

NORTH DAKOTA

CHAPTER 203

(H. B. No. 275—Burkhart, Burns, Muus, Ehr and Johnson)

COMPACT WITH SASKATCHEWAN AND MANITOBA AND DOMINION OF CANADA AND U. S. AS TO MOUSE RIVER

An Act Providing for the Appointment of Representatives on Behalf of the State of North Dakota to Negotiate a Compact and Agreement Between the State of North Dakota, the Provinces of Saskatchewan and Manitoba and the Dominion of Canada and the United States of America, Respecting the Use, Control, Utilization and Disposition of the Waters of the Mouse River (named the Souris River in Canada) and the Rights of said State of North Dakota and said Provinces and the Dominion of Canada and the United States Thereto.

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

§ 1. APPOINTMENT.] The Governor of the State of North Dakota shall appoint the State Engineer, or an Assistant to the State Engineer, who is in charge of matters relating to flood protection and drainage, and one other elector and taxpayer of the state, both of whom shall serve without compensation as representatives of the State of North Dakota, and who shall be duly authorized to represent the State of North Dakota on a joint commission to be composed of representatives of North Dakota, the Provinces of Saskatchewan and Manitoba, the Dominion of Canada, and the United States of America, such commission to be constituted for the purpose of negotiating and entering into a compact or agreement between the State of North Dakota, said Provinces and the Dominion of Canada and the United States of America, with the consent of the proper authorities of said high contracting parties respecting the control, utilization and disposition of the waters of the said Mouse River (named the Souris River in Canada) and the benefits to be derived therefrom; provided, however, that any compact or agreements so entered into by said parties above mentioned shall not be binding or obligatory upon any of the high contracting parties thereto, unless and until the same shall have been ratified by the proper authorities representing said State of North Dakota and the Provinces referred to, as well as the Dominion of Canada and the United States of America.

§ 2. NOTICE OF APPOINTMENT; WHEN DUTIES TO BE PERFORMED.] The Governor of North Dakota shall notify the proper authorities representing the Province of Saskatchewan and the

Province of Manitoba and the Dominion of Canada of the appointment of representatives of North Dakota as soon as said representatives shall have been appointed and qualified, but said representatives shall not enter upon the performance of their duties until a representative or representatives to serve upon said joint commission shall have been named and qualified for each of the parties named in Section 1 hereof, provided, however, that said representatives shall proceed immediately after the passage of this act and its approval by the Governor, in carrying out the provisions of Section 3 hereof as pertains to the Mouse River (named Souris River in Canada) and its tributaries within the boundaries of the State of North Dakota, and the securing of the necessary data and information called for by this act shall not be contingent upon appointment and qualification of the representatives of the other Provinces concerned or of the representatives of the Dominion of Canada or of the United States of America.

§ 3. AUTHORITY.] Said representatives of the State of North Dakota shall have full authority to make or cause to be made any and all investigations of the Mouse River (named the Souris River in Canada) and the drainage area thereof, which may become necessary in order to sufficiently advise said representatives of the physical conditions obtaining upon said streams and the drainage area thereof, and of the present and future needs of the State of North Dakota and its citizens in the use and control of the waters of said streams and the streams tributary thereto. To that end, said representatives shall have authority to administer oaths, examine and require the attendance of witnesses and to perform such other duties and gather such data as may be necessary to sufficiently apprise said representatives of the facts and furnish him or them with adequate information in order that they may properly perform their duties as representatives of the State of North Dakota upon said joint commission.

§ 4. NO APPROPRIATION ; OUTSIDE AID.] No appropriation is made for the purposes of carrying out this act other than the appropriation for the State Engineer's Office, but the State Engineer shall be permitted to utilize his office force and staff, where this can be done without detriment to the other work required to be performed under existing laws ; and the representatives appointed under the provisions of this act may receive financial or other assistance from such associations or individuals as are interested in and willing to give such aid in performance of the services required to be performed under the provisions of this act.

Approved March 3, 1927.

CHAPTER 204
(H. B. No. 217—Rulon)

**COMPACT WITH SOUTH DAKOTA AS TO USE, CONTROL, ETC.,
OF JAMES RIVER**

An Act Providing for the Appointment of Representatives on Behalf of the State of North Dakota to Negotiate a Compact and Agreement Between the States of North Dakota and South Dakota, Respecting the Use, Control, Utilization and Regulation of the Waters of the James River and the Rights of Said States Thereto.

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

§ 1. APPOINTMENT.] The Governor of the State of North Dakota shall appoint the state engineer, or an assistant to the state engineer, who is in charge of matters relating to flood protection and drainage, and one other elector and taxpayer of the state, both of whom shall serve without compensation as representatives of the State of North Dakota, and who shall be duly authorized to represent the State of North Dakota on a joint commission to be composed of representatives of North and South Dakota, such commission to be constituted for the purpose of negotiating and entering into a compact or agreement between the said states, respecting the control, utilization and regulation of the waters of the James River and streams tributary thereto, and fixing and determining the rights of the said states concerning the control, utilization and regulation of the waters of said stream and the benefits to be derived therefrom; provided, however, that any compact or agreement so entered into by said states shall not be binding or obligatory upon any of the high contracting parties thereto, unless and until the same shall have been ratified and approved by the legislatures of the said states.

§ 2. NOTICE OF APPOINTMENT; WHEN DUTIES TO BE PERFORMED.] The Governor of North Dakota shall notify the Governor of South Dakota of the appointment of the representatives of North Dakota as soon as said representatives shall have been appointed and qualified, but said representatives shall not enter upon the performance of their duties until a representative or representatives to serve upon said joint commission shall have been named and qualified for each state named in section 1 hereof, provided, however, that said representatives shall proceed immediately after the passage of this act and its approval by the governor, in carrying out the provisions of section 3 hereof as pertains to the James River and its tributaries within the boundaries of the State of North Dakota, and the securing of the necessary data and information called for by this act shall not be contingent upon appointment and qualification of the representatives of the State of South Dakota.

