

OIL INSPECTION

CHAPTER 188.

[S. B. No. 96—Kretschmar.]

OIL INSPECTION.

AN ACT Providing for the Inspection of Refined Petroleum, Illuminating Oils, Gasolines and Other Low Flash Test Petroleum Products, Providing for Ports of Entry, Appointment of a State Inspector of Oils and Deputies, Fixing the Salaries of the Same, and Defining Chemical and Other Tests.

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

§ 1. OIL INSPECTOR. APPOINTMENT OF DEPUTIES. SALARIES.] The Governor shall, by and with the advice of the Senate, appoint a suitable person, a citizen of this state, who is not engaged directly or indirectly in the manufacturing, dealing or vending of petroleum, illuminating oils, gasolines or other petroleum products hereinafter mentioned, whose title shall be State Inspector of Oils, and whose term of office shall be two years, commencing on the first Tuesday of April, succeeding his appointment, or until his successor shall be appointed and shall qualify. Said State Inspector shall appoint a Deputy Inspector at all points designated as ports of entry, whose salary shall be as hereinafter provided. The said State Inspector of Oils and his deputies shall have the right, and it shall be his duty to enter into or upon the premises of any manufacturer, dealer, vendor of refined petroleum oils or gasolines at any time for the inspection of such oils and gasolines, and to inspect any books or paper of such manufacturers, dealers or transportation companies pertaining to the shipment or sale of such oils or gasolines, and all receptacles in which such oils or gasolines are or may be contained. Such State Inspector of Oils shall receive an annual salary of twenty-five hundred dollars, payable monthly on the first day of each calendar month, and each and all of such deputies shall receive salaries payable monthly on the first day of each calendar month, unless otherwise ordered by the State Inspector of Oils as follows:

At ports of entry, where the total number of barrels inspected is in excess of eight thousand per annum, the salary shall be fifty dollars per month. At ports of entry, where the total number of barrels is in excess of fifteen thousand per annum, the salary shall be seventy-five dollars per month.

All ports of entry where the total number of barrels is in excess of twenty-five thousand per annum the salary of Deputy Oil Inspectors shall be one hundred dollars per month; *provided* that the

salary of the Deputy Oil Inspectors at the designated points of entry shall be based upon the last annual report of the State Oil Inspector as to the amount of barrels of oil inspected. All other deputies shall receive a salary of not less than ten dollars per month nor more than thirty dollars per month, as in the judgment of the State Inspector of Oils is just compensation for services performed.

The State Inspector of Oils shall make and file with the State Auditor on or before the fifth day of each month, monthly statements, under oath, of all inspections made by himself and his deputies under the provisions of this Article.

§ 2. STATE AUDITOR'S DUTIES.] It shall be the duty of the State Auditor to furnish the State Treasurer with a summary of inspection fees due the State of North Dakota, designating the name and address of consignors and the amount of inspection fees, on or before the tenth day of each month.

§ 3. STATE TREASURER'S DUTIES.] It shall be the duty of the State Treasurer to receive all inspection funds, fees or fines from the State Oil Inspector and to furnish receipt therefor. The said fund shall be known as the "Oil Inspection Fund" against which all necessary expenses incurred in connection with the enforcement of this Act, court or attorney's fees, or matters of record, shall be charged against the fund, and any moneys remaining in the state treasury January 15th of each year shall be then transferred to the General Fund.

§ 4. PAYMENT OF FEES.] On the first day of each and every month every Deputy Inspector of Oils shall transmit to the State Inspector of Oils all inspection fees received during the preceding month. The State Inspector of Oils shall on or before the tenth day of each and every month transmit to the State Treasurer all funds received for inspection fees during the month preceding. All inspection fees due to the State of North Dakota where oil companies or others execute bonds to guarantee payment of fees shall be made direct by the consignor or consignee of said petroleum products to the State Oil Inspector on or before the fifteenth day of each calendar month.

