

L A W S
PASSED AT
THE TWENTY-FIRST SESSION
OF THE
Legislative Assembly
OF THE
STATE OF NORTH DAKOTA

**BEGUN AND HELD AT BISMARCK, THE CAPITAL OF SAID
STATE, ON TUESDAY, THE EIGHTH DAY OF
JANUARY, 1929, AND CONCLUDING
MARCH EIGHTH, 1929.**

 BISMARCK TRIBUNE 13982

AUTHENTICATION

STATE OF NORTH DAKOTA,
Secretary's Office, Bismarck.

I, Robert Byrne, Secretary of State, hereby certify that the laws contained in this volume are true and correct copies of the original enrolled bills passed at the Twenty-first Session of the Legislative Assembly of the State of North Dakota, beginning January 8th, 1929, and terminating March 8th, 1929, now on file in this office, with the exception of clerical errors.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of North Dakota, this first day of July, 1929.

ROBERT BYRNE,

Secretary of State.

(SEAL)

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By ROBERT BYRNE
Secretary of State
of the State of North Dakota

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ABSTRACTORS

CHAPTER I

(S. B. No. 9—Sathre.)

QUALIFICATIONS—ABSTRACTORS OF TITLE

An Act to amend and re-enact Sections 3099a1, 3099a5, and 3099a6 of the 1925 Supplement to the Compiled Laws of North Dakota of the year 1913, relating to qualifications of abstractors of title to real property.

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

§ 1. AMENDMENT.] That Section 3099a1 of the 1925 Supplement to the Compiled Laws of North Dakota of the year 1913 be amended and re-enacted to read as follows:

§ 3099a1. ABSTRACT RECORDS REQUIRED.] Any person, firm or corporation desiring to engage in or continue the business of making and compiling abstracts of title to real estate within the State of North Dakota, shall have for use in such business a complete set of abstract books or records of all instruments of record in the office of the register of deeds in and for the county in which such person, firm or corporation has his place of business, or shall have been in good faith engaged in the preparation for not less than six months of such books or records, and shall first obtain a certificate of registration and file the bond required in this article, save as may be hereinafter expressly provided.

§ 2. AMENDMENT.] That Section 3099a5 of the 1925 Supplement to the Compiled Laws of North Dakota of the year 1913 be amended and re-enacted to read as follows:

§ 3099a5. CERTIFICATE OF REGISTRATION.] Any person, firm or corporation desiring to obtain a certificate of registration under this article shall make application to said board therefor and shall pay to the treasurer of said board, an examination fee of \$25.00; such application shall be upon a form to be prepared by said board and to contain such information as may be desired by it; thereupon said board shall fix a date and place for the examination of such applicant, of which notice shall be given to the applicant by mail,

and who shall present himself at such meeting; whereupon said board shall proceed to examine such applicant or applicants under such rules and regulations as may be by said board prescribed; if the application is made by a firm or corporation, one of the members or managing officials thereof shall take such examination; provided, however, that every person, firm or corporation who is, upon the date this law goes into effect, engaged in the occupation or profession of an abstractor of title and who shall, within thirty days after this law takes effect, file with the secretary of said board, an affidavit setting forth his name, residence and length of time during which and the place where he has practiced such occupation or profession and that he has a complete set of abstract books or records of all instruments of record in the office of the register of deeds in and for the county in which his office or place of business is maintained or that in good faith he had been engaged, prior to the time this law took effect, in the preparation of such books or records for not less than six months, and shall pay the registration fee hereinafter provided, then such board shall make an order that, upon compliance with the other provisions of this law, a certificate of registration shall be issued to such applicant without further examination and no examination fee shall be required.

§ 3. AMENDMENT.] That Section 3099a6 of the 1925 Supplement to the Compiled Laws of North Dakota of the year 1913 be amended and re-enacted to read as follows :

§ 3099a6. RECORDS OF BOARD.] Said board shall keep a register wherein it shall enter the name of all applicants for registration with their place of residence and such other information as may be deemed appropriate, including the action taken by said board thereon, and the date upon which the certificate of registration was issued, if one is issued; certificates of registration shall be issued upon payment of \$25.00 fee and shall be valid for five years from the date thereof but shall be renewed by said board upon application within thirty days prior to the expiration thereof upon a payment of \$25.00 to the treasurer of said board, which application shall be accompanied by an affidavit that the applicant has for use in his, its or their business, a complete set of abstract books or records of all instruments of record in the office of the register of deeds in and for the county in which said applicant has his office or place of business or that he has such set of abstract books or records in process of completion for at least six months before such application is made.

§ 4. EMERGENCY.] This act is hereby declared to be an emergency measure and it shall be in full force and effect from and after its passage and approval.

Approved February 21, 1929.

AGRICULTURAL COLLEGE

CHAPTER 2

(H. B. No. 217—Committee on Delayed Bills.)

LEGISLATIVE ASSENT TO ACT OF CONGRESS APPROVED MAY 26, 1928, PROVIDING FOR FURTHER DEVELOPMENT OF AGRICULTURAL EXTENSION WORK.

An Act giving the legislative assent of the State of North Dakota to the purpose of the grants of money authorized and provided for in the act of congress entitled "To provide for the further development of agricultural extension work between the agricultural colleges in the several states receiving the benefits of the act entitled 'An act donating public lands to the several states and territories which may provide colleges for the benefit of agriculture and the mechanic arts,' approved July 2, 1862, and all acts supplementary thereto, and the United States department of agriculture." Approved May 26, 1928.

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

§ 1. That whereas the Act of Congress hereinafter mentioned grants certain sums of money annually in order to further develop the cooperative extension system subject to the legislative assent of the several states and territories, now, therefore, the legislative assent of the State of North Dakota is hereby given to the provisions of said Act of Congress and to the purpose of the grants of money authorized and provided for in the Act of Congress entitled "To provide for the further development of agricultural extension work between the agricultural colleges in the several States receiving the benefits of the act entitled 'An Act donating public lands to the several states and territories which may provide colleges for the benefit of agriculture and the mechanic arts,' approved July 2, 1862, and all Acts supplementary thereto, and the United States Department of Agriculture."

Approved May 26, 1928.

§ 2. That the Secretary of State is hereby directed on the passage of this act to forward a certified copy of this act to the Secretary of Agriculture and to the Secretary of the Treasury of the United States.

Approved March 11, 1929.

ALIENS

CHAPTER 3

(H. B. No. 88—Henderson.)

DUTIES—STATE AND COUNTY OFFICERS—RE ALIENS CONVICTED OF FELONY OR INSANE.

An Act relating to and defining the duties of certain state and county officers with reference to aliens who have been convicted of a felony or adjudged insane.

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

§ 1. Whenever any person, convicted of a felony or adjudged insane, shall be committed to the state prison, the state reformatory, the county jail, or any other state or county institution, which is supported wholly or in part by public funds, it shall be the duty of the warden, superintendent, sheriff, or other officer in charge of such state or county institution to at once inquire into the nationality of such person, and if it shall appear that such person is an alien, to immediately notify the United States Immigration Officer in charge of the district in which such prison, reformatory, jail or other institution is located, of the date of and the reasons for such alien commitment, the length of time for which committed, the country of which he is a citizen and the date on which and the port at which he last entered the United States.

§ 2. Upon the official request of the United States Immigration Officer in charge of the territory or district in which is located any court committing an alien, for the conviction of a felony, to any state or county institution, which is supported wholly or in part by public funds, it shall be the duty of the clerk of such court to furnish without charge, a certified copy of the complaint, information or indictment and the judgment and sentence and any other record pertaining to the case of the convicted alien.

Approved March 7, 1929.

APPROPRIATIONS

CHAPTER 4

(H. B. No. 14—Committee on Appropriations.)

ARTESIAN WATERS

An Act making an appropriation for the purpose of carrying out the provisions of Sections 2790b1 to 2790b8, inclusive, of the Supplement to the 1913 Compiled Laws of North Dakota, as amended by Chapter 88, Session Laws of 1927, relating to preservation and control of the artesian waters of the state.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of \$2,500.00, or so much thereof as may be necessary, to carry out the provisions of Sections 2790b1 to 2790b8, inclusive, of the Supplement to the 1913 Compiled Laws of North Dakota, as amended by Chapter 88, Session Laws of 1927, relating to preservation and control of the artesian waters of this state, for the biennium beginning July 1st, 1929, and ending June 30th, 1931.

Approved February 15, 1929.

CHAPTER 5

(H. B. No. 24—Committee on Appropriations.)

BEE INSPECTION

An Act making an appropriation for the inspection and eradication of bee diseases, under the provisions of Chapter 140, Session Laws of 1923, the same being Sections 2790A1-2790A18 of the Supplement to the 1913 Compiled Laws of North Dakota.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of \$3,000.00, or so much thereof as may be necessary, to defray the expenses of the commissioner of agriculture and labor, or his agents, in carrying out the provisions of Chapter 140, Session Laws of 1923, the same being Sections 2790A1-2790A18 of the Supplement to the 1913 Compiled Laws of North Dakota for the period beginning when this act becomes effective, and ending June 30th, 1931.

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

Approved February 15, 1929.

CHAPTER 6

(H. B. No. 37—Committee on Appropriations.)

BOARD OF ADMINISTRATION—CAPITOL BUILDING AND
GROUNDS.

An Act making an appropriation for the maintenance of the state capitol and for improvements, rents, repairs, insurance and upkeep of grounds.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of \$130,778.50, or so much thereof as may be necessary for the maintenance, improvements and repairs, rents, insurance, upkeep of grounds and miscellaneous of the state capitol building for the biennium beginning July 1st, 1929, and ending June 30th, 1931, to-wit:

General Maintenance	\$ 71,000.00
Improvements and Repairs	28,800.00
Rent on down town offices	7,500.00
Insurance and Workmen's Compensation	11,992.00
Operation of State Trolley Line	2,000.00
Trees, shrubbery, sidewalks	4,000.00
Graveling roads	3,315.00
Extension of Water Mains	350.00
Utility Truck	821.50
Power-Saw and Lathe for Carpenter shop	1,000.00

Total\$130,778.50

Funds for trees, shrubbery, sidewalks and graveling roads, available on approval of this act.

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

Approved March 7, 1929.

CHAPTER 7

(H. B. No. 36—Committee on Appropriations.)

BOARD OF ADMINISTRATION—CHILD WELFARE

An Act making an appropriation for use by the board of administration in administering child welfare laws.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the

sum of \$11,690.00, or so much thereof as may be necessary, for use by the board of administration in performing the duties imposed upon it by law in connection with the administration of the child welfare laws of this state, for the biennium beginning July 1st, 1929, and ending June 30th, 1931, to-wit:

Salary	\$ 6,000.00
Clerkhire	2,640.00
Postage	150.00
Office Supplies	50.00
Furniture and Fixtures	50.00
Printing	150.00
Miscellaneous	650.00
Travel Expense	2,000.00
Total	\$ 11,690.00

Approved March 11, 1929.

CHAPTER 8

(H. B. No. 29—Committee on Appropriations.)

BOARD OF AUDITORS.

An Act making an appropriation to the board of auditors for the purpose of carrying out the provisions of Section 369 of the Compiled Laws of the State of North Dakota for the year 1913, as amended and re-enacted by Chapter 226, Laws of 1915, and as amended and re-enacted by the initiated law approved November 2nd, 1920, and as provided for in Chapter 143, Laws of 1923, the same being Sections 369 and 369B of the Supplement to the 1913 Compiled Laws of North Dakota.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of \$24,000.00, or so much thereof as may be necessary to the state board of auditors for the purpose of examining and auditing the accounts, books and vouchers of the state treasurer, departments and commissions and of all industrial institutions of this state, and for the purpose of ascertaining the assets and liabilities of the same as provided for in Section 369 of the Compiled Laws of the State of North Dakota for the year 1913, as amended and re-enacted by Chapter 226, Laws of 1915, and as amended and re-enacted by the initiated law approved November 2nd, 1920, and as provided for in Chapter 143, Laws of 1923, the same being Sections 369 and 369b of the Supplement to the 1913 Compiled Laws of North Dakota, for the biennium beginning July 1st, 1929, and ending June 30th, 1931.

Approved February 15, 1929.

CHAPTER 9

(H. B. No. 15—Committee on Appropriations.)

BONDS—STATE OFFICIALS

An Act making an appropriation for the purpose of paying premiums on bonds of state officials as provided by Chapter 175, Session Laws of 1917, the same being Section 663A1 of the Supplement to the 1913 Compiled Laws of North Dakota.

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

§ I. APPROPRIATION.] There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of \$2,500.00, for the biennium, or so much thereof as may be necessary to pay the premiums on bonds of state officials, bonded under the provision of Chapter 175, Session Laws of 1917, the same being Section 663a1 of the Supplement to the 1913 Compiled Laws of North Dakota.

Approved January 30, 1929.

CHAPTER 10

(S. B. No. 136—Brunsdale.)

BOYS' AND GIRLS' CLUB WORK—STATE FAIRS

An Act to appropriate \$2,000.00 for the payment of the expenses to be incurred by boys' and girls' club work at state fairs.

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

§ I. APPROPRIATION.] The sum of one thousand dollars is hereby appropriated annually for the biennium beginning July 1, 1929, and ending June 30, 1931, out of any money in the state treasury not otherwise appropriated for the use and benefit of the boys' and girls' club premiums and expenses only at the final annual achievement contest at the state fairs. The appropriation herein mentioned shall be expended under the direction of the Extension Department of the agricultural college.

Approved March 4, 1929.

CHAPTER 11

(H. B. No. 63—R. A. Johnson.)

BIG BEND BRIDGE, PRELIMINARY SURVEY

An Act to appropriate the sum of three thousand dollars (\$3,000.00) not otherwise appropriated from any moneys in the state highway fund, for the purpose of making a preliminary survey and sounding for a bridge site across the Missouri River between McLean County and Mercer County, North Dakota, on what is known as the Big Bend south of the City of Garrison, McLean County, North Dakota.

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

§ 1. There is hereby appropriated out of any moneys in the state highway fund, not otherwise appropriated, under Paragraph 2a of Section 11 of Chapter 44 of the Laws of the Special Session of the Sixteenth Legislative Assembly of the State of North Dakota, for the year 1919, (Par. C of Section 2976t15 of the 1925 Supplement to the Compiled Laws for the year 1913), and other acts amendatory thereof, the sum of three thousand dollars (\$3,000.00), or so much thereof as may be necessary between the date of the passage and approval of this act and June 30, 1931, inclusive, for the purpose of making a preliminary survey and sounding across the Missouri River between McLean County and Mercer County, on what is known as the Big Bend, south of the City of Garrison, McLean County, North Dakota, under the provisions of Section 1 of Chapter 73 of the Laws of North Dakota for the year 1919, as amended and re-enacted by Chapter 161 of the Session Laws for 1927 (Sections 1952a1 and 1952a2 of the 1925 Supplement to the Compiled Laws of the State of North Dakota for the year 1913.)

And, the state highway commission is hereby authorized and empowered to make such soundings and to have the same completed prior to January 1, 1931.

Approved March 11, 1929.

CHAPTER 12

(H. B. No. 70—Wilson and Dyer.)

AID BOX ELDER CREEK BRIDGE

An Act to amend and re-enact Chapter 18 of the Session Laws for the year 1927, to appropriate the sum of twenty thousand dollars (\$20,000.00) for the purpose of aiding in the construction of a bridge and approaches across Box Elder Creek on the state line between North Dakota and South Dakota at a point approximately five miles east of the Montana state line under the provisions of Section 1 of Chapter 73 of the Laws of North Dakota for the year 1919, as amended by Chapter 161 of the 1927 Session Laws, and directing the state highway commission to construct such bridge and do all necessary preliminary acts.

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

§ 1. AMENDMENT.] Chapter 18 of the 1927 Session Laws of North Dakota is hereby amended and re-enacted to read as follows:

There is hereby appropriated out of any moneys in the state highway fund under Paragraph 2a of Section 11 of Chapter 44 of the Laws of the Special Session of the 16th Legislative Assembly of the State of North Dakota for the year 1919, being Paragraph

C of Section 2976t15 of the 1925 Supplement to the Compiled Laws for the year 1913, the sum of twenty thousand dollars (\$20,000.00), or so much thereof as may be necessary between the date of the passage and approval of this act and June 30, 1931, inclusive, for the purpose of aiding in the construction of the substructure, superstructure and structural approaches to a bridge across Box Elder Creek on the state line between the State of North Dakota and the State of South Dakota, at a point approximately five miles east of the Montana state line, under the provisions of Section 1, Chapter 73 of the Laws of North Dakota for the year 1919, as amended and re-enacted by Chapter 161 of the Session Laws for 1927.

And, the state highway commission is hereby authorized and empowered, and forthwith directed to select a suitable bridge site in co-operation with the State of South Dakota as hereinbefore provided, to make or cause to be made plans and specifications for such bridge, to request bids, award contracts and execute the same and authorize and make payments for the cost of such bridge in the same manner and by the same procedure as governs the said state highway commission in the improvement of a state highway.

§ 2. EMERGENCY.] Whereas, the appropriation of like amount made by Chapter 18 of the Session Laws of North Dakota for the year 1927, for this purpose has not been expended by reason of the inability of the South Dakota and North Dakota officials to agree on the method of procedure in submitting bids and the letting of the contract for the erection of such bridge, and

Whereas, this appropriation supersedes the former appropriation for this purpose, and

Whereas, it is anticipated that the method of procedure has been or will be agreed upon within a very short time, and before the first day of July, 1929;

Therefore, an emergency is hereby declared to exist, and this act shall take effect and be in force from and after its passage and approval.

Approved February 11, 1929.

CHAPTER 13

(H. B. No. 48—R. A. Johnson and Owings)

COMPLETION DES LACS BRIDGE

An Act to appropriate the sum of twenty thousand dollars (\$20,000.00) for the purpose of aiding in the completion of the construction of a bridge and approaches across the Des Lacs Lake on the county line between Burke and Ward Counties in the State of North Dakota. Under the provisions of Chapter 73 of Session Laws of North Dakota for the year 1919 as amended by Chapter 161 of Session Laws of North Dakota for 1927, and that such appropriation be made from the state highway fund.

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

§ 1. There is hereby appropriated out of any moneys in the State Highway Fund under Paragraph 2a of Section 11 of Chapter 44 of the Laws of the Special Session of the 16th Legislative Assembly of the State of North Dakota for the year 1919, the sum of twenty thousand dollars (\$20,000.00) or so much thereof as may be necessary between the date of the passage and approval of this act and January 1st, 1930, inclusive, for the purpose of aiding in the completion of the construction of the sub-structure, super-structure and approaches or embankment to a bridge across the Des Lacs Lake on or near the county line between Burke and Ward Counties within the State of North Dakota under the provisions of Chapter 73 of the Laws of North Dakota for 1919 as amended by Chapter 161 of the Session Laws of North Dakota for 1927.

§ 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 March 11, 1929.

CHAPTER 14

(S. B. No. 77—Fowler.)

FARGO BRIDGE

An Act to amend and re-enact Chapter 20 of the Session Laws of 1927; the same being an Act to appropriate the sum of \$75,000.00 from any moneys in the state highway fund, for the purpose of aiding in the construction of a bridge or bridges across the Red River of the North, between the City of Fargo, Cass County, North Dakota, and the City of Moorhead, Clay County, Minnesota, under the provisions of Chapter 73 of the Laws of North Dakota for the year 1919 and prescribing the duties of the state highway commission in relation thereto.

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

§ 1. Chapter 20 of the Session Laws of 1927 is hereby amended and re-enacted to read as follows:

There is hereby appropriated out of any moneys in the state highway fund under Paragraph 2a of Section 11 of Chapter 44 of the Laws of the Special Session of the Sixteenth Legislative Assembly of the State of North Dakota for the year 1919, the sum of \$75,000.00, or so much thereof as may be necessary for the purpose of aid in the construction of the substructure, superstructure and structural approaches to a bridge or bridges across the Red River of the North, between the City of Fargo, Cass County, North Da-

kota, and the City of Moorhead, Clay County, Minnesota, under the provisions of Section 1 of Chapter 73 of the Laws of North Dakota for the year 1919, as amended and re-enacted by Chapter 161 of the Session Laws of 1927.

And, the state highway commission is hereby authorized, empowered, and forthwith directed to select a suitable bridge site or sites in co-operation with the State of Minnesota, and the board of county commissioners of Cass County, North Dakota, as hereinbefore provided, to make or cause to be made, plans and specifications for such bridge or bridges, to secure the approval thereof by the proper federal authorities, to request federal aid for its construction, to request bids, award contracts and execute the same and authorize and make payments for the cost of such bridge in the same manner and by the same procedure as governs the said state highway commission in the improvement of a state highway.

§ 2. EMERGENCY.] Whereas, the appropriation of like amount made by Chapter 20 of the Session Laws of North Dakota for the year 1927, for this purpose, has not been in any part expended by reason of the inability of Minnesota and North Dakota officials to agree upon the location of any such bridge structure; and whereas this appropriation supersedes the former appropriation for this purpose; and whereas it is anticipated that the place of erection of such structure may be agreed upon within a very short time and before the first day of July A. D. 1929; therefore an emergency is declared to exist, and this act shall take effect and be in force from and after its passage and approval.

Approved February 16, 1929.

CHAPTER 15

(S. B. No. 19—Kretschmar.)

FORT YATES BRIDGE

An Act to appropriate the sum of one hundred thirty thousand dollars (\$130,000.00) from any moneys in the state highway fund for the purpose of aiding in the construction of a bridge across the Missouri River at or near Fort Yates, North Dakota, between Sioux County and Emmons County, North Dakota, under the provisions of Chapter 73 of the Laws of North Dakota for the year 1919 (Sections 1952a1 and 1952a2 of the 1925 Supplement to the Compiled Laws of 1913), as amended and re-enacted by Chapter 161, Laws of 1927, and directing the state highway commission to construct such bridge and do all necessary preliminary acts.

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

§ 1. There is hereby appropriated out of any moneys in the state highway fund, under Paragraph 2a of Section 11 of Chapter

44 of the Laws of the Special Session of the 16th Legislative Assembly of the State of North Dakota for the year 1919, (Paragraph C of Section 2976t15 of the 1925 Supplement to the Compiled Laws for the year 1913), the sum of one hundred thirty thousand dollars (\$130,000.00) or as much thereof as may be necessary between the date of the passage and approval of this act and June 30, 1931, inclusive, for the purpose of aiding in the construction of the substructure, superstructure and structural approaches of a bridge across the Missouri River at or near Fort Yates, North Dakota, between Emmons County and Sioux County, North Dakota, under the provisions of Section 1 of Chapter 73 of the Laws of North Dakota for the year 1919, as amended and re-enacted by Chapter 161 of Session Laws for 1927 (Sections 1952a1 and 1952a2 of the 1925 Supplement to the Compiled Laws of the State of North Dakota for the year 1913).

And, the state highway commission is hereby authorized and empowered, and forthwith directed to select a suitable bridge site as hereinbefore provided, to make plans and specifications for such bridge, to secure the approval thereof by the proper federal authorities, to request federal aid for its construction, to request bids, award contracts and execute the same and authorize and make payments for the cost of such bridge in the same manner and by the same procedure as governs the said state highway commission in the improvement of a state highway.

And, the said state highway commission is further authorized and directed forthwith to extend, designate, locate and improve the necessary road or roads as part of the state highway system leading to such bridge aforesaid so that such bridge shall be and constitute part of the said state highway system and shall be entitled to the allotment of federal aid in its construction and shall take all necessary steps to have such roads leading to such bridge incorporated in the federal aid system of this state.

§ 2. EMERGENCY.] This act is hereby declared to be an emergency measure to take effect and be in force from and after its passage and approval.

Approved March 4, 1929.

CHAPTER 16
(S. B. No. 90—Whitman.)

COMPLETION GRAND FORKS BRIDGE

An Act to appropriate the sum of \$15,000.00 from any moneys in the state highway fund, for the purpose of aiding in the completion of the construction of a bridge across the Red River of the North, between the City of Grand Forks, North Dakota, and the City of East Grand Forks, Minnesota, under the provisions of Chapter 73, Laws of 1919 as amended and re-enacted by Chapter 161, Laws of 1927.

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

§ 1. There is hereby appropriated out of any moneys in the state highway fund under Subdivision C of Section 2976t15 of the Supplement to the North Dakota Compiled Laws of 1913, the sum of fifteen thousand dollars (\$15,000.00), or such thereof as may be necessary, between the date of the passage of this Act and July 1st, 1931, inclusive, for the purpose of aiding in the completion of the construction of a bridge across the Red River of the North, between the City of Grand Forks, Grand Forks County, North Dakota, and the City of East Grand Forks, Polk County, Minnesota, now being built and constructed jointly by the State of North Dakota and the State of Minnesota under the terms and provisions of Chapter 21 of the Laws of North Dakota for the year 1927.

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

Approved February 11, 1929.

CHAPTER 17

(S. B. No. 122—Cain.)

LITTLE MISSOURI RIVER BRIDGE, DUNN COUNTY

An Act to appropriate the sum of twenty thousand dollars from any moneys in the state highway fund for the purpose of aiding in the construction of a bridge across the Little Missouri River in Dunn County, North Dakota, on Federal Highway No. 22, under the provisions of Chapter 73 of the Laws of North Dakota for the year 1919 (Sections 1952a1 and 1952a2 of the 1925 Supplement to the Compiled Laws of 1913), as amended and re-enacted by Chapter 161, Laws 1927, and directing the state highway commission to construct such bridge and all necessary preliminary acts.

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

§ 1. There is hereby appropriated out of any moneys in the state highway fund under Paragraph 2a of Section 11 of Chapter 44 of the Laws of the Special Session of the 16th Legislative Assembly of the State of North Dakota for the year 1919, (Paragraph C of Section 2976t15 of the 1925 Supplement to the Compiled Laws for the year 1913), the sum of twenty thousand dollars, or as much thereof as may be necessary between the date of the passage and approval of this act, and June 30th, 1931, inclusive, for the purpose of aiding in the construction of the sub-structure, super-structure and structural approaches of a bridge across the Little Missouri

River in Dunn County, North Dakota, on Federal Highway No. 22, under the provisions of Chapter 73 of the Laws of North Dakota for the year 1919 (Sections 1952a1 and 1952a2 of the 1925 Supplement to the Compiled Laws of North Dakota for the year 1913) as amended and re-enacted by Chapter 161 of the Session Laws of 1927.

And the state highway commission is hereby authorized and empowered and forthwith directed to select a suitable bridge site as hereinbefore provided, to make plans and specifications for such bridge, to secure the approval thereof by the proper federal authorities, to request federal aid for its construction, to request bids, award contracts and execute the same, and authorize and make payments for the cost of such bridge in the same manner and by the same procedure as governs the state highway commission in the improvement of a state highway.

§ 2. EMERGENCY.] This act is hereby declared to be an emergency measure to take effect and be in force from and after its passage and approval.

Approved March 6, 1929.

CHAPTER 18

(H. B. No. 72—Lynch, Worner, Holthusen, Morgan.)

AID WAHPETON BRIDGE

An Act to amend and re-enact Chapter 23 of the Session Laws of 1927; an act to appropriate the sum of thirty thousand (\$30,000.00) dollars, from any moneys in the state highway fund, for the purpose of aiding in the construction of a bridge across the Bois De Sioux River, between the City of Wahpeton, Richland County, North Dakota, and the City of Breckenridge, Wilkin County, Minnesota, under the provisions of Chapter 73 of the Laws of North Dakota for the year 1919, as amended and re-enacted by Chapter 161, Laws of 1927, and directing the state highway commission to construct such bridge and do all necessary preliminary acts.

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

§ 1. AMENDMENT.] Chapter 23 of the 1927 Session Laws of North Dakota is hereby amended and re-enacted to read as follows:

There is hereby appropriated out of any moneys in the State Highway Fund under Paragraph 2a of Section 11 of Chapter 44 of the Laws of the Special Session of the Sixteenth Legislative Assembly of the State of North Dakota for the year 1919, being Paragraph C of Section 2976t15 of the 1925 Supplement to the Compiled Laws for the year 1913, the sum of thirty thousand (\$30,000.00) dollars, or so much thereof as may be necessary between the date of the passage and approval of this act and June 30, A. D.

1931, inclusive, for the purpose of aiding in the construction of the sub-structure, super-structure and structural approaches to a bridge across the Bois De Sioux River between the City of Wahpeton, Richland County, North Dakota, and the City of Breckenridge, Wilkin County, Minnesota, under the provisions of Section 1 of Chapter 73 of the Laws of North Dakota for the year 1919, as amended and re-enacted by Chapter 161 of the Session Laws for 1927.

And, the state highway commission is hereby authorized and empowered, and forthwith directed to select a suitable bridge site in co-operation with the State of Minnesota as hereinbefore provided, to make or cause to be made plans and specifications for such bridge, to secure the approval thereof by the proper federal authorities, to request federal aid for its construction, to request bids, award contracts and execute the same and authorize and make payments for the cost of such bridge in the same manner and by the same procedure as governs the said state highway commission in the improvement of a state highway.

§ 2. EMERGENCY.] Whereas, the appropriation of a like amount made by Chapter 23 of the Session Laws of 1927 for this purpose has not been expended by reason of the inability of Minnesota and North Dakota to agree upon the construction of such bridge, and

Whereas, this appropriation supersedes the former appropriation for this purpose, and

Whereas, it is anticipated that the erection of such structure may be agreed upon in a very short time and before the first day of July, 1929;

Therefore an emergency is declared to exist, and this act shall take effect and be in force from and after its passage and approval.

Approved February 13th, 1929.

CHAPTER 19

(S. B. No. 17—Murphy.)

BRIDGE, STATE HIGHWAY NO. 17, WALSH COUNTY

An Act to appropriate the sum of thirty-five thousand dollars (\$35,000.00) from any moneys in the state highway fund for the purpose of aiding in the construction of a bridge across the Red River of the North at a point opposite or near State Highway No. 17 extended eastward to intersect such river in Walsh County, North Dakota, and Marshall County, Minnesota, under the provisions of Chapter 73 of the Laws of North Dakota for the year 1919 (Sections 1952a1 and 1952a2 of the 1925 Supplement to the Compiled Laws of 1913) as amended and re-enacted by Chapter 161, Laws of 1927, and directing the state highway commission to construct such bridge and do all necessary preliminary acts.

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

§ 1. There is hereby appropriated out of any moneys in the state highway fund, under Paragraph 2a of Section 11 of Chapter 44 of the Laws of the Special Session of the 16th Legislative Assembly of the State of North Dakota for the year 1919, (Paragraph C of Section 2976t15 of the 1925 Supplement to the Compiled Laws for the year 1913), the sum of thirty-five thousand dollars (\$35,000.00), or as much thereof as may be necessary between the date of the passage and approval of this act and June 30, 1931, inclusive, for the purpose of aiding in the construction of the substructure, superstructure and structural approaches of a bridge across the Red River of the North at a point opposite or near State Highway No. 17 extended eastward to intersect such river in Walsh County, North Dakota, and Marshall County, Minnesota, under the provisions of Section 1 of Chapter 73 of the Laws of North Dakota for the year 1919, as amended and re-enacted by Chapter 161 of Session Laws for 1927 (Sections 1952a1 and 1952a2 of the 1925 Supplement to the Compiled Laws of the State of North Dakota for the year 1913).

And, the state highway commission is hereby authorized and empowered, and forthwith directed to select a suitable bridge site as hereinbefore provided, to make plans and specifications for such bridge, to secure the approval thereof by the proper federal authorities, to request federal aid for its construction, to request bids, award contracts and execute the same and authorize and make payments for the cost of such bridge in the same manner and by the same procedure as governs the said state highway commission in the improvement of a state highway.

And, the said state highway commission is further authorized and directed forthwith to extend, designate, locate and improve the necessary road as part of the state highway system leading to such bridge aforesaid so that such bridge shall be and constitute part of the said state highway system.

§ 2. EMERGENCY.] This act is hereby declared an emergency measure and shall take effect and be in force from and after its passage and approval.

Approved February 7, 1929.

CHAPTER 20

(H. B. No. 44—Committee on Appropriations.)

BUDGET

An Act to appropriate money for the expenses of the executive, legislative and judicial departments of the state government, and for public schools, specifying the amount and time for which such appropriations shall be available, and repealing all acts, or parts of acts, insofar as the same shall relate to appropriations conflicting herewith or to appropriations for the same matters or purposes provided for herein.

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

§ 1. APPROPRIATIONS FOR THE EXECUTIVE, LEGISLATIVE, AND JUDICIAL DEPARTMENTS OF THE STATE GOVERNMENT AND FOR PUBLIC SCHOOLS.] The sums hereinafter named only, or so much thereof as may be necessary, are hereby appropriated out of any moneys in the state treasury not otherwise appropriated, for the purposes specified in the following sections of this act.

§ 2. THE PERIOD DURING WHICH THE APPROPRIATIONS MADE HEREIN SHALL BE AVAILABLE.] Unless otherwise specifically stated, the appropriations herein made shall be available for the expenses to be incurred in and about the several purposes herein set out, during the fiscal period of two years, beginning July 1st, 1929, and ending June 30th, 1931.

§ 3. APPROPRIATIONS.]

Sub-division 1.

EXECUTIVE OFFICE

Salary, Governor	\$ 10,000.00
Clerkhire :	
Secretary to Governor	5,600.00
Executive Secretary	3,600.00
Postage	350.00
Office Supplies	200.00
Furniture and Fixtures	200.00
Printing	400.00
Miscellaneous	600.00
Travel Expense	1,250.00
Contingent Fund	600.00
Governor's Conference	300.00
Great Lakes-St. Lawrence Deep Waterway Project	2,000.00
Total	\$ 25,100.00

Sub-division 2.

LIEUTENANT GOVERNOR

Salary\$ 2,000.00

Sub-division 3.

SUPREME COURT

Salary, Five Justices and Clerk of Court\$ 60,000.00

Clerkhire:

Deputy Clerk 3,000.00
 Five Stenographers to Justices 13,200.00
 Postage 650.00
 Office Supplies 400.00
 Furniture and Fixtures 800.00
 Printing 550.00
 Miscellaneous 600.00

Total\$ 79,200.00

Sub-division 4.

SUPREME COURT REPORTER AND STATE LAW
LIBRARIAN

Salary\$ 5,600.00
 Postage 200.00
 Office Supplies 100.00
 Furniture and Fixtures 500.00
 Printing 100.00
 Miscellaneous 200.00
 Publishing North Dakota Supreme Court Reports 6,000.00
 Purchase of Books and Periodicals for Law Library 5,000.00

Total\$ 17,700.00

Sub-division 5.

JUDGES OF DISTRICT COURTS

Salary, Fifteen Judges\$120,000.00
 Miscellaneous expenses while holding court outside the
 county in which the judges reside, and while serving
 on the supreme bench (Fund for expenses available
 on approval of this act) 20,000.00

Total\$140,000.00

Sub-division 6.

SECRETARY OF STATE

Salary\$ 6,000.00
 Clerkhire:
 Deputy 5,600.00
 Chief Clerk and Bookkeeper 3,600.00

Stenographers	6,000.00
Recording Clerks	8,000.00
Extra Clerkhire during elections and Legislative Assemblies	1,000.00
Postage	4,000.00
Office Supplies	1,000.00
Furniture and Fixtures	600.00
Printing	3,600.00
Miscellaneous	2,000.00
Travel Expense	500.00
Manual	2,000.00
Total	\$ 43,900.00

Sub-division 7.

SECRETARY OF STATE PUBLIC PRINTING

Legal Notices	\$ 400.00
Publishing Abstracts of Votes, two elections	1,000.00
Publicity Pamphlet	14,000.00
Postage for Publicity Pamphlet	5,000.00
Authenticated Edition Session Laws 1929	3,500.00
Party Registration	2,000.00
Popular Edition Session Laws 1929, available April 1, 1929	1,200.00
Total	\$ 27,100.00

Sub-division 8.

STATE AUDITOR

Salary	\$ 6,000.00
Clerkhire:	
Deputy	5,600.00
Chief Clerk and Bookkeeper	4,400.00
Voucher and Audit Clerk	3,600.00
Bookkeeper	3,600.00
Bookkeeper and Warrant Clerk	3,600.00
Voucher and Warrant Clerk	3,000.00
Warrant Clerk	3,000.00
Gasoline Tax Clerks	14,100.00
Extra Clerkhire	2,400.00
Postage	3,200.00
Office Supplies	500.00
Furniture and Fixtures	1,500.00
Printing	6,000.00
Miscellaneous	400.00
Travel Expense	2,000.00

Supplies, Departments and Counties	1,000.00
Lists, New Taxable Lands	200.00
Gasoline Tax Law Enforcement, Adjusting and reconciling County Care Accounts and Special Audit Work	3,000.00
Total	\$ 67,100.00

Sub-division 9.

STATE TREASURER

Salary	\$ 6,000.00
Clerkhire:	
Deputy	5,600.00
Chief Clerk	4,000.00
Cashier	3,600.00
Bookkeeper (two)	7,200.00
Receipt Clerk	3,000.00
Farm Loan Clerk	3,000.00
Cigarette Revenue Clerks (two)	6,000.00
Stenographer	2,640.00
Postage	4,000.00
Office Supplies	500.00
Furniture and Fixtures	1,500.00
Printing	2,000.00
Miscellaneous	500.00
Travel Expense	500.00
Total	\$ 50,040.00

Sub-division 10.

ATTORNEY GENERAL

Salary	\$ 7,200.00
Four Stenographers	13,000.00
Four Assistant Attorneys General	26,000.00
Special Assistant Attorneys General	12,000.00
Commerce Counsel for Railroad Commission	7,200.00
Postage	1,200.00
Office Supplies	600.00
Furniture and Fixtures	500.00
Printing	1,500.00
Miscellaneous	1,500.00
Travel Expense	3,000.00
Fund for Cigarette Law Enforcement	10,000.00
Miscellaneous Court Cases	9,000.00
Library	1,000.00
Total	\$ 93,700.00

Sub-division 11.

DEPARTMENT OF AGRICULTURE AND LABOR

Salary	\$ 6,000.00
Clerkhire:	
Deputy	5,600.00
Chief Clerk	3,600.00
Stenographers	2,640.00
Postage	500.00
Office Supplies	300.00
Furniture and Fixtures	300.00
Printing	3,000.00
Miscellaneous	500.00
Travel Expense	1,000.00
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Total	\$ 23,440.00

Sub-division 12.

DEPARTMENT OF AGRICULTURE AND LABOR DAIRY
DIVISION

Salary, Dairy Commissioner	\$ 5,600.00
Clerkhire:	
Assistant Dairy Commissioners	12,000.00
Chief Clerk and Secretary	3,000.00
Official Tester	2,640.00
Stenographers	3,640.00
Postage	1,000.00
Office Supplies	300.00
Furniture and Fixtures	300.00
Printing	1,000.00
Miscellaneous	600.00
Travel Expense	13,500.00
Auto Exchange	1,500.00
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Total	\$ 45,080.00

Sub-division 13.

INSURANCE DEPARTMENT

Salary	\$ 6,000.00
Clerkhire:	
Deputy	5,600.00
Actuary Examiner	6,000.00
Bookkeeper	3,000.00
Chief Clerk and Stenographer	2,640.00
Postage	1,200.00
Office Supplies	300.00
Furniture and Fixtures	300.00

Printing	6,000.00
Miscellaneous	500.00
Travel Expense	750.00
	<hr/>
Total	\$ 32,290.00

Sub-division 14.

BOARD OF RAILROAD COMMISSIONERS

Salary, Three Commissioners	\$ 18,000.00
Clerkhire:	
Secretary	5,000.00
Chief Clerk	3,600.00
Traffic Expert	7,200.00
Assistant Traffic Expert	4,200.00
Reporter	6,000.00
Chief Engineer	7,200.00
Assistant Engineer	4,000.00
Chief Accountant	5,400.00
Stenographers and Clerks	14,000.00
Postage	2,000.00
Office Supplies	2,000.00
Furniture and Fixtures	1,000.00
Printing	3,000.00
Miscellaneous	2,000.00
Travel Expense	12,000.00
Handling cases before Interstate Commerce Commission, including travel	12,000.00
Expense incurred as Members of National Association of Railway and Utilities Commissioners	2,000.00
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Total	\$110,600.00

Sub-division 15.

BOARD OF RAILROAD COMMISSIONERS ELEVATOR
DIVISION

Clerkhire:	
Chief Elevator Accountant	\$ 5,600.00
Assistant Elevator Accountant	4,000.00
Stenographers and Clerks	6,600.00
Postage	1,000.00
Office Supplies	500.00
Furniture and Fixtures	750.00
Printing	1,500.00
Miscellaneous	750.00
Travel Expense	5,000.00
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Total	\$ 25,700.00

Sub-division 16.

DEPARTMENT OF PUBLIC INSTRUCTION

Salary	\$ 6,000.00
Clerkhire:	
Deputy Superintendent of Public Instruction	5,600.00
Assistant Superintendent of Public Instruction	4,000.00
Chief Clerk	3,000.00
Four Stenographers	9,480.00
Extra Clerkhire	400.00
Postage	2,000.00
Office Supplies	800.00
Furniture and Fixtures	400.00
Printing	16,000.00
Miscellaneous	800.00
Travel Expense	2,500.00
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Total	\$ 50,980.00

Sub-division 17.

DEPARTMENT OF PUBLIC INSTRUCTION
STATE AID AND EXAMINATION

Salary, Director of Secondary Education	\$ 5,000.00
Salary, Director of Rural Education	5,000.00
Clerkhire:	
Assistant High School Examiner	3,000.00
Stenographer	2,400.00
Travel Expense:	
Director of Secondary Education	2,000.00
Director of Rural Education	2,000.00
Expense Conducting Eighth Grade and High School Examination	8,000.00
State Aid:	
For Evening Schools	2,000.00
For High Schools	170,000.00
For Teachers Institute Work	10,600.00
For Rural, Graded and Consolidated Schools	450,000.00
For County Agricultural Schools	22,000.00
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Total	\$682,000.00

Sub-division 18.

LAND COMMISSIONER

Salary	6,000.00
Clerkhire:	
Deputy	5,600.00

Office Deputy	4,800.00
Bookkeeper	3,600.00
Cashier	3,600.00
Manager Bond and Mortgage Department	3,600.00
Collection Manager	4,000.00
Leasing Clerk	3,000.00
Field Agent	4,000.00
Patent Clerk	3,000.00
Four Stenographers	11,520.00
Postage	3,000.00
Office Supplies	400.00
Furniture and Fixtures	400.00
Printing	2,500.00
Miscellaneous	400.00
Travel Expense	6,000.00
Leasing unsold land	3,000.00
Premium on Bonds	300.00
Total	\$ 68,720.00

Sub-division 19.

STATE EXAMINER

Salary, State Examiner and Secretary Guaranty Fund	
Commission	\$ 10,000.00
Clerkhire:	
Office Deputy	7,000.00
Assistant Office Deputy	4,200.00
Nine Road Deputies	30,000.00
Five City, County and Institution Examiners	20,000.00
Chief Clerk	3,600.00
Stenographer Hire	5,000.00
Postage	2,000.00
Office Supplies	700.00
Furniture and Fixtures	380.00
Printing	1,600.00
Miscellaneous	1,500.00
Travel Expense	23,000.00
Bonds for Examiners	1,600.00
Total	\$110,580.00

Sub-division 20.

GUARANTY FUND COMMISSION

Salary, Commissioners per diem at \$5.00	\$ 2,000.00
Clerkhire	12,000.00
Postage	2,000.00

Office Supplies	2,000.00
Furniture and Fixtures	500.00
Printing	2,000.00
Miscellaneous	500.00
Travel Expense	2,000.00
Supervisors or Inspectors	6,000.00
Travel Expense for Inspectors	3,000.00
Total	<u>\$ 32,000.00</u>

Sub-division 21.

STATE SECURITIES COMMISSION

Salary, Executive Officer	\$ 5,600.00
Stenographer (Part Time)	1,200.00
Postage	200.00
Printing	300.00
Miscellaneous	500.00
Travel Expense	800.00
Premium on Bond	50.00
Investigations	400.00
Total	<u>\$ 9,050.00</u>

Sub-division 22.

STATE TAX COMMISSIONER

Salary	\$ 8,000.00
Clerkhire:	
Deputy Tax Commissioner	6,500.00
Income Tax Deputy	5,600.00
Income Tax Field Auditor	5,800.00
Inheritance Tax Deputy	4,800.00
Cashier (Income Tax)	3,000.00
Statistical Clerk	3,000.00
Abatement Clerk	3,000.00
Corporation Clerk	3,000.00
Stenographer	3,000.00
Filing Clerk	2,640.00
Income Tax Clerks	2,640.00
Extra Clerkhire	700.00
Postage	3,400.00
Office Supplies	600.00
Furniture and Fixtures	600.00
Printing	6,400.00
Miscellaneous	800.00
Travel Expense	3,000.00
Total	<u>\$ 66,480.00</u>

Sub-division 23.

BOARD OF ADMINISTRATION

Salary, Three Members	\$ 18,000.00
Clerkhire:	
Executive Secretary	5,600.00
Chief Clerk	3,600.00
Stenographer	1,380.00
Auditor	5,400.00
Assistant Auditor	3,600.00
Purchasing Agent	4,800.00
Voucher Clerk	3,000.00
Supply Clerk	2,400.00
Postage	1,000.00
Office Supplies	800.00
Furniture and Fixtures	1,750.00
Printing	2,000.00
Miscellaneous	2,000.00
Three Appointed Members, Travel Expense \$2,500.00 each; Two Ex-officio Members \$1,000.00 each, Total Travel Expense	9,500.00
Total	\$ 64,830.00

Sub-division 24.

STATE LIBRARY COMMISSION

Salary	\$ 5,000.00
Clerkhire:	
Librarian	3,600.00
Cataloger and Reference Assistant	3,000.00
Stenographer	2,580.00
Clerk	2,200.00
Postage	500.00
Office Supplies	400.00
Furniture and Fixtures	200.00
Printing	300.00
Miscellaneous	600.00
Travel Expense	600.00
Aids to Libraries	200.00
Books	3,000.00
Preparation of Books	200.00
Mailing Cases	125.00
Binding	500.00
Total	\$ 23,005.00

Sub-division 25.

STATE ENGINEER

Salary, State Engineer	\$ 6,000.00
Clerkhire:	
Stenographer Draftman	2,700.00
Postage	100.00
Office Supplies	100.00
Furniture and Fixtures	100.00
Printing	300.00
Miscellaneous	300.00
Travel Expense	3,000.00
Field Assistants	3,000.00
Hydrographic Surveys	2,000.00
Missouri River Development Commission	3,600.00
Total	\$ 21,200.00

Sub-division 26.

ADJUTANT GENERAL

Salary	6,000.00
Clerkhire:	
U. S. Property and Disbursing Officer	4,800.00
One Clerk	3,000.00
Postage	100.00
Office Supplies	300.00
Furniture and Fixtures	300.00
Printing	200.00
Miscellaneous	50.00
Travel Expense	600.00
Total	\$ 15,350.00

Sub-division 27.

ADJUTANT GENERAL—RETURNED SOLDIERS FUND

Clerkhire:	
Chief Clerk	\$ 5,000.00
Clerk, Historical Section	3,360.00
Postage	300.00
Office Supplies	200.00
Furniture and Fixtures	200.00
Printing	200.00
Miscellaneous	50.00
Total	\$ 9,310.00

Sub-division 28.

STATE FIRE MARSHAL DEPARTMENT

Salary	\$ 5,000.00
Clerkhire:	
Chief Assistant	4,200.00
Deputy	3,000.00
Postage	400.00
Office Supplies	150.00
Furniture and Fixtures	150.00
Printing	300.00
Miscellaneous	500.00
Travel Expense	7,500.00
Investigation of Suspicious Fires	2,000.00
Fees to Fire Chiefs for Reporting Fires	500.00
 Total	 \$ 23,700.00

Sub-division 29.

STATE PRINTER

Salary	\$ 5,000.00
Clerkhire:	
Clerk and Stenographer	2,400.00
Extra Clerkhire during Session	200.00
Postage	200.00
Office Supplies	100.00
Furniture and Fixtures	100.00
Printing	300.00
Miscellaneous	300.00
Travel Expense	300.00
 Total	 \$ 8,900.00

Sub-division 30.

INDUSTRIAL COMMISSION

Salary, Secretary	\$ 5,600.00
Clerkhire	3,000.00
Postage	400.00
Office Supplies	200.00
Furniture and Fixtures	100.00
Printing	600.00
Miscellaneous	500.00
Travel Expense	400.00
 Total	 \$ 10,800.00

Sub-division 31.

STATE BOARD OF PARDONS

Appropriation for per diem, Miscellaneous items and
travel expenses\$ 1,000.00

Sub-division 32.

TWENTY-SECOND LEGISLATIVE ASSEMBLY

Mileage and per diem, Members	\$ 57,000.00
Per Diem, Officers and employees	23,000.00
Printing	25,000.00
Miscellaneous Expenses and Supplies	7,500.00
Total	<u>\$112,500.00</u>

Sub-division 33.

STATE BUDGET BOARD

Per diem and other expenses of every kind incurred by
the state budget board as prescribed by Chapter 61,
Laws of 1915, the same being Sections 710a1 to 710a6
of the Supplement to the 1913 Compiled Laws of
North Dakota\$ 2,500.00

Sub-division 34.

REWARD FOR APPREHENSION OF CRIMINALS

Reward for apprehension of criminals as prescribed by
Chapter 200, Laws of 1917, the same being Section
11150 of the Supplement to the 1913 Compiled Laws
of North Dakota\$ 1,000.00

Sub-division 35.

ARREST AND RETURN OF FUGITIVES FROM JUSTICE

For the arrest and return of fugitives from justice as
provided by Section 11162, Compiled Laws of 1913 as
amended and re-enacted by Chapter 160, Laws of
1915, the same being Section 11162 of the Supplement
to the 1913 Compiled Laws of North Dakota.\$ 5,000.00

§ 4. INTENT, REPEAL, PURPOSE AND CONSTRUCTION.] All
acts and parts of acts that may be in conflict herewith are hereby
repealed and if for any reason or cause any specific appropriation
for any item or set of items should be held by the court or courts,
to be unconstitutional or illegal or otherwise unavailable for any

cause, such holding shall not effect or be construed to apply to the remaining items of appropriation herein or purposes provided for herein.

§ 5. EMERGENCY.] This act is necessary to the immediate preservation of the public peace, health and safety. The reason for this is that it contains the general appropriation and provides the means of continuing and maintaining the state government and to enable it to perform its proper functions, among which are the preservation of the public peace, health and safety of the people, and without the means provided for by this Act the functions of the state government will be suspended. This act will therefore in its entirety go into instant operation upon its approval by the governor.

Approved March 16, 1929.

CHAPTER 21

(H. B. No. 17—Committee on Appropriations.)

BURIAL EXPENSE SAILORS, SOLDIERS AND MARINES

An Act making an appropriation to pay for the burial expense of honorably discharged sailors, soldiers and marines of the United States War of Rebellion and erection of headstones therefor, as authorized by Sections 3181, 3182, 3183, and 3184 of the Compiled Laws of 1913.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of \$300.00, for the biennium, or so much thereof as may be necessary to pay for the burial of honorably discharged sailors, soldiers and marines of the United States War of Rebellion, and the erection of headstones therefor, as authorized under Sections 3181, 3182, 3183, and 3184 of the Compiled Laws of North Dakota for 1913.

Approved January 30, 1929.

CHAPTER 22

(H. B. No. 12—Committee on Appropriations.)

BURIAL EXPENSE INMATES PENITENTIARY AND STATE TRAINING SCHOOL

An Act making an appropriation to pay the burial expenses of inmates of the penitentiary and state training school as prescribed by Chapter 12, Laws of 1915, the same being Section 11302 of the Supplement to the Compiled Laws of North Dakota.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the

sum of \$500.00, for the biennium, or so much thereof as may be necessary to pay the costs of burial of inmates of the penitentiary and state training school as prescribed by Chapter 12, Session Laws 1915, the same being Section 11302 of the Supplement to the Compiled Laws of North Dakota.

Approved January 30th, 1929.

CHAPTER 23

(H. B. No. 27—Committee on Appropriations.)

COAL MINE INSPECTION

An Act making an appropriation for the purpose of paying salary, clerkhire and general expenses of the Department of Coal Mine Inspection.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of \$10,200.00, or so much thereof as may be necessary to pay salary, clerkhire, per diem and general expenses in carrying out the provisions of Chapter 168, Session Laws 1919, the same being Sections 3084a1 to 3084a89 of the Supplement to the 1913 Compiled Laws of North Dakota, and amendments thereto, relative to mine inspection, for the biennium beginning July 1st, 1929 and ending June 30th, 1931, to-wit:

Salary	\$ 5,000.00
Clerkhire	2,000.00
Examining Board: Per Diem and Expenses	300.00
Postage	100.00
Office Supplies	100.00
Furniture and Fixtures	100.00
Printing	300.00
Miscellaneous	300.00
Travel Expense	2,000.00
Total	\$ 10,200.00

Approved February 15, 1929.

CHAPTER 24

(S. B. No. 146—Committee on Appropriations.)

EXPENSES SPECIAL FACT FINDING COMMITTEE,
MILL AND ELEVATOR

An Act to appropriate the sum of \$500.00 to pay D. H. Hamilton, Walter H. Schlosser, and L. O. Fredrickson for services rendered and money expended as members of the senate fact finding committee, incurred and in connection with the special fact finding committee appointed by the senate of the Twentieth Legislative Assembly of the year 1927 to investigate and report the condition of the state mill and elevator, and to reimburse the state mill and elevator for expenses advanced.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of \$500.00 for services rendered and money expended by D. H. Hamilton, Walter H. Schlosser, and L. O. Fredrickson; who, as members of the senate fact finding committee, investigated and reported on the condition of the state mill and elevator pursuant to authority of the senate of the Twentieth Legislative Assembly in the year 1927, authorizing, requiring and directing said investigation, and to reimburse the state mill and elevator for expenses advanced.

§ 2. EMERGENCY.] This act is hereby declared to be an emergency measure, and shall be in force and effect immediately upon its passage and approval.

Approved February 18, 1929.

CHAPTER 25

(H. B. No. 28—Committee on Appropriations.)

STATE CONTINGENCY FUND

An Act making an appropriation to provide a state contingency fund to be placed at the disposal of the state emergency commission to be used as provided by Chapters 26 and 152, Session Laws of 1915, the same being Sections 283c1 to 283c6, inclusive, and Section 283c10 of the Supplement to the 1913 Compiled Laws of North Dakota.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of \$40,000.00, or so much thereof, as may be necessary for the biennium beginning July 1st, 1929, and ending June 30th, 1931, to provide funds for the state emergency commission and which fund shall be known as the state contingency fund and be for the purposes

authorized under Chapters 26 and 152, Session Laws of 1915, the same being Sections 283c1 to 283c6, inclusive, and Section 283c10 of the Supplement to the 1913 Compiled Laws of North Dakota.

Approved February 15, 1929.

CHAPTER 26

(H. B. No. 13—Committee on Appropriations.)

CORN SHOW

An Act making an appropriation to the North Dakota State Corn Show, agreeable with Sections 1866b1 to 1866b6, inclusive, of the Supplement to the 1913 Compiled Laws of North Dakota.

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

§ I. APPROPRIATION.] There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of \$2,000.00 to be expended by the North Dakota State Corn Show in conformance to Sections 1866b1 to 1866b6, inclusive, of the Supplement to the 1913 Compiled Laws of North Dakota, for the biennium beginning July 1st, 1929, and ending June 30th, 1931.

Approved February 15, 1929.

CHAPTER 27

(H. B. No. 136—Peters.)

COURT COMMISSIONER INSOLVENT BANKS

An Act to amend and re-enact Section 17, Chapter 99, of the Session Laws of 1927 relating to banking, regulating the administration of the affairs of insolvent banks, providing for their liquidation, vesting the supreme court with jurisdiction of such liquidation proceedings and requesting it to assume original jurisdiction in furtherance of the public interest, creating the position of supreme court commissioner, fixing his compensation and defining his powers and authority, and providing for the appointment of receivers of insolvent banks and continuing receiverships, and making an appropriation to meet the expenses incident to carrying out the purpose of this act, and directing the supreme court to exercise its supervisory authority over the district court in proceedings for liquidating the affairs of insolvent banks, and providing for the re-opening and re-organization of closed or suspended banks, and providing for liquidation of closed banks by the depositors therein, and designating a custodian of records and property after winding up receiverships, and providing for the covering into the general fund of the State of unclaimed dividends.

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

§ I. That Section 17 of Chapter 99 of the Session Laws of 1927 be amended to read as follows:

§ 17. APPROPRIATION.] There is hereby appropriated out of the general funds of the State the sum of one thousand dollars (\$1,000.00) per year or so much thereof as may be necessary to pay the traveling and other expenses necessarily incident to the performance of the duties of such court commissioner, or of the district judge who may be designated by the supreme court, in carrying out the provisions of this act.

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

Approved March 7, 1929.

CHAPTER 28

(S. B. No. 137—Martin.)

PURCHASE LAND IN MORTON COUNTY FOR RENTAL AND USE
BY NORTHERN GREAT PLAINS DAIRY STATION

An Act to appropriate the sum of sixteen thousand dollars (\$16,000.00) for the purchase of Section Nine (9), in Township One Hundred Thirty-eight (138) North of Range Eighty-one (81), West of the 5th Principal Meridian in Morton County, North Dakota, or other available land adjacent thereto, and providing for the renting thereof to the United States Government for use in connection with United States Northern Great Plains Dairy Station in Morton County, North Dakota.

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

§ 1. There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of sixteen thousand dollars (\$16,000.00), for the purpose of purchasing all of Section Nine (9), in Township One Hundred Thirty-eight (138), North of Range Eighty-One (81), West of the 5th Principal Meridian in Morton County, North Dakota, or other lands of equal amount adjacent thereto.

§ 2. Upon the purchase of said land aforesaid, the governor of the State of North Dakota shall for the state, lease said land to the United States of America for a period of ninety-nine years for use in connection with the United States Northern Great Plains Dairy Station, and with such rights and on such conditions as the said lessee may require, for an annual rental of one dollar per year. Said lease to contain a provision, however, that when and if said land shall cease to be used for experimental dairy uses and purposes, and when and if the lessee shall cease to maintain its said experimental dairy station, as now located in Morton County, North Dakota, then said lease shall in all things terminate.

Approved March 11, 1929.

CHAPTER 29

(H. B. No. 114—Burkhart, Freeman, Helbling and Jardine.)

AGRICULTURAL FAIRS

An Act making an appropriation for agricultural fair purposes and providing for the division, expenditure and disbursement thereof.

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

§ I. APPROPRIATION.] There is hereby appropriated out of any funds in the treasury of the State of North Dakota not otherwise appropriated the sum of thirty-five thousand dollars (\$35,000.00) for agricultural fair purposes to be divided, expended and disbursed as follows:

The sum of ten thousand dollars (\$10,000.00), payable five thousand dollars (\$5,000.00) July 1st, 1929, and five thousand dollars (\$5,000.00) July 1st, 1930, to the North Dakota State Fair Association for Grand Forks to be expended for maintenance and premiums for live stock, poultry and agricultural exhibits at fairs held by said association in each of said years.

The sum of ten thousand dollars (\$10,000.00), payable five thousand dollars (\$5,000.00) July 1st, 1929 and five thousand dollars (\$5,000.00) July 1st, 1930, to the North Dakota State Fair Association for Fargo to be expended for maintenance and premiums for live stock, poultry and agricultural exhibits at fairs held by said association in each of said years.

The sum of ten thousand dollars (\$10,000.00) payable five thousand dollars (\$5,000.00) July 1st, 1929, and five thousand dollars (\$5,000.00) July 1st, 1930, to the Missouri Slope Agriculture and Fair Association for Mandan to be expended for maintenance and premiums for live stock, poultry and agricultural exhibits at fairs held by said association in each of said years.

The sum of five thousand dollars (\$5,000.00), as an additional appropriation, payable two thousand five hundred dollars (\$2,500.00) July 1st, 1929, and two thousand five hundred dollars (\$2,500.00) July 1st, 1930, to the North West Agricultural, Live Stock and Fair Association at Minot to be expended for maintenance and premiums for live stock, poultry and agricultural exhibits at fairs held by said association in each of said years.

Approved March 7, 1929.

CHAPTER 30

(S. B. No. 13—Committee on Appropriations.)

FIREMEN'S ASSOCIATION

An Act making an appropriation for the use and benefit of the North Dakota Firemen's Association for the purpose of promoting the efficiency and growth of its different departments, and the holding of an annual tournament, according to the rules and regulations of such association.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of \$2,000.00, or so much thereof as may be necessary for the use and benefit of the North Dakota Firemen's Association for the purpose of promoting the efficiency and growth of its different departments, and for the holding of an annual tournament, according to the rules and regulations of such association, for the biennium beginning July 1st, 1929, and ending June 30th, 1931.

Approved January 31st, 1929.

CHAPTER 31

(H. B. No. 23—Committee on Appropriations.)

INSURANCE TAX, FIRE DEPARTMENTS

An Act making an appropriation for the purpose of paying insurance tax to the various fire departments of the state, in compliance with the provisions of Sections 3993 to 3998, inclusive, of the Compiled Laws of 1913.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of \$100,000.00, or so much thereof as may be necessary to comply with the provisions of Sections 3993 to 3998, inclusive, of the Compiled Laws of North Dakota for the year 1913 relating to the payment of premiums received upon policies issued upon property, to various fire departments, for the biennium beginning July 1st, 1929, and ending June 30th, 1931.

Approved February 15, 1929.

CHAPTER 32

(H. B. No. 7—Committee on Appropriations.)

GAME AND FISH BOARD

An Act making an appropriation for salaries, clerkhire and miscellaneous expenses of the Game and Fish Board.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the state treasury credited to the game and fish fund, not otherwise appropriated, the sum of \$86,400.00, or so much thereof as may be necessary for the payment of salaries, per diem, office rent, printing, traveling expense and general maintenance of game farms, fish hatchery and miscellaneous items of the game and fish commission, for the biennium beginning July 1st, 1929, and ending June 30, 1931, to-wit:

Wardens	\$ 21,000.00
Fish Commissioner and Deputy	6,000.00
Secretary	2,400.00
Clerkhire for Secretary and Wardens	3,000.00
Per Diem for Board and Officers	1,000.00
Postage	600.00
Office Supplies	500.00
Furniture and Fixtures	500.00
Printing	2,000.00
Miscellaneous	2,000.00
Travel Expense	27,000.00
Office Rent	1,500.00
Travel Expense, Fish Commissioner and Deputy	2,400.00
Propagation of Game and Fish	5,000.00
Maintenance of Game Farm	5,000.00
Maintenance of Fish Hatchery	5,000.00
Rewards and Convictions	1,500.00
Total	\$ 86,400.00

§ 2. Provided that any surplus money accumulating to the credit of the State game and fish commission fund may be used for the propagation of game and fish upon the written approval of the state game and fish commissioner of all vouchers covering any such expenditure.

Approved March 11, 1929.

CHAPTER 33

(S. B. No. 30—Committee on Appropriations.)

GLANDERS AND DOURINE INDEMNITY

An Act making an appropriation for the glanders and dourine indemnity fund.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of \$6,000.00, or so much thereof as may be necessary to indemnify the owners of animals afflicted with the disease known as glanders and dourine, for the period beginning March 15th, 1929, and ending June 30th, 1931.

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

Approved January 31, 1929.

CHAPTER 34

(H. B. No. 39—Committee on Appropriations.)

DEPARTMENT OF PUBLIC HEALTH

An Act making an appropriation for the purpose of paying salary, clerk-hire and general expenses of the department of public health.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of \$67,900.00, or so much thereof as may be necessary to pay the salary, clerkhire and all miscellaneous items and expenses for the department of public health, for the biennium beginning July 1st, 1929, and ending June 30th, 1931, to-wit :

Salary	\$ 7,200.00
Clerkhire:	
1 Director Preventable Diseases	6,000.00
1 Director Vital Statistics	3,600.00
5 Stenographers	11,200.00
1 Clerk Sanitary Engineering	2,400.00
Postage	1,000.00
Office Supplies	1,500.00

Furniture and Fixtures	1,000.00
Printing	3,000.00
Miscellaneous	1,000.00
Travel Expense	1,500.00
Installing a filing system and cabinets for 400,000 Birth, Death and Marriage Certificates Index	2,500.00
Division of Child Hygiene and Public Health Nursing.	
1. Salary of Director	6,000.00
2. One Clerk	2,400.00
3. Two nurses	7,200.00
4. Postage	3,000.00
5. Office Supplies	200.00
6. Furniture and Fixtures	100.00
7. Printing	4,000.00
8. Miscellaneous	100.00
9. Travel Expenses	3,000.00
 Total	 \$ 67,900.00

Approved February 19, 1929.

CHAPTER 35

(S. B. No. 45—Committee on Appropriations.)

STATE HIGHWAY DEPARTMENT

An Act making an appropriation for the purpose of defraying the expenses of the maintenance and operation of the state highway department.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the state treasury in the motor vehicle registration fund, not otherwise appropriated, the sum of \$371,600.00, or so much thereof as may be necessary for the purpose of defraying the expenses of the maintenance and operation of the state highway department, and in carrying out the provisions and purposes of the state highway commission Act, and co-operating with the federal government under the Act of Congress approved July 11, 1916, (Public Document No. 156) entitled "An Act to provide that the United States shall aid the States in the construction of rural post-roads and for other purposes," and in carrying out the provisions of any other law imposing duties or conferring powers on said commission, and there is hereby set apart and appropriated from said motor vehicle registration fund the amounts specified in the following section of this act, for the biennium beginning July 1st, 1929, and ending June 30th, 1931, to-wit:

Commissioners—per Diem	\$ 6,000.00
Commissioners—Travel Expense	6,000.00
Salary—Secretary	6,000.00
Salary—Chief Engineer	8,000.00
Engineer's Salaries	120,000.00
Clerical Salaries	80,000.00
Travel Expense	60,000.00
Postage	10,000.00
Telephone	6,000.00
Supplies	12,000.00
Tabulating Machine	5,600.00
Printing	9,000.00
Rentals	10,000.00
Freight and Express	2,000.00
Workmen's Compensation	5,000.00
Maps	4,000.00
Office Furniture	3,000.00
Office and Engineer Equipment	4,000.00
Field Equipment	4,000.00
Testing Equipment	3,000.00
Miscellaneous	8,000.00
 Total	 \$371,600.00

Approved March 4, 1929.

CHAPTER 36

(S. B. No. 46—Committee on Appropriations.)

MOTOR VEHICLE REGISTRATION DEPARTMENT

An Act making an appropriation for the purpose of defraying the expenses of the maintenance and operation of the motor vehicle registration department.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the state treasury in the motor vehicle registration fund, not otherwise appropriated, the sum of \$154,230.00, or so much thereof as may be necessary for the purpose of defraying the expenses of the maintenance and operation of the motor vehicle registration department, for the biennium beginning July 1st, 1929, and ending June 30th, 1931, to-wit:

Salary	\$ 5,000.00
Clerkhire	41,520.00
Postage	38,500.00

Office Supplies	1,000.00
Furniture and Fixtures	2,000.00
Printing	6,000.00
Miscellaneous, Light and Power	2,000.00
Travel Expense	750.00
Special Agents	10,000.00
License Tags	42,000.00
Refund Account	1,500.00
Rent and Janitor	3,960.00
Total	<u>\$154,230.00</u>

Approved March 4, 1929.

CHAPTER 37

(H. B. No. 34—Committee on Appropriations.)

STATE HISTORICAL SOCIETY

An Act making an appropriation for the purpose of paying salary, clerk-hire and general expenses of the state historical society.

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

§ I. APPROPRIATION.] There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of \$25,050.00, or so much thereof as may be necessary to pay the salary, clerkhire and miscellaneous expenses of the state historical society for the biennium beginning July 1st, 1929, and ending June 30th, 1931, to-wit:

Salary—Superintendent	\$ 5,500.00
Clerkhire:	
Librarian	3,600.00
Assistant Curator	3,300.00
Office Assistant	2,400.00
Editor of Collections	600.00
Postage	350.00
Office Supplies	450.00
Furniture and Fixtures	300.00
Printing and Historical Quarterly	2,350.00
Miscellaneous	700.00
Travel Expense	500.00
Field Work	300.00
Museum	700.00
Books and Periodicals	750.00
Binding Newspapers, etc.	1,000.00

State Parks	1,000.00
For repair of buildings at the Fort Abercrombie State Park	500.00
Museum Furniture	750.00
Total	\$ 25,050.00

Approved February 26, 1929.

CHAPTER 38

(H. B. No. 26—Committee on Appropriations.)

COMMISSIONER OF IMMIGRATION

An Act making an appropriation to pay salary, stenographer and general expenses of the Commissioner of Immigration.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of \$23,340.00, or so much thereof as may be necessary to pay the salary, stenographer, printing and miscellaneous items for the commissioner of immigration, for the biennium beginning July 1st, 1929, and ending June 30th, 1931, to-wit:

Salary—Commissioner	\$ 6,000.00
Clerkhire:	
Stenographer—Secretary	2,640.00
Bookkeeper and Mailing Clerk, one-half time	1,200.00
Postage	700.00
Office Supplies	450.00
Furniture and Fixtures	250.00
Printing, Pamphlets, Pictures, Cuts, etc.	3,000.00
Miscellaneous, Telephone, Telegraph, etc.	1,000.00
Travel Expense	1,600.00
Preparing and Displaying Exhibits	6,500.00
Total	\$ 23,340.00

Approved March 8, 1929.

CHAPTER 39

(H. B. No. 16—Committee on Appropriations.)

RELEASE INSANE PATIENTS

An Act making an appropriation to provide funds to pay the necessary expenses and reasonable compensation to commissioners appointed in actions to release insane patients as prescribed by Section 2562 of the Compiled Laws of 1913.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of \$300.00, for the biennium, or so much thereof as may be necessary to pay the expenses and reasonable compensation to commissioners appointed in actions to release insane patients as provided for under Section 2562 of the Compiled Laws of North Dakota for 1913:

Approved January 30, 1929.

CHAPTER 40

(S. B. No. 53—Committee on Appropriations.)

AGRICULTURAL COLLEGE—PARTIAL VETO

An Act making an appropriation to pay the general maintenance, improvements and repairs, new buildings, equipment, miscellaneous and public service of the Agricultural College, Fargo, North Dakota.

PARTIAL VETO

March 16, 1929.

To the Honorable Secretary of State:

I herewith file Senate Bill No. 53, being an Act making an appropriation to pay the general maintenance, improvements and repairs, new buildings, equipment, miscellaneous and public service of the Agricultural College, Fargo, North Dakota, with my approval except the following items, to-wit:

New Buildings	
(1) Power Plant Addition	\$ 25,000.00
(2) New Boiler, Stokers and Coal Handling Equipment	50,000.00
(3) Library Addition (New Stack Room)	19,000.00
(4) Equipment—Stacks for Library	3,000.00
Total	\$ 97,000.00

which are disapproved.

In addition to the appropriations made for new buildings and equipment for the Agricultural College, the Legislative Assembly passed and I have approved Senate Bill No. 57, appropriating \$190,000.00 for the construction of a wing on the Agricultural building and a wing on Science Hall, and Senate Bill No. 76, appropriating \$210,000.00 for a physical addition and auditorium building, \$125,000.00 of which is made available during the biennium ending June 30, 1931, and \$85,000.00 in 1932. To allow the total amounts appropriated by the Legislature, would, in my judgment, overload the building program for the Agricultural College during the coming biennium. I have, therefore, eliminated the items which I think are least necessary to the proper functioning of the College in the immediate future. The new power plant will not, in all probability, be required until the new buildings provided for are completed. The library addition, while badly needed, can be taken care of at the next Session of the Legislature.

I also feel that the total appropriations made for new buildings at the various State, educational, penal and charitable institutions, are more than present conditions fairly warrant, and that considerations of public economy require that some reduction therefrom be made.

Respectfully yours,
 Geo. F. Shafer
 Governor.

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

§ I. APPROPRIATION.] There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of \$838,218.19, or so much thereof as may be necessary to pay the general maintenance, improvements and repairs, new buildings, equipment, miscellaneous and public service of the Agricultural College, Fargo, North Dakota, for the biennium beginning July 1st, 1929, and ending June 30th, 1931, to-wit:

Administration:

1. President's Office	\$ 21,520.00
2. Business Office	23,920.00
3. Registrar's Office	16,380.00
4. Telephone Exchange	8,500.00
5. Publications and General Printing	5,000.00
6. Divisional Expense	2,000.00

Education:

1. School of Agriculture	218,300.00
2. School of Mechanic Arts	112,210.00
3. School of Home Economics	71,840.00
4. School of Chemistry	60,100.00

5. School of Pharmacy	25,860.00
6. School of Veterinary Medicine	8,020.00
7. School of Education	25,300.00
8. School of Science and Literature	198,890.00
9. Summer Sessions	10,000.00
10. College Library	35,685.00
11. Music (Band, Orchestra, etc.)	7,000.00
12. Physical Education (Women)	9,100.00
13. Physical Education (Men)	23,600.00
14. Military Science	6,390.00
15. Student's Welfare	4,000.00
16. General Educational Expense	20,250.00
17. Leaves of Absence	4,000.00
Physical Plant:	
1. Buildings and Grounds (Salaries)	69,320.00
2. Light, Water, Power and Gas	26,000.00
3. Fuel	64,000.00
4. Power Plant and Janitors' Supplies	24,250.00
Total Maintenance	\$1,101,435.00
Less Estimated Income	431,000.00
Total Net Maintenance	\$ 670,435.00
Improvements and Repairs:	
Special Improvement Assessments:	
(a) Trunk Sewer and Job No. 2507	\$ 3,102.24
(b) Trunk Water and Job No. 2601	1,495.27
(c) Highways No. 183, 26 and 268 c	5,890.96
Total	\$ 10,488.47
Less Experiment Station Apportionment	4,000.00
Total College Assessment	\$ 6,488.47
Deficit for 1927-1929	2,539.72
1. Drainage, Water and Steam Lines	1,500.00
2. Campus Streets and Sidewalks:	
(a) Sidewalks	1,000.00
(b) Streets, Curbing and Gravel	2,000.00
3. Chemistry Building	1,600.00
4. Ceres Hall	500.00
5. Old Main Building	350.00
6. Library Building	400.00
7. Miscellaneous Repairs	1,500.00
8. Replacement Steam Lines	7,000.00
9. Frances Hall	500.00
10. Mill	355.00
11. Armory	750.00

12. Barracks	300.00
Equipment:	
1. Stacks for Library	3,000.00
2. Special Equipment, Botany, Biology and Zoology	4,000.00
Miscellaneous:	
1. Insurance	16,800.00
2. Workmen's Compensation	3,200.00
Public Service:	
1. Salaries	10,030.00
2. Operating Budget	9,970.00
New Buildings:	
1. Power House Addition	25,000.00
2. New Boiler, Stokers and Coal Handling equip- ment	50,000.00
3. Library Addition (New Stack Room)	19,000.00
	\$838,218.19
Total for all purposes	

Approved except as to items set forth in partial Veto attached hereto, March 16, 1929.

CHAPTER 41

(S. B. No. 54—Committee on Appropriations.)

AGRICULTURAL COLLEGE EXTENSION DIVISION

An Act making an appropriation to pay the general maintenance, and as on offset for Federal Aid, in Extension Division work of the Agricultural College.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of \$117,773.64, or so much thereof as may be necessary to pay the general expenses in carrying out the work of the Extension Division of the Agricultural College, Fargo, North Dakota, and assist in carrying out the provisions of the Smith-Lever Federal Aid Work in the Agricultural Demonstration, as provided for under Chapter 5, Session Laws of 1915, for the biennium beginning July 1st, 1929, and ending June 30th, 1931, to-wit:

1. County Agents	\$114,840.00
2. Field Agents (Agriculture)	73,200.00
3. Field Agents (Home Economics)	34,150.00
4. Boys' and Girls' Club Work	20,300.00
5. Home Demonstration (Homemaker's Clubs)	18,500.00
6. Publicity and Publications	16,086.66

7. Administration	23,660.00
8. Maintenance	15,000.00
Total	\$315,736.66
Less Estimated Income	197,963.02
Total Net Appropriation	\$117,773.64
Approved March 11, 1929.	

CHAPTER 42

(S. B. No. 56—Committee on Appropriations)

AGRICULTURAL COLLEGE, EXPERIMENT STATION

An Act making an appropriation to pay the general maintenance, improvements and repairs, new buildings, pure seed and miscellaneous items of the experiment station at the Agricultural College, Fargo, North Dakota, and its branch stations.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of \$274,507.00 or so much thereof as may be necessary to pay the general maintenance, improvements and repairs, new buildings, pure seed and miscellaneous items of the Experiment Station at the Agricultural College, Fargo, North Dakota and its Branch Stations, for the biennium beginning July 1st, 1929, and ending June 30th, 1931, to-wit:

Salaries, Wages and Operating Expense—Main Station:

1. Administration	\$ 13,400.00
2. Station Staff	284,807.00
3. Labor	70,000.00
4. Operating Expense	175,000.00
Total Maintenance	\$543,207.00
Less Estimated Income	404,200.00
Total Net Maintenance	\$139,007.00

Special Projects:

1. Expanded Plant Breeding	\$ 15,000.00
2. Market Milk Equipment	1,500.00
3. Barberry Eradication	5,000.00
Improvements and Repairs:	
1. General Repairs	5,000.00
2. Assessments; Sewer, Water and Paving Projects	4,000.00

3. Farm Drainage, first line	1,000.00
4. Grading and Paving Roadway to Horse Barn	3,000.00
New Buildings:	
1. Apiary House	1,000.00
Miscellaneous:	
1. Heat, Light, Water, etc.	40,000.00
2. Fire and Tornado Insurance	2,800.00
3. Workmen's Compensation Insurance	3,200.00
Branch Stations:	
1. Dickinson	12,000.00
2. Edgely	12,000.00
3. Hettinger	10,000.00
4. Langdon	10,000.00
5. Williston	10,000.00
Total	\$274,507.00

Approved March 12, 1929.

CHAPTER 43

(S. B. No. 57—Committee on Appropriations.)

AGRICULTURAL COLLEGE—WINGS, AGRICULTURAL AND SCIENCE BUILDING

An Act making an appropriation for the erection of a Wing on the Agricultural Building and a Wing on Science Hall at the Agricultural College.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of \$190,000.00, or so much thereof as may be necessary to pay for the erection of a wing on the Agricultural Building and a wing on Science Hall at the Agricultural College, to-wit:

1. Wing on Agricultural Building	\$ 95,000.00
2. Wing on Science Hall	95,000.00

Total

§ 2. EMERGENCY.] Whereas it is necessary because of the crowded condition at said Agricultural College to have the construction of the aforesaid buildings completed before the commencement of the next school year and in order to do so the contracts therefor must be let prior to July 1st, 1929, therefore an emergency is hereby declared to exist and this Act shall be in force and effect from and after its passage and approval.

Approved February 18, 1929.

CHAPTER 44

(S. B. No. 76—Fowler.)

**AGRICULTURAL COLLEGE, PHYSICAL EDUCATION AND
AUDITORIUM BUILDING**

An Act authorizing the construction of a combined physical education building and auditorium at the Agricultural College, and providing an appropriation therefor.

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

§ 1. There is hereby authorized the construction, including all connections, of a combined physical education building and auditorium, at the Agricultural College, at a total cost of not to exceed the sum of two hundred ten thousand dollars (\$210,000.00), of which amount the sum of one hundred twenty-five thousand dollars (\$125,000.00), is hereby appropriated to be available during the biennium ending June 30th, 1931, and eighty-five thousand dollars (\$85,000.00) is hereby appropriated to be available during the year beginning July 1st, 1931, and ending June 30th, 1932.

Approved March 16, 1929.

CHAPTER 45

(H. B. No. 38—Committee on Appropriations.)

STATE SCHOOL FOR THE BLIND

An Act making an appropriation for the general maintenance, improvements and repairs, equipment and miscellaneous expenses of the State School for the Blind, at Bathgate.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of \$34,200.00, or so much thereof as may be necessary to pay the general maintenance, equipment, improvements and repairs and miscellaneous expenses of the State School for the Blind at Bathgate, for the biennium beginning July 1st, 1929, and ending June 30th, 1931, to-wit:

Salaries and Wages:

1. Administration	\$ 7,000.00
2. Faculty	10,500.00
3. Other employees	10,500.00

Operating Expense:

1. Fuel (including freight)	7,000.00
2. Light, Power, Water, Gas	800.00

3. Telephone, Telegraph, Postage	300.00
4. Freight and Express	200.00
5. Insurance, Bonds, etc.	1,800.00
6. Printing	100.00
7. Travel	300.00
8. Office Supplies	200.00
9. Educational Supplies	2,000.00
10. Power House Supplies	350.00
11. Janitor's Supplies	250.00
12. Student's Welfare	400.00
13. Food (including meats, etc.)	8,600.00
14. Clothing	100.00
15. Hospital and Medical Service	600.00
16. Laundry Cost	500.00
17. Farm and Garden	2,000.00
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Total Maintenance	\$ 53,500.00
Less Estimated Income, all sources	26,000.00
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Net Maintenance	\$ 27,500.00
Improvements and Repairs:	
1. General Repairs	2,400.00
Equipment:	
1. Kitchen Utensils	200.00
2. Furniture, Beds and Bedding	600.00
3. Books and Musical Instruments	2,000.00
4. Replacement, Plumbing and Steam Fitting	500.00
Miscellaneous:	
1. Care of Blind Babies	1,000.00
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Total	\$ 34,200.00

Approved February 15, 1929.

CHAPTER 46

(S. B. No. 93—Sathre.)

CHILDREN'S WELFARE BUREAU—MATERNITY HOME,
ORPHANAGE FOR DESTITUTE CHILDREN

An Act making an appropriation for poor and destitute persons, providing the method of expenditure and audit thereof; inspection and supervision therefor.

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

§ I. APPROPRIATION, METHOD OF EXPENDITURE.] There is hereby appropriated out of any moneys in the state treasury, not

otherwise appropriated, the sum of ten thousand dollars, (\$10,000.00) or so much thereof as may be necessary to the Children's Welfare Bureau, and by its director apportioned equally between the maternity home, now licensed in this state, and receiving no state aid, and the orphanage for destitute children, now licensed in the state and receiving no state aid, in equal amounts and to be paid to said institutions as follows:

To the maternity home shall be paid the sum of fifteen dollars per month toward the support and maintenance of each poor and indigent unmarried expectant mother, or mother, and ten dollars per month toward the support and maintenance of each poor and indigent infant or child during the time their age or physical condition necessitates their being charges in said maternity home, as determined by the superintendent or superior in charge, providing, in no case shall a mother and her child receive an allowance from the appropriation at the same time; and to said orphanage shall be paid the sum of ten dollars per month toward the support and maintenance of each poor and indigent infant or child while their age or physical condition necessitates their remaining as charges in said orphanage, as determined by the superintendent or superior in charge.

§ 2. REPORTS AND CERTIFICATES—PAYMENT.] The superintendent or superior of the said maternity home and said orphanage shall each, and separately, make monthly reports to the state auditor, of the State of North Dakota, duly certified under oath, showing the number and classes of inmates in each of said institutions, and the state auditor shall thereupon pay to said institutions the sum for each inmate as hereinbefore provided.

§ 3. SUPERVISION AND INSPECTION.] Said maternity home and said orphanage shall be subject to the supervision and inspection of the state board of administration as provided for in the Child Welfare Act.

Approved March 11, 1929.

CHAPTER 47

(H. B. No. 10—Committee on Appropriations.)

N. D. CHILDREN'S HOME SOCIETY

An Act making an appropriation for the North Dakota Children's Home Society, of Fargo, North Dakota.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the

sum of \$10,000.00 or so much thereof as may be necessary to the North Dakota Children's Home Society, a corporation, of Fargo, North Dakota, provided that the money hereby appropriated shall be payable to such home at the rate of \$15.00 per month, or major fraction thereof, for the care, support and maintenance of each poor and indigent infant inmate of the children's home now maintained by said society at Fargo, North Dakota, and who is a resident of this State; such sums to be payable out of the state treasury upon monthly vouchers duly verified by the superintendent of such home, provided, further that such home shall make to the state auditor an annual statement showing the disposition of such funds in detail and such further facts as the auditor may require, and such home shall be subject to inspection by the board of administration.

Approved January 30th, 1929.

CHAPTER 48

(S. B. No. 38—Committee on Appropriations.)

SCHOOL FOR THE DEAF

An Act making an appropriation for the general maintenance, for land purchase, improvements and repairs, equipments and miscellaneous expenses of the School for the Deaf at Devils Lake, North Dakota.

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

§ I. APPROPRIATION.] There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of \$171,738.54, or so much thereof as may be necessary to pay the general maintenance, for land purchase, improvements and repairs, equipment and miscellaneous expenses of the School for the Deaf at Devils Lake, North Dakota, for the biennium beginning July 1st, 1929, and ending June 30th, 1931, to-wit:

Salaries and Wages:

1. Administration	\$ 12,900.00
2. Faculty	72,078.54
3. Other Employees	26,250.00
Operating Expense:	
1. Fuel (including freight)	15,000.00
2. Light, Power, Water, Gas	3,500.00
3. Telephone, Telegraph, Postage	1,000.00
4. Trades Building Supplies	1,500.00
5. Insurance, Bonds, etc.	8,900.00
6. Printing	2,500.00
7. Travel	600.00

8. Office Supplies	400.00
9. Educational Supplies	4,500.00
10. Power House Supplies	500.00
11. Janitor's Supplies	1,600.00
12. Students' Welfare	1,000.00
13. Food (including meats, etc.)	23,000.00
14. Laundry Supplies	500.00
15. Hospital and Medical Service	600.00
16. Farm and Garden Supplies and upkeep	2,500.00
17. Automobile and Bus upkeep	1,000.00
18. Kitchen Supplies	700.00
19. Bedding, Linen and Dry Goods	1,500.00
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Total Maintenance	\$182,028.54
Less Estimated Income, all sources	42,000.00
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Net Maintenance	\$140,028.54
Improvements and Repairs:	
1. Upkeep of Grounds and Nursery Stock	500.00
2. Heating and Plumbing	1,500.00
3. Electric Wiring and Supplies	500.00
4. Painting	1,500.00
5. General Repairs of Buildings	2,000.00
6. Weatherstripping and calking hospital, School and Boys' Dormitory	700.00
7. Cement Walks and Curbs	500.00
Equipment:	
1. Library and Text Books	1,000.00
2. Furniture	2,500.00
3. Domestic Science and Art Equipment	1,500.00
4. Carpenter Shop Equipment	885.00
5. Shades	1,000.00..
6. No. 14 Linotype	4,500.00
7. Stoker, Coal Elevator, Heat Regulating Controls and Electric Generating Unit	7,000.00
8. Power Lawn Mower	270.00
9. Students' Desks for eight Rooms	200.00
10. Shoe Making Finisher	255.00
Miscellaneous Items:	
1. Western Union Clock Rental	400.00
2. Land Purchase (E $\frac{1}{2}$ NW $\frac{1}{4}$ of 27-154-64, not to exceed \$5,000.00)	5,000.00
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Total	\$171,738.54

Approved February 21, 1929.

