

for the keeping of the ballots and to make them readily accessible for use in legal proceedings, and such ballots shall be received in evidence without further identification or foundation being laid, and any failure on the part of the election officers to comply with any of the formalities required hereby as to the return of said ballots shall not invalidate any election or cause any ballot otherwise regular to be disregarded and any omission or irregularities in the manner of identifying or returning the ballots of any precinct may be obviated by proof under the ordinary rules of evidence.

Approved March 7, 1919.

ELECTRICAL SUPPLY AND SIGNAL LINES

CHAPTER 122.

(H. B. No. 110—Robinson.)

POWERS AND DUTIES OF RAILROAD COMMISSIONERS RELATING TO OPERATION AND MAINTENANCE OF ELECTRICAL SUPPLY AND SIGNAL LINES.

An Act Regulating the Construction, Reconstruction, Operation and Maintenance of Electrical Supply and Signal Lines Upon the Highways and Public Places of the State of North Dakota and Vesting in the Board of Railroad Commissioners Certain Powers and Duties, and Giving to Said Commission Power to Adopt Rules and Regulations for the Purpose of Avoiding or Minimizing the Hazard of Injury to Persons or Property and Avoiding or Mitigating Interference With the Service of Signal Lines, by Reason of the Close Association or Proximity of Signal Lines to or With Electrical Supply Lines.

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

Sec. 1. That the Board of Railroad Commissioners is hereby vested with full power and authority to regulate the construction, reconstruction, operation and maintenance of all electrical supply lines and signal lines, located in, under or across the public highways or public places in this state, within and without the limits of incorporated cities and towns, to the extent necessary to avoid or mitigate interference from electrical supply lines and for the purpose of avoiding or minimizing the hazard of injury to persons or property by reason of the close association or proximity of electrical supply lines to or with signal lines.

Sec. 2. That prior to commencing the construction or reconstruction of any electrical supply line intended to carry a constant potential alternating current of over five thousand (5000) volts or a constant current circuit exceeding seven and one-half

(7.5) amperes or a grounded trolley direct current of over seven hundred and fifty (750) volts, or prior to converting a line of another character to one of these, written application shall be made by the person, firm or corporation desiring to construct or reconstruct or convert said line to the Board of Railroad Commissioners. The application shall be accompanied by such drawings and specifications as shall show the route of the proposed line in detail, and the method of construction and operation, and said application, drawings or specifications shall also show the route and location relative to the proposed line of any other existing electrical supply or signal line over, across or parallel with which the proposed line is to be constructed, together with the name or names of the owners thereof, and such other preliminary information as the Commission may require.

Sec. 3. Upon receipt of such written application, the Commission shall set a date not later than thirty (30) days from the date of the receipt of the application for a hearing upon the matter, and shall at least ten (10) days before the date of said hearing notify in writing each of the parties affected or likely to be affected by the construction or reconstruction of said line. At such hearing the Commission shall swear witnesses, take evidence, and make such an investigation as shall determine all of the facts in the case, and if the party desiring to build the line files its written consent to abide by the rules and regulations of the Commission or the order issued in relation to the matter, then and in that case said party may proceed to construct such line.

Sec. 4. Whenever any such application is filed with the Commission and it shall appear to the satisfaction of said Commission that all of the interested parties have agreed in writing in regard to the methods of construction, reconstruction, operation and maintenance of the proposed line, then and in that case such application shall be forthwith granted without hearing.

Sec. 5. That the Commission is hereby given full power and authority to apportion between the interested parties the costs or additional costs which may accrue from the adoption of plans, or methods or means in order to avoid, minimize or mitigate interference or hazard.

Sec. 6. That the Commission shall compile, adopt and promulgate, within one year from the passage of this bill, such general and specific rules and regulations as to it may seem proper for the government of the questions covered by this Act and the Commission may from time to time thereafter repeal, modify or amend such rules and regulations.

Sec. 7. That the provisions of this Act shall in no wise be construed to affect, control or change the franchise rights of persons, firms or corporations owning or operating electrical supply or signal lines in or upon the highways of the State of North Da-

kota and shall be construed only as regulatory measures intended to avoid or mitigate interference from electrical supply lines to signal lines and to avoid or minimize the hazard or injury to persons or property by reason of the close association or proximity of electrical supply lines to or with signal lines.

