funds that an emergency exists, the Emergency Commission shall assume that an emergency exists demanding such action and may order money transferred from one fund to another fund belonging to or appropriated for the same institution or board or the same state enterprise, or in an extremity to authorize money to be drawn from the state treasury to meet the emergency until such time as the legislative assembly can make appropriation available therefor. An endorsement by the Emergency Commission of the itemized petition of a board of control, board of regents, commission or person heretofore mentioned shall be sufficient authority for the forming of any of the acts hereby delegated to the Emergency Commission; *provided*, however, the term emergency shall be limited to calamities or unforeseen happenings subsequent to the time of the making of appropriations to be effected by such transfer and which were clearly not within the contemplation of the legislative assembly and the Governor at the time of making such appropriation. And in no event shall it be within the authority of the Emergency Commission to increase the amounts to be expended for any specific purpose by more than ten per cent., and this shall only be done to meet a deficiency arising in an attempt to carry out the purpose of the appropriation.

§ 3. It shall be the duty of the chairman of any board of control, board of regents, or other board or officer, authorized by the Emergency Commission to make extraordinary expenditures or use of funds transferred or made available through an order of the Emergency Commission, to make an itemized report to the Governor under oath, within two weeks after the close of each month during which any money shall have been expended or liability incurred pursuant to the order of the Emergency Commission showing the amount of money expended and for what purpose and showing what contracts have been made involving the expenditure of money in the future. The time covered by such report shall be the calendar month next preceding the date of said report.

§ 4. It shall be unlawful for any board of control, board of regents, commissioners, directors or other officers having the control or management of any public institution or institutions of the state or any state activity or enterprise or having in any manner whatsoever the responsibility of disbursing or expending any money appropriated by the state, either directly or indirectly, or in any manner whatsoever to expend or agree or contract to expend in connection therewith any amount in excess of the sum appropriated therefor, or to use an amount appropriated for any specific purpose or fund or for any other purpose without first having secured from the Emergency Commission an order duly made and entered, authorizing such use of such fund.

§ 5. This Act shall not be construed as a legislative construction that any existing law gives to said Emergency Commission any broader or different powers than are herein declared. *Provided*, that all acts of the present and prior Emergency Commissions of this state authorizing the transference of money appropriated for one purpose to another purpose or from one fund to another fund are hereby validated and legalized.

§ 6. Any officers mentioned in this Act who shall fail to make the report specified in Section 3 of this Act or who shall in any report made to the Governor willfully make a misrepresentation or misstatement of the facts regarding such expenditures or other facts embodied in the report shall be guilty of a misdemeanor.

§ 7. REPEAL.] Sections 1821, 1823 and 1824 of the Compiled Laws of 1913 are hereby repealed, and all other Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed.

Approved, March 13, 1915.

EMINENT DOMAIN

CHAPTER 153.

[H. B. No. 293—Haraldson.]

RIGHT OF EMINENT DOMAIN TO ELECTRIC LIGHT PLANTS.

AN ACT to Amend and Re-enact Section 8203 of the Compiled Laws of North Dakota for 1913, Relating to the Eminent Domain.

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

§ 1. AMENDMENT.] That Section 8203 of the Compiled Laws of North Dakota for 1913, be and the same is hereby amended to read as follows:

§ 8203. EXERCISED FOR WHAT PUBLIC USES.] Subject to the provisions of this Chapter, the right of eminent domain may be exercised in behalf of the following public uses:

1. All public uses authorized by the government of the United States.

2. Public buildings and grounds for the use of the state and all other public uses authorized by the legislative assembly of this state.

3. Public buildings and grounds for the use of any county, incorporated city, village, town or school; canals, aqueducts, flumes, ditches or pipes for conducting water for the use of the inhabitants of any county, incorporated city, village or town; or for draining any county, incorporated city, village or town; raising the banks of streams, removing obstructions therefrom and widening, deepening or straightening their channels; roads, streets and alleys