CHAPTER 49

(S. B. No. 36—Committee on Appropriations.)

INSTITUTION FOR FEEBLE MINDED

An Act making an appropriation for the general maintenance, improvements and repairs, new buildings, equipment and miscellaneous items for the Institution for the Feeble Minded at Grafton, North Dakota.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of \$253,035.00, or so much thereof as may be necessary to pay the general maintenance, improvements and repairs, new buildings, equipment and miscellaneous items of the Institution for the Feeble Minded at Grafton, North Dakota, for the biennium beginning July 1st, 1929, and ending June 30th, 1931, to-wit:

Salaries and Wages:

1. Administration	\$ 9,600.00
2. Faculty	14,640.00
3. Other Employees	161,760.00

Operating Expense:

1. Fuel (including freight)	52,000.00
2. Light, Power, Water, Gas	2,400.00
3. Telephone, Telegraph, Postage	1,000.00
4. Freight and Express	500.00
5. Insurance, Bonds, etc.	10,500.00
6. Printing	1,000.00
7. Travel	500.00
8. Office Supplies	1,500.00
9. Educational Supplies	2,100.00
10. Power House Supplies	2,000.00
11. Janitors' Supplies	4,500.00
12. Inmates' Welfare	3,000.00
13. Food (including meats, etc.)	65,000.00
14. Clothing	28,000.00
15. Hospital and Medical Service	4,000.00
16. Farm and Garden	12,000.00
17. Laundry	3,500.00
18. Incidentals	3,500.00

Total Maintenance	\$383,000.00
Less Estimated Income (all sources)	183,600.00
Net Maintenance	\$199,400.00

Improvements and Repairs :

1. Paint and Paints	2,000.00
2. Building Repairs	4,000.00
3. Boiler House Repairs	3,000.00
4. Heating and Plumbing	1,500.00
5. Sewer	5,000.00
6. Wells and Water Basin	3,800.00

New Buildings :

1. Cow Barn	7,685.00
2. Shop	2,000.00
3. Potato Cellar	2,000.00

Equipment :

1. Kitchen Equipment	500.00
2. Fencing	500.00
3. Beds and Furniture	2,000.00
4. Furnishings	2,000.00
5. Shop	800.00
6. Bakery	2,500.00
7. Stokers	8,000.00

Miscellaneous Items :

1. Land Rental	6,350.00
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Total	\$253,035.00
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Approved February 18, 1929.

CHAPTER 50

(S. B. No. 34—Committee on Appropriations.)

FEEBLE MINDED RESIDENCE UNDETERMINED

An Act making an appropriation for the care of feeble minded whose residence cannot be determined and whose care must be borne by the state.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of \$8,000.00, or so much thereof as may be necessary to care for the feeble minded whose residence cannot be determined and whose care must be borne by the state, for the biennium beginning July 1st, 1929, and ending June 30th, 1931.

Approved February 18, 1929.

CHAPTER 51

(H. B. No. 43—Committee on Appropriations.)

SCHOOL OF FORESTRY

An Act making an appropriation for the general maintenance, improvements and repairs, equipment and miscellaneous expenses of the State School of Forestry at Bottineau.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of \$91,770.00, or so much thereof as may be necessary for the purpose of paying the general maintenance, improvements and repairs, equipment and miscellaneous expenses of the State School of Forestry at Bottineau, for the biennium beginning July 1st, 1929, and ending June 30th, 1931, to-wit:

Salaries and Wages:

1. Administration	\$ 11,240.00
2. Faculty	44,520.00
3. Other Employees	8,760.00

Operating Expense:

1. Fuel (including freight)	4,400.00
2. Light, Power, Water, Gas	1,000.00
3. Telephone, Telegraph, Postage	800.00
4. Freight and Express	750.00
5. Insurance, Bonds, etc.	2,800.00
6. Printing	800.00
7. Travel	200.00
8. Office Supplies	500.00
9. Educational Supplies	1,200.00
10. Janitor's Supplies	800.00
11. Student's Welfare	400.00
12. Dormitory Maintenance	500.00
13. State Forest Nursery	8,000.00
14. Forestry Extension	5,000.00

Total Maintenance	\$ 91,670.00
Less Estimated Income, all sources	8,000.00

Net Maintenance\$ 83,670.00

Improvements and Repairs:

1. General Repairs	1,000.00
2. Foundation Repairs	4,000.00

Equipment :

1. Library	500.00
2. School and Laboratory	1,000.00
3. Machinery Forest Nursery	400.00
4. Record Safe (Fireproof)	400.00
5. Auto Truck	800.00

Total\$ 91,770.00

Approved February 19, 1929.

CHAPTER 52

(H. B. No. 8—Committee on Appropriations.)

FLORENCE CRITTENTON HOME

An Act making an appropriation for the Florence Crittenton Home at Fargo, North Dakota.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of \$10,000.00, or so much thereof as may be necessary to the Florence Crittenton Home, a corporation, of Fargo, North Dakota, provided that the money hereby appropriated shall be payable to such home at the rate of \$15.00 per month, or major fraction thereof, for the care, support and maintenance of each poor and indigent girl and each poor and indigent infant and inmate of such home, and who is a resident of this state; such sums to be payable out of the state treasury upon monthly vouchers duly verified by the superintendent of such home, provided, further that such home shall make to the state auditor an annual statement showing the disposition of such funds in detail and such further facts as the auditor may require, and such home shall be subject to inspection by the board of administration.

Approved January 30th, 1929.

CHAPTER 53

(S. B. No. 33—Committee on Appropriations.)

HOSPITAL FOR THE INSANE

An Act making an appropriation for the payment of salaries and wages, improvements and repairs and miscellaneous items for the State Hospital for the Insane at Jamestown, North Dakota.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the

sum of \$70,000.00, or so much thereof as may be necessary to pay the salaries and wages, improvements and repairs and miscellaneous items of the State Hospital for the Insane at Jamestown, North Dakota, for the biennium beginning July 1st, 1929, and ending June 30th, 1931, to-wit:

Salaries and Wages:

1. Administration	\$ 19,000.00
2. Assistant Physicians and Dentist	25,200.00
3. Other Employees	287,188.00

Operating Expense:

1. Fuel (including freight)	112,000.00
2. Telephone, Telegraph, Postage	2,300.00
3. Insurance, Bonds, etc.	20,000.00
4. Printing and Office Supplies	2,200.00
5. Travel	1,300.00
6. Educational Supplies	3,400.00
7. Janitor's and Power House Supplies	5,700.00
8. Food (including meats, etc.)	200,000.00
9. Clothing	50,000.00
10. Hospital and Medical Service	8,000.00
11. Beds and Bedding	6,000.00
12. Repairs, Miscellaneous Physical Plant	51,500.00
13. Farm, Garden and Grounds	25,000.00
14. Laundry Supplies and Cleansers	22,500.00
15. All Other Maintenance Expense	41,000.00

Total Maintenance	\$882,288.00
Less Estimated Income, all sources	882,288.00

Improvements and Repairs:

1. Replacement of Boilers	70,000.00
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Total	\$ 70,000.00
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Approved February 18, 1929.

CHAPTER 54

(H. B. No. 75—Rulon.)

HOSPITAL FOR THE INSANE—RE-ROOFING BOILER HOUSE

An Act making an appropriation for the repair and re-roofing of boiler house at the state hospital for the insane at Jamestown, North Dakota.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys of the state treasury, not otherwise appropriated, the

sum of eight thousand, five hundred and fifty-five dollars (\$8,555.00), or as much thereof as may be necessary to pay for the repair and re-roofing of the boiler house at the State Hospital for the Insane at Jamestown, North Dakota.

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

Approved February 19, 1929.

CHAPTER 55

(S. B. No. 32—Committee on Appropriations.)

INSANE PATIENTS RESIDENCE UNDETERMINED

An Act making an appropriation for the care of insane patients whose residence cannot be determined and whose care must be borne by the state.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of \$90,000.00, or so much thereof as may be necessary to care for the insane patients whose residence cannot be determined and whose care must be borne by the state, for the biennium beginning July 1st, 1929, and ending June 30th, 1931.

Approved February 16, 1929.

CHAPTER 56

(S. B. No. 51—Committee on Appropriations.)

DICKINSON NORMAL

An Act making an appropriation for the general maintenance, improvements and repairs, new buildings, equipment and miscellaneous expenses for the State Normal School, Dickinson, North Dakota.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys of the state treasury, not otherwise appropriated, the sum of \$180,692.18, or so much thereof as may be necessary to pay the general maintenance, improvements and repairs, new buildings,

equipment and miscellaneous expenses of the State Normal School, Dickinson, North Dakota, for the biennium beginning July 1st, 1929, and ending June 30th, 1931, to-wit:

Salaries and Wages:

1. Administration	\$ 21,360.00
2. Faculty	97,520.00
3. Other Employees	15,740.00

Operating Expense:

1. Fuel (including freight)	12,000.00
2. Light, Power, Water, Gas	2,100.00
3. Telephone, Telegraph, Postage	1,600.00
4. Freight and Express	400.00
5. Insurance, Bonds, etc.	4,000.00
6. Printing	2,000.00
7. Travel	400.00
8. Office Supplies	400.00
9. Educational Supplies	2,500.00
10. Power House Supplies	1,200.00
11. Janitor's Supplies	1,100.00
12. Students' Welfare	900.00
13. Hospital and Medical Service	500.00

Total Maintenance	\$163,720.00
Less Estimated Income, all sources	36,000.00

Net Maintenance\$127,720.00

Improvements and Repairs:

1. Trees, Shrubbery, Driveways	500.00
2. Athletic Field and Tennis Court	500.00
3. Electric Fixtures and Lamps	300.00
4. Storage Shed	1,000.00
5. Repairs and Upkeep	1,200.00
6. Stokers	4,000.00

New Buildings:

1. Wings—Main Building with connections	35,000.00
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Equipment:

1. Gymnasium	600.00
2. Office	600.00
3. Library	200.00
4. Manual Training	500.00
5. Home Economics	300.00
6. Class Room	600.00
7. Laboratories	600.00
8. Library Books and Periodicals	3,000.00
9. Light Truck	900.00

Miscellaneous Items :

1. Deferred Insurance	2,222.18
2. Lloyd Thomas Appraisal	150.00
3. Hot Water Connections	300.00
4. Boiler Feed Pump	500.00
Total	\$180,692.18

Approved February 21, 1929.

CHAPTER 57

(S. B. No. 49—Committee on Appropriations.)

MAYVILLE NORMAL

An Act making an appropriation for the general maintenance, improvements and repairs, new building, equipment and miscellaneous expenses of the State Normal School, Mayville, North Dakota.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of \$249,821.00, or so much thereof as may be necessary to pay the general maintenance, improvements and repairs, new building, equipment and miscellaneous items of the State Normal School at Mayville, for the biennium beginning July 1st, 1929, and ending June 30th, 1931, to-wit:

Salaries and Wages :

1. Administration	\$ 22,360.00
2. Faculty	129,825.00
3. Other Employees	30,288.00

Operating Expense :

1. Fuel (including freight)	20,000.00
2. Light, Power, Water, Gas	8,000.00
3. Telephone, Telegraph, Postage	2,000.00
4. Freight and Express	1,000.00
5. Insurance, Bonds, etc.	6,228.00
6. Printing	2,000.00
7. Travel	400.00
8. Office Supplies	800.00
9. Educational Supplies	2,500.00
10. Power House Supplies	1,600.00
11. Janitor's Supplies	2,000.00
12. Students' Welfare	1,000.00
13. Hospital and Medical Service	300.00

14. Truck, Car, Bus Maintenance	500.00
15. Grounds and Streets	500.00
16. Extra Summer School Teachers	8,000.00
17. City Board of Education (Books, Buildings)	2,000.00
	<hr/>
Total Maintenance	\$241,301.00
Less Estimated Income, all sources	55,000.00
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Net Maintenance	\$186,301.00
Improvements and Repairs:	
1. Plumbing, Heating, Ventilating	700.00
2. Painting Exterior all Buildings	2,000.00
3. Shingling West Hall	720.00
4. Weather Stripping Dormitories (Part)	600.00
5. Recasing Steam Mains	700.00
6. General Repairs	3,000.00
7. Sewer	800.00
New Buildings:	
1. Gymnasium and connections	40,000.00
Equipment:	
1. New Furniture	500.00
2. Replacement of Equipment	4,000.00
3. Typewriters, Commercial Department	250.00
4. Library; Books, Papers, etc.	2,500.00
5. New Gymnasium	1,000.00
6. Filing Equipment	350.00
7. Stokers and Equipment	6,200.00
Miscellaneous Items:	
1. Lloyd Thomas Appraisal	200.00
	<hr/>
Total	\$249,821.00

Approved February 21, 1929.

CHAPTER 58

(S. B. No. 52—Committee on Appropriations.)

MINOT NORMAL

An Act making an appropriation for the general maintenance, improvements and repairs, new building, equipment and miscellaneous items of the State Normal School, Minot, North Dakota.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the

sum of \$410,496.00, or so much thereof as may be necessary to pay the general maintenance, improvements and repairs, new building, equipment and miscellaneous items of the State Normal School, Minot, North Dakota, for the biennium beginning July 1st, 1929, and ending June 30th, 1931, to-wit:

Salaries and Wages:

1. Administration	\$ 26,048.00
2. Faculty	257,288.00
3. Other Employees	32,250.00

Operating Expense:

1. Fuel (including freight)	18,000.00
2. Light, Power, Water, Gas	2,000.00
3. Telephone, Telegraph, Postage	2,000.00
4. Freight and Express	2,000.00
5. Insurance, Bonds, Etc.	4,400.00
6. Printing	2,460.00
7. Travel	400.00
8. Office Supplies	750.00
9. Educational Supplies	9,000.00
10. Power House Supplies	1,000.00
11. Janitor's Supplies	2,000.00
12. Students' Welfare	400.00
13. Campus Maintenance	1,000.00
14. Dormitory	3,300.00

Total Maintenance	\$364,296.00
Less Estimated Income, all sources	84,000.00
Net Maintenance	\$280,296.00

Improvements and Repairs:

1. General Repairs	5,000.00
2. Ash Conveyer	500.00

New Buildings:

1. Training School and Equipment including Connections	115,000.00
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Equipment:

1. Library Books and Periodicals	3,500.00
2. Athletic Equipment	1,000.00

Miscellaneous Items:

1. Taxes and Special Improvements	5,000.00
2. Appraisalment and Valuation	200.00

Total	\$410,496.00
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Approved February 21, 1929.

CHAPTER 59

(S. B. No. 50—Committee on Appropriations.)

VALLEY CITY NORMAL

An Act making an appropriation for the general maintenance, improvements and repairs, new building, equipment and miscellaneous items of the State Normal School at Valley City, North Dakota.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of \$449,906.02, or so much thereof as may be necessary to pay the general maintenance, improvements and repairs, new building, equipment and miscellaneous items of the State Normal School, Valley City, North Dakota, for the biennium beginning July 1st, 1929, and ending June 30th, 1931, to-wit:

Salaries and Wages:	
1. Administration	\$ 28,040.00
2. Faculty	291,274.06
3. Other Employees	49,300.00
Operating Expense:	
1. Fuel (including freight)	29,000.00
2. Light, Power, Water, Gas	3,400.00
3. Telephone, Telegraph, Postage	3,500.00
4. Freight and Express	1,500.00
5. Insurance, Bonds, Etc.	10,141.96
6. Printing	3,000.00
7. Travel	400.00
8. Office Supplies	600.00
9. Educational Supplies	9,000.00
10. Power House Supplies	2,500.00
11. Janitor's Supplies	4,000.00
12. Student's Welfare	4,000.00
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Total Maintenance	\$439,656.02
Less Estimated Income, all sources	\$150,000.00
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Net Maintenance	\$289,656.02
Improvements and Repairs:	
1. General	10,000.00
2. Heating Plant	16,500.00
3. Care and Improvement of Grounds, Drives, Walks	2,000.00
New Buildings:	
1. Annex to Training School (including equipment and all connections)	115,000.00

Equipment:

1. Library, Books, Periodicals, Binding and Supplies	4,000.00
2. Furniture, Apparatus and Machinery	3,000.00
3. Trucks for Hauling Coal	2,550.00
4. Furniture for Dormitory	2,000.00

Miscellaneous Items:

I. Special Assessments:	
(a) White Way	700.00
(b) Paving, Normal and Euclid Avenues	4,500.00

Total	\$449,906.02
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Approved February 21, 1929.

CHAPTER 60

(S. B. No. 48—Committee on Appropriations.)

NORMAL AND INDUSTRIAL SCHOOL, ELLENDALE

An Act making an appropriation for the general maintenance, improvements and repairs, new building, equipment and miscellaneous expenses of the State Normal and Industrial School at Ellendale.

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

§ I. APPROPRIATION.] There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of \$161,319.00, or so much thereof as may be necessary to pay the general maintenance, improvements and repairs, new building, equipment and miscellaneous expenses of the State Normal and Industrial School at Ellendale, for the biennium beginning July 1st, 1929, and ending June 30th, 1931, to-wit:

Salaries and Wages:

1. Administration	\$ 12,332.00
2. Faculty	83,510.00
3. Other Employees	15,877.00

Operating Expense:

1. Fuel (including freight)	10,500.00
2. Light, Power, Water, Gas	750.00
3. Telephone, Telegraph, Postage	800.00
4. Freight and Express	400.00
5. Insurance, Bonds, etc.	4,200.00
6. Printing	1,000.00
7. Travel	400.00
8. Office Supplies	500.00

9. Educational Supplies	3,600.00
10. Power House Supplies	500.00
11. Janitor's Supplies	900.00
12. Students' Welfare	4,000.00
13. Instructors Summer School	8,000.00
14. Farm Maintenance	1,800.00
15. Practice Teaching, City Schools	1,000.00
	\$150,069.00
Total Maintenance	
Less Estimated Income, all sources	50,000.00
	\$100,069.00
Improvements and Repairs:	
1. Watermain Repairs	200.00
2. Repairs on Buildings	2,000.00
3. Repairs Walks and Grounds	300.00
4. Two New Boilers Installed and Power Equipment Installed	15,000.00
New Buildings:	
1. Library Building and Equipment and Connections	40,000.00
Equipment:	
1. Laboratories	1,000.00
2. Replacements	750.00
3. Library, Books, etc.	2,000.00
	\$161,319.00
Total	

Approved February 21, 1929.

CHAPTER 61

(S. B. No. 47—Committee on Appropriations.)

PENITENTIARY

An Act making an appropriation for the general maintenance, improvements and repairs, new buildings, equipment and miscellaneous expenses of the State Penitentiary.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of \$267,460.00, or so much thereof as may be necessary to pay the general maintenance, improvements and repairs, new buildings,

equipment and miscellaneous expenses of the State Penitentiary for the biennium beginning July 1st, 1929, and ending June 30th, 1931, to-wit:

Salaries and Wages:

1. Administration	\$ 18,000.00
2. Faculty	960.00
3. Other Employees	72,200.00

Operating Expense:

1. Fuel (including freight)	25,000.00
2. Light, Power, Water, Gas	1,500.00
3. Telephone, Telegraph, Postage	2,200.00
4. Freight and Express	2,000.00
5. Insurance, Bonds, Etc.	17,000.00
6. Printing	800.00
7. Travel	800.00
8. Office Supplies	800.00
9. Educational Supplies	500.00
10. Power House Supplies	3,500.00
11. Janitor's Supplies, soaps and Cleansers	7,000.00
12. Inmates' Welfare	3,000.00
13. Food (including meats, etc.)	90,000.00
14. Clothing, Beds and Bedding	20,500.00
15. Hospital and Medical Service	9,000.00
16. Warden's Expense	1,000.00
17. Bertillon and Escapes	3,000.00
18. Transportation and Clothing	9,500.00
19. Maintenance—Autos, Trucks and Tractors	4,000.00
20. Inmates' Wages	23,000.00
21. Maintenance—Farm and Shop	7,500.00

Total Maintenance	\$322,760.00
Less Estimated Income, all sources	78,000.00

Net Maintenance

\$244,760.00

Improvements and Repairs:

1. General	9,000.00
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New Buildings:

1. Milk House, with heater and cooler	2,000.00
2. Officers' Quarters Completion:	
(a) Painting Inside Walls	1,300.00
(b) Cement Basement Floor	1,000.00

Equipment:

1. Kitchen Utensils	1,000.00
2. Farm	2,000.00
3. Plumbing, Carpenter, Blacksmith Shops	500.00

4. Hospital	400.00
5. Telephone Switchboard	500.00
6. Furniture, Officers' Quarters	1,500.00
7. Bowling Alley, Officers Quarters	300.00
Miscellaneous Items:	
1. Rent of Lands	3,200.00
Total	\$267,460.00

Approved March 4, 1929.

CHAPTER 62

(H. B. No. 66—Thompson by Request.)

PENITENTIARY LAND PURCHASE

An Act to make an appropriation from the North Dakota twine and cordage plant fund for the purchase of additional land for the state penitentiary, and providing for the bringing of condemnation proceedings before the expenditure of any part of said appropriation.

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

§ 1. That there is hereby appropriated out of the North Dakota Twine and Cordage Plant Fund the sum of twenty-six thousand, four hundred eighty dollars (\$26,480.00), or as much thereof as may be necessary to be expended by the board of administration for the purchase of the North Half (N $\frac{1}{2}$) and the West Half of the Southwest Quarter (W $\frac{1}{2}$ SW $\frac{1}{4}$) of Section Eleven (11), Township One Hundred Thirty-eight (138), Range Eighty (80), except the railroad right of way across the same, for the penitentiary, provided, however, that no part of said appropriation shall be expended unless and until a condemnation action shall first be brought and the value of said land and the amounts to be paid therefor shall be determined and adjudged therein.

Approved March 11, 1929.

CHAPTER 63

(H. B. No. 33—Committee on Appropriations.)

STATE SCHOOL OF SCIENCE

An Act making an appropriation for the paying of salaries and wages, improvements and repairs and equipment of the State School of Science at Wahpeton, North Dakota.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the

sum of \$116,055.00 or so much thereof as may be necessary to pay the salaries and wages, improvements, and repairs and equipment of the State School of Science at Wahpeton, North Dakota, for the biennium beginning July 1st, 1929, and ending June 30th, 1931, to-wit:

Salaries and Wages:

1. Administration	\$ 14,055.00
2. Faculty	90,000.00
3. Other Employees	13,700.00

Operating Expenses:

1. Fuel (including freight)	13,000.00
2. Light, Power, Water, Gas	4,500.00
3. Telephone, Telegraph, Postage	1,100.00
4. Freight and express	600.00
5. Insurance, Bonds, etc.	6,500.00
6. Printing	3,500.00
7. Travel	400.00
8. Office Supplies	600.00
9. Educational Supplies	3,600.00
10. Power House Supplies	300.00
11. Janitor's Supplies	1,200.00
12. Students' Welfare	1,200.00
13. House Rent	3,600.00
14. Miscellaneous	1,000.00

Total Maintenance	\$158,855.00
Less Estimated Income, all sources	55,000.00

Net Maintenance

\$103,855.00

Improvements and Repairs:

1. General Repairs	4,000.00
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Equipment:

1. Dormitory	1,000.00
2. Trades	5,000.00
3. Library Books and Periodicals	1,000.00
4. Class Rooms	1,200.00

Total

\$116,055.00

Approved February 15, 1929.

CHAPTER 64

(S. B. No. 37—Committee on Appropriations.)

STATE TRAINING SCHOOL

An Act making an appropriation for the general maintenance, improvements and repairs, equipment and miscellaneous expenses of the State Training School, Mandan, North Dakota.

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

§ I. APPROPRIATION.] There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of \$291,440.00, or so much thereof as may be necessary to pay the general maintenance, improvements and repairs, equipment and miscellaneous expenses of the State Training School, Mandan, North Dakota, for the biennium beginning July 1st, 1929, and ending June 30th, 1931, to-wit:

Salaries and Wages:

1. Administration	\$ 19,560.00
2. Faculty	17,700.00
3. Other Employees	66,730.00

Operating Expense:

1. Fuel (including freight)	19,000.00
2. Light, Power, Water, Gas	6,900.00
3. Telephone, Telegraph, Postage	2,000.00
4. Freight and Express	2,000.00
5. Insurance, Bonds, etc.	14,000.00
6. Printing	500.00
7. Travel	5,400.00
8. Office Supplies	500.00
9. Educational Supplies	2,500.00
10. Power House Supplies and Steam Line	4,600.00
11. Janitor's Supplies	2,000.00
12. Students' Welfare	6,000.00
13. Food (including meats, etc.)	60,000.00
14. Clothing	28,000.00
15. Hospital and Medical Service	15,000.00
16. Students' Wage	2,000.00
17. Farm and Garden Maintenance	8,000.00
18. Carpenter Shop and Plumbing Shop, Auto Truck Repairs, Gasoline, oils and greases	8,000.00

Total Maintenance	\$290,390.00
Less Estimated Income, all sources	45,000.00

Net Maintenance\$245,390.00

Improvements and Repairs:

1. General Repairs	6,500.00
2. Coal Bin, Devine Hall	500.00
3. Coal Bin, Dakota Hall	500.00
4. Painting, Grounds, Shrubbery, etc.	1,000.00
5. New Hot Water Line and Softening tanks	4,500.00
6. Tunnels	10,000.00
7. Stokers, Elevator and Repairing Coal Bin	10,000.00

Equipment:

1. Hot Water Tank	1,000.00
2. Return Boiler	1,500.00
3. Farm Machinery (Not to include a four row corn planter)	500.00
4. Household equipment	3,000.00
5. Oven	1,500.00
6. Office	300.00
7. School Equipment	400.00
8. Ford Car for parole officer	750.00

Miscellaneous Items:

1. Burial and rewards	900.00
2. Land rental	3,200.00

Total	\$291,440.00
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Approved March 4, 1929.

CHAPTER 65

(S. B. No. 147—Committee on Appropriations.)

STATE TRAINING SCHOOL—EQUIPMENT, ETC., NEW GIRLS'
BUILDING

An Act making an appropriation for the purpose of paying for equipping, furnishing and officerizing the new girls' building at the State Training School, Mandan, North Dakota, and to reimburse the maintenance fund for moneys spent in connecting girls' building with necessary utilities.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of \$31,874.47, or so much thereof as may be necessary for the purpose of paying for equipping, furnishing and officerizing the

new Girls' Building at the State Training School, Mandan, North Dakota, and to reimburse the maintenance fund for moneys spent in connecting Girls' Building with necessary utilities, to-wit:

1. Bakery Equipment	\$ 2,860.28
2. Kitchen Equipment	4,567.44
3. Dining, Living and Locker Room Equipment and furnishings	4,123.00
4. Girls' and Officers' Equipment and Furnishings	9,167.75
5. Miscellaneous Equipment, including street lights, weather-stripping, all interior electric light furnishings and installation	1,851.00
6. Salaries of Officers, four months	945.00
Total	\$ 23,514.47
To reimburse maintenance fund of the State Training School for moneys spent in connecting Girls' Building with necessary utilities of steam and return lines, hot and cold water, sewerage, high line to building and storm windows	8,360.00
Total	\$ 31,874.47

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

Approved March 6, 1929.

CHAPTER 66

(S. B. No. 35—Committee on Appropriations.)

TUBERCULOSIS SANATORIUM

An Act making an appropriation for the general maintenance, improvements and repairs, new buildings, equipment and miscellaneous expenses for the tuberculosis sanatorium at San Haven, North Dakota.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of \$276,670.00, or so much thereof as may be necessary for paying the general maintenance, improvements and repairs, new buildings, equipment and miscellaneous expenses of the Tuberculosis Sanatorium at San Haven, North Dakota, for the biennium beginning July 1st, 1929, and ending June 30th, 1931, to-wit:

Salaries and Wages:	
1. Administration	\$ 15,000.00
2. Other Employees	136,620.00
Operating Expense:	
1. Fuel (including freight)	35,000.00
2. Telephone, Telegraph, Postage	900.00
3. Freight and Express	4,000.00
4. Insurance, Bonds, etc.	9,000.00
5. Printing	1,200.00
6. Travel	600.00
7. Office Supplies	1,500.00
8. Educational Supplies	1,000.00
9. Power House Supplies	3,000.00
10. Janitor's Supplies	3,500.00
11. Patients' Welfare	2,000.00
12. Food (including meats, etc.)	110,000.00
13. Clothing, Bedding, etc.	6,000.00
14. Hospital and Medical Service	7,500.00
15. Farm, Garden and Dairy	10,000.00
16. Laundry, Water Softening Supplies	2,500.00
17. Refunds	2,500.00
18. Auto and Truck Maintenance	2,500.00
	Total Maintenance
	\$354,320.00
	Less Estimated Income, all sources
	175,000.00
	Net Maintenance
	179,320.00
Improvements and Repairs:	
1. Grounds and Roads	500.00
2. Plants, Flowers, Etc.	250.00
3. Plumbing Repairs	2,000.00
4. Engine and Boiler Room Repairs	1,000.00
5. New Floors, Brick Veneer Masonic Cottage	2,500.00
6. New Floors, Brick Venner Women's Cottage	2,500.00
7. Increase in Sewage Disposal	1,500.00
8. General Repairs	1,500.00
New Buildings:	
1. Extension of Light and Heating System	36,000.00
2. Nurses' Home and all connections	40,000.00
3. Concrete Reservoir and Raising Tower	1,500.00
4. Centrifugal Pump, D. C. Motor 6"	600.00
Equipment:	
1. Equipment for Nurses' Home	7,500.00
	Total
	\$276,670.00

Approved March 4, 1929.

CHAPTER 67

(H. B. No. 6—Committee on Appropriations.)

TUBERCULOSIS SANATORIUM—MAINTENANCE NEW
INFIRMARY

An Act making an appropriation to provide funds to operate the new infirmary at the tuberculosis sanatorium, San Haven, North Dakota.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of \$18,000.00, or so much thereof as may be necessary to pay maintenance and operating expenses of the new infirmary at the Tuberculosis Sanatorium, San Haven, North Dakota, from January 1st, 1929, to June 30, 1929.

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

Approved January 30th, 1929.

CHAPTER 68

(S. B. No. 55—Committee on Appropriations.)

UNIVERSITY—PARTIAL VETO

An Act making an appropriation to pay the general maintenance, improvements and repairs, new buildings, equipment, public health laboratories, lignite testing, clay testing and miscellaneous expenses of the State University at Grand Forks, North Dakota.

PARTIAL VETO

March 16, 1929.

To the Honorable Secretary of State:

I herewith file Senate Bill No. 55, being an Act making an appropriation to pay for the general maintenance improvements and repairs, new buildings, equipment, public health laboratories, lignite testing, clay testing and miscellaneous expenses of the State University at Grand Forks, North Dakota, with my approval, except the following item, to-wit:

Warehouse and Storage Building, \$5,000.00 which is disapproved.

In view of the fact that an appropriation in the sum of \$161,000.00 for the completion of a Liberal Arts Building has been allowed, together with an item of \$7,000.00 additional for equip-

ment, and since the total appropriations for institutional building purposes passed by the recent Session of the Legislature has reached a large aggregate sum, I feel that this item for a warehouse and storage building should be eliminated from the University' budget.

Respectfully yours,

Geo. F. Shafer,

Governor.

GFS:E

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

§ I. APPROPRIATION.] There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of \$1,215,592.60, or so much thereof as may be necessary to pay the general maintenance of the State University at Grand Forks, North Dakota, together with improvements and repairs, new buildings, equipment, miscellaneous items, public health laboratories, lignite testing and clay testing, for the biennium beginning July 1st, 1929, and ending June 30th, 1931, to-wit:

Maintenance—Educational Department:

1. College of Engineering	\$153,740.00
2. College of Liberal Arts	309,990.00
3. School of Commerce	63,640.00
4. School of Education	172,580.00
5. Graduate Division	1,020.00
6. School of Law	51,720.00
7. School of Medicine	45,150.00
8. Military and Physical Training for men	34,710.00
9. Library	46,440.00
10. Summer Session	38,000.00
11. Office of Dean of Men	8,300.00
12. General Educational Service	18,000.00
13. Dispensary	5,000.00
14. Leaves of Absence	4,000.00
15. Office of Dean of Women	7,500.00
Extension Division	35,000.00

Maintenance—Administration:

1. President's Office	24,500.00
2. Business Office	23,320.00
3. Registrar's Office	25,000.00
4. Stenographic Bureau	11,400.00
5. Telephone and Telegraph	11,056.00
6. Publications and General Printing	5,500.00
7. Divisional Expense	1,000.00

Maintenance—Physical Plant:

1. Grounds and Property	16,000.00
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2. Buildings Maintenance, Including Janitors, Repairs, etc.	59,260.00
3. Power Plant (Direct)	113,180.00
4. Power Plant (Indirect)	4,300.00
5. Office of Supt. of Buildings and Grounds	46,000.00
	Total Maintenance
	\$1,335,306.00
Less Estimated Income	268,000.00
	Net Maintenance
	\$1,067,306.00
Improvements and Repairs:	
1. Merrifield Hall, Repairs on Roof	\$ 720.00
2. Budge Hall, Reshingling Roof	900.00
3. Davis Hall, Rebuilding Main Stairway	300.00
4. Woodworth Hall, Replastering and Paint ceiling of Auditorium	350.00
5. Engineering Building, Repair Roof and rebuild around Cupola	400.00
6. Chemistry Building, Repairs on Roof	800.00
7. Curbing for Drives	400.00
8. Gravel for Drives	600.00
9. Sidewalks	600.00
New Buildings:	
1. Equipment	7,000.00
2. Warehouse and Storage Building	5,000.00
Equipment:	
1. 300 Steel Folding Chairs	675.00
2. New Pianos Replace worn out instruments	1,500.00
3. New Boiler	31,000.00
4. New Engine and Generator Set	15,500.00
Miscellaneous:	
1. Appraisal	700.00
2. Insurance:	
Fire and Tornado	18,750.00
For New Liberal Arts Building	7,740.00
3. Special Taxes	8,091.60
Public Service:	
1. Public Health Laboratories:	
University	19,340.00
Bismarck	7,960.00
Minot	6,200.00
Fargo	5,760.00
2. Clay Testing	4,000.00

3. Lignite Testing and Investigations	10,000.00
Total	\$ 53,260.00
Less Local Income	6,000.00
Net Public Service	47,260.00

Total for all Purposes\$1,215,592.60

Approved except as to items set forth in partial Veto attached hereto, March 16, 1929.

CHAPTER 69

(S. B. No. 72—Whitman.)

UNIVERSITY, LIBERAL ARTS BUILDING

An Act making an appropriation for completing the liberal arts building at the state university.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of one hundred sixty-one thousand dollars (\$161,000.00), or so much thereof as may be necessary to complete the Liberal Arts Building at the State University.

§ 2. EMERGENCY.] Whereas it is necessary that the Liberal Arts Building be completed before the opening of the school year, and whereas, on account of an option existing with the contractors that if notification is given them before March 1, 1929, of the acceptance of their option, therefore an emergency is hereby declared to exist and this act shall be in force and effect from and after its passage and approval.

Approved March 11, 1929.

CHAPTER 70

(S. B. No. 28—Committee on Appropriations.)

LIVE STOCK SANITARY BOARD

An Act making an appropriation for the per diem and general expenses of the state live stock sanitary board.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the

sum of \$32,000.00, or so much thereof as may be necessary to pay the general expenses of the State Live Stock Sanitary Board, for the biennium beginning July 1st, 1929, and ending June 30th, 1931, to-wit:

Salary—Executive Officer and State Veterinarian	\$ 7,200.00
Clerkhire: Stenographer	3,000.00
Postage	400.00
Office Supplies	150.00
Furniture and Fixtures	250.00
Printing	750.00
Miscellaneous	300.00
Services and expenses of the Board's Agents	18,000.00
Insurance Premium in Workmen's Compensation Bureau	750.00
Compensation and expenses of Members of the State Live Stock Sanitary Board	1,200.00
Total	\$ 32,000.00

Approved January 31, 1929.

CHAPTER 71

(S. B. No. 29—Committee on Appropriations.)

BOVINE TUBERCULOSIS INDEMNITY

An Act appropriating funds to indemnify owners of animals infected with bovine tuberculosis.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of \$80,000.00, or so much thereof as may be necessary for the purpose of indemnifying the owners of animals infected with bovine tuberculosis which animals have been destroyed as provided in Section 2699 to 2710, inclusive, of the Compiled Laws of North Dakota for the year 1913, and amendments thereto, for the biennium beginning July 1st, 1929, and ending June 30, 1931.

Approved January 31, 1929.

CHAPTER 72

(S. B. No. 15—Committee on Appropriations.)

NATIONAL GUARD

An Act making an appropriation to provide funds for the maintenance of the North Dakota national guard or state militia, as provided for under Chapter 35 of the political code of the Compiled Laws of North Dakota, for the year 1913 and amendments thereto, and to meet other requirements prescribed by the federal statutes.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of \$70,000.00, or so much thereof, as may be necessary to provide proper maintenance for the North Dakota National Guard or State Militia, as prescribed in Chapter 35 of the Political Code of the Compiled Laws of North Dakota for the year 1913, and amendments thereto, and to meet other requirements prescribed by the federal statutes, for the biennium beginning July 1st, 1929, and ending June 30th, 1931.

Approved January 31, 1929.

CHAPTER 73

(H. B. No. 25—Committee on Appropriations.)

STATE TRANSPORTATION OFFICER

An Act making an appropriation to pay the salary, travel expense and miscellaneous items of the state transportation officer.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of \$29,541.91, or so much thereof as may be necessary to pay the salary, travel and miscellaneous items of the state transportation officer for the biennium beginning July 1st, 1929, and ending June 30th, 1931, to-wit:

Salary	\$ 3,600.00
Travel Expense	25,000.00
Miscellaneous	100.00
Due State Hospital for Insane for Transportation of Insane Patients	841.91
Total	\$ 29,541.91

Approved February 15, 1929.

CHAPTER 74

(S. B. No. 73—Hamilton and Sperry.)

VETERANS' SERVICE COMMISSIONER

An Act to amend and re-enact Sections 5, 7, and 9 of Chapter 281, Session Laws of North Dakota for the year 1927, relating to the appropriations for salary, office expense and travel of the veterans' service commissioner and repealing section 8 of said chapter.

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

§ 1. That Section 5 of Chapter 281, Session Laws of North Dakota for the year 1927, shall be amended and re-enacted to read as follows:

§ 5. COMPENSATIONS AND EXPENSES.] The salary of such veterans' service commissioner shall be three thousand dollars (\$3,000.00) per annum payable monthly on proper vouchers submitted therefor to the state auditor. He shall likewise be allowed the sum of fifteen hundred dollars (\$1500.00) per annum for clerkhire; five hundred dollars (\$500.00) for office supplies and expenses and the sum of twelve hundred dollars (\$1200.00) per annum for expenses, travel and investigations of claims, the same to be paid on warrants of the state auditor after proper vouchers have been filed and approved as provided by law.

§ 2. That Section 7 of Chapter 281 of Session Laws of North Dakota for the year 1927, shall be amended and re-enacted to read as follows:

§ 7. APPROPRIATIONS.] For the purpose of carrying out and making effective the provisions of this act, there is hereby appropriated out of the general funds in the state treasury, not otherwise appropriated, the sum of twelve thousand four hundred dollars (\$12,400.00), or as much thereof as may be necessary to carry out the provisions of this act, for the biennium ending July 1, 1931, and thereafter such sum for salary and expenses as may be recommended by the budget board and approved by the legislature.

§ 3. That Section 9 of Chapter 281, Session Laws of North Dakota for the year 1927, shall be amended and re-enacted to read as follows:

§ 9. EMERGENCY.] Whereas, the preservation of the public peace, health and safety makes it necessary that the provisions of this act shall be operative immediately, an emergency is hereby declared to exist and this act shall take effect and be in full force and

effect from and after its passage and approval, as the present appropriation is insufficient to pay all of the salary and expenses of the veterans' service commissioner to July 1st, 1929.

§ 4. That Section 8 of Chapter 281, Session Laws of North Dakota, year 1927, is hereby repealed.

Approved February 16, 1929.

CHAPTER 75

(S. B. No. 14—Committee on Appropriations.)

VETERINARY MEDICAL EXAMINERS

An Act making an appropriation to pay the expenses of the state board of veterinary medical examiners as authorized under Section 2711 to 2720, inclusive, of the Compiled Laws of North Dakota for the year 1913.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of \$867.00, or so much thereof as may be necessary to pay per diem, mileage, clerkhire, and miscellaneous expenses of the state board of veterinary medical examiners as authorized under Sections 2711 to 2720, inclusive, of the Compiled Laws of 1913, for the biennium beginning July 1st, 1929, and ending June 30th, 1931.

Approved January 31st, 1929.

CHAPTER 76

(H. B. No. 35—Committee on Appropriations.)

VOCATIONAL EDUCATION AND REHABILITATION

An Act making an appropriation for the purpose of carrying out the provisions of Chapter 203, Session Laws 1919, and Chapter 115, Session Laws 1921, the same being Sections 1471B1 to 1471B9 and 1471C1 to 1471C8 of the Supplement to the 1913 Compiled Laws of North Dakota.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of \$28,950.00, or so much thereof as may be necessary to pay the expenses of carrying out the provisions of Chapter 203, Session

Laws 1919, and Chapter 115, Session Laws 1921, the same being Sections 1471B1 to 1471B9 and 1471C1 to 1471C8 of the Supplement to the 1913 Compiled Laws of North Dakota, relative to vocational education and vocational rehabilitation, for the biennium beginning July 1st, 1929, and ending June 30th, 1931, to-wit:

Salary	\$ 3,000.00
Postage	150.00
Office Supplies	100.00
Printing	400.00
Miscellaneous	100.00
Travel Expense	1,200.00
Aid to Vocational Schools	10,000.00
Civilian Vocational Rehabilitation	14,000.00
	\$ 28,950.00

Total

Approved February 15, 1929.

CHAPTER 77

(S. B. No. 12—Committee on Appropriations.)

WOLF, COYOTE AND MAGPIE BOUNTY

An Act making an appropriation for the purpose of paying a bounty on wolves and coyotes as provided for under Sections 2645 of 2656, inclusive, of the Supplement to the Compiled Laws of 1913, as amended by Chapter 283, Session Laws of 1927, and magpie bounty as provided for by Sections 2656b1 to 2656b9, inclusive, of the Supplement to the 1913 Compiled Laws of North Dakota.

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

§ I. APPROPRIATION.] There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of \$50,000.00, or so much thereof as may be necessary for the purpose of paying the bounty on wolves and coyotes as prescribed under Sections 2645 to 2656, inclusive, of the Supplement to the Compiled Laws of 1913, as amended by Chapter 283, Session Laws of 1927, and magpie bounty as provided for by Sections 2656b1 to 2656b9, inclusive, of the Supplement to the 1913 Compiled Laws of North Dakota.

Approved March 4, 1929.

CHAPTER 78

(S. B. No. 31—Committee on Appropriations.)

WORKMEN'S COMPENSATION BUREAU

An Act making an appropriation for the purpose of defraying the expenses of the maintenance and operation of the workmen's compensation bureau.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the state treasury in the workmen's compensation fund, not otherwise appropriated, the sum of \$122,580.00, or so much thereof as may be necessary for the payment of salaries of the members of the bureau, of the Secretary and all actuaries, accountants, inspectors, examiners, experts, clerks, physicians, stenographers, and other assistants, and all other expenses of the bureau authorized in the workmen's compensation acts, including rent for offices of the bureau, and the premium on the bond of the state treasurer, for the biennium beginning July 1st, 1929, and ending June 30th, 1931, to-wit:

Salary	\$ 16,800.00
Clerkhire	67,580.00
Postage	6,500.00
Office Supplies	2,200.00
Furniture and Fixtures	2,500.00
Printing	4,500.00
Miscellaneous	10,000.00
Travel Expense	3,000.00
Legal Expense (Salary and Miscellaneous)	8,000.00
Automobile equipment and maintenance	1,500.00

Total\$122,580.00

Approved February 18, 1929.

CHAPTER 79

(S. B. No. 16—Committee on Appropriations.)

MINIMUM WAGE DEPARTMENT

An Act making an appropriation for the purpose of paying salary, and miscellaneous general expenses of the department of minimum wage.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the

sum of \$5,090.00, or so much thereof as may be necessary to pay salary and all miscellaneous and general expenses in carrying out the provisions of Chapter 174, Laws of 1919, the same being Sections 396B1 to 396B16 of the Supplement to the 1913 Compiled Laws of North Dakota, and amendments thereto, relative to minimum wage, for the biennium beginning July 1st, 1929, and ending June 30th, 1931, to-wit:

Salary	\$ 3,240.00
Postage	250.00
Office Supplies	100.00
Printing	300.00
Miscellaneous	100.00
Travel Expense	600.00
Hearings, Conferences, Witness and Legal Fees	500.00
 Total	 \$ 5,090.00

Approved February 11, 1929.

CHAPTER 80

(H. B. No. 9—Committee on Appropriations.)

DEFICIT SCHOOL OF FORESTRY

An Act making an appropriation to provide for the payment of a deficit in the general maintenance fund of the School of Forestry at Bottineau, North Dakota.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of \$6,500.00, for the purpose of paying an existing deficit in the general maintenance fund of the School of Forestry at Bottineau, North Dakota.

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

Approved January 30th, 1929.

CHAPTER 81

(S. B. No. 11—Committee on Appropriations.)

**REFUND MONEY ERRONEOUSLY PAID OR CREDITED TO
GENERAL FUND**

An Act making an appropriation for the purpose of refunding money erroneously paid into or credited to the general fund.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of \$6,000.00, for the biennium beginning July 1st, 1929, and ending June 30th, 1931, or so much thereof as may be necessary for the purpose of making certain refunds out of the general fund and which is known as the Miscellaneous Refunds account, used for the purpose of refunding money erroneously paid into or credited to the general fund.

Approved February 5th, 1929.

CHAPTER 82

(H. B. No. 124—Committee on Appropriations.)

REIMBURSEMENT COMMON SCHOOL FUND

An Act appropriating money to reimburse the common school fund of the State of North Dakota for losses resulting from a misappropriation of such fund occurring previous to January 1, 1918.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of two thousand dollars (\$2,000.00), or so much thereof as may be necessary to reimburse the permanent fund of the common schools derived from the sale of public lands or from any other source of the State of North Dakota for losses resulting from a misappropriation of such fund occurring previous to January 1, 1918.

Approved March 7, 1929.

CHAPTER 83

(S. B. No. 62—Committee on Appropriations.)

REIMBURSEMENT ESCHEATED ESTATE FUND

An Act making an appropriation to reimburse the escheated estate fund an amount erroneously credited to the general fund in 1914.

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

§ I. APPROPRIATION.] There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of \$7,980.91, and transferring the same to the escheated estate fund to reimburse said fund for moneys erroneously credited to the general fund May 15, 1914, being state treasurer's receipt No. C-4969, and received from James W. Foley, Administrator, for the estate of M. W. McDonald, Medora, North Dakota.

Approved March 4, 1929.

AUCTION SALE

CHAPTER 84

(S. B. No. 7—Thorson.)

AUCTION SALE PERSONAL PROPERTY, NOTICE TO COUNTY TREASURER

An Act to amend and re-enact Section 6001a1 of the Supplement to the Compiled Laws for the year 1913.

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

§ I. AMENDMENT.] That Section 6001a1 of the 1925 Supplement to the Compiled Laws of North Dakota for the year 1913 be amended and re-enacted to read as follows:

§ 6001a1. NOTICE TO COUNTY TREASURER.] No personal property shall be sold at public auction in the State of North Dakota unless the owner thereof or the editor or publisher of the printing concern or company that prints such auction notices, shall at least six days prior to the holding of such auction sale, have notified the County Treasurer of the County in which said sale is to be held of the holding thereof. Such notice shall be in printed form or in writing and shall be mailed to the county treasurer, by registered mail, and shall contain a list of the personal property to be sold,

together with the name and post office address of the person or persons in whose name or names, the property to be sold was last assessed, and together with the township and range in which so assessed, if known.

Approved February 18, 1929.

AVIATION

CHAPTER 85

(H. B. No. 153—Burkhart and Cox.)

LICENSING AIRMEN AND AIRCRAFT, ETC.

An Act entitled "An act concerning the licensing of airmen and aircraft; making violation hereof a misdemeanor, and providing the penalty therefor; repealing all acts or parts of acts in conflict herewith; and declaring this act to be an emergency measure."

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

§ 1. DEFINITION OF TERMS.] In this act, "aircraft" means any contrivance now known or hereafter invented, used, or designed for navigation of or flight in the air, except a parachute or other contrivance designed for such navigation but used primarily as safety equipment. The term "public air craft" means an aircraft used exclusively in the governmental service. The term "civil aircraft" means any aircraft other than a public aircraft. The term "airman" means any individual (including the person in command, and any pilot, mechanic or member of the crew) who engages in the navigation of aircraft while under way, and any individual who is in charge of the inspection, overhauling or repairing of aircraft.

§ 2. POWER TO REGULATE.] The Board of Railroad Commissioners shall administer the provisions of this act, and for this purpose is authorized to make such regulations as are necessary to execute the functions invested in it by this act, including air traffic rules, which regulations shall conform to and coincide with, so far as possible, the provisions of the Air Commerce Act of 1926, and amendments thereto, passed by the Congress of the United States, and air commerce regulations and air traffic rules adopted pursuant thereto.

§ 3. AIRCRAFT LICENSE REQUIRED.] No civil aircraft shall

be flown in this state unless such aircraft is licensed as provided by section 5 of this act, or shall have been licensed under federal law.

§ 4. AIRMAN LICENSE REQUIRED.] No person shall act as an airman of any civil aircraft, when such aircraft is flown or operated in this state, until he shall have obtained a license as provided in Section 6 of this act, or shall have been licensed under federal law.

§ 5. LICENSING OF AIRCRAFT.] The Board of Railroad Commissioners shall provide for the issuance and expiration, and for the suspension and revocation of licenses of civil aircraft, in accordance with regulations promulgated by it, or may, in its discretion, by regulation provide that such aircraft shall be licensed under federal law.

§ 6. LICENSING OF AIRMEN.] The Board of Railroad Commissioners shall provide for the issuance and expiration, and for the suspension and revocation of a license as airman to persons applying therefor in accordance with regulations promulgated by it, or may, in its discretion, by regulation provide that such persons shall be licensed under federal law.

§ 7. PUBLIC AIRCRAFT EXCEPTED.] The provisions of this act shall not apply to public aircraft owned by the government of the United States or by this State.

§ 8. VIOLATION OF THIS ACT A MISDEMEANOR.] Any person who navigates within this state any civil aircraft without an airman's license issued in accordance with the provisions of this act or without a valid license for such aircraft in accordance with the provisions of this Act, or who violates any provisions of this act or any rule or regulation promulgated hereunder, shall be guilty of a misdemeanor and punishable by a fine of not more than one hundred dollars, or by imprisonment in the county jail for not more than thirty days, or by both such fine and imprisonment.

§ 9. REPEAL.] All acts or parts of acts which are inconsistent with the provisions of this act are hereby repealed.

§ 10. EMERGENCY.] This act is hereby declared an emergency measure, and shall be in force and effect from its passage and approval.

Approved March 8, 1929.

CHAPTER 86

(S. B. No. 83—Van Arnam.)

MUNICIPAL AIRPORTS AND LANDING FIELDS

An Act authorizing municipalities to acquire and maintain airports or landing fields.

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

§ 1. Any city of this State is authorized to lease, purchase or acquire by Eminent Domain lands, either within or without the limits of the City, for the purpose of providing an airport or landing field for such municipality, to construct buildings thereon or to procure equipment therefor, and to maintain for such purpose any of the property so acquired.

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

§ 3. EMERGENCY.] This act is hereby declared an emergency measure, and shall be in full force and effect from its passage and approval.

Approved February 11, 1929.

BANKS AND BANKING

CHAPTER 87

(H. B. No. 169—O. C. Anderson.)

FINANCIAL STATEMENT RECEIVER CLOSED BANKS

An Act requiring the receiver of closed banks to prepare and publish a financial statement of the insolvent institutions under his supervision.

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

§ 1. When any bank shall hereafter become insolvent and pass into the hands of a receiver, such receiver shall, within sixty days after the closing of such bank, mail to each stockholder, depositor and creditor of such bank whose name and address appears on the records of the closed bank, a statement showing the assets and liabilities of such bank as of the date of its closing. It shall be the duty of said receiver annually thereafter, to mail to each stockholder, depositor and creditor of such closed bank, a statement

of the affairs of the receivership, which statement shall show the amounts collected since the last statement was rendered, the disposition made of the funds collected and the amount of assets on hand at the time of rendering such annual statement.

§ 2. The receiver of a bank which passed into receivership prior to the taking effect of this act, shall, not later than September 1, 1929, prepare and mail to each person described in Section 1 hereof, a statement showing the assets and liabilities of such bank as of the date upon which said receiver took charge thereof; said receiver shall at the same time prepare and mail statements showing the true condition of the affairs of the said bank as shown by the last report submitted by the receiver to, and approved by, the court. Annually thereafter statements shall be prepared and mailed as provided in Section 1 of this act.

Approved March 8, 1929.

CHAPTER 88

(H. B. No. 126—R. A. Johnson and Kneeland.)

INVESTMENT OF FUNDS BY SAVINGS BANKS

An Act to amend and re-enact Section 5198 of the Supplement to the Compiled Laws of 1913 relating to investment of funds by savings banks.

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

§ 1. AMENDMENT.] That Section 5198 of the Supplement to the Compiled Laws of 1913 be and the same is hereby amended so as to read as follows:

§ 5198. INVESTMENT OF FUNDS.] A savings bank incorporated hereunder shall invest its deposits as follows:

First. In bonds of the United States.

Second. In bonds or evidences of debt in this state or in the bonds of other states in the Union.

Third. In bonds or warrants of any county in this state or in the bonds or warrants of any city in this state, or in the bonds or warrants of any village, township, or school district in this state, issued pursuant to the authority of law, but not exceeding thirty per cent of the assets of such savings bank shall be invested in such bonds or warrants.

Fourth. In notes or bonds secured by mortgage or deed of trust upon unincumbered real estate in this state, which real estate shall be worth, exclusive of all improvements, at least twice the amount loaned thereon, but in addition thereto, there may be loaned thirty per cent of an appraised value of any buildings on said real estate provided fire insurance policies are maintained and deposited as collateral to such mortgage.

Fifth. In the mortgage bonds of any railroad corporation, incorporated under the laws of any State of the United States, provided that during each of the ten fiscal years of such railroad corporation next preceding the date of such investment :

1. Such railroad corporation shall have paid the matured principal and interest of all its mortgage indebtedness.
2. Such railroad shall have paid in dividends in cash to its stockholders, an amount of at least four per cent per annum upon all its outstanding stock of every class.

Sixth. In listed first lien, public utility, industrial or foreign bonds, but not more than ten per cent of the capital and surplus shall be invested in any one issue thereof ; and not more than twenty-five per cent of the total deposits shall be invested in bonds of all of the above classes, in this section.

Seventh. In promissory notes, not to exceed forty per cent of the total deposits, due not more than one year from the date of the loan ; when securities as permitted in above sections, are pledged as collateral to a loan, there may be loaned thereon an amount not in excess of eighty per cent of the value thereof. In no event shall more than fifteen per cent of the capital and surplus of a savings bank be loaned to any one person, firm or corporation.

Approved March 8, 1929.

CHAPTER 89

(H. B. No. 108—Jardine.)

PARTIAL SATISFACTIONS AND RELEASES MORTGAGES
ASSIGNED BY MANAGER OF BANK OF NORTH DAKOTA
TO STATE TREASURER

An Act providing for partial satisfactions and releases of mortgages assigned by the manager of the Bank of North Dakota to the state treasurer in trust; for the acceptance of partial payments thereon, the assignment thereof; and providing for the leasing of lands acquired through foreclosure, for agricultural purposes, or of mineral, oil and gas rights therein, by the state treasurer as such trustee, with the written approval of the industrial commission.

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

§ 1. The Industrial Commission of the State of North Dakota, when it appears to be for the best interest of the State, may authorize the state treasurer and the manager of the Bank of North Dakota to issue a partial release and satisfaction of any mortgage that has been assigned by the manager of the Bank of North Dakota to the state treasurer, in trust, upon payment of accrued interest and a proportionate amount of the principal secured by any such mortgage.

§ 2. In like cases the Industrial Commission may authorize the acceptance of payment of principal on other than installment due dates without requiring payment of advance interest, and it may also authorize the sale and assignment of any of such mortgages; the endorsement without recourse, and delivery of the note thereby secured, the full amount of such mortgage being paid.

§ 3. The state treasurer, as such trustee, may, through the Bank of North Dakota, acting as his agent and with the written approval of the Industrial Commission, make a valid lease of any portion of the lands, to which title is acquired by foreclosure, for such time and upon such terms as the Industrial Commission shall direct, and he shall have power, as such trustee, and when so directed, to make separate leases thereof covering mineral or oil and gas rights on such land, and any sales of such land thereafter made, shall be made subject to any leases so granted. The net proceeds of rentals accruing from such leases shall accrue to the real estate bond payment fund; any deed or Contract for deed, shall be executed by the treasurer of the state of North Dakota as trustee.

§ 4. EMERGENCY.] This act is hereby declared an emergency measure, and shall take effect and be in force from and after its passage and approval.

Approved February 19, 1929.

CHAPTER 90

(H. B. No. 137—Cox.)

**BANK OF NORTH DAKOTA RELIEVED FROM UNDERTAKINGS IN
APPEAL, ATTACHMENT, ETC.**

An Act providing that the State of North Dakota doing business as the Bank of North Dakota shall not be required to give undertakings in appeal, attachment, claim and delivery and other like cases.

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

§ 1. All provisions of law requiring that a surety, or sureties, be given on undertaking in actions an appeal, attachment, claim and delivery and other like cases in which an undertaking is required, shall not be applicable to the State of North Dakota doing business as the Bank of North Dakota, as the party seeking such relief, provided, however, that it shall be required to give its own undertaking and reimburse the adverse party when required by law.

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

Approved March 7, 1929.

BEES

CHAPTER 91

(H. B. No. 78—Plath, Burkhart and Smith.)

BEE INSPECTION

An Act to amend and re-enact Sections 2790a8, 2790a9, 2790a13, 2790a14 and 2790a18 of the 1925 Supplement to the Compiled Laws of the State of North Dakota of the year 1913.

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

§ 1. AMENDMENT.] That Sections 2790a8, 2790a9, 2790a13, 2790a14 and 2790a18 of the 1925 Supplement to the Compiled Laws of the State of North Dakota of the year 1913 be amended and re-enacted to read as follows:

§ 2790a8. INSTRUCTIONS TO OWNER.] If such inspection discloses any infection in such apiary, appliances, structures, buildings

or bees, the inspector shall give instruction to the owner or person in charge of such property for such treatment as in the judgment of the inspector may be necessary for the eradication or control of such infection; and the owner or person in charge shall carry out such instructions forthwith.

§ 2790a9. DESTRUCTION WITHOUT COMPENSATION OF INFECTED BEES.] If said owner or person in charge shall refuse or neglect to comply with said instructions forthwith, the inspector shall apply, or cause to be applied such treatment, or, in his discretion and if deemed necessary, may destroy such infected bees or property; and no damages shall be awarded to the owner for the loss of any infected apiary, bees, hives, apiary appliance or bee product destroyed under the provision of this act or of any order or regulation made in pursuance thereof.

§ 2790a13. INFECTED BEES; SALE OR EXPOSURE.] No person shall sell, barter, offer for sale or barter, move, transport, deliver, ship or offer for shipment within the state any bees, brood, comb for breeding or used beekeeping appliances and equipment from any apiary without a certificate of health from the state inspector, provided it shall not be necessary to secure such certificate of health where said bees, brood, comb for breeding or used beekeeping appliances and equipment have been inspected as provided herein within one year prior to such sale or shipment within the state. A copy of said certificate must be securely attached to the outside of every package, box, crate or bundle containing bees shipped or transported within the state. No person shall expose in any place to which bees have access any bee product, hives or other apiary appliance in such manner that contagious or infectious disease of bees could be disseminated therefrom.

§ 2790a14. CERTIFICATE TO BE AFFIXED TO PACKAGE, ETC.] The shipment or movement into the state of live bees in cages not accompanied by combs or honey is hereby permitted upon compliance with the regulations herein set forth but the shipment or movement into the state otherwise of bees, brood, comb for breeding or used beekeeping appliances and equipment is prohibited. There shall be affixed to the outside of every package, crate or bundle of bees entering into the state a copy of a certificate duly issued by an official state inspector showing that said bees, comb for breeding or appliances have been inspected and found not infected with any contagious or infectious disease.

§ 2790a18. PENALTIES.] Any person, who, himself, or by his agent or employee, or as agent or employee for another, violates any of the provisions of this act, or any regulation or order made in pursuance thereof, shall, on conviction thereof be punished by a

fine of not less than twenty-five dollars (\$25.00) nor more than two hundred fifty dollars (\$250.00), or by imprisonment in the county jail not to exceed thirty (30) days, and any shipment of bees, brood, combs for breeding or used beekeeping appliances and equipment unlawfully transported as herein provided may be confiscated by the state inspector.

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

Approved March 9, 1929.

BRANDS

CHAPTER 92

(H. B. No. 178—Hoffman.)

MARKING AND BRANDING ANIMALS AND POULTRY

An Act to amend and re-enact Sections 2595 and 9992 of the Compiled Laws of North Dakota of the year 1913, relating to marking and branding of animals and poultry, and collection of fees therefor; and providing penalty for unlawfully branding and stealing animals or poultry.

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

§ 1. AMENDMENT.] That Section 2595 of the Compiled Laws of North Dakota for the year 1913, be amended and re-enacted as follows:

§ 2595. MARKS AND BRANDS: HOW OBTAINED AND RECORDED.] Whenever any person desires the exclusive use of any mark or brand, he may make application therefor to the commissioner of agriculture and labor, setting forth a description of the mark or brand of which he desires the exclusive use, accompanying the same with the fascimile thereof, and stating for what the same is to be used and the place or position it is to occupy, and it shall be the duty of the Commissioner to record such mark or brand with the description of the place or position such mark or brand shall occupy on the animal or poultry, consulting always the choice and convenience of the applicant therefor, so far as may be, without conflicting or interfering with any previous mark or brand, provided that the fee hereinafter mentioned for live stock brand registration be the same for branding or stenciling or tattooing or indelibly marking poultry, the poultry to be marked or branded on either wing.

§ 2. AMENDMENT.] That Section 9992 of the Compiled Laws of North Dakota of the year 1913, be amended and re-enacted to read as follows:

§ 9992. UNLAWFULLY BRANDING OR STEALING STOCK OR POULTRY.] Every person who wilfully and unlawfully marks, brands, kills or sells, or causes to be marked, branded, killed or sold, any horse, mule, cow, calf or other neat cattle, or any sheep or swine, or poultry, the property of another, is guilty of a felony, and upon conviction thereof, is punishable by imprisonment in the penitentiary for not less than one and not exceeding five years, or by fine of not less than five hundred dollars and not exceeding one thousand dollars, or by both. Every person who commits grand larceny of any livestock or poultry above specified, the property of another, shall, upon conviction thereof, be punished by imprisonment in the penitentiary not less than one and not exceeding ten years, or by a fine of not less than five hundred dollars, and not exceeding one thousand dollars or by both such fine and imprisonment.

§ 3. EMERGENCY.] Whereas there is no provision under the law whereby poultry may be marked or branded an emergency is hereby declared to exist and this act shall take effect and be in full force immediately upon its passage and approval.

Approved March 9, 1929.

BUDGET BOARD

CHAPTER 93

(S. B. No. 63—Committee on Appropriations.)

STATE BUDGET BOARD

An Act to amend and re-enact Section 710a1 of the Supplement to the 1913 Compiled Laws of North Dakota, relating to the state budget board.

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

§ 1. AMENDMENT.] Section 710a1 of the Supplement to the 1913 Compiled Laws of North Dakota is hereby amended and re-enacted to read as follows:

§ 710a1. There shall be, and there is hereby, constituted and established a state budget board which shall be composed of five members, as follows: The governor, the chairman of the appropriations committee of the senate of the preceding legislative assembly, the chairman of the appropriations committee of the house of rep-

representatives of the said legislative assembly, the state auditor and attorney general. In case of inability to serve on said board on the part of any such person the vacancy shall be filled by the governor by appointment from the membership of the body of that branch of the preceding legislative assembly in which such vacancy occurs. The board shall meet and organize in the governor's office, at the state capitol, on the second Tuesday in October of each year next preceding the meeting of the legislative assembly. The governor shall be chairman of the board and the state auditor shall be its secretary. The secretary shall keep the minutes of the board and shall record them in a suitable book to be kept for that purpose. The minutes of the board shall be a public record and shall at all times be open to public inspection. The members of the board shall be paid their actual and necessary expense incurred in the performance of the work and in addition thereto the said chairman of the appropriations committee of the senate, the chairman of the appropriations committee of the house of representatives or such other member or members appointed by the governor to fill the vacancy, shall each receive eight dollars per day for each day of actual service, and traveling expenses necessarily incurred; provided, however, that a member of the Budget Board, not a member of the succeeding legislature, shall receive for his services during the legislative session the same compensation as that paid to the members of the legislative assembly.

§ 2. REPEAL.] All acts and parts of acts in conflict with this act are hereby repealed.

Approved February 21, 1929.

CAPITOL BUILDINGS

CHAPTER 94

(S. B. No. 128—Unruh.)

CUSTODIAN CAPITOL BUILDING

An Act to provide for a custodian of the capitol buildings and describing his powers, duties and compensation and appointing such custodian.

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

§ 1. That there shall be and hereby is provided a custodian of the capitol buildings to serve under the direction of the board of administration. Such custodian shall act as overseer of the persons employed as janitors in such buildings and distribute supplies

to the various state officers and departments in the City of Bismarck. Such custodian shall also act as official guide in and about the capitol buildings and grounds; and to the end that he may properly discharge such duties the board of administration shall provide him with appropriate insignia and uniform so that visitors at the capitol may be able to identify him.

§ 2. In order to fully and properly discharge the duties prescribed such custodian is hereby constituted a peace officer and given full authority when engaged in the discharge of his duties to make arrests upon the capitol grounds in the same manner and with the same force and effect as a sheriff or constable of the county in which such grounds are located; provided, however, that in case of arrest the custodian may cause the person so arrested by him to be delivered to the sheriff or any other peace officer of said county, to be dealt with as provided by law.

§ 3. That William Laist, now employed in the state capitol, be and he hereby is appointed such custodian and he shall occupy such position during good behavior but shall be removable by the governor for cause; and he shall, until otherwise provided by law, receive for his services a salary of two thousand dollars (\$2,000.00) per annum, payable monthly as are other employees of the state.

Approved March 8, 1929.

CHIROPODY

CHAPTER 95

(H. B. No. 90—Lindgren and Thatcher.)

PRACTICE OF CHIROPODY

An Act to regulate the practice of chiropody, to create a state board of chiropody, to provide for the examination and licensing of chiropodists and providing penalties for the violation thereof.

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

§ 1. It shall be unlawful for any person in this state to practice chiropody or hold himself out to be a chiropodist or assume or attempt to act as a chiropodist unless such person shall have first obtained a license so to do as hereinafter provided.

§ 2. For the purpose of and within the meaning of this act, a chiropodist is defined as one who examines, diagnoses and treats abnormal nail conditions, excrescences occurring on the feet, includ-

ing corns, warts, callosities, bunions and arch disorders, or one who treats medically, mechanically or by physiotherapy chiropodal the human foot.

§ 3. A board of examiners is hereby created and established to be known by the name and title of "Board of Registration in Chiropody."

The Governor of the State of North Dakota within thirty days after this act shall become effective shall appoint three persons who have practised chiropody for a period of not less than two years in the State of North Dakota, said persons so appointed to constitute and be the Board of Registration in Chiropody of the State of North Dakota. One member of the original board appointed as aforesaid shall serve for a term of one year, the second member so appointed shall serve for a term of two years, and the third member so appointed shall serve for a term of three years. Upon the expiration of the terms of each of the aforesaid appointed members of said board the Governor of the State of North Dakota shall appoint a successor for a term of three years. In the event of a vacancy on the board for any cause, the Governor of the State of North Dakota shall fill such vacancy by appointment and such appointee shall serve out the remainder of the term of his predecessor.

§ 4. The Board of Registration in Chiropody, as above provided for, shall meet within sixty days after the passage and approval of this act and shall select and designate from its own members a president, vice-president and secretary-treasurer of the Board of Registration in Chiropody of the State of North Dakota. Thereafter said board shall hold an annual meeting and elect officers, as aforesaid, and said board shall have the power to call special meetings at any time which may be determined, provided notice of such meeting is given to all members of the board. At any special meeting at which all members are in attendance a waiver of notice of meeting may be executed in lieu of the original notice.

§ 5. The secretary-treasurer of the Board of Registration in Chiropody shall collect all fees and moneys paid into said board under the provisions of this act and shall give bond in the sum of not less than one thousand dollars (\$1,000.00) conditioned upon the faithful performance of his duties as secretary-treasurer and for the proper accounting of all funds coming into his possession as secretary-treasurer, said bond to run to the State of North Dakota. At least once each month the secretary-treasurer of said board shall deposit all funds collected by him with the State Treasurer of the State of North Dakota, which said funds shall be credited to the Board of Registration in Chiropody of the State of North Dakota by the State Treasurer. A receipt for all said funds so deposited

with the State Treasurer shall be filed by the secretary-treasurer of the board with the State Auditor of the State of North Dakota. All warrants drawn against said fund shall be approved by the Board of Registration in Chiropody or two members thereof. Said warrants or vouchers approved by said board as aforesaid shall be certified monthly by the secretary-treasurer of said board to the State Auditor who shall draw warrants therefor upon the State Treasurer and the State Treasurer shall pay the same out of the Board of Registration in Chiropody fund and from that fund alone.

§ 6. No person shall engage in the practise of chiropody in this state until he shall have presented to the Board of Registration in Chiropody, who shall act as a board of examiners, satisfactory evidence that he is twenty-one years of age, of good moral character, has completed a four-year course in a reputable high school or an institution of equal standing and shall have had at least two years day course of instruction and shall be a graduate of a chartered school of chiropody acceptable in standard to the board of examiners. No school of chiropody shall be approved or accredited by the board of examiners unless said school requires for graduation a course of study of at least two years of nine months each. Said applicant shall also file with the said board of examiners a certificate of good health from a doctor of medicine in good standing in the State of North Dakota.

§ 7. The applicant for a license, provided for in the preceding section shall, at the time of filing his application with the secretary of the board, which application must be filed on or before the first day of June of any year, pay to said secretary the sum of fifty dollars (\$50.00) as a fee.

§ 8. Provided, however, that all chiropodists who have been engaged in the practise of chiropody in the State of North Dakota for twelve months prior to the date of approval of this bill shall, upon furnishing proof thereof to the board and paying a fee of ten dollars (\$10.00) be entitled to a license without examination.

§ 9. The Board in its discretion may issue a license without examination to chiropodists of other states granting like privileges to chiropodists of this state and maintaining equal statutory requirements for practising chiropody and upon the payment of a fee of fifty dollars (\$50.00) be admitted to practise chiropody in this state without examination provided said applicant has been legally engaged in the active practise of chiropody for at least two years immediately preceding the date of his application to the North Dakota board.

§ 10. Regular examination shall begin on the second Tuesday in June of each year, but special meetings for the purpose of giving

examinations may be designated from time to time by the board of examiners.

§ 11. Applicants for license shall be examined in anatomy, histology, pathology, bacteriology, dermatology, physical diagnosis, chemistry, clinical and orthopedic chiropody, physiology and materia medica, limited in their scope to the treatment of the human foot. The minimum requirement for the license shall be a general average of seventy-five per cent and not less than fifty per cent in any one subject. Any applicant failing in the examination and being refused a license shall be entitled within one year of such refusal to a re-examination upon additional fee of \$10.00 for each examination, but two such re-examinations shall exhaust his privileges under the original application.

§ 12. Each member of said board shall receive \$6.00 per day for each day employed in the actual discharge of his duties and his necessary expenses incurred in connection therewith.

§ 13. Each licensed chiropodist in this state shall pay an annual renewal license fee of \$2.00 on or before the first day of June of each year and shall be entitled to an annual certificate or license upon payment of said fee. If aforesaid fee is not paid within three months after June 1st of each year, the license of said delinquent shall be revoked and shall not be re-issued except upon a new application and the payment of the sum of \$25.00.

§ 14. After notice and due hearing the board of examiners may refuse to renew a license or may revoke an existing license for any one or more of the following causes: prescribing for or treating any disease or defect of any part of the human body which in the opinion of the state board of examiners is outside the scope of the practise of chiropody; the use of untruthful or improbable statements to patients or in his or her advertisements; the wilful betrayal of professional secrets of a patient; false statement of any person in any application or affidavit in connection therewith or any application for a certificate or license under the provisions of this act or when any person coming within the provisions of this act either as an applicant or licensee has been convicted of any crime involving moral turpitude or when any person either as applicant or licensee has been proven to indulge in the use of morphine, opium, cocaine, or any other substance or drug having a similar effect, or when any said person prescribes or gives away any substance or compound containing morphine, opium, cocaine or similar drugs or exchanges the same for money or its equivalent or vends or barter the same for other than legal and legitimate therapeutic purposes.

§ 15. This act shall not apply to physicians and surgeons licensed by the State Board of Medical Examiners of the State of

North Dakota or to physicians and surgeons of the United States Army, Navy and the United States Public Health Service, nor to duly licensed osteopaths, nor chiropractors.

§ 15a. Provided, however, that nothing in this act shall prohibit the sale of orthopedic shoes or arch supports in the stores of this state.

§ 16. Any person violating the provisions of this act shall be punished by a fine of not less than \$100.00 nor more than \$500.00 or imprisonment in the county jail of not less than ninety days nor more than one year or by both such fine and imprisonment.

§ 17. The Board of Registration in Chiropody shall have full power to make rules and regulations not inconsistent with the provisions of this Act as may be necessary to give full force and effect to this Act.

§ 18. This act is hereby declared to be an emergency measure, and shall be in full force and effect immediately upon its passage and approval.

Approved March 7, 1929.

CONSERVANCY DISTRICTS

CHAPTER 96

(H. B. No. 194—Muus, R. A. Johnson, Lindgren and Burns.)

CONSERVANCY DISTRICTS

An Act providing for the organization of conservancy districts and to define the powers and purposes thereof, authorizing the levying of taxes, issuance of bonds, providing for the election of officers thereof and authorizing the construction of improvements by special assessment of property to be benefited thereby, and to authorize and empower counties to construct bridges, bridge approaches, and highways in connection with improvements made in such districts.

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

§ 1. SHORT TITLE.] This act may be known and cited as "The Conservancy Act of North Dakota."

§ 2. DECLARATION OF PUBLIC PURPOSE.] The control of waters for the purpose of preventing or alleviating floods, the protection of public and private property from inundation, the reclaim-

ing and filling of low lands or lands subject to periodical overflow, the reclaiming and filling of water courses which are abandoned as a result of the change of a channel of a stream, the construction of bridges and bridge approaches across new or enlarged water courses, the construction of levees, dikes, and channels, and changing, enlarging, widening, and deepening of channels of flowing streams incidental thereto, are all and each of them declared to be public purposes and conducive to public health, safety, and welfare of the inhabitants and property in the vicinity of such project. For the accomplishment of such public purpose conservancy districts may be created in the manner herein specified and when so created are declared to be public corporations vested with all the rights, powers, and duties specified in this act. For the correction of the evils at which this act is directed it shall be liberally construed to effect the purposes herein expressed.

§ 3. DEFINITIONS.] Except when otherwise specifically prescribed herein, or when the context hereof requires a different meaning, the following terms herein shall be deemed and construed to have the following meanings:

(a) The term "property" includes real and personal property.

(b) "Real Estate" or "real property" or "lands" includes all uplands, lands under water, the waters of any lake, pond or stream, all water and riparian rights or privileges, all water powers, water plants, and all dams, races, sluices, and machinery connected therewith, and any and all easements and incorporeal hereditaments, and every estate, interest and right, legal or equitable, in land or water, including terms for years and liens, legal or equitable, on real estate as above defined in way of judgment, mortgage, or otherwise, and all real estate as above defined acquired or used for railroad, highway or other public purposes.

(c) "Assessed valuation of taxable property" means the full and true value of all taxable property as last previously and finally equalized by the several boards of equalization and certified to the county auditor of the county for use in preparing the assessment rolls for general state and county taxes.

(d) "District" means a conservancy district created pursuant to the provisions of this act.

(e) "Published notice" means an official statement of the thing required, signed by the officer required to give such notice, published in a newspaper of general circulation in the county wherein the district is wholly or principally situated, and, unless otherwise specified, one publication in such paper of such notice not less than

ten days before the date specified therein for the hearing or other action to be taken or thing to be done, shall be sufficient publication of such notice.

(f) "Directors" means the board of directors of a district created pursuant to this act. Except as otherwise specified herein, any three of such directors shall constitute a quorum of such board, and may take any action in reference to such district with the same force and effect as though all five of such directors were present.

(g) "Tax" means a specified sum of money levied upon all the taxable property in the district upon an ad valorem basis.

(h) "Assessment" means a specified sum of money levied upon real estate in the district in stated amounts for each piece, parcel or tract of land, such amounts bearing to the whole sum the same proportion that the percentage of benefits to such land bears to the aggregate of benefits to all lands in the district, to be assessed.

(i) "Percentage of benefits" means the relative benefits accruing to the several pieces, parcels or tracts of land in the district determined as specified in Section 25 hereof.

(j) "Supplemental assessment" means an assessment levied for an additional sum of money to be raised for which no assessment has been levied theretofore.

(k) "Re-assessment" means the levy of a sum of money upon the real estate in a district to make up a deficiency resulting from the non-collection of a part of a previous assessment.

(l) "District Court" means the court of the county wherein the conservancy district is wholly or principally situated.

(m) "County board" means the board of county commissioners of the county wherein the conservancy district is wholly situated.

(n) "Attorney-in-fact" means a person holding a written power of attorney to act in behalf of an owner of property situated in or to be affected by the improvement to be made in the particular district.

§ 4. JURISDICTION OF COUNTY BOARD.] The county board of any county in the state is hereby vested with jurisdiction, power and authority to establish and create conservancy districts of the character and for the purposes and in the manner specified herein, comprising lands and property wholly within their county, upon the filing of a petition therefor and determination by such board after notice and hearing thereon that there is need for such district to accomplish any one or more of the purposes mentioned in such petition.

§ 5. PROCEEDINGS INITIATED BY PETITION.) No action shall be taken by any county board or county auditor for the establishment of a district pursuant to this act until a petition therefor alleging the matters hereinafter specified and signed by the requisite number of persons or municipal, public or private corporations, shall have been filed in the office of the county auditor of such county. A petition for the organization and establishment of a district may be signed and filed by the owner or owners of property situated in a proposed district, including private, public, and municipal corporations. Any municipal or public corporation which has an interest in such improvement, either by reason of the effect thereof on property owned by it or by reason of the public health, safety and welfare of a substantial number of its inhabitants, may sign such petition. A resolution of the governing body of any such public or municipal corporation authorizing the mayor or other official thereof to sign such petition shall be deemed sufficient authority for the signature by such official in behalf of such corporation. Any public service corporation may sign such petition even though the proposed improvement will affect only its intangible interests without affecting any physical property owned by it.

§ 6. CONTENTS OF PETITION.] Such petition shall set forth

(a) The proposed name of the district, and a description in general terms of the improvement which can and ought to be made therein.

(b) A general description of the territory to be included in the proposed district. Said description need not be given by metes and bounds or by legal subdivision, but it shall be sufficient to enable a property owner to ascertain whether his property is within the territory proposed or likely to be included in the district to be organized, and in any event it shall be sufficient if such territory is shown by a map thereof attached to said petition.

(c) That the property in such territory, or substantially such territory as is mentioned in the petition, will be benefited by the creation of such district, and that the making of an improvement therein pursuant to the provisions of this act will accomplish one or more of the purposes specified in Section 2 hereof, specifying such purpose or purposes.

(d) That the petitioners pray for organization of such district pursuant to the provisions of this act.

Such petition shall be deemed sufficiently signed if it is signed by a municipal corporation authorized to sign it by Section 5 of this act or if it be signed by 200 owners of real estate situated in the proposed district or by a majority of the owners of land in the proposed district who reside in the county wherein the proposed

district lies. Such signatures need not be all on one copy of such petition, but counterparts or duplicates thereof may be used and filed and all such counterparts or duplicates taken together shall constitute one petition. No petition with the requisite signatures shall be declared null and void on account of alleged defects, but the county auditor or county commissioners shall at any time permit the petition to be amended to conform to the facts by correcting any errors in the description of the territory or in other particulars.

§ 7. FILING OF PETITION AND DETERMINATION OF SUFFICIENCY.] When any such petition shall be filed in the office of the county auditor of the county wherein the proposed district is wholly or principally located he shall forthwith examine the same to determine its sufficiency as to form and number of signers. In determining the qualification of petitioners the names of property owners as they appear upon the tax rolls shall be prima facie evidence of ownership of the property shown by such rolls to be assessed to such person or corporation. Such petition shall have attached thereto an affidavit of the person or persons who circulated it, stating such fact and that affiant believes each signer thereof duly qualified to sign by the terms of this act. As soon as the county auditor has examined such petition he shall notify the person or persons who circulated the same that he finds it sufficient, or, if not, wherein the insufficiency lies.

§ 8. BOND OF PETITIONERS.] At the time of filing the petition, or any time subsequent thereto, such petitioners, or one or more of them, shall file in the office of such auditor, a bond running to the county, conditioned on the payment to the county of the cost of all proceedings in connection with such petition thereafter to be had in the event that such petition be denied, which bond shall be approved as to form and security by the county commissioners. No bond shall be required in case a municipality within the territory of the proposed district shall be the petitioner, or one of the petitioners. But the municipality shall, by resolution, an authenticated copy of which shall be attached to the petition, agree and promise to defray to the county board the expenses incurred should the petition fail to be granted.

§ 9. ORDER FOR HEARING ON THE PETITION.] Upon the filing of a petition and bond sufficient to comply with this act, the county auditor shall forthwith make an order fixing the time and place for a hearing thereon before the county board, which date shall be not less than ten nor more than twenty days after the date of filing of such petition, and bond, and shall call and order a special meeting of such county board for the date and hour so specified. Such order shall refer to the petition so filed and shall contain a copy thereof except the signatures and except the map thereto at-

tached, if any, and shall direct all persons to appear in person or by attorney-in-law or in fact at the time and place specified for the hearing before the county board, and show cause, if any there be, why said petition should not be granted and such district created. Such order shall be published in at least one issue of at least two newspapers printed and of general circulation in such county, the first of each such publication to be at least ten days prior to the date of such hearing.

§ 10. HEARING ON PETITION.] At the time and place specified in such order the county board shall meet and proceed to hear all parties interested in the matter of the establishment of said district, or their authorized attorneys at law or attorneys in fact, upon the question of the necessity and advisability of establishing such district and upon the truth of the matters set forth in said petition. Such county board may adjourn from day to day or time to time, as the needs of the parties in interest may be, without further notice of such adjournments than the public announcement prior thereto of the time and place to which such adjournment is to be had. Not less than ten days shall intervene between the first day of the hearing and the conclusion thereof. Further adjournment thereafter from day to day may be taken until all persons having filed objections shall have been heard. Such county board may hear and receive testimony and proof upon matters pertinent to such hearing under oath or otherwise as they deem proper, and may require the attendance of engineers or experts whose advice they deem necessary, paying to such engineers or other expert witnesses a reasonable fee therefor.

§ 11. ORDER GRANTING OR DENYING PETITION.] Upon the conclusion of such hearing the county board shall adopt a resolution making findings of fact that the creation of a district as petitioned for, with or without amendments as to the territory to be included therein, is or is not deemed necessary, and should or should not be created, and if they find the district is necessary and should be created such resolution shall state that one or more of the public purposes mentioned in section 2 of this act can, in their opinion, be accomplished by the creation of such district, and that the property therein will be benefited by the accomplishment of such purpose or purposes, and shall specify its name and exact boundaries, which may be varied from the boundaries mentioned in said petition if the evidence received by such county board shall warrant such change, provided, however, that the boundaries of the district so created shall not be extended beyond those petitioned for unless and until the owners of any property so to be included shall have been given published notice of the intention to extend such boundaries and an opportunity to be heard thereon. Such resolution shall declare said district to be organized as a public corporation and political sub-

division of the state of North Dakota vested with all the powers and duties granted and imposed by this act. It shall not be deemed a denial of the petition that the boundaries as established are different from those petitioned for, but if any district be created by such resolution which substantially conforms with that petitioned for the bondsmen in the bond required by Section 8 hereof shall be released. Such resolution or order shall be recorded in the minute books of such county board and a copy thereof shall be certified by the county auditor and forthwith filed in the office of the Secretary of State of North Dakota and a like copy in the office of the county auditor of any other county within which a part of said district may be situated, and no fees or other charges shall be paid or allowed to any county auditor or said Secretary of State therefor. The board of county commissioners shall then by resolution call an election in said District to authorize the formation of said Conservancy District, which election shall be a special election, or the matter may be submitted at any general election occurring in the county within which such district is contained, election to be called for a time not less than twenty days nor more than sixty days after the adoption of the resolution determining the formation of such district, and to be upon notice by publication in the official county paper in the county within which said district is contained, which notice shall be published twice, the first publication to be at least ten days prior to the date of such election, such election to be conducted in all things in accordance with the provisions for election of directors as set forth in Section 13 of this act. If at such election there shall be a majority of the people voting thereon voting in favor of the formation of such district, then the resolution to form such district shall be authorized to proceed to form said conservancy district as provided in this act. However, if at such election said proposition fails to receive a majority of all the votes cast at said election, then all proceedings by reason of petition and resolution forming said district shall cease and said petition and resolution shall be null and void.

§ 12. DISTRICT A PUBLIC CORPORATION AND GENERAL POWERS.] Immediately upon the adoption of such resolution and order the district therein specified shall be and become a body corporate and politic as a political subdivision of the state. It shall have perpetual existence and shall have a corporate seal of such design as its directors shall thereafter choose and shall have power by and through its directors to sue and be sued, contract and be contracted with, incur and pay debts, liabilities and obligations, exercise the power of eminent domain, issue bonds, certificates of indebtedness or warrants, levy taxes, assessments, supplemental assessments, and re-assessments, all in the manner authorized by this

act, and generally to do and perform all the acts and things necessary and proper to the performance of the powers and duties granted and imposed by this act.