§ 3. **AUTHORITY.]** Said representatives of the State of North Dakota shall have full authority to make or cause to be made any and all investigations of the James River and the drainage area thereof, which may become necessary in order to sufficiently advise said representatives of the physical conditions obtaining upon said streams and the drainage area thereof, and of the present and future needs of the State of North Dakota and its citizens in the use and control of the waters of the said stream and the streams tributary thereto. To that end, said representatives shall have authority to administer oaths, examine and require the attendance of witnesses, and to perform such other duties and gather such data as may be necessary to sufficiently apprise said representatives of the facts and furnish him or them with adequate information in order that they may properly perform their duties as representatives of the State of North Dakota upon said joint commission.

§ 4. **NO APPROPRIATION; OUTSIDE AID.]** No appropriation is made for the purpose of carrying out this act other than the appropriation for the state engineer's office, but the state engineer shall be permitted to utilize his office force and staff, where this can be done without detriment to the other work required to be performed under existing laws; and the representatives appointed under the provisions of this act may receive financial or other assistance from such associations or individuals as are interested in and willing to give such aid in performance of the services required to be performed under the provisions of this act.

Approved March 3, 1927.

CHAPTER 205
(S. B. No. 225—Sathre)

DISTRIBUTION OF LAWS FOR OFFICIAL PURPOSES

An Act to Amend and Re-enact Section 89 of the Compiled Laws of the State of North Dakota of 1913 Relating to the Exchange of Laws With Other States.

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

§ 89. The chief justice of the supreme court, the governor and the attorney general, shall constitute a board to control distribution, other than already provided by statute, of all laws passed by each legislative assembly and all compilations or codifications of the same, and whenever it shall seem to such board desirable, it may authorize and direct the secretary of state to distribute copies thereof:

(1) in exchange for like publications of other states, or

- (2) to replace copies lost or damaged in official use in this state, or
- (3) to provide copies to state officers, boards, commissions or institutions as may be created from time to time in this state, or
- (4) to provide additional copies to such state officers, boards, commissions or institutions as may be found to be inadequately supplied.

Approved March 5, 1927.

CHAPTER 206

(H. B. No. 353—Jardine)

RETENTION MONEY ON PUBLIC CONTRACTS

An Act Providing for the Percentage of the Contract Price Which Shall Be Retained and Held Back Upon All Contracts Made by Public Corporations of this State Including the State and All State Institutions, Until the Completion and Acceptance of Such Contracts.

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

§ 1. RETENTION MONEY ON PUBLIC CONTRACTS.] There shall be held back and retained upon all contracts made by public corporations of this state, including the state and all state institutions, until the final completion and acceptance of such contracts, an amount equal to 15% of the contract price of such contracts, unless a smaller percentage is now provided by law to be so withheld and retained.

§ 2. All acts or parts of acts in conflict herewith are hereby repealed.

Approved March 3, 1927.

CHAPTER 207

(S. B. No. 2—Special Committee)

SUPPLEMENT TO THE COMPILED LAWS OF 1913

An Act Declaring that the Courts of this State Shall Take Judicial Notice of a Publication of Certain Laws of This State Prepared and Published Pursuant to the Provisions of Chapter 158, Session Laws of 1925, and Commonly Known and Entitled "Supplement to the Compiled Laws of 1913," and that Amendments and Repeals Thereof and Enactments of Other Laws Referring Thereto Shall Be Deemed to Refer to Laws of the State as Appearing in Such Publication.

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

§ 1. All courts of this state shall take judicial notice of a publication prepared and published pursuant to the provisions of

Chapter 158, Session Laws 1925, and purporting to be a compilation of the statutes enacted at the Legislative Sessions of 1915, 1917, at the special session of 1918, the regular session of 1919, and the special session of 1919, and at the regular sessions of 1921, 1923 and 1925, such publication being commonly referred to and known as "Supplement to the Compiled Laws of 1913;" and whenever, in any enactment of the Twentieth Legislative Session, or any subsequent legislative session, any reference shall be made to said "Supplement to the Compiled Laws of 1913," such reference shall be deemed and taken to refer to the original laws purporting to be contained in said publication. And any amendment or repeal of any law by reference to said publication shall be deemed and taken to be an amendment or repeal of the original laws purporting to be embodied in said publication and declared repealed or amended, and no inaccuracy in the reference to or in said publication shall defeat such amendment or repeal if it be sufficient to enable the court to ascertain what is intended.

§ 2. This act is hereby declared to be an emergency measure, and shall be in full force and effect from and after its passage and approval.

Approved January 14, 1927.

NURSES

CHAPTER 208

(S. B. No. 226—Committee on Public Health)

DUTIES OF INSPECTOR, COURSE OF STUDY AND QUALIFICATION OF NURSES TRAINING SCHOOLS

An Act to Amend and Re-enact Sections 506a6 and 506a9 of the Supplement to the Compiled Laws of 1913.

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

§ 1. AMENDMENT.] That Section 506a6 is hereby amended and re-enacted to read as follows:

506a6. DUTIES OF INSPECTOR OF TRAINING SCHOOLS. COURSE OF STUDY IN TRAINING SCHOOLS.] The member acting as inspector of training schools shall inspect all schools for nurses in North Dakota and shall report to the board such schools as shall provide courses of instruction, both practical and theoretical, in the subjects mentioned in section 5 of this act, except that in the subject of contagion the instruction may be theoretical only, and in addition such schools must have such daily average number of patients as may be determined by the board of nurse examiners. Before any