

an emergency exists and this Act shall take effect and be in force from and after its passage and approval.

Approved, February 27, 1915.

STATE BOARD OF CONTROL

CHAPTER 229.

[S. B. No. 152—Hughes.]

BOARD OF CONTROL TRUSTEES OF PUBLIC PROPERTY.

AN ACT Amending and Re-enacting Section 376 of the Compiled Laws of North Dakota, 1913, Relating to the Powers of the Board of Trustees of Public Property.

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

§ 1. AMENDMENT.] That Section 376 of the Compiled Laws of North Dakota, 1913, be amended and re-enacted to read as follows:

§ 376. The Board of Control shall constitute the Board of Trustees of Public Property, and shall have all the rights, powers, and perform the duties now conferred by law upon the Board of Trustees of Public Property, and such board shall have charge and control of the Capitol, the executive mansion and the park and public grounds connected therewith.

§ 2. EMERGENCY.] An emergency is hereby declared to exist and this Act shall take effect immediately after its passage and approval.

Approved, March 9, 1915.

CHAPTER 230.

[S. B. No. 279—Davis.]

BOARD OF CONTROL.

AN ACT to Amend Sections 236, 237, 255, 265, 270 and 273 of the Compiled Laws of North Dakota for the Year 1913, Relating to the Board of Control of State Institutions, and to Provide for the Transfer of Inmates from one Institution to Another Institution.

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

§ 1. AMENDMENT.] That Section 236 of the Compiled Laws of North Dakota for the year 1913 is hereby amended to read as follows:

§ 236. NOMINATION. TERM OF OFFICE. CONFIRMATION. SALARIES. REMOVAL. VACANCIES.] The Governor shall, prior to the adjournment of the Fourteenth Legislative Assembly, nominate and, with the consent of two-thirds of the members of the Senate in executive session, appoint three electors of the state, no two of whom shall reside, at the time of their appointment, in the same congressional district, as members of a board to be known as a "Board of Control of State Institutions." Said members shall hold office for a term of six years, until their successors are appointed and qualified, *provided* that, of the three appointed in the year 1915, one shall serve for a term ending on the first Monday in July, 1917, one for a term ending on the first Monday in July, 1919, and one for a term ending on the first Monday in July, 1921. The board shall at all times be subject to the above limitations and restrictions. No nomination shall be considered by the Senate until the same shall have been referred to a committee of five, not more than three of whom shall belong to the same political party, to be appointed by the president of the Senate without the formality of a motion, which committee shall report to the Senate in executive session, which report shall be made at any time when called by the Senate. The consideration of nominations by the Senate shall not be had on the same legislative day the nominations are referred.

The chairman of the board for each biennial period shall be designated by the incoming Governor and each member thereof shall receive a salary of three thousand dollars (\$3,000.00) per annum. The Governor may remove any member of the board for malfeasance or nonfeasance in office or for any cause that renders him ineligible to appointment or incapable or unfit to discharge the duties of his office, and his removal when so made, shall be final.

§ 2. AMENDMENT. That Section 237 of the Compiled Laws of North Dakota for the year 1913 is hereby amended to read as follows:

§ 237. OATH. BOND. EXAMINATION. NOT EXCUSED FROM TESTIMONY.] Each member of the board shall take the oath and qualify, as required by Section 661 of the Compiled Laws of North Dakota for the year 1913, and shall devote his whole time to the duties of his office, and he shall not actively be engaged in any other business. Before entering on the duties of his office, each member shall give an official bond of the sum of twenty-five thousand dollars (\$25,000.00) conditioned as provided by law, signed by sureties, to be approved by the Governor as to the sufficiency of the surety and by the Attorney General as to form, and when so approved said bond shall be filed in the office of the Secretary of State, and the premium on said bond shall be paid by the state from the state treasury in the same manner as the premiums on the bonds of other state officials are paid. The said Board of Control shall be subject to examination of the State Auditing Board. The claim that any testimony or evidence sought to be elicited or procured

on such examination may tend to criminate the person giving or producing it, or expose to public ignominy, shall not excuse him from testifying or producing evidence, documentary or otherwise; but no person shall be prosecuted or subjected to penalty or forfeiture for and on account of any matter or thing concerning which he may testify or produce such evidence, *provided* that he shall not be exempt from prosecution and punishment for perjury committed in so testifying.