§ 13. ELECTION OF DIRECTORS.] The governing body of such district shall be a board of directors to consist of five members, one of whom shall be elected for a term ending January first next after the succeeding first general election occurring after the organization of such conservancy district; two for a term ending January first next after the second general election after the organization of such conservancy district, and two for a term ending January first next after the third general election after the organization of such conservancy district, and which shall hold office until his successor is elected and qualified. The successors to the directors whose term expires shall be elected at the general elections thereafter held in the State of North Dakota. At the time of the adoption of the resolution of the county board declaring the district organized, the county board shall adopt another resolution calling a special election in and for said district to be held not less than twenty nor more than ninety days after the date of such resolution, and shall specify therein a polling place in each voting precinct and two judges and two clerks of election for each such polling place. Such resolution shall also divide such district into not less than two nor more than five voting precincts, according to the needs and convenience of the voters of such district. At such election all the voters in said district shall vote at the polling place specified for the precinct in which they reside. The judges and clerks of such election shall keep a poll list showing the names of the persons voting thereat, and may administer oaths to any person presenting himself to vote at said election and question him to ascertain his residence and voting qualifications, and shall refuse to receive the ballot of any person who appears to be not a resident of such precinct or not a qualified voter under the general election laws of the state. The ballot at such election shall contain the names of the candidates for the several terms who have been nominated therefor as hereinafter specified, and appropriate instruction and squares for the marking of such ballots. Each voter shall be entitled to vote for one candidate for each of the five terms for which such directions (directors) are to be elected. Such election shall be conducted in the manner provided by law for general elections, except as otherwise provided herein. The directors of any conservancy district formed under this law shall receive as compensation the sum of \$25.00 per month for his services as director, together with any actual and authorized expense incurred by any of the Directors which shall be paid as other bills are paid against such conservancy district.

§ 14. NOMINATIONS.] Any qualified voter residing in said district may be a candidate for election as such director. Not less

than 15 days before such election, nominating petitions signed by not less than fifty qualified voters of the district, naming a candidate and specifying whether he is a candidate for the two, four or six year term, may be filed in the office of the county auditor wherein the petition for the creation of the district was filed, and every person so nominated shall have his name printed upon the ballots for said election as a candidate for the particular term for which he was nominated.

§ 15. NOTICE OF ELECTION.] Immediately after the expiration of the period for filing nominating petitions, the county auditor shall prepare a notice of election specifying the date and hours of said election, which hours shall be from nine a. m. to five p. m., the boundaries of each voting precinct, the polling place therein, and the names of the candidates for the respective terms of office. He shall cause such notice to be published at least once in not less than two newspapers of general circulation in the county, each of such publications to be not less than ten days before the date of said election. He shall also cause printed ballots to be prepared and delivered to the judges of election in sufficient numbers to supply the needs of the voters at said election and forms for a poll list and tally sheet for each precinct. Upon the closing of the polls the judges and clerks shall count and canvass the ballots and make returns thereof to the county auditor. Each successful candidate shall qualify by filing in the office of the county auditor the oath required by section 211 of the constitution of the State and an oath that he will faithfully and impartially perform the duties of his office, and that he will not be interested, directly or indirectly, in any contract let by said district, and each director shall also furnish a corporate surety bond at the expense of the district in amount and form to be approved by the county commisioners, conditioned upon the faithful performance of his duties as such director. Upon the filing of such oaths and bonds the county auditor shall issue to the successful candidates a certificate of election.

§ 16. ORGANIZATION OF BOARD AND EMPLOYEES.] At any time after the election and qualification of such board of directors, the chairman shall call a meeting at the court house of the county in which such conservancy district or the greater portion thereof is located, which county courthouse in such county shall be the principal place of business and the principal office of such conservancy district and of the board of directors thereof. At such first meeting, the board shall organize by the election of a chairman. At such meeting, or any subsequent meeting thereafter, the board may select and appoint agents and employees and take any and all action in reference to the organization of said district and making of the improvement thereon. The county treasurer of the county in which

said district, or the majority thereof is situated, shall be the treasurer of such conservancy district, the county auditor of the county in which said district is situated, or his duly appointed and qualified deputy shall be the secretary of such conservancy district. The employment of the chief engineer and attorney or attorneys for the district shall be evidenced by agreements in writing, which so far as possible, shall specify the amounts to be paid for their services. The chief engineer shall be superintendent of all works and improvements and shall make a full report to the board of directors each year, and oftener if required by the board, and may make such suggestions and recommendations to the board as he may deem proper. Such agents and employees of the district as the board of directors may require shall furnish corporate surety bonds at the expense of the district in amounts of form fixed and approved by the board, conditioned upon the faithful performance of their respective duties. The chairman of the board shall sign all orders, resolutions, warrants, bonds, certificates of indebtedness, and other contracts in behalf of the district, and shall preside at all meetings of the board, provided that in his absence the remaining directors shall designate an acting chairman who shall have and exercise all the rights, powers and duties of the chairman while so acting. The secretary shall attest all orders, resolutions, warrants, bonds, certificates of indebtedness and other contracts of the district and shall sign all notices authorized by the board. He shall keep and be the custodian of the records of the board and its corporate seal, and shall assist the board in such particulars as it may direct in the performance of its duties. He shall attest under the corporate seal of the district all certified copies of the office records and files of the district which may be required of him by this act or by person ordering the same and paying the reasonable cost thereof. Any portion of the records so certified and attested shall prima facie import verity. The treasurer shall be the custodian of all the moneys of the district and shall deposit them in the banks designated by the board of directors, taking and holding from such bank or banks such security therefor as the board may specify and shall not be responsible for the loss of any moneys so deposited through the failure of such bank.

§ 17. TAX LEVY FOR PRELIMINARY FUND.] At the first or any subsequent meeting of the board of directors they may levy a tax upon all the taxable property in the district in an amount not exceeding three mills on the dollar thereof. Upon the adoption of a resolution therefor specifying the amount thereof the secretary shall certify a copy thereof to the county auditor of the county or counties wherein the district lies, and such auditor shall cause such levy to be placed upon the tax rolls for the year in which such levy is made, and such tax shall be collected in the same manner as other

general taxes in the county. The proceeds of such levy shall be paid over by the county treasurer to the treasurer of the district and his receipt taken therefor, and such moneys may be used for any purpose not contrary to the provisions of this act as ordered by the board of directors. If the district comprises lands in more than one county the mill rate shall be computed by taking the assessed valuation of all taxable property in the district and dividing it by the total amount of such levy.

§ 18. SUBSEQUENT TAX LEVIES.] Thereafter the board of directors may levy annually a tax upon all property in the district not exceeding one mill in any one year for the purpose of paying the current operating expenses of the district or for such other purposes as the directors may determine.

§ 19. CERTIFICATES OF INDEBTEDNESS.] In anticipation of the collection of any tax levied by the board of directors pursuant to Sections 17, 18, hereof the board of directors may issue and sell certificates of indebtedness of the conservancy district in the form and manner provided by Chapters 326 and 327, Laws of North Dakota 1923 and acts amendatory thereof relating to public and municipal corporations.

§ 20. The board of directors shall have full control of any and all streams, lakes, ditches and the banks thereof, and of all cuts, drains, levees, dikes and other water courses within the district and are hereby authorized and empowered to prevent damage thereto by dumping any refuse therein or filling or obstructing the same in any manner and shall have authority to make rules and regulations to prevent such damage and to provide for punishment for violation of such rules and are hereby authorized to bring any proper and necessary action in any court to restrain any such damage, filling or obstruction.

§ 21. Upon presentation to the board of county commissioners of a petition signed by not less than 10 per cent of the electors of the district as shown by the vote for governor at the last general election, praying for discontinuance of further action under this act, such board shall call and hold an election to determine whether or not further proceedings shall be discontinued. Notice of such election shall be given and the same shall be conducted as herein provided for the election of directors. If a majority of the voters voting at such election shall vote for discontinuance then all further proceedings hereunder shall immediately cease.

§ 22. EMERGENCY.] In the opinion of the legislature of the State of North Dakota, an emergency exists. Therefore this act shall take effect and be in force from and after its passage and approval.

Approved March 11, 1929.

CONSTITUTIONAL AMENDMENTS PROPOSED

CHAPTER 97

(H. B. No. 165—Johnson and Brunsdale.)

ELECTION AND TERMS JUDGES DISTRICT COURT

A Concurrent Resolution providing for the amendment of Section 104 of Article 4 of the Constitution of the State of North Dakota, relating to the election and terms of judges of the district court.

Be It Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring:

That the following proposed amendment to Section 104 of Article 4 of the Constitution of the State of North Dakota is agreed to and that the same be submitted to the qualified electors of the state for approval or rejection, in accordance with the provisions of Section 202 of the Constitution of the State of North Dakota, as amended.

§ 1. AMENDMENT.] That Section 104 of Article 4 of the Constitution of the State of North Dakota is hereby amended and re-enacted to read as follows:

Section 104. The state shall be divided into not less than six judicial districts, in each of which there shall be elected at general elections by the electors thereof one or more judges of the district court therein as may be provided by law. The term of office of a judge of the district court hereafter elected shall be six years from the first Monday in January succeeding his election and he shall hold his office until his successor is duly qualified. At the general election in 1932 there shall be elected as many judges as there are judgeships to be filled in each judicial district; the candidate receiving the highest number of votes shall be elected to a term of six years, the candidate receiving the next highest number of votes shall be elected to a term of four years, and in case three judges are to be elected, the candidate receiving the next highest number of votes shall be elected to a term of two years, and thereafter each judge shall be elected to a term of six years.

Approved March 8, 1929.

CHAPTER 98

H. B. No. 167—Johnson and Brunsdale.)

ELECTION, TERMS AND COMPENSATION JUDGES SUPREME
COURT

A Concurrent Resolution providing for the amendment of Section 90, 91 and 99 of Article 4 of the Constitution of the State of North Dakota, relating to the election, terms and compensation of judges of the supreme court.

Be It Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring:

That the following proposed amendment to Sections 90, 91 and 99 of Article 4 of the Constitution of the State of North Dakota be agreed to and submitted to the qualified electors of the state for approval or rejection in accordance with the provisions of Section 202 of the Constitution of the State of North Dakota, as amended.

§ 1. AMENDMENT.] That Sections 90, 91 and 99 of Article 4 of the Constitution of the State of North Dakota are hereby amended and re-enacted to read as follows:

§ 90. The judges of the supreme court shall be elected by the qualified electors of the state at general elections. The term of office shall be ten years and the judges shall hold their offices until their successors are duly qualified and shall receive such compensation for their services as may be prescribed by law. Provided that this section shall not be applicable to the terms of office of judges of the supreme court elected prior to the general election of the year 1934, at which election three supreme court judges shall be chosen; and the candidate at said election receiving the highest number of votes shall be elected for a term of ten years, the candidate receiving the next highest number of votes shall be elected for a term of eight years and the candidate receiving the next highest number of votes shall be elected for a term of six years.

Approved March 8, 1929.

CORPORATIONS

CHAPTER 99

(S. B. No. 204—Brostuen.)

AUTHORIZATION FOREIGN CORPORATIONS

An Act to amend and re-enact Section 5238, Supplement to the Compiled Laws of 1913, relating to the authorization of foreign corporations to do business in this state and validating certain authorizations heretofore made.

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

§ 1. That Section 5238, Supplement to the Compiled Laws of 1913, be amended and re-enacted to read as follows:

§ 5238. FOREIGN CORPORATIONS CAN DO BUSINESS IN THIS STATE, WHEN.] No foreign corporation, association or joint stock company, except an insurance company, shall sell or otherwise dispose of its capital stock or transact any business within this state, or acquire, hold or dispose of property, real or personal, within this state until such corporation shall have filed in the office of the secretary of state a copy of its articles of incorporation, and amendments if any, together with a certificate substantially to the effect that the charter of the corporation has not been cancelled and that it is in good standing, both of which copy of articles and certificates shall be made and certified to by the secretary of state of the state in which such corporation was incorporated or by the officer authorized to issue charter to such corporation (or if incorporated in a foreign country, then by the officer authorized to issue corporation charters) and shall have complied with the provisions of this chapter; also a certificate by the corporate officers showing that the corporation is engaged in active business under its charter; provided, that the provisions of this chapter shall not apply to corporations created for religious or charitable purposes solely, nor to the holding and disposing of such real estate as may be acquired only by foreclosure or otherwise, in liquidation of mortgages or other securities by corporations which may not have complied with the provisions of this article.

§ 2. AUTHORIZATIONS LEGALIZED.] Any foreign corporation heretofore authorized to do business in this state is hereby declared to be legally authorized, notwithstanding the fact that the certificate by the secretary of state of the state of incorporation filed in connection with its authorization may not have been in the form provided by law.

Approved March 4, 1929.

CHAPTER 100

(S. B. No. 183—Van Arnam and Magnuson.)

BY-LAWS, ANNUAL REPORTS, COOPERATIVE MARKETING
ASSOCIATIONS

An Act to amend and re-enact Sections 4609b10 and 4609b19, Supplement to the Compiled Laws of 1913, relating to cooperative marketing associations, and providing a penalty for violations thereof.

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

§ 1. That Sections 4609b10 and 4609b19, Supplement to the Compiled Laws of 1913, be amended and re-enacted to read as follows:

§ 4609b10. BY-LAWS.] Each association incorporated under this act must, within thirty (30) days after its incorporation, adopt for its government and management, a code of by-laws, not inconsistent with the powers granted by this act. A majority vote of the members or stockholders, or their written assent, is necessary to adopt such by-laws. Each association under its by-laws may also provide for any or all of the following matters:

(a) The time, place and manner of calling and conducting its meetings.

(b) The number of stockholders or members constituting a quorum.

(c) The right of members and stockholders to be represented at general and special meetings, by delegates; but no by-laws shall be passed permitting stockholders or members to vote by proxy or by mail.

(d) The number of directors constituting a quorum.

(e) The qualifications, compensation and duties and term of office of directors and officers; time of their election and mode and manner of giving notice thereof.

(f) Penalties for violations of the by-laws.

(g) The amount of entrance, organization and membership fees, if any; the manner and method of collection of the same, and the purposes for which they may be used.

(h) The amount which each member or stockholder shall be required to pay annually or from time to time, if at all, to carry on the business of the association; the charge, if any, to be paid by each member or stockholder for services rendered by the association to

him and the time of payment and the manner of collection; and the marketing contract between the association and its members or stockholders which every member or stockholder may be required to sign.

(i) The number and qualification of members or stockholders of the association and the conditions precedent to membership or ownership of common stock; the method, time and manner of permitting members to withdraw or the holders of common stock to transfer their stock; the manner of assignment and transfer of the interest of members and of the shares of common stock; the conditions upon which, and time when membership of any member shall cease. The automatic suspension of the rights of a member when he ceases to be eligible to membership in the association and mode, manner and effect of the expulsion of a member; manner of determining the value of a member's interest and provision for its purchase by the association upon the death or withdrawal of a member or stockholder, or upon the expulsion of a member or forfeiture of his membership, or, at the option of the association, by conclusive appraisal by the board of directors. In case of the withdrawal or expulsion of a member the board of directors shall equitably and conclusively appraise his property interests in the association and shall fix the amount thereof in money, which shall be paid to him within one year after such expulsion or withdrawal.

§ 4609b19. ANNUAL REPORTS.] Each association formed under this act, shall prepare, swear to, and file with the secretary of state an annual report on blanks to be furnished by such secretary. Such report shall contain the name, place of business and the general activities of the association during the fiscal year; the amount of paid up capital stock and the number of stockholders of a stock association or the number of members and amount of membership fees received, if a non-stock corporation; the amount of its indebtedness, or liability and its balance sheets, and such other and further information as shall be required by the secretary of state. Such association shall further be subject to an examination by the state bank examiner at such time or times as such examination shall be demanded by twenty-five stockholders or members upon a written application filed with the said state bank examiner. For the purpose of making an examination under the provisions of this act, the officers and managers of any such association shall exhibit to said examiner, all books, records, documents, papers and other records used and kept by the association in the daily conduct of their business.

§ 2. PENALTY.] The officers, directors, agents or attorneys, who being in charge of the business of any such association, who shall fail to report, or who shall knowingly subscribe to any false

fact therein, shall be guilty of a misdemeanor and upon conviction thereof shall be fined three hundred dollars (\$300.00) for each and every such offense.

§ 3. EMERGENCY.] Whereas an emergency exists, this bill shall take effect and be in force from and after its passage and approval.

Approved March 9, 1929.

CHAPTER 101

(S. B. No. 98—Magnuson.)

BY-LAWS, COOPERATIVE CORPORATION

An Act to amend and re-enact Section 4609a7 of the Supplement to the Compiled Laws of 1913, relating to the by-laws of cooperative corporations and associations, the power to amend the same and the number of members necessary to constitute a quorum for such purpose.

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

§ 1. AMENDMENT.] That Section 4609a7 of the Supplement to the Compiled Laws of 1913 be amended and re-enacted to read as follows:

§ 4609a7. BY-LAWS; POWER TO AMEND; QUORUM.] The stockholders of any co-operative corporation or association shall have the power at their annual meeting, or any special meeting called for that purpose, to amend, modify, change or make new by-laws for the management and conduct of such corporations or associations, any provisions in the by-laws contrary to the provisions of this act notwithstanding. In such associations or corporations consisting of fifty or more stockholders, a quorum at such stockholders' meeting shall consist of at least twenty-five stockholders, present in person or by proxy; provided, however, that at least fifteen stockholders must be present in person. In such associations or corporations consisting of less than fifty stockholders, a quorum at such stockholders meeting shall consist of a majority of the stockholders, present in person or by proxy; provided, however, that at least 20 per cent of such stockholders must be present in person.

§ 2. EMERGENCY.] 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 March 6, 1929.

CHAPTER 102

(S. B. No. 5—Hamilton and Fowler.)

INSTITUTIONAL HOLDING ASSOCIATIONS

An Act authorizing the organization of non-profit sharing institutional holding associations to erect, operate, equip and maintain dormitories upon or in the vicinity of the campus of state educational institutions; defining their powers, limitations and restrictions; defining and limiting the powers and duties of the board of administration relating thereto; exempting the property, bonds and other evidence of indebtedness of such associations from taxation and repealing Chapters 257 and 258 of the Session Laws of 1927 and all acts or parts of acts in conflict herewith.

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

§ 1. Non-profit sharing corporations to be known as institutional holding associations may be formed in the manner, for the purposes and with the powers, obligations and limitations prescribed by Chapter 12 of the Civil Code of the Compiled Laws of 1913; except as herein otherwise provided.

§ 2. Such association shall have power (1) to erect, equip, operate, manage, lease or sell, as herein provided, dormitories and their necessary equipment and appurtenances, to be located either upon the campus of the state university, the agricultural college, any of the normal schools or other state educational institutions, or upon sites in the vicinity of such campus, purchased or otherwise acquired by such association, or as an addition to an existing dormitory at any such educational institution, and to be at all times used and operated solely for educational purposes in connection with any of such educational institutions; (2) to borrow money or contract debts for any or all of the aforesaid purposes and to issue bonds or other evidences of indebtedness therefor; (3) to secure the payment thereof by mortgaging and pledging any or all of its property, real or personal, including income.

Such association shall be subject to the following limitations and restrictions:

(1) Such dormitories, their equipment and appurtenances, shall only be erected and installed according to plans and specifications therefor first approved by the state board of administration and at a cost for site, building and equipment to be fixed by it within the maximum limit hereinafter provided.

(2) Such dormitories, their equipment and appurtenances shall at all times be owned, managed, operated and conducted by such Association, its successors or assigns, solely for the educational

purpose herein provided in connection with one of such educational institutions and under the control and supervision of said board of administration and under and according to such rules and regulations, including rental charges, as shall be prescribed by it.

(3) Such association shall be non-profit sharing; no corporate stock shall be issued and no member shall have or acquire any divisional or other share or interest in any of its property.

(4) All of the income of such association shall be applied only to the payment of its debts and operating expenses, including necessary repairs and upkeep.

(5) When all of the debts against any site, dormitory thereon and equipment, are paid, all of the right, title and interest of such association, its successors or assigns therein shall immediately terminate and the same shall forthwith become the property of and be conveyed to the state.

(6) Any transfer or encumbrance of the property of such association, except as herein provided, is prohibited and shall be null and void.

(7) Until further authorization is granted by the Legislative Assembly of this State, dormitories shall only be erected at such educational institutions as follows:

One at or near the state university at a cost for site, building and equipment of not to exceed \$200,000.00;

One at or near the agricultural college at a cost for site, building and equipment of not to exceed \$200,000.00;

And one at or near each of the normal schools located at Valley City, Mayville, Minot and Dickinson at a cost for site, building and equipment of not to exceed \$150,000.00.

(8) No dormitory shall be erected upon the campus of any such educational institution until a written permit therefor shall first be granted and issued by the state board of administration to such association. Such permit shall describe the ground to be used, and shall provide that the dormitory to be erected thereon shall be erected, owned and operated by such association, its successors and assigns only as provided for and subject to all the restrictions and limitations imposed by this act. Such association or its successors and assigns shall acquire no right, title or interest in and to such campus site, the dormitory erected thereon, or the equipment thereof, save and except the right to operate such dormitory solely for the educational purposes, in the manner and upon the terms and conditions herein provided.

(9) The amount of money borrowed or debts contracted by such association shall not exceed the aggregate cost of the site, dormitory and equipment as fixed by the state board of administration as herein provided and the terms and conditions of such loans or debts shall be fixed and approved by said board but the payment thereof shall not extend over a period of more than fifty years.

§ 3. The articles of incorporation of such association shall contain the following:

(1) The name of the association. (2) The place, within this state, where its business will be transacted and the name of the educational institution in connection with which it will operate. (3) The term for which it is to exist. (4) That it is formed pursuant to this act to carry out the objects and purposes hereof as provided, limited and restricted herein. (5) The number of its members and the condition of membership and succession therein. (6) The number of its trustees, who may or may not be members, and the names and residences of those who shall serve until their successors are elected and qualified.

§ 4. The board of administration of this state is hereby authorized, directed and empowered (1) to take all necessary and proper action and proceedings to carry out the terms and provisions of this act and to do and perform all of the acts and duties imposed upon said board hereby subject, however, to all the limitations and restrictions imposed herein. (2) to lease from such association, its successors or assigns, the site, dormitory and equipment, or any of them, for a term of not to exceed fifty years to be used and operated by said board or its successor solely for educational purposes in connection with one of such educational institutions. Such lease shall provide for the payment to such association, its successors or assigns, of a net cash annual rental of not to exceed fifteen per cent of the cost of such site, dormitory and equipment. Said net cash annual rental shall be payable and paid solely and exclusively out of the income derived from the operation of such dormitory as herein provided, and it is hereby expressly provided that the state shall incur no liability whatever by reason of the exercise of the authority hereby granted to the said board of administration. (3) to purchase from such association, its successors or assigns, the site, dormitory and equipment, or any of them, at a price not to exceed the cost of such site, dormitory or equipment, to be used and operated by said board or its successor solely for educational purposes in connection with one of such educational institutions. Such purchase price shall be payable in not to exceed fifty years, in annual installments of not to exceed fifteen per cent of such purchase price, at a rate of interest of not

to exceed seven per cent per annum, payable semi-annually, and shall be payable and paid solely and exclusively out of the income derived from the operation of such dormitory as herein provided, and it is hereby expressly provided that the state shall incur no liability whatever by reason of the exercise of the authority granted to the said board of administration.

§ 5. Any site, dormitory, its equipment or appurtenances acquired, purchased, erected, installed, owned, operated or maintained by such association, its successors or assigns, as provided herein, and all bonds or other evidence of indebtedness issued by such association, under this act, shall be exempt from taxation.

§ 6. If any part of this act shall be declared invalid, such invalidity shall not be held or deemed to affect or impair the operation of the remainder of said act.

§ 7. All acts or parts of acts, including Chapters 257 and 258 of the Laws of 1927, in conflict herewith, are hereby repealed.

Approved February 11, 1929.

CHAPTER 103

(S. B. No. 202—Brostuen.)

RENEWAL CORPORATE EXISTENCE AFTER EXPIRATION

An Act authorizing the renewal of the period of corporate existence of certain corporations whose period of duration has expired without the renewal thereof, and legalizing acts and contracts of such corporation made or done and performed subsequent to the expiration of the original period of existence of such corporations.

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

§ 1. RENEWAL OF CORPORATE EXISTENCE.] Any corporation heretofore organized under the laws of this state, whose period of duration has expired and the same has not been renewed and such corporation has continued to transact its business, may renew its corporate existence from the date of the expiration of its period of duration for an additional period not exceeding twenty (20) years from and after the time of its expired period of duration, with the same force and effect as if renewed prior to the expiration of its term of existence, by taking the same proceedings and by paying into the state treasury twenty-five dollars in addition to the fees as now provided by law for the renewal of the corporate existence of such corporations in cases where such renewal is made before the end of its period of duration.

§ 2. TWO YEAR LIMITATION.] Such proceedings to obtain such extension shall be taken within two (2) years after the taking effect of this act.

§ 3. ORIGINAL ACTS DECLARED VALID.] When such steps are taken within such period, such proceedings shall relate back to the date of the expiration of said original corporate period, and when said period is extended as provided by this act, any and all corporate acts and contracts done, performed, made and entered into after the expiration of said original period, shall be and each is hereby declared to be legal and valid.

§ 4. APPLICATION.] This act shall not apply to any corporation the charter of which has been declared forfeited by the final judgment of any court of competent jurisdiction in this state, nor to any corporation as to which there is any action or proceedings pending in any of the courts in this state for the forfeiture of its charter, nor to any corporation whose directors have acted as trustees under the provisions of Section 4567, Compiled Laws of 1913.

Approved March 6, 1929.

COUNTIES

CHAPTER 104

(S. B. No. 167—Brostuen by Request.)

APPOINTMENT DEPUTY COUNTY SUPERINTENDENT
An Act to amend and re-enact Section 1136 of the Supplement to the Compiled Laws of North Dakota for 1913.

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

§ 1. AMENDMENT.] That Section 1136 of the Supplement to the Compiled Laws of North Dakota for the year 1913, relating to the salaries of deputy superintendent of schools, be amended and re-enacted to read as follows:

§ 1136. DEPUTIES, HOW APPOINTED, SALARY.] In counties having fifty or more teachers under the supervision of the county superintendent, the county superintendent may appoint an office deputy, for whose acts as such he shall be responsible, and the salary of such deputy shall be fixed by the board of county commissioners. Provided, in counties having one hundred or more teachers under the supervision of the county superintendent, the county superinten-

dent shall be allowed one field deputy and one additional field deputy for each additional one hundred fifty teachers or major fraction thereof under the supervision of such superintendent; such deputies shall be for the purpose of assisting the county superintendent in visiting schools and in the general supervision of the educational work of the county. They shall possess the educational qualifications of the county superintendent of schools and shall receive a salary equal to eighty per cent of the county superintendent's salary.

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

Approved March 7, 1929.

CHAPTER 105

(S. B. No. 124—Committee on Public Health.)

COMPENSATION COUNTY HEALTH OFFICERS

An Act to amend and re-enact Section 409, Compiled Laws of 1913, relating to the compensation to be received by county health officers.

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

§ 1. AMENDMENT.] That Section 409, Compiled Laws of 1913 is hereby amended and re-enacted to read as follows:

§ 409. COMPENSATION.] The president and vice-president of the board shall receive three dollars per day for every day in which they may be actually and necessarily engaged in the performance of their duties and five cents per mile for every mile actually and necessarily traveled, in the discharge of their duties. The county superintendent of health shall receive from three hundred dollars to six hundred dollars a year for his office work, which sum shall be determined annually by the county commissioners, and according to the efficiency of the health officer and the amount and character of the work performed. He shall also receive five dollars per day for every day or fraction thereof that he may be actually and necessarily engaged in the performance of his official duties, not including work confined to his office, and in addition thereto, all his other necessary and actual expenses incurred while so engaged.

Approved March 4, 1929.

CHAPTER 106

(S. B. No. 179—Brostuen.)

CONVEYANCE SLOPE, GOLDEN VALLEY, BILLINGS AND
McKENZIE COUNTY LANDS TO U. S. FOR
NATIONAL PARK

An Act authorizing the boards of county commissioners of the counties of Slope, Golden Valley, Billings and McKenzie to convey certain county lands to the United States for national park purposes and prescribing the conditions of such conveyance.

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

§ 1. The boards of county commissioners of the counties of Slope, Golden Valley, Billings and McKenzie within the State of North Dakota are hereby empowered, subject to the conditions herein prescribed, to convey to the United States, free of cost, all unsold lands belonging to said counties and obtained by them upon tax deed and lying within the area of any national park hereafter established by the government of the United States within said counties; provided that such conveyance shall be made for national park purposes only, and subject to such conditions as the Government of the United States may require in the premises; and provided further that this act shall only be operative when the government of the United States takes appropriate action to establish a national park within said counties, and in such case the power to make such conveyance shall only apply to the unsold lands belonging to such counties within the area of any national park so created.

Approved March 4, 1929.

CHAPTER 107

(H. B. No. 152—Olson of Burleigh.)

OVERSIGHT AND CARE OF POOR—DUTIES COUNTY
PHYSICIAN

An Act to amend and re-enact Section 2502 of the Compiled Laws of North Dakota for the year 1913; providing for oversight and care of the poor, and duties of county physician.

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

§ 1. AMENDMENT.] Section 2502 of the Compiled Laws of North Dakota of the year 1913 is hereby amended and re-enacted to read as follows:

§ 2502. OVERSIGHT AND CARE OF POOR, DUTY OF COUNTY PHYSICIAN.] The overseer of the poor in each township shall have the oversight and care of all poor persons in his township so long as they remain a public charge, and shall see that they are properly relieved and taken care of in the manner required by law. He shall, in cases of necessity, promptly provide medical and surgical attention for all of the poor in his township, who are not provided for in public institutions and shall also see that such medicines as are prescribed by the physician or surgeon in attendance upon the poor are properly furnished, provided, that in counties where a county physician or physicians have been appointed on an annual salary, the overseer of the poor shall call upon the nearest county physician to attend such poor person in need of medical or surgical attention.

Provided, that any salaried county physician, failing to attend any such poor person upon being called upon to do so, by such overseer of the poor, shall forfeit his said office of county physician; and it is hereby made the duty of the board of county commissioners to forthwith remove him from such office of county physician, upon the establishment of such fact on due hearing to be held by the said board upon the complaint of any overseer of the poor of any township of the county.

§ 2. EMERGENCY.] An emergency is hereby declared to exist and this act shall take effect and be in force from and after its passage and approval.

Approved March 9, 1929.

CHAPTER 108

(H. B. No. 112—Wigen and Turner.)

SALARY COUNTY OFFICIALS

An Act providing for an increase in the salary of county officials in certain counties having a population not exceeding 7000; providing the salary to be paid the state's attorney in all counties; and increasing the maximum salary to be paid in counties not having a population in excess of 40,000, to the register of deeds, clerk of the district court, and the county judge in a county not having a county court with increased jurisdiction.

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

§ 1. The county auditor, county treasurer, sheriff, and the superintendent of schools in each county of the state having a population of not to exceed 7000, shall receive an annual salary of \$1,800.00, payable monthly. The register of deeds, clerk of the district

court, and the county judge, in each county having a population of not to exceed 7000 shall each receive an annual salary of \$1,600.00, payable monthly.

§ 2. The state's attorney in each county of the state shall receive the same salary as is now by law provided as the salary of the county auditor of such county.

§ 3. The salary of the county judge in counties not having a county court with increased jurisdiction, of the clerk of the district court and of the register of deeds, in counties having a population in excess of 7000 and not exceeding 40,000, shall be the same as that now by law provided, except that the maximum salary to be paid such officials upon the present population basis of salary is hereby increased from \$2,000.00 to \$2,250.00.

Approved March 11, 1929.

CHAPTER 109

(H. B. No. 79—Judiciary Committee.)

SALARIES, ETC., MEMBERS BOARDS OF INSANITY

An Act to amend and re-enact Section 2565 of the Compiled Laws of North Dakota for the year 1913, relating to salaries and fees of members of board of commissioners of insanity, by whom paid.

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

§ 1. That Section 2565 of the Compiled Laws of 1913 be amended and re-enacted to read as follows:

§ 2565. SALARIES AND FEES, BY WHOM PAID.] The commissioners of insanity except the county judge shall each be allowed the sum of five dollars per day for the time actually employed in the duties of their office, for each case brought before the board for attention. The examining physician shall be entitled to five dollars for each case examined, and members of the board shall be entitled to mileage at the rate of ten cents per mile, each way, when engaged in work pertaining to the duties of the office. The county judge shall draw all necessary pleadings and make the records in each case without further compensation. The sheriff shall be allowed for services, other than conveying a patient to the hospital and returning therefrom, the same fees as for like services in other cases. Witnesses shall be entitled to the same fees as witnesses in the district court. The compensation and expenses provided for above shall be allowed and paid out of the county treasury in the usual manner, except that the fees and expenses of the sheriff for

conveying the patient to the hospital for the insane, or to the authorities of another state, shall be paid out of the state treasury in the usual manner.

Approved February 25, 1929.

COURTS

CHAPTER 110

(H. B. No. 143—Judiciary Committee.)

PURCHASE DIGEST SUPREME COURT DECISIONS

An Act to provide for the purchase, sale and distribution of a digest of the decisions of the supreme court and making an appropriation therefor.

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

§ 1. The supreme court reporter, under the direction and control of the judges of the supreme court, is hereby authorized to purchase two hundred fifty copies of a digest of the decisions of the supreme court now in course of publication, for the use of the judges of the supreme and district courts of this state and of the county officers now entitled to receive copies of the North Dakota reports.

§ 2. The digests purchased under Section 1 of this act shall be distributed to the county officers as the supreme court reports are distributed and it shall be the duty of the auditor of each county to issue a county warrant for the same at a price prescribed by the supreme court reporter, which shall not be greater than the net cost to the state plus transportation charges. The supreme court reporter shall deliver one copy of such digest to each judge of the supreme and district courts of this state, two copies to the attorney general, and one copy to the governor, which copies shall remain the property of the State of North Dakota and be delivered by the recipients to their successors in office.

§ 3. Warrants issued in payment for digests distributed under this act shall be made payable to the supreme court reporter and the proceeds thereof shall be covered by him monthly into the state treasury to be kept in the fund known as the Supreme Court Reporter Fund. The appropriation made for the purchase of such

digests shall also be kept in the supreme court reporter fund and from this fund all disbursements shall be made in connection with the purchase of such digests.

§ 4. There is hereby appropriated, for the purpose of this act, out of any moneys in the state treasury not otherwise appropriated, the sum of one thousand dollars.

Approved March 7, 1929.

CHAPTER 111

(S. B. No. 85—Forbes.)

TERMS AND LOCATION OF CHAMBERS, DISTRICT COURT

An Act to amend and re-enact Chapter 122 of the Laws of 1925, being Section 769a2 of the Supplement to the 1913 Compiled Laws of North Dakota, relating to terms of district court and the location of court chambers.

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

That Chapter 122 of the Laws of 1925, being Section 769a2 of the Supplement to the 1913 Compiled Laws of North Dakota, be, and it is, hereby amended and re-enacted to read as follows:

§ 769a2. AMENDMENT.] The terms of court to be held in each county in the several judicial districts, and the location of the judges' chambers shall be fixed by order of the supreme court in such manner that the judges in each judicial district may have a circuit within their district and so that no judge shall, without permission of the supreme court, for good cause shown, hold two consecutive jury terms of court in any county in his district, except in the counties of Cass and Burleigh; and in said county of Cass the terms of court thereof shall be held as follows, until otherwise provided by law, to-wit: terms of the district court shall be held therein at the county seat on the first Tuesday of each month in the year except July and August, but a jury shall only be called for the January, February, March, November and December terms unless, in the opinion of the judge, there is sufficient business to demand a jury for any other term or terms; provided, however, that the court may, if deemed advisable, continue the jury called at the January term as the jury for the February or February and March terms, and the jury called at the November term as the jury for the December term.

Approved March 9, 1929.

CHAPTER 112

(H. B. No. 171—Carter.)

JUSTICES OF PEACE PROHIBITED FROM ACTING CERTAIN CASES

An Act to prohibit justices of the peace and police magistrates from acting in any capacity as such magistrates in suits brought in their own courts to enforce collection of debts or claims in which they are themselves interested, or act as agents or attorneys for the creditor; and to provide a penalty for the violation hereof, which penalty includes removal from office.

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

§ 1. No justice of the peace or police magistrate shall issue a summons or other process in any action before himself as a magistrate in which he shall have any personal or pecuniary interest, either for himself or as agent or attorney for any other person.

§ 2. Any summons or other process issued in violation of the foregoing section shall be an absolute nullity.

§ 3. If any such magistrate shall issue any summons or other process in violation of Section One of this act, and the same shall be served upon any person, either by personal or by substituted service, such magistrate shall be guilty of a misdemeanor; and upon conviction thereof shall be punished by a fine of not to exceed two hundred dollars or by imprisonment in the county jail for not to exceed six months or by both such fine and imprisonment, and the judgment of conviction shall in every case adjudge the removal of the defendant from his office of magistrate.

Approved March 7, 1929.

CHAPTER 113

(H. B. No. 225—Kneeland.)

JUVENILE COURTS

An Act to amend and re-enact Sections 11402, 11405 and 11406 of the Compiled Laws of North Dakota for the year 1913, and Section 11428a1 of the Supplement to the 1913 Compiled Laws of North Dakota.

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

§ 1. AMENDMENT.] That Section 11402 of the Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

§ 11402. CHILDREN WARDS OF THE STATE.] That all dependent, neglected and delinquent children under the age of eighteen years, shall, for the purpose of this act only, be considered wards of the state and their persons shall be subject to the care, guardianship and control of the court as hereinafter provided; and, at the discretion of the court, such care, guardianship and control may be continued until the ward shall have attained the age of twenty-one years.

§ 2. AMENDMENT.] That Section 11405 of the Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

§ 11405. JUVENILE COURT.] The court, for convenience, shall be called "The Juvenile Court" and as far as possible said court shall be held in chambers. The clerk of the district court shall be clerk of said court, and shall file all papers, including the findings and final orders in proceedings had under this chapter; he shall note the date of such filings on the papers and shall enter final orders in a book to be known as "The Juvenile Court Record," which book shall be kept exclusively for that purpose. Said records and papers shall be subject to examination by said clerk, the district judge and the juvenile commissioner or commissioners, and by others only upon written order of the district judge.

§ 3. AMENDMENT.] That Section 11406 of the Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

§ 11406. INFORMATION, INVESTIGATION, PETITION.] Any person having information that a child is dependent, neglected or delinquent as defined by Section 1 hereof, (Section 11402), may give such information to the district judge or to a juvenile commissioner. Thereupon the judge or commissioner shall make a preliminary inquiry to determine whether the interests of the child or of the public require that further action be taken. Whenever practicable such inquiry shall include a preliminary investigation of the home and environmental conditions of the child's life and the history, facts and circumstances of the condition alleged or of the misconduct complained of. If it shall appear that it is for the best interests of the child and this state that the child be taken from its parent, parents, custodian or guardian and placed under the guardianship of some suitable person to be appointed by the court, and that formal jurisdiction over the child should be acquired, a petition, which may be made by any person having knowledge of the facts, including the commissioner, setting forth the charge or complaint made, and giving the information hereinafter set forth, may, on the order of the court, be filed.

The petition shall set forth the particular facts, circumstances and conditions which bring the child within the provisions of this chapter, and also: (1) the name, age and residence of the child; (2) the names and residences of his parents, if living; (3) the name and residence of the guardian appointed by legal authority, if there be one; (4) the names and residences of the person or persons having custody and control of the child, if the child is not in the custody of his parents; and (5) the name and residence of the nearest known relative, if no parent or guardian can be found. If any of the facts herein required are not known or cannot be ascertained by the petitioner, the petition shall so state. The petition shall be filed with the clerk of court when, and only when, the district judge shall indorse thereon that it shall be so filed.

The venue of all petitions shall be in the county where the child resides, or where the delinquency, dependence or neglect has arisen, existed or was committed. The petition and all subsequent proceedings thereon shall be entitled in the name of the state as plaintiff and the child, parents, guardian, and those having custody or control of the child, whether known or unknown, as defendants. All persons whose names are stated in the petition to be unknown shall be deemed and taken as defendants by the designation of "all persons whom it may concern." Process shall be issued against all persons unknown, made parties by the designation of "all persons whom it may concern," and notice given by publication as required by this act shall be sufficient to authorize the court to hear and determine the action the same as though the said parties had been named by their proper names. The petition shall be verified by affidavit and such verification may be upon information and belief of the affiant. When the same is presented to the court, the district judge shall by order indorsed upon the petition fix the time and place for the hearing upon said petition and therein direct that summons be issued returnable accordingly. The action thus commenced shall be deemed pending in the juvenile court of such county from the time of the making of said order until final disposition. Hearings thereon may be had as directed by the judge, either at the county seat of the county in which the venue is laid, or at the chambers of the judge. All orders made by the court therein, whether or not the child has been committed to a state institution, shall be subject to the further orders of the court made either upon hearings had or upon the motion of the court or the judge thereof. Any order having the effect of removing the child from the care and control of his parents, guardian or custodian, shall be based upon evidence taken on the hearing on said petition, and upon findings of fact made therefrom by the district judge, that the parent, parents, custodian or guardian of such child are unfit or improper guardians, or are unable or are unwilling to care

for, protect, train, educate, correct, control and discipline such child, or that the parent, parents, guardian or custodian consent that such child be taken from them.

Any evidence given or statement made in such action, or disposition or order made therein, shall not, in any civil, criminal or other cause or proceeding in any court be lawful or proper evidence against such child for any purpose whatever, except in subsequent cases against the same child under this act; nor shall the name of such child in connection with any proceedings under this act be published in any newspaper, (except in the publication of the summons when necessary as hereinafter provided) without first obtaining the written order of the court having jurisdiction, permitting the same.

§ 4. AMENDMENT.] That Section 11428a1 of the Supplement to the 1913 Compiled Laws of North Dakota is hereby amended and re-enacted to read as follows:

§ 11428a1. JUVENILE COMMISSIONERS: JURISDICTION, POWERS AND DUTIES.] In order to more fully carry out the provisions of Chapter 177 of the Laws of the State of North Dakota for the year 1911, entitled "Juvenile Court," (same being Sections 11402 to 11428, inclusive, Compiled Laws 1913) each district judge shall appoint two suitable and discreet persons, one of each sex, of good moral character, as juvenile commissioners. Such male juvenile commissioner shall have exclusive jurisdiction over boys over the age of ten years, such woman juvenile commissioner shall have exclusive jurisdiction over girls over the age of ten years and both shall have concurrent jurisdiction over children ten years of age and under. Said commissioners shall have power to administer oaths; take acknowledgments of instruments, receive complaints and issue warrants for the arrest of persons thereon; to examine fully into the merits of each case; issue subpoenas; compel the attendance of witnesses before them and to report them to the district judge for contempt proceedings for non-attendance or refusal to be sworn or testify as provided by Section 8200 Compiled Laws of 1913; to make such temporary order for the custody and control of the child or children thus brought before them as they may deem proper, except that no child under the age of six months shall be separated from its mother, and generally have the usual powers of a referee as provided by Article VII of Chapter 11 of the Code of Civil Procedure for the trial of civil actions, in addition to the powers herein specially given. Each commissioner shall from time to time, and as directed furnish reports of the administration of his office to the district judge and to the board of administration, which reports shall contain all information and statistical details required by either the judge or the said board of administration.

When in the opinion of such commissioners or that of the court a final order for the custody or control of such child or children becomes necessary, either by sending the same to the state training school or other institution of this state; or to deprive the parents of their custody, and give the same to some other person or persons, either for the purpose of temporary control or permanent adoption, it shall be the duty of such commissioners to make findings and report the same with their recommendations to the district judge, who shall fix a reasonable time and place for hearing, and thereafter make such final judgment or order in the case as he shall deem proper and right.

§ 5. All acts and parts of acts inconsistent herewith are hereby repealed.

Approved March 8, 1929.

CRIMES AND PUNISHMENTS

CHAPTER 114

(H. B. No. 191—Indergaard.)

DEFINING AGGRAVATED ASSAULT AND BATTERY— PUNISHMENT

An Act defining the crime of aggravated assault and battery and prescribing the punishment therefor.

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

§ 1. Every person who, without justifiable or excusable cause and with intent to do great bodily harm, wilfully and unlawfully commits any assault and battery upon the person of another and thereby inflicts any grievous bodily harm upon such other person, shall be guilty of the crime of aggravated assault and battery and shall be punishable by a fine of not more than one thousand dollars (\$1,000.00), or be imprisoned in the county jail for not more than one year or imprisoned in the penitentiary for not more than one year, or by both such fine and imprisonment.

Approved March 11, 1929.

CHAPTER 115

(S. B. No. 193—Hoople.)

DEFINING ARSON—PUNISHMENT FOR BURNING PROPERTY TO
DEFRAUD INSURER

An Act defining arson, prescribing punishment for burning or attempting to burn buildings or other property, and burning of buildings or other property to defraud insurer, and repealing Sections 9849, 9850, 9851, 9852, 9853, 9854, 9855, 9856, 9857, 9858, 9859, 9860, 9861, 9862, 9863, 9864, 9865, 9866, 9867 of the Compiled Laws of 1913.

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

§ 1. ARSON. PUNISHMENT.] Any person who wilfully and maliciously sets fire to, or burns or causes to be burned or who aids, counsels or procures the burning of any dwelling house, or any kitchen, shop, barn, stable, or other outhouse that is parcel thereof, or belonging to or adjoining thereto, whether the property of himself or of another, with the intent thereby to injure, damage or defraud another, shall be guilty of arson, and upon conviction thereof, be sentenced to the penitentiary for not less than two nor more than twenty years.

§ 2. BURNING BUILDINGS OTHER THAN DWELLINGS.] Any person who wilfully and maliciously sets fire to, or burns or causes to be burned or who aids, counsels or procures the burning of any barn, stable, garage or other building, whether the property of himself or of another, not a parcel of a dwelling house, or any shop, storehouse, warehouse, factory, mill or other building, whether the property of himself or of another; of any church, meeting house, court house, work house, school, jail or other public building or any public bridge, shall, upon conviction thereof, be sentenced to the penitentiary for not less than one nor more than ten years.

§ 3. BURNING OF OTHER PROPERTY.] Any person who wilfully and maliciously sets fire to, or burns or causes to be burned or who aids, counsels or procures the burning of any barrack, cook, crib, rick, or stack of hay, corn, wheat, oats, barley or other grain or vegetable product of any kind; or any field of standing hay or grain of any kind; or any pile of coal, wood, or other fuel; or any pile of planks, boards, posts, rails or other lumber; or any street car, railway car, ship, boat or other water craft, automobile or other motor vehicle; or any other personal property not herein specifically named; (such property being of the value of twenty-five dollars and the property of another person) shall upon conviction thereof, be sentenced to the county jail, not to exceed one year, or to the penitentiary not to exceed three years.

§ 4. BURNING TO DEFRAUD INSURER.] Any person who wilfully and with intent to injure or defraud the insurer sets fire to, or burns or causes to be burned or who aids, counsels or procures the burning of any goods, wares, merchandise or other chattels or personal property of any kind, whether the property of himself or of another, which shall at the time be insured by any person or corporation against loss or damage by fire; shall upon conviction thereof, be sentenced to the county jail not to exceed one year, or to the penitentiary not to exceed five years.

§ 5. ATTEMPT TO BURN BUILDINGS OR PROPERTY.] Any person who wilfully and maliciously attempts to set fire to, or attempts to burn or to aid, counsel or procure the burning of any of the buildings or property mentioned in the foregoing sections, or who commits any act preliminary thereto, or in furtherance thereof, shall upon conviction thereof, be sentenced to the penitentiary for not less than one nor more than two years or fined not to exceed one thousand dollars.

§ 6. The placing or distributing of any flammable, explosive or combustible material or substance, or any device in any building or property mentioned in the foregoing sections in an arrangement or preparation with intent to eventually wilfully and maliciously set fire to, or burn same, or to procure the setting fire to or burning of same shall, for the purposes of this act constitute an attempt to burn such building or property.

§ 7. SAVING CLAUSE.] Any acts done in violation of Sections 9849 to 9867 both inclusive, or any of them, or any proceedings instituted before this act becomes effective, shall not be affected thereby but such may be prosecuted or proceeded with under the laws in force immediately preceding the time this act becomes effective.

§ 8. REPEAL.] Sections 9849, 9850, 9851, 9852, 9853, 9854, 9855, 9856, 9857, 9858, 9859, 9860, 9861, 9862, 9863, 9864, 9865, 9866, 9867 of the Compiled Laws of 1913 are hereby expressly repealed and all laws and parts of laws in conflict herewith are hereby repealed.

Approved March 4, 1929.

CHAPTER 116

(H. B. No. 235—Turner, Horner, Miller, Gilchrist, Aljets and Erickson.)

STATE SUPERINTENDENT CRIMINAL IDENTIFICATION

An Act creating a state superintendent of criminal identification, providing for his appointment, fixing and defining his powers and duties and providing for the payment of salary and expense of his office.

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

§ 1. Within thirty days after the taking effect of this act, there shall be appointed by the governor, an officer who shall be designated and known as "State Superintendent of Criminal Identification," and whose term of office shall be two years from and after his appointment, or until his successor is appointed, and qualifies. Such officer is hereinafter referred to as the "superintendent," and he shall be appointed without regard to political affiliations, and shall be a person having at least four years experience in the work of identifying and securing the conviction of criminals. Such "superintendent" shall receive an annual salary of twenty-eight hundred (\$2,800.00) dollars, payable monthly; and such salary, together with necessary expense for clerk hire, office furniture, equipment and supplies, and expense of travel when necessary, shall be paid out of the Twine and Cordage Operating Fund as now created and established.

§ 2. The "superintendent" may appoint, with the consent of the governor, only such clerical help as is necessarily required to the carrying out of the work of his office as provided herein. Such "superintendent" shall qualify by taking the oath of office as prescribed by the constitution, and shall give a bond in the sum of five thousand (\$5,000.00) dollars for the faithful performance of his duties as such "superintendent." The office of the "superintendent" shall be located at the state penitentiary near the city of Bismarck, and any and all equipment, together with all existing records and files, now used in the taking of finger prints or in the work of identification of criminals, at such penitentiary, shall be transferred to his office and made available to his use in such work. It shall be the duty of the "superintendent," and he is hereby authorized and empowered, to provide such necessary equipment, furniture, apparatus and appliances as may be required in addition to that now available as above, for the effective collecting, filing and preservation of finger prints and other records respecting the identification of criminals and the keeping of proper records thereof.

§ 3. It shall be the duty of said "superintendent" to procure and file for record in his said office, as far as can be procured, all

plates, finger prints, photographs, outline pictures, descriptions, information and measurements, of all persons who have been arrested for felony or shall hereafter be arrested for any felony under the laws of this or other states or of the United States, and of all well-known and habitual criminals, from wherever procurable; and it shall be the duty of the person in charge of any state penal institution, state's attorney and of every sheriff, chief of police or other police officer, to furnish any such material to the "superintendent" upon his request.

§ 4. The superintendent shall co-operate with and assist the Criminal Bureau of the Department of Justice, at Washington, D. C., and all judges, state's attorneys, sheriffs, chiefs of police and other law enforcement officers of the state, and of any other state, and of the federal government, in the establishment of a complete system of criminal identification, and shall file for record the finger print impressions of all persons confined in any penitentiary or jail, when such person confined in said jail is suspected of having committed any felony or of being a fugitive from justice and such other information as he may from time to time receive from the law enforcement officers of this and other states and of the federal government. It is specifically made the duty of such "superintendent" to co-operate with all such officers in the identification and conviction of criminals.

§ 5. It is hereby made the duty of all state's attorneys, sheriffs, chiefs of police and other law enforcement officers in the state of North Dakota, to immediately upon the arrest of any person, who in the best judgment of the arresting officer, is wanted on a felony charge, or who such officer has reason to believe is a fugitive from justice, to take and furnish to the said "superintendent," copies of finger prints in duplicate, with a description and all available information respecting such accused. The "superintendent" shall compare the finger prints and such description as received by him, with those already on file in his office, and if he finds that the person arrested has a criminal record or is a fugitive from justice, shall at once inform the arresting officer of such past criminal record, and in order to facilitate the work of identification, of the name or names under which such person has been arrested, together with his available criminal record as known.

§ 6. It is hereby declared to be the duty of every sheriff in the state of North Dakota to take the finger prints of every defendant charged with a felony within their respective counties, and to transmit said finger prints to the bureau for identification, within twenty-four hours after such defendant is taken into custody. The "superintendent" shall, as soon as possible, ascertain the criminal record, if any, of the defendants so charged, and shall forward said

record immediately to the sheriff of said county and a carbon copy thereof to the state's attorney. The "superintendent" shall assist sheriffs and other peace officers, in the establishment of systems for the apprehension of criminals and the detection of crime, and shall instruct them in the taking of finger prints as herein provided. It is further provided that said sheriffs may take and forward to the "superintendent" the finger prints of any person who, in the best judgment of the sheriff, is wanted on a felony charge or who is believed to be a fugitive from justice, or who has in his possession at the time of his arrest goods or property reasonably believed to have been stolen, or in whose possession is found a burglary outfit, tools, keys or explosives reasonably believed by said sheriff to be intended for unlawful use, or who is carrying concealed or deadly weapons without lawful authority therefor, or who is in possession of any ink, dye, paper or other articles used in the making of counterfeit money, or who has in his possession counterfeit money of the United States of America, or who has in his possession any tools or equipment used in defacing or changing the number on motor vehicles, or who is believed by said officer to have been previously incarcerated in any state or federal penitentiary.

§ 7. It is hereby declared to be the duty of the judge of the district court of each county, or the state's attorney or sheriff thereof, to ascertain before sentence is passed, the criminal record, if any, of every defendant convicted of a felony, before passing sentence on said defendant. It is hereby declared to be the duty of the state's attorney and sheriff of each county, upon the request of the superintendent, or the attorney general, to furnish forthwith to such "superintendent," a statement of facts relative to the commission or alleged commission of all felonies within their respective counties and to furnish such information upon blanks, or in any form requested by said "superintendent" or the attorney general.

§ 8. Neglect or refusal of any officer herein mentioned to make the report required herein or to do or perform any other act hereby, on his part required to be done or performed, shall constitute a misdemeanor, and such officer shall upon conviction thereof be punished by a fine of not less than five nor more than twenty-five dollars. Such neglect or refusal shall also constitute non-feasance in office and subject the officer to removal from office.

§ 9. It shall be the duty of the "superintendent" to cooperate with similar departments or bureaus in other states and with the criminal bureau in the Department of Justice in Washington, D. C., and to develop and carry on a complete system of criminal identification.

§ 10. It shall be the duty of the "superintendent" to afford assistance and, when practicable, instructions to all judges, state's

attorneys, sheriffs, chiefs of police and other law enforcement officers in establishing efficient methods of criminal identification in their districts and in making such officials proficient in procuring finger print records.

§ 11. The "superintendent", with the approval of the attorney general, shall make and promulgate such rules and regulations from time to time as may be necessary and proper for the efficient administration of this act, and not inconsistent therewith. It is hereby made the duty of every state's attorney, sheriff, constable, marshal or other peace officer to assist the "superintendent" in the performance of his duties by complying with such rules and regulations promulgated by the "superintendent," and such rules and regulations shall be printed and forwarded to such peace officers.

§ 12. Any and all moneys collected or received, including all rewards for the apprehension or conviction of any criminal, earned and collected by the "superintendent" or any employee of his office, shall be forthwith covered into the Twine and Cordage Operating Fund.

§ 13. The "superintendent" shall make annual reports to the attorney general, which shall contain a complete summary of the work of his office during the period covered thereby, and such other matters as the attorney general may desire. The superintendent shall make recommendations to the legislature at each session relating to the matter of dealing with crime and criminals, and shall furnish information and data as to criminal conditions within the state, and of approved methods followed in other states in relation to criminal identification.

§ 14. The superintendent shall advise and instruct peace officers of the state in their duties under the provisions hereof, and in the use of approved equipment and methods for the detection and identification of criminals, and in the use and method of taking finger prints.

§ 15. All acts and parts of acts in conflict herewith, are hereby repealed.

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

Approved March 9, 1929.

CHAPTER 117

(H. B. No. 202—Horner, by Request.)

SLANDER OVER RADIO

An Act to prohibit slander over, through or by means of what is commonly known as the radio.

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

§ 1. Any person who shall falsely use, utter or publish words over, through or by means of what is commonly known as the radio, which in their common acceptance shall tend to blacken the memory of one who is dead, or impeach the honesty, integrity, virtue or reputation, or publish the natural defects of one who is alive, and thereby to expose him or her to public hatred, contempt, ridicule, or financial injury, shall be guilty of slander.

§ 2. In all prosecutions for slander, the truth shall be a sufficient defense.

§ 3. Every person convicted of a violation of Section 1 hereof shall be fined in a sum not exceeding one hundred dollars (\$100.00).

Approved March 8th, 1929.

DAIRY PRODUCTS

CHAPTER 118

(H. B. No. 188—Iverson.)

POSTING PRICES OF BUTTERFAT AT CREAMERIES, CREAM STATIONS, ETC.

An Act to provide for posting the price of butterfat at creameries and cream stations and other places of business purchasing such products from the public.

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

§ 1. PRICES TO BE POSTED.] Every person who owns, operates or manages a creamery or cream station in the State of North Dakota, where butterfat is purchased from the public shall post the price being offered for butterfat; such posting to be made in a place where it can be clearly seen from the street; and it shall be unlawful for any such person to pay for such product, a price different from

that so posted. Provided, that the above requirement shall only be held to apply to cream stations or creameries purchasing such butter-fat outright and for a cash price agreed upon at the time of purchase thereof.

§ 2. Every person who shall violate any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment in the county jail for a period not to exceed thirty (30) days or by a fine not to exceed the sum of one hundred dollars (\$100.00) or by both such fine and imprisonment.

Approved March 11, 1929.

CHAPTER 119

(H. B. No. 141—Hamilton.)

LICENSES CREAMERIES, CHEESE FACTORIES, PROCESS BUTTER
AND ICE CREAM FACTORIES AND CREAM STATIONS

An Act to amend and re-enact Section 2844 of the Supplement to the 1913 Compiled Laws of North Dakota relating to licenses for creameries, cheese factories, process butter factories, ice cream factories and cream stations.

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

§ 1. AMENDMENT.] That Section 2844 of the Supplement to the 1913 Compiled Laws of North Dakota, be and the same is hereby amended and re-enacted to read as follows:

§ 2844. LICENSES REQUIRED: FEES AND REVOCATION.] Every person, firm or corporation owning or operating a creamery, cheese factory, renovating or process butter factory, ice-cream factory or cream station in this state, shall be required before beginning business to obtain from the dairy commissioner a license for each and every creamery, cheese factory, renovating or process butter factory, ice-cream factory or cream station owned or operated by said person, firm or corporation, which shall be good for one year. The fee for such license shall be ten dollars, and no license shall be transferable. Each license shall record the name of the person, firm or corporation owning or operating the creamery, cheese factory, renovating or process butter factory, ice-cream factory, or cream station licensed, its place of business, the location thereof, the name of the manager thereof and the number of the same. Each license so issued shall constitute a license to the manager or agent of the place of business named therein. It shall be the duty of every person, partnership, firm or corporation, or association holding a license

to operate any plant in which dairy products are handled commercially, to post in a conspicuous place such license under which they are operating, together with a summary of the dairy laws, which shall be prepared and sent out from the office of the dairy commissioner. The dairy commissioner may withhold a license from any applicant who has previously violated or refused to comply with any of the existing dairy laws or lawful requests issued by said dairy commissioner, or his authorized assistants. The dairy commissioner may, at any time, revoke a license on evidence that licensee has violated any of the existing dairy statutes, or has refused to comply with all lawful requests of the dairy commissioner or his authorized agents.

For the purposes of this act, a creamery is hereby defined, as a place where milk or cream furnished by three or more persons, selling the same independently of each other, is used for manufacture into butter for commercial purposes.

A cheese factory is hereby defined, as a place where milk furnished by three or more persons, each selling the same independently of each other, is made into cheese for commercial purposes.

An ice cream factory is hereby defined as a place where ice cream is made for sale, where the minimum output is (200) two hundred gallons per annum, or where it is made for (30) thirty days or more during any year.

A cream station is hereby defined, as any place where an individual, firm or corporation receives milk or cream from more than one herd, and the same is weighed, tested or purchased to be manufactured into butter, cheese or ice cream, by some other individual, firm or corporation, or in some separate building or locality than that in which such milk or cream is so weighed, tested or purchased; provided, however, that it is not intended hereby to include the weighing on public scales by producers, before shipment by themselves.

A dairy is hereby defined, as any place where any individual, firm or corporation receives milk or cream from more than three herds and which is weighed, measured or tested or purchased; when such milk or cream is bottled or sold to the general public by measure or weight.

A renovating or process butter factory is hereby defined, as any place where an individual, firm or corporation receives butter of an inferior quality in flavor, salt, body or color, and melts the same, draws off the fat therefrom and mixes it with skimmed milk, whole milk, cream or other milk products, and re churns such mixture into butter, or who manufactures by any other process the product

that is known as renovated or processed butter; and where the minimum output is (200) two hundred pounds per annum, or where it is made for (30) thirty days in any year.

§ 2. EMERGENCY.] An emergency is hereby declared to exist and this act shall take effect and be in force from and after its passage and approval.

Approved March 9, 1929.

CHAPTER 120

(H. B. No. 207—Olson and Thompson of Burleigh, by Request.)

CREAMERY, ETC., REPORTS TO STATE DAIRY COMMISSIONER

An Act to amend and re-enact Section 2850 of the Compiled Laws of North Dakota of 1913, relating to the furnishing of reports to the state dairy commissioner.

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

§ 1. AMENDMENT.] That Section 2850 of the Compiled Laws of the State of North Dakota for 1913, be and the same is hereby amended and re-enacted to read as follows:

§ 2850. BLANKS FOR REPORT.] The said dairy commissioner shall provide blanks which shall be furnished to all proprietors or managers of creameries, cheese factories and renovating or "process butter" factories and cream stations, which shall be licensed under the provisions of this article, for the purpose of making a report of the amount of milk and dairy goods handled, and all owners or managers of such creameries, cheese factories and renovating or "process butter" factories, and cream stations shall, on the last day of June and December of each year, or within thirty days thereafter, report to the dairy commissioner the name and location of such creamery, cheese factory, renovating or "process butter" factory or ice cream factory, the name and addresses of the owner and the manager thereof, and in the case of creameries and renovating or "process butter" factories, the name and address of the butter maker, the number of pounds of butter fat purchased during the period covered by the report, the aggregate amount paid for the same and the average price per pound, and the number of pounds of butter and cheese and the number of gallons of ice cream manufactured during such period. The agent or person in charge of any cream station or dairy shall send to the dairy commissioner, not later than the last day of each month, a full and accurate report of the amount of business done during the preceding month as

designated under the different headings of such printed blanks. Any person who shall refuse to furnish any of such reports upon the request of the state dairy commissioner shall, upon conviction thereof, be guilty of a misdemeanor.

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

Approved March 9, 1929.

CHAPTER 121

(H. B. No. 208—Olson and Thompson of Burleigh.)

MILK AND CREAM SAMPLES

An Act to amend and re-enact Section 2863b1 of the Supplement to the Compiled Laws of North Dakota for the year 1913, relating to the sampling of milk and cream and the care of such samples.

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

§ 1. AMENDMENT.] That Section 2863b1 of the Supplement to the Compiled Laws of North Dakota for the year 1913 be amended and re-enacted to read as follows:

§ 2863b1. SAMPLING AND CARE OF SAMPLES.] All persons, partnerships, firms or corporations operating creameries, cream stations, cheese factories, ice-cream factories, renovating or process butter factories, or condensories in this state buying or receiving milk or cream on the basis of the amount of butter fat contained therein, shall, before emptying each container or a number of containers, delivered by same person, partnership, association, firm or corporation, of any part of the milk or cream received therein and before adding any other substance thereto, thoroughly mixing the entire contents thereof and procure therefrom, by the use of a thoroughly cleaned and dried sampling device, a representative sample of which not less than two (2) ounces shall be immediately transferred to a thoroughly cleaned and dried sample jar or bottle properly and securely fitted with such a cover as will prevent the escape of any of the contents thereof. Every such container of every sample of milk or cream so taken shall be indelibly labeled, marked or numbered to correspond with a record kept of the net weight of milk or cream, the percentage and amount of butter fat credited as being present in each container received, and the amount of money paid for same. Except that in case more than one container is used by the owner or owners in the delivery of a quantity of milk or cream, the entire contents, but only the original contents,

of such containers may be emptied into a tank or vat free from other substance where it shall be thoroughly mixed and a representative sample of not less than two (2) ounces procured, transferred to a sample jar or bottle, and labeled to correspond with a record kept as herein provided shall be protected from extremes of temperature and shall be retained for a period of not less than 24 hours, except that all samples taken on Saturday shall be retained until five o'clock of the afternoon of the following Monday during which time the receptacles containing such samples shall not be opened except by the state dairy commissioner, his deputy, or legal agent who may officially inspect the same for the purpose of determining the percentage of butter fat contained therein according to Section 2853 of the Compiled Laws of 1913. All cream held over from one shipment to another shall be weighed, and a record of such weight shall be kept on hand and a true and correct sample thereof shall be taken and held, the same as other samples are taken and held, and shall be dated, and be labeled "holdover Sample". Any person who shall violate the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment in the county jail for a period not to exceed thirty (30) days or by a fine not to exceed the sum of fifty dollars (\$50.00) or by both such fine and imprisonment.

Approved March 11, 1929.

DEPOSITORS GUARANTY FUND

CHAPTER 122

(S. B. No. 104—Bond, Fredrickson, Lynch and Sathre.)

DISCONTINUANCE ASSESSMENTS AND DISSOLUTION DEPOSITORS GUARANTY FUND

An Act providing for the discontinuance of further assessments by the Depositors' Guaranty Fund Commission for the collection and distribution of its assets, the dissolution of such commission, the disposition of its books, records and assets, and repealing all acts or parts of acts in conflict herewith.

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

§ 1. DISCONTINUANCE OF ASSESSMENTS.] From and after July 1st, 1929, the depositors' guaranty fund commission shall levy no further assessments under the provisions of Chapter 31-B of the Supplement to the Compiled Laws of the State of North Dakota for the year 1913, known as the Depositors' Guaranty Fund Act,

but shall under the provisions of said Chapter 31-B of the Supplement proceed to complete its records as to all banks closing prior to said date, collect all assessments theretofore levied, and convert its assets, or as much thereof as is possible, into cash and except as to assessments as in this section provided, the said Chapter 31-B of the Supplement shall continue in full force and effect during the continuance of this act.

§ 2. DISBURSEMENT OF FUND.] On or before the 1st day of December, 1930, said depositors' guaranty fund commission shall disburse and pay the balance of the funds in its hands to depositors in banks closing prior to July 1st, 1929, such funds so remaining in its hands at said time to be disbursed among depositors holding claims approved and allowed by said depositors' guaranty fund commission who have not theretofore received a dividend from said fund and to be disbursed in the manner now in operation under said Chapter 31-B of the Supplement.

§ 3. DISSOLUTION OF COMMISSION.] On December 31st, 1930, the depositors' guaranty fund commission shall deliver to the state examiner for the State of North Dakota, all of the books, records, assets and property belonging to it or then in its custody; make and deliver to the governor for the benefit of the next legislative assembly, a final report of its operations; and such commission shall thereupon cease to exist.

§ 4. CUSTODY OF RECORDS AND REMAINING ASSETS.] The state examiner for the State of North Dakota, shall, as speedily as possible, convert all assets so received by him into cash and deposit the proceeds thereof in a fund to be known as the Depositors' Guaranty Fund, which fund shall be disbursed pro-rata by the state examiner among depositors holding claims approved and allowed by said depositors' guaranty fund commission who have not theretofore received a dividend from the Guaranty Fund.

§ 5. REPEAL.] All acts or parts of acts in conflict herewith are hereby repealed; provided, however, that the provisions of this act shall not release any bank, trust company or corporation from any assessment which has been levied by the guaranty fund commission prior to the time this act becomes effective.

Approved March 6, 1929.

NOTE—Referendum petition has been filed against Senate Bill 104, Chapter 122 herein, requesting that said measure be submitted to the electors at the primary election to be held June 25, 1930.

ELECTIONS

CHAPTER 123

(H. B. No. 233—Committee on Delayed Bills.)

ELECTION DELEGATES NATIONAL CONVENTIONS, PRESIDENTIAL ELECTORS, NATIONAL COMMITTEEMEN AND COMMITTEEWOMEN

An Act to amend and re-enact Section 910 of the Compiled Laws of North Dakota for the year 1913, relating to the election of delegates to national conventions, presidential electors and national committeemen and committeewomen.

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

§ 1. AMENDMENT.] Section 910 of the Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

§ 910. DELEGATES TO NATIONAL CONVENTIONS: PRESIDENTIAL ELECTORS AND NATIONAL COMMITTEEMEN AND COMMITTEEWOMEN.] In the presidential election years, the qualified electors of the political parties subject to this law shall have opportunity to vote for their preference, on ballots provided for that purpose, for their choice among those aspiring to be candidates of their respective parties for president and vice president of the United States, shall have their party delegates to their national conventions, their presidential electors, and shall nominate and recommend their choice for national committeemen and national committeewomen. The names of the aspirants in each such party for election for the office of president, for the office of vice president of the United States, for national committeemen and national committeewomen, for delegates to their national conventions, and for presidential electors, shall be printed on the party nominating ballot, provided for that purpose, and the ballot shall be marked and the votes shall be counted; canvassed and returned under the same conditions as to names, petitions and other matters so far as the same are applicable, as the names and petitions of party aspirants for the party nominations for the office of governor and of the United States senator in Congress are, or may be by law required by law to be marked, filed, counted, canvassed and returned; provided, that aspirants for such presidential nominations need not file any personal petition nor signature; that certificates of the number of votes received by each such candidate shall be issued to the delegates who are elected for said party to the party national convention; that petitions to place on the nomination ballot the names and aspirants for such office or delegate to said national convention, presidential elector and na-

tional committeeman and committeewoman to be chosen and elected, as provided herein, shall be sufficient if they contain a number equal to one per cent of the party vote in the State at the next preceding election for representatives in Congress, or not less than five hundred signatures of party voters. Every qualified voter shall have the right to vote for as many candidates for national delegates for his party and for the election of as many candidates for presidential electors as there are delegates and electors to be elected respectively, and each elector shall have a right to vote for one candidate of his party for national committeeman and one candidate of his party for national committeewoman. A number of such candidates equal to the number of delegates to be elected, and the number of presidential electors to be elected, and the candidate for national committeeman and national committeewoman, receiving respectively, each for himself or herself, the highest number of votes for such office of nomination, shall be declared elected.

Approved March 7, 1929.

CHAPTER 124

(H. B. No. 100—Northridge.)

COMPENSATION ELECTION OFFICERS

An Act fixing the compensation of election officers at city and statewide elections and repealing Sections 1045a and 1045 of the Supplement to the Compiled Laws of North Dakota for 1913.

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

§ 1. COMPENSATION OF ELECTION OFFICERS AT CITY AND STATE-WIDE ELECTIONS.] Every judge, clerk or inspector, of any state-wide election, either primary, general or special, shall for services so performed at such election by such officer receive as compensation therefor the sum of six dollars (\$6.00) and when the number of votes cast at such election shall exceed one hundred (100) the sum of one dollar (\$1.00) for each additional one hundred (100) votes cast, or major fraction thereof, and every judge, clerk or inspector, of any city election, either annual or special, shall for services so performed at such election by such officer receive as compensation therefor the sum of four dollars (\$4.00).

§ 2. REPEAL.] Section 1045a and 1045 of the Supplement to the Compiled Laws of North Dakota for 1913, and all acts and parts of acts in conflict with the provisions of this act, are hereby repealed.

Approved March 7, 1929.

CHAPTER 125

(S. B. No. 69—Ettestad.)

COUNTY AND STATE COMMITTEE—SELECTION—MEETING
An Act to amend and re-enact Section 890 of the 1925 Supplement.*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. AMENDMENT.] That Section 890 of the 1925 Supplement to the 1913 Laws of the State of North Dakota, be amended and re-enacted to read as follows:

§ 890. COUNTY AND STATE COMMITTEE; HOW SELECTED; TIME AND PLACE OF MEETING.] The county committee of each party shall be composed of all the precinct committeemen of each party, and each legislative nominee residing in such county shall be entitled to select and appoint in writing one committeeman at large, which appointment shall be immediately filed with the county auditor. The committeemen thus appointed, together with the precinct committeeman elected as prescribed in Section 889, shall constitute the county committee of each county, and they shall meet in the court house at the county seat of each county at two o'clock p. m., on the third Wednesday after each primary election and organize by selecting a chairman, a secretary, and a treasurer, by adopting rules and modes of procedure, and by selecting an executive committee consisting of from five to nine persons chosen from the county committee, of which executive committee the chairman and secretary shall be members. Such county committee shall at the same time select one person who shall be a legal voter to act upon and be a member of the state central committee of such party in all counties consisting of one legislative district, and in counties having more than one legislative district the precinct committeemen from each legislative district shall select one person from their respective legislative district; and when two or more counties are embraced in one legislative district, the county committee of each county shall meet at the court house of the county seat of the senior county of such district at two o'clock p. m., on the fourth Wednesday after such primary election, and select one person, who shall be a legal voter to act upon and be a member of the state central committee of such party. The members so selected as state central committeemen shall meet at the state capitol on the first Wednesday in August and organize by selecting a chairman, a secretary, and treasurer, and shall adopt rules and modes of procedure and promulgate and publish a platform of principles upon which its candidates shall stand. Each member of any committee shall retain such

position until his successor is chosen. Each member so selected shall be a legal voter. Vacancies shall be filled by a majority of the committee by appointment from the district in which such vacancy exists.

Approved February 18, 1929.

EXECUTORS AND ADMINISTRATORS

CHAPTER 126

(H. B. No. 2—Olafson.)

SALE REAL ESTATE BY EXECUTORS AND ADMINISTRATORS AND GUARDIANS

An Act to amend and re-enact Section 29, of Chapter 120 of the Session Laws of 1925, relating to the procedure in county courts for the sale of real estate by executors, administrators, and guardians.

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

§ 1. AMENDMENT.] That Section 29 of Chapter 120, of the Session Laws of 1925 is hereby amended and re-enacted to read as follows:

§ 29. WHAT THE ORDER OF SALE MUST CONTAIN.] The order of sale must describe the lands to be sold, and the terms of sale, which may be cash, or not less than one-fifth cash, and the balance on a credit not exceeding five years, payable in gross or installments with interest, as the court may direct. The land may be sold in one parcel or in subdivisions, as the executor or administrator shall judge most beneficial to the estate, unless the court otherwise specially directs. If it appears that any part of such real estate has been devised and not charged in such devise with the payment of debts or legacies, the court must order the remainder to be sold before that so devised.

Approved February 25, 1929.

EXEMPTIONS

CHAPTER 127

(S. B. No. 154—Patterson.)

ABSOLUTE EXEMPTIONS

An Act to amend and re-enact Section 7730 of the Compiled Laws of the State of North Dakota for 1913 and all acts amendatory thereto.

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

§ 1. AMENDMENT.] Section 7730 of the Compiled Laws of North Dakota of 1913 is amended and re-enacted to read as follows:

§ 7730. ABSOLUTE EXEMPTIONS.] The property mentioned in this section is absolutely exempt from all such process, levy or sale:

- (1) All family pictures.
- (2) A pew or other sitting in any house of worship.
- (3) A lot or lots in any burial ground.
- (4) The family bible and all school books used by the family and all other books used as a part of the family library not exceeding in value one hundred dollars.
- (5) All wearing apparel and clothing of the debtor and his family.
- (6) The provisions for the debtor and his family necessary for one year's supply, either provided or growing, or both, and fuel necessary for one year.
- (7) The homestead as created, defined and limited by law.
- (8) All insurance benefits resulting from insurance covering any or all of the absolute exemption not exceeding the amount allowed by law.

Approved March 7, 1929.

FAIR ASSOCIATIONS

CHAPTER 128

(H. B. No. 161—Burkhart and Horner.)

LIMITATION LIABILITY DIRECTORS FAIR ASSOCIATIONS

An Act limiting liability against the individual members of the board of directors of any fair association by persons sustaining injuries while attending such fairs.

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

§ 1. The individual members of the board of directors of any fair association in the State of North Dakota shall not be liable for any negligence of any person, firm or corporation staging any show, race or other amusements at any state, county or municipal fair nor for any negligence of any persons employed by said board of directors or by the association conducting such fair.

Approved March 8, 1929.

FIXTURES

CHAPTER 129

(S. B. No. 171—Fine.)

FIXTURES REAL ESTATE, WHEN REMOVABLE

An Act to amend and re-enact Section 5472 of the 1913 Compiled Laws of North Dakota, relating to fixtures upon real estate and when tenant may remove the same.

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

§ 1. AMENDMENT.] That Section 5472 of the 1913 Compiled Laws of North Dakota is hereby amended and re-enacted to read as follows:

§ 5472. FIXTURES, WHEN TENANT MAY REMOVE.] When a person affixes his property to the land of another without an agreement permitting him to remove it, the thing affixed belongs to the owner of the land, unless he chooses to require the former to remove it; provided that a tenant may remove from the demised premises any time during the continuance of his term anything

affixed thereto for the purpose of trade, manufacture, ornament or domestic use, if the removal can be effected without injury to the premises, unless the thing has by the manner in which it is affixed become an integral part of the premises. Provided, further, that when any tenant upon agricultural land shall have during his tenancy, built, erected or placed upon such leased premises any grain, bin, granary or structure for the purpose of housing grain, and no written agreement between the landlord and the tenant has been made as to its removal, he may remove the same at any time within 8 months after the termination of his lease and the vacating of said premises; provided, however, that the tenant shall not have said right of removal as against the owner or holder of any mortgage, deed or conveyance, which mortgage, deed or conveyance shall have been filed and recorded after the building, erection or placing of such bin, granary or structure, unless such tenant shall within sixty (60) days after such building, erecting or placing, have filed in the office of register of deeds a written notice, describing the land, the character of the structure and stating that he intends to remove such structure as provided by law.

§ 2. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved March 11, 1929.

GAME AND FISH

CHAPTER 130

(S. B. No. 196—Committee on Game and Fish.)

GAME AND FISH DEPARTMENT

An Act to amend and re-enact Section 10322a3 Supplement to the Compiled Laws of 1913, relating to the game and fish department of the State of North Dakota.

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

§ 1. AMENDMENT.] That Section 10322a3 Supplement to the Compiled Laws of 1913, relating to the game and fish department of the State of North Dakota, is hereby amended and re-enacted as follows:

§ 10322a3. ORGANIZATION OF GAME AND FISH DEPARTMENT: APPOINTMENT OF GAME AND FISH COMMISSIONER: TERM: SALARIES OF OFFICERS.] Within ten days after the taking effect

of this act, the governor shall appoint a state game and fish commissioner who shall hold office until February 1st, 1931: Thereafter such commissioner shall be appointed for a term of two years and shall hold his office until his successor is appointed and qualified and be removable by the governor for cause only. The game and fish commissioner shall appoint a deputy game and fish commissioner who shall hold office at the pleasure of the game and fish commissioner.

The game and fish commissioner and the deputy game and fish commissioner shall each give a bond, to be furnished by the State of North Dakota; the commissioner in the penal sum of ten thousand dollars (\$10,000.00), and the deputy commissioner in the penal sum of five thousand dollars (\$5,000.00); the premiums on such bonds to be payable out of the game and fish fund, such bonds to be conditioned upon the faithful discharge of the duties of each of said offices.

The game and fish commissioner and deputy game and fish commissioner, shall each take, subscribe and file in the office of the secretary of state, the oath of office provided by the constitution, within ten days from the date of appointment.

The game and fish commissioner shall receive an annual salary of three thousand six hundred dollars (\$3,600.00), and the deputy game and fish commissioner an annual salary of three thousand dollars (\$3,000.00); each of which salaries shall be payable monthly out of the game and fish fund, together with the actual and necessary expenses incurred by each of them in the performance of the duties of their respective offices. The commissioner shall establish such rules and regulations as are necessary or desirable to the conduct of his department; he shall maintain an office, to be provided for his department in the city of Bismarck, and shall be provided with suitable office equipment, including furniture, stationery, blanks and postage. He shall keep an accurate record of all the transactions and expenditures of his department, and shall, annually, and in the month of December of each year, make and file with the governor a detailed statement thereof covering the previous calendar year.

The game and fish commissioner shall appoint such game wardens and deputy game wardens as are by law provided; except that he shall appoint only one chief game warden of the state, whose salary and bond shall be the same as that of the deputy game and fish commissioner; each deputy game warden shall give a bond in the penal sum of one thousand dollars (\$1,000.00), said bond to be furnished by the State of North Dakota and payable out of the game and fish fund, and to be conditioned upon the faithful discharge of the duties of said office. The deputy commissioner and all such wardens and deputy wardens, shall be under the direct con-

trol and supervision of the game and fish commissioner; they shall each be required to make monthly and annual reports to the commissioner in the manner by him required.

All powers and duties heretofore conferred or imposed by law upon the North Dakota Game and Fish Board which is hereby abolished, or upon the North Dakota Game and Fish Commissioner as heretofore created, are hereby conferred and imposed upon the state game and fish commissioner herein provided for, and all records, books, documents, instruments or other property of whatever kind or description in possession or under the control of the North Dakota Game and Fish Board, shall be delivered to the state game and fish commissioner immediately upon his appointment and qualification. All powers and duties heretofore conferred or imposed by law upon the game and fish commissioner are hereby conferred and imposed upon the deputy game and fish commissioner, subject to the supervision of the state game and fish commissioner.

The state game and fish commissioner shall have power to appoint such experts, clerks or other assistants as may be necessary in carrying out the duties of his office. The salary and necessary traveling and other expenses of such appointees shall be authorized, audited and paid in the same manner as for the salary and expenses of the commissioner. Provided, that the total expenditure of such salary and expenses shall not exceed the amount appropriated therefor.

Approved March 7, 1929.

NOTE—Referendum petition has been filed against Senate Bill 196, Chapter 130 herein, requesting that said measure be submitted to the electors at the primary election to be held June 25, 1930.

CHAPTER 131

(H. B. No. 121—Committee on Game and Fish.)

MANNER OF TAKING FISH

An Act to amend and re-enact Section 10322a85 of the 1925 Supplement of the Compiled Laws of North Dakota for the year 1913 relating to the manner of taking fish.

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

§ I. AMENDMENT.] That Section 10322a85 of the 1925 Supplement to the Compiled Laws of North Dakota for the year 1913 be amended and re-enacted to read as follows:

§ 10322a85. FISH: MANNER OF TAKING.] No person shall take, catch, kill or destroy in any manner than by angling for them with hook and line held in the hand or attached to a rod so held, nor more than one line nor more than one rod nor more than one hook or an artificial lure attached thereto, any fish from any waters in this state except the Missouri River; provided, that the game and fish commissioner or some person authorized by him may with the approval of the game and fish board, take with nets, seines, drag nets, dip nets and traps any such fish as buffalo, bullhead, sucker, carp, catfish, redhorse or sturgeon from the waters of this State when in their judgment it is for the best interest of game fish and fish so taken shall be disposed of at the direction of the game and fish board at so much per pound according to its market value and money derived from the disposal thereof to be diverted into the game and fish fund. All fish not named in this section are game fish and if caught in a net must be returned to the waters with as little harm as possible. Nets known as gill and trammel nets shall not be used at any time. Any person who shall violate any provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed one hundred dollars (\$100.00) or by imprisonment in the county jail for a term not to exceed thirty (30) days or by both such fine and imprisonment.

Approved March 9, 1929.

CHAPTER 132

(H. B. No. 119—Committee on Game and Fish.)

HOURS FOR SHOOTING BIRDS, GAME OR ANIMALS

An Act to amend and re-enact Section 10322a26 of the 1925 Supplement to the Compiled Laws of North Dakota for the year 1913 as amended by Chapter 150 of the 1927 laws relating to hours for shooting birds, game or animals.

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

§ 1. AMENDMENT.] That Section 10322a26 of the 1925 Supplement to the Compiled Laws for 1913, as amended by Chapter 150, 1927 Session Laws, be and the same is hereby amended and re-enacted to read as follows:

§ 10322a26. HOURS FOR SHOOTING.] No person shall hunt, pursue, catch, shoot at or in any manner molest any game, birds or animals mentioned in this act within the borders of the state during the time elapsing between actual sunset and one-half ($\frac{1}{2}$) hour before sunrise.

Approved March 13, 1929.

CHAPTER 133

(H. B. No. 120—Committee on Game and Fish.)

HUNTING FROM AIRCRAFT A MISDEMEANOR

An Act to amend and re-enact Section 2971c10 of the 1925 Supplement to the Compiled Laws of North Dakota for the year 1913 relating to aeronautics and hunting from aircraft.

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

§ 1. AMENDMENT.] That Section 2971c10 of the 1925 Supplement to the Compiled Laws of North Dakota for the year 1913 be amended and re-enacted to read as follows:

§ 2971c10. HUNTING FROM AIRCRAFT A MISDEMEANOR.] Any aeronaut or passenger who, while in flight within this state, shall intentionally kill or attempt to kill any birds or animals shall be guilty of a misdemeanor and punishable by a fine of not more than one hundred dollars (\$100.00) or by imprisonment in the county jail for not more than thirty (30) days or by both such fine and imprisonment; provided, that wolves, coyotes, Canadian lynx or bobcats may, with the permission of the game and fish commission of the State of North Dakota, be hunted from aeroplanes within this state. Such hunting or shooting shall be done under the supervision of the game and fish commission.

Approved March 11, 1929.

CHAPTER 134

(S. B. No. 169—Brostuen and Cain.)

PROHIBITING HUNTING ON PREMISES OF ANOTHER

An Act prohibiting hunting or the pursuit of game upon the premises of another without permission and providing a penalty therefor.

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

§ 1. TRESPASSING: SIGNS.] It shall be unlawful for any person or persons to enter upon the premises of another for the purpose of hunting or pursuing game or to hunt or pursue game upon the premises of another without having first obtained permission of the person legally entitled to grant the same; provided, that the owner of said land or premises shall have placed at a point alongside of the public highway or land posted signs giving notice that no hunting will be permitted on said land or premises; providing such signs shall be conspicuously posted at a distance of not more

than 160 rods apart, to be readable from the outside of the land. Any person or persons entering upon the premises of another without permission as provided, who shall at the time of so entering have in his or her possession any gun or firearm shall prima facie be presumed to have entered said premises for the purpose of hunting game within the meaning of this act; provided, however, that nothing in this act shall prevent a person from going upon posted land to take game shot or killed on land where such person has lawful right to hunt.