§ 5. OATH. BOND.] The State Inspector of Oils and his deputies shall each, before entering upon the discharge of his duties, take oath or affirmation, according to the Constitution of this state, and the laws thereof, and shall file the same with the Secretary of State. The said State Inspector of Oils shall execute a bond to the State of North Dakota in the penal sum of five thousand dollars, with such surety as shall be approved by the Governor of the state, conditioned for the faithful performance of the duties herein imposed, which bond shall be for the use of the State of North Dakota, and of all persons aggrieved by the act or failure of act of the State Inspector of Oils, and the same shall be filed with the Secretary of State. Each such Deputy Inspector of Oils shall, before entering upon the discharge of his duties, execute a bond to

the State of North Dakota in the penal sum of not less than one thousand dollars, nor more than five thousand dollars, as the State Inspector of Oils shall prescribe, which bond shall be approved by the Governor and filed with the Secretary of State; and such bond shall be conditioned for the faithful performance of the duties herein imposed and shall be for the use of the State of North Dakota and all persons aggrieved by the act or failure of act of such Deputy Inspector of Oils.

§ 6. OIL COMPANIES MAY EXECUTE BOND TO GUARANTEE PAYMENT OF FEES.] Any person, firm or corporation shipping into the state petroleum, illuminating oils, gasoline, or other petroleum products for sale, or manufacturing within the state such petroleum, illuminating oils, gasoline or other petroleum products may execute a bond to the State of North Dakota in the penal sum of not less than five hundred dollars. In case the inspection fees of any person, firm or corporation exceed the amount of five hundred dollars for any calendar month, such person, firm or corporation shall execute a bond to the State of North Dakota for twice the amount of the maximum fees paid by such person, firm or corporation for any month of the preceding calendar year, with such surety as shall be approved by the Governor of the state, conditioned for the faithful payment of inspection fees herein imposed, which bond shall be for the use of the State of North Dakota, and shall be filed with the Secretary of State not later than April first, 1915. *Provided*, that any person, firm or corporation doing business in the state at the time of the taking effect of this Act, shall file such bond not more than thirty days after shipment of the first consignment into the state. *Provided*, that any person, firm or corporation doing business in this state as herein provided for, not furnishing a bond, shall pay the amount due for each and every inspection before such petroleum products are released by the inspector.

§ 7. INSPECTOR'S APPARATUS TO BE FURNISHED. CHEMIST EMPLOYED.] The State Inspector of Oils shall immediately upon the appointment and qualification of the deputies named in Section 1, procure and furnish to such deputies such apparatus as may be necessary to carry out the provisions of this Article. He may also purchase from time to time the apparatus for making tests of petroleum, illuminating oils, gasolines and other petroleum products as hereinafter provided and pay the necessary office, travel and other expenses of the department. For the purpose of making chemical and photometric tests, as hereinafter provided for, the State Oil Inspector shall provide the necessary apparatus and employ to work under his direction competent chemists at the Agricultural College and University to make such tests as are called for by the provisions of this Act or as in the judgment of the State Oil Inspector are essential for the better enforcement of the laws pertaining to petroleum products and to afford full protection to the public. There shall be paid to each of such institutions, for mak-

ing such tests, the sum of three thousand dollars annually to be taken from the Oil Inspection Fund. It shall be the duty of the chemists employed at the Agricultural College and University to make tests of such illuminating, fuel, power and lubricating oils as are submitted to them to determine the value of the oils for the purposes claimed, said tests being made under such provisions and regulations as may be established by the State Oil Inspector.

§ 8. INSPECTOR'S DUTIES.] Except as hereinafter provided, all illuminating, fuel or power oils, the product of petroleum, or into which petroleum or any product of petroleum enters or is found as a constituent, whether manufactured in this state or not, shall be inspected as provided in this Article before being sold or offered for sale or used for illuminating, fuel or power purposes in this state. It shall be the duty of the State Inspector of Oils, or his deputies, to examine and test within this state all such oils held or offered for sale or sold by any manufacturer, vendor, person, firm or corporation in this state for illuminating, fuel or power purposes, and if upon such tests and examinations, said oils shall meet the requirements hereinafter specified, he shall affix to the receptacle containing same, his brand showing the date of his inspection, his name, and the words "Approved, flash test not less than one hundred (100) degrees, fire test not less than one hundred twenty-five (125) degrees Fahrenheit." But if such illuminating oils, so tested shall not meet such requirements, hereinafter specified, the words "Rejected for illuminating purposes," shall be marked in plain letters upon the receptacle containing the same.

All oils, the product of petroleum or into which petroleum or any product of petroleum enters or is found as a constituent, sold or offered for sale or used in this state for illuminating purposes shall conform to the following requirements:

The color shall be water white when viewed by transmitted light through a layer of oil four inches deep. It shall not give a flash test below one hundred (100) degrees Fahrenheit, closed cup test, Elliott cup, and shall not have a fire test below one hundred twenty-five (125) degrees Fahrenheit, Elliott cup.

