

§ 3. Each member of said commission shall serve for a term of two years, and until his or her successor is appointed and qualified, from the date of the appointment. Vacancies in said commission shall be filled by the Governor upon nominations by the organization or organizations not represented upon said commission on account of such vacancy.

§ 4. It shall be the duty of said commission to study social conditions touching upon the welfare of children in the state of North Dakota, and to recommend necessary revision and codification of existing laws, and such new laws as may be found necessary. To this end said commission shall make a comprehensive and detailed report containing its findings and proposals to the next legislative assembly either regular or special and to each succeeding Legislative Assembly during the period of its existence.

§ 5. The Commission may make all necessary rules and regulations for the conduct of its meetings and for the election of the officers thereof. It shall have the power to appoint a secretary either from within or without its membership, the salary of which secretary as fixed by the commission at not to exceed two thousand dollars (\$2,000.00) per annum shall be paid from the appropriation hereinafter made.

§ 6. There is hereby appropriated out of any funds in the state treasury not otherwise appropriated the sum of Two Thousand Five Hundred Dollars (\$2,500.00) to be used for the payment of the salary of the secretary of the above named commission and the necessary expenses of said commission, including traveling expenses, postage, and stationery.

§ 7. This Act is hereby declared to be an emergency measure and to be in full force and effect immediately after its passage and approval.

Approved March 18, 1921.

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## CITIES

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### CHAPTER 30.

(S. B. No. 102.—Ployhar.)

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#### COMPENSATION OF ALDERMEN.

An Act to Amend and Re-enact Section 3621, Compiled Laws of North Dakota for the year 1913, Relating to Compensation of Aldermen.

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

§ 1. AMENDMENT.] That Section 3621, of the Compiled Laws of North Dakota for the year 1913, be amended and re-enacted to read as follows:

§ 3621. COMPENSATION OF ALDERMEN.] The aldermen may receive such compensation for their services as shall be fixed by ordinance; provided such compensation shall not exceed five dollars to each alderman for each meeting of the city council actually attended by him.  
Approved March 2, 1921.

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## CHAPTER 31.

(S. B. No. 98.--Ettestad.)

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### INCORPORATION OF CITIES.

An Act to Amend and Re-enact Section 3552, Compiled Laws of North Dakota for the year 1913, Permitting Incorporated towns and villages having a population of not less than Two Hundred Inhabitants to become incorporated as a City.

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

§ 1. AMENDMENT.] Section 3552 of the Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted so as to read as follows:

§ 3552. CITIES INCORPORATED, HOW.] Any city in this state, and any incorporated town or village therein, having a population of not less than two hundred inhabitants, may become incorporated, under this chapter, as a city in the manner following: Whenever one-tenth of the legal voters of such city, or one-fifth of the legal voters of such incorporated town or village, voting at the last preceding general election shall petition the mayor and council of such city, or the president and trustees of such incorporated town or village, to submit the question as to whether such city, incorporated town or village, shall become incorporated under this chapter, to a vote of the electors in such city, town or village, it shall be the duty of such mayor and council of such city, or president and trustees of such incorporated town or village, to submit such question accordingly, and to appoint a time and place or places at which such vote may be taken, and to designate the persons who shall act as judges and clerks at such election; but such question shall not be submitted oftener than once in four years.

§ 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

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

Approved March 2, 1921.

## CHAPTER 32.

(H. B. No. 42.—Maxwell.)

## LIMITS.

An Act to Amend and Re-enact Section 3969 of the Compiled Laws of North Dakota for the year 1913, as amended by Section 79 of the Session Laws of North Dakota for the year 1919, relating to excluding farm lands from the limits of city, town and villages.

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

§ 1. That Section 3969 of the Compiled Laws of 1913, as amended by Chapter 79 of the Session Laws of 1919 of the State of North Dakota, be and the same is hereby amended and re-enacted to read as follows:

§ 3969. LIMITS MAY BE RESTRICTED.] On petition, in writing, signed by not less than three-fourths of the legal voters and by property owners of not less than three-fourths in value of the property in any territory, within any incorporated city, town or village, and being upon the border and within the limits thereof, the city council of the city, or the board of trustees of the town or village, as the case may be, may disconnect and exclude such territory from such city, town or village; provided, that the provisions of this section shall only apply to lands not laid out into city, town or village lots or blocks.

Provided, further, that when the property or lands described in such petition bordering upon and within the limits of any such incorporated city, town or village are wholly unplatted, and no municipal sewers, water-mains, pavements, sidewalks or other city, town or village improvements have been made or constructed therein, except as hereinafter provided, and this is made to appear upon the hearing upon such petition by the city council, commission or board of trustees of the town or village, as the case may be, it shall be the duty of the city council, commission or board of trustees to disconnect and exclude such territory from the city, town or village.