§ 2. Any person violating the provisions of this act shall upon conviction thereof be punished by a fine of not less than ten or more than fifty dollars, or by imprisonment in the county jail for not less than one and not more than ten days, or both such fine and imprisonment.

§ 3. It shall not be considered the duty of the game and fish commissioner or any deputy or warden thereof to enforce the provisions of this act.

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

Approved March 7, 1929.

CHAPTER 135

(H. B. No. 118—Committee on Game and Fish.)

GAME AND FISH LICENSES

An Act to amend and re-enact Section 10322a36 of the 1925 Supplement to the Compiled Laws of North Dakota for the year 1913, as amended by Sections 2 and 3 of Chapter 148, 1927 Session Laws, relating to game and fish, resident and non-resident licenses, applications and game and fish shipment.

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

§ 1. AMENDMENT.] That Section 10322a36 of the 1925 Supplement to the Compiled Laws of North Dakota for the year 1913, as amended by Section 2 of Chapter 148, Session Laws 1927, is hereby amended and re-enacted to read as follows:

§ 10322a36. RESIDENT LICENSES. COST: HOW ISSUED: APPLICATIONS: FORMS: GAME AND FISH SHIPMENT.] Applications for resident hunting, trapping or fishing licenses shall show the applicant is a citizen of the United States, or has declared his intention to become such citizen and is a bona fide resident of the state and for

six months has been a resident of the county in which the license is sought, shall give his residence, postoffice address, shall contain a description of his person as to his weight, height, color of his hair and eyes, and shall be sworn to before a notary public, county auditor, members of game and fish commission or bonded game warden. Members of the game and fish commission and bonded game wardens, or any one authorized by them to receive application, are hereby authorized for the purpose of this act to administer oaths. Resident hunting, trapping, fishing and taxidermist licenses may be sold by the county auditors, members of the game and fish board, and all bonded game wardens. When sold by members of the game and fish board or the bonded game wardens, the gross receipts must be sent to the secretary of the board at the end of each month and by him transmitted to the state treasurer, who shall credit the amount to the game and fish fund. No such residence license shall be transferable. Resident hunting licenses shall be sold for \$1.50 each; resident trapping licenses for \$2.00 each; resident fishing licenses for \$.50 each; taxidermist's license for \$1.00 each. Provided, that any person under 16 years of age may fish without a license. Residence licenses, when issued shall describe the licensee, designate his place of residence, and have printed upon it in large figures the year for which issued and the words "Not Transferable". Any resident of the state having procured a resident hunting, trapping or fishing license as required and being lawfully in possession of any protected game birds, animals or fish mentioned in this act may ship by common carrier, or when same is accompanied by the person legally in possession of said protected game birds, animals or fish, may carry on the same train or other conveyance to his home address in the county in which he resides not to exceed a two days' bag limit of any protected game birds, animals or fish. Any resident of the state who shall hunt, trap, fish, practice taxidermy for pay without having first procured a license therefor, as provided in this act, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) and cost of prosecution, or by imprisonment in the county jail not less than ten (10), nor more than thirty (30) days for each offense, or by both such fine and imprisonment, and each violation of this act shall be a distinct and separate offense.

§ 2. AMENDMENT.] That Section 10322a37 of the 1925 Supplement to the Compiled Laws of North Dakota for the year 1913, as amended by Section 3 of Chapter 148, Session Laws 1927, is hereby amended and re-enacted to read as follows:

§ 10322a37. NON-RESIDENT LICENSE. COST: HOW ISSUED: APPLICATIONS: FORM: GAME SHIPMENTS.] Every person, not a resident of this state for six (6) months prior to the application

for any license provided herein is prohibited from hunting, taking, trapping, killing or capturing any protected game, or animal unless he shall have first procured a non-resident hunting and trapping license for which he shall pay the sum of twenty-five dollars (\$25.00). Every person not a resident of this state for six (6) months is prohibited from fishing, taking, catching, killing or capturing in any manner any fish unless he shall have first procured a non-resident fishing license for which he shall pay the sum of three dollars (\$3.00); provided, that any person under twelve (12) years of age may fish without a license. Such non-resident licenses may be sold by any member of the game and fish board or bonded game wardens or bonded game and fish commissioners or county auditors; when countersigned by the secretary of the North Dakota Game and Fish Board, or bonded appointees, the gross receipts must be sent to the secretary of the board at the end of each month and by him transmitted to the state treasurer, who shall credit such amounts to the game and fish fund, to be used for the enforcement of the game laws as provided in this act. Said non-resident licenses shall describe the licensee, designate the place of residence, and have printed on them in large letters the year for which issued and the words "Non-resident License" and "Non-transferable". Any non-resident having procured such non-resident hunting and trapping license may carry with him on leaving the state not to exceed a two days' bag limit. Any common carrier is hereby permitted to carry any such protected game birds and animals when same is accompanied and carried on the same train or conveyance by the person who displays a non-resident license identifying him and who is legally in possession of the same, provided that the same is plainly marked with a suitable tag bearing the name and address of the licensee, and number of his non-resident hunting and trapping license and there is attached thereto a special tag provided on the non-resident license form, and carried openly for inspection of its contents. Any non-resident of this state who shall hunt, trap or fish without having procured a non-resident license therefor as provided in this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty dollars (\$50.00) and not more than one hundred dollars (\$100.00) and costs of prosecution, or by imprisonment in the county jail for not less than twenty (20) days nor more than thirty (30) days or by both such fine and imprisonment, for each and every offense. Each violation of this section shall be a distinct and separate offense.

§ 3. REPEAL.] All acts and parts of acts in conflict with this act are hereby repealed.

Approved March 12, 1929.

CHAPTER 136

(S. B. No. 109—Renauld and Bond.)

PROPERTY RIGHTS IN FUR BEARING ANIMALS

An Act defining property rights in and to fur bearing animals kept in captivity within the State of North Dakota and the pelt of any wild animal lawfully obtained.

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

§ 1. Any person, firm or corporation owning silver black or blue foxes or the pelt of any wild animal lawfully obtained shall have the same property rights therein as enjoyed by owners of domestic animals.

Approved March 4, 1929.

GRAIN

CHAPTER 137

(H. B. No. 131—J. N. Thompson by Request.)

GRAIN INSPECTION

An Act to amend and re-enact Sections 3 and 7 of Chapter 155, of the Session Laws of North Dakota of the year 1927.

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

§ 1. AMENDMENT.] That Section 3 Chapter 155 of the Session Laws of North Dakota of the year 1927 is hereby amended and re-enacted to read as follows:

§ 3. TO SUPERVISE HANDLING, WEIGHING AND STORING OF GRAIN.] The commission shall exercise general supervision of the public warehouses of this state, including the handling, weighing and storing of grain, and the management of public warehouses; it shall investigate all complaints of fraud and injustice, unfair practices and unfair discrimination, and shall make all proper rules and regulations for carrying out and enforcing any law in this State regarding the same.

§ 2. AMENDMENT.] That Section 7 of Chapter 155 of the Session Laws of North Dakota of the year 1927 is hereby amended and re-enacted to read as follows:

§ 7. PUBLIC WAREHOUSES DEFINED.] All buildings, elevators and warehouses, and all grist and flour mills, cereal and feed mills, doing a shipping business in this state, erected and operated, or which may hereafter be erected or operated, by any person, association, co-partnership or corporation, for the purpose of public buying, selling, storing and shipping grain for profit, are declared public warehouses and the person, association, co-partnership or corporation owning or operating such buildings, elevators, mills or warehouses which are now or may be hereafter located or doing business within this state, whether such owners or operators reside within this state or not, are public warehousemen within the meaning of this section. Provided, that nothing in this act contained shall be construed to require any person or persons operating a flour, cereal or feed mill doing a manufacturing business only to receive, store or purchase at said mill any kind of grain.

Approved March 8, 1929.

CHAPTER 138

(S. B. No. 59—Warehouse and Grain Committee.)

GRAIN STORAGE ON FARMS, ETC.

An Act to provide for the storage of grain upon farms and on or near railway rights-of-way within the State of North Dakota; regulating the same for the purpose of procuring loans upon such grain; making provisions for the issuance of negotiable warehouse certificates upon grain so stored, not in a public warehouse; creating the office of "Grain Storage Commissioner of North Dakota," prescribing his duties and empowering him to make rules and regulations necessary or advisable to the purposes of such act; making appropriation for the carrying out of the provisions and purposes of such act; prescribing penalties for the violation of the provisions thereof; and repealing all acts and parts of acts in conflict therewith.

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

§ 1. OBJECT AND PURPOSE OF ACT.] The purpose of this act shall be to provide the owner of grain in North Dakota with means of warehousing the same on the farm and elsewhere within the state, under proper restrictions and safeguards, as a basis for credit.

§ 2. GRAIN STORAGE COMMISSIONER.] There is hereby created the office of "Grain Storage Commissioner of North Dakota," hereinafter referred to as the "Commissioner," who shall manage, control and direct the operation of the provisions of this act with full and complete power to make effective and carry out all the objects and purposes hereof.

§ 3. APPOINTMENT AND COMPENSATION OF COMMISSIONER.] Such commissioner shall be appointed by the governor and may be removed by him at any time in a summary manner. He shall be paid as compensation for his services the sum of \$3,500.00 per year, payable monthly.

§ 4. BOND OF COMMISSIONER.] Such commissioner shall be bonded in the state bonding fund in the penal sum of \$50,000.00; such bond to be conditioned upon the faithful performance of his duties as such commissioner; the premium upon such bond to be paid as a part of the general expense of administering this act.

§ 5. POWERS AND DUTIES OF COMMISSIONER.] Except as other wise herein provided, such commissioner shall be vested with full and complete power to carry out the provisions of this act, and in addition to the general powers hereby conveyed said Commissioner, he shall have the following express powers: First, to appoint inspectors of grain as provided herein, prescribe the duties of such inspectors and remove them summarily when he shall deem advisable. Second, to make and promulgate such rules and regulations, not inconsistent herewith, as shall be necessary and desirable to effectively carry out the purposes hereof. Third, the commissioner shall have power to set up the machinery necessary to make effective the provisions of this Act, such as the purchase of supplies, stationery and equipment and the appointment of necessary clerical help and assistance; all of which shall be audited and paid from appropriations, hereby or hereinafter to be made, for the purpose of carrying out the provisions of this act. Fourth, the commissioner shall adopt an official seal of his office.

§ 6. INSPECTORS, WHEN AND HOW APPOINTED. QUALIFICATIONS.] Whenever ten or more farmers operating farm lands tributary to any market center, shall petition the commissioner for an inspector to act within the territory to be designated in such petition as a grain storage district, the commissioner shall forthwith designate such territory as a grain storage district, giving to such district a number, and shall appoint a storage inspector for such district, or if deemed advisable he may designate an inspector already appointed for another grain storage district in the immediate territory, and in event the inspector appointed for any grain storage district shall be for any reason unable to speedily make inspection of all grain for which storage application has been made within the district for which he is appointed, the commissioner may appoint an additional or additional inspectors for such district. Inspectors may be appointed by the commissioner upon the written application of any petitioner for the establishment of a grain storage district, or the commissioner may make such appointment without regard to any such application. In no event shall any person be appointed

as an inspector who is a petitioner for the designation of any grain storing district or who is a relative of any such petitioner. The commissioner shall supply such inspector with a copy of this act; a copy of the rules and regulations adopted hereunder; with necessary blanks, etc., for making return upon inspection, to the commissioner, seals for the sealing of grain stored under the provisions hereof; and such other supplies as shall be necessary to the proper performance of his duties as such inspector. Upon receipt of an application for grain storage under the provisions of this act, it shall be the duty of the inspector to at once make inspection of all grain of which inspection is demanded; he shall measure said grain by cubic measurements and not by weight, shall sample the same and make due return thereof without delay, certifying to the commissioner all information which may be required of him either by the provisions of this act, or by the rules and regulations promulgated hereunder.

§ 7. TERM OF OFFICE OF INSPECTORS.] Such inspectors shall hold office at the will of the commissioner and may be summarily removed by the commissioner at any time and without hearing.

§ 8. BOND OF INSPECTORS.] Any inspector appointed under the provisions of this act shall furnish to the commissioner, a bond in the penal sum of \$1,000.00 payable to the State of North Dakota and conditioned upon the faithful performance of his duties under the provisions of this act and the rules and regulations as promulgated thereunder.

§ 9. PENALTY FOR FALSE REPRESENTATION.] Any person who shall to procure any warehouse certificate hereunder make any statement of a material fact knowing the statement to be false, shall be guilty of a misdemeanor and shall be punished by imprisonment in the county jail not less than six months and not exceeding one year and by a fine of not less than \$200.00 and not exceeding \$500.00.

§ 10. COMPENSATION FOR INSPECTORS.] The commissioner shall, from time to time, fix the compensation to be paid inspectors for their services. Such compensation shall be paid monthly by the commissioner by warrants drawn upon the fund created by this act, and all accounts so paid shall be properly vouchered and audited by the state auditing board.

§ 11. APPLICATION FOR TESTING AND SEALING OF GRAIN.] Whenever any inspector shall be appointed by the commissioner in the manner provided herein, any owner of grain within his district desiring to store the same, shall make written application to the commissioner to be filed with the inspector, indicating where such grain is stored, the kind of structure in which it is stored, and incumbrances upon said grain, if any; which application shall

be signed and sworn to by the applicant. Whenever any grain is owned by more than one owner, said application shall be signed by all having any interest therein. In case such grain is mortgaged, the application for inspection shall be signed by the owner and the mortgagee or his or her agent duly authorized in writing, and any certificate issued for grain owned by more than one person or mortgaged, shall be issued in the name of such persons, including the mortgagee.

§ 12. DUTIES OF INSPECTOR.] When application shall be made for inspection and storage of grain hereunder, whether on the farm or upon or near any railroad right-of-way, the inspector shall immediately, or as soon as it is possible to do so, inspect such grain and the bin and structure in which said grain is located and to be stored, ascertaining the quantity of such grain by measurement but not by weight, and shall procure a fair average sample of such grain with respect to quality, moisture content and dockage. Said inspector shall upon concluding such inspection, if from his examination and inspection he deems the grain in condition to be stored and the structure or bin in which it is located, suitable for storage thereof under seal and for loaning purposes, securely lock the said bin or structure wherein said bin is located, and seal the same with a seal to be provided by the commissioner, putting upon the structure or bin so sealed a notice containing a printed copy of the penalty herein prescribed for entering such bin or sealed structure or removing such grain or any part thereof. Upon sampling any grain required to be inspected and sealed hereunder, the inspector shall at once place an average sample of such grain, taken to determine the moisture content thereof, in a moisture retaining container to be furnished by the commissioner, and shall forthwith forward the same to the commissioner with an average sample of such grain in sufficient quantity to determine therefrom the quality, grade and dockage thereof; sending to the commissioner at the same time his report upon such grain, the bin or structure therein contained, and such other and further information as is hereby, or by the rules and regulations promulgated, required.

§ 13. INSURING GRAIN STORED AND SEALED.] All grain stored and sealed under the provisions of this act shall be insured against fire and tornado in some insurance association or company authorized to do business in this state and approved by the commissioner. Such policies of insurance as are issued shall be deposited with the commissioner and shall inure to the benefit of the holder or holders of the certificate or certificates issued against the said stored grain and to the owner, and any incumbrancers or lien holders thereof and thereon, as their interests shall appear.

§ 14. DUTY OF OWNER RESPECTING THE CARE AND DELIVERY OF GRAIN STORED.] The owner of grain stored under the provi-

sions of this act shall be charged with the due care of said grain and shall exercise that degree of due care and diligence which an ordinary prudent man would exercise with regard to similar property of his own. The owner shall also, upon demand of the holder of such certificate, deliver said grain to his usual market place without charge to the holder. No legal demand for the delivery of said grain can be made, however, upon said owner until the maturity of the obligation for which said certificate is pledged, or until the security shall become impaired. In case of the maturity of the obligation for which said certificate was pledged or in case of the impairment of such security, and the refusal of said owner to so deliver as above provided; then the holder of the certificate shall be entitled to take immediate possession of the grain so pledged, to sell the same at the market price thereof, and to retain from the proceeds of such sale all expense of the removal and transporting of such grain to market.

§ 15. FORM OF WAREHOUSE CERTIFICATE.] The form of said warehouse certificate issued under the provisions of this act shall be prepared and approved by the commissioner, and every such certificate must embody within its written or printed terms:

- (a) The consecutive number of the certificate.
- (b) The date of issue of the certificate.
- (c) A description of the granary, bin, or other structure in which the grain is stored, and of the premises upon which it is located.
- (d) A description of the grain, giving its grade, kind, variety, dockage, test weight and moisture content, and the number of bushels of such grain, based on cubic measurement and not by weight.
- (e) The name of the owner, or owners, whether ownership is sole, joint, or in trust, and the conditions of such ownership, as shown in the application.
- (f) A statement of any and all liens or incumbrances upon said grain as reported by the owner in his application.
- (g) A statement whether the grain will be delivered to the bearer, to a specified person, or a specified person or his order, and at what place it will be delivered.
- (h) A statement as to whether any other certificate has been issued covering any grain in the same granary, bin, or structure, and the amount of such certificate.
- (i) Evidence of insurance as provided by Section 13.

(j) Any other matter or information required by the rules and regulations as promulgated hereunder.

Each such warehouse certificate shall be signed by the commissioner and have attached thereto the official seal of his office.

§ 16. WAREHOUSE CERTIFICATES—HOW ISSUED—HOW CANCELLED.] It shall be the duty of the commissioner to issue all warehouse certificates hereunder, except as otherwise provided in section 25 hereof. All such warehouse certificates issued under the provisions of this act shall be in triplicate, the original certificate to be printed upon white and two duplicates upon tinted paper, such original to be delivered to the owner, one of the duplicate copies to be retained by the commissioner, and the other to be filed in the office of the register of deeds of the county in which said grain is stored. Both copies of certificates shall have plainly printed or stamped across the face thereof "Duplicate certificate—no value." Any owner or owners of grain stored under the provisions of this act, still the holder of the warehouse certificate issued thereon and unpledged and unnegotiated, may procure the release of such grain from storage thereunder by delivering the original warehouse certificate to the commissioner, who shall upon receipt thereof cancel the same by perforating it with the words, "Surrendered and cancelled." The commissioner shall notify such original holder or holders of such cancellation, and the receipt of such notice of cancellation by such owner or owners shall be authority to such owner or owners to break the seal and retake possession of the grain in such certificate described. Upon delivery by the owner or owners, to the warehouse certificate holder, of the grain pledged thereby, or upon payment of the obligation for which such certificate has been pledged, the warehouse certificate holder shall be required to cancel and redeliver such certificate to the owner of such grain, such cancellation to be so made by endorsing thereon in ink, the words, "Cancelled and delivered to owner of grain," together with the signature of such warehouse certificate holder.

Such owner of grain may upon such cancellation of warehouse certificate, forward such cancelled certificate to the commissioner, for the purpose of having it cancelled in his office and discharged of record.

The commissioner shall under his seal notify the register of deeds of the county in which the duplicate certificate is filed, to discharge any cancelled certificate of record; and such register of deeds is hereby required to so cancel the same, without charge, upon such notice from the commissioner. All original warehouse receipts so cancelled as above by the commissioner, shall be retained in the files of his office and a permanent record of such certificate so

cancelled shall be kept; such record to show the name of the person or persons to whom the certificate was issued, the number of the certificate, the date of cancellations, and when the certificate cancelled is one surrendered as paid, the name of the person so surrendering and cancelling.

§ 17. RECORDING CERTIFICATES.] At the time of the issuing of any such warehouse certificate, as herein provided, the commissioner shall file a copy of such certificate in the office of the register of deeds of the county in which said grain is stored, which certificate is stored, which certificate shall be indexed as a chattel mortgage and for the filing thereof no fee shall be collected by any register of deeds. Such filing shall be notice that the grain described in such certificate is pledged to the redemption of the same. Any assignment of said certificate may also be filed and properly endorsed upon the certificate, and shall, when filed, have the same force as the filing of an assignment of chattel mortgage.

§ 18. EXPENSE OF INSPECTION—HOW PAID.] Whenever an applicant shall make written application for the inspection of grain to be stored under the provisions of this act, he shall remit with the application one-half of one per cent per bushel for the number of bushels sought to be stored, payable to the commissioner, which fee shall be delivered to the state treasurer, to be kept by him in a special fund to be known as the "Grain Storage Fund," and upon which fund the commissioner shall draw warrants for the payment of the inspectors' fees for measuring, sampling and sealing grain.

§ 19. RECORDS OF THE COMMISSIONER TO BE CONFIDENTIAL.] The commissioner shall not allow the inspection by the general public of his records as to amount, kind, quality or variety of grain stored, but said records shall be open to the holder of any certificate.

§ 20. WAIVER OF LOCKING AND SEALING.] The locking up and sealing of any storage facility acceptable to the commissioner is hereby waived, if and when the applicant shall have filed a warehouseman's bond as a guarantee to the carrying out of the provisions of this act. Any such bond may be accepted by the commissioner in lieu of locking and sealing stored grain, under rules and regulations promulgated hereunder with reference thereto.

§ 21. OWNER RESPONSIBLE FOR AMOUNT AND QUALITY OF GRAIN STATED IN CERTIFICATE.] The owner or owners of grain stored hereunder shall be responsible for the quality of the grain being equal to that stated in the certificate. Whenever the amount of grain certified to shall have been determined by cubic measurement, said amount shall be deemed prima facie evidence of the amount of said grain, but the actual amount shall be determined by

the actual weight thereof and the owner shall be responsible and liable to the holder of the certificate for the delivery of the amount of grain indicated in said certificate, by actual weight thereof.

§ 22. PENALTY FOR BREAKING SEAL OR REMOVING OR DAMAGING STORED GRAIN.] Any person who shall without order or direction of the commissioner, break the seal of any structure or bin wherein grain is stored under the provisions of this act, or who shall break or enter the structure or bin wherein such grain is so stored, except for actual delivery of stored and sealed grain to the holder of a pledged certificate, or who shall damage, remove or destroy any grain stored and sealed under this act, shall be guilty of a felony and upon conviction thereof shall be punished by imprisonment in the county jail for not less than one year, or in the state penitentiary not less than one or more than three years; or by a fine of not less than \$300.00 or more than \$1,000.00.

§ 23. INSPECTOR MAY TAKE OATH.] Every inspector appointed by the commissioner under the provisions of this act, shall have the same power as a notary public to take acknowledgment or administer any oath which may be necessary in the carrying out of this act, and in compliance with such rules and regulations as may be adopted hereunder in respect thereto.

§ 24. PENALTY FOR FALSE REPRESENTATION BY INSPECTOR.] Any inspector who shall knowingly make any false statement or representation to the commissioner, respecting the ownership, kind, quality or condition of any grain reported upon to the commissioner by him, shall be punishable by imprisonment of not less than 90 days or more than one year in the county jail, or by imprisonment in the penitentiary not more than three years, or by a fine of not less than \$100.00 or more than \$1,000.00 or by both such fine and imprisonment.

§ 25. DEPUTY COMMISSIONERS.] The commissioner when he deem the same necessary is hereby authorized to appoint deputy commissioners at such points within the state as the efficient operation of the provisions of this act may demand; such deputy commissioners under his direction to receive applications for grain storage, determine the weight, grade, quality, dockage and the moisture content thereof; to issue and counter-sign warehouse certificate as such deputy under the seal of the commissioner; and under the commissioner to do and perform any and all acts necessary or requisite to the issuance of such warehouse certificates under the provisions hereof and the rules and regulations promulgated hereunder.

§ 26. APPROPRIATION.] There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of twenty-five thousand dollars or so much thereof as may be

necessary for the payment of the expenses and the carrying out of the provisions hereof, for the biennium beginning July 1st, 1929, and ending June 30th, 1931, such money to be expended by the "Grain Storage Commissioner of North Dakota" under audit by the state auditing board.

§ 27. REPEAL.] All acts or parts of acts in conflict herewith are hereby repealed.

Approved March 5, 1929.

HIGHWAYS

CHAPTER 139

(H. B. No. 60—Jardine by Request.)

BUSINESS PROCEDURE DEPARTMENT OF STATE HIGHWAYS

An Act regulating the business procedure of the department of state highways, the making, certification, auditing and payment of pay rolls and the making, certification and auditing of payment of contract estimates.

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

§ 1. TIME SHEETS.] The department of state highways shall prepare and use adequate time sheets or records which shall display the name and address of every person employed in or by the department, the title of such person, description of the kind of services rendered, where generally employed, the total number of days or hours employed each month, or shorter period, and the various kinds of services rendered on each day, where practicable, and the approximate number of hours devoted to each kind of service on each day, and the rate of pay per month or the rate of pay per hour for each kind where rates differ for the various kinds of service, and the amount due each person for such services. Provided, however, that where persons are employed at a fixed monthly compensation and it would be impracticable for such person to keep a record of the various kinds of service rendered on a daily or monthly basis, the state highway commission, by resolution, may exempt such person or persons from monthly time-sheet, provided nevertheless a record shall be kept of all persons, whether making a time-sheet or not, showing the number of days employed, the days absent and cause thereof, the length of vacations or leave of absences granted such persons with or without pay.

§ 2. PAY ROLLS.] Every claim for services, other than upon contract, shall be prepared and presented in duplicate upon a pay roll voucher or form prescribed by the department, approved by the state examiner. Such pay roll voucher shall show the name and address of the person entitled to compensation, the number of hours or days employed, and if feasible the rate of pay per hour, or the pay per month, and the total amount due such person. Each pay roll must be supported by a time record on file in the department as hereinbefore provided.

Such pay roll voucher shall be prepared by the person rendering such service or by a person who has actual knowledge of the facts or in whose actual custody are the time sheets aforesaid. Such person aforesaid shall make and execute the following certificate to such pay roll prepared by him, which certificate may be printed on such pay roll voucher:

“Pay Roll Certificate

I hereby certify that the person or persons named on the within pay roll have been properly employed; have rendered the service therein set forth and are entitled to the amount or amounts set opposite their respective names; that no previous payment thereof has been made; that services were rendered to my personal knowledge or are supported by adequate time records made by persons who have knowledge of the facts.

.....
Name

.....
Title”

Provided, however, that in lieu of printing on such pay roll voucher the foregoing certificate in full, the following abbreviated form may be printed thereon:

“Pay Roll Certificate

I hereby make the pay roll certificate required by law.

.....
Name

.....
Title”

Whenever any person shall sign and make such abbreviated form, he shall be charged with having made and executed the full certificate aforesaid.

Before such pay roll voucher shall be presented to the state auditor, the same shall be certified and approved for payment by

the chief administrative officer of the department of state highways, or secretary of the state highway commission, who shall make the following certificate:

“Approval of Payment

Upon the records submitted to me and the certificate of persons having knowledge of the facts, or upon my personal knowledge, I hereby certify that the within pay roll is correct, that the persons therein named have been properly employed, have rendered the services set out and are entitled to the sums set opposite their respective names, that no payment therefor has been made, and, I hereby approve the same for payment.

Sec’y State Highway Commission”

Such certificate shall be printed on such pay-roll voucher in full, or in lieu thereof the following abbreviation thereof:

“Approval of Payment

I hereby make the certificate required by law and approve for payment.

Sec’y State Highway Commission”

When so signed and approved, the said secretary of the state highway commission shall be charged with having made and executed the full certificate aforesaid.

Such pay roll voucher may consist of one or more sheets.

§ 3. AUDITING AND PAYMENT OF PAY ROLLS.] When such pay roll voucher shall have been certified and approved as aforesaid, the same shall be presented to the state auditor, who shall draw his warrant for each person named thereon without submitting such pay roll voucher to the state auditing board for its examination and approval, as provided for in Section 375 of the 1925 Supplement to the 1913 Compiled Laws of North Dakota.

§ 4. PAYMENT OF ESTIMATES ON CONTRACT.] Whenever an estimate or allowance for payment, except a final estimate, or, payment subsequent to a final estimate, is allowed, or granted, on a contract entered into by the department of state highways and the same is vouchered by the department for presentation to the state auditor, or the county auditor, as the case may be, instead of submitting the same to the contractor for certification by him as required by Section 657 of the 1925 Supplement to the 1913 Compiled Laws of North Dakota, the chief engineer of the said department shall

make the following certificate, in lieu of the certificate required by law, which certificate shall be printed on the said voucher or claim.

“Estimate Certificate

I hereby certify that the within estimate or claim is just and true; that the contractor herein named has rendered the services and furnished the material herein charged, and that they are of the value claimed; that no part thereof has been paid, and that the foregoing estimate or claim is supported by a proper contract and bond on file in the department of state highways.

Chief Engineer, Department of State
Highways”

After the same has been approved for payment by the secretary, or chief administrative officer, of the state highway commission, the same shall be presented to the state auditor or county auditor, as the case may be, for payment. The state auditor shall thereupon draw his warrant therefor as provided by law without submitting such voucher or claim to the state auditing board for examination and allowance as required by Section 375 of the 1925 Supplement to the 1913 Compiled Laws of North Dakota. Provided, however, that the foregoing procedure shall not apply to the final estimate or allowance to a contractor, nor to any estimate or allowance subsequent to or supplemental to such final estimate, but such final estimate, or supplemental allowance, shall conform to the provisions of law relative to the certification and approval of any other claim or demand.

§ 5. PENALTIES.] Any person who shall knowingly, or wilfully, make or keep a false or erroneous time-sheet, or record, shall forfeit his right to collect any part of his claim and shall further be guilty of a misdemeanor. Any person who shall wilfully or knowingly make a false or erroneous certificate hereinbefore provided shall be guilty of a misdemeanor, and, in addition thereto, he shall be personally liable for any claim estimate or allowance so falsely certified.

§ 6. EMERGENCY.] This act is hereby declared an emergency measure and shall take effect and be in force from and after its passage and approval.

Approved March 8, 1929.

CHAPTER 140

(S. B. No. 170—Cain.)

**CONSTRUCTION OF BRIDGES ACROSS STATE LINES OF INTER-
STATE HIGHWAYS—ROADS ACROSS LITTLE MISSOURI
OR ACROSS OTHER NAVIGABLE STREAMS WITHIN
STATE**

An Act to amend and re-enact Sections 1 and 2 of Chapter 73 of the Session Laws of North Dakota for the year 1919 (Sections 1952a1 and 1952a2 of the Supplement to the Compiled Laws of North Dakota for the year 1913), as amended and re-enacted by Sections 1 and 2 of Chapter 161, Laws 1927, providing for state aid in the construction of bridges across state lines and interstate highways or roads across the Little Missouri river on federal highway No. 22, and at a point in the vicinity of section 9, township 136, range 104 in Slope County, North Dakota, or roads across navigable streams within the State of North Dakota.

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

§ 1. AMENDMENT.] That Section 1 of Chapter 73, Laws of North Dakota for the year 1919 (Section 1952a1 of the Supplement to the Compiled Laws of 1913), as amended and re-enacted by Section 1 of Chapter 161, Laws of 1927, be amended and re-enacted as follows:

§ 1. That hereafter the State of North Dakota shall aid to the amount of one-third of the cost of the construction of any bridge hereafter built across the state line upon the interstate roads or highways or across the Little Missouri River or Federal Highway No. 22, and at a point in the vicinity of Section 9, Township 136, Range 104 in Slope County, North Dakota, or across navigable streams within the State of North Dakota, on state highways or roads.

§ 2. AMENDMENT.] That Section 2 of Chapter 73, Laws of North Dakota for the year 1919, (Section 1952a2 of the Supplement to the Compiled Laws of 1913), as amended and re-enacted by Section 2 of Chapter 161, Laws of 1927, be amended and re-enacted as follows:

§ 2. That before any such bridge or bridges is begun, the department of state highways shall select, approve and acquire a suitable site therefor, within the general limits or boundaries prescribed by the state legislative assembly in its acts appropriating money for bridge construction hereunder, prepare plans and specifications therefor, advertise for bids, make an award or awards thereof, enter into a contract or contracts for the construction and materials therefor, approve and allow estimates for such construction and materials in the same manner and procedure as provided

by law for the construction of a state highway, provided, however, that the state shall not pay more than one-third of the cost of such site and cost of construction and materials, nor shall the state pay any money from state funds in excess of any appropriation made by law for the site, materials, and construction of any such bridge.

§ 3. EMERGENCY.] This act is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval.

Approved March 7, 1929.

CHAPTER 141

(H. B. No. 65—M. H. Lynch.)

RESTRICTION USE OF ROADS UNDER CERTAIN CONDITIONS

An Act to amend and re-enact Section 41, Chapter 162, Session Laws 1927 restricting the use of roads under certain conditions.

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

§ 1. AMENDMENT.] Section 41, Chapter 162 of the Session Laws 1927 is hereby amended and re-enacted to read as follows:

§ 41. WHEN LOCAL AUTHORITIES MAY RESTRICT THE RIGHT TO USE HIGHWAYS.] The state highway commission, through its chief executive officer, by order, and local authorities by order, or ordinance or resolution may prohibit the operation of vehicles upon any highway or impose restrictions as to the weight of vehicles, for a total period not to exceed ninety days in any one calendar year, when operated upon any highway under the jurisdiction of and for the maintenance of which such authorities are responsible whenever any said highway by reason of deterioration, rain, snow or other climatic conditions will be seriously damaged or destroyed unless the use of vehicles thereon is prohibited or the permissible weights thereof reduced. Such authorities making such order or enacting any such ordinance or resolution shall erect or cause to be erected and maintained signs designating the provisions of the order, or ordinance, or resolution at each end of that portion of any highway affected thereby and the order or ordinance or resolution shall not be effective until or unless such signs are erected and maintained. The state highway commission by an order aforesaid and local authorities, by ordinance or resolution, may also prohibit the operation of trucks or other commercial vehicles, or impose

limitations as to weight thereof on designated highways, which prohibitions and limitations shall be designated by appropriate signs placed on such highways.

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

Approved February 19, 1929.

CHAPTER 142

(H. B. No. 144—Fettig.)

WARNING SIGNS ROAD CONSTRUCTION WORK

An Act to require public officers and contractors doing road construction work to erect and maintain proper warning signs near road construction work and providing a penalty for failure to comply with law.

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

§ 1. WARNING SIGNS.] Whenever the state highway commission, any county board, or any township board shall enter into a contract for the construction and improvement of any road, or any culvert, or bridge thereon, they shall, as a condition of such contract, provide therein that the contractor shall place suitable warning signs, which can be read for a distance of one hundred feet in day time, and also erect and place at night, a red lantern at both ends of such construction work, no less than three hundred (300) feet therefrom, warning the public that such road is under construction or improvement and either is closed, or impassable, or dangerous for travel thereon, provided that nothing in this act shall make any town, county or the state liable for the failure of such contractor to erect such warning signs.

§ 2. PUBLIC OFFICERS.] Whenever a town board, county board, or the state highway commission shall construct, or improve, or repair any road, or any culvert, or bridge, or gravel any road, and such work shall render travel on such road, culvert or bridge unsafe, or dangerous, it shall be the duty of such town board, county board, or the state highway commission, or any foreman, or other person in charge of such work, to place warning signs as provided in Section 1 hereof.

§ 3. PENALTY.] Any contractor, foreman or person in charge of any work, or repairs on any public road, culvert or bridge, who shall fail or neglect to erect and maintain suitable warning signs

as hereinbefore provided, shall upon conviction thereof be punished by a fine of not less than ten dollars (\$10.00), and not more than fifty dollars (\$50.00), or by imprisonment in the county jail for not more than sixty days, or by both such fine and imprisonment.

Approved March 11, 1929.

CHAPTER 143

(H. B. No. 149—Swendseid.)

REPEAL BOUNTY FOR WATERING PLACES ON HIGHWAYS

An Act to repeal Section 2038, 2039 and 2040 of the Compiled Laws of 1913, relating to a bounty for maintaining watering places on highways.

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

§ 1. LAW REPEALED.] That Sections 2038, 2039 and 2040 of the Compiled Laws of 1913, be and the same are hereby repealed.

Approved March 8, 1929.

HOTELS

CHAPTER 144

(H. B. No. 193—Bell.)

HOTEL INSPECTION

An Act providing for the inspection of hotels, lodging houses, boarding houses, and restaurants; prescribing sanitary requirements therefor; providing for licensing, payment and disposition of license fees; providing for the revocation of licenses; defining the duties of the state food commissioner and chemist with regard to the act; providing for penalties for violation thereof and repealing existing laws relating thereto.

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

§ 1. DEFINING HOTELS, RESTAURANTS, LODGING HOUSES AND BOARDING HOUSES.] Every building or structure, or any part thereof, kept, used as, maintained as, or advertised as, or held out to the public to be a place where sleeping accommodations are furnished

to the public whether with or without meals, and furnishing accommodations for periods of less than one week, shall for the purpose of this act be deemed an hotel.

Every building or other structure, or any part thereof and all buildings in connection, kept, used as or maintained as, or advertised as, or held out to the public to be a place where meals or lunches are served without sleeping accommodations, shall for the purpose of this act be deemed to be a restaurant, and the person or persons in charge thereof, whether as owner, lessee, manager or agent, for the purpose of this act shall be deemed the proprietor of such restaurant, and whenever the word "restaurant" shall occur in this act, it shall be construed to mean such structure as described in this section.

Every building or structure, or any part thereof, kept, used as, maintained as, or held out to be a place where sleeping accommodations are furnished to regular roomers for one week or more, and having accommodations for ten or more persons, shall for the purpose of this act, be deemed a lodging house.

Every building, structure, or any part thereof, kept, used as, maintained as, or advertised as, or held out to the public to be a place where food is furnished to regular boarders for periods of one week or more, and having accommodations for ten or more boarders, shall for the purpose of this act, be deemed a boarding house.

§ 2. FIRE ESCAPES.] Every hotel that is more than two stories high shall be provided with a hall on each floor extending from one outside wall to the other and at each end of such hall shall be equipped with an iron fire escape on the outside of the building, connecting on each floor above the first, with at least two openings which shall be well fastened and secured, with landings not less than six feet in length and three feet in width, guarded by an iron railing not less than three feet in height. Such landings shall be connected by iron stairs not less than two feet wide and with steps of not less than six inches tread, and protected by a well secured hand rail on both sides and reaching to within ten feet of the ground, with a drop ladder twelve inches wide reaching from the lower platform to the ground. Such fire escape shall be sufficient if a perpendicular iron ladder shall be used instead of the stairs, provided such iron ladder is placed at the extreme outside of the platform and at least two feet from the wall of the building, and provided such iron ladder is equipped with round iron rounds not more than fifteen inches apart. Provided, however, that the provisions of this act relating to outside fire escapes and ropes or automatic appliances shall not apply to hotels or lodging

houses having or making provisions for interior fireproof stairways approved as such by the hotel inspector. The way of egress to such fire escape shall be at all times kept free and clear of all obstructions of any and every nature. There shall be posted and maintained in a conspicuous place in each hall and guest's room, except the halls and rooms on the ground floor of such hotel, a printed notice in characters not less than two inches high calling attention to and directing the way to such fire escape. A green light shall be maintained in buildings over two stories high on each floor at the end of the hall directly in front of the fire escape.

§ 3. CHEMICAL FIRE EXTINGUISHERS.] Each hotel and lodging house shall be provided with at least one chemical fire extinguisher, approved by the National Board of Underwriters, for every twenty-five hundred feet or less of floor area, which shall be placed in a convenient location in a public hallway outside of the sleeping rooms, and shall always be in condition for use; or in lieu thereof, each such lodging house or hotel shall be equipped with not less than one and one-fourth inch stand pipe with hose connections and hose of sufficient length to reach both ends of hall where stand pipe is located, always attached in such hallway, which stand pipe shall be supplied with a sufficient pressure of water.

§ 4. ROPE FIRE ESCAPES.] Every hotel which is not of over two stories in height and which is not provided with such fire escape as is described in Section 2 hereof, shall provide in every bedroom or sleeping apartment on the second floor a manila rope at least five-eighths of an inch in diameter and of sufficient length to reach the ground, with knots or loops not more than fifteen inches apart, and of sufficient strength to withstand a weight and strain of at least five hundred pounds. Such rope shall be securely fastened to the joint or studding of the building as near the window as practicable, and shall be kept coiled in plain sight at all times, nor shall such rope be covered by curtains or other obstructions. Every such hotel shall provide and maintain in a conspicuous place in every bedroom or sleeping apartment above the ground floor printed notices calling attention to such rope and giving directions for its use.

§ 5. Every hotel which is equipped with a passenger or freight elevator shall cause the shaftway of such elevator or elevators to be enclosed with an iron sheeting as nearly airtight as is practicable and shall provide automatic floor traps at each door in the shaft; either of which appliances to be built in the most approved manner for the prevention or spread of fire by means of such shaft.

§ 6. SANITATION, TOILETS, VERMIN, SHEETS, MATTRESSES, VENTILATION.] Every hotel, lodging house, boarding house and restaurant shall be operated with strict regard for the health, safety and comfort of its patrons. It shall be well constructed, drained and plumbed according to established sanitary principles and shall be kept free from effluvia arising from any sewerage, drain, privy or other source within the control of the owner, manager, agent or other person in charge. In all cities, towns and villages where a system of public water supply and sewerage is maintained, every hotel, lodging house and restaurant therein operated shall be equipped with suitable water closets for the accommodation of its guests and such water closets shall be ventilated and connected by proper means of flushing with the water of said system. All lavatories, bath tubs, sinks, drains, and closets shall be connected with such sewerage system. When no such sewerage systems are available, open toilets must be located not less than forty feet from all kitchens, dining rooms and pantry openings and must be properly cleaned, screened and disinfected as often as may be necessary to keep them in a sanitary condition. Separate water closets shall be furnished for the sexes, each being properly designated. All garbage and kitchen refuse must be kept in watertight containers with tight fitting covers to prevent decomposition. No dish-water or other substance which is or may become foul or offensive shall be thrown upon the ground near any hotel or restaurant building.

All bedrooms shall be kept free from vermin and the bedding in use shall be clean and sufficient in quantity and quality; all sheets shall be at least eight feet in length; each guest shall be furnished with two towels; in case bedrooms are carpeted, the carpet or carpets thereon shall be taken up and thoroughly cleaned at least once each year; no rusted tin or iron vessel or utensil shall be used in cooking food, and all foodstuffs shall be kept in a clean and suitable place, free from dampness and contact with dirty water; the floors, closets, cupboards and walls of all kitchens shall at all times be kept free from dirt and no dust or grease shall be allowed to collect thereon; a metal container shall be provided to hold ashes where such ashes are stored in or around the hotel building. In all cases where a patient having an infectious or contagious disease has been confined in a hotel room, such room shall upon the removal of such patient be closed and fumigated, and upon the completion of such fumigation the certificate of a reputable physician to that fact shall be forwarded to the hotel inspector. In all hotels or lodging houses where fifty cents or more per night is charged for lodging the sheets and pillow cases shall be changed after the departure of each guest and it shall be unlawful to have upon a bed of any such hotel or lodging house any mattress of a lower grade than that commonly known to the trade as cotton felt

combination; each mattress shall weigh at least thirty-five pounds unless it be a hair mattress; in which case it shall weigh thirty pounds or more. Each hotel or restaurant shall keep in its main public washroom individual towels or paper towels in full view and reach of all guests at all hours. Each room shall be properly ventilated by at least one window, and by a doorway leading into the hall. Every hotel and lodging house where rooms are rented to lodgers by the day, by the week or by the month, shall during the winter months be equipped with storm windows on hinges in such a way that the storm windows may be opened and closed at will; in lieu of such hinged storm windows the said places may be equipped with windows having slides therein that open and close over an opening of not less than ten by ten inches. During the summer months all such hotels, restaurants, lodging houses and boarding houses shall equip their windows with screens adequate to keep out flies and mosquitoes.

(Common Drinking Cup.) In order to prevent the spread of communicable diseases the use of the common drinking cup in hotel lobbies, dining rooms or restaurants is hereby prohibited. Water supplies for common drinking use shall at all times be kept covered or protected to avoid contamination from dust, dirt and flies.

No dishes that are badly cracked or chipped on the top or side or chipped glasses shall be used.

No hotel, restaurant, dining room or kitchen shall be used as a sleeping or dressing room by any employee or other person.

§ 7. INSPECTORS OF HOTELS, APPOINTMENT, DUTIES AND BOND.] For the purpose of carrying into effect the provisions of this act, it shall be the duty of the state food commissioner and chemist at Bismarck and his duly appointed inspectors to perform all the duties of the "Inspector of Hotels" and to enforce the Hotel and Restaurant Inspection Act. Whenever in this article, the term "inspector" is employed, the duties shall be performed by the food commissioner or his inspectors as hereinbefore provided, the field inspectors of hotels shall be appointed from the food inspection staff by the food commissioner with the approval of the state board of administration and shall receive such salary as the board of administration recommends.

§ 8. INSPECTORS' DUTIES.] It shall be the duty of the inspector to see that all the provisions of this act are complied with, and said inspector shall personally inspect once in each year every hotel, restaurant, lodging house or boarding house as defined by this act. Said inspector is hereby granted police power to enter any hotel at reasonable hours to determine whether the provisions of this act are being complied with. The inspector shall keep a com-

plete set of books for public use and inspection showing the condition of each hotel inspected, together with the name or names of the owners, proprietors, or managers thereof, and showing its sanitary condition, the number and condition of its fire escapes and other information for the betterment of the public service.

§ 9. CERTIFICATES, WHEN ISSUED, POSTING.] If the inspector shall find after examination of any hotel or lodging house that this law has been fully complied with, he shall issue a certificate to that effect to the person operating the same, and said certificate shall be kept posted up in a conspicuous place in said inspected building; and provided, that no certificate shall be issued in any case until the inspection fee shall have been paid.

§ 10. INSPECTORS LIABLE.] Any inspector who shall wilfully certify falsely regarding any building inspected by him, and who shall issue a certificate to any person operating any hotel when such person has not complied with the provisions of this act, shall, on conviction thereof, be fined not less than fifty dollars nor to exceed five hundred dollars, and may be imprisoned not to exceed one year in the state prison, or both, at the discretion of the court and upon conviction shall be forever disqualified to hold said office.

§ 11. OBSTRUCTING INSPECTORS.] Any owner, manager, agent or person in charge of an hotel or lodging house who shall obstruct or hinder an inspector in the proper discharge of his duties under this act, or who shall refuse or neglect to pay the license fee prescribed herein, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten dollars nor more than fifty dollars, or shall be imprisoned in the county jail for not less than ten days, nor more than thirty days, or both.

§ 12. LICENSE FEES.] Every hotel containing less than ten sleeping rooms for the accommodation of the public and every lodging house shall pay an annual license fee of two dollars and fifty cents when inspected under the provisions of this act, and every hotel containing more than ten sleeping rooms and less than twenty-one sleeping rooms for the accommodation of the public shall pay an annual license fee of five dollars when inspected under the provisions of this act, and every hotel containing twenty or more sleeping rooms and less than fifty-one sleeping rooms for the accommodation of the public shall pay an annual license fee of ten dollars when inspected under the provisions of this act, and every hotel containing fifty-one or more rooms shall pay an annual license fee of twenty dollars when inspected under the provisions of this act. Every restaurant or boarding house as described in Section 1 of this act, conducted without sleeping accommodation shall be required

to pay an annual license fee of two dollars and fifty cents to the inspector of hotels. Such fees shall be collected by the inspector annually at the time of the inspection.

§ 13. DISPOSITION OF FEES, EXPENSES.] All funds collected in the enforcement of this act shall be deposited in the state regulatory fund. All salaries and items of expense of whatever nature incurred by the state food commissioner and chemist in carrying out and enforcing the provisions of this act shall be paid out of the state regulatory fund, in manner as by law now provided.

§ 14. DRINKING WATER.] It shall be the duty of every person conducting or operating an hotel, restaurant or lodging house, to see that the drinking water supplied by said hotel, restaurant or lodging house is pure and free from disease germs. The source of supply must be far enough removed from privy vaults, barns, hog-pens, chicken yards, manure piles or other means of contamination to prevent drainage from said privy vaults, barns, hog-pens, chicken yards, manure piles or other sources of contamination to the wells or other sources of supply, and the water supply shall not contain bacteriological, chemical, or physical impurities which shall affect or tend to affect public health. It shall satisfy the bacteriological standards of the United States Public Health Service for waters used upon public or interstate common carriers, and the water supply shall be subject to examination by the inspector, and when found unfit for drinking under these requirements shall either be improved to fulfill the standards or discontinued forthwith.

§ 15. VIOLATION, NOTICES.] All notices to be served by the state hotel inspector provided for in this act must be in writing and shall be either delivered personally by the hotel inspector or his agent, or by registered letter, to the agent, owner, lessee, or manager of such hotel, restaurant, lodging house or boarding house.

Any person, firm or corporation, who shall operate an hotel, restaurant, lodging house or boarding-house in this state, or shall let a building used for such business, without having first complied with the provisions of this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars or more than one hundred dollars or by imprisonment in the county jail for not more than ninety days.

The state's attorney of each county in this state is hereby authorized and required upon complaint on oath of the hotel inspector or his duly authorized deputy to prosecute to termination before any court of competent jurisdiction in the name of the State of North Dakota, a proper action or proceeding against any person or persons violating the provisions of this act.

§ 16. Whenever the owner, manager or person in charge of any hotel, restaurant, lodging house or boarding house shall have been convicted as provided in the preceding section and shall for a period of ten days after such conviction fail to comply with any provisions of this act, the license granted to such person to conduct such business may be cancelled by the Hotel Inspector.

§ 17. All act or parts of act in conflict herewith are hereby repealed.

Approved March 8, 1929.

INSURANCE

CHAPTER 145

(H. B. No. 96—Turner.)

CAPITAL STOCK, DOMESTIC INSURANCE COMPANIES

An Act to Amend and re-enact Section 4863 of the 1925 Supplement to the 1913 Compiled Laws of North Dakota.

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

§ 1. That Section 4863, of the 1925 Supplement to the 1913 Compiled Laws of North Dakota be amended and re-enacted to read as follows:

§ 4863. CAPITAL STOCK REQUIRED.] No stock company shall be incorporated under this chapter unless it has a capital stock of at least \$250,000.00, twenty-five per cent of which must be paid in previous to the issuance of any policy and the residue within twelve months from the time of filing the articles of incorporation; provided, that the commissioner of insurance may for good cause shown extend the time of payment of such residue for the further period of not to exceed one year; provided, however, that a domestic stock fire insurance company may be organized under the laws of this state with a capital stock of not less than \$100,000.00 for the purpose of purchasing, acquiring and taking over the business, property and assets of another domestic stock fire insurance company organized under the laws of this state prior to the enactment of Chapter 163 Laws of 1919 with a capital of \$100,000.00 and still doing business in this state, and upon the completion of such purchase and taking over thereof the charter of the selling corporation shall become forfeited and null and void. No fire, cyclone, tornado,

hail, marine, life or accident insurance company of any other state, territory, or nation shall hereafter be admitted to do business in this state unless it has a paid-up capital stock of at least two hundred and fifty thousand dollars in available cash assets, over and above all liabilities for losses reported, expenses, taxes and reinsurance of all outstanding risks.

Approved March 9, 1929.

CHAPTER 146

(H. B. No. 110—Cox.)

INVESTMENT OF FUNDS, REAL ESTATE HOLDINGS, DOMESTIC
INSURANCE COMPANIES

An Act to regulate the investment of funds and the real estate holdings of domestic insurance companies, and prohibiting loans to officers and directors of such companies; and for the repeal of Sections 4843, 4861 and 4862, Compiled Laws of North Dakota for the year 1913.

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

§ 1. INVESTMENT OF FUNDS RESTRICTED.] No domestic insurance company incorporated under the laws of this state shall after the first day of July, 1929, invest in or loan upon any shares of stock of any corporation, other than a municipal corporation; nor, excepting government, state or municipal securities, shall it invest in or loan upon, any bonds or obligations not secured by adequate collateral security, and when more than one-third of the total value of the collateral security shall consist of shares of stock it shall be deemed inadequate. No investment or loan, except policy loans, shall be made by any such insurance company unless the same shall first have been authorized by the board of directors or by a committee thereof charged with the duty of supervising such investment or loan. No such company shall subscribe to or participate in any underwriting of the purchase or sale of securities or property, or enter into any transaction for such purchase or sale on account of said company jointly with any other person, firm or corporation; nor shall any such company enter into any agreement to withhold from sale any of its property, but the disposition of its property shall be at all times within the control of its board of directors. Any such company, in addition to other investments allowed by law, may invest any of its funds and accumulations in the bonds or other obligations of the United States or of any state of the United States or of any county, city, town or village or duly organized school district therein, or of any municipality or civil division of any state, and may loan upon mortgages on improved

unincumbered real estate within this state, or within any state in which such company is or becomes duly authorized and licensed to transact business, worth double the sum loaned thereon, exclusive of buildings, unless such buildings are insured and the policies made payable to the company as its interest may appear, or may invest in first mortgage bonds on improved city real estate, in any state, issued by a real estate corporation duly incorporated under the laws of any state of the United States, wherein the loans are made in accordance with the requirements as to first mortgage loans herein provided. Such companies may also invest in the mortgage bonds of any dividend paying railway company duly incorporated and organized under the authority of this state or any other state, Federal Land Bank bonds, or in the mortgage bonds of any dividend-paying industrial or public utility corporation duly incorporated and organized under the authority of the United States or of any state therein, and it may also make loans on the security of promissory notes amply secured by pledge of any bonds in which such insurance companies are hereby authorized to invest their funds. Domestic life insurance companies may also make loans upon the security of its own policies, but no loan on any policy shall exceed the reserve value thereof.

From and after the taking effect of this act, no insurance company or association organized under the statutes of North Dakota to transact an insurance business, shall invest its capital, surplus funds or other assets in, or loan the same on, property owned by any officer or director of such company or by any of the immediate members of the family of any such officer or director, neither shall any such officer or director gain through the investment of funds of any such company.

§ 2. HOLDING OF REAL PROPERTY LIMITED.] Every such insurance company may acquire, hold and convey real property only for the following purposes and in the following manner:

First. Such as shall be requisite for the convenient accommodation in the transaction of its business.

Second. Such as shall have been mortgaged to it in good faith by way of security for loans previously contracted or for moneys due.

Third. Such as shall have been conveyed to it in satisfaction of debts previously contracted in the course of its dealings.

Fourth. Such as shall have been purchased at sales on judgments, decrees or mortgages obtained or made for such debts.

All such property specified in sub-division two, three and four of this section which shall not be necessary for its accommodation in

the convenient transaction of its business, shall be sold and disposed of within two years after the company shall have acquired title to the same, or within two years after same shall have ceased to be necessary for the accommodation of its business; and it shall not hold such property for a longer period unless it shall procure a certificate from the commissioner of insurance that its interests will suffer materially by the forced sale thereof, in which event the time for sale may be extended to such time as the commissioner shall direct in such certificate.

§ 3. REPEAL.] That Sections 4843, 4861 and 4862, Compiled Laws of North Dakota for the year 1913 be, and the same are, hereby repealed.

Approved March 9, 1929.

CHAPTER 147

(S. B. No. 41—Tofsrud.)

HAIL TAX REFUND

An Act to amend and re-enact Chapter 172 of the Session Laws of North Dakota for the year 1927, providing for a refund to hail tax purchasers and persons paying hail taxes for which they were not liable, designating the funds from which payment shall be made, and declaring the duty of the insurance commissioner in relation thereto.

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

§ 1. AMENDMENT.] Chapter 172 of the Session Laws of 1927 is hereby amended and re-enacted to read as follows:

§ 1. Whenever any lands have been sold for hail taxes to purchasers other than the counties, and it develops that they were subject to a paramount lien and such lien is foreclosed and the purchaser's rights under his tax certificate cut out, such purchaser, or his assigns, shall be refunded the amount of the sale, with interest at the rate of five per cent per annum, by the hail insurance department as hereinafter provided.

§ 2. The holder of the certificate must make application for the refund to the commissioner of insurance, tendering his certificate and an assignment thereof to the hail insurance department and making proof satisfactory to the commissioner of insurance that the title to the land has been lost under a paramount lien and that he has not been compensated in any way for the money paid for the certificate. Upon being so satisfied, the commissioner of insurance shall refund to the holder such amount, with interest. Upon

ing any such refund the commissioner shall take an assignment of the certificate in trust for the benefit of the hail insurance department, and in case the tax debtor ever becomes the owner of the land affected the tax represented by such certificate shall again attach as a lien upon his interest.

§ 3. Any holder of a lien paramount to the hail indemnity tax lien who has paid hail indemnity taxes in connection with the payment of general taxes against the land covered by his lien, which hail indemnity taxes have been paid over by the county auditor or treasurer to the state treasurer to the credit of the hail insurance department, or to the tax sale certificate holder, as the case may be, shall be entitled to have refunded to him from the hail insurance department the amount paid by him on account of such hail indemnity taxes, upon filing application and proof as hereinafter provided, but no interest shall be considered to have accrued thereon from the time of such payment by said lien holder.

§ 4. Such paramount lien holder mentioned in the last preceding section must make application for refund to the commissioner of insurance, tendering his tax receipt containing a notation thereon by the county auditor showing amount of such hail indemnity tax, penalty and interest paid by him, and an assignment thereof to the hail insurance department, and make satisfactory proof to the commissioner of insurance that at the time he paid the said taxes the hail indemnity tax, penalty and interest thereon noted by said county auditor did not constitute a valid lien paramount to lien held by him. Upon being satisfied of such facts the commissioner of insurance shall refund to said lien holder the amount of said hail taxes, penalty and interest paid by him, and shall also issue him a certificate showing the amount of general taxes, penalty and interest which remains as an additional lien to the credit of said tax payer's mortgage. Upon making such payment and certificate the commissioner shall take an assignment of the tax receipt in trust for the benefit of the hail insurance department so far as it relates to said indemnity hail tax, and in case the title of the land affected passes and again reverts to the original mortgagor the hail indemnity taxes shall again attach as a lien upon his interest.

§ 5. Such refunds to certificate holders and to holders of paramount liens who paid hail indemnity taxes for which they were not liable shall be made from the following funds, to-wit: a reserve fund that has been set aside or otherwise created or treated as existing in the hail insurance department as a fund to meet anticipated refunds, or abatements of the indemnity hail taxes, and the fund created by interest collected on all interest bearing funds, of the

state hail insurance department for the year 1927, and successive years. These funds shall be resorted to in order stated to whatever extent may be necessary to make all such refunds.

§ 6. No claim for a refund by a tax certificate holder shall be allowed unless presented within one year after the lien of such tax certificate has been lost except where holders of sheriff's deeds did not redeem the taxes within one year after such deed was due to issue in which case the tax certificate holder shall be allowed 60 days after such tax redemption to apply for refund. Provided, however, that in cases where such loss has occurred prior to July 1st, 1929, the claim may be presented at any time up to January 1st, 1930. No claim for a refund of taxes paid by mortgagee who was holder of paramount lien as provided for in section 4 of this act shall be allowed unless made before January 1st, 1930.

§ 7. At each succeeding session of the legislature the commissioner of insurance shall make a report to the legislature of the refunds made under the provisions of this act, together with the fullest practical statement of probable outstanding claims, together with an estimate of the amounts that will be required in succeeding years to meet the requirements of this act.

§ 8. Whereas some question of constitutionality may become involved as to the right to resort to some of the funds herein mentioned for the purpose to which it is sought to apply them, it is especially declared that the resort to any particular fund is not the inducement for the resort to any other fund mentioned, and that if any such part of this act shall be held to be unconstitutional it is the purpose and intent that all other parts shall nevertheless be valid and enforceable.

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

Approved March 6, 1929.

CHAPTER 148

(H. B. No. 158—J. M. Thompson by Request.)

LIABILITY INSURANCE, ETC., AUTO TRANSPORTATION
COMPANIES

An Act to amend and re-enact Section 2976v9 of the Supplement to the 1913 Compiled Laws of the State of North Dakota, as amended by Chapter 90 of the Session Laws of 1927, relating to and requiring auto transportation companies to procure liability insurance, or surety bonds, for the protection of the interests of the public, and providing for direct liability in case of default in the payment of final judgment, and regulating trials of actions for damages for negligence against said company.

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

§ 1. AMENDMENT.] That Section 2976v9 of the Supplement to the 1913 Compiled Laws of the State of North Dakota be, and the same is hereby amended, and re-enacted to read as follows:

§ 2976v9. INSURANCE OR BOND REQUIRED. LIABILITY OF INSURER AND SURETY. TRIAL.] The commission shall in the granting of certificate to operate any auto transportation company, for transporting persons, and, or property, for compensation require the owner or operator to first procure liability and property damage insurance from a company licensed to make liability insurance in the State of North Dakota or a surety bond of a company licensed to write surety bonds in the State of North Dakota in such amounts as the commission may fix as being adequate for the protection of the interests of the public, with due regard to the hazard and density of traffic, which insurance policy or surety bond shall guarantee the payment of any loss or damage to property, or death or injury to persons, not exceeding the amounts determined by the commission and specified in such policy or bond, resulting from the negligence of such auto transportation company. In any action for damages resulting from negligence of such auto transportation company, the insurer or surety shall not be joined as a party defendant with such auto transportation company, nor shall the fact of the ultimate liability of such insurer or surety be disclosed or commented upon to the jury, but upon final judgment the insurer or surety shall become directly liable to the owner of such judgment for the full amount thereof, but not exceeding the amount of the policy of insurance or surety bond applicable to such loss. Each policy of insurance or surety bond required, shall be filed with the commission and kept in full force and effect and failure so to do shall be cause for the revocation of the certificate.

Approved March 11, 1929.

CHAPTER 149

(H. B. No. 218—Committee on Delayed Bills.)

**DISTRIBUTION AVAILS OF LIFE ASSURANCE PAYABLE TO
DECEASED, HIS HEIRS, ETC.**

An Act to provide for the distribution of the avails of life insurance made payable to the deceased, his personal representatives, his heirs or estate, and exempting such avails from the debts of the decedent.

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

§ 1. The avails of a life insurance policy or of a contract payable by any mutual aid or benevolent society, when made payable to the deceased, the personal representatives of the deceased, his heirs or estate, upon the death of a member of such society or of such insured, shall not be subject to the debts of the decedent, except by special contract, but such avails shall be inventoried as part of the estate of the deceased, and shall be distributed without deduction, and pass to the heirs at law or legatees of the deceased, in due course of administration, in accordance with the laws of succession or will, as the case may be. The insured may by will or contract transfer the avails of such life insurance policies or contracts heretofore or hereafter made; provided, however, that nothing herein contained shall be construed as permitting any insured to dispose by will of the avails of contract by a mutual or fraternal society to anyone who could not be a beneficiary in such contract under the charter or by-laws of such society; provided further that nothing herein contained shall be construed as affecting in any manner any life insurance policy or beneficiary certificate that is made payable to a designated person, including the spouse of the insured, or persons, or to the members of a family designated as a class—for example “all children” or “all brothers and sisters”, even though such children or brothers and sisters are not designated by name. This statute is intended to apply only to life insurance policies and beneficiary certificates that by their terms are made payable to the insured, to the personal representatives of the insured, or to his heirs or estate.

Approved March 11, 1929.

CHAPTER 150

(H. B. No. 154—Freeman.)

MUTUAL INSURANCE POLICIES

An Act to amend and re-enact Section 4874, Compiled Laws of 1913, relating to domestic mutual insurance companies.

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

§ 1. AMENDMENT.] That Section 4874, Compiled Laws of 1913 be, and the same is, hereby amended and re-enacted to read as follows:

§ 4874. PREMIUM. CONTINGENT LIABILITY STATED ON POLICY.] Mutual insurance companies other than life shall charge and collect upon their policies the full mutual premium in cash or notes, and may by their by-laws fix the contingent mutual liability of its members for the payment of losses and expenses not provided for by their cash funds; provided, that such contingent liability of a member shall not be less than a sum equal to, and in addition to the cash premium written in his policy; provided, further, that in case said premium be not so paid in cash or unconditional notes within sixty days from the date of issue, the policy shall become and be absolutely void and to remain void during the non-payment of such premium, and upon payment of the premium as above provided, such policy shall re-attach; provided, there has been no loss while the policy was void. The total amount of the liability of a policy holder shall be clearly and legibly stated upon the back of each policy.

Approved March 7, 1929.

CHAPTER 151

(S. B. No. 150—Magnuson.)

INVESTMENT FUNDS COUNTY MUTUAL INSURANCE COMPANIES

An Act to amend and re-enact Chapter 168 of the Session Laws of the State of North Dakota for the year 1927, relating to the investment of funds of county mutual insurance companies, and prescribing the character of such investment.

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

§ 1. That Chapter 168 of the Session Laws of 1927 be amended and re-enacted as follows:

From and after the taking effect of this act every county mutual insurance company, organized or existing under Article 20 of Chapter 18 of the Civil Code of North Dakota, and acts amendatory thereto, must have and keep sixty per cent of all its reserve or moneys over and above \$1,000.00 accumulated in the course of its business invested in United States Bonds, United States Treasury Certificates, bonds of the State of North Dakota, or of certificates of deposit issued by the Bank of North Dakota.

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

Approved March 9, 1929.

CHAPTER 152

(H. B. No. 87—Thatcher.)

SURVEYS FIRE INSURANCE RATES

An Act to require rating bureaus to make written surveys of certain rates for fire insurance; to provide for hearings on complaints and a review by the commissioner of insurance of the same, and providing an appropriation for the administration of this act by the commissioner of insurance and his department.

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

§ 1. Every rating bureau engaged in making rates or estimates for rates for insurance on property in this state shall inspect every risk specifically rated by it upon schedule and make a written survey of such risk. A copy of any such survey shall be furnished to the commissioner of insurance of this state and to the owner of the property upon written request.

§ 2. Upon written complaint that the survey on any individual risk is not correctly made up in accordance with the standard method of rating used in this state, the commissioner of insurance shall have power to make a full investigation of the same in the bureau and at the location of the property involved and if after investigation and hearing he is satisfied said rating is not correctly made up, he shall order said rating to be corrected to conform to said standard method of rating. The bureau shall be furnished with a copy of any such complaint.

§ 3. No such hearing shall be had until after ten days written notice to the bureau and the owner of the property involved in said hearing. Said hearing shall be held at the place designated by the

commissioner of insurance. During the pendency of such hearing the rate involved shall be suspended and in the event the final determination shall be that said rate is excessive, any overcharge on account of such rate found to be excessive shall be refunded to the insurer.

§ 4. There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of ten thousand dollars (\$10,000.00) or so much thereof as is needed, to pay salaries, traveling and other expenses necessarily incurred by the commissioner of insurance and his department in the administration of this act.

Approved March 11, 1929.

LIENS

CHAPTER 153

(H. B. No. 209—Indergaard.)

REGISTER OF DEEDS INDEX CONTINUING CROP LIENS

An Act providing that the register of deeds shall keep a separate index for continuing crop liens.

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

§ 1. Every register of deeds shall in addition to the registry index provided by Section 6765 of the Compiled Laws of the State of North Dakota for 1913, keep an index of "continuing crop liens", in which it shall be the duty of the register of deeds upon receiving any crop mortgage or other instrument which is a continuing lien upon any crops upon lands within his county which lien affects the crops of two or more crop years, to make an entry in such index of "continuing crop liens", which entry shall be a duplicate of his entry made in the registry index as provided in Section 6765 of the Compiled Laws of North Dakota for 1913.

§ 2. This law shall not be construed to entitle any instrument to be filed in the office of the register of deeds which would not under the laws now in force be entitled to be so filed.

Approved March 11, 1929.

CHAPTER 154

(S. B. No. 164—O. H. Olson and Lynch.)

REPEAL NOTICE AND CONSENT OF OWNER MECHANICS LIEN

An Act to repeal Section 6816 of the Compiled Laws of North Dakota for the year 1913 relating to notice and consent of the owner in order to protect a mechanic's lien.

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

§ I. REPEAL.] That Section 6816 of the Compiled Laws of North Dakota for the year 1913, be, and the same is hereby repealed.

Approved March 11, 1929.

CHAPTER 155

(S. B. No. 163—O. H. Olson and Lynch.)

LANDS SUBJECT TO MECHANICS LIEN—FORECLOSURE
ON BUILDINGS SEPARATE FROM LAND

An Act to amend and re-enact Section 6823 of the Compiled Laws of the State of North Dakota for 1913, relating to lands subject to mechanic's liens, and providing in certain cases for the foreclosure of the lien on the buildings separate from the land; and repealing all acts and parts of acts in conflict herewith.

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

§ I. AMENDMENT.] That Section 6823 of the Compiled Laws of the State of North Dakota for 1913, be, and the same is hereby amended and re-enacted to read as follows:

§ 6823. LAND SUBJECT TO LIEN.] The entire land upon which any such building, erection of or other improvement is situated, or to improve which the labor was done or things furnished, including that portion of the same not covered therewith, shall be subject to all liens created by this chapter to the extent of all the right, title and interest owned therein by the owner thereof for whose immediate use or benefit such labor was done or things furnished and when the interest owned in such land by such owner of such building, erection, or other improvement is only a leasehold interest, the forfeiture of such lease for the non-payment of rent or for non-compliance with any of the other stipulations therein shall not forfeit or impair such lien so far as it concerns such buildings, erections and improvements, but the same may be sold to

satisfy such lien and be removed within thirty days after the sale thereof by the purchaser. In addition to the lien, as hereinbefore provided when material is furnished or labor performed in the erection or construction of an original, complete and independent building, erection or improvement, whether the same has been placed upon a foundation or not, the lien provided for by this chapter shall attach to such building, erection or improvement in preference to any prior title, claim, lien, incumbrance or mortgage upon the land upon which such building, erection or improvement is erected, and upon foreclosure of such lien, such building, erection or improvement may be sold separately from the land, and may be removed from the land within the time herein specified; and in the event of such sale of said building separate from the land and the removal of said building therefrom the same shall be and operate as a full satisfaction and discharge of the lien upon such real estate. It is further provided that at the time the material is furnished, the seller thereof shall notify the purchaser by delivering to him a written notice advising the purchaser that the seller has the right under the lien laws of the State of North Dakota, in the event that there is a default in the payment thereof, to remove, by means of a foreclosure of said lien, said building from the real estate upon which it is placed, regardless of whether or not said building is placed upon a foundation.

§ 2. REPEAL.] All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 12, 1929.

CHAPTER 156

(H. B. No. 174—Steedsman and Aljets.)

PROCEDURE THRESHERS LIEN

An Act to amend and re-enact Section 6855 of the Supplement to the Compiled Laws of North Dakota for 1913.

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

§ 1. AMENDMENT.] That Section 6855 of the Supplement to the Compiled Laws of North Dakota, be and is hereby amended and re-enacted to read as follows:

§ 6855. PROCEDURE TO OBTAIN LIEN.] Any person entitled to a lien under this chapter shall within twenty days after the threshing is completed, file in the office of the register of deeds of the County of which the grain was grown a statement in writing,

verified by oath, showing the kind and quantity of grain threshed, the price agreed upon for threshing the same, either by threshing machines or by combines, either by the acre, the bushel, the hour, or the day; or if no price has been agreed upon then the reasonable value, the name of the person for whom the threshing was done and a description of the land upon which the grain was grown. Unless the person entitled to the lien shall file such statement within the time aforesaid he shall be deemed to have waived his right thereto.

Approved March 11, 1929.

LIVE STOCK

CHAPTER 157

(S. B. No. 92—Committee on Appropriations.)

LIVE STOCK SANITARY BOARD—SALARY, ETC., EXECUTIVE OFFICER

An Act to amend and re-enact Section 2683 of the Compiled Laws of North Dakota for the year 1913, relating to the executive officer of the state live stock sanitary board.

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

§ I. AMENDMENT.] That Section 2683 of the Compiled Laws of North Dakota for the year 1913, be amended and re-enacted to read as follows:

§ 2683. SALARY OF EXECUTIVE OFFICER. BOND. OATH.] The executive officer of the state live stock sanitary board shall receive for his services such annual salary as shall be provided in the general appropriation bill and the payment of such salary shall be made from moneys appropriated for that purpose. Before entering upon the discharge of his duties he shall give a bond to the State of North Dakota with good and sufficient surety in the sum of five thousand dollars, conditioned on the proper discharge of the same. He shall furthermore receive actual expenses incurred and paid by him in the discharge of his duties, and such amounts shall be paid out of the fund appropriated for that purpose. Said executive officer shall, upon entering upon his duties, take an oath well and truly to perform all duties required of him by law, which said oath

shall be taken before any judge of a district court or notary public within the state and shall be filed with the secretary of state.

§ 2. REPEAL.] All acts and parts of acts in conflict with this act are hereby repealed.

Approved February 21, 1929.

CHAPTER 158

(H. B. No. 214—Bell.)

RE-TESTING CATTLE IN MODIFIED ACCREDITED
TUBERCULOSIS-FREE COUNTIES

An Act to provide for the re-testing of cattle in modified accredited tuberculosis-free counties for the eradication of bovine tuberculosis for the purpose of re-accrediting counties prior to expiration of period of accreditation in such counties, and authorizing boards of county commissioners to appropriate funds therefor.

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

§ 1. When the state live stock sanitary board notifies the board of county commissioners of any accredited county in this state that the cattle within such accredited county shall be re-tested to conform to the federal and state regulations governing the re-accrediting of counties, the boards of county commissioners of such counties are hereby authorized to provide such funds as may be necessary to re-test the cattle within the county for the purpose of re-accrediting such county.

Approved March 9, 1929.

CHAPTER 159

(S. B. No. 219—Hoople.)

MAXIMUM VALUATION CATTLE CONDEMNED FOR
TUBERCULOSIS

An Act to amend and re-enact Section 2702 of the Supplement to the Compiled Laws of 1913, relating to the maximum valuation of cattle condemned for tuberculosis.

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

§ 1. AMENDMENT.] That Section 2702 of the Supplement to the Compiled Laws for the year 1913 be amended and re-enacted to read as follows:

§ 2702. MAXIMUM VALUATION.] In no case shall the appraised value of a grade neat cattle of two years old or more exceed eighty dollars, nor that of a grade neat cattle under two years old exceed forty dollars; provided, in the case of pure bred neat cattle, accompanied by a certificate of registration in a recognized herd book, the appraised value of said pure bred neat cattle of two years old or over shall not exceed one hundred fifty dollars, nor that of said pure bred cattle under two years of age exceed seventy-five dollars.

§ 2. REPEAL.] All acts and parts of acts in conflict with this act are hereby repealed.

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

Approved March 4, 1929.

MARRIAGE

CHAPTER 160

(S. B. No.177 —Hoople by Request.)

MARRIAGE AND MARRIAGE LICENSE

An Act to amend and re-enact Section 4361, Compiled Laws of North Dakota for 1913, relating to marriages and marriage licenses.

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

§ 1. That Section 4361 of the Compiled Laws of North Dakota for 1913 be, and the same is, hereby amended and re-enacted to read as follows:

§ 4361. WHO MAY SOLEMNIZE MARRIAGES. LICENSE.] Marriages may be solemnized by all judges of courts of record within their respective jurisdictions; by justices of the peace, within their respective jurisdictions; by ordained ministers of the gospel and priests of every church; but marriages solemnized by the society of Friends or Quakers, according to the form used in their meetings shall be valid. No person shall solemnize any marriage until the parties thereto shall produce a license, issued, except as hereinafter provided, by the county judge of the county in which either one of the contracting parties resides, or if such county is unorganized, of the county to which it is attached for judicial purposes. When a

person authorized by law shall solemnize a marriage, he shall fill out and sign a certificate following the marriage license on the blank form prescribed by law, giving his official title, or if a minister of the gospel or priest, the ecclesiastical body with which he is connected and return such license and certificate to the county judge of the county where the license originally was issued, within thirty days thereafter. Such certificate shall be signed by two witnesses to the marriage ceremony in addition to the signature of the person who solemnized the marriage. Provided, that when a county judge shall desire to have a license for his own marriage issued in the county of his residence he may request the county judge of another county to act in his stead upon the application therefor, and thereupon such other county judge shall have power and authority so to act and to issue the license in the county of the residence of the judge seeking the same upon compliance with the other provisions of law relating thereto; such request shall be in writing and shall be filed with the application and other papers relating to it and shall be recorded upon the margin or elsewhere in the marriage record. Provided, further, that upon the return of such license the county judge of the county in which it was issued shall have power and authority to record it and note the record thereon notwithstanding said judge is one of the contracting parties named therein.

Approved March 7, 1929.

MISSOURI RIVER DEVELOPMENT COMMISSION

CHAPTER 161

(H. B. No. 145—Burkhart and Rulon.)

MISSOURI RIVER DEVELOPMENT COMMISSION

An act creating a Missouri river development commission.

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

§ 1. There is hereby created a Missouri River Development Commission, which shall be composed of three members, freeholders of the State of North Dakota, said members to be appointed by the

governor and to hold office for a period of two years, from and after their appointment. The governor and the state engineer shall be ex-officio members of said commission. The members of said commission shall receive no compensation other than their necessary traveling expenses.

Approved March 9, 1929.

MOTOR VEHICLES

CHAPTER 162

(H. B. No. 231—Freeman.)

ATTACHMENT MOTOR VEHICLES IN ACCIDENTS THROUGH NEGLIGENCE

An Act providing that attachment shall lie as against motor vehicles, in case of accidents occasioned through the negligence of the driver or owner thereof.

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

§ 1. In any action brought against the owner of any motor vehicle in any court of this state having jurisdiction of the cause, in which action the complaint is duly verified by the plaintiff, and the cause of action as set forth in such complaint is for damages alleged therein to have been caused by the negligence of such owner of any motor vehicle or his duly authorized agent, the motor vehicle alleged to have been driven, occupied or owned by a negligent driver or owner thereof, at the time of such accident, may be attached in manner by law provided.

Approved March 8, 1929.

CHAPTER 163

(H. B. No. 232—Hausman and Henderson through Delayed Bills
Committee.)

BOND BY PERSONS CONVICTED OF RECKLESS DRIVING, ETC.

An Act to require persons convicted of reckless driving, or of driving a motor vehicle while under the influence of intoxicating liquor or narcotic drugs, or of failure to stop in event of an accident involving injury or death to a person, to furnish a bond; providing for the enforcement of such act; and providing a penalty for the violation thereof.

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

§ 1. Every person, convicted of reckless driving on a public highway and every person convicted of driving a motor vehicle upon a public highway while under the influence of intoxicating liquor or narcotic drugs, and every person convicted of failure to stop in event of an accident involving injury or death to a person, shall be required to secure and file with the registrar of motor vehicles, before again driving a motor vehicle after such conviction, a personal or surety bond in the sum of two thousand dollars (\$2,000.00) conditioned that if such convicted person, shall, within two years after such conviction, by reason of negligent driving of a motor vehicle, cause the death of, or injury to, any person, or damage any property, such convicted person shall pay or cause to be paid any or all lawful claims against him arising therefrom. Such bond shall be given for a period of two (2) years from and after such conviction, shall run to the State of North Dakota as obligor, shall be approved by the clerk of the district court in which such conviction is had, and shall stand as security for any judgment obtained by any person having a lawful claim against such convicted person for any death, personal injury or property damage, subsequently and during the period covered by such bond arising from the driving of a motor vehicle by such convicted person.

§ 2. It is hereby made the duty of every justice of the peace, and of every police magistrate, or judge of any other court of the county in this state, to make a full and complete report to the registrar of motor vehicles, of any conviction had in his court for reckless driving on a public highway, or for driving a motor vehicle upon a public highway while under the influence of intoxicating liquor or narcotic drugs, or for failure to stop in event of an accident involving injury or death to any person, within ten (10) days after such conviction.

§ 3. Any person hereafter convicted of reckless driving upon a public highway or convicted of driving a motor vehicle while

under the influence of intoxicating liquor or narcotic drugs, or convicted of failure to stop in event of an accident involving injury or death to any person, who shall drive a motor vehicle upon a public highway without having first filed the bond herein required, shall be guilty of a violation of this act, and upon conviction thereof, shall be punished by a fine of not less than one hundred dollars, (\$100.00) or not more than one thousand dollars, (\$1,000.00) or by imprisonment in the county jail for not less than thirty (30) days, or not more than six (6) months, or by both such fine and imprisonment.

Approved March 8, 1929.

CHAPTER 164

(S. B. No. 195—Sperry.)

**ENDORSEMENT AND DELIVERY MOTOR VEHICLE CERTIFICATE
OF TITLE UPON TRANSFER**

An Act to amend and re-enact Section 6, of Chapter 180 of the North Dakota Session Laws of 1927, relating to the endorsement and delivery of certificate of title upon a transfer of title or interest.

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

§ 1. AMENDMENT.] That Section 6 of Chapter 180 of the North Dakota Session Laws of 1927, be amended and re-enacted to read as follows:

§ 6. ENDORSEMENT AND DELIVERY OF CERTIFICATE OF TITLE UPON A TRANSFER OF TITLE OR INTEREST.]

(a) The owner of a motor vehicle for which a certificate of title is required hereunder shall not, after July 1, 1927, sell or transfer his title or interest in or to such vehicle unless he shall have obtained a certificate of title thereto nor unless having procured a certificate of title he shall in every respect comply with the requirements of this Section and any person who violates the provisions of this Section shall be guilty of a misdemeanor and upon conviction shall be punished as provided in section 19 of this act.

(b) The owner who sells or transfers his title or interest in or to such motor vehicle after July 1, 1927, shall endorse an assignment and warranty of title upon the certificate of title for such vehicle with a statement of all liens or encumbrances thereon (which statement shall be verified under oath by the owner) and the owner shall deliver the certificate of title to the purchaser or transferee at the time of delivering the vehicle.

(c) The transferee, except as provided in the next succeeding paragraph, shall thereupon present such certificate, endorsed and assigned as aforesaid, to the department, accompanied by a transfer fee of one dollar, and make application for and obtain a new certificate of title for such vehicle.

(d) When the transferee of a vehicle is a dealer, who holds the same for resale and operates the same only for purposes of demonstration, such transferee shall not be required to forward the certificate of title to the department, as provided in the preceding paragraph, but such transferee, upon transferring his title or interest to another person, shall execute and acknowledge an assignment and warranty of title upon the certificate of title and deliver the same to the person to whom such transfer is made.

(e) Whenever the ownership of any motor vehicle shall pass otherwise than by voluntary transfer, the new owner may obtain a certificate of title therefor from the department upon application therefor and payment of a fee of one dollar accompanied with such instruments or documents of authority, or certified copies thereof, as may be required by law to evidence or effect a transfer of title or interest in or to chattels in such case. The department, when satisfied of the genuineness and regularity of such transfer, shall issue a new certificate of title to the person entitled thereto.

(f) When the transferee of a motor vehicle is unable to obtain a properly assigned certificate of title for such vehicle, and makes application for a new certificate of title and presents satisfactory proof of ownership, the department may cancel the old certificate of title and issue a new certificate of title to such transferee.

§ 2. EMERGENCY.] 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 March 9, 1929.

CHAPTER 165

(S. B. No. 194—Sperry.)

MOTOR VEHICLE LICENSE FEES WHEN DELINQUENT

An Act to amend and re-enact Section 29, of Chapter 179 of the North Dakota Session Laws of 1927, relating to when fees on motor vehicles become delinquent and penalties.

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

§ 1. AMENDMENT.] That Section 29 of Chapter 179 of the North Dakota Session Laws of 1927, be amended and re-enacted to read as follows:

§ 29. WHEN FEES DELINQUENT: PENALTIES.] The license fee under this act to be paid upon a motor vehicle shall become due as soon as such vehicle shall first be used upon the public streets or highways in this state, and upon January 1st in each year thereafter. License fees due upon January 1st shall be paid upon transfer of ownership in the vehicle, and in any event on or before May 15th, and shall be delinquent after May 15th unless paid. License fees falling due between May 15th and December 31st shall become delinquent upon the expiration of five days after the same become due.

A penalty of 10 cents per day shall be added to the license fee required under this act for each and every day such license fee shall be delinquent for not to exceed fifteen days and two (\$2.00) dollars per month thereafter for each month or fraction thereof for not to exceed five months.

This amended and revised section is declared to be an emergency measure and shall take effect and be in force from and after its passage and approval.

Approved March 9, 1929

CHAPTER 166

(S. B. No. 168—Watt.)

MOTOR VEHICLE FUEL TAX

An Act to amend and re-enact Sections 2, 3, 4, 5 and 6 of the initiated measure entitled, "An Act to Impose a Tax Upon the Sale of Motor Vehicle Fuels; Providing for the Collection of said Tax, for Reports of Sales of Such Motor Fuels and for the Disposition of the Revenue Derived therefrom; Providing for the Licensing and Bonding of Dealers in Motor Vehicle Fuels and the Revocation of such License; Regulating the sale of Such Fuels and Fixing Penalties for the Violation of this Act. Repealing all Acts or Parts of Acts in Conflict with the Provisions of this Act," and approved at a statewide election held June 30, 1926.

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

§ 1. AMENDMENT.] That sections 2, 3, 4, 5 and 6 of the initiated measure entitled, "An Act to impose a tax upon the sale of motor vehicle fuels; providing for the collection of said tax, for reports of sales of such motor fuels and for the disposition of the revenue derived therefrom; regulating the sale of such fuels and fixing penalties for the violation of this act. Repealing all acts or parts of acts in conflict with the provisions of this Act", and approved at a statewide election held June 30, 1926, is hereby amended and re-enacted to read as follows:

§ 2. AMENDMENT.] That each and every dealer in motor vehicle fuel, as defined in this act, who is now engaged, or who may hereafter engage in his own name, or in the name of others, or in the name of his representative or agents, in this state, in the sale or use of motor vehicle fuel as herein defined, shall, not later than the 15th day of each calendar month render to the state auditor, on forms prescribed, prepared, and furnished by the state auditor, a sworn statement of the number of gallons of motor vehicle fuel sold or used by him or them during the preceding calendar month, which statement shall be sworn to by one of the principal officers, in case of domestic corporation; or by the resident general agent, or agents, or attorney-in-fact, or by a chief accountant or officer in case of a foreign corporation; by the managing agent or owner in case of a firm association or individual; and shall contain a statement of the quantities of motor vehicle fuel sold or used within the State of North Dakota from his or their respective places of business, and if any of such motor vehicle fuel has been sold and delivered by said dealer to customers in the original package, whether in tank cars, barrels or other packages and in the same form and condition in which the same was imported, said statement shall show the amount of motor vehicle fuel so sold and the names and addresses of the persons, firm or corporations to whom the same was sold.

Said dealer shall pay a license tax of three cents per gallon on all motor vehicle fuel used and sold by him, other than such fuel sold by him or them, in the original packages as above specified, and shall have the option of paying said tax of three cents per gallon on all motor vehicle fuel sold by him or them, in the state, in the original packages in which the same was imported as above specified.

Whenever any sale is made by a dealer of motor vehicle fuel in the original packages in which the same was imported as above specified, such dealer shall deliver to the purchaser thereof an invoice of such motor vehicle fuel, stating the name and address of the purchaser, the quantity and kind of fuel sold, and whether or not said dealer assumes and agrees to pay the license tax on said fuel above specified, and such dealer shall transmit to the state auditor at the same time he shall render the statement above specified, duplicate copies of all such invoices issued and delivered by him during the period covered by such statement.