Every person, firm or corporation selling or delivering said illuminating oil in bulk by means of portable tanks or tank wagons, or at retail, shall, in lieu of the stamp or brand above provided for, furnish and deliver to the purchaser a certificate covering each delivery thereof, in the following words, figures and terms:

"This is to certify that the illuminating oil covered by this sale has a flash test of not less than one hundred (100) degrees, and a fire test of not less than one hundred twenty-five (125) degrees, and has been inspected and approved by the State Oil Inspector and complies with North Dakota chemical tests."

Provided, so called fuel oils and other petroleum products test forty (40) degrees Beaume or lower at a temperature of sixty (60) degrees Fahrenheit, shall be inspected as in this Act provided and

the same shall be labeled "fuel oil" or "distillate," as the case may be, and the fee for inspection and branding or labeling the same shall be five (5) cents per barrel. It is not the intent of this provision to include lubricating oils.

The State Oil Inspector shall take or cause to be taken samples of all products provided for in this Article at such times as he deems necessary and as found in the possession of dealers or users of said products and cause the same to be examined.

The State Oil Inspector is authorized to publish and distribute bulletins giving information with regard to oils, gasolines and their usage.

§ 9. DUTY OF SELLER. PENALTY.] All oils the products of petroleum or into which petroleum or any product of petroleum enters or is found as a constituent, sold or offered for sale or used in this state for illuminating purposes shall likewise conform to the following, which shall be known as the chemical tests, to-wit:

(a) Such illuminating oils shall not contain water or tar-like matter, nor shall they contain more than a trace of any sulphur compound.

(b) After being subjected to inspection as herein provided, and having withstood all inspection tests, any such so inspected oil may, with the consent of the Oil Inspector, be colored.

(c) It shall be the duty of the State Oil Inspector or his deputy to at least once in each thirty days have a chemical test made at the State University and the State Agricultural College, demonstrating whether or not such oils contain more than four (4) per cent. residue after being distilled at a temperature of five hundred and seventy (570) degrees Fahrenheit, and shall not contain more than six (6) per cent. of oil distilling at three hundred and ten (310) degrees Fahrenheit when one hundred (100) cubic centimeters of the oil are distilled from a side-neck distilling flask two and three-fourths inches in diameter, the length of the neck between the body of the flask and the side tube being two and one-half inches, said flask to be covered with a closely adherent jacket of asbestos paper; also determination of the amount of sulphur compounds in said oils, which shall not contain more than a trace of any sulphur compound, together with such burning tests as may be necessary to determine the photometric value of the oils, which shall not, in the photometric test, when burning under normal conditions, show a fall of more than twenty-five per cent. in candle power in a test of not less than six nor more than eight hours duration; consuming ninety-five per cent. of the oil. The result of such chemical tests shall be included in the annual report of the State Inspector of Oils to the Governor. The failure of the State Inspector of Oils to have the above tests made shall render him liable to a fine of one hundred dollars for each offense. In case any corporation, company or individual, manufacturer or vendor has or offers for sale for illuminating purposes oils which do not

comply with the hereinbefore prescribed tests, the State Inspector of Oils shall reject such oils for illuminating purposes, and the offending officer of any such corporation or company or the manufacturer, vendor or individual having or offering for sale for illuminating purposes such oils shall be deemed guilty of a misdemeanor.

§ 10. DUTY OF SELLER. PENALTY.] All gasolines and all petroleum products having a flash test of less than one hundred (100) degrees Fahrenheit, closed cup test, Elliott cup, whether manufactured in this state or not, shall be inspected as provided in this Article before being sold or offered for sale or used in this state. It shall be the duty of the State Inspector of Oils, or his deputies, to examine and test within this state all such gasoline and petroleum products of less than one hundred (100) degrees Fahrenheit, flash test, held or offered for sale in this state for gravity. The gravity of said gasoline and said petroleum products of less than one hundred (100) degrees Fahrenheit, flash test, shall be determined by the Tagliabus standard registered hydrometer, Beaume scale at a temperature of sixty (60) degrees Fahrenheit. After making said examination and test, he shall affix to the receptacle containing the same, his brand showing the date of inspection, his name and the word "inspected."