And, provided further, that where a sewer outlet extends upon or over said unplatted lands, it shall be the duty of the city council, commission or board of trustees to disconnect and exclude such territory from such city, town or village, provided, that this Act shall not in any way repeal or otherwise affect the provisions of Section 3697 of the Compiled Laws of 1913.

Approved March 2, 1921.

## CHAPTER 33.

(H. B. No. 45.—S. W. Johnson.)

## PLATS.

An Act to Amend and Re-enact Section 3967 of the Compiled Laws of North Dakota for the year 1913 relating to errors and deficiencies in City, Town or Village Plats.

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

§ 1. AMENDMENT.] That Section 3967 of the Compiled Laws of North Dakota for the year 1913 be amended to read as follows:

§ 3967. PROCEDURE FOR CORRECTION, METHOD OF CORRECTION, ASSESSMENT FOR EXPENSES.] Whenever any platted addition, outlot or parcel of ground, or any sub-division of same within the corporate limits of any city, town or village shall be found to be inadequately or erroneously described in the plat, or when such plat or plats shall be found in error or deficient as to marked or scaled distances, angles, descriptions or have such other defects as will make said plat an incorrect and deficient plat and description of the property platted, the city council, or trustees of any town or village may by resolution declare it necessary to correct such plat or plats, or completely replat such property, and shall publish such resolutions in the official paper of the city, town or village once each week for three consecutive weeks.

Such resolution shall contain and stipulate: (a) The description of the property affected, (b) the nature of the errors or defects, (c) an outline of the proposed corrections, (d) an estimate of the probable cost of making the corrections as made by the city, town or village engineer or some competent engineer or surveyor designated for that purpose, (e) that any interested owner may file objections to the proposed work or the cost of same and that such objections will be heard and considered at a meeting designated for that purpose, (f) the time of such meeting when the council will meet to consider all objections. When all objections filed at or prior to the meeting designated for the purpose shall have been duly heard and considered, the city council of any such city, or trustees of any such town or village shall if it deems such work advisable and if the owners of the majority of the property affected shall not have filed a protest against same, order the city, town or village engineer or such other competent engineer or surveyor as shall have been designated in the resolution declaring the work necessary, to do the work in accordance with said resolutions.

The engineer or surveyor designated to make the correction or replatting shall follow such original hubs, stakes, monuments and lines, and shall to the best of his ability by actual survey and measurements on the ground make the plat conform to the divisions, sub-divisions,

blocks, lots, outlots, pieces and parcels of land as originally laid out. All lost or disputed points, lines and angles shall be determined by actual survey and made to conform with the original survey, and shall be marked on the ground with substantial oak stakes in a manner customary and provided for in townsite surveys. All numbers, letterings, and names of references to blocks, lots, outlots, additions, streets, avenues, alleys, etc., shall be the same as on the original plat, and the revised and corrected plat shall be a true plat of the survey as originally made. The surveyor shall make his affidavit and certification that the plat has been so made to the best of his ability and shall affix same to the plat.

The completed plat shall be filed with the city auditor, town or village clerk who shall publish a notice of that fact once a week for three consecutive weeks, which notice shall stipulate that all interested parties may view same, and set forth a date when the city council of any such city, or trustee of any such town or village will sit to hear objections to the survey as made and when it will consider same.

In the opinion of the council of such city, or board of trustee of such town or village an injustice has been done, it shall order such surveys and resurveys as it may deem necessary to determine the merit of any claim and shall adjourn from time to time or until such time as all the necessary information shall be available.

The council of such city, or board of trustees of such town or village then shall affirm or reject the plat by resolution. If passed by two-thirds vote of the members elected the plat shall be recorded in office of Register of Deeds and a blue print of same with the County Auditor in the County in which the city, town or village is located and shall be the true and correct map of the property described and shall supersede any and all previous plats. All costs and disbursements shall be assessed against the property benefited according to the benefits by the city, town or village engineer which assessments shall be published in full by the city auditor, town or village clerk in the official paper of the city, town or village and be subject to the approval of the city council of such city, or board of trustees of such town or village after due consideration and hearing of any and all objections at a meeting designated for that purpose in the notice and publication of the assessment. When approved by the city council of such city, or board of trustee of such town or village such assessment shall be certified to the county auditor and shall be payable in one annual installment as a special assessment tax.

Approved February 18, 1921.

## CHAPTER 34.

(H. B. No. 134.—Semling, by request.)

## PUBLIC UTILITIES.

An Act to Amend and Re-enact Sub-division 70 of Section 3818, Compiled Laws of North Dakota for 1913, Relating to Public Utilities and to the Purchase and Acquisition by a City of Any System of Water Works, and Authorizing the State of North Dakota to Engage in the Enterprise of Furnishing Electricity for Power and Lighting Purposes to the Inhabitants and Public of the City of Bismarck and of the County of Burleigh and to Supply Electricity to All State Buildings Owned or Leased by the State of North Dakota in Said City and County and to the State Street Car Line, and Making Provision for the Issuance of Bonds.