§ 3. AMENDMENT.] That Section 255 of the Compiled Laws of North Dakota for the year 1913 is hereby amended to read as follows:

§ 255. RECOMMENDATIONS. CONFERENCES.] The board shall, during the first six months after its creation, meet in conference as often as it may determine, the superintendents, wardens and other executive officers of each of the said institutions, or as many thereof as it deems practicable, and consider in detail all questions of management and the methods to be adopted to secure the economical management of the several institutions, as it may deem necessary or advisable, and the board is vested with power to enforce such recommendations and directions. After six months from the creation of the board, consultation and conference of the superintendents, wardens and general executive officers of each of the said institutions shall be held with the board at its office in Bismarck, at such time or times as the board shall deem necessary, but such meetings shall not be held more than once in each three months, at which meetings all matters concerning the government and management of the institutions shall be considered and discussed, and the chairman of the Board of Control shall preside at such meetings, and full minutes thereof shall be preserved by the secretary of such board, who shall be secretary of said meetings.

§ 4. AMENDMENT.] That Section 265 of the Compiled Laws of North Dakota for the year 1913 is hereby amended to read as follows:

§ 265. INVENTORY OF STOCKS AND SUPPLIES.] The board shall require annually on June 30th of each year, the chief executive officer of each institution under its charge to make a complete, minute and accurate inventory of the stock and supplies on hand, the amount and value thereof, which inventory shall be under the following heads: Live stock, produce of the farm on hand, carriages and vehicles, agricultural implements, machinery, mechanical fixtures, real estate, beds and bedding in inmates' department, other furniture in inmates' department, personal property of the state in superintendent's department, ready made clothing, dry goods, provisions and groceries, drugs and medicines, fuel, library and all other property under such heads as the board may deem proper, except the twine plant, which inventory shall be taken September first of each year. A like inventory shall be submitted by the

proper officer of each institution to the board when the annual report of said officer is submitted to the board.

§ 5. AMENDMENT.] That Section 270 of the Compiled Laws of North Dakota for the year 1913 is hereby amended to read as follows:

§ 270. INSTITUTIONS. SALARIES.] The board shall, prior to July 1st, 1915, and annually thereafter, fix, with the written approval of the Governor, the annual or monthly salaries of all the officers and employees in the several institutions, except such as are fixed by the legislative assembly. The board shall classify the officers and employees into grades and the salaries and wages to be paid in each grade shall be uniform in similar institutions in this state. The schedule of wages so fixed shall become operative on July 1st of each year. *Provided*, however, that the salaries of officers and employees of said state institutions, except the local treasurers thereof, who are now holding for a definite term, and a salary fixed by law or by contract according to law, shall remain the same until the expiration of such term. And provided that in case of emergency the board, with the written approval of the Governor, shall be authorized to fix the salaries of additional employees as may be required by any institution after July 1st, and also, if in the best judgment of the board, to raise the salary of any employee deemed worthy of such raise. The salaries and wages shall be included in the monthly estimates as hereinafter provided, and paid in the same manner as other expenses of the several institutions. Officers shall be entitled to the necessary food supplies for their families, and shall receive such allowance from the supplies of the institution, but shall not be entitled to delicacies when not in season. The word "family" shall be construed to mean only the wife and minor children of an officer.

§ 6. AMENDMENT.] That Section 273 of the Compiled Laws of North Dakota for the year 1913 is hereby amended to read as follows:

§ 273. TRIPPLICATE ESTIMATES. REVISIONS. PURCHASE OF SUPPLIES.] The superintendent, warden or other chief executive officers, as may be designated by the Board of Control, shall, on or before the 15th day of February and August of each year, cause to be prepared triplicate estimates in minute detail, including estimated cost of each item, of all the expenditures required for the institution for the ensuing period of six months, or for the ensuing period of one year, if the board shall deem it advisable or advantageous. Two of the said triplicate estimates shall be sent to the office of the board and the third shall be kept by the superintendent, warden or other chief executive officer. The board may revise the estimates for supplies or other expenditures, either as to quantity, quality or the estimated cost thereof, and shall certify that it has carefully examined the same and that the articles contained in such estimates as approved, or revised by it, are, to its

best knowledge and belief, actually required for the use of said institution. The said board shall thereupon advertise for bids for such supplies, requiring samples in every possible case, and such supplies purchased shall in all cases be at least equal in value to the sample submitted by the successful bidder. Where samples are submitted and bids are the same the firm in the state, so bidding, shall have the preference. This provision, however, shall not apply to the purchase price of fibre for the twine plant; but the Board of Control and the warden shall jointly purchase such necessary fibre in the manner thought to be most economical to and for the best interests of the state. When the estimates have been so certified and revised and bids for the supplies enumerated and described therein have been received and contracts for furnishing the supplies have been let, a copy of such revised estimates and the contract for the furnishing the supplies enumerated and described in such revised estimates, duly certified, shall be sent to the institution and another copy retained by the board. The certified copy sent to the institution shall be sufficient authority to the management of the institution to purchase the supplies enumerated in said estimates at prices not to exceed those named in the contract and not otherwise, and such purchase shall be made from such contractors only, unless otherwise specifically authorized by the board in writing. *Provided*, however, that whenever in the judgment of the board the interests of the state can thereby be best served, it may purchase in the open market, such supplies as are necessary, and which supplies by such purchase in the open market, can be purchased to better advantage to the state than if purchased at the times and in the manner herein otherwise provided for.