Every person, firm or corporation selling or delivering any of the said gasoline or petroleum products of less than one hundred (100) degrees Fahrenheit, flash test, in this state, in barrels or packages, shall plainly stencil or label on each barrel or package containing the same, the words, "Gravity not less than..... degrees Beaume. Unsafe for illuminating purposes. For power purposes only," inserting in the blank space, left therefor, a Beaume gravity not higher than the actual Beaume gravity of the contents of said barrel or package, at a temperature of sixty (60) degrees Fahrenheit. Every person, firm or corporation selling or delivering said gasoline or petroleum products of less than one hundred (100) degrees Fahrenheit, flash test, by means of portable tanks or tank-wagons, or at retail, shall in lieu of the stamp, brand or label hereinbefore provided for, furnish and deliver to the purchaser a certificate covering each delivery of the same in the following words, figures and terms:

"This is to certify that the gasoline or petroleum product of less than one hundred (100) degrees Fahrenheit, flash test, covered by this sale is unsafe for illuminating purposes, has a gravity test of not less than.....degrees Beaume, and has been inspected by the State Inspector of Oils. For power purposes only."

Inserting in the blank space left therefor a Beaume gravity not higher than the actual Beaume gravity, at a temperature of sixty (60) degrees Fahrenheit, of the gasoline or petroleum products of less than one hundred (100) degrees Fahrenheit, flash test, covered by said sale. *Provided*, nevertheless, that all gasolines sold or offered for sale in this state for household purposes, shall, when one

hundred cubic centimeters are subjected to distillation in a flask as described for distilling oil, show not less than three (3) per cent. distilling at one hundred and fifty-eight (158) degrees Fahrenheit, and there shall not be more than six per cent. residue at two hundred and eighty-four (284) degrees Fahrenheit, which shall be known as the chemical test for gasoline sold or offered for sale in this state for household purposes.

Every person, firm or corporation selling or delivering any such gasoline in barrels or packages shall plainly stencil or label on each barrel or package containing the same, the words "Gravity not less than.....degrees Beaume. Unsafe for illuminating purposes. Sold for household purposes."

Every person, firm or corporation, selling or delivering such gasoline in bulk by means of portable tanks or tank-wagons, or at retail, shall, in lieu of the stamp or brand hereinbefore provided for, furnish and deliver to the purchaser a certificate covering each delivery thereof in the following words, figures and terms:

"This is to certify that the gasoline or petroleum product of less than one hundred (100) degrees Fahrenheit, flash test, covered by this sale, is unsafe for illuminating purposes; has a gravity test of not less than.....degrees Beaume; has been inspected by the State Inspector of Oils and complies with the North Dakota chemical test for gasoline for household purposes."

Inserting in the blank space left therefor a Beaume gravity not higher than the Beaume gravity of the gasoline or petroleum product of less than one hundred (100) degrees Fahrenheit, flash test, covered by said sale, at a temperature of sixty (60) degrees Fahrenheit.

Any person, firm or corporation, selling or offering to sell within this state, gasoline for household purposes which does not comply with the foregoing requirements, shall be guilty of a misdemeanor.

§ 11. BRAND TO BE STAMPED ON CONTAINERS.] Every person, firm or corporation offering for sale or selling or manufacturing within the state, such illuminating oils, gasolines or petroleum products of less than one hundred (100) degrees Fahrenheit, flash test, shall stamp or brand every package, barrel or cask containing the same with the name of the brand contained in such package, cask or barrel. Every package, cask or barrel which contains gasoline or any petroleum product of less than one hundred (100) degrees Fahrenheit, flash test, shall be branded before being shipped into the state, "unsafe for illuminating purposes."

§ 12. DUTY OF INSPECTOR, OF TRANSPORTATION COMPANY. PENALTY.] It shall be the duty of the State Inspector of Oils to forward to each of the transportation companies whose lines enter the state, and to the State Auditor, a list of the ports of entry which have been created at once upon entering upon the duties of his office, and to report to such companies and State Auditor new ports of entry as they may be established, together with the names of the

deputies at each port; and the transportation company bringing petroleum, illuminating oils, gasolines, petroleum products, of less than one hundred (100) degrees Fahrenheit, flash test, into the state, subject to the inspection as herein provided, shall stop and hold for inspection at points designated as ports of entry, all consignments of such goods, and a failure to do so will be a misdemeanor on the part of the transportation company and its representative in charge, and punishable by a fine not to exceed one hundred and fifty (150) dollars, or by imprisonment not to exceed thirty (30) days or both. Any person, firm or corporation or individual, bringing into the state such goods in the same manner are subject to the same regulations and penalties, except as to notification of ports of entry and deputies; and for their notification, notices shall be posted at every transportation company's station in each port of entry.