§ 3. AMENDMENT.] Every dealer paying such license tax or being liable for the payment thereof, shall be entitled to charge and collect the sum of three cents per gallon, on such motor fuel sold by him, as a part of the selling price thereof.

§ 4. AMENDMENT.] (a) It shall be unlawful for any dealer, as herein defined, to engage in business in this state as a dealer, unless such dealer is the holder of an unrevoked license issued by the state auditor to engage in such business. To procure such license such dealer shall file with the state auditor a sworn application upon a form prescribed and to be furnished by the state auditor. Such application shall contain the name under which the applicant intends to transact business; the names and addresses of the several persons constituting the firm or partnership; and if a corporation, the corporate name, the state where and time when incorporated, the name of its officers and directors; and if a foreign corporation, the name of its resident agent, the location of its place or places of business, the date such business was established; and any other information the state auditor may require. Such application shall be signed and sworn to by the owner or owners of such business, if an individual, partnership or unincorporated association, and if a corporation, by the president and secretary thereof. At the time of applying for such license every applicant shall pay to the state auditor as a license fee, the sum of two dollars; which fee shall be transferred to the state treasury and there be credited to the general fund.

(b) Upon the filing of such application and the payment of such fee, the state auditor shall issue to such applicant a license which shall authorize the holder thereof to engage in business in

this State as a dealer, as defined herein, until the 30th day of June of each odd numbered year following the date of its issuance, unless such license shall be revoked within that period by the state auditor, as provided by law.

(c) If the holder of such license shall at any time, refuse or neglect, to file his or its monthly report and pay the full amount of the tax at the times, in the manner, and at the place such report is required to be filed and the tax required to be paid under the provisions hereof, the state auditor shall forthwith revoke such license and shall promptly notify the holder thereof, by notice sent by registered mail to the address of such holder, appearing in his records; provided, that if said report is filed and the tax paid within ten days after the same become due, and it be established under oath that such delay was due to accident or justifiable oversight, then the state auditor may continue in full force and effect such license.

(d) Before any dealer, whose license has been revoked, shall be entitled to apply for or obtain a license as provided in paragraph (a) hereof, such dealer shall pay to the state auditor any and all delinquent license tax, penalties and costs that remain unpaid by such dealer, and shall file with the state auditor a surety bond, upon which said dealer shall be the obligor, conditioned to secure the prompt filing of true reports and the full payment of any and all license tax that may thereafter accrue and become payable under the provisions of this act. Such bond shall be in such amount as the state auditor shall determine, but not to exceed three times the amount of the state license tax on all gasoline sold by such dealer during the preceding month, and not less than \$500.00. Such bond shall run to the people of the State of North Dakota and shall be conditioned upon the prompt filing of true reports and the payment of the full amount of the tax at the times, in the manner and at the place required under the provisions of this act; provided, further, that in the event any such dealer shall fail to promptly file his or its monthly reports and pay the full amount of the tax thereon, as provided by law, after having filed a surety bond with the State Auditor as herein provided, the state auditor may require said dealer to furnish such other and further bond as he shall deem necessary, conditioned to at all times secure the payment of any and all license tax due to the State of North Dakota under the provisions of this act. Upon the failure to file such new and further bond, the state auditor shall forthwith revoke the license of such dealer, in manner provided by law.

(e) When any sale of motor vehicle fuel is made upon which a refund or repayment of the tax thereon, as hereinafter provided, may be made or claimed, the person, persons, firm or corporation making such sale shall deliver to the purchaser thereof an invoice or

ticket, which shall show thereon, among other things, the name of such person, persons, firm or corporation, the place of business, the date of sale, the place of delivery of such motor vehicle fuel, the name and address of the purchaser, the number of gallons of motor vehicle fuel sold, the price thereof, the amount of license tax charged. Such invoice or ticket shall be numbered and show thereon that it is the purchaser's invoice, and shall be signed by such person, persons, firm or corporation or its duly authorized agent. Such invoice or ticket shall also be signed by the purchaser of such motor vehicle fuel.

§ 5. AMENDMENT.] That said license tax in respect to motor vehicle fuel sold or used in any calendar month, shall be paid at the same time the statement provided for in Section 2 hereof is rendered, to the state auditor, who shall receipt to the dealer therefor, and shall forthwith pay over all the money thus received to the state treasurer, except such money as shall have been expended by said state auditor for the purpose of making refunds as herein provided. The state treasurer shall promptly credit to the state highway commission two-thirds (2-3) of said license tax. The money so credited, being two-thirds of said license tax, is hereby appropriated to be used by such commission for the construction, reconstruction, maintenance or repairs of highways or roads under the jurisdiction of said commission. One-third of said license tax so received by the state treasurer, shall be deposited by him to a "County Highway Aid Fund". During the months of January, April, July and October of each year, the state treasurer, upon the warrant of the state auditor, shall apportion and disburse all of the moneys in such "County Highway Aid Fund" not previously disbursed, including interest received thereon, to the various counties of the state in the same proportion and ratio as the motor vehicle registration fund collected in each county shall bear to the total motor vehicle registration fund collected in all the counties of the state during the entire preceding calendar year as shown by the certificate of the registrar of motor vehicles. Such moneys so received by the respective counties shall be set aside in a separate fund, under the jurisdiction and control of the board of county commissioners, and appropriated and employed solely by such counties in the construction, reconstruction, maintenance and repair of county highways, bridges, and culverts thereon leading up to and connecting with federal aid and state aid highways. On making the payments to the state auditor as provided in this section, the dealer shall first deduct from the amount of tax due, one and one-half per centum thereof to cover the cost of collecting said tax and transmitting the same to the state auditor, provided, that in order to reimburse the State on account of the expenses of carrying the provisions of this Act into effect, the state auditor is hereby authorized and directed to credit to the gen-

eral fund of the state, on the first day of July of each year, the sum of twenty-five thousand dollars out of the moneys collected as a license tax under the provisions of this act.

§ 6. AMENDMENT.] That any person or persons, firm or corporation who shall buy or use any motor vehicle fuel as defined in this act, for the purpose of operating and propelling stationary gas engines, tractors used for agricultural purposes, motor boats, airplanes or aircraft, or who shall purchase or use any of such fuel for lighting, heating, cleaning or dyeing or other commercial use of the same, except motor vehicles operated or intended to be operated, in whole or in part upon any of the public highways in the State of North Dakota, on which motor fuel tax imposed by his act has been paid; shall be reimbursed and repaid the amount of such tax paid by him, on presentation to the state auditor, on a form prescribed by the state auditor, of a sworn statement setting forth the total amount of such fuel purchased and used by such consumer, other than in motor vehicles operated or intended to be operated upon any of the public highways in the State of North Dakota, and the purpose for which said motor fuel upon which he claims exemption from said tax was used, and such (such) other information as the state auditor shall require, and the state auditor, upon the presentation of such sworn statement, together with the invoice or ticket hereinbefore provided for and marked paid, shall cause to be repaid to such consumer, from the taxes collected on motor fuels, the said taxes on fuels purchased or used for other than motor vehicles as aforesaid; provided that no refund or repayment shall be made unless such claimant thereof shall make application therefor within nine months from and after the purchase of such motor vehicle fuel. Applications for refunds or repayments shall not be made oftener than at the beginning of the quarter of each calendar year. The state auditor shall withhold payment of any refund or repayment until the tax upon such motor vehicle fuel, on which refund or repayment is claimed, shall have been paid.

§ 7. The provisions of this act are severable, and if any of its provisions shall be held unconstitutional, the decisions of the court shall not affect or impair any of the remaining provisions of this act. It is hereby declared, as of legislative intent, that this act would have been adopted had such unconstitutional provisions not been included therein.

§ 8. All acts and parts of acts in conflict herewith, are hereby repealed.

Approved March 14, 1929.

CHAPTER 167

(S. B. No. 65—Matthaei.)

MOTOR VEHICLE REGISTRATION

An Act to amend and re-enact Section 19 of Chapter 179, Session Laws 1927: "An act to provide for the taxing and licensing of motor vehicles and trailers, the creation of a department of motor vehicle registration, the appointment of a registrar of motor vehicles, his powers and duties, establishing the method of distribution of the fees received therefrom, fixing penalties for violation of this act and providing for an appropriation for administering the same and for the use of the state highway commission, and to make uniform the law relating to the subject matter of this act."

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

§ 1. Section 19 of Chapter 179 of Session Laws 1927 is hereby amended and re-enacted to read as follows:

§ 19. REGISTRATION BY NON-RESIDENTS.]

(a) A non-resident owner, except as otherwise provided in this section, owning any foreign vehicle which has been duly registered for the current calendar year in the state, county or other place of which the owner is a resident and which at all times when operated in this state has displayed upon it the number plate or plates issued for such vehicle in the place of residence of such owner, may operate or permit the operation of such vehicle within this state without registering such vehicle or paying any fees to this state.

(b) Except a non-resident owner of a foreign vehicle operated within this state for the transportation of persons or property for compensation or for the transportation of merchandise, shall register such vehicle and pay the same fees therefor as are required with reference to like vehicles owned by residents of this state.

(c) And except further, that every non-resident, including any foreign corporation carrying on business within this state and owning and regularly operating in such business any motor vehicle, within this state, shall be required to register each such vehicle and pay the same fees therefor as are required with reference to like vehicles owned by residents of this state.

Approved February 27, 1929.

MUNICIPAL CORPORATIONS

CHAPTER 168

(H. B. No. 99—Northridge.)

NUMBER OF ALDERMEN IN CITIES

An Act to amend and re-enact Section 3582 of the Compiled Laws of North Dakota for 1913, relating to the number of aldermen in cities.

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

§ 1. AMENDMENT.] That Section 3582 of the Compiled Laws of North Dakota for 1913 be amended and re-enacted as follows:

§ 3582. NUMBER OF ALDERMEN.] The number of aldermen shall be as follows: In cities of six hundred inhabitants or less, four aldermen who shall be elected at large; exceeding six hundred but not exceeding two thousand inhabitants, six aldermen; exceeding two thousand but not exceeding four thousand, eight aldermen; exceeding four thousand but not exceeding ten thousand, twelve aldermen; exceeding ten thousand but not exceeding fifteen thousand, fourteen aldermen; and two additional aldermen for each ten thousand inhabitants over fifteen thousand; provided, that in cities of over one hundred thousand inhabitants there shall be elected thirty-six aldermen and no more, the population to be determined by the last census; provided, however, if an official census has been taken by the federal government within one year it shall govern; provided, however, that whenever a census of the city shall show a population requiring more aldermen than are in the council at the time of taking such census, the city council shall not be required to make such change in the number of aldermen and the corresponding change in the number of wards of such city unless a majority of the legal voters thereof, to be determined by the number of names on the poll list of the last annual election, petition therefor.

§ 2. REPEAL.] All acts or parts of acts in conflict with this act are hereby repealed.

Approved March 7, 1929.

CHAPTER 169

(S. B. No. 82—Van Arnam.)

LIMITATION BOND ISSUES CITIES

An Act to amend and re-enact subdivision C of section 4, of paragraph 2, of chapter 196 of the Session Laws of North Dakota for the year 1927.

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

§ 1. AMENDMENT.] That subdivision C of Section 4 of Paragraph 2 of Chapter 196 of the Session Laws of North Dakota, for the year 1927 be amended and re-enacted to read as follows:

(c) For the construction and extension of water works plants or purchase of existing plants, construction and improvements of watermains, sewers and drains; to provide the erection, planning, construction and establishment of a sewage disposal plant or system; or for the erection and construction and enlargement of garbage disposal plants, and to purchase sites and grounds, either within or without the limits of the city for the disposal of sewage, garbage and other refuse; or for the leasing or purchase of lands, either within or without the limits of the city, for the purpose of providing airports or landing fields or for the construction of buildings thereon or the procuring of equipment therefor, and other like municipal purposes; provided, however, that any city may borrow money on the credit of the corporation for any corporate purpose, and issue bonds therefor to an amount including existing indebtedness, not exceeding 5% of the taxable property therein.

§ 2. REPEAL.] All acts or parts of acts in conflict with this act are hereby repealed.

§ 3. EMERGENCY.] This act is hereby declared an emergency measure, and shall be in full force and effect from its passage and approval.

Approved February 11, 1929.

CHAPTER 170

(S. B. No. 1—Bond.)

CITY BOND ISSUES SPECIAL IMPROVEMENT DEFICIENCY
SALE OF BONDS

An Act to amend and re-enact Paragraph (g) of Sub-section (2) of Section 4 and Sub-section (1) of Section 17 of Chapter 196, Session Laws of North Dakota for the year 1927.

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

§ 1. AMENDMENT.] That Paragraph (g) of sub-section (2) of Section 4, Chapter 196, Session Laws of North Dakota, 1927, be amended and re-enacted to read as follows:

(g) To provide money for the payment of any deficiency in the fund of any special improvement district whenever the special assessments or taxes heretofore or hereafter levied and collected for the specific improvement are then insufficient to pay the principal or interest of any special improvement warrants issued for such improvement and then due and unpaid, but only to the extent of such deficiency.

§ 2. AMENDMENT.] That sub-section (1) of Section 17 of Chapter 196, Session Laws of North Dakota, 1927, be amended and re-enacted to read as follows:

(1) No municipality shall sell or enter into a contract for the sale of any issue of its bonds authorized by this act, for whatever purpose issued, without first advertising for bids in the manner prescribed by this section, except that bonds issued under the authorization of paragraph (g) of sub-section (2) of section 4 of this act, including village bonds for such purposes, may, with the consent of the warrant holders, be exchanged for matured warrants or matured interest coupons of warrants of the special improvement fund having the deficiency on account of which such bonds are being issued, without such advertising; provided, however, that the par value and accrued interest of the bonds so delivered shall not exceed the par value and accrued interest of the warrants and interest coupons and accrued interest thereon, for which they are exchanged.

§ 3. EMERGENCY.] This act is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval.

Approved January 28, 1929.

CHAPTER 171

(H. B. No. 156—Lynch.)

PAYMENT DEFICIENCIES SPECIAL IMPROVEMENT
ASSESSMENTS

An Act to amend and re-enact Section 3716 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 3716 of the Supplement to the Compiled Laws of 1913 be amended and re-enacted to read as follows:

§ 3716. PAYMENT OF DEFICIENCIES.] Whenever all special assessments collected for a specific improvement are insufficient to pay the special improvement warrants issued against such improvement with interest the city council or city commission, as the case may be, shall upon the maturity of the last special improvement warrant levy a tax upon all of the taxable property in the city for the payment of such deficiency; provided, that if at any time prior to the maturity of the last special improvement warrant a deficiency exists in such special improvement fund the city council, or city commission, as the case may be, may in its discretion levy a general tax upon all the taxable property in the city for the payment of such deficiency; provided further, that in case of a balance remaining unexpended in such special improvement fund it shall be paid over or transferred to the general funds of the municipality.

§ 2. REPEAL.] All acts or parts of acts in conflict with this act are hereby repealed.

Approved March 7, 1929.

CHAPTER 172

(H. B. No. 68—Dyer and Cox.)

ELECTRIC PLANTS MUNICIPAL CORPORATIONS

An Act to amend and re-enact Chapter 197 of the Session Laws of North Dakota for 1927 authorizing and empowering cities, towns or villages to purchase, erect, operate and maintain, enlarge, improve, and extend, or lease from any person, firm or corporation, or sell or lease to any person, firm or corporation, any electric light and power plant, site, buildings and equipment thereof, or any electric distribution system and equipment thereof, or any electric transmission line and equipment thereof, or any telephone plant, equipment and distribution system thereof, or all or any part or parts of any of such plants, systems and lines, and any interest in any such plant, system or line within and without the corporate limits of such city, town or village, and providing for the payment of the cost of any such purchase, erection, enlargement, improvement or extension out of the earnings of such plant, system or line, and for the issuance of bonds and the levying of special assessments and the creating of special assessment districts in connection with the exercise of any of the powers above granted, and providing for the legalization and validation of purchases and sales and the issuance of bonds and warrants heretofore made.

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

§ 1. AMENDMENT.] That Chapter 197 of the Session Laws of North Dakota for the year 1927 is hereby amended and re-enacted to read as follows:

§ 1. Any city, village or town is authorized and empowered to purchase, erect, operate and maintain, enlarge, improve and extend, or lease from any person, firm or corporation, or sell or lease to any person, firm or corporation, any electric light and power plant, site buildings and equipment thereof, or any electric distribution system and equipment thereof or any electric transmission line and equipment thereof, or any telephone plant, equipment and distribution system thereof, or all or any part of parts of any of such plants, systems and lines, and any interest in any such plant, systems or lines within and without the corporate limits of such city, village or town for the purpose of furnishing or procuring to be furnished electric energy for heat, light and power and communication purposes for such city, village or town and its inhabitants and industries in the manner herein provided.

§ 2. No such city, village or town officers shall purchase, erect or substantially enlarge, improve, extend or lease from others any such plant, system or line unless and until the proposition of doing so shall have been submitted under authority of a resolution of the governing body to the qualified voters of said city, village or

town at an annual or special election called, held and conducted upon the notice and in the manner specified by law for the election of the governing body of such city, village or town, and shall have been approved by a majority of such voters voting thereon; provided, however, that when the cost of any enlargement, improvement, or extension will be paid out of the earnings of the plant and the same does not exceed the sum of five thousand dollars, it shall be unnecessary to submit the proposition of so doing to the voters of said city, village, or town.

§ 3. No such city, village or town shall sell any such plant, system or line or lease the same or any substantial part thereof or interest therein to any person, firm or corporation unless and until such person, firm or corporation shall have filed in the office of the clerk or auditor of such municipality a complete offer or proposition therefor in writing and a majority of the qualified voters of said municipality at an election called, held and conducted as specified in Section 2 hereof shall have voted in favor of accepting the offer or proposition so filed, and a copy of said offer or proposition shall be published with the notice of such election. The proceeds of any sale or lease made as in this section provided shall be applied to the payment of existing indebtedness, if any, of such municipality incurred for the purpose of purchasing, erecting, operating and enlarging, improving or extending such plant, system or line. Provided, however, that the purchaser or lessee shall not be required to see to the application of the consideration of such purchase or lease, but shall be fully protected in making such payment or payments by the receipt of the treasurer of such municipality therefor.

§ 4. Any such city, village or town may pay the cost of purchasing, erecting, enlarging, improving, extending or leasing any such plant, system or line, or any part thereof, either out of the earnings of such plant, system or line, or by issuing special assessment warrants as hereinafter provided, or by issuing bonds of such municipality hereinafter provided, or partly by such special assessment warrants and partly by such bonds, or partly out of such earnings, provided, however, that when such cost or any part thereof is to be paid out of earnings, then such cost or the part thereof which is to be paid out of earnings shall not become a general obligation of the municipality payable out of money raised through taxation, but a special obligation payable solely and exclusively out of the earnings derived from the operation of such plant, system or line.

§ 5. In case the governing body of such municipality shall deem it advisable to pay the whole or any part of the cost mentioned in Section 4 hereof by special assessment warrants it shall first by ordinance create a special assessment district which shall include, as nearly as may be determined, all of the property in such municipi-

pality, that will be benefited by such improvement, whether the entire municipality or a portion thereof, and shall thereafter adopt a resolution of necessity and hold a hearing thereon and estimate the amount of the cost of said improvement and let a contract or contracts therefor and create a fund for said district and issue and sell the warrants of the municipality drawn on said fund and complete the work of said improvement and assess the property benefited thereby, all in the form and upon the notices and in the manner specified by Sections 3698, 3703, to 3716, both inclusive and 3724 and 3739, both inclusive, and 3743 of the Political Code of the State of North Dakota for the year 1913, all as amended, in so far as such sections are applicable to the improvement so being made hereunder, and the special assessments so levied shall be payable in equal annual installments extending over a period not exceeding 20 years and shall bear interest at a rate not to exceed 7% per annum on the total amount of such assessments remaining from time to time unpaid. Such municipality shall have power, within the debt limit provisions of the Constitution, to pay at the option of the governing body any portion of the cost of such improvement by general taxation upon all taxable property in the municipality, which tax shall be levied at the time of making such improvement, shall be spread over the years and in such amounts as will meet the municipality's share of the cost represented by the principal of warrants issued against said fund and interest thereon, and which tax when and as collected shall be paid into the fund of said district and used solely for the payment of the principal and interest of warrants issued against said district. The ordinance levying such tax shall be irrevocable so long as any warrants are outstanding against said fund.

§ 6. No such city, village or town shall issue its bonds as authorized by section 4 hereof unless and until the question of issuing such bonds shall have been approved by a majority of the voters of such municipality voting upon the question of their issuance at an election called, held and conducted as specified in section 2 hereof. The notice of such election shall specify the maximum amount, maximum interest rate, purpose and maturity of such bonds. Such bonds shall be sold in the manner provided by Chapter 327 of the Session Laws of North Dakota for the year 1923 as amended. At or before the issuance of such bonds, such municipality shall by ordinance levy a direct annual irrevocable tax upon all the taxable property in such municipality in the years and amounts sufficient to pay the principal and interest of such bonds when due.

§ 7. Any or all of the propositions and questions to be voted upon as specified in sections 2, 3 and 6 may be submitted at one and the same election, and upon one ballot, but the ballot shall state each of said propositions separately.

§ 8. Any proceedings heretofore instituted by any city, village or town under the provisions of Chapter 255 of the Session Laws of 1923, may be completed under and in accordance with said law as the same existed before this amendment thereof.

§ 9. Where the officers of any incorporated city, village or town of this state shall have heretofore purchased, erected, operated, maintained, enlarged, improved, extended or leased from any person, firm or corporation, or sold or leased to any person, firm or corporation, any such plant, system or line, or part thereof, such actions of such municipal officers are hereby legalized and validated provided, however, that nothing contained herein shall affect any act or proceeding now pending in any court in this state, affecting the same.

§ 10. Any and all bonds or warrants heretofore issued by any city, village or town for the purpose of purchasing, erecting, operating, maintaining, enlarging, improving or extending any such plant, system or line, or part thereof, which bonds or warrants were on date of their issuance within the constitutional debt limit are hereby declared to be legal and valid and an enforceable obligation of such city, village or town, provided, however, nothing contained herein shall affect any act or proceeding now pending in any court in this state, affecting the same.

§ 11. CONSTITUTIONALITY.] If any part or parts of this act shall be held unconstitutional, such constitutionality shall not affect the validity of the remaining parts of this act.

Approved March 16, 1929.

CHAPTER 173

(H. B. No. 82—Olson of Burleigh.)

LIGHT AND POWER PLANTS VILLAGES

An Act empowering the boards of trustees of villages to provide for the lighting of all streets, alleys, avenues, sidewalks, wharves, parks and public grounds, and for the furnishing and supplying of electric energy or gas to the village for lighting, power and other village purposes, and to the inhabitants thereof, and to enter into contracts for electric energy or gas, for village and private purposes, and specifying the manner of execution of such contracts.

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

§ 1. The board of trustees of any village shall have power and authority to provide for the lighting of all streets, alleys, avenues, sidewalks, wharves, parks and public grounds, and to pro-

vide by contract or agreement for the furnishing and supplying of electric energy or gas to the village for lighting, power and other village purposes, and to the inhabitants of said village.

§ 2. The board of trustees of any village shall have the power and authority to enter into a contract or agreement with any person, partnership, association or corporation to furnish electric energy or gas to the village, for all village purposes, and to the inhabitants of said village, and to enter into a contract or agreement with any person, partnership, association or corporation, for a term of not to exceed ten years, for the sale by any such person, partnership, association or corporation, and the purchase by the village, of electric energy or gas; providing that nothing herein contained shall be construed to deprive the board of railroad commissioners of any of its existing regulatory powers with reference to such contract rates.

§ 3. All contracts made by the board of trustees of any village, under and pursuant to the provisions of this act, shall be made and executed in the name of the village and signed on behalf of the village by the president of the board of trustees and countersigned by the village clerk, and the corporate seal of the village affixed thereto; provided, however, that the making and execution of such contract shall have been duly authorized by resolution adopted by a majority vote of the board of trustees at a duly assembled meeting thereof.

Approved March 6, 1929.

CHAPTER 174

(H. B. No. 226—Committee on Delayed Bills.)

MEMORIAL COMMUNITY BUILDING BY CITY AND COUNTY

An Act to authorize a city to join with a county in the establishment, erection, and maintenance of a community building as a memorial to those who rendered services or lost their lives in service of their country in the great world war, authorizing the levy of taxes and expenditures of public funds for such purposes; and authorizing the county commissioners to utilize, for the construction of such building, moneys received from taxes which have heretofore been levied or may hereafter be levied for the erection of a memorial under the provisions of Chapter 181, Laws of 1919, and the acts amendatory thereof.

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

§ 1. That the board of county commissioners of any county in which a memorial has not heretofore been constructed under the provisions of Chapter 181, Laws 1919 and the acts amendatory

thereof, be and they are hereby authorized to enter into an arrangement with the city in which the memorial is to be erected for the construction and maintenance of a community building. Such building may be constructed so as to contain an assembly hall, gymnasium, armory, library, memorial rooms, rest rooms; and in general such rooms and facilities as are required in a community house or recreation center; it may also include offices for any city, county or municipal purposes. The building so constructed shall be known and designated as a World War Memorial and shall be commemorative of the people of the county who rendered services or lost their lives in the service of their country in the Great World War. Such building may be erected as an appropriate annex to any other public building of the city or county; but whether erected singly or as an annex, the entire structure shall, thenceforth, become known and designated as a World War Memorial.

§ 2. Where an arrangement is made under the provisions of this act for the construction of a World War Memorial Community Building, the board of county commissioners and the city council or city commission shall have power and authority to select a site for such building, and acquire title thereto by gift or purchase or by exercise of the right of eminent domain. When such site is acquired by gift or purchase the title may be taken to the county and city jointly, or to either one of them, or to each in proportion to the amount of moneys contributed by each for the acquisition of the site and the construction of the building. But in whatever name title is taken the same shall be held in trust for the uses to which said building is to be devoted.

§ 3. Where such community building is erected the same shall be subject to the control and regulation as to charges and otherwise of the board of county commissioners and the city council or city commission. In order to facilitate the maintenance and operation of such building the board of county commissioners and city council or city commission shall each appoint one of their members and the two members so appointed shall constitute a board of managers who shall be charged with the duty of supervising the maintenance and operation of said building. Such board of managers shall serve without any compensation, except such as they receive as members of the board of county commissioners or city council or city commission, respectively; but they shall be entitled to be compensated for actual expense incurred in the performance of their duties, which expense shall be paid to each of such persons respectively out of the county and city treasuries.

§ 4. The board of managers shall have power to lease, temporarily, the assembly hall or other parts of the community building, when not in use for public purposes, for any reasonable and legiti-

mate private use on such terms as may be deemed reasonable and proper. Provided, however, that no part of the building shall be leased for private purposes when it is needed for any public use or purpose. All moneys received from rentals shall be turned over to the city treasurer who shall keep the same in a separate account and the same shall be available only for expenses incident to the operation and maintenance of the building.

§ 5. The board of managers shall, on or before the 10th day of July of each year, make a full and complete account to the board of county commissioners and the city council, or city commission, for the fiscal year ending June 30th last preceding. Such report shall contain a detailed statement of all income and expenditure during the fiscal year; and shall also contain an estimate of the expenses for the ensuing fiscal year.

§ 6. Where a building is constructed under the provisions of this act the officers of the city shall have the same power to incur indebtedness, levy taxes and issue bonds or other evidences of indebtedness for the moneys expended or to be expended in the construction and maintenance of such building as for any other public purpose authorized by law; and all provisions of law relating to debt limit, levy of taxes and issue of bonds or other evidences of indebtedness shall be and the same hereby are made applicable to liabilities incurred, moneys expended and taxes levied for the construction of such building.

§ 7. When a building has been constructed under this act the county commissioners and the city council, or city commission, shall thereafter annually levy a tax, not exceeding in any one year one mill on the dollar valuation, for the operation and maintenance of such building.

§ 8. Where an arrangement has been made between a county and a city for the erection of a community building under the provisions of this act the county commissioners are authorized to utilize, to defray the county's share of the cost of construction, any moneys in the county treasury which has been theretofore received or may be received thereafter from any tax levy theretofore or thereafter made for the purpose of erecting a Memorial under the provisions of Chapter 181, Laws 1919, and the re-enactments, or acts amendatory thereof.

§ 9. The object sought to be accomplished by this enactment is to provide for the construction, by the county and city, acting jointly, of a community building in the manner and for the purposes provided in this Act; and the provisions relating to the manner in which these objects are to be accomplished do not form an inducement for the enactment. And it is hereby declared that if any of the

provisions of the act in any manner contravene the provisions of the constitution, the remaining provisions would have been enacted by this legislative assembly even though such provisions had been eliminated from the act. Hence, if any of the provisions are found to be violative of the constitution the remaining provisions shall not be affected by such invalidity but shall remain in full force and effect.

Approved March 8, 1929.

CHAPTER 175

(H. B. No. 107—Henderson and Indergaard.)

AUTHORITY COUNTY COMMISSIONERS TO ERECT AND LEVY
FOR MEMORIALS

An Act amending and re-enacting Chapter 117, Session Laws of North Dakota for the year 1927.

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

§ 1. AMENDMENT.] Section 2071C1 of the Supplement to the 1913 Compiled Laws of North Dakota as amended and re-enacted by Chapter 117, Session Laws of North Dakota for 1927, is hereby amended and re-enacted to read as follows:

§ 2071C1. COUNTY COMMISSIONERS AUTHORIZED TO ERECT A MEMORIAL OR OTHER SUITABLE RECOGNITION: TO LEVY TAXES.] The board of county commissioners of any county in the State of North Dakota is hereby authorized to erect a memorial or other suitable recognition in commemoration of the people of the county who rendered services, or who lost their lives in the service of their country during the Great World War and may for such purpose use funds out of the general fund of the county if there is sufficient money in said fund, or use funds heretofore raised by tax levy for such memorial, and may after the taking effect of this act and prior to September 1, A. D. 1933, levy a tax not in excess of one mill on the dollar in any one year upon the assessed valuation of all the property in the county, or may use funds for that purpose donated to the county for that purpose, or may for such purpose use funds out of the general fund of such county if there is sufficient money in said fund in conjunction with the funds so donated or obtained by such levy and tax, and the proceeds of such levy, tax, and donations, together with the amount taken out of the general fund, shall be used solely for the purpose of erecting such memorial or other suitable recognition; provided, however, that in no case shall the board expend tax moneys in excess of the

maximum levy permitted under this act together with such amount as has been heretofore levied under the provisions of Chapter 181 of the Session Laws for the year 1919 and Chapter 117 of the Session Laws for the year 1927. The total levy authorized to be made under the provisions of this Act and under the provisions of Section 2071C1 of the Supplement to the Compiled Laws of 1913 and Chapter 117 of the Session Laws of North Dakota of the year 1927, shall in no event exceed four mills upon the taxable property of the county. Provided further that where a suitable memorial or other suitable recognition has been made, no further levy is authorized. Provided, however, that nothing herein contained shall be construed to prohibit said board from expending any additional moneys derived from sources other than taxation. Such memorial or other suitable recognition shall be erected within the county at a place determined upon by such board and such memorial or recognition, when erected, shall be properly and permanently maintained by such board by necessary expenditures from the general fund of the county or from funds donated to the county therefor or from either or both of such funds. Provided, further, that where funds have been heretofore raised by tax levy for such memorial, and the funds so raised are unexpended, the board of county commissioners may, at any time after September 1, 1933, by resolution transfer any such unexpended funds to the general fund of the county.

§ 2. The board of county commissioners in any county of this state in which a fund has been or may be created for the erection of a war memorial, may combine such war memorial fund with other funds of the county for the purpose of erecting a memorial court house.

§ 3. EMERGENCY.] This act is declared to be an emergency measure and shall take effect and be in force from and after its passage and approval.

Approved March 7, 1929.

CHAPTER 176

(H. B. No. 181—M. J. Olson, Jr.)

REPORTS CITY AND COUNTY HEALTH OFFICERS

An Act requiring all city and county health officers to make such reports as are required by law, and providing for the retention of such officers' salaries until such reports have been certified as approved by the state department of health.

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

§ 1. DUTIES OF COUNTY AND CITY HEALTH OFFICERS TO MAKE REPORTS.] All city and county health officers shall make

such reports to the state department of health as are required by law. No city or county health officer shall be paid the last month's salary in any year until the county auditor has received a certificate from the state department of health certifying that all required reports from such officer have been received and approved.

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

Approved March 7, 1929.

CHAPTER 177

(S. B. No. 74—Sathre.)

OFFICIAL MASTER PLANS VILLAGES OR CITIES

An Act to authorize villages or cities to establish official master plans and to adopt planning commissions; prescribing the powers and duties of said planning commissions, providing for the approval of plats, for penalties for non-conformance thereto, that building permits shall conform to official master plans; for establishing and enforcing future street lines.

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

§ 1. AUTHORITY TO ADOPT MASTER PLAN-RECORDING PLAN.] Any village or city, by ordinance of the legislative body which has the authority to lay out, adopt and establish streets, or play grounds, may as herein provided, establish an official master plan of such village or city, and such plan is to be deemed to be final and conclusive with respect to the location and width of streets, or ways, plazas and open spaces and public easements, and the location of parks, play grounds and public rights in lands shown thereon. Such official master plan is hereby declared to be established to conserve and promote the public health, safety and general welfare. Said ordinance shall make it the duty of some appropriate official or employee of said villages or cities, at once to file for record with the register of deeds of the county in which the area covered by said plan is situated a certificate showing that the village or city has established an official master plan.

§ 2. PERSONNEL OF PLANNING COMMISSION.] Such legislative body of each such village or city is hereby authorized and empowered to create by ordinance a planning commission, to consist of five members to be appointed by the chief executive officer of the village or city with the approval of the legislative body thereof, and ex-officio of the said chief executive officer, the chief engineer and the attorney of said legislative body, provided that in case there

be no chief engineer or attorney, said legislative body may appoint such. Of the members of the commission first appointed, one shall hold office for the term of one year, one for the term of two years, one for the term of three years, one for the term of four years, one for term of five years, from and after his appointment, and their successors shall be appointed for the term of five years from and after the expiration of the terms of their predecessors in office.

The terms of ex-officio members shall correspond to their respective official tenures. If a vacancy shall occur otherwise than by expiration of term it shall be filled by appointment for the unexpired portion of the term in the present instance.

All members of the commission shall serve as such without compensation and when duly authorized by the commission may attend planning conferences or meetings of planning institutes or hearings upon pending planning legislation and the commission may by resolution spread upon its minutes, pay the reasonable traveling expenses incident to such attendance.

§ 3. ORGANIZATION, RULES, STAFF AND FINANCES OF THE COMMISSIONS.] The commission shall elect its president from among the appointed members for a term of one year and, subject to other provisions of law, may create and fill such other offices as it may determine. The commission shall hold at least one regular meeting in each month. It shall adopt rules for transaction of business and shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record. The commission may appoint such officers and employees as it may deem necessary for its work, whose appointment, promotion, demotion and removal shall be subject to the same provisions of law as govern other corresponding civil employees. The commission may also contract with architects, city planners, engineers, and other consultants for such services as it may require. The expenditures of the commission, exclusive of gifts shall be within the amounts appropriated for that purpose by the legislative body which shall provide the funds, equipment, and accommodations necessary for the commission's work. Each village or city which has established a planning commission, may, in making its annual tax levy and as a part thereof, levy and collect a tax, not to exceed in any fiscal year the sum of one mill on the dollar of assessed valuation for the purpose of defraying the lawful expenses incurred by the planning commission in carrying out the purposes of this act, and may make appropriations from other funds therefor.

§ 4. GENERAL POWERS AND DUTIES.] It shall be the function and duty of the planning commission to make and adopt a master plan for the physical development of the municipality, and

of any land outside its boundaries which, in the commission's judgment, bears relation to the planning thereof. Such plan, with the accompanying maps, plats, charts, and descriptive matter, shall show the commission's recommendations for the development of said territory, including among other things the general locations, character, and extent of streets, waterways, waterfronts, playgrounds, plazas, squares and open spaces, parks, aviation fields, and other public ways and grounds, the general location of public buildings and other public property; and the general location and extent of public utilities and terminals, whether publicly or privately owned, or operated; and the removal, relocation, widening, narrowing, vacating, abandonment, change of use, or extension of any of the foregoing ways, grounds, open spaces, buildings, property, terminals, or utilities; or other matters authorized by law. The commission may from time to time adopt and publish a part of the plan covering one or more major sections or divisions of the territory under its jurisdiction or one or more of the aforesaid or other subjects-matter. The commission may from time to time amend, extend or add to the master plan.

§ 5. PURPOSES IN VIEW.] In the preparation of such plan, the commission shall make careful and comprehensive surveys and studies of present conditions and future growth of the municipality, and with due regard to its relation to neighboring territory. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the municipality and its environs, which will, in accordance with present future needs, best promote the amenities of life, health, safety, morals, order, convenience, prosperity and general welfare as well as efficiency and economy in the process of development; including, among other things, adequate provision for light and air, distribution of population, good civic design and arrangement, wise and efficient expenditure of public funds, and the adequate provision of public utilities and other public requirements, the improvement and control of architecture and general embellishment of the area under its jurisdiction.

§ 6. ADOPTION OF PLAN BY COMMISSION.] Before adopting the master plan or any part of it or any substantial amendment thereof, the commission shall hold at least one public hearing thereon, notice of the time of which shall be given by one publication in a newspaper of general circulation in the municipality or county. The adoption of the plan, or part or amendment thereof, shall be by resolution of the commission, carried by the affirmative votes of not less than four members of the commission. The resolution shall refer expressly to the maps and descriptive and other matter intended by the commission to form the whole or part of the plan or

amendment, and the action taken shall be recorded on the map and plan and descriptive matter by the identifying signature of the secretary of the commission. An attested copy of the master plan shall be certified to the legislative body.

§ 7. ADOPTION OF THE PLAN BY LEGISLATIVE BODY.] Upon receipt of an attested copy of the master plan, or of any part thereof, as adopted by the planning commission, a public hearing thereon shall be held by the legislative body. At least ten days notice of such public hearing shall be published in an official publication of said village or city, or in a newspaper of general circulation therein. No change or addition to said master plan, or any part of it as adopted by the planning commission, shall be made by the legislative body until the said proposed change or addition shall have been referred to the planning commission for report thereon and an attested copy of said report thereon filed with the legislative body by the planning commission; but the failure of the commission to so report within thirty days from and after the date of the request for said report by the legislative body shall be deemed to be approval of said additions or changes by the commission; provided, that if said additions or changes be disapproved by the commission a two-thirds vote of the entire membership of the legislative body shall be necessary to pass any ordinance overruling such disapproval by the commission.

§ 8. LEGAL STATUS OF OFFICIAL PLAN.] Whenever the legislative body shall have adopted the master plan of the village or city, of any major section or district thereof, no street, square, park or other public way, ground, or open space, or public building or structure shall be constructed or authorized in the area shown on said master plan until the location, character, and extent thereof shall have been submitted to and approved by the planning commission. In case of disapproval thereof the commission shall communicate its reasons to the legislative body, which shall have the power to overrule such disapproval by a recorded vote of not less than two-thirds of its entire membership, provided, however, that if the authorization or financing of the public way, ground, space, building, or structure be one whose construction, financing or authorization does not, under the law or charter provisions governing same, fall within the province of the legislative body then the submission to the planning commission shall be by the board, commission or body having such jurisdiction and the planning commission's disapproval may be overruled by said board, commission or body by a vote of not less than two-thirds of its membership. The failure of the commission to act upon such submission within sixty days from and after the date of official submission to the commission shall be deemed approval.

§ 9. MISCELLANEOUS POWERS AND DUTIES OF THE PLANNING COMMISSION.] The commission shall have power to promote public interest in and understanding of the master plan, and to that end may publish and distribute copies of the plan, or of any part thereof, or of any report and may employ such other means of publicity and education as it may determine. The commission shall from time to time, recommend to the appropriate public officials programs for specific improvements and for the financing thereof. It shall be part of its duties to consult and advise with public officials and agencies, public utility companies, civic, educational, professional and other organizations, and with citizens with relation to the carrying out of the plan. The commission shall have the right to accept and use gifts for the exercise of its functions. All public officials shall upon request furnish to the commission, within a reasonable time, such information as it may require for its work. The commission, its members, officers, and employees, in the performance of their functions, may enter upon any land and make examinations and surveys and place and maintain necessary monuments and marks thereon. In general, the commission shall have such powers as may be necessary to enable it to fulfill its functions and carry out the purposes of this act.

§ 10. AMENDMENT OF PLAN BY LEGISLATIVE BODY.] Such legislative body is authorized and empowered, whenever and as often as it may deem it to be for the public interest, to change or add to the official master plan so as to lay out new streets, improvements or conveniences mentioned in this act, or to widen, enlarge, close or abandon such existing streets, improvements or conveniences. At least ten days notice of a public hearing on any proposed action with reference to such change in the official master plan shall be published in an official publication of said village or city, or in a newspaper of general circulation therein. Before making such addition or change, the matter shall be referred to the planning commission for report thereon, as provided in section 7 hereof. Such additions and changes when adopted by ordinance of the legislative body shall become a part of the official master plan of the village or city, and shall be deemed to be final and conclusive with respect to all matters shown thereon. The layout, widening, enlarging, closing or abandoning of streets, plazas and open spaces parks or playgrounds by the village or city, under provisions of law other than those contained in this act shall be deemed to be a change or addition to the official master plan and shall be subject to all the provisions of this act.

§ 11. OTHER MATTERS REFERRED TO PLANNING COMMISSION.] The body creating such planning commission may, by general or special rule, provide for the reference of any other matter or class

of matters to the planning commission before final action thereon by the public body or officer of said village or city having final authority thereon, with the provision that final action thereon shall not be taken until said planning commission has submitted its report thereon or has had reasonable time, to be fixed in said rule, to submit the report. The planning commission shall have full power and authority to make such investigations, maps and reports, and recommendations in connection therewith relating to the planning and development of the village or city, as to it seems desirable, providing the total expenditures of said board shall not exceed the funds available therefor.

§ 12. CONTROL OF SUBDIVISIONS. DEFINITIONS.] This act shall be known as "The Planning Act". For the purpose of this act certain terms are defined as provided in this section. Wherever appropriate the singular includes the plural and the plural includes the singular. The term "street" includes streets, highways, avenues, boulevards, parkways, roads, lanes, walks, alleys, viaducts, subways, tunnels, bridges, public easements and rights of way, and other ways. The term "subdivision" means the division of a tract or parcel of land into lots for the purpose, whether immediate or future, of sale or of building development, including any plat or plan which includes the creation of any part of one or more streets, public easements, or other rights of way, whether public or private, for access to or from such lots, and or including the creation of new or enlarged parks, playgrounds, plazas or open spaces.

§ 13. SUBDIVISION JURISDICTION.] The territorial jurisdiction of any municipal planning commission over the subdivision or platting of land shall include all land located in the municipality and all land lying within six miles of the corporate limits of the municipality and not located in any other municipality, except that in the case of any such non-municipal land lying within six miles or more than one municipality having a planning commission, the jurisdiction of each such municipality shall terminate at a boundary line equidistant from the respective corporate limits of such municipalities; and provided, further, that the approval of the county planning commission, if there be one, shall also be necessary, on all plats in areas outside the corporate limits of any municipality, except that where said county planning commission fails to agree with a city planning commission having jurisdiction over any plat, the legislative body of the county, by a two-thirds vote of its entire membership may overrule the findings of either commission and approve said plat as recommended by the other commission.

§ 14. SCOPE OF CONTROL OF SUBDIVISIONS.] Whenever a planning commission shall have adopted a major street plan of the territory within its subdivision jurisdiction or part thereof, and

shall have filed a certified copy of such plan in the office of the register of deeds of the county in which such territory or part is located, then no plat of a subdivision of land within such territory or part shall be filed or recorded until it shall have been approved by such planning commission and such approval entered in writing on the plat by the chairman or secretary of the commission.

§ 15. MAP FILING. RULES AND PLATTING REGULATIONS.] Before exercising the powers referred to herein the planning commission shall adopt general regulations governing the subdivision of land within its jurisdiction, to provide for the proper arrangement of streets in relation to other existing and planned streets and to the master plan, to provide for adequate and convenient open spaces, for traffic, utilities, access of firefighting apparatus, recreation, light and air, for the avoidance of congestion of population, and easements for building setback lines, or for public utility lines. Such regulations may include requirements as to the minimum width and area of building lots, and as to the extent to which streets and other public ways shall be graded and improved and to which water and sewer and other utility mains, or other facilities shall be installed as a condition precedent to the approval of the plat. All such regulations shall be published as provided by law, and before adoption, a public hearing shall be held thereon. A copy thereof shall be filed for record by the commission with the register of deeds of the counties in which the commission and territory are located, and certified by the legislative body.

§ 16. APPROVAL OF PLATS BY PLANNING COMMISSION.] The planning commission shall approve or disapprove a plat within thirty days after the submission thereof to it; otherwise such plat shall be deemed to have been approved, and a certificate to that effect shall be issued by the commission on demand; provided, however, that the applicant for the commission's approval may waive this requirement and consent to an extension of such period. The ground of disapproval of any plat shall be stated upon the records of the commission. Any plat submitted to the commission shall contain the name and address of a person to whom notice of a hearing shall be sent; and no plat shall be acted on by the commission without affording a hearing thereon. Notice shall be sent to the said address by registered mail of the time and place of such hearing not less than five days before the date fixed therefor. Public notice of all such hearings shall also be given. Every plat approved by the commission may, without further hearing, be adopted by the commission as an amendment of, or addition to the master plan.

§ 17. CONSIDERATIONS FOR APPROVAL OF PLATS.] Before the approval of a plat, the planning commission and legislative body shall take into consideration the prospective character of develop-

ment of the area included in the plat and of the surrounding territory. The owner of the land or his agent who files the plat may add, as a part of the plat, a notation, if he so desires, to the effect that no offer or dedication of such street, parks or playgrounds or any of them, is made to the public; and may show by dotted line on said plat dedication of easements for building setback lines or for use of public utility lines. The planning commission, or legislative body, may require that a deed to the fee for streets or other areas offered for dedication to the public on said plat, be delivered to the city or county as the case may be, where the same are located, at the time of filing of said plat.

§ 18. PENALTIES FOR TRANSFERRING LOTS IN UNAPPROVED SUBDIVISIONS.] Whoever, being the owner or agent of the owner of any land located within the territory of a subdivision subject to the approval of a planning commission, or legislative body, transfers or sells, or agrees to sell, or negotiates to sell, any land by reference to or exhibition of or by other use of a plat of a subdivision, before such plat has been approved by said planning commission and legislative body and recorded or filed for record as so approved in the office of the appropriate county register of deeds, shall forfeit and pay a penalty of one hundred dollars for each lot or parcel so transferred or sold, or agreed or negotiated to be sold, and the description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies herein provided. The village or city may enjoin such transfer or sale or agreement by action for injunction brought in any court of equity jurisdiction, or may recover the said penalty by a civil action in any court of competent jurisdiction.

§ 19. REGISTER OF DEEDS DUTIES.] A register of deeds who receives for filing or records a plat of a subdivision without the approval of the planning commission as required by law, shall be deemed guilty of a misdemeanor and shall be fined not less than one hundred dollars nor more than five hundred dollars.

§ 20. IMPROVEMENTS IN UNAPPROVED STREETS.] The village or city shall not accept, lay out, open, improve, grade, pave, or curb any street, or lay or authorize, sewers or connections to be laid in any street or right of way, within any portion of territory for which the planning commission shall have adopted a major traffic street plan unless such street (a) shall have been accepted or opened as or shall otherwise have received the legal status of a public street prior to the adoption of such plan; or unless such street (b) corresponds with a street shown on the official master plan or with a street on a subdivision plat approved by the planning commission, or with a street on a street map made by and officially adopted by

the commission. The legislative body may, however, accept any street not shown or not corresponding with a street on the official master plan or on an approved subdivision plat or an approved street map; provided the ordinance or other measure accepting such street be first submitted to the planning commission for its approval and, if approved by this commission, be enacted or passed by not less than a majority of the entire membership of the legislative body, or, if disapproved by the commission be enacted or passed by not less than two-thirds of the entire membership of the legislative body. A street approved by the planning commission upon submission by legislative body, or a street accepted by a two-thirds vote after disapproved by the planning commission, shall thereupon have the status of an approved street as fully as though it had been originally shown on the official master plan or on a subdivision plat approved by the commission or had been originally mapped by the commission.

§ 21. ERECTION OF BUILDINGS PROHIBITED ON UNACCEPTED STREETS.] From and after the time when a planning commission shall have adopted a major street plan of the territory within its subdivision jurisdiction or part thereof, then no building shall be erected on any lot within such territory or part, nor shall a building permit be issued therefor unless the street giving access to the lot upon which such building is proposed to be placed (a) shall have been accepted or opened as or shall otherwise have received the legal status of a public street prior to that time, or unless such street (b) corresponds with a street shown on the official master plan or with a street on a subdivision plat approved by the planning commission or with a street on a street map by and adopted by the commission or with a street accepted by the legislative body, after submission to the planning commission, by the favorable vote required in section 19 of this act. Any building erected in violation of this section shall be deemed an unlawful structure and the building inspector or other appropriate official may cause it to be vacated and have it removed.

§ 22. STATUS OF EXISTING STATUTES COVERING PLATS.] From and after the adoption of a major traffic street plan by any planning commission, the jurisdiction of the planning commission over plats shall be exclusive within the territory under its jurisdiction, except as provided in section 13 hereof, and all statutory control over plats or subdivisions of land granted by other statutes shall in so far as in harmony with provisions of this act be deemed transferred to such planning commission, and in so far as inconsistent with the provisions of this act are hereby repealed.

§ 23. CONTROL OF BUILDINGS IN MAPPED STREETS. RESERVATION OF MAPPED STREETS FOR FUTURE ACQUISITION AND ADOPTION OF PRECISED MAPS.] The planning commission is empowered

after it has adopted any part of a master plan for any part of the territory within its platting jurisdiction to make, or cause to be made, from time to time, surveys for the exact location of the lines of a street or streets shown in any portion of such master plan and make a map of the land thus surveyed, more precisely showing the land which it recommends be reserved for future acquisition for public streets. The planning commission, before adopting any such map, shall hold a public hearing thereon, notice of the time and place of which, with a general description of the district or area covered by the map, shall be given not less than ten days previous to the time fixed therefor by one publication in a newspaper of general circulation in the municipality, if the district or area be within the municipality, or of general circulation in the county, if the district or area be outside of the municipality. After such hearing the commission may transmit the map, as originally made or modified as may be determined by the commission, to the legislative body, together with the commission's estimate of the time or times within which the lands, shown on the map as street location, should be acquired by the municipality. Thereupon, by resolution, the legislative body may approve and adopt or may reject such map, or may modify it with the approval of the planning commission or in the event of the planning commission's disapproval, the legislative body may by a favorable vote of not less than two-thirds of its entire membership modify such map and adopt the modified map. In the resolution of adoption of a map, the legislative body shall fix the period of time for which the street locations shown upon the map shall be deemed reserved for future taking or acquisition. The clerk of the legislative body shall file for record an attested copy of the map with the county register of deeds of each county in which the mapped land is located and retain one copy for the purpose of public examination. Such approval and adoption of map shall not, however, be deemed the opening or establishment of any street nor the taking of any land for street purposes nor for public use, nor as a public improvement, but solely as a reservation of the street locations shown thereon, for the period specified in the legislative body's resolutions, for future taking or acquisition for public use. The commission may, at any time, negotiate for or secure from the owner or owners of any such lands, releases of claims for damages or compensation for such reservations or agreements indemnifying the municipality or county from such claims by others which releases or agreements shall be binding upon the owner or owners executing the same and their successors in title. Provided such commission shall have no authority to make awards or fix compensation. At any time after the filing of a map for record with the county register of deeds and during the period specified for the reservation, the planning commission and the owner of any land containing a reserved street location, may agree upon a modification

of the location of the lines of the proposed street, such agreement to include a release by said owner of any claim for compensation or damages by reason of such modification; and thereupon the commission may make a map corresponding to the said modification and transmit same to the legislative body; and if such modified map be approved by the legislative body the clerk of the legislative body shall file for record an attested copy thereof with the said county register of deeds and said modified map shall take the place of the original map. At any time the legislative body may, by resolution, abandon any reservation and shall file for record any such abandonment with the said register of deeds.

§ 24. ADOPTION OF FUTURE STREET LINE RESOLUTION. HEARING AND OVERRULING OF PROTESTS.] The resolution of the legislative body adopting any street map provided in section 22, shall provide that it shall not become effective for forty days, and shall further provide that it shall not become effective until subsequent to the publication once a week for four successive weeks in a newspaper of general circulation published in said village or city, and in case there is no such newspaper in the jurisdiction of said commission then in the next nearest newspaper in the county, of a notice of the adoption of said resolution. Said resolution and said notice shall also state a time within which the owners of property lying within or immediately adjoining the lines of the proposed future street opening or widening, or between any future street line, and the street nearest public highway, may protest in writing against the adoption of said future street lines.

Upon the receipt of any protests with the time fixed in said resolution and said notice the said legislative body may cause the same to be examined by its engineer or engineers and by its attorney or attorneys and shall set a time for the hearing of the same, notice of which hearing shall be given to such protestant at his address which shall be stated in the protest.

Upon the hearing of any protest the said legislative body may grant or deny the same except that the said legislative body shall not deny the written protests of the owners of a majority of the area of property lying within any proposed street to be opened, or a majority of the frontage of a street to be widened upon which a future street line is established, except by a four-fifths vote of such legislative body.

In granting or sustaining any protests the legislative body may grant or sustain the same as to the entire future street line or lines proposed or only as to a portion thereof. As to any portion of such proposed future street line or lines concerning which a protest is not granted or sustained said legislative body may deny said protest

or protests. Upon the denial of any such protests the said resolution shall immediately become finally effective. If no protests are filed as herein provided for, such resolution shall take final effect at midnight of the last day for filing such protest.

Whenever any resolution as herein provided shall have become final, it shall be the duty of the clerk of the legislative body to cause to be recorded in the office of the county register of deeds of the appropriate county, a notice referring to the said resolution by number and other appropriate description including the date of its adoption and setting forth a description of the property contained within the said proposed opening and widening or opening and widening lines or between said future street lines and the nearest public highway, together with a copy of the map showing any such line or lines.

If any owner of property lying within any lines for the proposed opening and widening, or opening or widening of any street, or between any such future street line and the nearest public highway, shall claim that the adoption of any such resolution or ordinance, or the refusal to issue to him a building permit or prohibition of building or construction by him, shall constitute a taking of his property by the said village or city, said owner shall have the right within three months after the recording in the office of the appropriate county register of deeds of the notice hereinabove provided for, to file in the office of said legislative body a protest against the alleged taking of his property and demand that the village or city, adopting such resolution either vacate the same as to the property of such owner or compensate him therefor, or commence the condemnation thereof, within three months from the time of the filing of his written protest and claim. In the event that the said village or city shall fail, within three months after the receipt of any such written protest and demand, to either vacate such resolution as to the property of said protesting owner or compensate him for the right to construct any building, fence or other structure or commence proceedings for the condemnation thereof, then such resolution shall automatically be vacated and annulled as to the property of such protesting owner.

In the event that any owner of property lying within any of the lines set forth or described as future street lines in any resolution as herein provided for shall fail within the time herein specified to file a claim in the manner herein provided, such owner shall be conclusively deemed to have waived any such claim but he shall not be deemed to have waived any title to the property within any such future street line or lines or any interest therein other than the right to erect or construct thereon any building, fence or other structure.

§ 25. REPEAL OF ACTS IN CONFLICT.] All other acts, or parts of acts in conflict herewith are hereby repealed.

§ 26. SAVING CLAUSE IF ANY PART INVALID.] If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this act. The legislature hereby declares that it would have passed each provision of this act irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases, or provisions be declared unconstitutional.

§ 27. VIOLATION A MISDEMEANOR.] Violation of any of the provisions of this act shall upon conviction be punishable as a misdemeanor.

Approved March 9, 1929.

CHAPTER 178

(H. B. No. 102—Lynch.)

REFUND AND PAYMENT SPECIAL IMPROVEMENT WARRANTS CITIES AND VILLAGES

An Act to amend and re-enact Section 1 of Chapter 195, of the Session Laws of North Dakota for the year 1927, relating to the authorization of cities and villages to issue refunding special improvement warrants, and providing means for payment thereof.

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

§ 1. AMENDMENT.] That Section 1 of Chapter 195 of the Session Laws of North Dakota for 1927 be amended and re-enacted to read as follows:

§ 1. All cities and villages are hereby empowered and authorized upon the surrender by the holders thereof of any outstanding special improvements warrants upon which the city or village has, or may, become liable, to refund and reissue the same under such terms and conditions as the governing body of the city or village may by resolution provide; provided, however, that the rate of interest shall not be in excess of the rate on the refunded warrants; and provided, further that such new warrants shall be payable out of the special assessment fund against which the refunded warrants were issued, which fund shall be replenished by delinquent assessments, as they are paid in, or by reassessment for deficiencies to be made and collected in the manner specified by Sections 3712 to 3739, both inclusive, Compiled Laws of 1913 and acts amendatory thereof and supplemental thereto; or by the temporary use of funds

produced by tax levies provided for in Section 3716 of the Supplement to the Compiled Laws of 1913 as amended, such funds to be repaid by delinquent assessments as they are collected, provided, that whenever the governing body of any city or village shall determine to make such re-assessment the city auditor shall notify the chairman of the special assessment commission of the Act of the governing body and shall certify to him the total amount necessary to be raised by such re-assessments, and the chairman of such commission shall thereupon proceed in the same manner as in the original assessment; provided further, that no lots or parcels of land shall be assessed for more than the benefits received from such improvements, and provided, further, that such warrants shall mature at such times and in such amounts as in the judgment of the governing body, the assessments or reassessments will provide for.

§ 2. REPEAL.] All acts or parts of acts in conflict with this act are hereby repealed.

§ 3. EMERGENCY.] This act is hereby declared an emergency measure, and shall be in full force and effect from its passage and approval.

Approved March 7, 1929.

CHAPTER 179

(H. B. No. 56—Pfenning.)

EXTENSION SEWER ASSESSMENTS CITIES

An Act to amend and re-enact Section 3717 of the Compiled Laws of North Dakota for the year 1913, relating to the extension of sewer assessments.

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

§ 1. AMENDMENT.] That Section 3717 of the Compiled Laws of the State of North Dakota for the year 1913, be amended and re-enacted to read as follows:

§ 3717. SEWER ASSESSMENTS EXTENDED NOT EXCEEDING TWENTY (20) YEARS.] The special assessments herein provided for payment of the cost of constructing any sewer shall be payable in equal annual amounts extending over a period not exceeding twenty (20) years, and shall bear interest at a rate not to exceed seven per cent (7%) per annum on the total amount of such assessments remaining from time to time unpaid; provided, however, that the city council or city commission may by ordinance or resolution provide that any such special assessment, which has heretofore or may here-

after be levied, shall be extended over a period of less than twenty (20) years; and the city council or city commission is authorized by ordinance or resolution to fix the period over which such assessments shall be extended, not exceeding, however, in all twenty (20) years.

§ 2. REPEAL.] All acts or parts of acts in conflict with this act are hereby repealed.

§ 3. EMERGENCY.] This act is hereby declared an emergency measure, and shall be in full force and effect from its passage and approval.

Approved February 13th, 1929.

CHAPTER 180

(S. B. No. 149—Hyland.)

ELECTION, ETC., PARK COMMISSIONERS

An Act to amend and re-enact Section 4058 of the Compiled Laws of North Dakota 1913, and Section 4059 of the Supplement to the Compiled Laws of 1913 as amended by Chapter 194 of the Session Laws of the State of North Dakota for 1927 relating to the organization of a board of park commissioners, defining the qualifications, mode of election and term of office of such commissioners and prescribing the manner of filling vacancies of said board; and to the powers of the park commission and matters of taxation incidental thereto.

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

§ 1. AMENDMENT.] That Section 4058 of the Compiled Laws of North Dakota 1913, is hereby amended and re-enacted to read as follows:

§ 4058. ELECTION OF COMMISSIONERS. FILLING VACANCIES.] The powers of each park district shall be exercised by a board of park commissioners consisting of five members who shall hold office for the period of six years from and after the date of their election and qualification and until their successors are duly elected and qualified, provided that in cities under the city council form of government the term of office shall be for five years, except the members of the first board who shall hold office as follows: One member until the third Tuesday in April of the year following their election, one member until one year from the last mentioned date, one member until two years from the last mentioned date, one member until three years from the last mentioned date and one member until four years from such last mentioned date, and in cities having

the commission form of government such members of the first board shall hold office as follows: One member until the third Tuesday in April in the year in which the next regular biennial city election is held, two members until two years following such last mentioned date, and two members until four years following such last mentioned date. The members of the park commission shall qualify by taking and filing with the city auditor of the city the oath prescribed by section 211 of the constitution. The city treasurer shall be ex-officio treasurer of the park district. He shall take the oath prescribed by section 211 of the constitution and shall furnish such bond as may be required by the commission. The members of the commission shall be elected by the qualified electors of the park district at the regular elections of the city, and shall qualify within ten days after their election, and on the third Tuesday of April after the election shall organize by the selection of a president and vice-president. The first board may be elected at any regular city election, or at a special election for that purpose called by the city council or the city commission. The members of the board shall receive no compensation for their services as such, and shall have the qualifications of electors of such district. They shall not be interested in any contract entered into by said commission. Vacancies on such board shall be filled by the board until the next regular election of members of the board, when such vacancies shall be filled by election. Removal of residence from the park district by any member of the commission shall create a vacancy. Members of such boards elected prior to the taking effect of this act shall continue to serve in their respective official capacities until their successors have been elected at regular city elections in accordance with the provisions hereof and until they have qualified for such offices.

§ 2. AMENDMENT.] That Section 4059 of the Supplement to the Compiled Laws of 1913 as amended by Chapter 194 of the Session Laws of North Dakota for 1927 is hereby amended and re-enacted to read as follows:

§ 4059. POWERS OF PARK COMMISSION: LIMITED LEVY: BONDS: TAXATION.] The park commission shall have power:

(1) To acquire by purchase, gift, devise, condemnation or otherwise, land within or without its territorial limits, and within the State for parks, boulevards and ways, and shall have sole and exclusive authority to maintain, govern, erect and improve the same, and such parks, boulevards and ways shall be considered for purposes of taxation and for all other purposes as within the territorial limits of the city, and in all cases where such commission has acquired the legal title in fee to such lands, power to sell and convey the same; such conveyance to be executed by the president and clerk

of such commission, upon a resolution approved by not less than two-thirds (2-3) of the members of such park commission.

(2) To lay out, open, grade, curb, pave and otherwise improve any path, way or street, in, through or around said parks and to construct, erect, build, maintain, manage, govern, and erect any and all buildings, pavilions, play and pleasure grounds or fields and such other improvements of a like character as may be deemed necessary.

(3) To pass all ordinances necessary, requisite, and needful for regulation and government thereof, and to make, change and enforce any ordinance with reference thereto.

(4) To levy special assessments on all property especially benefited by the purchase, opening establishment and improvements of such parks, boulevards and ways or streets or ways about the same.

(5) To require the services of the city engineer of the city included in such park district, who shall be ex-officio engineer, and surveyor for such park commission and to procure the services of a clerk for such commission and such clerk shall be paid by such commission for his services as clerk, a salary not to exceed fifty dollars (\$50.00) per month, to appoint other employees including such police force as may be deemed necessary.

(6) To issue negotiable bonds of such park district in an amount not to exceed one per cent (1%) of the assessed value of the taxable property within such park district for the preceding year; provided, further, that no bonds shall be issued as herebefore provided, unless at a general or special election after twenty days notice in a newspaper published in the city, stating the purpose for which such bonds are to be issued and the amount thereof, the legal voters of such park district shall by a sixty per cent (60%) vote, determine in favor of issuing such bonds; provided, further, that at or before the time of issuing such bonds or incurring the indebtedness for which the same are to be issued provision shall be made for the collection of a direct annual tax sufficient to pay the interest upon said debt or such bonds when the same fall due and to pay and discharge the principal thereof when the same becomes due, and such provisions for the collection of such annual tax shall be irrevocable until such debt is paid; provided, further, that the bonds issued under the provisions of this chapter shall not be issued for a longer period than twenty years and that such bonds shall bear interest at a rate not to exceed six per cent (6%) and shall be sold for not less than their par value. Bonds as hereinbefore provided to be issued, shall be so issued and used exclusively for the purchasing and acquiring of land, boulevards and ways for such parks or park

systems or for the permanent improvement thereof including the erection of buildings, pools, ponds and the erection of dams in water adjacent thereto. The board of park commissioners are hereby empowered and authorized to issue bonds in place of or to supply means to meet maturing bonds or for the consolidation or funding of the same.

(7) To levy taxes upon all property within said district for the purpose of maintaining and improving said parks, boulevards and ways, and to defray the expenses of such district, the proceeds of which said taxes shall also be available for use in payment for any land in such year or theretofore purchased or for improvements theretofore made for park purposes, provided; that such tax so levied shall in no year exceed the sum of two mills on each dollar of taxable property within said district over and above the amount necessary to pay interest and sinking fund on bonds; and special assessments lawfully levied against park district property by other departments of government.

(8) To establish building lines for all property fronting on any park, boulevard or way under the direction and control of such commission and to control the subdivision and platting of property within four hundred feet thereof.

(9) To borrow money in anticipation of taxes already levied to defray the expenses of the year and to issue therefor the notes or obligations of the district.

(10) To connect any park or parks owned or controlled by it with any other park or parks, and for that purpose to select and take charge of any connecting street or streets or parts thereof and the said park commission shall have sole and exclusive charge and control of such street or streets so taken for such purpose.

(11) To plant, set out, maintain, protect and care for shade trees in any of the public streets or highways of their respective districts, and to specify and regulate the kinds of trees that shall be planted or set out in such streets or highways, the size and location of such trees and the methods to be used in the planting and cultivation thereof, and to pass such ordinances as may be requisite, necessary or needful for the protection and control of such trees.

(12) To plat and lay out such portions of park property as is not needed for the accommodation of the general public and to lease, let and demise such lots or portions as are now or may hereafter be laid out for residential or concession purposes, and to provide by ordinances the use that shall be made of said leaseholds, the

character of structures that may be reared or placed thereon and to generally regulate the use and enjoyment thereof by the lessees or their successors.

§ 3. EMERGENCY.] 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 March 7, 1929.

CHAPTER 181

(H. B. No. 55—Pfenning.)

CITY ZONING

An Act to amend and re-enact Section 3756a-1 of the 1925 Supplement to the Compiled Laws of North Dakota.

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

§ 1. AMENDMENT.] Section 3756a-1 of the 1925 Supplement to the Compiled Laws of North Dakota is hereby amended and re-enacted to read as follows:

§ 3756a-1, GRANT OF POWER.] For the purpose of promoting health, safety, morals, or the general welfare of the community, the city council or city commission of any city in this state is hereby empowered to regulate and restrict the height, number of stories, and size of buildings and other structures, the percentage of lot that may be so occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, resident or other purposes. Such regulations may provide that a board of adjustment may determine and vary their application in harmony with their general purpose and intent, and in accordance with general or specific rules therein contained.

§ 2. REPEAL.] All acts or parts of acts in conflict with this act are hereby repealed.

Approved February 13, 1929.

NORTH DAKOTA BONDS

CHAPTER 182

(S. B. No. 79—Sperry.)

NORTH DAKOTA REAL ESTATE BONDS PAYMENT

An Act to amend and re-enact Sections 2290c7, 2290c9, 2290c12 and 2290c13 of the Supplement to the Compiled Laws of 1913, relating to the bonds of North Dakota real estate series.

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

§ I. AMENDMENT.] That Section 2290c7, of the Supplement to the Compiled Laws of 1913, is hereby amended and re-enacted to read as follows:

§ 2290c7. After such assignment of any mortgage, and the obligation thereby secured, all payments accrued thereon shall be made to the state treasurer. He shall hold and use said mortgage, obligations and moneys paid thereon in trust; first, for the security and payment of bonds to be issued as herein provided; and second, for re-delivery to The Bank of North Dakota of such remaining part or balance thereof as may come within the provisions hereinafter stated. He shall segregate such moneys into separate funds designated as follows: First, "Real Estate Bond Sinking Fund," and in this fund he shall place all sums collected for the purpose of retiring the principal of said bonds at the maturity of the same; second, "Real Estate Bond Interest Payment Fund," and into this fund he shall place all moneys collected for the purpose of paying interest on said bonds, except the administration fee of one-half of one per cent to be paid to The Bank of North Dakota as provided in this act. All principal payments made on notes and the mortgages securing the same shall be placed in the Real Estate Bond Sinking Fund, and all interest payments made on notes and mortgages securing the same shall be placed in the Real Estate Bond Interest Payment Fund. Such funds shall not be intermingled and no payment shall be made out of either of such funds except for the purpose for which they are created, except as provided by this act. Such funds shall be kept apart from all funds in his possession. He shall also keep in said funds as a part thereof for the same purpose, in the same manner and under the same limitations, and conditions, all moneys received by him whether from the proceeds of taxes or from payments made by the industrial commission or from legislative appropriations or otherwise, which shall be by law or by other authoritative designation made applicable to the payment

of the principal of said bonds or to the interest thereon. The state treasurer shall, with the approval of the industrial commission of the State of North Dakota, invest the funds before designated as Real Estate Bond Sinking Funds; in approved United States Government, state bonds, or certificates of indebtedness of the State of North Dakota, or municipal bonds, provided; that at the request of the industrial commission, the state treasurer shall redeem and take up out of said real estate bond sinking funds any of the Series "A", "B", or "C" Real Estate Bonds outstanding which may be called by the industrial commission; and the industrial commission shall notify the state treasurer of such call one year in advance thereof. No other disposition, appropriation, or otherwise, shall ever be made of the money in said funds until said bonds shall be fully paid; or until the time limit provided by law for the payment thereof shall have expired; provided, however, that if any of said bonds issued and delivered to the industrial commission as hereinbefore provided shall be returned to the state treasurer, not sold, then such returned bonds shall not be deemed a part of the bond issue secured by such fund.

§ 2. AMENDMENT.] That Section 2290c9 of the Supplement to the Compiled Laws of 1913, is hereby amended and re-enacted to read as follows:

§ 2290c9. If the obligation secured by any such mortgage so held by the state treasurer shall not be performed by the mortgagor, according to its terms, or if any condition expressed in any such mortgage shall not be performed and kept according to its terms, the state treasurer shall certify the facts to the manager of the Bank of North Dakota, who shall proceed as agent of the state treasurer as trustee for the State of North Dakota, by foreclosure or otherwise, to make collection of the obligation secured, and it is hereby made the duty of The Bank of North Dakota to make collection of principal and interest on all mortgages taken hereunder, and it shall be the duty of the state treasurer, from time to time, to certify to the Bank of North Dakota a list of such obligations and mortgages delivered to him, showing payment made and amounts remaining unpaid, to the end that a duplicate record may at all times be kept up to date in The Bank of North Dakota. The Bank of North Dakota shall turn over to the state treasurer and take receipt for all moneys collected by it with an itemized statement showing on which obligations such payments and collections have been made and are to be credited, together with the date of payment, such statement and remittance shall be made within twenty days after receipt of such payments by it. The mortgagor may make payment direct to the state treasurer, and he shall daily as such payments are made, make an itemized statement and report

thereof to The Bank of North Dakota. In case default shall occur in the payments or conditions of any mortgage, heretofore or hereafter taken, which default shall continue for a period of one year, then, and in that case, it shall be the duty of The Bank of North Dakota to foreclose upon such mortgage or to otherwise make collection of the obligation thereby secured. The Bank of North Dakota may, in its discretion, in order to make collection thereof, negotiate a sale of any such mortgage which may be in default, and upon payment of the full amount of the mortgage, the state treasurer shall execute and deliver a proper assignment and indorse without recourse and deliver the note secured thereby. The Bank of North Dakota may also, in its discretion, instead of foreclosing, take a conveyance from the owner to the state treasurer as trustee for the State of North Dakota in payment of the mortgage covering the land conveyed; provided, however, in case of foreclosure no power of attorney or attorney's affidavit as to fees shall be required, but there shall be included in the item of costs of such foreclosure all legal costs and disbursements incurred, including all taxes paid by said bank and interest thereon from date of such payment at six per cent per annum, which shall belong to The Bank of North Dakota and be credited to the department therein handling such collection and foreclosure proceedings. If at such foreclosure sale no bid is made equal to the amount due at the date of sale, including costs, taxes paid, disbursements and statutory attorney's fees, the property shall be bid in, in the name of the state treasurer as trustee for the State of North Dakota. After deducting the costs, taxes paid, disbursements and expenses of foreclosure, including any interest paid to effect redemption from such sale, the net proceeds of such sale or the net proceeds of a redemption from such sale in case redemption is made, shall be paid over to the state treasurer and shall by him be used to purchase, at the then current market price, as nearly as may be possible, an equivalent amount in bonds issued in accordance with this act, or he may require The Bank of North Dakota to substitute new mortgages therefor as provided in Section 10 of this act. The bonds so purchased by the state treasurer shall be cancelled by a board consisting of the governor, state treasurer and secretary of state. An appropriate record thereof shall be made and kept by the state treasurer. In case no redemption is made from such foreclosure sale in a manner provided by law, a sheriff's deed shall be issued to the "State Treasurer as Trustee for the State of North Dakota." Any taxes then remaining unpaid thereon shall be cancelled and abated by the board of county commissioners of the county wherein such land is situated. Any land, title to which is acquired through foreclosure, or otherwise, may be sold by the state treasurer, as such trustee, through the Bank of North Dakota, acting as his agent, for the best price and terms ob-

tainable; all net proceeds of such sales, exclusive of taxes paid and costs and disbursements incurred by The Bank of North Dakota, shall accrue, in proper proportions, to the real estate bond sinking fund and the real estate bond interest payment fund. Any such sale must be approved in writing by the industrial commission, and any deed or contract for deed shall be executed by the treasurer of the State of North Dakota as Trustee.

§ 3. - AMENDMENT.] That Section 2290c12 of the Supplement to the Compiled Laws of 1913, be amended and re-enacted to read as follows:

§ 2290c12. The industrial commission shall annually prepare a statement in July of each year showing the condition of the real estate bond sinking fund and the real estate bond interest payment fund. Such statement shall be approved by the state treasurer and shall be presented to the state board of equalization at its annual meeting of the same year, together with the recommendation of the industrial commission. If an actual deficit exists in either or both of said funds, on July 1, 1929, or annually thereafter, it shall be mandatory upon the said board to make an annual levy of taxes sufficient to make good the deficit in such fund, including a levy to restore said fund to solvency as hereinafter defined, on account of depletion of said fund or funds prior to the adoption of this act. If at the time said statement is made, an actual deficit does not exist, but by reason of adverse crop conditions, or for any other reason, the industrial commission shall anticipate a deficit in either or both of said funds during the ensuing year, it shall recommend tax levies to meet such anticipated deficits, and it shall be mandatory upon the board of equalization to make such levies in accordance with such recommendation. It being the intent and purpose of this act that at all times both of said funds shall have sufficient moneys on hand to meet all payments of principal and interest when the same become due, and to make it mandatory upon the industrial commission to recommend and the state board of equalization to make annual levies when necessary in order that both of such funds shall be kept in such condition that the interest payments on North Dakota Bonds, Real Estate Series, shall be promptly paid out of funds collected or levied for interest payments only and that each year the sinking fund created for the purpose of retiring such bonds shall be proportionately increased so that this fund shall at all times during the life of said bonds be solvent and have in it the proper amount, taking into consideration the number of years before the due date of said bonds, to retire the principal of such bonds at maturity. Provided, however, if there are not sufficient funds in the real estate bond interest payment fund to meet the payment of interest due on real estate series bonds on any interest payment date,

the state treasurer is authorized to borrow sufficient funds by the issuance of certificates of indebtedness of the State of North Dakota, to make such payment. Such certificates shall be issued in anticipation of taxes to be levied, shall be signed by the governor and the state treasurer, shall mature not more than thirty months from date of issuance, and shall bear interest at a rate not to exceed six per cent per annum. Such certificates of indebtedness shall be in the form as prescribed by the state treasurer. When such money is borrowed by the state, the fund is to be reimbursed annually as hereinbefore provided.

§ 4. AMENDMENT.] That Section 2290c13 of the Supplement to the Compiled Laws of 1913, is hereby amended and re-enacted to read as follows:

§ 2290c13. The powers herein granted may be repeatedly exercised and the duties following thereupon shall be likewise repeatedly performed, from time to time as the occasion may arise under the terms of this act; provided, however, that at no time shall the amount of bonds issued and outstanding pursuant to the terms of this act, exceed the amount of thirty million dollars. The state treasurer shall pay to The Bank of North Dakota, quarterly, on the first day of January, April, July and October in each year, the administration charge included in the interest rate upon all mortgages deposited with him.

Approved March 6, 1929.

OATHS

CHAPTER 183

(H. B. No. 57—Pfenning.)

ADMINISTRATION OF OATHS

An Act to amend and re-enact Section 833 of the Compiled Laws of North Dakota for 1913 pertaining to the administration of oaths.

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

§ 1. AMENDMENT.] That Section 833 of the Compiled Laws of North Dakota for the year 1913 be amended and re-enacted to read as follows:

§ 833. OFFICERS AUTHORIZED TO ADMINISTER OATHS.] The following officers are authorized to administer oaths: Each judge

of the supreme court. Each judge of the district court. The clerk of the supreme court and his deputy. Clerks of the district court, clerks of the county court, county auditors and register of deeds and their deputies within their respective counties. County commissioners within their respective counties. Judges of the county court. Public administrators within their respective counties. Justices of the peace within their respective counties. Notaries public anywhere in the state upon complying with the provisions of Section 845 and 846. City clerks or auditors, City justices of the peace and police magistrates, Township and village clerks within their respective cities, townships and villages. Each sheriff and his deputy within their respective counties in the cases provided by law. Other officers in the cases specially provided by law.

§ 2. EMERGENCY.] An emergency exists, therefore, this act shall take effect and be in force immediately upon its passage and approval.

Approved February 15, 1929.

OIL

CHAPTER 184

(S. B. No. 131—Fleckten.)

OIL DRILLING LICENSE, ETC.

An Act providing for licensing of any person, co-partnership, firm or corporation, who shall either lease from the owner of land, and obtain oil or gas rights thereon, or who shall sell its corporate stock, bonds, notes, or any other evidence of indebtedness, who desires to drill either a test hole or an oil or gas well, shall apply to the state geologist for a permit before drilling, providing that the state geologist shall issue licenses for drilling and provided further that the person, co-partnership, firm or corporation shall file with the state geologist a complete log of the drilling, which log shall be a public record, giving authority to the state geologist to make such examination of the drilling while in progress or after completion, and giving authority to the state geologist to inspect drilling operations for the purpose of testing and examining the well. Penalty.

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

§ 1. Any person, co-partnership, firm or corporation, who shall hold leases upon any land, covering or granting oil, gas and mineral rights, and who shall either operate a drilling outfit, or employ a driller to drill for oil, gas or any other mineral product,

shall before commencing to drill, either a test hole or an oil or gas well, make a written application to the state geologist giving the name and address of the owner of the land and the name and address of the lessee, if any, of the land, also the name of the person co-partnership, firm or corporation, employed to do and perform the drilling of such test hole or well, the legal description of the land and the location of the proposed test hole or well on said land, also the name and address of each land owner who shall have leased to the said person, co-partnership, firm or corporation, any oil, gas or mineral rights, lying within the radius of six (6) miles from the proposed test hole or well. Upon the filing of such application, with the state geologist, accompanied with a fee of \$10.00, the geologist shall grant a permit to the said person, co-partnership, firm or corporation, to drill such well, subject to the condition that the said person, co-partnership, firm or corporation, or its agents, servants or assigns, shall if requested by the state geologist furnish to the state geologist a complete log of the drilling operations. Such log to be so furnished shall show the different formations of the earth surface encountered or penetrated; the depth and condition of each formation encountered, and the approximate angle or degree of pitch of the structure where the drill and the drilling operations are operated. Such log shall be kept in minute detail, shall be filed when the drill shall have penetrated five hundred (500) feet from the surface, and for each five hundred (500) feet or a fraction thereof, an additional log shall be filed from time to time as the drilling proceeds. Such log of the drilling shall be a public record, and shall be available to all persons as herein provided, and for the further purpose of informing stock-holders, bond-holders, or lessee of the land, lying and being within a radius of six (6) miles from the said drilling operations or well.

§ 2. And further the said log shall show in detail the size, length and quantity of casing used in said drilling operations, each oil bearing strata encountered, the depth of such strata, the formation thereof, the condition and density thereof, and further shall show the different water-bearing stratas encountered, and samples of the water to be delivered to the state geologist upon request from him, and further that in furnishing such log to the state geologist. A complete log of the said drilling operations must be kept by the said person, co-partnership, firm or corporation or their agents, servants or assigns, at the site of the drilling, the said log, shall be exhibited to the state geologist for his inspection at any time that he may call upon the said person, co-partnership, firm or corporation, or its agents, servants or assigns for the privilege of examining and inspecting the said log. All lessors, bond-holders, stock-holders, or persons holding any evidence of indebtedness given by such person, co-partnership, firm or corporation, shall have a right to in-

spect either the public record, the files of the state geologist or the record of the log as kept by the driller at the site of drilling, and in addition thereto, shall have the right to inspect any material removed from the well or test holes.

§ 3. Any person, co-partnership, firm or corporation, its agents, officers, servants or assigns, or any person in charge of the drilling operations of any such test hole or well, who shall knowingly or wilfully, fail, neglect or refuse to file an application with the state geologist, or who shall conduct drilling operations for the test holes or oil, gas or mineral wells, without first receiving from the state geologist a license as hereinbefore in Section 1 provided, or who shall refuse to grant to the said geologist the right, privilege and opportunity to inspect the log of the well as kept by the driller or person in charge of the drilling operations at the site of the drilling, or who shall refuse to allow the state geologist to examine the material taken from the test hole or well, or shall refuse to grant any lessor, bond-holder, stock-holder, or the holder of any evidence of indebtedness, issued by any such person, co-partnership, firm or corporation, the privilege of examining the log as kept by the person in charge of the drilling operations, or shall refuse to allow such person to inspect the material taken from the well or who shall fail, neglect or refuse to file with the state geologist a complete log of the well or drilling operations, as hereinbefore specified and declared, shall be guilty of a misdemeanor and upon conviction thereof, shall be fined, a sum not exceeding \$5,000.00, or by imprisonment in the county jail, not exceeding one (1) year, or both such fine and imprisonment.

§ 4. EMERGENCY.] 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 March 7, 1929.

PHARMACY

CHAPTER 185

(S. B. No. 71—Murphy.)

PHARMACISTS—QUALIFICATION

An Act to amend and re-enact Section 486 of the Compiled Laws of North Dakota of 1913, as amended by Section 2 of Chapter 211 of the Session Laws of North Dakota for the year 1927.

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

§ 1. AMENDMENT.] Section 486 of the Compiled Laws of North Dakota of 1913, as amended by Section 2 of Chapter 211 of the Session Laws of North Dakota for the year 1927, is hereby amended and re-enacted to read as follows:

§ 486. QUALIFICATIONS FOR REGISTRATION.] Every applicant for a license as a registered pharmacist, shall be not less than twenty-one (21) years of age, shall be of good moral character, shall be a graduate of a school or college of pharmacy recognized by the board; and shall have at least two (2) years practical experience in a retail pharmacy under the supervision of a registered pharmacist, which experience shall be predominantly work directly relating to selling drugs and poisons, compounding of pharmaceutical preparations and physicians' prescriptions, and keeping records and making reports required under state and federal statutes; provided, however, that not to exceed one year of additional credit on practical experience may be allowed for one or more years of satisfactorily completed work in an approved school or college of pharmacy, in excess of two years.

On and after January 1, 1930, an applicant for examination as a registered pharmacist, must, with the application for examination, present to and file with the pharmacy board, satisfactory evidence that he or she has had at least one year of practical experience as defined above, and must have graduated from a school or college of pharmacy having a course of three years or more, and recognized by the board of pharmacy as an approved school.

The said board shall be authorized to determine what shall constitute an approved school or college of pharmacy, but a school or college to be so approved must maintain standards equivalent to the requirements of membership of the American Association of Colleges of Pharmacy. Provided, that any person who was registered as an assistant pharmacist in North Dakota prior to July 1st,

1913, and who still continues to practice such profession within the State of North Dakota, but has been debarred from application for a certificate as a Registered Pharmacist by reason of the requirement as to college work, shall upon application duly made to the board prior to July 1st, 1929, be given an examination for registration as a pharmacist, such examination for registration to be so given with due regard for such circumstance; and upon passing of an examination so to be given, in manner satisfactory to the majority of such board shall be given a certificate as a Registered Pharmacist.

Registration as a pharmacist by said board entitles the person so registered to membership in the North Dakota Pharmaceutical Association.

Approved February 16, 1929.

POTATOES

CHAPTER 186

(H. B. No. 215—Plath and Sax.)

POTATO INSPECTION

An Act providing for establishing potato grades, appointment of inspectors, fixing of salaries and providing operating expenses, authorizing the establishment of local shipping points at which inspection service may be established, authorizing the inspection of potatoes, and providing for the issuance of certificates of inspection, for establishment of a schedule of fees for inspection and certification, authorizing the making of rules and regulations concerning the inspection and certification of car lots of potatoes as to grades, and making an appropriation.

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

§ 1. THE STATE SEED COMMISSIONER TO APPOINT POTATO GRADES INSPECTOR AND MAKE RULES AND REGULATIONS.] In order to promote, protect and develop the potato growing and marketing industry in the State of North Dakota and to conserve and protect the welfare of the citizens of the state, the state seed commissioner, hereinafter referred to as the "commissioner" is hereby authorized and empowered to appoint a state potato grades inspector and such other assistants and clerical aids as may be necessary and to establish a potato grades inspection service, to provide for inspection of potatoes, to fix salaries and provide for operating expenses, issue

certificates of inspection for potato grades, promulgate all grades as provided, and make all rules, regulations and definition of terms necessary to carry out the provisions of this act.

§ 2. NORTH DAKOTA POTATO GRADES.] The potato grades which may have been heretofore or shall be hereafter fixed by the Department of Agriculture of the United States are hereby adopted and designated as the North Dakota potato grades.

§ 3. SHIPPING POINT INSPECTION.] Upon application of sufficient growers or shippers, the commissioner shall designate as potato inspection points such places in the state as provide proper facilities for inspecting, and he shall provide for the grade inspection of such potatoes as are offered for shipment at such point. Provided that any grower or shipper or group of shippers not at a designated inspection point may arrange with the railway company to stop the car or cars for inspection at a point where inspection is provided, or may obtain such grade inspection at loading point on payment of the necessary traveling expenses in addition to the regular inspection fee. Following such inspection the inspector shall issue to the grower or shipper a certificate showing the grade of the potatoes so inspected.