Said supplies shall be so purchased so as to permit at least thirty days' time to pay therefor; and the steward, clerk or other officer of the institution designated by the board shall require itemized bills to be rendered by the person who furnishes supplies, in duplicate, for all purchases whether made upon contract or otherwise, which shall be in the following form:

The State of North Dakota, on account of..... (Date)

ToDr.

(Here insert an itemized account of goods or property purchased.)

The State of.....

ss:

County of

I,, on oath say that the foregoing bill of account is correct and just and wholly unpaid; that the exact consideration therein charged for was received by the said institution; that neither the same nor any part thereof has since been commuted; that neither bonus, commission or discount, nor any other consideration, directly or indirectly, has been given or stipulated within my knowledge and belief, because of the purchase thereof, as herein set forth, or for any other reason.

(To be signed by the person having personal knowledge of the facts herein set forth.)

.....
 Subscribed and sworn to, before me, this.....day of.....

.....
 I hereby certify that the above account is correct and that the articles therein charged have been received in good order by the Institution.

.....
 Steward, Clerk or other designated officer.

It shall be endorsed as follows:

No.Institution. \$.

Passed upon by the Board of Control on the day ofand ordered paid.

.....
 Secretary of the Board of Control.

§ 7. TRANSFER OF INMATES.] The Board of Control of state institutions is hereby authorized and empowered to transfer inmates of the State Reform School to the Hospital for the Insane or to the Institution for Feeble Minded, or transfer inmates of the Hospital for the Insane to the Institution for Feeble Minded, or inmates of the Institution for Feeble Minded to the Hospital for the Insane, whenever the superintendent of any such institution shall recommend such transfer and the board is satisfied, upon investigation, that such transfer is advisable. If any inmate, so transferred, is maintained at the expense of the county from which he was committed, the cost of his maintenance in the institution to which he is transferred shall be charged to such county, and shall be collected therefrom upon notice to the County Auditor of said county by the Board of Control.

Approved, March 11, 1915.

CHAPTER 231.

[S. B. No. 115—Murphy.]

LAND SALE FOR PUBLIC PARK TO CITY OF GRAFTON.

AN ACT to Provide for Granting, Selling and Conveying Lands Belonging to the State, Described in this Bill, to the Board of Park Commissioners of the City of Grafton, North Dakota, for a Public Park and Artificial Lake.

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

§ 1. That the State Board of Control for penal and charitable institutions is hereby authorized to negotiate, grant or sell to the Board of Park Commissioners of the City of Grafton, North Dakota, the following described lands, or any part thereof, now owned by this state, to be used for a public park and artificial lake, as follows:

About twenty acres lying along the east line of the land now owned by the state in the S. E.⁴ of the N. W.⁴ of section 13, township 157 north, of range 53 W., and that part of the N. E.⁴ of the N. W.⁴ of said section, town and range, lying south of the Park River.

Also a perpetual easement of the land lying in the basin between 5th and 6th streets in the City of Grafton, belonging to the State of North Dakota, to be used for an artificial lake, which lake shall be constructed and maintained by the Board of Park Commissioners of the City of Grafton, North Dakota.

§ 2. Should the said Board of Control in its negotiations with the said Board of Park Commissioners be unable to agree on the consideration for such land or lands, then and in that event the Governor shall act as a mediator between said boards and the price established by him shall be final; *providing*, such price shall not exceed the price set by the Board of Control.

§ 3. On the consummation of the negotiations for the sale and transfer of said land or lands, the Board of Control shall report such sale and the conditions thereof to the Governor who shall approve of the same and cause such report to be filed and recorded in the office of the Land Commissioner.

§ 4. Upon the recording of the report of the Board of Control the Board of University and School Lands shall convey the land or lands embraced in said report on the terms stated to the Board of Park Commissioners of the City of Grafton, North Dakota, in the same manner as the lands granted to the state are conveyed.

§ 5. Such deed shall be delivered to the Board of Park Commissioners of the City of Grafton, North Dakota, upon the said board paying into the state treasury the consideration named in the report made by the Board of Control, which consideration shall be used in the purchase of other lands for the Institution for the Feeble Minded.

§ 6. Whereas, an emergency exists in the fact that the park and artificial lake enumerated in this Act are of great importance for the health and pleasure of the inmates of the Institution for Feeble Minded and the public generally, and should be opened as early as possible, therefore, this Act shall take effect and be in force from and after its passage and approval.

Approved, February 20, 1915.