Sec. 8. That the word, "operation" wherever it appears in this Act shall be construed and applied only in relation to the manner of operating the lines referred to so as to avoid or minimize the hazard of injury to persons or property and to avoid or mitigate interference with the service of signal lines.

Sec. 9. That the word "Commission" wherever used in this Act shall mean the Board of Railroad Commissioners.

Sec. 10. That the words "electrical supply lines" wherever used in this Act shall mean those electrical conductors and their necessary supporting and containing structures which are used for transmitting a supply of electrical energy.

Sec. 11. That the words "Signal lines" wherever used in this Act shall mean those lines for public or private signal or communication service and devoted exclusively to the transmission of signals or intelligence, which operate at not exceeding four hundred (400) volts to ground or seven hundred and fifty (750) volts between any two points of the circuit and the transmitted power of which does not exceed one hundred and fifty (150) watts.

Sec. 12. Whenever the Commission shall enter an order in compliance with the provisions of this Act it shall be compulsory for such person, firm or corporation upon whom such order is served to comply with said order, and failing to do so, such person, firm or corporation shall forfeit to the State of North Dakota on suit by the Attorney General of the State the sum of Ten Dollars (\$10.00) for each and every day the neglect to comply with such order of the Commission continues.

Sec. 13. That any or all parties affected by an order of the Commission made by virtue of this Act are hereby given the same right of appeal to the courts as such party is entitled to under the Constitution and laws of the state, and any party affected by the order of the Commission in any matter relating to the subject matter of this act may prosecute and conduct the appeal to the courts in the same manner as an appeal lies from any other order of this Commission, as provided in Article 21 of the Compiled Laws of 1913 and all Acts amendatory thereto.

Sec. 14. Municipalities of the state of North Dakota are hereby given the right to file complaints with this Commission and it is hereby made the duty of this Commission to hold a public hearing whenever any such municipality shall file written complaint and set forth facts that require action on the part of this Commission in order to avoid or mitigate electrical interference from electrical supply lines, or for the purpose of avoiding or minimiz-

ing the hazard of injury to persons or property by reason of the close association or proximity of signal lines with electrical supply lines.

Sec. 15. A full and complete record shall be kept by the Commission of all proceedings had before it upon any formal investigation or hearing and all testimony received or offered shall be taken down by a stenographer appointed by the Commission and a transcribed copy of such record shall be furnished to any party to such investigation upon demand.

Sec. 16. Any person, firm or corporation violating any of the provisions of this Act, or any rule or regulation of the Commission adopted in compliance with this Act, shall, upon conviction be punished by a fine of not less than twenty-five (\$25.00) dollars nor more than fifty dollars (\$50.00).

Sec. 17. All Acts or parts of Acts conflicting with the provisions of this Act are hereby repealed.

Approved March 3, 1919.

ELECTRICIANS

CHAPTER 123.

(S. B. No. 141—King.)

STATE BOARD OF ELECTRICIANS.

An Act to Create a State Board of Electricians and Prescribing the Duties Thereof. Providing for the Classification, Examination and Licensing of Electricians and Electrical Workers. Prescribing Fees for Such Examination and License, and Providing for Inspection of Electrical Work Through the State Fire Marshal Under the Direction of the State Board, and to Repeal Chapter 118 of the Laws of North Dakota for 1917.

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

Sec. 1. A state board of electricians is hereby created which shall consist of three members appointed by the governor for periods of two, four and six years, respectively, and the State Fire Marshal who shall be ex-officio and secretary of the Board. The three members appointed shall consist of one Master Electrician engaged in active work, one Journeyman Electrician and one Electrical Engineer of known ability. Vacancies shall be filled in the same manner and from the same class to which the retiring member belonged. The Board shall select from its members a president and treasurer, prescribe rules for the management of its affairs and adopt a seal. Each member shall receive five dollars (\$5.00) per day for actual services rendered, and in addition thereto, actual expenses incurred in the discharge of his duties.