§ 4. INSPECTION OPTIONAL.] All inspection shall be optional with the owner or shipper. If, however, any uninspected potatoes are billed into interstate commerce without any grade designation in the bill of lading, the bill of lading shall be marked with the statement "Potatoes, uninspected as to grade."

§ 5. RECONDITION OF INSPECTED POTATOES.] If the inspector finds that any lot of potatoes as bagged and loaded for shipment does not meet the grade specified by the shipper he shall immediately notify the shipper who may if he so chooses recondition the potatoes and ask for another inspection.

§ 6. PENALTY FOR VIOLATION.] The shipping of a carload of potatoes upon the containers of which are printed matter or are attached any tags or labels indicating that the grade of the potatoes is otherwise than that shown by the inspector's certificate is a misdemeanor and the shipper is liable to prosecution in the courts having jurisdiction, provided, that on the authorization of the commissioner the shipper or an authorized inspector may place on the inside of any car, containing inspected potatoes, in a conspicuous place near the door, an official placard showing the grade of the potatoes as noted in the inspector's certificate; and it shall be unlawful for any person, firm or corporation or agent thereof to remove such officially authorized placard. The penalty for any violations of

this act shall be one hundred dollars (\$100.00) and costs for first offense and not exceeding five hundred dollars (\$500.00) and costs for any second offense.

§ 7. INSPECTOR'S CERTIFICATE.] Inspector's certificate shall be conclusive evidence that the potatoes were of the grade indicated on the certificate at the time the inspection was made.

§ 8. RAILWAY TO INDICATE GRADE ON BILL OF LADING.] It shall be the duty of the agent of the railway company to indicate on the bill of lading the grade of the carload of potatoes as shown by the inspector's certificate; and in case of car lots of uninspected potatoes he shall place in the bill of lading the statement, 'Potatoes uninspected as to grade.'

§ 9. FEE FOR CAR LOT INSPECTIONS.] The commissioner shall each year prior to July 1st fix the fee that shall be charged for inspecting a car load of potatoes as to grade, and said fee shall be uniform throughout the state, during the period of each fiscal year, and the maximum fee per car lot is hereby set at four dollars (\$4.00).

§ 10. COOPERATION WITH OTHER STATES AND WITH THE UNITED STATES DEPARTMENT OF AGRICULTURE.] The commissioner is hereby authorized to cooperate with the United States Department of Agriculture or any bureau or division thereof and with similar state inspection service departments in the United States to the intent and purpose that the potato grade inspection service of the State of North Dakota may be officially recognized and accepted as a legal certificate of potato grades wherever offered for sale in the United States.

§ 11. EFFECT OF PARTIAL INVALIDITY.] If any provision of this act or the application thereof to any person or circumstances is held invalid, the validity of the remaining portions of the act and of the application of such provision to other persons or circumstances shall not be affected thereby.

§ 12. APPROPRIATION.] There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated the sum of ten thousand dollars (\$10,000.00) to be retained in the state treasury as a revolving fund to be known as 'North Dakota Potato Grade Inspection Service Fund' which, together with the fees collected as provided in Section 9, shall constitute a fund to be used by the commissioner in establishing and operating the potato grades inspection service as authorized under this act.

Approved March 8, 1929.

PROCEDURE

CHAPTER 187

(S. B. No. 174—Cain.)

CERTIFICATE OF FAILURE TO CONCILIATE

An Act amending and re-enacting Section 9192a5, Supplement to the Compiled Laws of 1913, relating to conciliation proceedings.

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

§ 1. AMENDMENT.] That Section 9192a5, Supplement to the Compiled Laws of 1913, be amended and re-enacted to read as follows:

§ 9192a5. The moving party may file in court a certificate of a conciliator showing that an attempt has been made to effect a settlement of the claim and that such attempt has failed; but the foregoing shall not apply to actions known as provisional or remedial remedies, actions involving title to or possession of real estate and suits involving over \$200.00.

Approved March 9, 1929.

CHAPTER 188

(S. B. No. 60—Ployhar.)

GARNISHMENT OF WAGES

An Act to amend and re-enact Section 7567 of the Supplement to the Compiled Laws of North Dakota of 1913.

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

§ 1. AMENDMENT.] That Section 7567 of the Supplement to the Compiled Laws of 1913, be and the same hereby is amended and re-enacted to read as follows:

§ 7567. CREDITORS MAY PROCEED BY GARNISHMENT OF WAGES.] Any creditor shall be entitled to proceed by garnishment in any court having jurisdiction of the subject of the action, against any person, any public corporation, the State of North Dakota, or any institution, department or agency of the State, indebted to or having any property whatever, real or personal, in his or its possession or under his or its control, belonging to such creditor's debtor, in the cases, upon the conditions and in the manner prescribed in

this chapter. The term plaintiff is used in this Chapter to embrace every judgment creditor and the term defendant a judgment debtor. Provided that the wages or salary of any person who is the head of a family and a resident of this state, to the amount of \$20.00 per week, shall be exempt from garnishment. Every employer shall pay to such person such exempt wages or salary not to exceed the sum of \$20.00 per week of each week's wages earned by him, when due, upon such wage earner making and delivering to such employer his affidavit that he is such head of a family and residing with the same in this state, notwithstanding the service of such writ, and the surplus only of such exempt salary or wages shall be held by the employer to abide the event of the garnishment suit.

At least two days prior to the issuance of any garnishment summons the creditor shall cause demand to be served upon the debtor and the employer for the excess above the amount herein exempted. Such demand with proof of service, shall be filed with the court at the time of the issuance of garnishment summons. Failure to serve or file said notice as herein provided, shall render said garnishment void. The excess of wages over and above the amount herein exempted, shall be held by the employer subject to such garnishment from the time of service of such demand and for five days thereafter.

Provided, however, that when a public corporation, the State of North Dakota, or any institution, department or agency of the state, is named as garnishee, such garnishee shall not be permitted to defend the principal action for the defendant upon the ground that the defendant is an officer, agent, or employee of such garnishee.

Service upon the State of North Dakota, or any institution, department or agency thereof, as garnishee, may be made upon the state auditor, in manner now by law provided for such service in garnishment proceedings, except that the fee to be tendered and paid the state auditor for making affidavit of disclosure and filing same, shall be three dollars.

Any and all fees so received by the state Auditor, shall constitute a "Special Garnishment Fund", from which shall be paid by him, all extra expense incurred by his office in making disclosures in the garnishment.

Provided, further, that the right to garnishee the State of North Dakota or any institution, department or agency of the state, shall not apply to any debt or obligation created or becoming due prior to the taking effect of this act.

Approved March 9, 1929.

CHAPTER 189

(H. B. No. 201—Horner.)

WITNESSES AND EVIDENCES—WHO NOT EXCLUDED. HUSBAND AND WIFE. DECEDENTS' TESTIMONY.

An Act to amend and re-enact Section 7871 of the Compiled Laws of the State of North Dakota of the year 1913 in regard to evidence as to statements and transactions with decedents, and between husband and wife.

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

§ 1. AMENDMENT.] That Section 7871 of the Compiled Laws of the State of North Dakota of the year 1913, is hereby amended and re-enacted to read as follows:

§ 7871. WHO NOT EXCLUDED. HUSBAND AND WIFE. DECEDENT'S TESTIMONY.] No person offered as a witness in any action or proceeding in any court, or before any officer or person having authority to examine witnesses or hear evidence, shall be excluded or excused by reason of such person's interest in the event of the action or proceeding; or because such person is a party thereto, or because such person is the husband or wife of a party thereto, or of any person in whose behalf such action or proceeding is commenced, prosecuted, opposed or defended, except as hereinafter provided.

1. A husband cannot be examined for or against his wife without her consent, nor a wife for or against her husband without his consent, nor can either, during the marriage or afterwards, be, without the consent of the other, examined as to any communication made by one to the other during the marriage; but this subdivision does not apply to a civil action or proceeding by one against the other, nor to a civil action or proceeding where one spouse attacks the character of the other, nor to a criminal action or proceeding for a crime committed by one against the other.

2. In civil action or proceeding by or against executors, administrators heirs at law or next of kin in which judgment may be rendered or ordered entered for or against them, neither party shall be allowed to testify against the other as to any transaction whatever with or statement by the testator or intestate, unless called to testify thereto by the opposite party; and where a corporation is a party in proceedings mentioned in this section, no agent, stockholder, officer or manager of such corporation shall be permitted to testify to any transaction had with the testator or intestate. But if the testimony of a party to the action or proceeding has been taken

and he shall afterwards die and after his death the testimony so taken shall be used upon any trial or hearing in behalf of his executors, administrators, heirs at law or next of kin, then the other party shall be a competent witness as to any and all matters to which the testimony so taken relates; provided, further, that in any action or proceeding by or against any surviving husband or wife touching any business or property of either, or in which the survivor or his or her family are in any way interested, such husband or wife will be permitted, if they shall so desire, to testify under the general rules of evidence as to any or all transactions and conversations had with the deceased husband or wife during their lifetime touching such business or property.

Approved March 11, 1929.

CHAPTER 190

(H. B. No. 147—Isaak by Request.)

**DEATH CERTIFICATES JOINT TENANT PRIMA FACIE EVIDENCE
OF TERMINATION OF ESTATE HELD**

An Act providing that the execution of a specified certificate and the recording thereof, shall constitute prima facie evidence of the termination of the estate held by a deceased person, under an estate in joint tenancy; providing for the recording of such certificate .

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

§ 1. In all cases of joint tenancy in lands, and in all cases where any estate, title or interest in, or lien upon, lands, has been or may be, created, which estate, title or interest or lien was, or is, to continue only during the life of any person named or described in the instrument by which such estate, title, interest or lien was created, a copy of the record of the death of any such joint tenant, or of the person upon whose life such estate, title, interest or lien was or is limited, duly certified by any officer who is required by the laws of the state or country in which such record is made, to keep a record of the death of persons occurring within the jurisdiction of such officer, may be recorded in the office of the register of deeds of the county in which such lands are situated, and such certified copy or such record thereof in said office or a duly certified copy of such last mentioned record shall be prima facie evidence of the death of such person and the termination of such joint tenancy and of all such estate, title, interest and lien as was or is limited upon the life of such person.

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

Approved March 8, 1929.

CHAPTER 191

(H. B. No. 142—Judiciary Committee.)

LIMITATION OF TIME FOR ACTION TO VOID FORECLOSURE

An Act limiting the time within which any action may be brought to void a foreclosure of a mortgage, or any defense interposed in any action by virtue of any defect in the form, substance or service of notice of intention to foreclose a mortgage.

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

§ 1. No action shall be commenced to set aside the foreclosure of a mortgage, and no defense shall be interposed in an action based upon the foreclosure of such mortgage by virtue of any defect in the form, substance, service or manner of service of the notice of intention to foreclose such mortgage, which mortgage has been foreclosed prior to the taking effect of this act, unless such action is commenced within four months after this act becomes effective.

Approved March 13, 1929.

CHAPTER 192

(S. B. No. 43—Whitman.)

SALE PERSONAL PROPERTY UNDER EXECUTION

An Act to amend and re-enact Section 7744 of the Supplement to the Compiled Laws of 1913 relating to the sale of personal property under execution.

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

§ 1. AMENDMENT.] That Section 7744 of the Supplement to the Compiled Laws of 1913 be amended and re-enacted to read as follows:

§ 7744. SALE OF PERSONAL PROPERTY UNDER EXECUTION.] The officer who levies upon personal property, by virtue of an execution, must, before he proceeds to sell the same, cause public notice to be given of the time and place of such sale, at least six

(6) days before the day of sale. The notice must be given by advertisement published once, at least six (6) days before the day of sale, in some newspaper printed in the county, such newspaper to be designated by the judgment creditor or his attorney, or, in case no newspaper is published therein, by posting advertisements in five (5) public places in the county. If the levy be upon crops, when harvested, such crops may, at the option of the judgment creditor, be sold in the nearest usual market therefor, at any time, after such levy, in the usual manner, at the market price thereof, in such market and without the notice hereinbefore provided; in which case, however the notice of levy shall contain a statement where and when such crops will be sold; but should the judgment debtor, his agent or attorney, at the time of making said levy, give notice to the officer making said levy that said judgment debtor intends to settle said judgment, said officer shall hold said grain six (6) days before making sale thereof. The usual and reasonable charges for such sale and the transportation of such grain to such market, shall be deemed proper expenses chargeable as costs in such proceedings, and in case notice above provided for is served on the officer, reasonable charges for storing said grain. Perishable property may be sold by order of the court or a judge thereof, prescribing such notice, time and manner of sale as may be reasonable, considering the character and condition of the property.

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

Approved February 16, 1929.

CHAPTER 193

(S. B. No. 26—Forbes.)

ACTIONS BY AND AGAINST PARTNERSHIPS AND ASSOCIATIONS

An Act to amend and re-enact Section 1 of Chapter 213 of the Laws of 1927, relating to actions by and against partnerships and associations.

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

That Section 1 of Chapter 213 of the Laws of North Dakota, for the year 1927 be, and the same is, hereby amended and re-enacted to read as follows:

§ 1. AMENDMENT.] When two or more persons have heretofore done or transacted, or are doing or transacting or shall hereafter do or transact business as partners or associates under a common name, whether such name comprises the name of such persons

or not, they may sue, and be sued by such common name, and in case such partners or associates are defendants; provided, that if the business of such partners or associates is in charge of a manager or agent, the summons must be served, on such manager or agent, but in case the sheriff shall make return that no such member, manager, or agent can be found then such service may be made by leaving a copy of the summons in any office of such partners or associates in said state with the person in charge of such office. The summons may be served on one or more of them. The judgment in any such action shall bind the joint property of all the members or associates of such firm or association, the same as though all of them had been named as defendants.

Approved March 11, 1929.

CHAPTER 194

(S. B. No. 25—Forbes.)

PEREMPTORY CHALLENGES JURORS CRIMINAL CASES

An Act prescribing and limiting the number of peremptory challenges to jurors in criminal actions, authorizing district judges to excuse and discharge jurors, and repealing laws in conflict with this act.

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

§ 1. In all criminal actions, the state and the defendant are, each, entitled to exercise the following number of peremptory challenges:

When the offense charged is murder in the first degree, fifteen; in prosecutions for felonies other than murder in the first degree, ten; in other prosecutions, six.

§ 2. When it shall appear to any judge of the district court, engaged in holding a term of such court, that a greater number of jurors than is necessary has been summoned, or is in attendance, at such term, it shall be the duty of such judge to forthwith, at any time during such term, excuse and discharge all jurors in excess of the necessary number. The jurors to be so excused and discharged shall be determined by placing the ballots containing the names of all the jurors in attendance at said term of court (except such jurors as are then impaneled and sworn as jurors in an action then on trial) in the trial jury box, folded as nearly alike as possible and so that the names cannot be seen, and then the clerk of such court shall, by direction of said judge, in open court, without looking at or viewing the contents of said box, thoroughly stir or mix

such ballots and draw from such box as many ballots as shall be specified by said judge, and, thereupon, all jurors whose names are contained on such ballots, so drawn, shall be excused and discharged from further service or attendance at said term of court, and none of their names shall be again placed in said trial jury box during said term of court.

§ 3. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved March 4, 1929.

PUBLIC BUILDINGS

CHAPTER 195

(S. B. No. 185—Atkins.)

CONSTRUCTION PUBLIC BUILDINGS

An Act relating to the construction of public buildings and repairs thereof and the erection of improvements connected therewith or pertaining thereto; prescribing the duties of the board of administration, of county commissioners, city commissions, city councils, board of park commissioners, school district officials, and other public officers in the matter of securing plans and specifications, advertising for bids, letting of contracts, allowance and payment of estimates, providing for contractor's bond and payment of premiums thereon, and the filing of claims thereunder, the insurance on unfinished buildings and material on ground, and preferring architects, contractors and manufacturers, resident within the State of North Dakota, and repealing all acts and parts of acts in conflict herewith.

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

§ 1. BUILDING AND REPAIR BY CONTRACT.] In altering, repairing or constructing buildings belonging or appertaining to any of the public institutions of the state, or to any county, city, park district, village, school district or other political subdivisions of the state, or in any improvements connected therewith or pertaining thereto, or in doing any work thereon amounting to more than the sum of \$3,000.00, the board of administration, city council, city commission, board of park commissioners, county commissioners, school district officials, or village trustees, as the case may be, shall procure such plans, drawings and specifications thereof, upon competitive bids or otherwise as such board may deem necessary; and in all cases where expedient, such plans, drawings and specifications

shall be procured from a licensed architect or architects maintaining offices and residing and doing business within the State of North Dakota.

§ 2. ADVERTISING FOR BIDS.] Such board of administration, county commissioners, city commission, city council, board of park commissioners, board of village trustees or school district officials, as the case may be, shall advertise for bids for the doing of such work for which such plans, drawings and specifications are required. Such advertisement shall be for three successive weeks, the first publication thereof being at least twenty-one days prior to the date of the opening of bids thereunder; such advertisement shall be published in some established newspaper of general circulation qualified to publish legal notice, and which is printed and published in the city or village where such public building is located, and also in some trade publication of general circulation among the contractors and building manufacturers and dealers of this state. In case there is no newspaper qualified to publish legal notice located in the city or village wherein such public construction is to be had, then such publication shall be made in a newspaper published at the county seat of the county in which such public construction is to be erected.

Said advertisement shall state :

(1) When and where the plans, drawings and specifications therefor may be seen and examined.

(2) The place where, and the day and hour when the bids will be opened.

(3) That the rights of the board to reject any and all bids is reserved, and

(4) Shall require a certified check on some solvent bank within the State of North Dakota, for not less than five per cent of the amount of the bid; to accompany the same as guaranty that the bidder will enter into the contract, if his bid is accepted.

§ 3. PLANS AND SPECIFICATIONS, FILED WHERE.] Copies of all plans, drawings, and specifications required by this Act, shall be filed in the office of the secretary of the board of administration in case the building or improvement is at one of the public institutions of the state. In case the building or improvement is one that belongs to a school district, copies of all plans, drawings and specifications required by this act, shall be filed in the office of the clerk of said school district. In case the building or improvement is to be erected or constructed by a county, then copies of plans, drawings and specifications required by this act, shall be filed in the office of the county auditor. In case the building or improvement

is to be erected by a board of park commissioners, copies of all plans, drawings and specifications required by this act, shall be filed with the secretary of such board of park commissioners. In case the building or improvement is the property of a city, copies of all plans, drawings and specifications required by this Act, shall be filed with the city auditor. In case the building or improvement is the property of a village, then copies of plans, drawings and specifications required by this act, shall be filed in the office of the village clerk. Upon written requests therefor, copies of all plans, drawings and specifications required by this act, shall be mailed to the office of any builders and traders exchange maintaining an office in the State of North Dakota for at least one year prior to the date of such request. Copies thereof shall be filed at such other places as may be designated by the board of administration, county commissioners, city commission, city council, board of park commissioners, school district officers, or village trustees, as the case may be. Copies of all plans, drawings and specifications shall be filed immediately following the first publication of such advertisement for bids; but failure to file such copies as above specified with any builders and traders exchange, shall not of itself invalidate the letting of any contract.

§ 4. OPENING BIDS. AWARD OF CONTRACT AND BOND REQUIRED.] At the time and place specified in said notice, the board of administration, county commissioners, city commission, city council, board of park commissioners, school district officials or village trustees, as the case may be, shall publicly open and read aloud all bids received, and may reject all bids or award the contract to the lowest and best bidder. Provided, however, that in event the bid of a contractor or bidder who has been continuously in business in the State of North Dakota for a period of more than one year prior to filing his bid thereon, shall be in approximately the same amount as the lowest bid received, and the place of business of the contractor making such lowest bid, shall be outside of the State of North Dakota; then and in such event, other considerations being equal, such bid of a contractor or bidder having such established place of business in this state, shall be deemed the low bid and the contract shall be awarded accordingly. The particular board or party concerned, shall require of the contractor to whom the contract is awarded, a bond complying with Chapter 92 of the Civil Code of North Dakota for the year 1913 as amended by Chapter 67 of the Laws of North Dakota for the year 1915.

The particular board or body concerned shall have the power to reject any and all bids and may advertise anew in accordance herewith, until a satisfactory bid is received.

§ 5. ALLOWANCE AND PAYMENT OF ESTIMATES.] At least once during each calendar month during the continuance of work upon any public building or erection begun and carried on under the provisions of the preceding sections, the board of administration, the county commission, city commission, city council, board of park commissioners, school district officials or the village trustees, as the case may be; or a committee thereof duly authorized by said board for that purpose, shall meet and receive and consider estimates furnished by the supervising architect or the superintendent of construction of such building or erection if either such is in supervision thereof; and shall allow such estimates in an amount of approximately 85 per cent of the labor then performed upon said building or erection, and of the material then upon the ground for use in the construction thereof. In event no supervising architect or no superintendent of construction is employed upon such contract, the contractor may at the end of each calendar month during the continuance of work under any such contract, furnish to such board or public body in charge of such work, like estimates which shall be in like manner allowed. Said board or committee thereof, shall immediately after considering and allowing any such estimate verify and forward the same to the state auditor, county auditor, city auditor, or other official having the power to draw warrants, who shall forthwith draw his warrant upon the proper fund and transmit the same promptly to the contractor or contractors entitled thereto; and in case said board or committee shall fail or neglect to certify any such estimate allowed or the said auditor shall neglect or fail to issue said warrant as above provided, for a period of more than 30 days from the date of such estimate; then and in that event said estimate shall draw interest from its date at the rate of six per cent per annum until the issuance of a proper warrant therefor, which interest shall be computed and added to the face of said estimate by the officer required to issue such warrant and shall be included in the warrant when drawn and be charged to the fund upon which the same is drawn. No payment for, or on account of any contract made under the provisions of this act, shall be made, except upon estimate of the supervising architect or superintendent of construction, as in this section provided; if either such be employed in supervisions of such construction or erection.

§ 6. APPROPRIATIONS NOT TO BE DIVERTED.] No portion of any special appropriation for the erection of any building or improvement, or for the doing of any work, shall be drawn from the state treasury in advance of the work done or of materials furnished; and the same shall be drawn only upon proper estimates thereof approved by the board of administration; and no portion of any appropriation for any purpose, shall be drawn from the treasury before it shall be required for the purpose for which it is made, and

no appropriation, which is or may be made, for any purpose, with respect to such construction or improvement, shall be drawn or used for any other purpose until the construction or improvement for which such appropriation was made, is fully completed, and paid for.

§ 7. PAYMENT OF PREMIUM ON BONDS, FILING CLAIMS THEREUNDER, AND INSURANCE.] All bonds furnished by contractors, as hereinbefore required, shall be furnished by a bond or surety company organized in or authorized to transact business in this state, and the premium thereon shall be paid by the contractor. The board or commission shall cause to be insured in some solvent company, against loss or damage against fire or tornado, all unfinished buildings, erections, improvements and material upon the ground, in an amount sufficient to protect the board or commission, and the contractor; all premiums for such insurance shall be paid by the board.

§ 8. MATERIAL PRODUCED IN STATE TO BE USED IN PUBLIC BUILDINGS.] All boards or commissions purchasing material for use in making alterations, repairs or additions, or in erecting new buildings, and all contractors making such alterations, repairs, or additions, or erecting new buildings, or improvements therewith or pertaining thereto, shall always, price, fitness and quality being equal, prefer materials manufactured or produced within this state and shall next prefer such as have been partially manufactured or produced in North Dakota.

§ 9. SPECIFIED BRANDS, MARKS, NAMES OR PATENTED ARTICLES NOT TO BE SPECIFIED.] The board of administration, no city council, city commission, board of education, school board, or board of village trustees shall, in specifying materials to be used in or about such work, or in plans or specifications thereof, ask for bids for any article of a specified or copyrighted brand or name, or the product of any one manufacturer, or any patented apparatus or appliance, when such requirement will prevent proper competition, unless such specifications shall also ask for bids on other similar articles of equal value, utility and merit.

§ 10. OFFICERS MUST NOT BE INTERESTED IN CONTRACT.] No board of administration, no board of county commissioners, no city commission, no city council, no board of park commissioners, no board of education or board of school trustees, no village trustees, or any member thereof, or employee or appointee to such board, shall be pecuniarily interested or concerned directly or indirectly in any contract, either verbal or written, that may be entered into by any person or persons on behalf of the state, any county, any city, any village or any school district, for any purpose whatever connected

with the construction, repair or alteration of any public building or erection specified hereunder, of the state, or any such political or municipal subdivision thereof.

§ II. ARCHITECTS AND SUPERINTENDENTS.] The board of administration, county commissioners, city commission, city council, board of education, board of park commissioners, school district board or village trustees are hereby authorized to employ the architect furnishing the plans as hereinbefore provided, or some other suitable person, who shall be a practical mechanic and builder with four years experience, as superintendent of construction of the work for which the plans and specifications are called for, as provided by section 1 hereof, and he shall have personal charge and supervision of the contractor on the work, under the direction of the architect and board of administration, county commission, city commission, city council, board of education, board of park commissioners, school district officials or village trustees, and whose duty it will be to see that such contractor performs his work in full compliance with the plans and specifications adopted by the board of administration, county commissioners, city commission, city council, board of education, board of park commissioners, school district officials, or village trustees. The architect, while acting as such superintendent, shall receive such compensation therefor as may be fixed by said board of administration, county commissioners, city commission, city council, board of park commissioners, board of education, school district officials or village trustees; and any other person while acting as such superintendent, shall receive a reasonable compensation to be fixed by the board of administration, county commissioners, city commission, city council, board of park commissioners, board of education, school district officials or village trustees, provided that the duties imposed and powers conferred upon the board of administration, county commissioners, city commission, city council, board of park commissioners, board of education, school district officials, or village trustees, by this act, shall apply to any other board or commission hereafter created to have charge of such institutions in lieu of the board of administration, county commissioners, city commission, city council, board of park commissioners, board of education, school district officials or village trustees.

§ 12. REPEAL.] All acts or parts of acts in conflict with this act are hereby repealed.

Approved March 9, 1929.

PUBLIC SHOWS

CHAPTER 196

(H. B. No. 177—Burkhart and Freeman.)

CIRCUS, CARNIVAL, ETC., NOT TO SHOW, WHEN

An Act to prohibit any outdoor show, circus, or carnival from showing or exhibiting at cities where any state, county or district fair association conducts an agricultural and live stock exposition or fair, within a period of 18 days next preceding the date advertised and set for such agricultural and live stock exposition or fair, and prescribing penalties therefor.

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

§ 1. It shall be unlawful for any person or persons, firm or corporation to conduct any outdoor show, circus or carnival in any city, or within a radius of six miles of any city, within the State of North Dakota, at or near which any state, county or district fair association operates an agricultural and livestock exposition or fair, within a period of 18 days next preceding the date advertised and set for such agricultural and livestock exposition or fair, or during the time of holding such fair or exposition. Provided, however, any such outdoor show, circus or carnival, may be held at the time and place of holding any such fair or exposition, with the consent of the officials of such fair or exposition, or with such fair or exposition.

Provided, that nothing herein contained shall exempt such outdoor show, circus or carnival from obtaining proper license or permit as heretofore provided by law, and

Provided further, that such license or permit shall not be construed to permit such outdoor show, circus or carnival from operating or showing at such cities within the 18 day period immediately previous to the holding of such agricultural and livestock exposition or fair, except as hereinbefore provided.

§ 2. Any person or persons, firm or corporation violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment in the county jail for a period of not to exceed ninety (90) days, or by both such fine and imprisonment.

§ 3. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 11, 1929.

CHAPTER 197

(H. B. No. 92—Muus and Burns.)

PUBLIC SHOWS OR EXHIBITIONS, SERVICE OF PROCESS FILING
OF CONTRACT

An Act providing for the service of legal process upon and the filing of contracts by any person, firm or corporation managing, promoting or producing any public shows or exhibition, as defined in the act, within this state.

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

§ 1. Every person, firm or corporation managing, promoting or producing any public exhibition, show, circus, carnival, auto race, motorcycle race, auto polo game, airplane exhibition, ferris wheel, merry-go-round, seaplane, caterpillar or other similar exhibition, shall, before producing or exhibiting the same, file with the county auditor of the county in which such performance or exhibition is to take place, a copy of the contract, if any, under which such exhibition, amusement or entertainment will be given, the correct post office address of the principal place of business of the person, firm or corporation producing the same, and shall also file with the secretary of state the written power of attorney of such person, firm or corporation authorizing such official, on behalf of such person, firm or corporation to admit legal service of summons and process in all actions and proceedings that may be brought against such person, firm or corporation within this state. Failure to file such power of attorney shall not invalidate the service of any summons or process upon such official who is hereby authorized and empowered to act as attorney in fact for such person, firm or corporation and to accept service of process therefor. Upon service of process upon such official he shall, if possible, immediately ascertain the post office address of such person, firm or corporation and forward a copy of the process served, by registered mail, to such person, firm or corporation. Such service of process upon said secretary of state shall, for all purposes of such suit and any verdict rendered or judgment entered therein, be deemed legal and valid personal service of summons and process the same as though made personally upon such person, firm or corporation within this state.

§ 2. It shall be unlawful for any person, firm or corporation, including fair associations and municipal corporations, to manage, produce or promote any such entertainment or production unless and until the provisions of this act have been complied with.

§ 3. Any person, firm or corporation failing to comply herewith shall be deemed guilty of a misdemeanor and upon conviction

shall be fined not to exceed \$500.00 or be imprisoned in the county jail not to exceed one year or both such fine and imprisonment.

§ 4. This act shall not be construed to cover horse races, rodeos, bicycle races or any entertainment wherein motor power shall not be used in the production of power or speed.

§ 5. EMERGENCY.] An emergency is hereby declared to exist, and this act shall be in full force and effect from and after its passage and approval.

Approved March 9, 1929.

RAILROAD COMMISSIONERS

CHAPTER 198

(H. B. No. 223—Committee on Delayed Bills.)

CERTIFICATES PUBLIC CONVENIENCE AND NECESSITY PUBLIC UTILITIES

An Act to amend and re-enact Chapter 235 of the 1927 Session Laws relating to certificates of public convenience and necessity of public utilities.

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

§ 1. AMENDMENT.] That Chapter 235 of the 1927 Session Laws be amended and re-enacted to read as follows:

No public utility, as defined in Section 4609c2, Supplement to the 1913 Compiled Laws of North Dakota, shall henceforth begin the construction or operation of a public utility plant or system, or of any extension thereof, without first obtaining from the board of railroad commissioners of this state a certificate that public convenience and necessity require or will require such construction and operation; provided, that this section shall not be construed to require any such public utility to secure such certificate for an extension within any municipality or district within which it has heretofore lawfully commenced operations, or for an extension within or to territory already served by it necessary in the ordinary course of its business, or for an extension into territory contiguous to that already occupied by it and not receiving similar service from another utility, or for which no certificate of public convenience and necessity has been issued to any other public utility; but if any public utility in constructing or extending its line, plant or system, unrea-

sonably interferes with or is about to unreasonably interfere with the service or system of any other public utility, the board of railroad commissioners on complaint of the public utility claiming to be injuriously affected may, after notice and hearing, make such order and prescribe such terms and conditions as are just and reasonable.

§ 2. No such public utility shall henceforth exercise any right or privilege under any franchise or certificate hereafter granted, or under any franchise heretofore granted, the exercise of which has been suspended or discontinued for more than one year, or if within one year from the granting of such franchise it has not commenced construction under such franchise, without first obtaining from said board of railroad commissioners a certificate that public convenience and necessity require the exercise of such right or privilege.

§ 3. No public utility need secure a certificate of public convenience and necessity hereunder in order to exercise rights under an ordinance hereafter granted, where it has not suspended operation of its plant and where such franchise merely replaces or renews an expiring or expired franchise.

§ 4. Before any certificate may issue under this act, a certified copy of the articles of incorporation or charter of utility, if the applicant be a corporation, shall be filed with said board of railroad commissioners, and upon the hearing on said application shall submit evidence showing that such applicant has received the consent, franchise, permit, ordinance, or other authority of the proper municipality or other public authority, if required, or has or is about to make application therefor. The board shall have the power, after notice and hearing to issue such certificate as prayed for or to refuse to issue the same, or to issue it for the construction or operation of a portion only of the contemplated facility, line, plant or system, or extension thereof, or for the partial exercise only of said right or privilege, conditioned upon the applicant having secured or securing the consent, franchise, permit, or ordinance or other authority of the proper municipality or other public authority, and may attach to the exercise of the rights granted by any certificate such terms and conditions as in its judgment the public convenience and necessity may require. Whenever a public utility engages or is about to engage in the construction or operation as described in this act, without having secured a certificate of public convenience and necessity as required by the provisions hereof, any interested municipality, other public authority, utility or person may file a complaint with the board of railroad commissioners. The board may thereupon, or upon its own motion without complaint, with or without notice, make its order requiring the public utility complained of to cease and desist from such construction or operation until the

board makes and files its decision, or until further order of the board. The board may, after notice and hearing, make such order and prescribe such terms and conditions as are just and reasonable.

§ 5. Any municipality, other public authority, utility or person affected by order of the board of railroad commissioners in any matter relating to the subject matter of this act may prosecute and conduct an appeal to the courts in the same manner as an appeal lies from any other order or decision of the board, as provided in Sections 4609c34, 4609c35 and 4609c36, Supplement to the 1913 Compiled Laws of North Dakota.

§ 6. All acts and parts of acts in conflict with this act are hereby repealed.

Approved March 8, 1929.

RAILROAD CORPORATIONS

CHAPTER 199

(H. B. No. 138—Bishop.)

FREE PASSES, FRANKS, ETC.

An Act to amend and re-enact Section 4799 of the Compiled Laws of North Dakota for 1913, relating to free passes, franks and special privileges prohibited. Exceptions.

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

§ I. AMENDMENT.] That Section 4799 of the Compiled Laws of North Dakota for 1913 be and the same is hereby amended and re-enacted to read as follows:

§ 4799. FREE PASSES, FRANKS AND SPECIAL PRIVILEGES PROHIBITED. EXCEPTIONS.] No common carrier subject to the provisions of this article, shall, directly or indirectly, issue or give any free ticket, free pass or free transportation for passengers except to its employees, and their families, its officers, bona fide agents, surgeons, physicians, attorneys at law, and their families; to ministers of religion, traveling secretaries of railroad, Young Men's Christian Association, inmates of hospitals and charitable, eleemosynary institutions, and persons exclusively engaged in charitable and eleemosynary work; to indigent, destitute and homeless persons, and to such persons when transported by charitable societies or hospitals and the necessary agents employed in such transportation; to in-

mates of national homes or state homes for disabled volunteer soldiers, and of soldiers' and sailors' homes, including those about to enter and those returning home after discharge; to necessary caretakers of live stock, poultry, milk, fruit and vegetables; to employees on sleeping cars, express cars, and to linemen of telegraph and telephone companies if operated in connection with said common carriers; to railway mail service employees, post office inspectors, custom inspectors and immigration inspectors; to news boys on trains, baggage agents, witnesses attending any legal investigation in which the common carrier is interested; to persons injured in wrecks and physicians and nurses attending such persons.

Provided, further, that the provisions of this article shall not be construed to prohibit or make unlawful the transportation of city policemen, firemen, mail carriers and postmen on the the street railways in the cities of this state.

Provided, further, that the provisions of this article shall not be construed to make unlawful the granting of reduced homeseekers' rates or the granting of round trip excursion rates to any class of persons, provided that all persons of that class shall be allowed equal privileges in respect to such homeseekers' or excursion rates, but excursion rates shall not be allowed any persons or representatives of any political party to enable them to attend any political meeting either as delegates or otherwise.

Provided, further, that the provisions of this article shall not be construed to make unlawful the granting of free transportation to persons engaged in the state geological survey, farmers' institute lecturers, and persons rendering service on "good farming special trains".

Provided, further, that the provisions shall not be construed to prohibit the interchange of passes for officers, agents and employees of common carriers and their families; nor to prohibit any common carrier from carrying passengers free with the object of providing relief in cases of general epidemic, pestilence or other calamitous visitation; and

Provided, further, that this provision shall not be construed to prohibit the privilege of passes or franks or the exchange thereof with each other for the officers, agents, employees and their families, of express companies, and the officers, agents, employees and families of other common carriers subject to the provision of this article;

Provided, further, that the term "employees" as used in this paragraph, shall include furloughed, pensioned and superannuated employees, persons who have become disabled or infirm in the

service of any such common carrier, and the remains of a person killed in employment of a carrier, and the ex-employees traveling for the purpose of entering the service of any such common carrier; and the term "families" as used in this paragraph, shall include the families of those persons named in this provision, also the families of persons killed and the widows during the widowhood and minor children during minority, of persons who died while in the service of any such common carrier.

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

Approved March 7, 1929.

SCHOOLS

CHAPTER 200

(S. B. No. 99—Ployhar.)

APPOINTMENT COMMITTEE ON SCHOOL LAWS

An Act providing for the appointment of a committee for the purpose of drafting and reporting the inconsistencies, contradictions, and omissions of the school laws of the State of North Dakota, and providing an appropriation therefor.

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

§ 1. COMMISSION, HOW CONSTITUTED, DUTIES.] There shall be created not later than the first day of July, 1929, a committee of five persons to be appointed by the governor. The said committee shall meet and organize not later than September first, 1929, and shall proceed with all due care to perform the duties contemplated by this act. The committee shall complete its work not later than September first, 1930. The said committee shall report at the next session of the legislature any inconsistencies, contradictions, and omissions found in the existing school laws, and shall draft and report to that session of the legislature, such school laws as in its judgment can be of use and benefit to the State for information, assistance, and action of said legislature.

§ 2. APPROPRIATION.] There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated a sum of money not to exceed \$200.00 to meet the actual and necessary expenses of the committee provided, however, that the members of

this commission shall receive no compensation whatsoever. All bills and expenses shall be paid upon the presentation of duly verified vouchers, approved by the state board of audit.

§ 3. REPEAL.] All acts and parts of acts inconsistent with this act are hereby repealed.

Approved March 4, 1929.

CHAPTER 201

(S. B. No. 96—Peck.)

DISSOLUTION CONSOLIDATED SCHOOLS AND REORGANIZATION RURAL OR GRADED SCHOOLS, ETC.

An Act to provide a method for the dissolution of consolidated schools and for the reorganization and restoration of rural or graded schools in lieu thereof and providing for the calling and conduct of elections upon the question of such dissolution and reorganization.

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

§ 1. In any district in which there is a consolidated school heretofore or hereafter established, the school board, if petitioned by one-third (1-3) of the voters of the district and if the county superintendent of schools and the board of county commissioners of the county in which said district is situated give their written consent thereto, shall call an election to determine the question of whether or not the said consolidated school shall be dissolved as such and reorganized as rural or graded schools. Said elections, except as hereinafter provided, shall be conducted both as to notices and as to the manner of canvassing the votes in the same manner as is the annual school election. If two-thirds (2-3) of the votes cast at such election are in favor of the proposal to discontinue the consolidated school and reorganize as rural or graded schools, such district school board shall proceed to organize and conduct a school or schools in the district as provided by law for the organization, maintenance and operation of such schools.

Approved March 11, 1929.

CHAPTER 202

(H. B. No. 98—Boe and Craig.)

MAINTENANCE COUNTY AGRICULTURAL AND TRAINING
SCHOOLS

An Act to amend and re-enact Section 1456 of the 1925 Supplement to the Compiled Laws of the State of North Dakota for the year 1913, relating to the maintenance of county agricultural and training schools.

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

§ 1. AMENDMENT.] That Section 1456 of the 1925 Supplement to the Compiled Laws of the State of North Dakota for the year 1913, shall be amended and re-enacted to read as follows:

§ 1456. JOINT MAINTENANCE BY COUNTY AND STATE.] After the establishment of such a school, the maintenance thereof shall be borne jointly by such county and the state, as hereinafter provided. The board of county commissioners is hereby empowered and directed, annually, to levy and spread upon the tax roll a sum sufficient to pay the county's share of the cost of maintenance. The state's share of such maintenance shall be five thousand dollars annually up to the first 150 students; and additional one thousand dollars for each additional 100 students, or major fraction thereof, above the first 150 as determined by the latest annual report to the state superintendent of public instruction. The state's share of such maintenance shall not exceed seven thousand dollars in any one year. It is the intent of this act that a sum at least equal to the state's share shall be levied and paid by the county, but this shall not prevent the county from levying a greater sum for maintenance, if deemed necessary.

Be it further provided, that the board of county commissioners may from time to time levy and spread upon the tax roll such additional sums of money for the purchase, erection and construction of additional buildings and improvements, or for the purchase of equipment, but levies for such purposes shall not exceed the sum of five thousand dollars in any one year, without first having been submitted to a vote of the electors of such county as provided in Section 1455. Unused portions of the equipment fund may be transferred to a building fund or to a real estate fund by the board of county commissioners upon the recommendation of the board of trustees of the county agricultural and training school. The board of trustees of the county agricultural and training school shall charge and collect tuition for all students from outside the county at the annual rate of fifty-four dollars, collectible in the same manner as

provided by Section 1438a3 of the Supplement to the 1913 Compiled Laws of North Dakota. Provided, further, that no state appropriation shall be available until the state superintendent of public instruction shall determine that a reasonable effort has been made to collect the above tuition.

Approved March 8, 1929.

CHAPTER 203

(H. B. No. 32—Twete.)

APPLICATION STATE AID GRADED, RURAL AND CONSOLIDATED SCHOOLS—APPOINTMENT DIRECTOR RURAL EDUCATION

An Act to amend and re-enact Section 1444 of the Compiled Laws of 1913, relating to application for state aid to state graded schools, state rural schools and state consolidated schools and providing for the inspection thereof.

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

§ 1. That Section 1444 of the Compiled Laws of 1913 is hereby amended and re-enacted to read as follows:

§ 1444. State graded schools, state rural schools or state consolidated schools which heretofore have been classified, shall be duly inspected and recommended for classification by the county superintendent of schools of the county wherein such schools are located before any apportionment of any aid can be made under the provisions of this act. The recommendation of the county superintendent shall set forth in detail the examination made and a full report together with application for such aid must be filed with the state superintendent of public instruction, together with the recommendation of the County Superintendent.

The state superintendent of public instruction shall appoint a director of rural education whose term of office shall be for a period of two years beginning July 1st of each odd numbered year. This director of rural education shall have the same educational qualifications as required by law for the office of state superintendent of public instruction, and shall have been a county superintendent of schools. He shall receive such annual salary as shall be provided in the general appropriation bill, and in addition thereto his necessary and actual expenses incurred in the discharge of his official duties. It shall be the duty of the director of rural education to have charge of the carrying into effect the rules and regulations governing the classification of rural, graded, and consolidated

schools. He shall carefully check over the applications for state aid, submitted by the county superintendents, conduct correspondence with the county superintendent pertaining thereto, classify the applications for aid, and properly prepare said applications for the approval of the state superintendent of public instruction. It shall be the special duty of the director of rural education to visit the different counties at the request of the county superintendents of schools in order to settle disputes concerning standardization, visit all new schools seeking classification, and approve requirements for building. It shall also be his duty to promote standardization by meeting with school officers, attending teachers meetings or other meetings where it is desired that standardization shall be discussed. It shall further be his duty to prepare a report showing kinds and numbers of schools classified as well as the amounts appropriated to each standardized school, and also securing such other information as shall be required of him by the legislature or the state superintendent of public instruction.

This report shall be transmitted to the governor by the state superintendent of public instruction on or before October 1st of each year.

§ 2. REPEAL.] All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved March 7, 1929.

CHAPTER 204

(S. B. No. 159—Eastgate.)

STATE AID RURAL, GRADED AND CONSOLIDATED SCHOOLS

An Act to amend and re-enact Sections 1445 and 1446 of the Supplement to the Compiled Laws of 1913, of the State of North Dakota, relating to the apportionment of state aid to rural, graded, and consolidated schools.

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

§ 1. AMENDMENT.] That Section 1445 of the Supplement to the Compiled Laws of 1913 is hereby amended and re-enacted to read as follows:

§ 1445. THE APPORTIONMENT. WHEN APPORTIONED. AMOUNT OF APPORTIONMENT.] Between the first and the fifteenth of August in each year the state superintendent of public instruction shall apportion such amounts as are appropriated to each of said

state graded consolidated schools, the sums named in section 1446 of this act; to each of state graded schools which have fully complied with the provision of this act and such additional rules as may be established by the state superintendent of public instruction relating to state graded schools, the sum of one hundred dollars in each year to state graded schools of the first class; to state graded schools of the second class a sum of seventy-five dollars; and to state graded schools of the third class, the sum of fifty dollars; and the superintendent shall apportion to each of the state rural schools which have fully complied with the provisions of this act and such additional rules as may be established by the superintendent of public instructions relating to state rural schools, the sum of one hundred dollars in each year to each rural school of the first class; to each state rural school of the second class, the sum of eighty dollars; and to each state rural school of the third class, a sum of sixty dollars; provided, that in any district where the tax rate for the preceding year is four mills and less than seven, these amounts shall be doubled for each class of school, and that in any district where the tax rate for the preceding year is seven mills or greater these amounts shall be trebled. These amounts shall be paid by the state treasurer on the warrant of the state auditor when duly certified and filed with the state auditor by the superintendent of public instruction. Provided also, that in case the amount apportioned shall not be sufficient to pay the amount specified, then the amount available shall be apportioned pro rata among the schools entitled thereto.

§ 2. AMENDMENT.] That Section 1446 of the Supplement to the Compiled Laws of 1913 is hereby amended and re-enacted to read as follows:

§ 1446. AID TO CONSOLIDATED SCHOOLS. CONSOLIDATED SCHOOLS DEFINED.] Any consolidated school meeting the requirements for the state graded school of the first class shall receive aid in the sum of three hundred dollars, any consolidated school meeting the requirements for the state graded school of the second class shall receive aid in the sum of two hundred fifty dollars, and any consolidated school meeting the requirements for a state graded school of the third class shall receive aid in the sum of two hundred dollars; provided, that in any district where the tax rate for the preceding year is four mills and less than seven, each school shall receive double the amount named here and where the tax rate for the preceding year is seven mills or more, each school shall receive treble the amount. It is provided further, that a consolidated school here and elsewhere in the law is one where at least two teachers are employed and at least eighteen contiguous sections are served, without regard to the manner of its formation. It is still further provided that not more than ten thousand dollars of the appropriation

for state aid to rural, graded and consolidated schools shall be used for aid and encouragement of the unclassified rural, graded and consolidated schools of the state in such manner as may be determined by the state superintendent of public instruction.

Approved March 7, 1929.

CHAPTER 205

(S. B. No. 160—Eastgate.)

STATE AID HIGH SCHOOLS—APPOINTMENT DIRECTOR
SECONDARY EDUCATION

An Act to amend and re-enact Section 1433 of the Supplement to the Compiled Laws of 1913 of the State of North Dakota relating to application for state aid to high schools, and providing for the direction thereof, and the appointment of a director of secondary education.

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

§ I. AMENDMENT.] That Section 1433 of the Supplement to the Compiled Laws of 1913 of the State of North Dakota is hereby amended and re-enacted to read as follows:

§ 1433. DIRECTOR OF SECONDARY EDUCATION. HOW APPOINTED. HIGH SCHOOL AID. HOW APPORTIONED.] With the approval of the board of administration, the superintendent of public instruction shall appoint a director of secondary education who may thereby become affiliated with the faculties of the schools of education of North Dakota for the purpose of co-ordinating the practical and theoretical situations in the high schools of the state and the instruction in the school of education. Said director of secondary education shall be a graduate of a college or university of recognized standards, and shall have had at least five years of successful experience either as principal of a high school or superintendent of city schools in North Dakota. His duties shall be prescribed by the superintendent of public instruction and may include instructional duties in the schools of education of North Dakota, not to exceed more than the summer term. His term of office shall be for two years and shall begin July 1 of the odd numbered years. The salary shall be paid monthly on a warrant of the state auditor from the general fund of the state, and shall be in such amount as shall be provided for in the general appropriation bill. The director of secondary education shall receive his actual and necessary expenses incurred in the discharge of his official duties. The said director of secondary education, under the direction of the state superintendent of public instruction, shall carefully supervise the instruction, discipline and all conditions af-

fecting the efficiency of the high schools of the state receiving aid under this article, and make a written report on the same; provided, that no money shall be paid in any cases until such report shall have been received, examined, and the work of the school approved by the superintendent of public instruction.

The said superintendent shall receive applications from such schools for aid as hereinafter provided. The said superintendent shall apportion to each of said schools, which shall have fully complied with the provisions of this article, and whose applications shall have been approved by the superintendent, the following sums, to-wit: eight hundred dollars each year to each first class high school; the sum of five hundred dollars each year to each second class high school; and the sum of three hundred dollars each year to each third class high school; provided that the moneys so apportioned to any high school shall be used to increase the efficiency of high school work; provided, further, that the total amount of apportionment, expenses and salary under this act, except salary and expenses of the director of secondary education provided for above, shall not exceed the amount provided for in the budget, which amount, or so much thereof as may be necessary, shall be paid upon the itemized vouchers of said superintendent duly certified and filed with the state auditor; provided that in case the amount appropriated and available for the payment of aid to such schools shall in any year be insufficient to apportion to each of such schools as are entitled thereto the full amount intended to be apportioned to the high schools of the various classes then in such case, two thousand five hundred dollars shall be apportioned to each of the four schools having an agricultural, manual training and domestic economy department, and the remainder of such amount as is appropriated and available shall be apportioned pro rata among the schools entitled thereto: provided, further, that with the approval of the state superintendent of public instruction, the money appropriated by the state to the high schools designated to maintain departments of agriculture, manual training and domestic economy may be used for the extension of agricultural education and demonstration outside of the district in which the school is located, within the limits of efficiency.

Approved March 7, 1929.

CHAPTER 206

(H. B. No. 204—Johnston.)

**MANUAL TRAINING AND DOMESTIC SCIENCE NOT REQUIRED
FOR HIGH SCHOOL AID**

An Act providing that teaching of manual training and domestic science shall not be required of high schools for classification for state pecuniary aid.

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

§ 1. In the preparation and prescription of the courses for study for high schools of the state, the teaching of manual training and domestic science shall not be required for classification as a state high school for pecuniary aid; but the teaching of such subjects shall be optional with each local board of education.

§ 2. REPEAL.] All acts and parts of acts in so far as they are in conflict herewith are hereby repealed.

Approved March 9, 1929.

CHAPTER 207

(H. B. No. 113—McManus.)

**PAYMENT STATE AND COUNTY TUITION FUNDS TO U. S. BY
DISTRICT WITHIN INDIAN RESERVATION**

An Act providing for the payment of state and county tuition funds to the United States whenever the educational responsibility of a school district within an Indian Reservation is completely taken over by the United States.

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

§ 1. Whenever the educational responsibility of a school district within an Indian Reservation in this state, including the payment of the high school tuition provided by Chapter 245 of the Session Laws of 1927 and Section 1438a2 and 1438a3 of the 1925 Supplement to the Compiled Laws of 1913, shall be completely taken over and taken care of by the government of the United States, the state tuition fund and the county tuition fund, which would otherwise be paid to said school district, if functioning, shall be paid to the United States; provided that the compulsory school attendance laws of the state shall apply to and be enforced in such district and government school.

§ 2. If the school board shall cease to exist or function in such district, then the county superintendent of schools of the county within which such Indian Reservation is situated shall cause the school census or enumeration to be taken and reported as required by Section 1195 Compiled Laws of 1913, and the cost thereof shall be paid out of the county tuition fund, apportioned to be due the United States as herein provided, the same to be deducted and paid by the county treasurer from the amount apportioned said United States, upon presentation of a bill therefor, approved by such county superintendent of schools.

§ 3. REPEAL.] All acts or parts of acts in conflict herewith are hereby repealed.

Approved February 25, 1929.

CHAPTER 208

(H. B. No. 132—O. E. Erickson.)

SOLICITATION SALE OF MERCHANDISE AND SUBSCRIPTION TO
PERIODICALS BY SCHOOLS UNLAWFUL

An Act to prevent the advertising or sale of merchandise and the soliciting of subscriptions to periodicals through the agency of the public schools, and prescribing penalties for violation of the provisions of this act.

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

§ 1. It shall be unlawful for any person, firm or corporation to attempt to sell, advertise for sale, or secure orders for, any merchandise whatever, or to attempt to secure subscriptions for any magazine, newspaper or other periodical, or to obtain agents or solicitors for any such purpose, through the agency of any public school in this state, or to attempt, during school hours or at any time upon public school premises, to organize pupils of such school into clubs or contesting bodies for any such purpose. It shall also be unlawful for a teacher of any public school, and for any school officer, to promote or knowingly to permit any of the acts above mentioned by such means; provided, however, that this act shall not in any way affect or restrict the education or extra-curricula activities of any school, or its participation in any movement for the public welfare or for any charitable purpose, if such activity or movement is not connected with, and does not contribute to, any private business.

§ 2. Any teacher violating any provision of this act shall be subject to dismissal by the school board, and any other person violating any such provision shall be subject to a fine of not more than one hundred dollars (\$100.00).

Approved March 8, 1929.

CHAPTER 209

(H. B. No. 234—Committee on Delayed Bills.)

TEACHERS' INSURANCE AND RETIREMENT FUND COMMISSION

An Act providing for the appointment of a commission for the purpose of ascertaining the condition of the teachers' insurance and retirement fund and making recommendations regarding said fund to the governor and the legislative assembly.

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

§ 1. That a commission of five persons, two of whom shall be members of the Twenty-First Legislative Assembly, shall be appointed by the governor upon this act taking effect. Said commission shall make a thorough study and investigation of the Teachers' Insurance and Retirement Fund and shall report its findings and recommendations to the governor not later than the 1st day of November, 1930.

Approved March 6, 1929.

CHAPTER 210

(H. B. No. 151—Smith by Request.)

TEACHING U. S. CONSTITUTION IN SCHOOLS

An Act to require the teaching of the Constitution of the United States in the public and private schools of the State of North Dakota.

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

§ 1. In all public and private schools located within the State of North Dakota, commencing with the school year next ensuing after the passage of this act, there shall be given regular courses of instruction in the Constitution of the United States.

§ 2. Such instruction in the Constitution of the United States shall begin not later than the opening of the eighth grade, and shall continue in the high school course to an extent to be determined by the superintendent of public instruction.

Approved March 7, 1929.

CHAPTER 211

(H. B. No. 76—Amsberry.)

SPECIAL SCHOOL DISTRICTS ADJACENT TERRITORY

An Act to amend and re-enact Section 1240 of the Supplement to the Compiled Laws of 1913 as amended by Chapter 246 of the 1927 Session Laws relating to special school districts.

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

§ 1. AMENDMENT.] That Section 1240 of the Supplement of the Compiled Laws of 1913 as amended by Chapter 246 of the 1927 Session Laws be amended and re-enacted to read as follows:

§ 1240. ADJACENT TERRITORY. HOW ATTACHED FOR SCHOOL PURPOSES.] When any special school district has been organized and provided with a board of education under any general law, or special act, or under the provisions of this article, territory outside the limits thereof but adjacent thereto may be attached to such special school district by the board of county commissioners upon application in writing signed by two-thirds of the voters of such adjacent territory; provided, that no territory shall be annexed from any school district where the part remaining after such proposed annexation would have an assessed valuation of less than one hundred thousand dollars for each teacher employed in such remaining territory and one hundred and twenty-five thousand dollars for each teacher employed in such remaining territory if such remaining territory has a graded or consolidated school with two or more teachers.

Such adjacent territory shall be attached for voting purposes to such corporation, or if the election is held in wards, to the ward or wards or election precinct or precincts to which it lies adjacent; and the voters thereof shall vote only for school officers and on school questions; provided, that nothing in this act shall prevent any such adjacent territory from being annexed because of such adjacent territory being in an adjoining county and provided that the county commissioners shall detach any part of such adjacent territory which is at a greater distance than three miles from the central school in such special district and form a new common school district in case such adjacent territory would have an assessed valuation of not less than one hundred thousand dollars for each teacher employed or attach it to any adjacent common or special school district or districts on petition to do so signed by two-thirds of the legal voters of such adjacent territory, provided, further, that in all cases of annexation or detaching of territory fourteen days' notice of hearing before the board of county commissioners shall be given by posted notices in conspicuous places, three to be in the special district, three

in the territory sought to be annexed or detached, and three in the district from which the territory is to be taken or to which it is to be attached. If the board of county commissioners decide to annex or detach, as the case may be, then such territory shall become a part of the special district or be detached therefrom within five days after such hearing and all assets and liabilities shall be equalized according to Section 1327 of the Compiled Laws of North Dakota for 1913. Provided, also, that any special school district to which adjacent territory has been attached under this or any other act shall pay compensation, or furnish lodging, or pay tuition, or furnish vehicular transportation by public conveyance, for all pupils residing in such special school district, not including high school pupils attending such central school, more than two miles from the central school house thereof, in accordance with the provisions of Section 1190 of the Supplement to the Compiled Laws of 1913, and acts amendatory thereof. Provided, further, that in districts where vehicular transportation by public conveyance is furnished; that resident children who are in high school department, if such district maintains such high school department, shall be transported in such public conveyance.

Approved March 6, 1929.

CHAPTER 212

(S. B. No. 24—Brant.)

SPECIAL SCHOOL DISTRICTS—POWERS AND DUTIES OF
BOARD OF EDUCATION

An Act to amend and re-enact paragraph 2 of Section 1251 of the Compiled Laws of 1913 relating to powers and duties of the board of education of a special school district.

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

§ 1. AMENDMENT.] That paragraph 2 of Section 1251, Compiled Laws of North Dakota for 1913 be amended and re-enacted to read as follows:

2. To establish and maintain such schools in its district as it shall deem requisite or expedient and to change or discontinue the same.

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

Approved February 5, 1929.

SCHOOL AND STATE LANDS

CHAPTER 213

(S. B. No. 151—Brostuen and Cain.)

ACQUISITION LANDS BY BOARD OF UNIVERSITY AND SCHOOL LANDS IN SLOPE, GOLDEN VALLEY, BILLINGS AND McKENZIE COUNTIES FOR NATIONAL PARK PUR- POSES AND CONVEYANCE TO U. S. APPROPRIATION

An act authorizing the board of university and school lands of the State of North Dakota to acquire by purchase or condemnation, certain lands within the counties of Slope, Golden Valley, Billings and McKenzie for national park purposes; providing for the conveyance thereof to the United States under certain conditions, and making an appropriation therefor.

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

§ 1. The Board of University and School Lands is hereby empowered and it shall be its duty, subject to the conditions herein prescribed, to acquire by purchase or condemnation on behalf of the State of North Dakota, any lands owned by any person, firm or corporation and located within the area of the proposed Roosevelt National Park in the counties of Slope, Golden Valley, Billings and McKenzie, for National Park purposes only; provided that this act shall only be operative and the powers herein granted, exercised at the time and in the event that the government of the United States takes appropriate action to establish a National Park within one or more of said counties; and provided, further, that said board shall only require as much of such lands as the government of the United States shall require for National Park purposes.

§ 2. All lands acquired by the state under Section 1 hereof, shall be conveyed by said Board to the government of the United States at such times and under such conditions as the government of the United States shall prescribe, and not otherwise.

§ 3. Before purchasing any lands pursuant to the provisions of this act, the Board shall cause the same to be appraised as to value, and it shall in no case pay as purchase price for such land a sum in excess of the appraised value thereof. In case any such lands cannot be purchased at a price within the appraised value thereof, the board shall proceed to acquire the same by condemnation.

§ 4. There is hereby appropriated from the general funds of the state, not otherwise appropriated, the sum of two hundred thou-

sand dollars (\$200,000.00), or so much thereof as may be necessary, to carry out the purposes of this act; provided that in the exercise of the powers granted hereunder the board shall not make any contract for or indebted the state for any sum in excess of the amount of this appropriation; provided further, that no levy shall be made for raising the money hereby appropriated, unless and until Congress takes appropriate action, and appropriates the funds necessary to establish a National Park as herein provided.

Approved March 12, 1929.

CHAPTER 214

(H. B. No. 52—Westford.)

FORECLOSURE MORTGAGES BOARD OF UNIVERSITY AND
SCHOOL LANDS

An Act to amend and re-enact Section 292, of the Supplement to the Compiled Laws of North Dakota of 1913, relating to the foreclosure of mortgages held by the Board of University and School Lands, rate of interest required to be paid in case of redemption, assignments of mortgages, sale of foreclosed lands at public and private sale, interest rate on deferred and interest payments, publication of notice of sale, method of cancellation of contract, taxation of lands sold, redemption, rights of tax certificate holder, and rules and regulations of Board of University and School Lands.

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

§ 1. AMENDMENT.] That Section 292 of the Supplement to the Compiled Laws of North Dakota of 1913, be and the same is hereby amended and re-enacted to read as follows:

§ 292. MORTGAGE LOANS, FORECLOSURE, RATE OF INTEREST REQUIRED TO BE PAID IN CASE OF REDEMPTION, ASSIGNMENTS, SALE AT PUBLIC AND PRIVATE SALE, INTEREST RATE ON DEFERRED AND INTEREST PAYMENTS, PUBLICATION OF NOTICE OF SALE, CANCELLATION OF CONTRACT, TAXATION OF LANDS SOLD, REDEMPTION, RIGHTS OF TAX CERTIFICATE HOLDER, AND RULES AND REGULATIONS OF BOARD OF UNIVERSITY AND SCHOOL LANDS.] Mortgage loans made under the provisions of this chapter may be foreclosed either by action or advertisement, in the same manner and upon the same notice as required in other real estate foreclosures. When foreclosure is made by action, said action shall be brought and prosecuted in the name of the state; provided, that the Board of University and School Lands may, and it is hereby authorized and empowered to assign any or all of said mortgages, whenever in the judgment of said board it shall be for the best interests of the state

so to do; provided, however, that said board shall not accept as a consideration for said assignment any amount less than the principal and interest due upon said mortgage or mortgages. Such assignments when made shall be executed by the Governor and attested by the Secretary of State with the Great Seal of the State of North Dakota attached. Provided, further, that whenever a mortgage loan made under the provisions of this chapter has been foreclosed, the debtor or redemptioner may redeem the property from the purchaser within one year after the sale on paying the purchaser the amount of his purchase with five per cent interest thereon together with the amount of any assessment or taxes which the purchaser may have paid thereon after the purchase, and interest at the same rate on such amount; and if the purchaser is also a creditor having a prior lien to that of the redemptioner other than the mortgage under which such purchase was made, the amount of such lien with interest. Provided, further, that whenever a mortgage loan made under the provisions of this chapter has been foreclosed and a sheriff's deed to the mortgaged premises issued to the State, the Board of University and School Lands, may sell and convey the said land at private sale to any person; provided, however, that such sale be subject to any then existing lease of such land and premises, and such land must be so sold for cash and for not less than the amount for which the land was sold to the State on mortgage foreclosure sale, with interest on such sums at five per cent per annum, and the amount of all taxes and recording fees paid by the State, with interest at five per cent thereon to the date of conveyance. The Board of University and School Lands shall issue to the purchaser a quit claim deed conveying the right of the State in and to such land and premises, which deed shall be signed and executed in the manner hereinbefore provided as to assignments of mortgages.

The Board of University and School Lands may sell and dispose of said land at public sale to the highest bidder according to the terms fixed by said board, but in no case shall said board be authorized to accept less than one-fifth of the price in cash, nor shall the time of payments extend beyond the period of twenty years. All deferred payments and all past due interest shall draw interest at the rate of six per cent per annum. Such sale shall be subject to any then existing lease of such land and premises and such land must be sold for not less than the appraised value as determined by the county board of appraisal of the county in which said land is located. Provided, that in the case of public sale, the Board of University and School Lands shall cause to be published once each week for a period of two weeks prior to the day of sale, in a legal newspaper published within the county in which said land is situated, a notice of such sale, properly describing said land, together with the appraised value thereof, and the terms and conditions of sale. The

Land Commissioner shall execute and deliver a contract of sale to the purchaser, said contract to be in the form prescribed by the board. When final payment has been made to the State, the Board of University and School Lands shall issue to the purchaser, his heirs or assigns, a quit claim deed conveying such land and premises, which deed shall be signed and executed in the manner hereinbefore provided as to assignment of mortgages. In case the purchaser fails to pay either the principal, interest or taxes in accordance with the provisions of said contract, the Board of University and School Lands may in its discretion by resolution declare such contract null and void and cancelled and of no further force or effect; and in case of such declaration, shall notify the holder thereof of such declaration, by written notice mailed to his post office address. A certified copy of said resolution shall be forwarded to the county auditor and the register of deeds of the county in which such land is situated. The register of deeds shall record such certified copy of said resolution in the proper records of his office, and said resolution, when so recorded, shall operate as a complete and final cancellation of said contract, without any order or decree of the court. When such contract has been cancelled, such land shall not thereafter be listed for taxation.

The Land Commissioner shall, as soon as possible after a sale of such land, transmit to the auditor of the county in which such land is located, a detailed description of the land so sold, and the name of the purchaser, and the auditor shall extend the same upon his tax records for the purpose of taxation. Land contracted to be sold by the state shall be subject to taxation from the date of such contract and the taxes assessed thereon shall be collected and enforced in like manner as against other land. Such land may be sold for delinquent taxes as other lands are sold, and the purchaser shall only acquire, by virtue of such purchase, the right to be substituted in the place of such holder and owner of such contract of sale, as the assignee thereof; and upon the production to the Land Commissioner of the tax certificate given upon such tax sale, in case such land has not been redeemed, such tax purchaser shall have the right to have his name substituted in place of the original holder and owner of such contract, provided, however, that no substitution shall take place unless such tax purchaser makes payment of principal or interest then in default upon such contract of sale as the assignee thereof, and provided, further, that no substitution shall take place until three years after the date of such tax certificate. No tax deed shall be issued upon any tax certificate procured, while the legal title of said land remains in the State of North Dakota.

In all cases where the rights of a purchaser, his heirs or assigns, become forfeited, by failing to pay the amounts required, such

purchaser, his heirs and assigns, may, before the resale at public auction of the land described in such contract, redeem the land and premises by paying all past due deferred and interest payments, and all costs which have been incurred in addition thereto, together with interest on such sums at the rate of six per cent per annum, provided, however, that no redemption shall be made where the name of the tax purchaser has been substituted in place of the contract holder. In the event of a redemption of said land and premises, the Land Commissioner shall execute and deliver a new contract of sale to the purchaser, his heirs or assigns, said contract to be in the form prescribed by the board.

The Board of University and School Lands is hereby authorized to make such rules and regulations, as shall be by it deemed necessary for the manner, place and time of payment of principal, deferred and interest payments, and for such other conduct of the business of selling and disposing of foreclosed land not in conflict with the provisions of law.

§ 2. EMERGENCY.] An emergency is hereby declared to exist, and therefore this act shall take effect and be in force immediately upon its passage and approval.

Approved February 15, 1929.

CHAPTER 215

(H. B. No. 69—Westford.)

INVESTMENT UNIVERSITY AND SCHOOL LAND FUNDS—PAYMENT AND COLLECTION PRINCIPAL AND INTEREST

An Act to amend and re-enact Section 287, of the Supplement to the Compiled Laws of North Dakota for 1913, relating to the investment of university and school land funds; payment and collection of principal and interest.

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

§ 1. AMENDMENT.] That Section 287 of the Supplement to the Compiled Laws of North Dakota for 1913, be and the same is hereby amended and re-enacted to read as follows:

§ 287. BOARD INVESTS FUNDS, COMPENSATION OF BOARD, CONDITIONS OF LOANS, PRINCIPAL AND INTEREST PAYMENTS, REPORTS AND PAYMENTS BY LAND COMMISSIONER TO STATE TREASURER.] Said board shall have power, and it is made its duty from time to time to invest any money belonging to the permanent funds of the common schools, university, school of mines, training school,

agricultural college and the school for the deaf and dumb, normal schools, and other permanent funds derived from the sale of public lands or from any other source in bonds of school corporations or of counties or of townships, or of municipalities within the state, bonds issued for construction of drains under the authority of law within the state, bonds of the United States, bonds of the state of North Dakota, or in first mortgages on farm lands in this state, not exceeding in amount one-half of the actual value of any subdivision on which the same may be loaned, such value to be determined by the board of appraisal of school lands; provided, that at least one-third of the whole amount of the several permanent funds aforesaid as computed by the commissioner of university and school lands at the end of each fiscal year, shall be invested in first mortgages on cultivated farm lands in this state, if there is a sufficient demand for investment in such loans; provided further, that for said services as such board of appraisal the county auditor and county superintendent of schools shall receive only the necessary traveling expenses, but that the chairman of the board of county commissioners shall be entitled to the same mileage and per diem as when serving on the board of county commissioners. The first mortgages on farm lands in this state shall be made only in the manner following, to-wit:

1. The first mortgage on farm lands and each of them, shall run for a period of time not to exceed twelve years, and the funds so invested shall bear interest at the rate of five per cent per annum. Principal and interest shall be payable to the state land commissioner at Bismarck, North Dakota, interest being payable annually. The state land commissioner shall daily report and pay into the state treasury all collections of principal and interest payments. The borrower shall have his option of paying ten per cent or any multiple thereof of the principal at any interest bearing date, and the interest when paid shall be converted into and become a part of the interest and income fund.

2. First mortgage loans shall only be made upon cultivated land within the state and to persons who are actual residents thereof, and in no case on lands of which the appraised value is less than ten dollars per acre, and in sums of not more than five thousand dollars to any person or firm.

3. Any or all of said mortgages may be satisfied at any interest paying date on payment of the whole amount due thereon. All proceedings in regard to investments in first mortgages as provided in this chapter shall conform to and be governed by the laws of the state of North Dakota in such case made and provided. Said board of university and school lands shall not purchase or approve the purchase of any bonds or mortgages except at a legal session

thereof, nor unless every member of the board is notified by the secretary of said board in time to be present at such meeting, and notified also that the question of purchasing or acting on a proposition for the purchase of certain bonds or mortgages is to be considered at the meeting, nor unless a majority of all the members vote in favor of such purchase, and the vote on the purchase of every bond and mortgage shall be taken by the yeas and nays and shall be duly recorded in the books of the board.

4. PROCEDURE IN NEGOTIATING AND COMPLETING A LOAN.] The borrower shall submit to the state land commissioner an application stating the amount he wishes to borrow and giving other information as to the land and character thereof on a blank, prepared and furnished by the land commissioner, together with an appraisal of the land signed by at least two members of the county board of appraisal and other information which may be required by the land commissioner to be furnished by said board. Such application and appraisal shall be presented to the board of university and school lands at their next meeting for consideration. Immediately after a loan is authorized the land commissioner shall notify the applicant in writing, stating the amount, that will be loaned. If the amount is satisfactory to the applicant he shall present to the attorney general of the state an abstract continued to date.

The attorney general shall carefully examine the same and ascertain the amount necessary to release each encumbrance, if any. The applicant shall also execute and deliver to the attorney general a mortgage and note executed by the owner of said premises, by wife or husband or both as the case may be, with the state of North Dakota as mortgagee. The mortgage shall be recorded and abstract continued to date subsequent. The attorney general shall then certify in duplicate to the land commissioner and state auditor as to the condition of the title and as to the amount or amounts necessary to release each encumbrance and deliver the certificates, abstract, mortgage and note to the state auditor. If the attorney general finds the title satisfactory and that the encumbrances do not exceed the amount of the loan, he shall place the certificates and abstract before the state auditor, who shall draw his warrant in favor of the county treasurer of the county in which the loan is made for the amount of the loan. The county treasurer shall obtain and file with the proper county officer the releases necessary to release the land from all encumbrances, as stated in the certificate. The county treasurer shall also ascertain the amount of the unpaid recording, appraisal and abstract fees in connection with the loan, and file statement of such fees with the state land commissioner. The county treasurer shall then draw checks disbursing the proceeds of the loan in the following manner :

First: To each of the parties holding an encumbrance against the property, if any, the amount thereof.

Second: The balance to the applicant, and shall cause all releases to be recorded and continued on the abstract and forward to the state land commissioner, the abstract and all other instruments in connection with the loan.

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

Approved February 19, 1929.

CHAPTER 216

(H. B. No. 168—Wilson and Sax.)

RE-CONVEYANCE LANDS TO U. S. FOR NATIONAL PARK
PURPOSES

An Act authorizing the Board of University and School Lands to re-convey certain state lands to the United States for national park purposes and prescribing the conditions of such conveyance.

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

WHEREAS, there is now pending in the Congress of the United States, a bill providing for the creation of a National Park in the counties of Slope, Golden Valley, Billings and McKenzie, North Dakota, to be known as the Roosevelt National Park; and,

WHEREAS, the tract of land in such proposed National Park consists of the famous Petrified Forest and the "Bad Lands" of the Little Missouri River, where Theodore Roosevelt operated his historic cattle ranches and hunted wild game in the early history of the Dakota Territory, which tract is admirably fitted by nature for scenic purposes, and preserves in its natural state the mountainous character and wild unchanged condition of fifty years ago, and which tract is practicable and appropriate to preserve and set aside as a National Park as a memorial in honor of Theodore Roosevelt; and,

WHEREAS, there is included within the said proposed Park area approximately 42,000 acres, more or less, of unsold public lands, heretofore granted to the State of North Dakota by the United States under the terms of the Enabling Act of February 22, 1889; and,

WHEREAS, the people of the State of North Dakota heartily endorse such National Park project and desire to co-operate with

and aid the Government of the United States in the establishment thereof; therefore;

§ 1. The Board of University and School Lands of the State of North Dakota is hereby empowered and it shall be its duty, subject to the conditions herein prescribed, to re-convey to the government of the United States, free of cost, all unsold public lands heretofore granted to the State of North Dakota by the United States by the terms of the Enabling Act of February 22, 1889, and located within the following counties: Slope, Golden Valley, Billings and McKenzie, and described as follows: to-wit;

“All of Township 134, Range 106; Township 134, Range 105; Township 135, Range 105; the West one-half of Township 135, Range 104; Township 136, Range 102; Township 136, Range 103; Township 136, Range 104; Sections 33, 34, 35, and 36 in Township 136, Range 105; the West one-half of Township 137, Range 101; Township 137, Range 102; Sections 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36 in Township 137, Range 103; Sections 25, 26, 27, 34, 35, and 36 in Township 137, Range 104; the West one-half of Township 138, Range 101; Township 138, Range 102; the West one-half of Township 139, Range 101, excepting therefrom the right of way of the Northern Pacific Railway Company; Township 139, Range 102; the West one-half of Township 140, Range 101, excepting therefrom the right of way of the Northern Pacific Railway Company; Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18, and Sections 24, 25 and 36 in Township 140, Range 102, excepting therefrom the right of way of the Northern Pacific Railway Company; Township 141, Range 101; Township 141, Range 102; Township 142, Range 101; Township 142, Range 102; Township 143, Range 101; Township 143, Range 102; Township 144, Range 101; Township 144, Range 102; the West one-half of Township 145, Range 100; Township 145, Range 101; the East one-half of Township 145, Range 102; Township 146, Range 100; Township 146, Range 101; the East one-half of Township 146, Range 102; Township 147, Range 98; Township 147, Range 99; Township 147, Range 100; the South one-half of Township 147, Range 101; Sections 24, 25, 26, 27, 34, 35, and 36 in Township 147, Range 102; Sections 31, 32, 33, 34, 35, and 36 in Township 148, Range 98; Sections 31, 32, 33, 34, 35, and 36 in Township 148, Range 99; Sections 31, 32, 33, 34, 35, and 36 in Township 148, Range 100; all West of the fifth principal meridian.”

For National Park purposes only; provided that such conveyance shall only be made with the consent and approval of the government of the United States, and subject to such conditions as it may require in the premises; and provided further, that this Act shall only be operative when the government of the United States

takes appropriate action to establish a National Park within the area above described, and the power to make such re-conveyance shall only apply to the unsold state lands located within the area of any National Park so created.

Approved March 11, 1929.

CHAPTER 217

(H. B. No. 213—Committee on Delayed Bills.)

APPLICATION SALE OF SCHOOL OR INSTITUTIONAL LANDS

An Act to amend and re-enact Section 335a1 of the Supplement to the Compiled Laws of 1913, relating to sale of school or institutional lands and application for acquisition of land.

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

§ 1. AMENDMENT.] That Section 335a1 of the Supplement to the Compiled Laws of 1913, be and the same is hereby amended and re-enacted to read as follows:

§ 335a1. APPLICATION FOR ACQUISITION OF LAND.] Any person, firm, public or private corporation, or the State of North Dakota, desiring to acquire any school or institutional lands belonging to the State, for townsite purposes, school house sites, church sites, cemetery sites, sites for other educational or charitable institutions, public parks, fair grounds, public highways, fish hatcheries, airports, railroad right-of-way or other railway uses and purposes, reservoirs for the storage of water for irrigation, drain ditches or irrigation ditches, or for any of the purposes over which the right of eminent domain may be exercised under the constitution and laws of the State of North Dakota, may make written application to the board of university and school lands therefor, and such application shall state briefly the purposes for which such land is required and shall describe the same as accurately as possible; such application shall be accompanied by a map showing the land desired to be taken and such petition shall be verified by the applicant, or by some officer thereof, in case the applicant be a public or private corporation. Provided, however, that in case the applicant is the State of North Dakota, the petition shall be verified by an officer of the commission, board or department desiring to acquire school or institutional lands.

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

Approved March 8, 1929.

SECRETARY OF STATE

CHAPTER 218

(S. B. No. 203—Brostuen.)

SECRETARY OF STATE FEES

An Act to amend Section 129, Supplement to the Compiled Laws of 1913, relating to fees to be collected by the Secretary of State.

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

§ 1. AMENDMENT.] That Section 129, Supplement to the Compiled Laws of 1913 be amended to read as follows:

§ 129. FEES.] The Secretary of State for services performed in his office must charge and collect the following fees:

1. For a copy of any law, resolution, record or other document or paper on file in his office, twenty-five cents per folio.
2. For affixing his certificate and seal to any document, one dollar.
3. For affixing his signature and seal without a certificate, fifty cents.
4. For filing and recording articles of incorporation of domestic corporations for profit, five dollars; other domestic corporations, two dollars.
5. For issuing a certificate of corporate existence of domestic corporations, three dollars.
6. For filing and recording copy of articles of incorporation, and amendments of foreign corporations intending to do business in this state, twenty dollars.
7. For filing and recording certificates of appointment of attorney, five dollars.
8. For issuing a certificate of authority to transact business to foreign corporations, three dollars.
9. For filing and recording certificates of change of corporate name, three dollars.
10. For filing and recording certificate of change of principal place of business, three dollars.

11. For filing and recording certificate of increase or decrease of capital stock, three dollars.

12. For filing and recording certificate of renewal of corporate existence of a corporation, three dollars.

13. For issuing official certificate of change of corporate name, change of principal place of business, increase or decrease of capital stock or renewal of corporate existence, three dollars.

14. For filing and recording any amendment to articles of incorporation of domestic corporations not otherwise provided for, three dollars.

15. For every extradition warrant issued by the governor upon requisition of the governor of any other state or territory or any other document signed by the governor, and attested by the secretary of state, except pardons and commissions, three dollars.

16. For searching records and archives of the state, one dollar.

17. For recording miscellaneous records, papers or other documents, twenty-five cents per folio and for filing any paper not otherwise provided for, one dollar. But no member of the legislative assembly, or state or county officer can be charged for any search relative to matters appertaining to duties of his office, nor must he be charged any fee for a certified copy of any law or resolution passed by the legislative assembly, relative to his official duties. All fees must be paid in advance, and when collected must be paid into the state treasury at the end of each month and placed to the credit of the salary fund.

§ 2. EMERGENCY.] Whereas an emergency exists for the passage of this law, therefore this act shall take effect and be in force from and after its passage and approval.

Approved March 7, 1929.

SECURITIES

CHAPTER 219

(H. B. No. 230—Twichell.)

DEFINING SECURITIES—REQUIREMENTS STATE SECURITIES COMMISSION

An Act amending and re-enacting Sections 5235a2 and 5235a3 of the Supplement to the Compiled Laws of 1913, as amended by Chapter 255, Session Laws of 1927, re-defining the term "securities," and their method of sale or manner of offering financial interest therein to the public.

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

§ I. AMENDMENT.] Section 5235a2 of the Supplement to the Compiled Laws of 1913, as amended by Chapter 255, Session Laws of 1927, is hereby amended and re-enacted to read as follows:

§ 5235a2. The term "securities" as used in this act shall be taken to mean stock certificates, shares, bonds, debentures, certificates of participation, contracts, service contracts, preorganization certificates and subscriptions, agreements to incorporate or mutual incorporation contracts involving more than twenty-five proposed incorporators, certificates evidencing shares of or interest in trust estates or associations, profit sharing agreements or certificates; or any certificate contract, or instrument whatsoever representing or constituting evidence of, or secured by, title to, or interest in, or any lien or charge upon the capital or any property or assets of the issuer thereof, or any oil, gas or mining lease; and interest, units or shares in any such lease or leases; contracts or bonds for the sale and conveyance of land on deferred payments or installment plan, or other instruments in the nature thereof by whatsoever name they may be known or called; promissory notes of any individual, partnership, corporation or association of any kind, the proceeds from the sale of which are to be used, or represented to the prospective purchasers of such promissory notes to be used in capitalizing, furthering or promoting any manufacturing, selling, distributing, industrial, mercantile, mining, drilling for oil or gas, or development enterprise of any kind or nature whatsoever, where said promissory notes so issued and sold are to be paid by such enterprise or where said promissory notes are accompanied by any oral or written promise or representation that the purchasers of said promissory notes shall share in any of the profits of said enterprise, or benefit from the success of said enterprise either directly or indirectly.

§ 2. AMENDMENT.] Section 5235a3 of the Supplement to the Compiled Laws of 1913 as amended by Chapter 255 of the Session Laws of 1927 is hereby amended and re-enacted to read as follows:

§ 5235a3. It shall be hereafter unlawful for any person, co-partnership, association or corporation, hereinafter called the investment company, either as principal or through agents, to sell, or offer for sale, or by means of any advertisement, circulars, or prospectus, or by any other form of public offering, to attempt to promote the sale of any securities, or induce any person, firm, association, or corporation, to become financially interested in any securities in this state, unless there first shall have been filed with the securities commission: (1) A copy of the securities so to be promoted: (2) A statement in substantial detail of the assets and liabilities of the person or company making and issuing such securities and of any person or company guaranteeing the same, including specifically the total amount of such securities and of any securities prior thereto in interest or lien, authorized or issued by any such person or company; (3) If such securities are secured by mortgage or other lien, a copy of such mortgage or of the instrument creating such lien, and a competent appraisal or valuation of the property covered thereby, with a specific statement of all prior liens thereon, if any: (4) A full statement of facts showing the gross and net earnings, actual or estimated, of any person, or company making and issuing or guaranteeing such securities, or of any property covered by any such mortgage or liens: (5) All knowledge or information in the possession of such investment company relative to the character or value of such securities, or of the property or earning power of the person or company making and issuing or guaranteeing the same; (6) A copy of any general or public prospectus or advertising matter which is to be used in connection with such promotion, and no such prospectus or advertising matter shall be used unless the same has been filed hereunder; (7) The names, addresses and selling territory in this state of any agents by or through whom any such securities are to be sold, including a statement giving the qualifications, occupations and business experience of each of such agents for a period of five years prior to the filing; the name and address of each employer, the period of employment and reason for resignation or discharge, and no such agents shall be employed unless such statement with respect to them has been filed hereunder, and that shall have been paid to the commission a registration fee of three dollars (\$3.00) for each such agent. The payment of such fee shall be payment in full of all fees for registration of such agent from January 1st to January 1st of the following year: (8) The name and address of such promoter, including the names and addresses of all partners, if the Investment Company be a partnership, and the names and addresses of the directors or

trustees, and of any person owning ten per centum, or more, of the capital stock, if the promoter be a corporation or association: (9) A statement showing in detail the plan on which the business or enterprise is to be transacted; (10) The articles of co-partnership or association, and all other papers pertaining to its organization, if the securities be insured or guaranteed by a co-partnership or unincorporated association; (11) A copy of its charter and by-laws if the securities be issued or guaranteed by a corporation; (12) A filing fee of one-twentieth of one per cent of the amount of the securities authorized to be sold in this state, but in no case shall the filing fee be less than twenty-five dollars (\$25.00). In case of denial of the application, all of that part of fees, above the twenty-five dollars (\$25.00) will be returned to the applicant.

Approved March 11, 1929.

SEEDS

CHAPTER 220

(H. B. No. 45—Thatcher.)

DISTRIBUTION SEEDLINGS BY STATE FORESTER

An Act to amend and re-enact Section 1679c of the Compiled Laws of North Dakota for the year 1913.

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

§ 1. AMENDMENT.] That Section 1679c of the Compiled Laws of North Dakota for the year 1913 be amended and re-enacted to read as follows:

§ 1679c. DISTRIBUTION.] Seeds and seedlings from such nursery shall be distributed to citizens and land owners of this state upon payment of the cost of production or collection, as in the case of tree seeds, and the cost of transportation from the nursery; the charge for trees not to exceed one cent each. As a condition precedent to such distribution the citizen or land owner making application therefor must agree to plant the seeds and seedlings distributed under the direction of the state forester and in conformity with his instructions.

§ 2. EMERGENCY.] 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 February 9, 1929.

CHAPTER 221

(H. B. No. 216—Sax and Plath.)

APPOINTMENT, DUTIES, ETC., STATE SEED COMMISSIONER

An Act to amend and re-enact Sections 3, 4, 5, 7 and 8 of Chapter 250 of the 1927 Session Laws of the State of North Dakota.

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

§ 1. AMENDMENT.] Section 3 of Chapter 250 of the Session Laws of North Dakota of the year 1927 is hereby amended and re-enacted to read as follows:

§ 3. STATE SEED COMMISSIONER. HOW APPOINTED.] The department of state seed certification shall be operated and managed by the state seed commissioner, who shall be appointed by the board of administration, and his term of office, and salary, shall be fixed by said board. The state seed commissioner shall also appoint, with the consent and approval of the board of administration, a deputy state seed commissioner for pure seed potato work, whose term of office, salary, and duties shall be fixed by the said board.