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

§ 70. Any city may purchase, acquire by eminent domain, erect, lease, rent, manage, and maintain any system of water works, well reservoirs, pipes, machinery, buildings, and all other property comprising a water works system, hydrants, and supply of water, telegraphing, fire signals, or fire apparatus that may be of use in the prevention and extinguishment of fires, and to pass all ordinances, penal or otherwise, that shall be necessary for the full protection, maintenance, management and control of the property so leased, purchased or erected, and to fix and regulate the rates, use and sale of water; and in the same manner any city may acquire, establish and maintain a plant for the purpose of furnishing electricity and power for lighting purposes to its inhabitants and may regulate and fix the rates to its patrons.

§ 70 A. And the State of North Dakota is hereby authorized to engage in the enterprise of furnishing electricity for power and lighting purposes to the inhabitants and public of the City of Bismarck and of the County of Burleigh and to supply electricity to all buildings owned or leased by the State of North Dakota in said city and county and to the State street car line; and in the same manner and Industrial Commission of the State of North Dakota shall have power and is authorized to consolidate the two separate electric plants, one at the Capitol and the other at the State Penitentiary, and locate same on the State Penitentiary grounds near the City of Bismarck, and to manage and operate the same, and to make and enforce rates, orders rules, regulations and by-laws for the operation thereof, and for the transaction of said business, and in carrying on said business, said Commission shall utilize prison labor as far as possible.

In fixing the rates for current furnished for power and lighting purposes to be charged to private consumers the Industrial Commis-

sion shall have in view the lowest rate consistent with the furnishing of adequate service.

It shall be the duty of the Industrial Commission, and said commission is hereby empowered and authorized to obtain in the name of the State of North Dakota by permission or otherwise, licenses and franchises from the County of Burleigh and the City of Bismarck, in the State of North Dakota, for the use of roads, public highways, streets and alleys for the purpose of installing all necessary wire, poles, conduits, cables and other services and equipment necessary to the operation of said utility.

§ 70B. For the purpose of carrying out the provisions of this Act, the Industrial Commission is hereby authorized to issue bonds of the State of North Dakota in a sum not exceeding \$250,000, to be known as Bonds of North Dakota, Electric Utility Series, which bonds are to bear interest at a rate not exceeding six per cent per annum, and said bonds shall be issued, insofar as possible, pursuant to the conditions and provision of Chapter 153, Session Laws of North Dakota, 1919.

§ 70C. If any part of this Act shall be declared unconstitutional by the Supreme Court of the State of North Dakota, the other parts hereof, being valid, insofar as it is not unconstitutional it shall be and remain in full force and effect notwithstanding the unconstitutionality of some part thereof.

§ 70D. Provided, that in the event that such property is acquired by condemnation proceedings the city or municipality instituting such proceedings shall be bound by the decision of the court and jury in such proceedings, and shall pay into court, within six months after the rendering of the verdict therein, the full amount found by the jury to be the amount of the damages for such taking.

Approved March 11, 1921.

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## CHAPTER 35.

(S. B. No. 103—Ployhar.)

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### COUNCIL PROCEEDINGS.

AN ACT to compel City Councils to Publish Proceedings of All Meetings in Official Paper to be Designated by Them.

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

§ 1. PUBLICATION OF PROCEEDINGS.] Hereafter it shall be the duty of City Councils to cause to be published in an official paper, designated by them, a complete record of all proceedings of said councils.

§ 2. REPEAL.] All Acts or parts of Acts, insofar as they conflict with the provisions of this Act are hereby repealed.

Approved March 18, 1921.

## CHAPTER 36.

(H. B. No. 137.—Semling by Request.)

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## PURCHASE OF WATER WORKS.

AN ACT Amending and Re-enacting Section 3742, Compiled Laws of North Dakota for 1913, relating to the application of the provisions of Article 20, Compiled Laws of 1913, to Water Main and Water Works Systems, and to the purchase thereof.

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

§ 1. AMENDMENT. Section 3742, Compiled Laws of North Dakota, for 1913, is hereby amended and re-enacted so as to read as follows:

§ 3742. WATER MAIN AND WATER WORKS PROVISIONS, APPLICABLE WHEN.] The provisions of this article with reference to water mains and water works shall apply only to cities which own or contemplate owning a system of water works and water mains; provided, that in case of the purchase of a water works system, either by eminent domain or otherwise, a city shall have power to create water main and water works districts, to direct the preparation of plans and specifications, to adopt a resolution declaring the purchase of such system necessary, and to take all other proceedings prescribed by this article which would be taken in case of construction of a new water works system for the purpose of defraying the cost thereof by special assessment of the property benefited thereby. It is the intent hereof that property benefited thereby may be specially assessed for the purchase of a water works system, either separately or as a part of a new system the same as if the same were constructed entirely anew.

Approved March 11, 1921.