§ 13. INSPECTION FEES.] Each and every Inspector and Deputy Inspector who shall inspect any consignment of illuminating oils or gasoline or petroleum products of less than one hundred (100) degrees Fahrenheit, flash test, as provided in this Article, shall charge the consignor or consignee of such goods the sum of five (5) cents for testing a barrel or less quantity. Fifty gallons shall constitute a barrel. Every such Inspector and Deputy Inspector, shall keep an accurate record of all such goods inspected, rejected, branded or certified to by him, which record shall state the date of such inspection, the number of packages, barrels, casks, or tanks approved, the number rejected, the name of the person for whom inspected, the name of the person to whom consigned, with his address, the sum of money charged for such inspection, and such records shall be open to all persons interested. The State Inspector of Oils shall, in the month of January, in each year, make and deliver to the Governor a report of his acts, and those of his deputies, during the year preceding, together with remarks and suggestions for the benefit of the service, which shall include a copy and summary of the report submitted by said deputies as provided for in this Section.

§ 14. INSPECTION REPORTS.] A record of all inspections shall be made in quadruplicate in a carbon copy book; one copy shall be retained at the port of entry where inspection is made; on the day of inspection one copy of the report shall be forwarded to the consignor or consignee, one copy to the State Inspector of Oils, and one copy to the State Auditor, either on the date of inspection or on or before the fifth day of the succeeding month at the discretion of the State Inspector of Oils. On the first day of each month each deputy shall furnish to the State Inspector of Oils and State Auditor a summary of any and all inspections made by him during the preceding month, including the name and address of every consignor or consignee and the amount of inspection fees, due. One

copy of the monthly summary shall be retained at each port of entry.

§ 15. INSPECTOR AND DEPUTIES SHALL NOT DEAL IN PETROLEUM PRODUCTS.] It shall be unlawful for the State Inspector of Oils, or his Deputies, to directly or indirectly while in office, traffic in any of the the illuminating oils, gasoline or other petroleum products which he has been appointed to inspect. Any person violating the provisions of this Section shall be subject to a penalty of not exceeding five hundred (500) dollars, and be removed from office.

§ 16. STATE'S ATTORNEY SHALL PROSECUTE IN CERTAIN CASES.] It shall be the duty of the State Inspector of Oils, or any of his Deputies, or any person having cognizance of any violation of the provisions of this Article, to forthwith make complaint to the State's Attorney for the county in which the offense is alleged to have been committed, against the person or persons so offending, and it is hereby made the duty of such State's Attorney to represent and prosecute on behalf of the state all cases of offense arising under the provisions of this Article. Any Inspector or State's Attorney who willfully refuses or neglects to carry out the provisions of this Section shall be deemed guilty of a misdemeanor and shall upon conviction thereof be removed from office.

§ 17. FALSE BRAND. ADULTERATIONS. PENALTY.] It shall be unlawful for any person, firm or corporation, whether vendor, dealer or manufacturer, to have, use, sell, attempt to sell or deliver to any person in this state for illuminating purposes any of the illuminating oils hereinbefore mentioned, until the same shall have been inspected and approved, and branded, labeled, or certified, according to the provisions of this Act. It shall be unlawful for any person, firm or corporation, whether vendor, dealer, or manufacturer, to have, use, sell, attempt to sell, or deliver to any person in this state any of the gasolines or petroleum products of less than one hundred (100) degrees Fahrenheit, flash test, until the same shall have been inspected and branded, labeled or certified, according to the provisions of this Act. It shall be unlawful for any person to falsely brand and label any package, barrel or cask, or falsely certify to the contents of any tank car, tank or tank-wagon containing said illuminating oils or said gasoline or said petroleum products of less than one hundred (100) degrees Fahrenheit, flash test, or to deliver therefrom, for the purpose of deceiving the purchaser thereof in any manner, as to the contents of the same. It shall be unlawful for any person to dispose of any empty barrel, cask or package that has once been used for said illuminating oils or gasolines or petroleum products of less than one hundred (100) degrees Fahrenheit, flash test, and has been branded or labeled in accordance with this Act, before thoroughly canceling, removing or effacing the inspection brand of the same.