§ 2. AMENDMENT.] Section 4 of Chapter 250 of the 1927 session Laws of the State of North Dakota is hereby amended and re-enacted to read as follows:

§ 4. POWERS AND AUTHORITY OF THE STATE SEED COMMISSIONER.] It shall be the duty of the state seed commissioner and he shall have powers and authority as follows: (1) To make and promulgate all rules and regulations for field and crop inspections, for field registrations, seed crop handling, bin inspections, car inspection for grade of potatoes, analyzing, testing, or certifying of all seed or seeds to be grown, produced, processed or treated, exposed or offered for sale or sold, which seeds are designated or intended to be known or to become registered or certified under the state brand, label or tag as North Dakota Registered Certified Seed, by and through the North Dakota Department of State Seed Certification; (2) to establish and designate, kinds, varieties, strains, the names thereof and the grades and standards of quality, degree of disease infection, and also the amount of any admixture, foreign seed, prohibited or noxious weed seeds that may be allowed in any lot or stock or seed or of potatoes which may be or become eligible to field registration or to seed certification provided that no lot of the highest grade North Dakota Registered Certified seed shall contain a total of more than 2 per cent of such admixtures, foreign seeds, diseased products, noxious weed seeds and inert matter, and further, if any such disqualifications, the approximate per cent of the same

shall be stated in the certificate and upon the official tag and label; to prescribe all brands, labels, tags and containers that may be used for the various grades and qualities of North Dakota Registered Certified Seed and what written or printed words such brands, labels, tags or containers shall bear; (4) to regulate, prescribe and direct, the manner and methods of seed treatment, crop culture, harvesting, threshing, handling, storage and warehousing, under which the identity and quality of the seeds so produced shall be preserved and the grower or producer of such seeds become licensed, registered or listed as a grower or producer of North Dakota Registered Certified Seeds; (5) to appoint all official field crop and bin inspectors, analysts and aids and to select as other aids and assistants any properly qualified persons connected with other experiment stations in the state and to designate laboratories at other state institutions in the state where analyses and testing of seeds may be had, subject to the approval of the board of administration, and such laboratories, aids and assistants, when so confirmed, shall be subject to the supervision and regulation of the state seed commissioner; (6) to cooperate with the managers of any seed cleaning, seed treating or processing plants, and with the managers of any wholesale seed houses of the state which have proper facilities and equipment to properly store, clean, grade, process, and handle field inspected, or field registered seeds or potatoes preparatory to certification, and in like manner to cooperate with and utilize the facilities and equipment of any cooperative growers associations formed or incorporated in the state for the purpose of handling and marketing of North Dakota Registered Certified Seed. The state seed commissioner shall also have power and authority to cooperate with the United States Department of Agriculture and the proper authorities of other states in all matters relating to the betterment of methods and means of seed inspection, analysis, testing and certification; further, he shall have the power and authority to select, test and grow, and in cooperation with growers, within the state, arrange for proper increase and distribution of foundation stocks suitable for the production of registered certified seed and to cooperate with any organized county, district, or state fairs to put on proper exhibits, contests and distribution sales of registered certified seed products; (7) to establish an equitable schedule of charges and fees to cover the costs of any special, subsidiary or necessary inspections, analysis or tests, other than as now provided by law, and all such charges and fees so collected shall be turned into the fund of the department of state seed certification; (8) to make and execute such further rules and regulations as may be deemed necessary.

§ 3. AMENDMENT.] Section 5 of Chapter 250 of the 1927 Session Laws of the State of North Dakota, is hereby amended and re-enacted to read as follows:

§ 5. Any person, firm or corporation or agent thereof who shall expose or offer for sale, sell, or have in possession any seed which is represented in any manner to be North Dakota Registered Certified Seed or which bears in any manner any label or statement that it is or purports to be North Dakota Registered Certified Seed, or who employ the term "Certified" or the term "Inspected" or the term "Registered" or any term or terms conveying a meaning substantially equivalent to the meaning of any of said terms, either orally or in writing, printing, marking, or otherwise in reference to or in connection with, or in advertising or characterizing or labeling seed potatoes or the containers thereof, unless such potatoes shall have been duly inspected and registered and certified pursuant to the provisions of this act, or who removes any official brand, label or tag from any bin, bag, package or other container or who transfers, modifies, mixes, or changes the contents of any officially labeled or tagged container of North Dakota Registered Certified Seed or potatoes while in transit or in storage except as officially authorized by the state seed commissioner, or who otherwise, in any manner, violates any provisions and purposes of this act shall be guilty of misdemeanor and on conviction thereof shall be fined not less than one hundred dollars (\$100.00) and costs, nor more than one thousand dollars (\$1,000.00) and costs of prosecution. Provided, however, that all fields of seeds now registered by the state seed commissioner and seeds now certified by such state seed commissioner shall be considered registered or certified, respectively under this act. Provided, further, that these regulations shall not apply to seed, excepting potatoes bearing the official inspection, certification and registration tags of other states.

§ 4. AMENDMENT.] Section 7 of Chapter 250 of the 1927 Session Laws of the State of North Dakota, is hereby amended and re-enacted to read as follows:

§ 7. APPROPRIATION.] For the purposes of carrying out and administering the provisions of this act and to pay the salaries of the necessary employees, analysts and expert field and bin inspectors and to establish definitely for the producers of the state, a trade mark and a label, under the state government authority, for North Dakota Registered Certified Seed, there is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of fifteen thousand dollars (\$15,000.00) or as much thereof as may be necessary for the biennium period beginning July 1, 1929. Such appropriation shall be retained in the state treasury and to be known as the State Seed Certification Fund, and shall be distributed under the direction and supervision of the board of administration only for the purpose of this act and upon requisition of the state seed commissioner.

§ 5. AMENDMENT.] Section 8 of Chapter 250 of the 1927 Session Laws of the State of North Dakota is hereby amended and re-enacted to read as follows:

§ 8. DISPOSITION OF FEES AND OTHER FUNDS COLLECTED.] All funds arising from the collection of charges and fees or from any other source under this act shall be paid to the state treasurer and credited to the State Seed Certification fund, and shall be distributed under the direction and supervision of the board of administration only for the purposes of this act and upon requisition of the state seed commissioner.

Approved March 9, 1929.

SOLDIERS' CLAIMS

CHAPTER 222

(S. B. No. 110—Hamilton and Sperry.)

CLAIMS AGAINST RETURNED SOLDIERS' FUND

An Act to authorize the adjutant general to file as claims against the returned soldiers' fund, certain applications which were received subsequent to June 30, 1927.

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

§ 1. The adjutant general is hereby authorized to file as claims against the returned soldiers' fund and proceed to carry the same to a final conclusion, as if same had been filed prior to July 1, 1927, applications of the following named veterans of the World War, which applications through error, misapprehension or neglect were not so filed prior to July 1, 1927, viz:

Christian Carl Andersen	Louis William Christianson
Owen Walker	Henning A. Carlson
Elmer William Flagg	Martin Cornelius Bjerke
Christ Hans Larsen	Hiram Paul Morgan
Edward Nelson	Edwin Otto Nelson
Harry Francis Schruth	Edward Alva Smith
Harry D. Sutherland	William Craddock
Albert Andrew Johnson	Ole S. Holm
Waldeman George Anderson	Loren Ronde
Bochsen	Emil Emanuel Nelson
Emil K. Grindberg	Winfield Walter Blake
LeRoy Kastian	Joe F. Herda

Archie Hedner Olson
Taffield Blahosky
Herman Gabrielson
George L. James
John Dennis Powers
Barney J. McCann
Aaron Rudy Lee
Leland John Benson
Chester Newton Giles
Benjamin H. Stowell
Alexander Gennany
William Albert Milkey
Alexander Watson
Victor Imanuel Lindor
Arthur Conner

Benjamin Schmidt
James H. Keck
John S. Samdal
Ole A. Kamphaug
Tobias Hansen
Sigurd Lima
Kristian Aarteig
Frank Leslie Townsend
Henry Peterson
John Patrick Perry
Robert Boynton Fosburg
Fred Paul McCrea
Elmer Erickson
James Joseph Corman
George Garrett

§ 2. EMERGENCY.] This act is hereby declared an emergency measure and shall take effect on and after its passage and approval.

Approved March 4, 1929.

STANDARD TIME

CHAPTER 223

(S. B. No. 8—Martin.)

STANDARD TIME—STATE OF NORTH DAKOTA

An Act to provide a standard time for the State of North Dakota and the institution and continuance thereof.

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

§ 1. Beginning at one o'clock a. m. United States Central Standard Time of the first day of July, 1929, the standard time in this state shall coincide with that known and described as United States Standard Central Time.

§ 2. On and after one o'clock a. m. United States Central Standard Time of the 1st day of July, 1929, in all laws, statutes, orders, decrees, rules or regulations relating to the time of performance of any act by any officer or department of the state or of any county, city, township or district thereof; or relating to the time in which any rights shall accrue or terminate, or within which any act

shall or shall not be performed by any person or corporation subject to the jurisdiction of this state, and in all public schools and institutions of the state, or any county, city, township or district thereof, and in all contracts made or to be performed within this state and in all decrees, orders and judgments of the courts of this state it shall be understood that the time intended, referred to or used shall be the standard time as provided in section one of this act.

Approved February 5, 1929.

STATE ENGINEER

CHAPTER 224

(H. B. No. 192—Westford by Request.)

An Act to amend and re-enact Sections 8239 and 8240 of the Compiled Laws of North Dakota for the year 1913, relative to the appointment, duties, powers, and qualifications of the state engineer and assistant state engineer, and the expenses of the state engineer's office.

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

§. I. AMENDMENT.] That Section 8239, of the Compiled Laws of North Dakota of the year 1913, is hereby amended and re-enacted to read as follows:

§ 8239. STATE ENGINEER. APPOINTMENT. DUTIES. POWERS. QUALIFICATIONS. SALARY.] There shall be a state engineer, who shall be a technically qualified and experienced hydraulic engineer, to be appointed by the governor and such appointment confirmed by the senate. He shall hold office for a term of four years from and after his appointment, or until his successor shall have been appointed and shall have qualified. He shall not engage in private practice. He shall have general supervision of the waters of the state and of the measurement and appropriation thereof, and shall receive such salary as may from time to time be fixed and provided for by legislative appropriation, and actual and necessary traveling expenses while away from his office in the discharge of his official duties. Whenever the board of university and school lands shall request the state engineer to investigate any particular piece of land granted to the state under the Enabling Act, for the purpose of determining whether or not it is coal bearing within the meaning of the constitution, it shall be his duty to do so and report his conclusions and the basis on which they are founded to the board; but

in making such investigation and reports, he shall, whenever practicable, call to his assistance, and consult with the Dean of School of Mines (College of Mining Engineering) and the professor of Geology at the Agricultural College.

§ 2. AMENDMENT.] That Section 8240 of the Compiled Laws of North Dakota of the year 1913, is hereby amended and re-enacted to read as follows:

§ 8240. ASSISTANT STATE ENGINEER AND EXPENSES OF STATE ENGINEER'S OFFICE.] The state engineer shall have power to appoint from time to time, during the season of the year when field work is practicable, one or more assistant engineers, one of whom shall be a graduate from one of the leading technical universities of the county, who shall receive such salary as may be fixed by the state engineer, to be paid out of funds appropriated by the legislature for that purpose. He shall also receive actual and necessary traveling expenses while away from the office in the discharge of his official duties. The state engineer may employ other and additional assistants, and purchase materials and supplies for the proper conduct and maintenance of his office and department, in pursuance of appropriations as made from time to time for such purpose. The salaries and expenses of the office of the state engineer, shall be paid at the same time and in the same manner as those of other officers of this state. The office of the state engineer shall be located at the seat of government.

Approved March 9, 1929.

STATE INSTITUTIONS

CHAPTER 225

(S. B. No. 117—Ployhar.)

STATE INSTITUTIONAL APPROPRIATION EXCESS EXPENDITURES UNLAWFUL

An Act declaring it unlawful for the board of administration or any member thereof or the president, superintendent, or managing officer of any state institution to exceed, or connive and conspire to exceed, the amount of any appropriation made by the legislative assembly for any designated purpose, and providing penalties therefor.

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

§ 1. It is hereby declared unlawful for the board of administration or any member thereof in the transacting of the business of

any state institution under its direction or control, to knowingly make or authorize any expenditure in the matter of the erection or improvement of any public building, or structure, or the purchase of any real property, in excess of any appropriation made by the legislature for such purpose; and it is further declared unlawful for the president, superintendent, or managing officer of any state institution conducted under the direction or control of the board of administration, to knowingly connive or conspire with said board of administration, or with any member thereof, to procure to be expended in the matter of the erection or improvement of any public building or structure or the purchase of any real property at the state institution of which he is such president, superintendent or managing officer, any sum in excess of the appropriation thereof as made by the legislature.

§ 2. PENALTY.] Any member of the board of administration and any president, superintendent or managing officer of any such state institution, violating the provisions of the foregoing section, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$500.00 or by imprisonment in the county jail not to exceed 60 days, or by both such fine and imprisonment, and shall be subject to summarily being removed from office by the governor.

§ 3. EMERGENCY.] Whereas, it has been the custom in the past for the board of administration to use their own judgment in the expenditure of moneys appropriated by the legislature, and as a vast amount of money will be appropriated at this session, and to avoid a repetition of that violation, this act is hereby declared to be an emergency measure, and shall be in full force and effect immediately upon its passage and approval.

Approved March 4, 1929.

STATE LICENSING DEPARTMENT

CHAPTER 226

(S. B. No. 95—Hamilton.)

STATE LICENSING DEPARTMENT—PENALTY

An Act to amend and re-enact Section 548a11 of the 1925 Supplement to the Compiled Laws for the year 1913, relating to the penalty under the state licensing department.

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

§ I. AMENDMENT.] That Section 548a11 of the 1925 Supplement to the Compiled Laws of 1913, be, and the same is hereby amended and re-enacted to read as follows:

§ 548a11. PENALTY.] Any person who shall violate this Act or any part thereof shall be guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not to exceed one hundred dollars (\$100.00), or be confined in the county jail not to exceed thirty (30) days, or by both such fine and imprisonment.

Approved March 6, 1929.

CHAPTER 227

(S. B. No. 91—Hamilton.)

AUTHORITY STATE INSPECTOR SEIZURE PROPERTY UNLAWFULLY USED

An Act to authorize state inspectors appointed under the provisions of Section 548a4 of the 1925 Supplement to the Compiled Laws for the year 1913, to seize and confiscate goods, wares and merchandise sold, offered for sale, or given away in violation of any of the laws of the State of North Dakota, and giving owners of property the right to institute court proceedings in Burleigh County, North Dakota, to have the legality of his possession determined; to authorize the attorney general upon order of the district court to sell such confiscated property.

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

§ I. AUTHORITY OF INSPECTORS TO SEIZE AND CONFISCATE PROPERTY UNLAWFULLY USED OR EMPLOYED.] Whenever any inspector appointed under the provisions of Section 548a4 of the 1925 Supplement to the Compiled Laws of 1913, shall find in the possession of any person, firm or corporation doing business within the State of North Dakota, any goods, wares or merchandise of

any kind, nature or description which is unlawfully exposed, offered or kept for sale, or as a gift by such person, firm or corporation, or any device of any kind, nature or description, used as a game of chance, or for gambling purposes, such inspector is hereby authorized and empowered, whether the violator is arrested or not, to seize and confiscate, and deliver to the attorney general of the State of North Dakota all such goods, wares and merchandise, game of chance or gambling devices together with the contents of same. Provided, unless the owner of the property so seized, shall within sixty days from the date of such seizure, institute an action in the district court of Burleigh County to have the legality of his possession of any such property so seized under the provisions of this act, determined, the said goods shall be considered forfeited to the State of North Dakota, and the attorney general may thereafter make application to the district court of Burleigh County, North Dakota, for an order to sell and dispose of such seized and confiscated goods. The district court shall, upon proper application by the attorney general, showing when such goods were seized, and further showing that notice by registered mail has been served upon the owner, his agent or attorney, of such confiscated property, giving the date when such property was seized, issue his order authorizing the attorney general to sell such property either at public or private sale, or to destroy the same, and the net proceeds of said sales, after the expenses are paid shall be paid to the state treasurer, and credited to the attorney general inspection fund. Provided further that all goods seized and confiscated by state inspectors prior to the passage and approval of this act, and which are now in the possession of the attorney general, may be disposed of without giving the required notice.

Approved March 4, 1929.

TAXATION

CHAPTER 228

(H. B. No. 176—Thatcher.)

TAX RECEIPTS

An Act to amend and re-enact Section 2157 of the Compiled Laws of North Dakota of the year 1913 relating to the issuance of tax receipts and the form thereof.

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

§ I. AMENDMENT.] That Section 2157 of the Compiled Laws of North Dakota of the year 1913 is hereby amended and re-enacted to read as follows:

§ 2157. TAX RECEIPTS, WHAT TO SPECIFY, NUMBERED CONSECUTIVELY, DUPLICATES FILED WITH COUNTY AUDITOR.] Upon the payment of any tax, the county treasurer shall give to the person paying the same a receipt therefor, showing the name and postoffice address of such person, the amount and date of payment, the land, lot or other property upon which the tax is levied, according to the description on the tax list, or in some other sufficient manner, and the year or years for which the tax was levied. If for current taxes on real estate, the receipt shall have written or stamped across its face "taxes for" (giving the year in figures) or "first half of taxes" (giving the year in figures) or "last half of taxes" (giving the year in figures), as the case may be. Each year's tax shall be on a separate receipt and the receipts for each year shall be numbered from one upwards. If land has been sold for taxes, either to a purchaser or to the county, and the time for redemption from such sale has not expired, the receipt for such taxes shall have written or stamped across the face "sold for taxes", with a statement of the years for which any of the real estate described therein has been sold for taxes and not redeemed. The treasurer shall make duplicates of all receipts and shall return such duplicates at the end of each day to the county auditor. He shall file and preserve them in his office, charging the treasurer with the amount thereof.

Approved March 7, 1929.

CHAPTER 229

(H. B. No. 173—Swendseid.)

ASSESSMENT AND TAXATION OMITTED PROPERTY

An Act to provide for the assessment of omitted property in the case of property required to be assessed by the state board of equalization, and for the taxation of such omitted property.

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

§ 1. Whenever after the final adjournment of the state board of equalization the tax commissioner shall discover that any taxable property, which is subject to assessment by the state board of equalization, has been omitted in whole or in part, in the assessment of any year or years, or that any person, company or corporation whose property is subject to assessment by the state board of equalization has filed with the state tax commissioner, or state board of equalization, a false statement of his or their property, or has omitted property subject to taxation, in any such statement, or has neglected or refused to file such statement, the tax commissioner shall there-

upon assess such omitted property at its just and true value for each year such property was omitted or escaped taxation, not exceeding six years.

§ 2. The tax commissioner shall give notice by mail to the person, company or corporation owning such property, of his action in assessing such property; shall describe the property in general terms, and shall notify such person, company or corporation to appear before him at his office at a specified time within fifteen (15) days after such notice and show cause, if any, why such property should not be added to the assessment rolls. If the person, company or corporation, or an agent or representative thereof, does not appear, or if they appear and fail to give good and sufficient reasons why such assessment should not be made, the same shall be made. The tax commissioner is hereby vested with all powers conferred upon the state board of equalization in discharging the duties imposed upon him by the provisions of this act, provided, that if any person, company or corporation is aggrieved by any assessment of omitted property made by the tax commissioner under this act, they shall have the right to appeal to the state board of equalization for a review of such assessment.

§ 3. In case any such appeal is filed, the tax commissioner shall call a meeting of the state board of equalization at a specified time to be approved by the governor, at which time any party protesting the assessment of omitted property may be heard. Due notice of the time and place of the meeting of the state board of equalization shall be given to the taxpayer. After consideration of the facts, the state board of equalization shall fix the assessment of property according to the best judgment of the board.

§ 4. The valuation of such omitted property shall be apportioned to the county or counties in which located according to the law governing the regular assessment of such property. Taxes against escaped property or omitted property shall be assessed, levied and collected as provided in the case of general property which may have escaped taxation. The provisions of law governing the assessment of omitted general property and the levy and collection of taxes thereon shall be applicable to property assessed under the provisions of this act, except as otherwise specifically provided.

§ 5. All acts and parts of acts that conflict with this act are hereby repealed.

Approved March 7, 1929.

CHAPTER 230

(H. B. No. 172—Swendseid)

EXEMPTION FARM BUILDINGS AND IMPROVEMENTS FROM
TAXATION

An Act to amend and re-enact Subsection 14 of Section 2078 of the Supplement to the Compiled Laws of 1913, relating to the exemption of farm buildings and farm improvements from taxation.

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

§ I. AMENDMENT.] That Subsection 14 of Section 2078 of the Supplement to the Compiled Laws of 1913, be amended and re-enacted to read as follows:

Subsection 14. All farm structures and improvements located on agricultural lands. This subsection shall be construed to exempt farm buildings and improvements only, and shall not be construed to exempt from taxation industrial plants or structures of any kind not used or intended for use as a part of a farm plant or as a farm residence.

Approved March 11, 1929.

CHAPTER 231

(H. B. No. 150—Swendseid by Request.)

REPEAL COUNTY TAX LEVY FOR IMMIGRATION

An Act to repeal Sections 3277 and 3278 of the Compiled Laws of 1913, relating to a special tax levy for immigration, levied by the board of county commissioners upon petition of 20 per cent of the legal voters of the county.

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

§ I. LAW REPEALED.] That Sections 3277 and 3278 of the Compiled Laws of 1913 be and the same are hereby repealed.

Approved March 8, 1929.

CHAPTER 232

(H. B. No. 148—Swendseid by Request.)

REPEAL ASSESSMENT AND TAXATION CORPORATE EXCESS

An Act to repeal Sections 2110, 2110a1 and 2110a2 of the Supplement to the Compiled Laws of 1913, relating to the assessment and taxation of corporate excess.

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

§ 1. LAW REPEALED.] That Sections 2110, 2110a1 and 2110a2 of the Supplement to the Compiled Laws of 1913, providing for the assessment and taxation of corporate excess, having been declared unconstitutional by the supreme court of North Dakota in the case of Gamble Robinson Fruit Company v. Thoresen, 53 N. D. 28; 204 N. W. 861, be and the same are hereby repealed.

Approved March 7, 1929.

CHAPTER 233

(H. B. No. 128—Twichell.)

TAX CERTIFICATES, ETC., ON LANDS ACQUIRED BY
STATE TREASURER AS TRUSTEE

An Act providing that the right of any county holding a tax certificate, or other tax lien on lands acquired by the state treasurer as trustee of the State of North Dakota under the provisions of Chapter 154 of the Session Laws of North Dakota for 1919 and Chapter 292 of the Session Laws of North Dakota for 1923 and acts amendatory thereof, to enforce the collection of the same, shall be suspended until July 1st, 1931; providing the rate of interest such tax certificates and tax liens shall bear; and prohibiting the assignment or transfer of all tax certificates or tax liens held by the county on any lands that have been foreclosed under said acts.

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

§ 1. In all cases where the state treasurer as trustee of the State of North Dakota has heretofore, or hereafter acquires the title to any lands within the State of North Dakota under the provisions of Chapter 154 of the Session Laws of North Dakota for 1919 and Chapter 292 of the Session Laws of North Dakota for 1923, and acts amendatory thereof, and there are outstanding against such lands tax certificates held by the county, the right of the county to acquire a tax deed thereto, or to otherwise enforce the collection of its tax certificates or other tax liens against said

lands shall be wholly suspended until July 1st, 1931, and any proceedings taken to acquire title by tax deed, or to otherwise enforce such tax liens shall be null and void; provided, that upon the resale of any such lands, either by deed or contract, the right of the county to enforce its tax certificates or tax liens in the manner provided by law shall thereupon be restored and shall thereafter remain in full force and effect.

§ 2. From and after the date of acquiring title by the state treasurer as trustee of the State of North Dakota to any lands as provided in section 1, hereof, all tax certificates or other tax liens held by the county thereon shall bear interest at the rate of seven per cent (7%) per annum until redeemed or paid.

§ 3. From and after the date of the foreclosure sale of any lands under mortgages held by the state treasurer as trustee of the State of North Dakota under the provisions of Chapter 154 of the Session Laws of North Dakota for 1919, and Chapter 292 of the Session Laws of North Dakota for 1923, and acts amendatory thereof, no tax certificate or tax lien held by the county on any of said lands shall be assigned, or in any manner transferred to any person, firm or corporation for any purpose whatever during the time such foreclosure sale remains unredeemed, and any purported assignment or transfer of any such tax certificate or other tax liens made in violation hereof, shall be null and void.

§ 4. This act shall expire and become inoperative for any purpose on the first day of July, A. D. 1931.

Approved March 7, 1929.

CHAPTER 234

(H. B. No. 115—Twichell.)

CANCELLATION UNCOLLECTED PERSONAL PROPERTY TAXES 1920 AND PRIOR

An Act to cancel uncollected personal property taxes assessed for 1920, and prior years, and providing for the certification thereof to the state auditor of state taxes cancelled, and credit therefor to the counties.

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

§ 1. That all unpaid personal property taxes levied and assessed for the year 1920, and all prior years thereto, be and the same are hereby cancelled, and the county auditors of the various counties of the state are directed to cancel the same of record, and to furnish a

list of such cancellations to the treasurer and sheriff of their respective counties, who shall note on their lists that such taxes are cancelled; and it shall be the duty of the county auditor to certify to the state auditor the amount of state taxes so cancelled, and the state auditor shall enter the same to the credit of the county accordingly.

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

Approved March 7, 1929.

CHAPTER 235

(H. B. No. 97—McManus and Jardine.)

TAX LEVY LIMITATIONS

An Act relating to the manner of making tax levies, determination of the rate of levy, limiting the rate of levy for state, county, city, village, township, school district, and park district purposes, prescribing duties of county auditor in connection with extension of levies, etc., and repealing Sections 2148 and 2149 of the Compiled Laws of 1913, Section 2150 of the Supplement to the Compiled Laws of 1913, and Section 2151 of the Supplement to the Compiled Laws of 1913 as amended by Chapter 199, Session Laws of 1927, Sections 2163a1 to 2163a6, and 2163a8 to 2163a10 of the Supplement to the Compiled Laws of 1913, and 2163a7 of the Supplement to the Compiled Laws of 1913 as amended by Chapter 269, Laws of 1927.

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

§ 1. LEVY IN SPECIFIC AMOUNTS.] All county, city, village, township, school district, and park district taxes shall be levied or voted in specific amounts, except special assessment taxes and such general taxes as may be definitely fixed by law.

§ 2. DETERMINATION OF RATE.] The rate per centum of all taxes, except the state tax and taxes the rate of which is fixed by law, shall be calculated and fixed by the county auditor within the limitations prescribed by statute. If any municipality shall levy a greater amount than the prescribed maximum legal rate of levy will produce, then the county auditor shall extend only such amount of tax as the prescribed maximum legal rate of levy will produce. The rate shall be based on the aggregate net assessed valuation of taxable property in the municipality levying the tax. The rate per cent of all taxes shall be calculated by the county auditor in mills, tenths and hundredths of mills.

§ 3. STATE TAX LEVY.] The state tax shall be levied by the state board of equalization at its annual meeting in August of each

year. The state board of equalization shall determine the rate of state tax to be levied for the purposes prescribed by law and such rate shall be based on the aggregate net assessed value of the taxable property within the state as assessed and equalized by such state board. In levying said tax the state board of equalization shall be limited by the amount necessary to raise for the purpose of meeting the appropriations made by the legislative assembly and the estimated general expenses of the state, together with a sufficient amount to pay the annual interest on the public debt of the state and provide a sinking fund to pay and discharge the principal thereof at maturity. State levies shall be made in specific amounts and the rate shall be determined by the State Board of Equalization. The aggregate rate of levy for all state purposes, exclusive of interest on the public debt of the state shall not exceed four mills on the dollar of the net taxable assessed valuation of all property in the state as equalized by the state board for the current year. The rate of state tax shall be certified by the state tax commissioner to each county auditor on or before the fifteenth day of September annually.

§ 4. COUNTY TAX LEVY.] On the fourth Tuesday in July of each year, or within ten days thereafter, the board of county commissioners of each county shall levy the necessary taxes for the current year on all taxable property in the county. In levying county taxes the board of county commissioners shall be limited by the amount necessary to raise for the purpose of meeting the appropriations included in the county budget of the current fiscal year, and the sum necessary to provide as a general reserve fund as hereinafter provided, together with a tax sufficient in amount to pay the interest on the bonded debt of the county and provide a sinking fund to pay and discharge the principal thereof at maturity. The county budget shall show the complete expenditure program of the county for the current fiscal year and the sources of the revenue from which it is to be financed.

(a) LIMITATION.] The aggregate amount levied by any county for general county purposes shall not exceed such amount as will be produced by a levy of eight (8) mills on the dollar of its net taxable assessed valuation. (b) The aggregate amount levied for road purposes in any county plus the amount levied for bridge purposes shall not exceed such amount as will be produced by a levy of two and one-half ($2\frac{1}{2}$) mills on the dollar of the net taxable assessed valuation of the county. (c) The foregoing limitation as to rate of levy for general county purposes shall not apply to levies for the purpose of paying interest upon the bonded indebtedness of the county, or to levies made to pay and discharge the principal thereof, nor to the county tuition levy provided for by Section 1224 of the Supplement to the Compiled Laws of 1913, nor to taxes

levied pursuant to the provisions of Section 2868a1 for the purpose of combating the grasshopper pest; not to taxes levied pursuant to the provisions of Sections 2261 and 2262 of the Supplement to the Compiled Laws of 1913 for the purpose of combating gophers and similar pests. With the exception noted in this Section the limitation of eight (8) mills for general county purposes shall apply to all taxes which a county is authorized to levy.

(d) The county auditor shall also levy a tax of one dollar on each elector in the county for the support of the public schools, and no property shall be exempt from the collection of such tax by distress or otherwise, which tax, when so collected, shall be distributed to the several school corporations in the county in proportion to the number of children of school age residing in the territory.

(e) "The county auditor shall levy for road purposes a poll tax of one dollar and a half on every male person between the ages of twenty-one and fifty years not exempted by law. No property shall be exempt from the collection of such tax by distress or otherwise. Road poll taxes when collected, shall be distributed to the city, village or township in which such taxpayer resides, provided that in case of taxes collected from residents of unorganized territory said tax shall be retained in the county treasury and shall be expended by the board of county commissioners in such territory."

§ 5. CITY AND VILLAGE TAX LEVIES.] City and village taxes shall be levied by the city council or the village board of trustees, as the case may be, at the annual budget meeting of the city or village on the fourth Wednesday of July of each year or within ten days thereafter. In levying city and village taxes the governing body of the municipality shall be limited by the amount necessary to raise to meet appropriations included in its annual budget of the current fiscal year, and the sum necessary to be provided as a reserve fund (as hereinafter provided in Section 10) together with a tax sufficient in amount to pay the interest on the bonded debt of the municipality and to provide a sinking fund to pay and discharge the principal thereof at maturity.

(a) The aggregate amount levied for general village purposes shall not exceed such amount as will be produced by a levy of ten mills on the net taxable assessed valuation of property in the village.

(b) The aggregate amount levied for general city purposes shall not exceed such amount as will be produced by a levy of fourteen mills on the net taxable assessed valuation of property in the city.

(c) The foregoing limitations in this section shall not apply to:

(1) Taxes levied pursuant to the provision of Section 3716 of the Supplement to the Compiled Laws of 1913, (or acts amendatory thereof, for the purpose of paying a deficiency in connection with a special improvement project.

(2) Nor to taxes levied pursuant to the provisions of Section 3723 of the Compiled Laws of 1913 for the purpose of paying a proportion of the cost of a special improvement project by general taxation;

(3) Nor to levies to pay interest on bonded debt and levies to pay and discharge the principal thereof at maturity. With the exceptions noted in this paragraph, the limitations prescribed in paragraphs (a) and (b) of this section shall apply to all taxes which any village or city is authorized to levy.

§ 6. PARK DISTRICT TAX LEVIES.] Park district taxes shall be levied by the park commission at the annual budget meeting of the commission on the fourth Wednesday of July of each year or within ten days thereafter. In levying park district taxes the park commission shall be limited by the amount necessary to raise to meet appropriations included in its annual budget of the current fiscal year, and the sum necessary to be provided as a reserve fund (as hereinafter provided in Section 10) together with a tax sufficient in amount to pay the interest on the bonded debt of the municipality and provide a sinking fund to pay and discharge the principal thereof at maturity. The aggregate amount levied for park district purposes, exclusive of levies to pay interest on bonded debt and levies to pay and discharge the principal thereof, shall not exceed such amount as will be produced by a levy of 2 mills on the dollar of the net taxable assessed valuation of the district for the current year.

§ 7. SCHOOL TAXES.] School district taxes shall be levied by the governing body of each school district on or before the last day of July of each year. Taxes for school district purposes shall be based upon an itemized budget statement which statement shall show the complete expenditure program of the district for the current fiscal year and the sources of the revenue from which it is to be financed. The board of education or board of directors of each school district, whether common, independent or special, in levying taxes shall be limited by the amount necessary to raise for the purpose of meeting the appropriations included in the school budget of the current fiscal year, and the sum necessary to be provided as a reserve fund (as hereinafter provided in Section 10) together with a tax sufficient in amount to pay the interest on the bonded debt of the district and provide a sinking fund to pay and discharge the principal thereof at maturity.

(1) The aggregate amount levied by any school district, whether common, independent or special, shall not exceed such amount as will be produced by a levy of fourteen (14) mills on the dollar of the net assessed valuation of the district, except that;

(2) Any school district giving two years of standard high school work may levy taxes not to exceed sixteen (16) mills and;

(3) Any school district giving four years of standard high school work may levy not to exceed eighteen (18) mills, and;

(4) Any school district maintaining a consolidated school may levy not to exceed sixteen (16) mills on the dollar of its net taxable valuation.

(5) The governing body of any school district may levy taxes annually for a school building fund not in excess of one mill annually and not in excess of the limitations prescribed in this section and Section 13, when authorized to do so by 60% of electors voting upon the question at a regular or special election. Such fund shall be used exclusively for erecting school buildings. All amounts received from such levy shall be kept in a special fund and such fund shall be known as a school building fund. Such fund may be used in connection with the proceeds of any bond issue made for the same purpose. It shall be illegal to use such fund or any part thereof for any purpose except for the purposes for which the fund was created. Such fund shall be subject to all requirements which now govern the sinking fund of any such school district and shall be retained by or deposited with the custodian of the sinking funds of the district. All payments from such fund shall be upon warrant of the proper fiscal officer of the district for whose benefit the tax was levied. Whoever uses or authorizes to be used such fund or any part thereof for any purpose except the purpose for which the fund was created shall be liable therefor and upon his official bond. If any unexpended balance of such fund is no longer needed for the purpose for which the fund was created or the project is abandoned, such balance shall be transferred to the general fund of the municipality or to the sinking fund or funds of the municipality as directed by the governing board. No such transfer shall be made until the object of the levy is satisfied or abandoned.

(6) The foregoing limitations shall not apply to levies for the purpose of paying interest on bonded debt or to levies made to pay and discharge the principal thereof at maturity.

§ 8. TOWNSHIP TAX LEVIES. (a) ELECTORS RIGHT TO VOTE AMOUNTS FOR TOWNSHIP PURPOSES.] The electors of each township shall have power at the annual meeting to vote to raise such sums of money for the repair and construction of roads and bridges,

for the support of the poor and for all township charges and necessary expenses, as they deem expedient within the limitations prescribed by this section. They may, at such annual meeting, direct such portion of the poll or road tax of the township to be expended on the highways in an adjoining township, as they deem conducive to the interest of the township. Labor and taxes in such instances shall be expended under the joint direction of the supervisors of the townships interested and furnishing the same. Where more than one congressional township is included within an organized township, the poll and road taxes raised within the limits of each of such congressional townships shall be expended within such congressional townships, unless raised to be expended outside of such organized townships in an adjoining township. The total amount of the annual tax levy in civil townships shall not exceed such amount as will be produced by a levy of five (5) mills on the dollar of the net taxable assessed valuation thereof, exclusive of levies to pay interest on bonded debt and to provide a sinking fund to pay and discharge the principal thereof at maturity. The board of township supervisors may levy for township purposes, such sum as may be voted at the annual town meeting. No tax for township purposes shall exceed the amount voted to be raised at the annual township meeting.

(b) On the last Tuesday in March of each year, or within ten days thereafter, the board of supervisors of each organized civil township shall levy the annual taxes for the ensuing year, as voted at the annual town meeting, and immediately thereafter the township clerk shall certify to the county auditor the amount of such levies.

§ 9. UNORGANIZED TOWNSHIP TAX LEVIES.] The board of county commissioners shall have the same jurisdiction in relation to roads and bridges in unorganized parts of counties as the township supervisors now have in organized townships and shall have power to levy road and bridge taxes in unorganized parts of counties to be expended therein. The total tax for road and bridge purposes, levied by the board of county commissioners in such unorganized townships for road and bridge purposes, shall not exceed two (2) mills on the dollar of the net taxable assessed valuation of such unorganized townships. Such limitation, however, shall not be construed as limiting the power of the board of county commissioners to levy general county taxes for road and bridge purposes in such unorganized territory as may be provided by law.

§ 10. GENERAL RESERVE FUND.] The governing body of any county, city, village, school district, park district or other municipality authorized to levy taxes may include in its budget an item to be known as the "General Reserve Fund" which shall be carried

over to the next ensuing fiscal year to meet the cash requirements of all funds or purposes to which the credit of the municipality may be legally extended for that portion of such fiscal year prior to the receipt of taxes therein. In no case shall such "General Reserve Fund" be in excess of the amount reasonably required to finance the municipality for the first nine months of the next ensuing fiscal year, provided further that such reserve fund shall not be in excess of three-fourths the current annual appropriation for all purposes other than debt retirement purposes and appropriations financed from bond sources.

§ 11. DETERMINATION OF LEVY.] The amount to be levied by any county, city, village, township, school district, park district or other municipality authorized to levy taxes shall be: (1) The amount of estimated expenditures for the current fiscal year as finally determined plus (2) the required reserve fund determined upon by the governing board from the past experience of the district; less the total of (3) the available surplus (free and unincumbered cash balance) (4) estimated revenues from sources other than direct property taxes. (5) The total of estimated collections from previous years tax levies, (6) such expenditures as are to be made from bond sources. The governing body of the municipality, however, may make allowance for a permanent delinquency or loss in tax collections not to exceed 5% of the amount of the levy.

§ 12. CERTIFICATION OF LEVY.] The taxes levied or voted by incorporated cities, villages, townships, school districts and park districts, shall be certified by the proper authorities to the county auditor immediately following the action of the governing board or within 10 days thereafter.

Any city, village, township, school district or park district official required by law to report the amount of taxes to be levied for such city, village, township, school district or park district, and neglecting or refusing to make such report within the time required by this section, shall be subject to a penalty of not less than \$25 for such refusal or neglect, to be recovered on complaint of the county auditor before any court of competent jurisdiction. Upon complaint of the county auditor, the state's attorney shall bring an action in the name of the state for the benefit of the county general fund.

The county auditor of each county in this state, upon receipt of tax levies certified to him by the proper authorities of the state or of any incorporated city, village, township, school district, park district, shall immediately upon receiving such tax levies so certified to him, acknowledge receipt thereof to the proper official of any municipality, transmitting any such tax levies to him.

§ 13. VOTERS MAY AUTHORIZE EXCESS LEVY.] A county, city, village, township or school district may levy taxes in excess of the limitations prescribed by sections four to eight inclusive of this act when authorized so to do by sixty per cent (60%) of the electors voting upon the question at a regular or special election, provided, however, that the excess levy shall not be more than 50 per cent over and above the legal limitation of levy. The governing body of any such municipality may, at any time prior to August 1st in any year, by a two-thirds vote of all the members of said board, declare by resolution that the amount of taxes which may be raised at the maximum rate authorized by law will be insufficient to provide an adequate amount for the necessary requirements of the municipality in question and that it is necessary to levy taxes in excess of said limitations for the purpose of meeting the current expenses of the municipality. The tax levying board of any such municipality shall thereupon have the power to call a special election for the purpose of voting upon the question of authorizing an excess levy, or in the case of counties, to submit the question to the voters either at a special election called for that purpose or at the regular primary election. Such election shall be held not later than September 1st of the year in which the tax is to be levied and shall be conducted as other elections of such municipalities except as herein otherwise provided. The notice of election, in addition to the usual requirements, shall contain a statement of the question to be voted upon pursuant to the terms of this act, and shall also show the total amount of income and expenditures of such taxing districts for the fiscal year immediately preceding; the estimated expenditures, for the year for which the taxes are to be levied; the aggregate amount of tax levied which the tax levying board seeks authority to make; the aggregate amount of tax levies permissible without special authority from the electors; and the amount of tax levy in excess of the statutory limit which the board seeks authority to make. A copy of the notice of election shall be mailed by the auditor or clerk of the taxing district to the tax commissioner at Bismarck, North Dakota, on or before the date of the posting or first publication of the notice and shall be open to public inspection in his office.

The governing body of any school district shall be authorized to submit the question of authorizing an excess levy for the current year and the next succeeding year or the next two succeeding years. When the question of authorizing an excess levy for more than one year is submitted by the governing body of any school district, the form of ballot shall be varied from the form prescribed in this section in order to properly cover the question submitted. The notice of election shall, in addition to the foregoing requirements, give notice of the year or years for which authorization is sought for

an excess levy. If such excess levy is authorized by a sixty per cent (60%) vote of the electors of the district voting upon the question, the board may make such excess levy for the years for which authorization has been given. Such excess levy may at any time be discontinued by the governing body and shall be discontinued upon petition of 20% of the voters of the district.

In case the question is submitted by the county board at the regular primary election, the county auditor shall publish a notice of the submission of such question with the information above indicated, or shall embody such information in the usual notice of election.

The question shall be submitted in the follownig form:

“Shall (naming the taxing district)
levy taxes for the year (naming the current calendar year)
which shall exceed the legal limit by dollars, so that
the taxes levied instead of being dollars, which is the
limit authorized by law, shall be dollars?”

Opposite to such question shall be printed the word “yes” and below it the word “no”, and opposite each word there shall be a square in which the voter may indicate his intention by making a cross. If sixty per cent (60%) of all votes cast upon the question are in favor of authorizing the excess levy, it shall thereby be authorized. In such case, the election board shall certify the result of such election to the county auditor within ten days after such election, and in case of a county election the result shall be certified by the canvassing board within one day after it has completed canvassing the returns from the several precincts. The certificate shall include a statement of the question as the same appeared upon the ballot, together with the total number of votes cast upon the question, the number of votes cast in favor of it, and the number of votes cast against authorizing the excess levy. If sixty per cent (60%) of the votes cast upon the question were in favor of authorizing such excess levy, the county auditor shall extend such excess levy upon the tax lists.

§ 14. DEFINITIONS AND INTERPRETATIONS.] In this act unless the context or subject matter otherwise requires:

(1) “Municipality” or “Taxing District” means a county, city, village, township, common school district, independent school district, special school district or park district empowered to levy taxes.

(2) The terms "net assessed valuation" or "assessed valuation" when used in this act, signify the valuation remaining after deducting exemptions and making other reductions from the original assessed valuation, and is the valuation upon which the rate of levy is finally computed and against which the taxes are finally extended.

(3) "Governing body" means a board of county commissioners, city council, board of city commissioners, village board of trustees, school board or board of education of any school district, and the similarly constituted and acting board of any other municipality enumerated in Subsection 1 of this section.

(4) "Unincumbered cash" means the total cash on hand in any fund less the amount belonging to the fund in closed banks and less the amount of outstanding bills, accounts and contracts which are chargeable against the fund.

§ 15. PENALTY FOR VIOLATION.] Any county auditor who shall extend taxes in excess of the limitations prescribed by the terms of this act shall forfeit a sum not less than twenty-five dollars and not exceeding one thousand dollars to be determined by the court in an action brought in district court by the state's attorney in the name of the state for the benefit of the county general fund, and if such action of the county auditor be willful he shall also be deemed guilty of a misdemeanor and in addition to the usual penalty his office shall be deemed vacant and shall be filled according to law.

§ 16. REPEAL.] Sections 2148 and 2149 Compiled Laws of 1913, Sections 2150 of the Supplement to the Compiled Laws of 1913, and Section 2151 of the Supplement to the Compiled Laws of 1913 as amended by Chapter 199, Session Laws of 1927, Sections 2163a1 to 2163a6, and 2163a8 to 2163a10 of the Supplement to the Compiled Laws of 1913, and Section 2163a7 of the Supplement to the Compiled Laws of 1913, as amended by Chapter 269, Session Laws of 1927 and all acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved March 14, 1929.

CHAPTER 236

(H. B. No. 42—Committee on Appropriations.)

TAX LEVY CAPITOL BUILDING

An Act providing for the levying of a tax to create a fund for the purpose of erecting a new capitol building, and equipping same, at the City of Bismarck, North Dakota.

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

§ 1. There shall be levied upon each dollar of assessed valuation of all taxable property within this state, for the years 1930, 1931, 1932, 1933, 1934, 1935, and 1936, and to be paid during each of said years, one twentieth of one mill for 1930, one tenth of one mill for 1931, 1932, 1933, 1934, 1935, and 1936, on every dollar of taxable property, and all such revenues as may be collected under such levy, including all interest collected, shall be paid into a special fund to be known as the "State Capitol Building Fund". Such fund shall be used only for the purpose of erecting a new capitol building and equipping same, in the City of Bismarck, North Dakota. All moneys arising from such tax for said purpose shall be expended therefor as the legislature may direct.

Approved March 9, 1929.

CHAPTER 237

(H. B. No. 22—Mau and Carter.)

TAX LEVY COUNTY PUBLIC IMPROVEMENTS

An Act to permit the levy and collection of a tax for the purpose of defraying the cost of public improvements in counties; providing the manner in which such authority may be exercised; providing for the protection and disbursement of funds derived thereby; providing a time within which such improvement shall be undertaken.

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

§ 1. The county commissioners in any of the several counties of this state may, and when petitioned by twenty per cent of legal voters of said county as shown by the last general election must, call an election of the voters of such county to vote upon the ques-

tion of levying a tax to create a fund for the erection or construction of a public improvement for the use of the inhabitants of said county.

§ 2. The resolution and order of the county commissioners calling such election shall contain a general description of the precise improvement for which said tax is to be levied and collected, the maximum number of years over which said tax shall be spread, the maximum rate per mill per annum to be levied, and the time when such election shall be called. Notice of the adoption of such resolution and of the election to be held in pursuance thereof shall be published by the county auditor at the time notice of the primary law or general election to be held concurrently is published.

§ 3. The ballot to be submitted at such election shall be prepared by the county auditor and shall be in the following form:

“Shall a levy of not to exceed mills be made annually for a period of (not to exceed 10 years), for the purpose of erection of the following public improvement

Yes	
No	

and there shall be inserted in the blank space in such question by the county auditor appropriate words describing the nature of the improvement to be undertaken.

§ 4. Such election shall be held at the same time as the next ensuing state primary or general election is held. The votes cast upon such questions shall be returned and canvassed as other votes cast at such election are returned and canvassed; and the result of such election shall be certified and spread upon the minutes of the proceedings of such county commissioners at the next regular or special meeting thereafter.

§ 5. If sixty per cent of the votes cast at such election upon such questions be in favor of the tax levy, then there shall be levied, spread, and collected as other taxes are collected in said county, an annual tax in such amount as shall be determined by resolution of the board of commisioners.

§ 6. No tax levied pursuant to authority hereunder for any year, shall exceed in amount equal to one mill on the dollar of taxable property within such county, nor shall such tax be levied for more than ten years for any one improvement.

§ 7. Said tax, when collected, shall be held to be a special trust fund for the erection or construction of the public improvement for which it was levied, and it is hereby made the duty of the county treasurer to deposit such funds as collected to the credit of the county in the Bank of North Dakota, or other legal designated depositories, provided depositories other than the Bank of North Dakota shall furnish surety company bonds for the protection of such funds.

§ 8. Before the expiration of ten years from the first day of December of the year the first annual levy shall have been made, the county commissioners shall procure such ground as may be necessary for a site, secure plans and specifications for such work of improvement, enter into necessary contracts for the erection or construction thereof, and do all things necessary to carry into effect the purpose of said tax. The necessary resolutions, notices and manner of advertising for bids and entering into contracts shall be done in the manner prescribed by general law.

§ 9. Said funds shall be paid out for the construction or erection of such public improvement upon order of the county commissioners, provided, that any balance remaining in such fund after the payment of all costs and expense incident to the erection or construction of such public improvement shall be covered into the general fund of said county.

§ 10. Any officer or person having custody of said funds who diverts, transfers, disburses, or in any manner uses said funds contrary to the purposes herein specified, shall be deemed guilty of misappropriation of funds, and, in addition to other punishments prescribed by law, shall be liable on his official bond for all sums so misappropriated, to be recovered by an action in the name of the county as plaintiff in the district court of the county.

§ 11. All laws or parts of laws in conflict with the provisions of this act are hereby repealed.

Approved March 11, 1929.

CHAPTER 238

(S. B. No. 70—Murphy.)

TAX LEVY MUNICIPAL BAND

An Act to amend and re-enact Section 4 of Chapter 270, Session Laws of the State of North Dakota for the year 1927.

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

§ 1. AMENDMENT.] Section 4 of Chapter 270 of the Session Laws of the State of North Dakota for the year 1927, is hereby amended and re-enacted to read as follows:

§ 4. Said levy shall be deemed authorized if a sixty per cent of the votes cast at said election be in favor of the proposition. The governing body of said city or village may thereupon include in their budget an appropriation for the maintenance or employment of a band for municipal purposes and may levy to cover such appropriation in this annual tax levy. The amount of levy to cover such appropriation together with the aggregate amount for general purposes shall be within the limitation prescribed by Sections 2163a1 and 2163a6 of the Supplement to the Compiled Laws of 1913, or acts amendatory thereof. The amount appropriated for the maintenance or employment of a band for municipal purposes shall in no case exceed four thousand dollars and shall further be subject to the following limitations:

(a) In cities or villages having a net assessed valuation not in excess of five million dollars, the amount appropriated shall not exceed one mill on the net assessed valuation of the property of the city or village.

(b) In cities or villages having a net assessed valuation of over five million dollars and not in excess of fifteen million dollars the amount appropriated shall not exceed one-half of one mill on the net assessed valuation of the taxable property of the city or village.

(c) In cities or villages having a net assessed valuation in excess of fifteen million dollars, the amount appropriated shall not exceed one-fourth of one mill on the net assessed valuation of the taxable property of the city or village.

Approved March 6, 1929.

CHAPTER 239

(S. B. No. 182—Patten.)

INCOME TAX NON-RESIDENT INDIVIDUALS—SITUS •

An Act to amend and re-enact Section 2346a3 of the Supplement to the Compiled Laws of 1913; providing for the assessment, levy and collection of an income tax from non-resident individuals upon all net income received from property owned or from business transacted in this state, and fixing the situs of the income of non-resident individuals.

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

§ 1. AMENDMENT.] That Section 2346a3 of the Supplement to the Compiled Laws of 1913 is hereby amended and re-enacted to read as follows:

§ 2346a3. (1) The tax imposed by this act shall be levied, collected and paid annually with respect to his entire net income not hereinafter exempted received by every non-resident from property owned or from business carried on in this state. Such tax shall first be levied, collected and paid in the year 1929 upon and with respect to the taxable income for the calendar year 1928, and for any taxable year ending during the year 1928, and at the rates specified in Section 2346a11 with respect to net income of residents of North Dakota. The tax imposed herein shall apply to the entire net income received from all property owned or from business carried on in this state by natural persons not residents of the state; provided, that income from a merchantile or manufacturing business, rentals, royalties or operation of any farm, mine or quarry or from the sale of real or personal property for the purposes of taxation shall follow the situs of the property or business from which derived; and all other income including that derived from personal services, professions and vocations, and from land contracts, mortgages, stocks, bonds and securities shall follow the residence of the non-resident recipient. Non-residents engaged in business within and without the state shall be taxed only upon such income as is derived from business transacted and property located within the state which may be determined by a separate accounting of such income where such accounting would reflect correctly the income fairly attributable to North Dakota and when made in the form and manner prescribed by the tax commissioner, but otherwise shall be determined in the manner specified in Section 2346a6 of the Supplement to the Compiled Laws of 1913 with respect to the allocation of income of corporations engaged in business within and without the state.

(2) The provisions of law applicable to the assessment, levy and collection of income taxes from resident individuals, as to gross income, deductions allowed, items not deductible, personal exemptions and all other provisions not inconsistent with the provisions of this section shall govern the levy and collection of income taxes from non-resident individuals.

§ 2. EMERGENCY.] 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 March 7, 1929.

CHAPTER 240

(S. B. No. 178—Fowler.)

TIME LIMIT FOR REVISION INCOME TAX

An Act to amend and re-enact Section 2346a34 and Section 2346a37, Supplement to the Compiled Laws of 1913, relating to time in which to apply for revision of income tax.

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

§ I. AMENDMENT.] That Section 2346a34 of the Supplement to the Compiled Laws of 1913, be hereby amended and re-enacted to read as follows:

§ 2346a34. The tax appearing on the face of the return shall be paid at the same time the report is filed. The taxpayer shall attach to his report his remittances for the amount of tax due as computed by him. Provided that the payments may be made in quarterly installments, and if paid in installments the first installment shall be paid at the time fixed by law for filing of the return; the second installment shall be paid on the fifteenth day of the third month; the third installment on the fifteenth day of the sixth month; and the fourth installment, on the fifteenth day of the ninth month after the time fixed by law for filing the return. The tax commissioner, shall as soon as possible after the receipt of the report and remittance issue a receipt to the taxpayer for the amount of his remittance. Such receipt shall not be a receipt in full for the amount of tax due, but only for the remittance made by the taxpayer. The tax commissioner shall proceed to audit the reports of taxpayers and not later than three years after the due date of the return assess the tax and if any additional tax is found due, shall notify the taxpayer in detail as to the reason for the increase. The taxpayer shall be given thirty days from the date of such notice to

file objections to the additional tax, either in person or by attorney. Unless such objections are filed, said tax shall become delinquent forty-five days after notice. If objections are filed, the objections shall be considered by the tax commissioner who may call for any further information from the taxpayer that he deems necessary to make a fair determination. After making a re-determination of the disputed tax, the tax commissioner shall notify the taxpayer of his findings and the amount of tax as re-determined shall become delinquent fifteen days after notice. Interest at the rate of one per cent (1%) a month shall be computed upon all delinquent income tax payments with an additional penalty of five per cent (5%) at the time such tax becomes delinquent. Any unpaid taxes shall be collected by the procedure outlined in Chapter 58, Special Session Laws of 1919, for the collection of delinquent taxes.

§ 2. AMENDMENT.] That Section 2346a37 of the Supplement to the Compiled Laws of 1913 be hereby amended and re-enacted to read as follows:

§ 2346a37. A taxpayer may apply to the tax commissioner for revision of the tax assessed against him at any time within three years from the due date of the return or from the date of the notice of the assessment of any additional tax. The tax commissioner shall grant a hearing thereon, and if upon such hearing, he shall determine that the tax is excessive or incorrect, he shall resettle the same according to law and facts and adjust the computation of the tax accordingly. The tax commissioner shall notify the taxpayer of his determination and shall cause to be refunded to the taxpayer the amount, if any, paid in excess of the tax found by him to be due. If the taxpayer has failed, without good cause, to file a return within the time prescribed by law, or has filed a fraudulent return, or, having filed an incorrect return, has failed, after notice, to file a proper return, the tax commissioner shall not reduce the tax below double the amount for which the taxpayer is found to be properly assessed. Refund claims properly verified and approved by the tax commissioner shall be audited and paid as are other claims against the state.

§ 3. That all acts and parts of acts in conflict herewith are hereby repealed.

Approved March 4, 1929.

CHAPTER 241

(S. B. No. 165—Renauld by Request.)

COLLECTION REAL AND PERSONAL PROPERTY TAXES

An Act to amend and re-enact Sections 2152, 2154 and 2186 of the Compiled Laws of North Dakota of 1913 and Sections 2166 and 2185 of the Supplement to the Compiled Laws of 1913 relating to the duties of the county auditors; the date of delivery of the tax lists to the county treasurer; real estate tax liens; the collection of personal property taxes, when due, when delinquent, penalties, interest and collection thereof by distress; and collection of real estate taxes, date when due, date when delinquent, penalties and interest thereon.

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

§ 1. AMENDMENT.] Section 2152 of the Compiled Laws of North Dakota of 1913, is hereby amended and re-enacted to read as follows:

§ 2152. TAX LIST MADE OUT BY COUNTY AUDITOR: TAX LIST FORM.] As soon as practicable after the taxes are levied, the county auditor shall make out the tax lists according to the prescribed form, and to correspond with the assessment districts of the county. The rate per cent necessary to raise the required amount of the various taxes shall be calculated on the assessed valuation of property as determined by the state board of equalization; but in calculating such rates, no rates shall be used resulting in any fraction of less than one-half of one-tenth of a mill; and in extending any tax whenever it amounts to the fractional part of a cent it shall be made one cent. The tax list shall also be made out to correspond with the assessment book, in reference to ownership and description of property, with columns for the valuation and for the various items of tax included in the total amount of all taxes set down opposite such description of property. The amount of special taxes shall be entered in the proper columns but the general taxes may be shown by entering the rate per cent of each tax at the head of the proper columns without extending the same, in which case a schedule of the rates per cent of such taxes shall be made on the first page of each tax list; such tax lists shall also show in a separate column the years for which any piece or parcel has been sold for taxes; if the same has not been redeemed or deeded for such taxes. The county auditor shall on or before the 31st day of December in each year, make and transmit to the state tax commissioner in such form as the state tax commissioner may prescribe, a complete abstract of the tax list of his county.

§ 2. AMENDMENT.] Section 2154 of the Compiled Laws of North Dakota 1913, is hereby amended and re-enacted to read as follows:

§ 2154. TAX LISTS: WHEN DELIVERED TO TREASURER.] On or before the 31st day of December in each year, the county auditor shall deliver the tax lists of the several districts of the county to the county treasurer, taking his receipt therefor. Such lists shall be authority for the county treasurer to receive and collect taxes therein levied. The county auditor shall immediately upon delivering such lists to the county treasurer, charge such treasurer with the amount of the lists so delivered to him as shown in the recapitulation thereof in a book prepared for that purpose and he shall also charge such treasurer in such tax list account with all additional assessments made after such lists are delivered and shall credit him with all amounts collected thereon and such other amounts as may be lawfully deducted from such lists.

§ 3. AMENDMENT.] Section 2166 of the Supplement to the Compiled Laws of 1913, is hereby amended and re-enacted to read as follows:

§ 2166. DELINQUENT PERSONAL PROPERTY TAXES: WHEN DUE: PENALTY: DISTRESS.]

(a) All personal property taxes shall become due on the 31st day of December in each and every year for which the tax was levied, and become delinquent on the first day of March next after they become due, and thereupon a penalty of five per cent shall attach and be charged upon all delinquent taxes, and thenceforth there shall be a charged interest at the rate of three-fourth of one per cent per month of the original amount of the tax until the same is paid.

(b) The county treasurer shall, during the month of January preceding the time when such tax shall become delinquent, give notice of the fact by mailing to each person, firm or corporation, a written notice stating the amount of tax due from each person, firm or corporation, and the date when the same shall become delinquent.

(c) On or before the first day of September in each year the county treasurer shall make out a list of the unpaid delinquent personal property taxes, in the same order as they appear on the tax list, and shall, on or before the fifteenth day of September thereafter, notify by mail each of the delinquents that unless such taxes are paid on or before the fifteenth day of October, such taxes will be placed in the hands of the sheriff for collection, and the county treasurer shall on said fifteenth day of October deliver such list of delinquent taxes

to the sheriff of his county, who shall immediately proceed to collect all such delinquent personal property taxes, and if such taxes are not paid upon demand, he shall distrain sufficient goods and chattels belonging to the person, firm or corporation charged with such taxes if found within the county to pay the same, with the said penalty of five per cent and all accruing interest and costs, and shall immediately proceed to advertise the same by posting notices in three public places in the town or district where such property is taken, stating the time when, and the place where, such property shall be sold, and the amount of said delinquent tax, together with the penalty and accruing interest, which place of sale shall be at the residence or place of business of the person, firm or corporation whose goods have been distrained, or in case such person, firm or corporation has no residence or place of business within the town or district where such goods have been distrained then at the place of sale of mortgaged chattel property within such town or district and no personal property shall be exempt from distraint and sale, except personal property consisting of household furniture, wearing apparel and necessary provisions belonging to the head of a family to the value of three hundred dollars, and if the tax for which said property is distrained, together with penalty and accrued interest and costs is not paid before the day appointed for such sale, which shall not be less than ten days after the taking of such property, such sheriff or his deputy shall proceed to sell such property at public vendue, or so much thereof as shall be sufficient to pay such taxes, penalty and costs of such distress and sale, and any surplus arising from said sale shall be disposed of as in case of sale of mortgaged personal property.

(d) If a person charged with a personal tax has not sufficient property which the sheriff can find to distrain to pay such tax, but has moneys or credits due him or coming due him for any person, corporation, governmental agency, municipality or from the state, known to the sheriff, or if such tax payer has removed from the state or county and has property or moneys or credits due him or coming due him in the state known to the sheriff, in every such case the sheriff shall collect such personal tax and penalty by distress, attachment or other process of law. The remedy provided by this paragraph is in addition to any other remedy provided by law for the collection of personal taxes.

(e) On the first day of each month after receiving such list from the county treasurer such sheriff shall make out and file with the county treasurer a statement of the personal property tax collected by him since the date of his last preceding statement, giving the name, town or district and postoffice address of each person, firm or corporation from whom collected, and the amount of the

tax, including the penalty and interest collected from each, and at the same time turn over to the county treasurer the moneys collected as shown by such statement, and the treasurer shall issue receipts for the same as provided in Section 2157 of the Compiled Laws of North Dakota 1913, mailing such receipt to the person, firm or corporation entitled thereto. Such sheriff shall, at the time of filing such statement with the county treasurer, file a duplicate thereof with the county auditor, and shall on or before the first day of January next after receiving such list from the county treasurer, file his annual statement of taxes collected as herein provided, together with the list of uncollected taxes as provided in Section 2169, of the Compiled Laws of North Dakota 1913, or amendments thereto; provided that all personal property taxes shall be a lien upon the property assessed from and after the date upon which assessment is made and it shall be the duty of the sheriff when any person to whom personal property shall have been assessed is, in his opinion, about to sell, barter or remove said property from the county, to collect such taxes at any time after the property shall have been assessed. The sheriff shall retain in his office the original delinquent tax list furnished him by the county treasurer, and it shall be his duty to collect at any time any taxes remaining uncanceled, unabated, or unpaid, and on sending his notice for each succeeding year he shall include any unpaid balances together with interest, penalties and costs, with the new delinquent amount, and they shall be collected in the same manner as the current delinquent tax.

§ 4. AMENDMENT.] Section 2185 of the Supplement to the Compiled Laws of 1913, is hereby amended and re-enacted to read as follows:

§ 2185. REAL ESTATE TAXES DUE AND DELINQUENT: WHEN PENALTY AND INTEREST.] All real estate taxes including hail insurance taxes, both flat and indemnity, and yearly installments of special assessment taxes on real estate, shall become due on the 31st day of December of the year for which the taxes are levied. One-half of the real estate taxes and all hail insurance taxes, both flat and indemnity, and all yearly installments of special assessment taxes shall become delinquent on the first day of March following, and if not paid before that date they shall be subject to a penalty of five per cent (5%), and on the fifteenth day of October following to an additional penalty of three per cent (3%); provided, that general taxes on real estate, but not hail insurance taxes nor special assessments, may be paid in two equal installments. The second half may be paid at any time up to and including the fifteenth day of October without penalty and if not paid on or before that date a penalty of five per cent (5%) shall be added thereto. Mortgagees

and other lien holders, excepting owners of tax sale certificates, shall have the same right as the land owner to pay taxes in installments at any time after they become due. Owners of tax sale certificates shall not be permitted to pay taxes in installments but may pay the entire tax at any time after the first installment becomes delinquent. During the first fifteen days of delinquency, from March 1st to 15th inclusive, owners of tax sale certificates and also other lien holders or the owner of the land may pay taxes without penalty and upon any portion thereof provided the entire tax is paid. If the first installment has been paid, but the second installment remains unpaid after October 15th, the tax sale certificate holder may pay it but he must pay also the penalty of five per cent (5%). The penalties prescribed in this Section shall be cumulative and shall be charged and collected accordingly without being specially added or noted on the tax list.

§ 5. AMENDMENT.] Section 2186 of the Compiled Laws of North Dakota, 1913, is hereby amended and re-enacted to read as follows:

§ 2186. TAXES A PERPETUAL LIEN. VENDOR AND VENDEE.] Taxes upon real property are hereby made a perpetual paramount lien thereupon against all persons and bodies corporate, except the United States and the state, and taxes due from any person upon personal property shall be a lien upon any and all personal property owned by him at the time the tax became due, or which may be subsequently acquired by him, and the title to any of which personal property so owned or subsequently acquired remains in him at the time of the distraint. All taxes, shall, as between vendor and purchaser, become a lien upon real estate on and after the 31st day of December in each year.

Approved March 9, 1929.

CHAPTER 242

(S. B. No. 166—Renald by Request.)

**PERSONAL PROPERTY TAXES LIEN ON REAL ESTATE, WHEN,
TAX SALE LIST**

An Act to amend and re-enact Sections 2174 and 2188 of the Compiled Laws of North Dakota, 1913, relating to collection of personal property taxes, making personal taxes a lien on real estate and relating to duties of county auditors and county treasurers.

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

§ 1. Section 2174 of the Compiled Laws of North Dakota, of 1913, is hereby amended and re-enacted to read as follows:

§ 2174. TREASURER'S RECORD, LIEN FOR DELINQUENT PERSONAL TAXES.]

(a) DELINQUENT PERSONAL TAXES; TREASURER TO KEEP RECORD.] The treasurer shall, on or before September 1st of each year, enter in a book to be kept in his office as a part of the records thereof and to be known as the "Delinquent Personal Tax List" all delinquent personal taxes of any preceding year.

(b) WHAT TO CONTAIN.] Such entry of tax on the delinquent personal tax list shall give the names of delinquents alphabetically arranged according to taxing district in the same order as they appear on the tax lists, together with amounts of tax, and for what year or years and where property was located when assessed.

(c) CERTIFICATION OF LIST OF CANCELLED PERSONAL PROPERTY TAXES TO TREASURER.] Within ten days after the cancellation of any uncollectible delinquent personal property taxes as provided in section 2169, the auditor shall file a certified copy of such lists of cancellation with the county treasurer, who shall note on his "Delinquent Personal Tax Record" that such taxes have been cancelled.

(d) PERSONAL TAXES MADE A LIEN ON REAL ESTATE BY RESOLUTION OF COUNTY BOARD.] The board of county commissioners, immediately following the cancellation of uncollectible delinquent personal property taxes at its January meeting, as provided in section 2169, shall, by formal resolution, declare that all unpaid and uncanceled personal property taxes from and after the date of the extension and entry thereof as hereinafter provided constitute a lien on any real estate owned by the tax delinquent or which may thereafter be acquired by the tax delinquent, and shall in addition to such action make said tax a specific lien on a specific description

or on specific descriptions of real estate owned by the tax delinquent as of the date of the extension and entry thereof as hereinafter provided.

(e) EXTENSION OF LIEN BY AUDITOR.] The county auditor shall extend to and enter upon the tax list of the next preceding year, then in the hands of the county treasurer, in an appropriate column or columns for remarks opposite the descriptions of real estate designated by the board of county commissioners, belonging to any person, company or corporation owing such uncollected personal property tax, words showing the year or years for which the tax remains due and the principal sum of such tax. Such entry shall be made without regard to any prior payment of real estate taxes on said descriptions for the said preceding year. The county treasurer shall after the date of such entry be without authority to accept payment of the real estate tax on any such description without making collection at the same time of the said personal property tax extended as a lien against the same.

(f) ENTRY UPON ANY SUBSEQUENT LIST.] When the delinquent afterwards acquires any real property in the county such delinquent taxes may be entered in like manner upon any subsequent tax list; and from the time of such entry the delinquent taxes so entered shall become a lien on any real property of the delinquent against which they are so entered in the same manner and to the same extent as the taxes upon such real property.

(g) COLLECTION TO BE ENFORCED BY SALE OF REAL ESTATE AGAINST WHICH WAS EXTENDED.] Collection of personal property taxes entered as a lien on real estate shall be enforced by the sale of lands against which they are so entered at the next annual tax sale of real property for taxes and in the same manner as if originally charged against such lands.

§ 2. Section 2188 of the Compiled Laws of North Dakota, 1913, is hereby amended and re-enacted to read as follows:

§ 2188. Whenever any taxes are paid, the treasurer shall immediately write upon the tax list opposite the name or description in suitable column or columns for remarks, the word "paid", with the number of the receipt given and the date when the tax was paid and the name of the person by whom the tax was paid.

On or before the tenth day of November in each year the county treasurer shall make and deliver to the county auditor a certified list of delinquent real estate taxes of the preceding year and the name of the party to whom assessed. The county auditor shall compare the same with the statement receipted for by the treasurer on file in the auditor's office and each tract or lot of real property

against which the taxes or any part thereof remain unpaid shall be offered for sale at the annual tax sale on the second Tuesday in December unless paid prior to such sale.

It shall be the duty of the county treasurer before the opening of the tax sale in each year, to correct the list of delinquent real estate taxes previously certified to the auditor and to strike off from such list all descriptions of property upon which the taxes were paid subsequent to the making of said list and the said descriptions shall not be offered for sale.

Approved March 9, 1929.

CHAPTER 243

(S. B. No. 145—Cain.)

TAX INFORMATION BY COUNTY AUDITOR

An Act to require the county auditor to furnish tax information in certain cases.

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

§ 1. That whenever a mortgagee or assignee of a mortgagee, holding or owning one or more mortgages upon real estate in any county in this state, shall furnish to the County Auditor of such county a description of the lands covered by such mortgage or mortgages on a sheet or sheets of paper provided therefor by such mortgagee or assignee, and shall request such county auditor to search the records of his office, and to indicate on such sheet or sheets of paper, in the appropriate space or spaces so provided therefor, the amount of the unpaid general taxes, if any, standing against the lands therein described, for each given year or years, as shown by such records, and to indicate that such general taxes are paid for any given year or years, if such be the fact, it shall be the duty of such county auditor to make such search of his records and to set down on such sheet or sheets of paper, in the appropriate space or spaces thereon provided, the amount of the unpaid general taxes for each given year or years, exclusive of interest or penalty, standing against the lands therein described. If the general taxes for any given year or years are paid, he shall write on such sheet or sheets of paper, in the appropriate space or spaces provided thereon, the word "paid". The county auditor shall not be required to make any certificate as respects the information so furnished, and he shall receive no fee for furnishing such information or rendering such service.

Approved March 6, 1929.

CHAPTER 244

(S. B. No. 138—Brant.)

NEGOTIABLE PAPER ACCEPTABLE FOR TAXES

An Act to authorize county treasurers and other officials charged with the duty of collecting public moneys to accept checks, bank drafts and money orders in payment of taxes, subject to the due honor thereof, and relating to the manner of making collection thereon, and repealing Section 2162 of the Compiled Laws of 1913 and all acts and parts of acts in conflict herewith.

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

§ 1. NEGOTIABLE PAPER MAY BE ACCEPTED FOR TAXES.] The county treasurer and other officials charged with the duty of collecting public moneys may in their discretion accept bank checks and drafts, express and postoffice money orders in payment of any tax, assessment, fee or license.

§ 2. ACCEPTANCE SUBJECT TO PAYMENT.] The acceptance, however, of any check, draft or money order shall be subject to collection, and shall constitute a payment of the tax, assessment, fee or license for the payment of which it was tendered only when it shall have been duly honored and paid.

§ 3. DEPOSIT AND REFUND.] The county treasurer or other public officials accepting checks, drafts or money orders as in this Act provided, shall deposit the same in the manner provided by law. If thereafter any check, draft or money order be returned unpaid to the bank with which it was deposited, such bank shall return such unpaid check, draft or money order to the officer who deposited the same; and if said amount had been included in any cashier's check given by said bank, such bank shall be entitled to a refund in the amount of such unpaid check, draft or money order.

§ 4. NOTICE OF CANCELLATION.] Whenever a cancellation of a credited payment shall be made in accordance with section two of this act, the officer making such cancellation shall make a record thereof in a book to be kept by him for that purpose. He shall give notice by registered mail to the person who attempted to make payment by such unpaid check, draft or money order of the cancellation of the payment by mailing the same to him at the post office address given on the tax records in his office and if no such address is given, then to his last known post office address. The validity of any tax assessment or license or of any penalties accruing thereto shall not be affected by any failure to give or irregularity in giving such notice.

§ 5. REFUND TO BALANCE BOOKS.] Whenever the collection as evidenced by the treasurer's receipt has been entered upon the treasurer's collection register and the books closed for the month so that the treasurer cannot void the receipts issued for such bank checks and drafts, express and postoffice money orders received in payment of any tax, assessment, fee or license, without disturbing the balances for the month, the county auditor shall upon the application of the county treasurer issue a refund voucher to balance such voided receipts, and such application shall be sufficient without the approval of any governing board or the state tax commissioner. The county treasurer shall within twenty-four hours after the receipt of notice of non-payment of credited items or checks, make entry in red ink upon the tax list or other record wherein credit has been entered and likewise upon the collection register, and the receipt so voided, which entry shall be substantially as follows: "Receipt voided on account of bad check and auditor's refund voucher No..... issued to balance as provided by law."

§ 6. REPEAL.] Section 2162 of the Compiled Laws of 1913 and all acts and parts of acts in conflict with this act are hereby repealed.

Approved March 7, 1929.

CHAPTER 245

(S. B. No. 42—Tofsrud.)

ABATEMENT TO PURCHASERS TAX SALE CERTIFICATES
STATE LANDS

An Act to amend and re-enact Section 2193a of the Supplement to the 1913 Compiled Laws as amended and re-enacted by Chapter 264 of the Session Laws of 1927 relating to abatement to purchasers of tax sale certificates on state lands.

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

§ 1. AMENDMENT.] Section 2193a of the Supplement to the 1913 Compiled Laws as amended by Chapter 264 of the Session Laws of 1927 is hereby amended and re-enacted to read as follows:

§ 2193a. Whenever any land sold under contract by the State of North Dakota has been sold for taxes and a tax certificate has been issued and the said contract for sale has thereafter been cancelled by the State of North Dakota, the holder of said unpaid tax certificate upon due and proper application in the manner now pro-

vided by law, shall be entitled to an abatement and refund thereof as well as for any subsequent taxes paid on said land by such certificate holder, together with interest thereon at the rate of six per cent (6%) per annum; and if such land has been bid in by the county at tax sale, all taxes against such land shall be abated. Provided that the provisions hereof shall also apply to hail indemnity and flat taxes.

§ 2. If any portion of this act shall be declared to be unconstitutional, it shall not affect the other part or portion thereof.

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

Approved March 4, 1929.

CHAPTER 246

(S. B. No. 6—Whitman.)

TAX EXEMPTION NON-PROFIT CORPORATION AT STATE
EDUCATIONAL INSTITUTION

An Act to exempt from taxation, the property owned or hereafter acquired by corporations, organized or hereafter created for the purpose of promoting athletic and educational needs and uses, at any state educational institution and not organized for profit.

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

§ 1. That real and personal property now owned or hereafter acquired by any corporation organized or hereafter created under the laws of the State of North Dakota, for the purpose of promoting athletic and educational needs and uses at any state educational institution in the State of North Dakota and not organized for profit, is exempt from all taxation.

§ 2. All acts and parts of acts inconsistent herewith are hereby repealed.

Approved March 4, 1929.

TOWNSHIPS

CHAPTER 247

(H. B. No. 89—Burkhart.)

TOWNSHIP CHARGES

An Act to amend and re-enact Section 4236 of the 1925 Supplement of the Compiled Laws of North Dakota of 1913.

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

§ 1. AMENDMENT.] Section 4236 of the 1925 Supplement of the Compiled Laws of North Dakota of 1913 is amended and re-enacted to read as follows:

§ 4236. TOWNSHIP CHARGES, WHAT ARE.] The following shall be deemed township charges:

(1) The compensation of township officers for services rendered their respective townships.

(2) Contingent expenses necessarily incurred for the use and benefit of the township.

(3) The moneys authorized to be raised by the vote of the township meeting for any township purpose, which may include a fund for the eradication of gophers, prairie dogs, crows and magpies.

(4) Each sum directed by law to be raised for any township purpose, provided, that no tax for township purposes shall exceed the amount voted to be raised at the annual meeting as provided in Section 2151.

Approved February 25, 1929.

CHAPTER 248

(S. B. No. 78—Brostuen.)

QUALIFICATION AND COMPENSATION ASSESSORS IN TOWNSHIPS, UNORGANIZED DISTRICTS AND VILLAGES

An Act to amend and re-enact Section 2125 of the Compiled Laws of North Dakota of the year 1913, providing for the election, qualification and compensation of assessors in townships and unorganized districts, and Section 3871 of the Compiled Laws of North Dakota of 1913 providing for the duties and compensation of assessors in villages.

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

§ 1. AMENDMENT.] That Section 2125 of the Compiled Laws of North Dakota of 1913 be amended and re-enacted to read as follows:

§ 2125. ASSESSORS' DISTRICTS. VACANCY. COMPENSATION.] All counties or parts of counties in this state not organized into civil townships shall be divided into assessor districts, which shall comprise the same territory as the commissioner districts of said county, excluding organized civil townships, and the district assessor thereof shall be elected at the same time that state officers are elected, and his term of office shall be two years from and after the first day of January following. In case of vacancy in the office of district assessor in any of such districts, such vacancies shall be filled by the board of county commissioners of the proper county. Each organized civil township in the state shall continue an assessor district, and there shall be one township assessor elected for each one of said townships, at the time the other township officers are elected; provided, that any vacancy in township assessor may be filled by appointment by the board of supervisors of said township where such vacancy exists; provided, further, that cities, towns and villages organized under the general laws of this state shall not be included in the districts provided for in this section, but assessors of such cities, towns or villages shall act with the board assessors in any meetings which may be held by such board of county assessors. All assessors of territory not organized into civil townships shall be paid \$5.00 per day each and no more, for the time actually spent by them in making and completing said assessment, that such compensation shall be paid only upon itemized statement setting forth the actual time spent. All assessors of civil townships shall receive \$5.00 per day and no more for the time actually employed in making and completing the assessment of their respective townships, but shall not receive more than sixty dollars for the assessing of any civil

township, consisting of not to exceed one congressional township, providing that in civil townships consisting of more than one congressional township the assessor shall receive an additional compensation of not to exceed thirty dollars for each additional congressional township or major fraction thereof. Said compensation shall be paid only upon itemized statement setting forth the actual time spent in said work, provided, further, that no person shall be eligible to be an assessor unless he is a voter and owner of real estate or personal property in the district or township of which he seeks to be assessor.

§ 2. AMENDMENT.] That Section 387I of the Compiled Laws of North Dakota of the year 1913 be amended and re-enacted to read as follows:

§ 387I. ASSESSOR, DUTIES, COMPENSATION.] The village assessor shall perform all duties necessary for the assessing of property within the village limits for the purpose of levying village, county, school and state taxes. Upon the completion of the assessment-roll he shall return it to the village clerk on or before the second Monday of June, and said village clerk shall deliver the same to the village board of equalization at the regular meeting thereof. The compensation of said village assessor shall be \$5.00 per day and no more, for the time actually employed in making and completing said assessment, said compensation to be paid only upon an itemized statement setting forth the actual time spent in making such assessment.

§ 3. EMERGENCY.] 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 February 27, 1929.

TRANSFERS

CHAPTER 249

(S. B. No. 190—Ployhar.)

GRANTEE OR MORTGAGEE POST OFFICE ADDRESS FOR RECORD OF DEED OR MORTGAGE

An Act requiring all deeds and mortgages, hereafter executed, in which real estate is described, to contain the post office address of each grantee or mortgagee named in such deed or mortgage.

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

§ I. That each deed, or mortgage, hereafter executed, in which real estate is described, shall contain the postoffice address of each grantee or mortgagee named in such deed, or mortgage, and no deed or mortgage in which real estate is described, shall be received for record by any register of deeds in the State of North Dakota which does not contain such post office addresses.

Approved March 9, 1929.

TRUST COMPANIES

CHAPTER 250

(S. B. No. 118—Van Arnam.)

INVESTMENT CAPITAL STOCK TRUST COMPANIES

An Act to amend and re-enact Section 5206 of the Compiled Laws of North Dakota for the year 1913, relating to the investment of trust funds.

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

§ I. AMENDMENT.] That Section 5206 of the Compiled Laws of North Dakota for the year 1913 be and the same is hereby amended so as to read as follows:

§ 5206. CAPITAL STOCK. MINIMUM AMOUNT. SHARES.] The amount of capital stock of any such corporation hereafter organized shall not be less than one hundred thousand dollars, and the

same shall be divided into shares of one hundred dollars each. No such corporation hereafter organized shall be authorized to transact any business or exercise any powers as such until the aforesaid minimum amount of capital stock shall have been subscribed for, and not less than fifty thousand dollars thereof shall have been actually paid in, invested and deposited as hereinafter provided. Said fifty thousand dollars shall be invested in bonds of the United States, or of the State of North Dakota, or in the bonds of other states, which shall have the approval of the state auditor, and state examiner, or in the bonds or obligations of townships, school districts, cities, villages and counties within the State of North Dakota, which bonds or obligations have not been issued as a bonus for, or purchase of, or subscription to any railroad or other private enterprise, and whose total bonded indebtedness does not exceed five per centum of the then assessed valuation thereof; or in bonds or promissory notes, secured by first mortgages or deeds of trust, upon unincumbered real estate, situated within the State of North Dakota, worth three times the amount of the obligation so secured; or in the mortgage bonds of any railroad corporation, incorporated under the laws of any state of the United States, provided that during each of the ten fiscal years of such railroad corporation next preceding the date of such investment (1) such railroad corporation shall have paid the matured principal and interest of all its mortgage indebtedness, and (2) such railroad shall have paid in dividends in cash to its stockholders, an amount of at least four per cent per annum upon all its outstanding stock of every class; or in the bonds of any company supplying electric energy or artificial gas, or both, for light, heat, power and other purposes, or furnishing telephone or telegraphic service, provided that such bonds are secured by a first mortgage on at least 75% of the property of the issuing corporation or by a first and refunding mortgage, on at least 75% of such property, containing provisions for retiring all prior liens upon such property, and provided further that the issuing corporation is incorporated within the United States and is subject to regulation or supervision either as to its rates, charges, or accounts, or as to the issue of its said bonds, by a public service commission or any board, body or officials having like powers of the United States or of any state thereof and provided such operating corporation has annual gross earnings of at least \$1,000,000.00, 75 per cent of which gross earnings have come, either directly or through subsidiary corporations, from the sale of gas or electricity or the rendering of telephone or telegraphic service, and not more than 15 per cent from any other one kind of business, and which corporation has a record on its own behalf or for its predecessors, or constituent companies, of having officially reported net earnings at least twice its interest charges on all outstanding bonded indebtedness for the period of

five years immediately preceding the investment and having outstanding junior securities and, or stock, the par or book value of which is not less than two-thirds of its total bonded debt and which corporation shall have all necessary franchises, indeterminate permits or agreements with duly constituted public authorities, to operate in the territory it serves in which at least seventy-five per cent of its gross income is earned, or in the bonds of any constituent or subsidiary company of any such operating company which are secured by a first mortgage on at least 75% of all property of such constituent or subsidiary company, provided such bonds are to be retired or refunded by a junior mortgage, the bonds of which are eligible hereunder, and the deposit of such corporation shall not be permitted, at any time, to be less than fifty thousand dollars in amount, and not less than one-sixth of its capital stock.

Approved March 6, 1929.

TUBERCULOSIS PATIENTS

CHAPTER 251

(S. B. No. 175—Renauld.)

TREATMENT PATIENTS N. D. TUBERCULOSIS SANITORIUM

An Act to amend and re-enact Sections 2583, 2587, 2590 and 2592 of the Compiled Laws of 1913 and Section 2588 of the Supplement to the Compiled Laws of 1913 relating to the treatment of patients at the North Dakota Tuberculosis Sanitorium.

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

§ 1. That Sections 2583, 2587, 2590 and 2592 of the Compiled Laws of 1913 and Section 2588 of the Supplement to the Compiled Laws of 1913 be and the same are hereby amended and re-enacted to read as follows:

§ 2583. ESTABLISHED AND LOCATED.] There is hereby established a sanitorium known as the North Dakota State Tuberculosis Sanitorium for the prevention and treatment of tuberculosis of any kind or nature, to be built upon the site secured at Dunseith in the county of Rolette in said state by the temporary board provided for in Chapter 137 of the laws of 1909.

§ 2587. ADMISSION TO THE SANITORIUM.] All persons affected with tuberculosis of any kind or nature may be admitted to said hospital, but incurable patients must be kept separate and

apart from the curable under rules and regulations to be prescribed by the superintendent. Applicants for admission to the sanatorium shall be examined at various places throughout the state designated by the board. Such examinations shall be made by the regular authorized medical examiner, or examiners, of such institution, who shall be a citizen or citizens of the state of North Dakota, and whose duty it shall be to examine all persons applying for admission to the sanatorium. The fee of the examining physician shall not exceed four dollars (\$4.00) in any case, said amount to be paid by the applicant. If the applicant is unable to pay such fee, then such fee shall be a charge against the county in which the patient resides. Said examining physician shall be appointed by the board of administration.

§ 2588. COST OF MAINTENANCE OF PATIENTS. HOW PAID.] All persons admitted as patients to the sanatorium shall pay to said institution the cost of their maintenance. The charges for any patient or patients may, however, be paid by any person or persons or society. The determination of each sum shall be made by the superintendent with the approval of the board of administration. Any person who is unable to pay the charges for his or her support may be admitted to the sanatorium if it has been determined by the examining physician that such person is suffering from tuberculosis of any kind or nature, provided, however, that before such person shall be admitted to the sanatorium, he or she shall have a statement from the judge of the county court of the county within which he or she resides, setting forth the fact that he or she is unable to pay the regular charges. Said judge, upon the presentation of the report of the duly authorized examining physician that such person is afflicted with tuberculosis of any kind or nature, shall make an investigation and shall require such person to give full and correct answers to a property statement in the same manner as prescribed for admission of patients to the hospital for the insane by Section 2560 of the Compiled Laws of North Dakota for the year 1913, and if he finds that such applicant or his legal representatives are actually unable to pay such charges, he shall approve in writing the application of such person. Said judge shall immediately forward to the superintendent of the sanatorium a certificate in writing, giving the correct postoffice address of the parent, guardian or next of kin for such patient and stating that said patient is unable to pay such charges and he or she is a resident of the county in which such application has been approved, together with a copy of said property statement. The county from which such patient has been so certified shall be charged with the maintenance of such patient at the rate of ten dollars (\$10.00) per week during the time that he or she remains in such institution as an inmate. Such charge shall be collected in the manner provided in Section 2568, to 2579, inclusive, of the Compiled

Laws of North Dakota for 1913; provided, however, the admission of every patient shall be subject to the final approval of the superintendent and the board of administration.