It shall be unlawful for any person, firm or corporation to adulterate with paraffin or other substances, for the purpose of sale

or use, any of the illuminating oils specified in this Article, nor shall any person sell or offer for sale for illuminating purposes, oils which shall omit a combustible vapor at a temperature of less than one hundred (100) degrees Fahrenheit, according to the test herein described.

Any person violating any of the provisions of this Section shall be deemed guilty of a misdemeanor and shall be subject to a penalty not to exceed five hundred (500) dollars fine, or imprisonment in the State Penitentiary not exceeding one year, or both such fine and imprisonment.

§ 18. CONTAINERS. PENALTY.] It shall be unlawful for any person, firm or corporation to keep for sale or use, or to sell any gasoline or petroleum products of less than one hundred (100) degrees Fahrenheit, flash test, in any barrel, cask, package, can or receptacle, unless the same is painted red, or to keep for sale or use or to sell any petroleum, illuminating oils, in any barrel, cask, package, can or container if the same is painted red, *provided*, however, that in the case of gasoline, benzine or naphtha being sold in bottles for cleaning and similar purpose, it shall be deemed sufficient if the contents are so designated by red label securely pasted or attached thereto, bearing the words "Gasoline," "Benzine," "Naphtha," as the case may be; *provided*, however, that the provisions of this Section shall not apply to any barrel, cask, or other receptacle, the capacity of which is over sixty gallons.

Any person, firm or corporation violating any of the provisions of this Section shall be punished by a fine of not more than twenty-five (25) dollars, or by imprisonment in the county jail of not to exceed sixty (60) days or both.

§ 19. PENALTY.] Whoever shall use, sell or cause to be sold unlawfully for illuminating purposes, any of the illuminating oils specified in this Article, which are below one hundred (100) degrees Fahrenheit, flash test, as tested by the official test as herein described, shall be liable to any person purchasing such oils or to any person injured thereby for any damage to any person or property arising from the explosion thereof.

§ 20. REMOVED FROM OFFICE IN CERTAIN CASES.] It shall be the duty of the Governor whenever he shall find that the State Inspector of Oils is guilty of refusal or neglect to discharge any of the duties enjoined upon him by this Article, to promptly remove him from office. It shall be the duty of the State Inspector of Oils to promptly remove from office any of his deputies who shall prove to be unfaithful or dishonest in the discharge of his duties.

§ 21. PORTS OF ENTRY DESIGNATED. HOW.] The State Inspector of Oils is authorized to designate as ports of entry, points where public necessity requires inspections should be made; but in no case shall any place be designated as a port of entry unless there shall have been received at such place at least one thousand barrels during the preceding year.

§ 22. EXPENSES PAID OUT OF OIL INSPECTION FUND.] All expenses and salaries shall be paid out of the Oil Inspection Fund on the order of the State Inspector of Oils.

§ 23. Nothing in this Act shall be construed to exempt from inspection and payment of fees any illuminating or fuel oils, gasolines, power oils or distillates.

§ 24. REPEAL.] Chapter 214 of the Session Laws of North Dakota for the year 1913, and all Acts or parts of Acts in conflict herewith are hereby repealed.

§ 25. EMERGENCY.] Whereas, an emergency exists in that the state is not adequately protected and inspection fees are not collected, therefore, this Act shall take effect and be in force from and after its passage and approval.

Approved, February 25, 1915.

PAROLE

CHAPTER 189.

[S. B. No. 301—Sub-Committee, Appointed from Committees on Judiciary and State Affairs.]

RELATING TO PAROLE.

AN ACT to Amend Sections 11230 and 11231 of the Compiled Laws of the State of North Dakota for 1913, Relating to Parole of Persons Confined in the Penitentiary.

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

§ 1. AMENDMENT.] Section 11230 of the Compiled Laws of 1913 is hereby amended to read as follows:

§ 11230. WHAT INMATES MAY NOT BE PAROLED.] The following described persons shall not under any circumstances be paroled from the Penitentiary.

1. A person convicted and sentenced for the crime of murder, either in the first or second degree.

2. A person finally convicted, in any jurisdiction, of a felony, other than that for which he is being punished.

3. A person who has not maintained a good record at the Penitentiary for at least six months previous to his parole.

§ 2. AMENDMENT.] Section 11231 of the Compiled Laws of 1913 is hereby amended to read as follows:

§ 11231. REQUIREMENTS PRECEDENT TO PAROLE.] No parole shall be granted to any person confined in the Penitentiary unless:

1. The Warden, in writing, recommends his parole to the Board of Experts.