§ 2590. FRATERNAL SOCIETY COTTAGES.] Any fraternal corporation or society organized under the laws of this state or authorized to transact business in this state, is hereby empowered and authorized to build upon the site of the state tuberculosis sanatorium at Dunseith in the county of Rolette, a cottage or cottages for the treatment of members of such corporations or societies and their families affected with tuberculosis of any kind or nature.

§ 2592. USE OF COTTAGES.] All members of such corporation or society mentioned in Section 2590, and all members (or) in their families affected with tuberculosis of any kind or nature may be admitted to said cottage or cottages under rules prescribed by the governing body of such corporation or society, except as otherwise provided in this act (Sections 2590-2593); provided, however, that all incurable patients must be kept separate and apart from the curable patients under rules and regulations to be prescribed by the board of administration.

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

Approved March 6, 1929.

VALIDATIONS

CHAPTER 252

(H. B. No. 241—State Affairs Committee.)

VALIDATION SALE CITY TELEPHONE PLANT

An Act validating and legalizing the sale by any city in this state, of a telephone plant, system or line owned by such city.

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

§ 1. Where the officers of any incorporated city of this state have heretofore sold to any person, firm or corporation any telephone plant, system or line owned or claimed to be owned by such city, such sale by officers of such municipality, is hereby legalized

and validated; provided, however, that nothing contained herein shall affect any action or proceeding now pending in any court in this state, affecting the same.

§ 2. Whereas an emergency exists, therefore this act shall be in full force and effect from and after its passage and approval.

Approved March 6, 1929.

CHAPTER 253

(H. B. No. 80—Hendrickson by Request.)

VALIDATION CERTAIN CITY SPECIAL ASSESSMENT DISTRICTS
CREATED PRIOR TO FEBRUARY 1, 1917, RE-ASSESSMENT
BONDS, ETC.

An Act to validate certain special assessment districts created by cities prior to July 1, 1917, and improvements made therein, and warrants issued to pay the cost of the improvements constructed therein, and assessments levied pursuant thereto, and authorizing such cities to issue bonds, make re-assessments and issue special assessment warrants for the purpose of ultimately paying the cost of such improvements, and declaring an emergency.

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

§ 1. Where any city in this state has, prior to July 1, 1917, by resolution created a special assessment sewer district and a special assessment watermain district, each of which districts included all land lying within the boundaries of such city, and thereafter contracts were let for the construction therein of sewer and water improvements, and such contracts were fully performed, and such city has issued its special assessment warrants in payment of such contracts and expenses incidental thereto and such warrants, or some of them, are now outstanding and unpaid, and such city did not comply with the provisions of Article 20, Chapter 44, Political Code, 1913, as amended, in making and levying special assessments on account thereof but in lieu of such compliance has levied and collected purported special assessments upon a basis of cost per front foot, the creation of such districts, the construction of such improvements, such warrants and the issuance thereof, the levy and collection of such parts of such purported special assessments as have been paid, and the indebtedness represented by such warrants, are hereby in all things legalized and validated for all purposes.

§ 2. Where any such city is now or may hereafter become unable to pay at the maturity thereof the warrants issued on account

of such improvements out of the moneys realized from such assessments, such city may issue its general obligation funding bonds, without authorization thereof by the electors, such bonds to be issued and sold in accordance with the provisions of Sections 11 to 19, both inclusive, of Chapter 196 Laws of 1927, and the proceeds thereof shall be used solely for the purpose of taking up, paying and retiring a like amount of principal and interest of such special assessment warrants.

§ 3. Any such city may cause a reassessment or new assessment of the property in such districts to be made and collected in the manner specified by Sections 3712 to 3739, both inclusive, Compiled Laws of 1913, and acts amendatory thereof and supplemental thereto, for such amount of the debt represented by said warrants as the city may be unable or deem inadvisable to retire by such funding bonds, provided that in levying such assessments the lots or parcels of land to be assessed shall be credited with any sums theretofore paid on account of such purported assessments, and no lot or parcel of land shall be assessed in all more than the benefits received from such improvement, and upon the completion of such assessments such city may issue special assessment warrants against the same in accordance with the provisions of Section 3711, Political Code 1913, and acts amendatory thereof and supplemental thereto. By agreement with the holders of such past due warrants the same may be exchanged par for par for such new warrants, or such new warrants may be sold and the proceeds thereof used to pay and redeem such past due warrants.

§ 4. This act shall not apply to or affect any proceedings, special proceeding, action at law, or suit in equity, now pending in any court in this state.

§ 5. Whereas an emergency exists in that certain cities in this state now have outstanding and unpaid special assessment obligations which are highly detrimental to their credit standing and which might subject them to suits and other impositions, this act is hereby declared to be an emergency measure, and shall take effect and be in full force from and after its passage and approval.

Approved March 1, 1929.

CHAPTER 254

(H. B. No. 51—Lynch by Request.)

**VALIDATION PROCEEDINGS STATE HIGHWAY COMMISSION AND
CHIEF ENGINEER CONSTRUCTION BRIDGES ACROSS STATE
LINES OF INTERSTATE HIGHWAYS, ETC.**

An Act to validate and legalize the proceedings of the state highway commission and chief engineer of the said state highway commission in the construction of bridges across state lines of interstate highways or roads across the Little Missouri River on Federal Highway 85, or roads across navigable streams within the State of North Dakota.

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

§ 1. All acts of the state highway commission of North Dakota and the chief engineer of the said state highway commission, prior to the enactment of this act, in the selection and approval of sites for the construction of any bridge across the state line, or upon interstate roads or highways, or roads across the Little Missouri River on Federal Highway No. 85, or across navigable streams within the State of North Dakota on state highways or roads, under the terms and provisions of Chapter 73, Session Laws 1919, as amended and re-enacted by Chapter 161, Session Laws 1927, and in the making and approval of plans, and the award and making of contracts, and the allowance and payment of estimates thereunder to defray the cost of the construction of any of the bridges aforesaid and issuance of warrants by the state auditor for the payment of such estimates aforesaid and the payment thereof by the state treasurer, are hereby confirmed, ratified, approved and declared legal and valid for all purposes.

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

Approved February 13, 1929.

CHAPTER 255

(H. B. No. 50—Lynch by Request.)

VALIDATION ACTS STATE HIGHWAY COMMISSION AND COUNTY
COMMISSIONERS IMPROVEMENT STATE HIGHWAYS

An Act validating and legalizing the acts and proceedings of the state highway commission and the boards of county commissioners under Chapter 159, Session Laws 1927, and more especially Section 22 thereof.

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

§ 1. All acts and proceedings of the state highway commission and boards of county commissioners, prior to the enactment of this act, relative to applications by boards of county commissioners for the improvement and construction of a state highway, the approval thereof by the said commission, the apportionment of the cost of such improvement, the acquisition of right of way, engineering and other expense, the award and making of contracts, the payment of estimates both by the said commission and any county board and all other acts and proceedings of the said commission and any board of county commissioners, done under the terms of Chapter 159, Session Laws 1927, and more especially Section 22 thereof, whether the same have been done strictly in accord with the provisions of Section 22 thereof or not, or done or had in an endeavor to comply with the terms or provisions of Section 22 thereof are hereby ratified, confirmed and validated the same as if said Section 22 aforesaid had been strictly and exactly followed and complied with, provided, however, that nothing contained herein shall affect any act or proceeding now pending in any court in the state affecting the same.

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

Approved February 13, 1929.

CHAPTER 256

(H. B. No. 49—Lynch by Request.)

VALIDATION ACTS OF COUNTY COMMISSIONERS, COUNTY
OFFICERS AND STATE HIGHWAY COMMISSION IN PURCHASE
OR CONDEMNATION OF LAND FOR STATE HIGHWAY
PURPOSES

An Act to validate and legalize all acts and proceedings of boards of county commissioners, county officers and the state highway commission in the purchase or condemnation of land, lands or materials for state highway purposes.

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

§ 1. All acts or proceedings by any board of county commissioners and the state highway commission, prior to the enactment of this act, for the acquisition of any land, or lands to constitute part of any state highway or for any state highway purpose, or any materials for state highway purposes, whether acquired by purchase or condemnation, either upon voluntary volition of such board of county commissioners, or upon motion, request or petition of the state highway commission, and the issuance of any warrant by any county auditor and the payment thereof by any county treasurer pursuant to such acts and proceedings of said board of county commissioners, or under and pursuant to the terms and provisions of Chapter 141, Session Laws 1919, and Chapter 159, Session Laws 1927, and acts amendatory thereof are hereby confirmed, ratified, validated and declared legal the same as if such acts and proceedings had been made and done strictly according to law.

Provided, however, that any person or persons who have or may have suffered any serious or substantial injury or damage by reason of such acts or proceedings aforesaid shall commence action or proceedings thereunder within one year after this act shall take effect and be in force, or be forever barred from instituting any proceedings or asserting any rights or claim therein or thereunder.

Approved February 13, 1929.

CHAPTER 257

(S. B. No. 205—Fowler.)

VALIDATION FORECLOSURES BETWEEN JULY 1st, 1901, TO
JULY 1st, 1903

An Act validating mortgage foreclosure sales made between July 1st, 1901, and July 1st, 1903, in cases in which no power of attorney to foreclose was procured or filed.

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

§ I. SALE OF REAL ESTATE AT FORECLOSURE MADE BY AGENT OR ATTORNEY.] That all sales of real estate upon foreclosure made by an agent or attorney between July 1st, 1901, and July 1st, 1903, shall be valid for all purposes notwithstanding that a power of attorney authorizing such foreclosure by such agent or attorney was not procured nor filed in the office of the register of deeds of the county wherein said real estate is located before the day fixed or appointed to make the sale or at all as then required by Chapter 132 of the Laws of 1901. Provided that the provisions of this act shall not apply to any action or proceeding now pending or heretofore had in any of the courts of this state in which notice of lis pendens shall have been recorded in the office of the register of deeds of the county in which such land is situated, prior to the passage of this act.

Approved March 7, 1929.

CHAPTER 258

(S. B. No. 144—Lynch.)

VALIDATION REAL ESTATE FORECLOSURE SALES PRIOR
TO THIS ACT

An Act to legalize and validate real estate mortgage foreclosure sales made prior to the taking effect of this act where the power of attorney to foreclose was executed prior to the sale as provided by law, but was not filed at or before the date of sale.

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

§ I. All sales of real estate made under a mortgage foreclosure of mortgages prior to the passage and taking effect of this act are hereby declared legal and valid for all purposes, even though the power of attorney to foreclose was not recorded in the office of the register of deeds of the county wherein said real estate is located on or before the date of sale, providing the power of attorney to foreclose was executed before the date of sale, and is recorded in the office of the register of deeds of the county wherein said real estate is located within six months after the taking effect of this act.

Approved March 11, 1929.

WEIGHTS AND MEASURES

CHAPTER 259

(H. B. No. 170—Gibbens.)

INSPECTION SCALES, WEIGHTS AND MEASURES

An Act providing for the inspection of scales, weights and measures under the jurisdiction of the state food commissioner, prescribing the powers and duties of said board, defining the standard of weights and measures, providing penalties for the violation thereof, regulating the use and sale of weights and measures, providing for the fixation of fees; and repealing Chapter 344 of the Session Laws of North Dakota for 1923.

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

§ 1. There is hereby created a department to be known as "Department of Weights and Measures", hereafter referred to as the department, and it shall be under the jurisdiction of the state food commissioner, hereafter referred to as the commissioner, who shall have supervision and control over all weights, weighing devices and measures in the state.

§ 2. The state food commissioner shall have power to employ such expert scaleman, deputies and other employees as may be necessary to carry out the provisions of this chapter, and fix their compensation. Such expert scaleman, deputies and employees shall each give a bond in a sum to be fixed and approved by the commissioner. The commissioner shall provide for such examination as he may deem necessary to determine the qualifications and fitness of appointees.

§ 3. The commissioner shall prescribe and adopt such rules and regulations, including such schedule of fees for services to be performed under the provisions of this chapter as he may deem necessary to carry out the provisions of this chapter, and he may change, modify and amend any or all rules and schedules whenever deemed necessary, and the rules and schedules so made shall have the force and effect of law.

§ 4. The commissioner shall take charge of, keep and maintain in good order the standard of weights and measures of the state and submit them to the Bureau of Standards of Washington, D. C., for certification when the commissioner deemed necessary; and shall keep a seal so formed as to impress the letters "ND" and the date of sealing upon the weights and measures that are sealed;

it shall test, correct and seal, when found to be accurate, at least once every year and as much oftener as may be necessary, all the copies of the standards used throughout the state for the purpose of testing the weighing or measuring apparatus used in the state, and keep a record thereof; he shall have general supervision of the weights, measures and weighing or measuring devices offered for sale; sold or used in the state, and shall upon the written request of any person, test or calibrate weights, measures, weighing or measuring devices and instruments or apparatus used as standards in the state; he shall keep a complete record of the standards, balances and all testing and sealing apparatus owned by the state, and shall bi-annually during the first fifteen days of January, make a report of his actions to the governor of the state.

§ 5. The commissioner or any of his employees shall have power to test all scales, weights, beams and measures of every kind, instruments and mechanical devices for measurement, and tools, applicances or accessories connected with any or all such instruments for measurement that are kept, offered or exposed for sale, or sold or used or employed within this State by any person in determining the size, quantity, extent, area or measurement of quantities, things, produce, articles for distribution or consumption, offered or submitted by any person for sale, hire or reward; and he shall, at least once in each year, and as much oftener as may be deemed necessary, see that the weights, measures and all apparatus used in the State are correct. In the general performance of this duty the commissioner, or any of his employees, may enter or go into and upon any land, place, building or premises, to stop any vendor, peddler, junk dealer, coal wagon, ice wagon, delivery wagon or any dealer whatsoever, and require him, if necessary, to proceed to some place which the scaler may specify for the purpose of making proper tests. Scales, weights, measures or weighing or measuring instruments that are found, upon inspection, to correspond with the standards in the possession of the department shall be sealed with proper devices to be approved by the commissioner. Any employee shall condemn, seize, and destroy incorrect weights, measures or weighing or measuring devices which, in the judgment of the commissioner, cannot be satisfactorily repaired, and such as are incorrect and yet may be repaired, shall be marked as "condemned for repair", in the manner to be prescribed by the commissioner. The owners or users of any scales, weights, measures or weighing or measuring instrument which have been so disposed of shall have the same repaired or corrected within thirty days, and the same shall not be used or disposed of in any way without the consent of the commissioner.

§ 6. Any person who shall offer or expose for sale, sell or use, or have in his possession a false scale, weight or measure, or

weighing or measuring device, or any weight or measure or weighing or measuring device which has not been sealed within one year, as provided by this law, or use the same in the buying or selling of any commodity or thing; or who shall dispose of any condemned weight, measure or weighing or measuring device, or remove any tag placed thereon by any authorized employe of the commissioner, or shall sell or offer or expose for sale less than the quantity he represents; or sell or offer or expose for sale any such commodities in the manner contrary to law; or shall sell or offer for sale or have in his possession for the purpose of selling, any device or instrument to be used to, or calculated to, falsify any weight or measure, or shall refuse to pay any fee charged for testing and sealing or condemning any scale, weight or measure, or weighing or measuring device, shall be guilty of a misdemeanor, and shall, upon conviction, be fined a sum not less than twenty dollars nor more than one hundred dollars or by imprisonment for not less than ten days nor more than ninety days, and the costs of such proceeding. No scale, weight, measure, or weighing or measuring device that has been sealed by the commissioner shall be used, sold or exposed for sale until the fee charged for the service has been paid.

§ 7. Any person hindering, impeding or restricting in any way any employe of the commissioner while in the performance of his official duty shall be guilty of a misdemeanor, and, upon conviction, be punished by a fine of not less than twenty dollars nor more than one hundred dollars or by imprisonment for not less than ten days nor more than ninety days for each offense.

§ 8. The regulatory department and all authorized employes under the provisions of this act are hereby authorized and empowered to seize for use as evidence any false weight, measure or weighing or measuring device or package or kind of commodity found to be used, retained or offered or exposed for sale or sold in violation of the terms of this act.

§ 9. The state commissioner of agriculture and labor, the boards of county commissioners of the various counties, and the sheriffs of the various counties shall deliver to the commissioner all standards of weights and measures, balances, testing apparatus and sealing equipment now in their possession, belonging to the state, within ninety days after the passage of this act.

§ 10. The commissioner shall have the power and authority to dispose of by sale, any and all standards of weights and measures, balances, testing apparatus and sealing equipment which may come into its possession and custody under the provisions of section 9 of this chapter and of any other standards of weights and measures, balances, testing apparatus and sealing equipment which may come

into its custody and possession in the performance of the duties imposed by this chapter whenever the commissioner shall determine that any of such standards of weights and measures, balances, testing apparatus and sealing equipment are obsolete or unsuitable for the performance of the duties imposed by this chapter upon the commissioner. Any moneys derived by the commissioner from such sale or disposal shall be disposed of by the commissioner in the same manner as is provided for in this chapter for the disposal of fees for services performed under the provisions of this chapter.

§ 11. The commissioner shall charge and collect fees in accordance with the schedules made and approved by the commissioner for the regular annual inspection of scales, weights, measures or weighing and measuring devices. Such fees shall be collected from the owner of such scales, weights, measures or weighing and measuring devices. For all inspections other than the regular annual inspection, the cost of the inspection shall be in accordance with schedules made and approved by the commissioner for such services and shall be paid by the owner when the same is performed at his request; and when made at the request of some other person the cost shall be paid by the owner if the scale, weight, measure and weighing or measuring device is found to be incorrect; otherwise by the person making the request, provided, however, that the fees fixed by the commissioner under this section shall not exceed the following:

For inspection and sealing railroad and track scales of capacity of twenty tons and upwards	\$3.00
For inspecting and sealing dormant scales, each	2.00
For inspecting and sealing movable platform scales	1.00
For inspecting and sealing beams weighting one hundred pounds and upwards .....	.25
For inspecting and sealing hopper scales, each	1.50
For inspecting and sealing counter scales, each .....	.25
For inspecting and sealing every patent balance, beam, steelyard or other instrument used for weighing other than the above enumerated, each .....	.25
For inspecting and sealing any two-bushel or one-bushel measure .....	.25
For inspecting and sealing any other dry measure, each .....	.10
For inspecting and sealing liquid measures of a capacity of five gallons or more, each .....	.25
For inspecting and sealing anything less than one gallon .....	.10

For inspecting and sealing liquid measures of less than five gallons and not less than one gallon .....	.15
For inspecting and sealing any board or cloth measure, each ....	.10
Provided, that when any establishment uses more than three of such scales the fee for inspection of which is twenty-five cents each, then any further number shall be tested for fifteen cents each, and with each scale tested and sealed by him he shall inspect and seal one set of weights without any additional charge or compensation.	
For inspecting and sealing any two-bushel or one-bushel measure, each .....	.25
For inspecting and sealing any other dry measure, each .....	.10
For inspecting and sealing liquid measures of a capacity of five gallons or more, each .....	.25
For inspecting and sealing liquid measures of less than five gallons of not less than one gallon .....	.15
For inspecting and sealing anything less than one gallon .....	.10
For inspecting and sealing any board or cloth measure, each ....	.10

When the inspector and sealer shall find any of the instruments or articles used in weighing or measuring to be wrongly adjusted, misconstrued, out of repair or in any other conditions which can be remedied by him, it shall be his duty to correct such scale or measure and he shall receive for such service fifty cents per hour for the actual time consumed in making such corrections and shall receive just compensation for any material used in such correction.

§ 12. All fees collected by the commissioner under the provisions of Section 11 of this chapter and all penalties collected under the provisions of this chapter shall be paid into the state regulatory fund.

§ 13. All office expenses, all costs and expenses of equipment, all salaries, and all expenditures necessarily incurred in the enforcement of this act, shall be paid on proper warrant, from the "state regulatory fund" heretofore created; and all fees collected under the provisions hereof shall be covered into such fund. The said food commissioner shall so fix and determine the fees authorized under the provisions of section 11 of this act, that the sums so collected as fees shall as nearly as may, equal the expense of the enforcement hereof; it being the intent and purpose of this act that this department shall become self-sustaining, and to that end the commissioner is hereby required to keep separate and accurate records of all expenses incurred and all fees collected and to furnish such information annually to the state board of administration.

§ 14. The word "person" shall be construed to mean person or persons, corporation, partnership, stock company, or the agent or employee thereof.

§ 15. This act shall not apply to nor repeal Sections 1 to 10, inclusive, of Chapter 239, Session Laws of 1919.

§ 16. The commissioner shall establish uniform tolerance or reasonable variances to take care of unavoidable shrinkage and of scale variances in handling and weighing of any of the articles mentioned in Chapter 239, Session Laws of 1919.

§ 17. Chapter 344 of the Session Laws of North Dakota for 1923, and all acts or parts of acts in conflict herewith are hereby repealed.

Approved March 9, 1929.

WORKMEN'S COMPENSATION

CHAPTER 260

(H. B. No. 83—Cox by Request.)

COMPENSATION SCHEDULE—WORKMEN'S COMPENSATION BUREAU

An Act to amend and re-enact Section 3 of Chapter 162 of the Session Laws of the State of North Dakota for the year 1919 and acts amendatory thereof, relating to the workmen's compensation act.

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

SCHEDULE OF COMPENSATION—WORKMEN'S COMPENSATION FUND—AMENDMENT.] That Section 3 of Chapter 162 of the Session Laws of the State of North Dakota for the year 1919, and acts amendatory thereof, be and the same is hereby amended and re-enacted to read as follows:

§ 3. On and after July 1, 1919, it shall be the duty of the workmen's compensation bureau hereinafter created to disburse compensation from the North Dakota workmen's compensation fund to any employee subject to this act for injury arising in the course of employment in accordance with the following provisions:

A. Immediately after an injury sustained by an employee and during the resulting period of disability, the North Dakota

workmen's compensation fund, shall furnish to such employee, such medical, surgical and hospital service and supplies as the nature of the injury may require.

B. During the first seven days of disability the employee shall not be entitled to compensation, except as provided in the preceding paragraph; provided, that if the period of disability exceeds seven days, compensation shall be paid from the date of the injury.

C. If the injury cause TEMPORARY OR PERMANENT total disability, the North Dakota workmen's compensation fund shall pay to the disabled employee during such disability, a weekly compensation equal to sixty-six and two-thirds per cent of his weekly wage, PROVIDED, HOWEVER, THAT IF THE DISABILITY BE PERMANENT TOTAL DISABILITY, THE TOTAL AMOUNT PAYABLE SHALL NOT EXCEED (\$15,000.00) FIFTEEN THOUSAND DOLLARS.

D. If the injury cause temporary partial disability, the North Dakota workmen's compensation fund shall pay to the disabled employee during such disability, a weekly compensation equal to sixty-six and two-thirds per cent of his loss in earning capacity.

E. If the injury cause permanent partial disability, the percentage which such disability bears to total disability, taking into consideration the employee's age and occupation, shall be determined, and the North Dakota workmen's compensation fund shall pay to the disabled employee a weekly compensation equal to sixty-six and two-thirds per cent of his weekly wages, for the following periods:

	Weeks
For a one per cent disability	5
For a ten per cent disability	50
For a twenty per cent disability	100
For a thirty per cent disability	150
For a forty per cent disability	200
For a fifty per cent disability	250
For a sixty per cent disability	300
For a seventy per cent disability	350
For an eighty per cent disability	400
For a ninety per cent disability	450

AND THE FOLLOWING SHALL BE THE SCHEDULE OF SPECIFIC BENEFITS TO BE ALLOWED FOR SPECIFIC INJURIES:

		Minimum	Maximum
1. For loss of arm at shoulder ..234	weeks	\$1,404.00	\$4,680.00
2. For loss of arm at or above elbow	213.5 weeks	1,281.00	4,270.00
3. For loss of hand at or above wrist	195 weeks	1,170.00	3,900.00

4. For loss of thumb	45	weeks	270.00	900.00
5. For loss of second or distal phalange of thumb	22.5	weeks	135.00	450.00
6. For loss of first finger	29.25	weeks	175.50	585.00
7. For loss of middle or second phalange of first finger	19.5	weeks	117.00	390.00
8. For loss of third or distal phalange of first finger	9.75	weeks	58.50	195.00
9. For loss of second finger	24.75	weeks	148.50	495.00
10. For loss of middle or second phalange of second finger	16.5	weeks	99.00	330.00
11. For loss of third or distal phalange of second finger	8.25	weeks	49.50	165.00
12. For loss of third finger	15.75	weeks	94.50	315.00
13. For loss of middle or second phalange of third finger	10.5	weeks	63.00	210.00
14. For loss of third or distal phalange of third finger	5.25	weeks	31.50	105.00
15. For loss of fourth finger	13.5	weeks	81.00	270.00
16. For loss of middle or second phalange of fourth finger	9.0	weeks	54.00	180.00
17. For loss of third or distal phalange of fourth finger	4.5	weeks	27.00	90.00
18. For loss of leg at hip	234.0	weeks	1,404.00	4,680.00
19. For loss of leg at or above the knee	195.0	weeks	1,170.00	3,900.00
20. For loss of foot at or above the ankle	136.5	weeks	819.00	2,730.00
21. For loss of great toe	19.5	weeks	117.00	390.00
22. For loss of first phalange of great toe	9.75	weeks	58.50	195.00
23. For loss of any other toe	7.5	weeks	45.00	150.00
24. For loss of first phalange of any other toe	3.75	weeks	22.50	75.00
25. For loss of sight of an eye	100.	weeks	600.00	2,000.00
26. For loss of hearing in one ear	29.25	weeks	175.50	585.00
27. For loss of hearing in both ears	156.00	weeks	936.00	3,120.00
28. In no case will the amount received for more than one finger exceed the amount provided in this schedule for the loss of a hand.				

29. For the loss of the metacarpal bone (bones of the palm) for the corresponding thumb, finger, or fingers as above, add 10 weeks to the number of weeks as above.
30. Loss of use. Permanent loss of use of a thumb, finger, toe, arm, hand, foot, leg, or eye shall be considered as the equivalent of the loss of such thumb, finger, toe, arm, hand, foot, leg or eye.
31. For the permanent partial loss of use of a member or sight of an eye, 66 2-3 per cent of the average weekly wage during that portion of the number of weeks in the foregoing schedule provided for the loss of such member or sight of an eye which the partial loss of use thereof bears to the total loss of use of such member or sight of an eye.

F. The weekly compensation for total disability shall not be more than twenty dollars, (\$20.00) nor less than six dollars, (\$6.00) unless the employee's weekly wages are less than six dollars (\$6.00) in which case his weekly compensation shall be the actual amount of his weekly wages. The weekly compensation for partial disability shall not be more than twenty dollars, (\$20.00). If the injured person was, at the time of the injury, a minor or employed in a learner's capacity, and not physically or mentally defective, the bureau shall, from time to time determine the probable increase in weekly earning capacity of such person if such injury had not occurred and shall base its award for compensation upon such probable weekly wage-earning capacity.

G. If death results from an injury within six years, the North Dakota workmen's compensation fund shall pay to the following persons, for the periods specified, a weekly compensation equal to the following percentages of the deceased employee's weekly wages; provided, however, that no compensation shall be paid where death takes place more than one year after the cessation of disability resulting from the injury, or, if there has been no disability preceding death, if death takes place more than one year after the injury, AND PROVIDED, FURTHER, THAT THE TOTAL AMOUNT PAYABLE SHALL NOT EXCEED THE SUM OF \$15,000.00. IN ADDITION TO THE AMOUNTS PAID FOR COMPENSATION AND MEDICAL AND HOSPITAL EXPENSES DURING TEMPORARY DISABILITY.

(a) To the widow, if there is no child, thirty-five per cent. Such compensation shall be paid until her death or marriage. In case of marriage, there shall be paid to her a lump sum equal to 156 weeks' compensation.

(b) To the widower, if there is no child, thirty-five per cent if wholly dependent for support upon the deceased employee at the time of her death. Such compensation shall be paid until his death or marriage.

(c) To the widow or widower if there is a child, or children, the compensation payable under clause (a) or (b), and in addition thereto ten per cent for each child, not exceeding, however, a total of sixty-six and two-thirds per cent for the widow or widower and the children. The compensation payable on account of any child shall cease when such child dies, marries or reaches the age of eighteen, or, if over eighteen and incapable of self support, becomes capable of self support.

(d) To the children, if there is no widow or widower, twenty-five per cent for one child and ten per cent additional for each additional child, not exceeding, however, a total of sixty-six and two-thirds per cent, the compensation hereunder not to be for the specific children but to be divided share and share alike. Compensation for each child shall be paid until such child dies, marries, or reaches the age of eighteen, or, if over eighteen and incapable of self support becomes capable of self support. Compensation for a child under legal age shall be paid to its guardian.

(e) To the parents, if one is wholly dependent for support upon the deceased employee at the time of his death and the other is not dependent to any extent, twenty-five per cent; if both are wholly dependent twenty per cent to each; if one or both are partially dependent, a proportionate amount in the discretion of the bureau. The foregoing percentages shall be paid only if there is no widow, widower, or child. If there is a widower, widow or child, there shall be paid only so much of the foregoing percentages as, when added to the total of the percentages payable to the widow, widower and children, shall not exceed the total of sixty-six and two-thirds per cent; PROVIDED, THAT ANY COMPENSATION SO PAYABLE TO THE PARENTS, IF THERE IS A WIDOW, WIDOWER OR CHILD, SHALL NOT BE INCLUDED IN THE LIMITATION OF \$15,000.00 REFERRED TO IN PARAGRAPH C.

(f) To the brothers, sisters, grandparents, and grandchildren, if one is wholly dependent upon the deceased employee for support at the time of his death, twenty per cent to such dependent; if more than one are wholly dependent, thirty per cent, divided among such dependents, share and share alike; if none of them are wholly dependent but one or more are partly dependent, ten per cent divided among such dependents, share and share alike. The foregoing percentages shall be paid only if there is no widow, widower, child or dependent parent. If there is a widow, widower, child or dependent parent there shall be paid only so much of the foregoing percentages as, when added to the total percentages payable to the widow, widower, children and dependent parents, shall not exceed a total of sixty-six and two-thirds per cent; PROVIDED, THAT ANY COMPENSATION PAYABLE TO ANY DEPENDENTS UNDER THIS PARAGRAPH, IF

THERE IS A WIDOW, WIDOWER, CHILD OR DEPENDENT PARENT, SHALL NOT BE INCLUDED IN THE LIMITATION OF \$15,000.00 REFERRED TO IN PARAGRAPH C.

(g) The compensation of each beneficiary under clause (e) may continue until such dependent parent dies, marries, or ceases to be dependent, and the compensation of each beneficiary under clause (f) shall be paid for a period of eight years from the time of the death of the employee, unless before that time, he, if a grandparent, dies, marries or ceases to be dependent, or if a brother, sister or grandchild, dies, marries, or reaches the age of eighteen, or, if over eighteen and incapable of self-support becomes capable of self-support. The compensation of a brother, sister or grandchild under legal age shall be paid to his or her guardian.

(h) Upon the cessation of compensation under this section to or on account of any person the compensation of the remaining persons entitled to compensation for the unexpired part of the period during which their compensation is payable, shall be that which such persons would have received if they had been the only persons entitled to compensation at the time of the decedent's death; provided, however, that nothing herein contained shall be construed to increase the compensation of the children of a widow or widower upon his or her remarriage.

(i) In case there are two or more classes of persons entitled to compensation under this section, and the apportionment of such compensation, hereinbefore provided would result in injustice, the bureau may, in its discretion, modify the apportionment to meet the requirements of the case.

(j) If any person entitled to compensation under this section, whose compensation by the terms of this section ceases upon his marriage, accepts any payments or compensation after his marriage, he or she shall be guilty of a misdemeanor.

(k) In computing compensation in case of death, the weekly wages of the deceased shall be considered to have been not more than thirty dollars, (\$30.00) nor less than eighteen dollars (\$18.00), but the total weekly compensation shall not exceed the weekly wages of the deceased.

(l) In case of death or of permanent, total, or of permanent partial disability, and if the bureau determines that it is for the best interest of the beneficiary, the liability for compensation to such beneficiary may be discharged by the payment of a lump sum equal to the present value of all future payments of compensation computed at four per cent discount, compounded annually. The probability of the beneficiary's death before the expiration of the period

during which he is entitled to compensation shall be determined according to the American Experience Table of Mortality; but in case of compensation to the widow or widower of the deceased employee, such lump sum shall not exceed 416 weeks' compensation. The probability of the happening of any other contingency affecting the amount or duration of the compensation shall be disregarded.

(m) If death results from the injury within six years the North Dakota workmen's compensation fund shall pay to the personal representative of the deceased employee burial expenses not to exceed two hundred dollars (\$200.00).

(n) The provisions of this section shall be retroactive and the workmen's compensation bureau upon application, or upon its own motion may adjust compensation previously awarded, or if compensation has been refused may award compensation in accordance with the terms hereof.

EMERGENCY.] Whereas an emergency exists, this act shall take effect and be in force from and after its passage and approval.

Approved March 7, 1929.

CONCURRENT RESOLUTIONS

(H. B. No. 180—Thatcher and Svingen.)

INVESTIGATION TERMINAL MARKETS

A Concurrent Resolution petitioning the Congress of the United States to cause an investigation to be made at the terminal grain markets of the country to determine the amount of futures handled and the effect such dealing has upon the market price of grain; further petitioning congress to either appoint a special investigating committee, or that the federal trade commission be instructed to investigate the dealings upon the board of trade at the large grain terminals of the country.

Be It Resolved by the House of Representatives, the Senate Concurring:

WHEREAS, from information available, the dealing in grain futures at the large terminal markets of the United States is assuming greater and greater proportions, and

WHEREAS, from information available we learn that between July 1st and December 31st, 1928, there were grain futures sold upon the following Boards of Trade in the amount of 5,128,802,000 bushels; that the futures so sold were at the Chicago Board of

Trade, Open Board of Trade of Chicago, Minneapolis Chamber of Commerce, Kansas City Board of Trade, Duluth Board of Trade, St. Louis Board of Trade, San Francisco Board of Trade and the Seattle Board of Trade; that while these figures show the amount of futures sold, there was also a corresponding amount of futures bought; that this enormous trading in futures we believe has a tendency to depress the price of grain, and that from information available we are led to believe that there are at times more futures sold than the grain crop of the country could supply, and

WHEREAS, we believe that it would be beneficial to have a more thorough checkup of the activities of the Boards of Trade in order that the price of grain may be to a greater extent dependent upon the actual economic law of supply and demand.

THEREFORE, BE IT RESOLVED by the House of Representatives of the State of North Dakota, the Senate concurring therein, that we respectfully petition the Congress of the United States to cause such investigation to be made at the great terminal grain markets of the country as to determine the amount of futures handled and the effect such dealings has upon the market price of grain; that we further respectfully petition Congress to either appoint a special investigating committee, or that the Federal Trade Commission be instructed to immediately investigate the dealings upon the Board of Trade at the large grain terminals of the country.

BE IT FURTHER RESOLVED, that the Secretary of State be instructed to forward duly authenticated copies of this resolution to the members of Congress from the State of North Dakota at Washington, to the two United States Senators from the State of North Dakota at Washington, to the President of the Senate and to the Speaker of the House of Representatives at Washington.

Approved March 8, 1929.

(Concurrent Resolution B—Brostuen, Renwick, Sathre, Fowler.)

MILLENNIAL OF ICELANDIC PARLIAMENT OR ALTHING,
JUNE, 1930

WHEREAS, in June 1930, the people of Iceland are celebrating the Millennial of the Icelandic Parliament or Althing, and

WHEREAS, this is an unique occasion, this being the oldest Parliament or Legislative Body in existence, being established by the Republic of Iceland in 930 A. D., and

WHEREAS, the Icelandic nation is historically the preserver in its literature of the common ethnic lore and cultural background of the Nordic races, and is culturally and ethnically most intimately interrelated with the races from which the bulk of the population of this State has sprung, and

WHEREAS, this State has the largest number of people of Icelandic birth and descent of any State in the Union, and these sons and daughters of the North have proved loyal and model citizens, contributing an honorable share towards the building up of this State and Nation, thus reflecting honor on the land of their adoption as well as the land of their origin,

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

That the State of North Dakota hereby, through its Legislative Assembly, extend to the government and people of Iceland its felicitation on this historic occasion, and that the Governor of the State be authorized to appoint an official representative of this State to be present at the Millennial celebration of the Icelandic "Mother of Parliaments" in June, 1930, and to extend in person the greetings and good will of our State, and that an appropriately engrossed copy of these resolutions be prepared by the Secretary of State of North Dakota and delivered to said official representative for transmittal to the Government of Iceland.

Approved March 9, 1929.

(Concurrent Resolution C—Thatcher and Swendseid.)

**REPEAL SECTION 311 OF TARIFF ACT RELATING TO
WHEAT IN BOND**

WHEREAS, under Section 311 of the Tariff Act of 1922 providing for milling of wheat in bond over twenty million bushels of Canadian wheat has been manufactured into flour in the United States in the year 1928, and said flour exported to foreign countries, and,

WHEREAS, wheat flour manufactured in bond in the United States from Canadian wheat is classified as of domestic origin and enjoys preferential duties of approximately 25c per barrel the same as home grown wheat when so manufactured and exported to countries with which the United States has reciprocal treaties, and,

WHEREAS, it is known that this large influx of Canadian wheat and especially on the hard protein wheat grown in North Dakota and adjoining states, therefore,

BE IT RESOLVED, by the House of Representatives, the Senate concurring, that we strongly urge our Senators and Representatives in Congress to investigate the advisability of the repealing of said Section 311 of the Tariff Act.

Approved March 9, 1929.

Concurrent Resolution D—Committee on Appropriations.)

REGULATIONS BY BOARD OF ADMINISTRATION FOR PRIVATE INSTITUTIONS RECEIVING STATE APPROPRIATIONS

WHEREAS, this legislative assembly has appropriated moneys for the support and maintenance of indigent, expectant mothers and indigent children in certain private institutions operating under the laws of this state; and

WHEREAS, all such institutions are operating under the supervision of the board of administration, and must be licensed by such board; and such board has authority to make reasonable rules and regulations for their conduct; and

WHEREAS, it seems highly desirable that future legislative assemblies should be informed as fully as possible of the work of such institutions, their financial condition and the reasons which make state aid essential all to the end that the legislative assembly may be in position to act honestly, fairly and intelligently upon future requests for appropriations for similar purposes;

Now, THEREFORE, BE IT RESOLVED, that the board of administration be and they hereby are required to provide regulations whereby any such private institutions receiving any part of a state appropriation for the support of indigent, expectant mothers, or indigent children, or both, at the time of presenting a voucher to the state auditing board for compensation also file a duplicate of such voucher with the executive officer (director of children's bureau) employed by the board of administration to carry out the purposes of the various laws enacted by the legislative assembly in 1923, relating to child welfare; also, that there be attached to such duplicate voucher, a report stating:

1. The reasons why the case falls within the provisions of the particular act under which payment is sought.

2. What financial assistance, if any, is received from other sources, and what if any such assistance may be expected in the future.

3. The name and address of the person, or persons, legally responsible for the support of the expectant mother or child, and reasons why the expectant mother or child is not being supported by such person or persons.

4. The probable duration of time such expectant mother or child will be under the care of such institution, and a proper subject for aid under the provisions of the act, under which payment is asked.

That the state board of administration further require each and all of such institutions to prepare and file with the director of the children's bureau, not later than August 1st, of each year an annual report for the fiscal year ending June 30th, showing:

1. The assets and liabilities of such institution.
2. A detailed statement of its income and outgo during the fiscal year.
3. Its anticipated income and outgo for the ensuing fiscal year.
4. A statement of the work performed, giving such particulars as will enable one examining it to understand as far as possible the scope of the work performed during the year.
5. A statement of the urgent needs of the institution.

That the report submitted in even numbered years in addition to the foregoing, also, contain a statement of the amount of state aid requested, and the reasons why such aid should be given.

Approved March 9, 1929.

(Concurrent Resolution G—Fine.)

INVESTIGATION TERMINAL LIVE STOCK MARKETS

Whereas, the hog industry of the State of North Dakota is growing to considerable proportions, and

Whereas, the usual and customary time for the farmers to market their hogs is in the fall of the year, and

Whereas, during the immediate past few years there seems to have been an unreasonable and unwarranted fluctuation in the

prices paid for hogs at the terminal markets which may be evidenced by the information that on the 21st day of October 1927, hog prices at South St. Paul in the state of Minnesota were \$11 per hundred for top hogs; that on the 27th day of October prices for top hogs had been reduced to \$9 per hundred; that for the 17th day of September, 1928, the top price for hogs was, at the same market, \$12.90 per hundred; that on the 27th day of September, 1928, said top prices had fallen to \$10.00 per hundred; that such sudden and unwarranted change and fluctuation in the market seems to be unwarranted and unreasonable; that from the information available and from such investigation as it has been possible to make, it does not seem that such sudden fluctuation in the market is due to or caused by any sudden oversupply of hogs, nor due to any lack of demand; that on the contrary, it appears that such fluctuation is arbitrary and caused by the combining of the purchasing interests at the terminal markets.

Be It Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring Therein,

That we respectfully call this condition in the northwest to the attention of the Senate of the United States; that we respectfully ask that the Honorable Senate of the United States cause to be appointed a special investigating committee to investigate into the fluctuation of the live stock market at the terminals of the northwest; that if such committee of the United States Senate should not be advisable, that we petition and request that the Senate of the United States order and direct the Federal Trade Commission to immediately investigate into the said marketing conditions to determine the causes and reasons for such sudden fluctuation in the market and to further investigate such activities of the live stock market of the terminals of the northwest to determine whether or not there is a corresponding decrease or increase in the price of the finished product comparable with the increase or decrease of the price of the live animals.

Be it further resolved that the Secretary of the State of North Dakota be instructed to forward a duly authenticated copy of this Resolution to the United States Senators of the State of North Dakota and to the President of the Senate of the United States.

Approved March 13, 1929.

(Concurrent Resolution J—Brant.)

TRANSFER HERDS OF CATTLE, ETC., McLEOD DEMONSTRATION FARM

A Concurrent Resolution directing the board of administration of the State of North Dakota to transfer the herd of cattle now maintained at the state demonstration farm near the village of McLeod, North Dakota, to the state sub-experiment station at Edgeley, North Dakota; and further directing the said board to sell other property remaining at the McLeod demonstration farm.

WHEREAS, the Twenty-first Legislative Assembly of the State of North Dakota has made no appropriation for the maintenance of the state demonstration farm at McLeod, North Dakota.

AND WHEREAS, the Twenty-first Legislative Assembly has by Senate Bill No. 56 increased the appropriation for the sub-experiment station at Edgeley, North Dakota, for the purpose of enabling said sub-experiment station to transfer and care for the herd of cattle now maintained at the McLeod demonstration farm.

AND WHEREAS, there is in addition to the cattle mentioned in the preceding paragraph, other personal property located at the McLeod demonstration farm belonging to the State of North Dakota.

Be It Resolved by the Senate and the House of Representatives of the State of North Dakota,

That the board of administration of the State of North Dakota is hereby directed to proceed within a reasonable time hereafter to:
(1) Cause the herd of cattle now maintained at the state demonstration farm at McLeod, North Dakota, to be transferred to the sub-experiment station at Edgeley, North Dakota; the expense of said transfer to be borne by the sub-experiment station. (2) To sell for the highest price obtainable for cash all other personal property belonging to the State of North Dakota now located on or about the state demonstration farm at McLeod, North Dakota.

Approved March 13, 1929.

(Concurrent Resolution M—Kretschmar.)

HIGHWAY COMMISSION SURVEYS ELBOWOODS AND
WASHBURN BRIDGES

Be It Resolved by the Senate of the Twenty-First Legislative Assembly of the State of North Dakota, the House of Representatives Concurring:

WHEREAS, during the Twenty-first Legislative Assembly and several last past sessions such body has been petitioned and bills have been introduced, asking for appropriations for the construction of four separate bridges across the Missouri River between McLean County on the east bank thereof and Mercer or Oliver Counties on the west; such appropriation being so requested from the special bridge fund created to pay not to exceed one-third of the cost of bridges to be constructed across navigable and boundary line streams.

WHEREAS, at the Twentieth Legislative Assembly appropriations were made covering the expense of a preliminary survey and soundings for two of such suggested bridges, one at or near Washburn and one at or near Elbowoods, and appropriations have been made during the Twenty-first Legislative Assembly for a similar survey and bridge sounding for a suggested bridge across the Missouri River at or near Great Bend; and

WHEREAS, no appropriation has as yet been made for the construction of a bridge at either of the four suggested bridge sites, by reason of lack of funds in such special bridge fund, from lack of definite information as to the cost of each such several projects, as to the relative need of said bridges, and service to be expected therefrom, and as to the cost, course and location of necessary highways to connect such proposed bridges with existing federal aid or state highways; and

WHEREAS, there is unexpended from the appropriations made by the Twentieth Legislative Assembly for such bridge soundings for the suggested bridge at Washburn and Elbowoods, the sum of \$1,811.44, and the expense of such soundings has been met and fully paid;

Therefore Be It Resolved, that in order that the Twenty-second Legislative Assembly may have before it the information and data which it must have to intelligently determine which of such proposed bridges should be first constructed, and to be able to appropriate money for either of these requested bridges with adequate knowledge of the cost thereof and the relative demands therefor;

the state highway commission is hereby directed and requested to complete the sounding, surveys and estimates of the cost of bridges at the four several bridge sites above referred to; and to make preliminary surveys and estimates of the cost of grading federal and state aid highways, including all approaches to said bridges, and roads leading from said sites as fixed by said bridge soundings and surveys, to existing designated state and federal highways; with blue prints showing the location and course of such required highway construction; and, the state highway department is further requested and directed to complete this work prior to the conveying (convening) of the Twenty-second Legislative Assembly, and to make the same available to such body for the purposes above stated; that such legislative body may have before it the information necessary to a proper determination of the relative cost, convenience to be afforded, and service to be rendered the public, through the construction of either or all of these several proposed bridges, together with the cost of road construction required in connection with such project.

Approved March 13, 1929.

(Concurrent Resolution P.)

TARIFF CHANGES, STABILIZATION PRODUCE MARKETS

To The Honorable Herbert Hoover,
President of the United States and
to the Congress of the United States.

WHEREAS, the question of relief from the present agricultural depression to the farmers of the Northwest was a paramount issue in the recent political campaign, and Mr. Herbert Hoover made certain promises and assurances during his candidacy for the office of President of the United States to the effect that if elected to that office he would take positive and effective action looking toward the amelioration of the condition of the farmers, toward solving the great problem of the economic independence of the agricultural interests of the country, and

WHEREAS, in fulfillment of these promises and in line with his expressed intention to render such aid in the circumstances as might be in his power, he has summoned the Congress of the United States to assembly in special session, beginning the 15th day of April, 1929, for the purpose of taking legislative action in the premises, at which time and place he will doubtless outline to the two Houses of said

Congress his plan for farm relief, which plan will unquestionably be the guiding and sustaining influence in shaping the legislation enacted at such special Session, and

WHEREAS, the farmers of the Northwest, and especially those of the State of North Dakota, have, in this connection, certain definite and concrete grievances which they feel should be called to the attention of Mr. Hoover, and considered and acted upon at said special Session,

THEREFORE, BE IT RESOLVED; by the Senate and House of Representatives of the Twenty-first Legislative Assembly of the State of North Dakota, composed largely of farmers, and having the interests of the farmers of the State of North Dakota wholly at heart, and speaking for them; that the following facts and suggestions be submitted to Mr. Hoover and his Congress, and that they be urged to give them thoughtful consideration:

1. We feel that the first and most important step looking to permanent improvement in the condition of agriculture in the United States, as a whole, is to so adjust present tariff schedules and rates, that those products of the farm which can be raised with profit shall be protected from ruinous competition with foreign countries producing the same products with cheap labor. Such adjustment should not only be applied to all agricultural products capable of profitable production under a protective policy, but to all substitutes and artificially produced commodities intended to take their places, so that diversification may be encouraged and made profitable and thus the attention of farmers diverted from the excessive cultivation and production of wheat; and so that land now needlessly devoted to wheat raising may be profitably employed in the production of other grain and the production of wheat more nearly restricted to the needs and demands of American consumption. We especially recommend a substantial increase in the tariff on flax seed, a commodity whose consumption in this country greatly exceeds the home production, and which is imported in great quantities from Argentine, thus depressing the price at home, reducing the production, and preventing immense areas of tillable land from being profitably employed. However, in order that the farmer may reasonably profit by such tariff adjustment, it is essential that the price of manufactured articles, which the farmer must buy, now already protected by discriminating tariffs, shall not be further enhanced in price to him, by increasing the tariff upon such articles. This would leave the farmer no better off than he now is. Succinctly, the farmer must have better prices for his products without being forced to pay higher prices for the manufactured articles he now uses.

We earnestly request that such steps be taken by the Congress as will provide for the disposal of the surplus crops of the American farmer so that he shall derive the full benefit of a protected home market for that part of agricultural products as are consumed in the United States of America and so that the exportable surplus shall not depress the prices received for the products sold at home.

2. It is essential that the prices the farmer gets for his products should be stabilized. The farmer should not be compelled to dump his grain in the fall of the year upon a glutted market and accept a low price, only to find the price soaring when he has no more grain to sell. We suggest that one method of securing stabilization is for the government to furnish credit to co-operative farmers associations at low rates of interest so that grain may be held back and marketed gradually. In this connection we deprecate the practice of Federal Bank examiners in criticizing farmers' paper less than six months old, and the fact that the credit requirements of the farmers is not met by the present arrangements of the Intermediate Credit Bank. Nor is the present method of issuing crop reports wholly free from criticism in this regard. The information contained in these reports, especially in June and July, is often prematurely disseminated, and the market unduly depressed if the prospects for a crop are encouraging or similarly enhanced if discouraging. Such reports should be withheld until such time as there is a reasonable assurance that a crop will be made.

The present method of marketing hogs is disastrous to the farmer, as he is compelled, whether he wishes it or not, to sell his hogs when they are ready for the market, and they are purchased by the packer, dressed and placed in storage, and later on sold to the consuming public upon the basis of later increased prices, so that while the consumer pays for pork on the basis of the higher price, the original producer receives no benefit from it.

Approved March 13, 1929.

VETOES

(S. B. No. 143—Ployhar.)

PROBATION OF CRIMINALS

An Act to amend and re-enact Section 10950 of the Compiled Laws of North Dakota of 1913, relating to probation of criminals.

V E T O

March 13, 1929.

To the Honorable Secretary of State:

I herewith file Senate Bill No. 143 without my approval.

This bill is intended to enlarge the power of the Courts in the matter of probation of prisoners who have been convicted of felonies. Under the present law, the Court having jurisdiction to sentence a defendant to the Penitentiary, may in his discretion, with certain exceptions and in the case of first offenders, suspend the execution of the sentence and place the prisoner on probation or parole until the term of the sentence shall have expired. Senate Bill No. 143, if it becomes a law, will empower the Court to suspend a part of such sentence after the defendant has been committed to and has served a part of his sentence in the Penitentiary. This is a power which is now exercised exclusively by the Board of Pardons. Should this power also be exercised by the Courts, it will result in a conflict of authority and confusion in the administration of the parole laws of the State.

Such a law would also be an inducement for the Courts to send first offenders to the Penitentiary for a short time who might not otherwise be committed to the Penitentiary. In my judgment, no first offender should ever be sent to the Penitentiary, unless in the judgment of the Court, the facts in the case warrant his imprisonment for at least the minimum sentence provided by law.

Very truly yours,

Geo. F. Shafer,
Governor.

GFS:E

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

§ I. AMENDMENT.] That Section 10950 of the Compiled Laws of North Dakota of 1913 is hereby amended and re-enacted to read as follows:

§ 10950. In all prosecution for crime, except as hereinafter provided, where the defendant has pleaded or been found guilty,

and where the court or magistrate has power to sentence such defendant to the penitentiary, and it appears that the defendant has never before been imprisoned for crime, either in this state or elsewhere (but detention in an institution for juvenile delinquents shall not be considered imprisonment), and where it appears to the satisfaction of the court or magistrate that the character of the defendant and circumstances of the case are such that he is not likely to engage in an offensive course of conduct, and where it may appear that the public good does not demand or require that the defendant shall suffer the penalty imposed by law, said court or magistrate may suspend the execution of the whole or a part of the sentence, and place the defendant on probation either immediately or at a specific time after a part of the sentence has been served.

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

Vetoed March 13, 1929.

(H. B. No. 74—Veitch, Treffry and Martin.)

DOG REGISTRATION

An Act imposing a tax upon dogs; providing for the levy and collecting thereof; providing for the issuance of license tags for all dogs upon which said tax is paid; requiring the killing of dogs upon which the tax is not paid; providing for the payment of the expense of enforcement of such act and the distribution of the tax collected hereunder.

V E T O

March 14, 1929.

To the Honorable Secretary of State:

I herewith file House Bill No. 74 without my approval.

This bill imposes an annual tax upon all dogs within the State, requires the registration of all dogs upon which a tax is paid and the destruction of all dogs upon which the tax is not paid by August 1st of each year. The general purpose of this bill is good. It is intended to protect sheep owners from damages caused by sheep-killing dogs, which are said to have become numerous in some parts of the State, by providing for the destruction of all dogs for which no tax is paid.

I do not believe, however, that this bill is well designed to accomplish the purpose for which it is intended. On the contrary, I

think that if it is allowed to become a law, it will cause more harm than good in the state.

I am in sympathy with the desire of sheep owners to get rid of sheep-killing and other dangerous dogs, but it is not necessary nor desirable to tax all species of dogs in order to achieve that laudable purpose. Most species of dogs, including shepherd dogs, bull dogs, poodle dogs, water spaniels and other ordinary dogs, are not enemies of live stock. Many breeds of dogs are protectors of livestock and companions of both adults and children. The fact that most farmers keep one or more dogs about the farm is clear evidence that such dogs are not harmful.

Under the provisions of this bill the dog tax comes due on August 1st, a date different from that on which other taxes fall due. There is no period of grace allowed before the tax becomes delinquent as is the case with other taxes, but the dog tax is delinquent upon the same date that it comes due. It is then the duty of the sheriff to immediately locate and kill all dogs upon which the tax has not been paid, unless the owner or keeper thereof pays the dog tax to the sheriff, together with his travel expenses. With this tax falling due and delinquent on August 1st, during the busiest season of the year, it is certain that most dog owners who are farmers, as well as others, would be in default. The enforcement of this law, in the fall of the year, would cause everyone concerned much annoyance and expense, and work a hardship on hundreds of people in the state.

I do not see how the taxation of dogs would remedy the evil. The owners of German Police dogs, Russian Wolf hounds and other species of dogs as are likely to become sheep-killers would pay their dog tax as well as others and let their dogs run at large and so the menace would continue. Taxing such dogs would not destroy them and since no provision is made for the payment of damages to sheep owners whose sheep are killed by licensed dogs, they are not any better off under this bill.

On the whole, I think this law is too harsh in its terms and too broad in its application. No doubt some legislation is required to protect sheep owners, although I understand, the menace complained of is local, rather than general in the state. It seems to me that the situation could be well taken care of by a law which applied only to certain species of dangerous dogs without including therein all other dogs, or by an act formulated upon the local option principle which could be put into operation in those counties where the conditions justify it.

Respectfully yours,
GEO. F. SHAFER,
Governor.

GFS :E

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

§ 1. ASSESSORS TO MAKE LIST.] That each assessor in this state when assessing personal property shall annually make a list of the names of all persons who own or keep dog or dogs, and shall set opposite the name of each such owner or keeper the number of dogs over four (4) months old on April 1st, he or she has in his or her possession, or kept on his or her premises, which list shall be returned by such assessor to the auditor of the county in which said assessment of dogs is taken, as soon as the assessment is completed. Such assessment list shall show whether each such assessed dog is a male, or female, or is unsexed.

§ 2. DOG TAX.] The county auditor shall charge upon the tax rolls against the name of each person reported as owner or keeper of a dog or dogs over four (4) months old on April 1st, a tax of one dollar (\$1.00) for each male and unsexed dog and two dollars (\$2.00) for each female dog owned or kept by such person, as a personal property tax, which said tax shall be in lieu of all other taxes or licenses upon such dogs either state or local.

Provided, that any person keeping or having in his possession dogs for boarding or breeding purposes or for the purpose of selling and exchanging such dogs not less than five (5) in number may obtain from the county treasurer a license for the kenneling of dogs and shall pay for such license in lieu of all other license fees the sum of seven dollars and fifty cents (\$7.50) for ten dogs or less, and ten dollars (\$10.00) for more than ten dogs which license shall be granted for a period of one (1) year and shall expire on the 1st day of August of each year. All moneys collected from such tax and such licenses shall be paid to the county treasurer who shall distribute the tax and license moneys so received by him to the political subdivision from which collected, in manner hereinafter provided.

§ 3. PAYMENT OF TAX.] The tax and license herein provided for shall be payable separately from other personal property taxes and shall become payable upon August 1st of each year in which the dog is listed by the assessor. On or before the 15th day of July of each year the county treasurer shall send by United States mail to each dog owner or keeper so listed a notice of the amount of dog tax due from such owner or keeper upon which notice shall be printed sections 3 and 4 of this act.

§ 4. AVOIDANCE OF TAX.] Any person not desiring to pay the tax herein provided may kill his dog or dogs; and if the owner of any dog shall file with the county treasurer on or before July 31st of any year an affidavit that any dog or dogs have been killed or

have died from any cause, the treasurer shall file the same and forthwith release, cancel and discharge all taxes assessed for that year against said person upon the dog or dogs so killed or dying.

§ 5. TAGS.] Upon payment of said individual dog tax, the county treasurer shall issue to said owner a metal tag for each dog upon which the tax is paid which said tag shall bear the words "dog tax," the name of the county, the year of its issue and the serial number of the tag. Said tags shall not be transferable and shall be good until August 1st of the year following that in which the tax is assessed. Said tag shall be worn by the dog for which it is issued at all times during the year issued for, and shall be firmly attached to a collar to be provided by the owner of such dog. Upon the payment of the kenneling license, the county treasurer shall issue to the person paying said license sufficient tags for all dogs kept by said person which tags shall bear the words "kennel tax" instead of "dog tax" and shall otherwise be in the same form as the individual dog tags. The county treasurer shall keep a record of the serial numbers of tags issued to both owners and kennel keepers. The shape of said tags shall be changed each year. The said tags shall be furnished by the county treasurer. The county treasurer is hereby authorized to pay for the first year's tags out of the county general fund. As soon as sufficient funds have accumulated in the dog tax fund, the county treasurer shall reimburse the county general fund for monies so expended.

§ 6. COLLECTION OF TAX.] On August 1st of each year the county treasurer shall prepare a list of all dogs listed for that year upon which the tax has not been paid or the affidavit herein provided for filed, and shall present said list to the sheriff of the county. It shall then be the duty of the sheriff to take possession of the dogs so listed and kill the same unless the owner forthwith pays to said sheriff the tax provided plus the sheriff's mileage for said trip in which case the sheriff shall pay over to the treasurer the amount of the tax and the tag shall be issued to the owner. For his service the sheriff shall be paid the sum of one dollar (\$1.00) for each dog so killed plus legal mileage which shall be paid out of the dog tax fund. The fee and mileage herein provided for shall be by the auditor assessed against the owner of each dog for the killing of which the expense is incurred. The killing of any dog or dogs after August 1st shall not release the tax, but the said tax plus the expense of killing shall be and remain a tax against the person assessed which shall be thereafter treated and considered as are other personal property taxes with the same penalties for non-payment and the same provisions for enforcement thereof.

§ 7. WHEN DOGS MAY BE KILLED.] If any person shall discover any dog or dogs in the act of killing, wounding or chasing

sheep in any portion of the state, or shall discover any dog or dogs under such circumstances as to satisfactorily show that such dog or dogs have been recently engaged in killing or chasing sheep for the purpose of killing them, such person is authorized to immediately pursue and kill such dog or dogs, and there shall be no liability on such person in damages or otherwise for such killing.

§ 8. PERSONS KNOWINGLY KEEPING A SHEEP-KILLING DOG OR DOGS.] Any person or persons who shall knowingly keep any dog known to be a sheep-killing dog, or shall keep such dog after it shall come to knowledge of such person that such dog has been engaged in the killing of sheep, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00), or by imprisonment in the county jail not exceeding thirty (30) days, or by both such fine and imprisonment. Any person who shall knowingly keep any sheep-killing dog, shall be held liable in punitive damages for any killing or injury to sheep, occasioned by such dog.

§ 9. LIABILITY.] Any person harboring or keeping in his or her possession any dog or dogs that are known to have killed, injured or worried sheep, shall come under the provisions of this law the same as if he or she owned the dog or dogs.

§ 10. DUTY OF OFFICERS.] It is hereby made the duty of every sheriff, deputy sheriff, constable, marshal, police officer or other peace officer within his jurisdiction to take into custody any dog found without the tag hereinbefore provided for when said dog appears to have been eight (8) months or more old on the previous August 1st. If the owner of said dog can be ascertained by the officer he shall be notified, otherwise the dog shall be kept in custody by the officer for two (2) days. Upon satisfactory showing to said officer that the dog was under the age requiring a license, it shall be released; and if the dog is of age requiring a license upon payment of all dog taxes and penalties assessed against the owner, a tag shall be issued by the county treasurer and the dog released. If the showing is not made or the tax is not paid the officer shall, after the expiration of two (2) days, kill the dog and upon proper voucher he shall be paid for such services the sum of one dollar (\$1.00).

§ 11. LOST TAGS.] Should any dog tag be lost the owner may, upon affidavit of the facts, procure from the treasurer another tag and the treasurer shall keep a record of all tags so replaced and the serial number of both the old and the new tag. All replacement tags shall be charged for at the rate of twenty-five (25) cents.

§ 12. The expense of procuring such tags and the charges of officers killing unlicensed dogs shall be paid out of the dog tax collected during the license year, and at the end of such license year

the balance of such tax collections shall be paid over by the county treasurer to the several townships, cities and villages, from which collected, in the proportion in which such collections were made from each such political subdivision.

§ 13. **NEGLECT OF DUTIES.]** Any officer who shall wilfully neglect or refuse to perform any of the duties imposed upon him by this act shall be deemed guilty of a misdemeanor.

Vetoed March 14, 1929.

(H. B. No. 212—Committee on Game and Fish.)

DEER AND BEAVER LICENSE, FEES

An Act to provide for licenses for hunting deer and trapping beaver in the State of North Dakota and for the issuance of search warrants.

V E T O

March 15, 1929.

To the Honorable Secretary of State:

I herewith file House Bill No. 212 without my approval.

This bill provides that in case the season for killing deer and hunting beaver should hereafter be declared open pursuant to the provisions of Chapter 147, of the Session Laws of North Dakota for 1927, a special hunting license for deer and trapping license for beaver shall be required, and special tags procured and attached to each animal killed.

In the case of beaver, a one dollar fee is charged for each tag which is required to be attached to every beaver or beaver skin legally taken and shipped within or without the state, or held in possession by anyone for a longer period than fifteen days.

The provision of this bill relating to deer is all right, but that requiring an individual tag at a cost of one dollar each as a condition to the right to either ship or possess beaver skins for more than fifteen days is not a reasonable provision. In my opinion, there is no reason why any person who has legally taken a beaver or any other animal, should be obliged to pay the state for the privilege of keeping possession of his property.

Furthermore, since there is little likelihood of the season for either deer or beaver being opened in the near future, this law is not needed at the present time.

Respectfully yours,

GEO. F. SHAFER,

GFS:E

Governor.

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

§ 1. Whenever an open season has been declared on deer and beaver pursuant to the provisions of Chapter 147, Session Laws 1927, the fee for a resident hunting license on deer shall be five dollars, and the fee for nonresident hunting license on deer shall be twenty-five dollars, and such licenses shall be procured in the same manner as other hunting licenses are procured, and shall have attached thereto a tag in duplicate with the same number as the license. Said tag shall be detached from the license and attached to the animal killed. The tag attached to the animal killed shall give a description of the animal, place and manner of killing and how disposed of. The duplicate tag shall be filled out in the same manner as the original and forwarded to the game and fish board, and a complete record thereof shall be kept by the secretary of the game and fish board. All licenses issued under this act shall be void when tag or duplicate is detached from such license. The bag limit shall be one antlered deer for each person having the required license.

§ 2. The fee for resident trapping license for beaver shall be two dollars, and the fee for non-resident trapping license for beaver shall be twenty-five dollars, and the same shall be procured in the same manner as other trapping licenses are procured. Provided, that a special beaver tag shall be procured from the secretary of the game and fish board, upon the payment of a fee of one dollar for each tag, said tag to be attached to each individual beaver, or beaver skin legally taken and shipped within or without the state, or held in possession of any one for a period longer than fifteen days.

§ 3. Any court shall upon proper application by any bonded game warden or any member of the game and fish commission, issue a search warrant.

§ 4. Any person who shall violate any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$50.00 and not to exceed \$100.00, or by imprisonment in the county jail for a term not exceeding 30 days, or by both such fine and imprisonment.

Vetoed March 15, 1929.

(H. B. No. 116—Committee on Game and Fish.)

GOVERNOR POWER OPEN AND CLOSE HUNTING SEASON

An Act to amend and re-enact Chapter 147, 1927 Session Laws, relating to powers conferred upon the governor to open and close seasons in any and all sub-divisions of the state when deemed necessary for the better protection of game birds, fish and animals, and for the publication of orders.

V E T O

March 15, 1929.

To the Honorable Secretary of State :

I herewith file House Bill No. 116 without my approval.

This bill amends and re-enacts Chapter 147 of the Session Laws of North Dakota for the year 1927, relating to the powers conferred upon the Governor to open and close the season for hunting purposes in any part of the state when deemed necessary for the better protection of game birds, fish and animals, and for the publication of such orders.

Under the present law, any order so promulgated by the governor shall only be valid until the date of the closing of the regular Session of the Legislature next succeeding its issuance. House Bill No. 116 is in all respects exactly the same as the original law, except that it eliminates the limitation just referred to. I can see no good reason for eliminating this provision. On the contrary, it seems to me that it is wise and proper that any orders issued by the Governor changing the seasons for the hunting of wild game, should not be in force beyond the next Session of the Legislature.

Respectfully yours,

GEO. F. SHAFER,

GFS:E

Governor.

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

§ 1. ADDITIONAL PROTECTION. GOVERNOR'S ORDERS.] Whenever the governor, after investigation and recommendation by the game and fish commission, finds that any species of game birds, fish or animals for which an open season is provided, are in danger of undue depletion or extinction, or when necessary for the proper protection during the propagating period, he may, by an order, provide protection for such species additional to that provided by law, and to that end may prescribe in what manner, in what number, in

what places and at what times the same may be taken. Provided further that whenever the governor, after investigation and recommendation by the game and fish commission, finds that any species of game birds, fish or animals has become sufficient in numbers to warrant an open season, he may by order declare an open season thereon, or extend the already open season as now provided by law, and to that end may prescribe in what manner, in what number, in what places and at what times the same may be taken. Any order issued by the governor pursuant to this act shall have the force of law, and the appropriate penalty now prescribed by law for the unlawful killing of game and be applicable to violations of any such order.

§ 2. PUBLICATION OF ORDERS.] All orders and rules and regulations affecting the entire state, as provided for herein, shall be published once in the official newspaper of each county affected by such orders. No order, rule or regulation shall take effect until after such publication.

Vetoed March 15, 1929.

(H. B. No. 135—Committee on Appropriations.)

APPROPRIATION—INCOME TAX REFUNDS

An Act making an appropriation to provide for the payment of income tax refunds in connection with income taxes assessed and paid under the 1919 income tax law for the years 1919 to 1922, inclusive.

V E T O

March 16, 1929.

To the Honorable Secretary of State:

I herewith file House Bill No. 135 without my approval.

This bill purports to appropriate the sum of \$56,000.00 out of the general funds in the State Treasury for the purpose of paying claims arising from the overpayment of income taxes assessed under the 1919 income tax law for the years 1919 to 1922 inclusive. I understand that this appropriation was passed for the purpose of refunding the sum of \$55,580.00 to the Ford Motor Company, being the amount of certain income taxes which it is said was in the year 1923 illegally collected by the State Tax Department and paid under protest by this company. The State Tax Commissioner has advised the Legislature that this refund is legally and justly due to the Ford Motor Company.

The bill, however, makes no reference to the Ford Motor Company, nor to the circumstances under which the claim arises. Owing to the size and character of the claim, and the long period of time during which it has been pending, I feel that it should not be paid by the State until its validity has been established in the Courts.

I also feel that in view of the aggregate appropriations passed by the recent Legislative Assembly, which are substantially more in amount than those made by any previous Legislature, the payment of this claim, if it is a valid one, should be deferred to another time.

Respectfully yours,

GEO. F. SHAFER,

Governor.

GFS:E

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

§ I. APPROPRIATION.] There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of fifty six thousand dollars (\$56,000.00), or as much thereof as may be necessary for the purpose of paying claims arising from overpayment of income taxes assessed under the 1919 income tax law for the years 1919 to 1922, both inclusive.

Vetoed March 16, 1929.

(H. B. No. 184—Thatcher.)

PASSENGER MOTOR BOAT REGISTRATION

An Act for the regulation of motor boats not under federal regulations, carrying passengers; providing for inspection, registering of same, registering of operators, specifying equipment, etc.

V E T O

March 13, 1929.

To the Honorable Secretary of State:

I herewith file House Bill No. 184 without my approval.

House Bill No. 184 provides for the inspection and registration of all passenger motor boats operating on waters within North Dakota not under Federal Regulation, and for the licensing of each motor propelled boat operator. The administration of the provisions thereof, is placed in the hands of the Sheriff. I do not think there is sufficient motor boat traffic in this State to warrant the existence and enforcement of a law of this character; and if there

was, the Sheriff is not the proper officer to inspect boats and conduct examinations as to the qualifications of applicants for motor boat operators' licenses. The efficient enforcement of such a law calls for special knowledge and experience in lake and river navigation which the ordinary sheriff does not possess.

Very truly yours,

GEO. F. SHAFER,

GFS:E

Governor.

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

§ 1. Any motor or power-propelled boat having a passenger carrying capacity of six or more persons carrying persons for hire on waters within the limits of the State of North Dakota and not under federal regulations, shall, between the hours of sunset and sunrise, carry the following lights: A white light aft to show all around the horizon, and in the fore part of the vessel and lower than the white light, a green light to starboard and a red light to port, so fixed as to throw the light from right ahead to two points abaft the beam on their respective sides.

§ 2. Every such motor or power propelled boat carrying passengers for hire shall be provided with a whistle or other sound producing mechanical device capable of producing a blast of two or more seconds of continuous duration.

§ 3. Every such motor or power propelled boat carrying passengers for hire shall carry either life preservers, life belts, buoyant cushions, ring buoys or some other government approved device sufficient to float every person on board, and same shall be readily accessible at all times and not less than one for each passenger carried. There also shall be carried, at all times, proper approved fire extinguishers in a readily accessible location.

§ 4. All such motor or power driven boats shall be inspected annually on or before May 1st of each year by the sheriff, his deputy, or person deputized for this work, of the county in which said boat or boats are assessed. During inspection of said boat or boats, same shall be taken entirely out of the water and must be found to be perfectly seaworthy in every respect and properly equipped according to this act. Each boat so examined by the sheriff, his deputy, or person deputized for this work, shall be numbered as so inspected, which number shall be the number of the permit to operate said boat, and which number shall be conspicuously painted in blue figures on same, figures to be not less than three inches nor more than four inches in height.

§ 5. The sheriff shall issue a license to operate any such boat to any person applying for the same, upon being satisfied as to such person having the qualifications necessary to properly and safely operate such passenger boats, and shall require the payment of a license fee of one dollar (\$1.00) from each such applicant. No person shall operate such boat unless such person shall be licensed under the provisions hereof.

§ 6. It shall be the duty of the sheriff to keep accurate record of all boats so inspected or registered and licensed; to keep a record of owners of same and each and every person operating each boat. The sheriff shall collect a fee for such examinations of twenty-five cents (25c) for each person carried in said boat at its capacity, but in no case less than \$5.00, and in addition he shall collect a fee of fifty cents (50c) for each operator's license. All fees collected hereunder by the sheriff shall be paid into the county treasury and the sheriff shall receive mileage for any travel hereunder at the rate provided by law.

§ 7. Any person found guilty of violating the provisions of this act shall be subject to a fine of not to exceed \$25.00 or by imprisonment in the county jail for a period of not to exceed 30 days, or by both such fine and imprisonment.

§ 8. Nothing in this act shall be in conflict with any federal regulations. Any part or parts of this act so interpreted shall be null and void.

§ 9. EMERGENCY.] This act is hereby declared to be an emergency measure, and shall be in full force and effect on and after its passage.

Vetoed March 13, 1929.

(H. B. No. 19—Northridge and Hamilton.)

**PUBLIC WAREHOUSE—STORAGE AND DELIVERY CHARGES,
TERMINAL DELIVERY**

An Act to amend and re-enact Section 18 of Chapter 155 of the Session Laws of the State of North Dakota for the year 1927; providing for the regulation of storage and delivery charges of public warehousemen and providing for the form of receipts to be issued by such warehouseman.

V E T O

March 15, 1929.

To the Honorable Secretary of State:

I herewith file House Bill No. 19 without my approval.

This bill amends and re-enacts Section 18 of Chapter 155, of the Session Laws of North Dakota for 1927, relating to grain storage rates and delivery charges of public warehousemen.

Under the existing law, a public warehouseman may charge one-thirtieth of one cent per net bushel per day from date of delivery, but not to exceed ten cents per net bushel for one year; provided that if the stored grain is sold within twenty days no storage shall be charged. House Bill No. 19 would reduce such storage rate from one-thirtieth of one cent per net bushel per day to one-fortieth of one cent per bushel per day, and provides that no storage shall be charged for twenty days from date of delivery.

If the change made by this bill was limited to the twenty days' free storage feature, it would merit approval, but I do not feel that the reduction in the storage rate from one-thirtieth of one cent per net bushel per day to one-fortieth of one cent is justifiable under present conditions. The rate prescribed by this bill is less than the the storage rates now in force in all of our adjoining states, Minnesota, South Dakota and Montana. It is also less than the rates charged for storage by the Minnesota Terminal Warehouses where many of our North Dakota elevators re-store a considerable quantity of grain each year. It is my information that the Minnesota Terminal Warehouse storage rates are the same as those now authorized by law in this State; namely, one-thirtieth of one cent per net bushel per day, with a maximum of ten cents per year.

I do not know what is, or is not a reasonable storage rate from the standpoint of the cost of value of the service rendered, but it is clear to me that it is unfair to compel our elevators to receive grain in storage at a rate which is less than the rate which they are obliged to pay to re-store such grain in Minnesota Terminal Warehouses. I am reliably informed that North Dakota elevators had at one time as much as 16,000,000 bushels of grain in storage in terminal warehouses during 1928. To reduce our storage rates below those charged by these terminal warehouses, would, it seems to me, discourage North Dakota elevators from storing grain in the terminals, and encourage them to follow the old practice of immediately selling all grain stored with them and buying options on the future's market to protect their liability on outstanding storage tickets. I believe that actual storage on the farms and in terminal warehouses should, by all means, be encouraged wherever possible, and that fictitious storage be discouraged. It is well known that the adequate storage of our surplus grain crops is one of the important elements of orderly marketing, and that such principle will be incorporated in any Federal market stabilization program that may be adopted by the Special Session of Congress which is being called to deal with that very subject. Legislation such as House Bill No. 19, which penalizes the re-

storage of grain in the terminal centers is not in harmony with recent programs for the improvement of our grain marketing system, and should not, under present conditions, be adopted.

There is also considerable evidence that the storage rate prescribed in this bill, although only slightly lower than that provided in the existing law, is less than the actual cost to many elevators doing business in this state. If this is true, it is evident that any such loss would have to be made up at the expense of those patrons who are obliged to sell their grain at the time of delivery. Thus, farmers who are forced to sell at once, would be required to pay a part of the cost of warehousing for those who store their grain. This is a condition not to be desired.

I trust, however, that the next Legislature will authorize twenty days free storage. This is, I think, a fair provision in this law; but I cannot allow it to become a law without, at the same time, approving the reduction in the storage rate.

Respectfully yours,

GEO. F. SHAFER,

GFS:E

Governor.

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

§ 18. AMENDMENT.] STORAGE AND DELIVERY CHARGES. TERMINAL DELIVERY.] Every public warehouseman shall receive for storage, so far as the capacity of his warehouse will permit, all grain tendered to him without discrimination of any kind, provided, that such grain is sound and in a warehousable condition. Upon date of delivery of grain for storage a warehouse receipt shall be issued to the owner or his agent, which shall state the place and date when the grain was received, the name of the owner of the grain, the kind and grade of the grain according to the official standards established by the Secretary of Agriculture of the United States, the gross weight, dockage, and net weight of the grain as per North Dakota standard weight. All receipts shall be consecutively numbered, and no two receipts bearing the same number and series shall be issued during the same year. No receipt shall be issued except upon actual delivery of grain into such warehouse. No warehouseman shall insert in any such receipt any language in any wise limiting or modifying his liability as imposed by the laws of this state. Such receipt shall contain either on its face or reverse side the following specific warehouse and storage contract:

“This grain is received, insured and stored subject to the following charges: One-fortieth of one cent per net bushel per day

from date of delivery, provided, however, that no storage shall be charged for grain so stored for twenty days from date of delivery. Upon surrender of this receipt and payment or tender of a delivery charge per gross bushel of three cents on flax, two cents on wheat or rye, and two cents on other grains, and all other stated lawful charges accrued up to the time of said surrender of this receipt, the above amount, kind and grade of grain will be delivered to the person named above or his order as rapidly as due diligence, care and prudence will permit. At the option of the holder of this receipt, the amount, kind and grade of grain for which this receipt is issued shall, on his demand, be delivered back to him, at any terminal point customarily shipped to, or at the place where received, upon the payment of the above charges for receiving, handling, storage and insurance; and in case of terminal delivery, the payment in addition to the above, of the regular freight charges on the gross amount called for by this ticket, or in lieu thereof, a receipt issued by a bonded warehouse or elevator company doing business at such terminal point. Nothing in this receipt shall be construed to require the delivery of the identical grain specified herein, but an equal amount of grain of the same kind and grade, shall be delivered to him."

Public warehousemen may also insert in the said receipt the following provision:

"If any of the grain embraced in this receipt shall prove to be covered by a chattel mortgage or other lien, or the partial or absolute title prove to be in some other than the person to whom this receipt was issued, the same shall, if discovered before the delivery of the grain, be sufficient reason for the refusal to deliver to the holder of the receipt, or if discovered after the delivery of the grain such delivery shall be deemed an over delivery for which said holder of this receipt, to whom such delivery is made, shall be accountable."

Provided, further, that grain placed in a special bin shall be excepted from the provisions of this section.

Vetoed March 15, 1929.

(H. B. No. 219—Committee on Education.)

REDUCTION TEACHERS ANNUITIES

An Act to amend and re-enact Section 1522 of the Compiled Laws of North Dakota, 1913, relating to annuities payable from the teachers' insurance and retirement fund.

V E T O

March 13, 1929.

To the Honorable Secretary of State:

I herewith file House Bill No. 219 without my approval.

This bill makes it the duty of the trustees of the Teachers' Insurance and Retirement Fund to make a reduction in the annuities now being paid to annuitants thereunder not later than October 1, 1929, and every five years thereafter, to make such reductions or increases in the annuities as the condition of that fund may warrant.

The Legislature at this Session has also passed and I have approved House Bill No. 234, providing for the appointment of a commission of five members which shall make a thorough study and investigation of the conditions of the Teachers' Insurance and Retirement Fund and report its findings and recommendations to the Governor for the information of the next Legislative Assembly.

Since the condition and the requirements of this fund is to be made a subject of thorough investigation by a special commission, I think it is best to delay adopting any new legislation affecting such fund until we have the benefit of the report and recommendations of such commission. House Bill No. 219 is at best only a temporary makeshift and not a permanent solution of the problem involving the future solvency of the fund. Furthermore, any general reduction made by the Board of Trustees pursuant to the provisions of this bill would work a hardship on many retired teachers of advanced years, or in a condition of physical disability, who are now dependent for their living upon the annuities received by them from the fund. These beneficiaries should be spared this loss if possible.

Very truly yours,

GEO. F. SHAFER,

Governor.

GFS:E

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

§ I. AMENDMENT.] That Section 1522 of the Compiled Laws of North Dakota, 1913, is hereby amended and re-enacted to read as follows:

§ 1522. TRUSTEES SHALL RATABLY DIMINISH ANNUITIES.] Not later than the first day of October, 1929, the board shall ratably reduce the annuities then being paid to the extent necessary in order that those who are then annuitants, and those who may thereafter become such, shall each receive the same proportion of the maximum annuities to which this article entitles them. The board, immediately upon this act becoming effective, shall determine the condition of the fund and the reductions necessary to be made in order to comply with the provisions hereof, and for that purpose may employ such actuary as the board shall deem necessary, the expense thereof to be paid from the appropriation heretofore made by law for the employment of an actuary by the board, and may require any necessary facts or information from all state, county, municipal and school district officers. At least once in every period of five years from and after the first day of July, 1929, the board shall make an investigation of the condition of the fund and shall make such ratable reductions or increases in the annuities being paid at the time of making such investigation as shall be necessary in order that those who are then annuitants and those who may thereafter become such shall each receive the same proportion of the maximum annuities to which this article entitles them. Provided that any present or future annuitant after reaching the age of 60 years, or who is or shall be retired for total disability shall receive from the fund not less than three hundred fifty dollars (\$350.00) per year.

Vetoed March 13, 1929.

NOTE—H. B. 18, relating to wolf, coyote, lynx and bobcat bounty vetoed and returned to legislative assembly prior to adjournment.

CONSTITUTIONAL AMENDMENTS

(S. B. No. 41—Session Laws of 1927)

CONCURRENT RESOLUTION

§ 45. Each member of the legislative assembly shall receive as compensation for his services \$600 for each regular session and ten cents for every mile of necessary travel in going to and returning from the place of the meeting of the legislative assembly on the most usual route; which compensation and mileage shall be in full for all services, expenses and allowances for each two year period.

Disapproved March 20, 1928. 66904 to 41446.

(H. B. No. 341—Session Laws of 1927)

ARTICLE 44

JOINT RESOLUTION

§ 179. All taxable property except as hereinafter in this section provided, shall be assessed in the county, city, township, village or district in which it is situated, in the manner prescribed by law. The property, including franchises of all railroads operated in this state, and of all express companies, freight line companies, dining car companies, sleeping car companies, car equipment companies, or private car line companies, telegraph or telephone companies, the property of any person, firm or corporation used for the purpose of furnishing electric light, heat or power, or in distributing the same for public use, and the property of any other corporation, firm or individual now or hereafter operating in this state, and used directly or indirectly in the carrying of persons, property or messages, shall be assessed by the State Board of Equalization in a manner prescribed by such state board or commission as may be provided by law. But should any railroad allow any portion of its railway to be used for any purpose other than the operation of a railroad thereon, such portion of its railway, while so used shall be assessed in a manner provided for the assessment of other real property.

Approved March 20, 1928. 63568 to 37284.

(Initiated Constitutional Amendment)

PROHIBITION

That Section 217, Article 20, of the Constitution of the State of North Dakota, be and the same is hereby repealed.

Dissapproved June 27, 1928. 103696 to 96837.

(Initiated Constitutional Amendment)

GUARANTEE OF BANK DEPOSITS

§ 1. By this Constitution the people of North Dakota do ordain and establish: The State of North Dakota has long assumed and exercised control of the business of banking within the state by regulating, restraining, and governing it, and in the year 1917 in pursuance of such general policy the state caused to be enacted a law providing for the establishment of a Depositors' Guaranty Fund, the purpose of which was to guarantee the payment of general deposits in state banks. Such fund has at all times been administered and controlled by the state, acting through its public officers designated by it for such purpose. By the enactment of such law and its administration by the state through its public officers, the people were led to believe, and did commonly understand and believe, that the credit of the state was pledged to secure the payment of all deposits in state banks; and relying upon such belief and understanding large numbers of the citizens of the state entrusted their savings and other money to such banks in the form of general deposits. Since the enactment of said Depositors' Guaranty Fund Act and up to and including the 15th day of May, 1928, more than three hundred (300) state banks have become insolvent and have closed, which insolvent banks have general depositors numbering more than eighty thousand (80,000) people of the state, whose deposits aggregate approximately \$25,000,000.00 over and above the ability of such banks to liquidate. It has become apparent that such deposits cannot be paid by the insolvent banks nor by the Depositors' Guaranty Fund, nor by the combined resources of said banks and said fund, and because thereof the depositors aforesaid will lose their earnings and savings and many thereof be reduced to poverty and want unless the state shall assume the burden of reimbursing such depositors. By reason of its general policy of regulating and controlling the banking business, and particularly by its enactment of said Depositors' Guaranty Fund Act and its administration thereof through public officers, the state is morally obligated to such de-

positors, and its failure to fulfill its moral duty to pay such claims will adversely affect its credit and will engender in the minds of its citizens distrust and lack of confidence in the Government. We therefore declare it essential to the general welfare of the state and the prosperity and tranquillity of the inhabitants thereof that the State of North Dakota should discharge its moral obligation and pay the claims of such depositors, and that the payment thereof is in the furtherance of a public purpose to which money raised by general taxation may be properly devoted.

§ 2. The State of North Dakota shall pay, without interest, any balance that may remain due on all claims based on general deposits in state banking associations which have become insolvent and closed between January 1, 1919, and May 15, 1928, after crediting thereon payments that have been made or may hereafter be made by dividends in the course of liquidation of such insolvent associations.

§ 3. Immediately upon the taking effect hereof the Governor and State Treasurer shall prepare and issue under their hands, attested by the Secretary of State, and the great seal of the State, bonds of the State of North Dakota in an amount not to exceed \$25,000,000, in denominations of from \$100.00 to \$5,000.00, bearing interest at a rate not exceeding five per cent (5%) per annum. Such bonds shall be issued in series payable 10, 15, 20, 25, and 30 years after the date of issue, the amount of each series to be determined by the Governor and the State Treasurer. Such bonds shall be sold from time to time as in the judgment of the Liquidating Board, hereinafter provided for, the proceeds shall be needed for the purposes herein specified, but they shall not be sold for less than par.

§ 4. From and after the taking effect hereof the Depositors' Guaranty Fund is abolished, and the Depositors' Guaranty Fund Commission shall account to the Liquidating Board herein provided for for all funds and assets in its possession for the benefit of the state, and no law shall be enacted providing for the guarantee of bank deposits.

§ 5. The Governor, State Treasurer, and Secretary of State are hereby constituted a board to be known as the Liquidating Board, which is charged with the administration of all matters connected with the allowance and payment of claims of depositors herein provided for. In the event any question arises whether a claim is based upon a deposit or as to the amount of such claim, it shall be the duty of the Liquidating Board to pass upon such question, and if it shall decide adversely to the claimant he shall have a right within sixty (60) days after written notice of such decision to

bring an action against the Liquidating Board in the District Court of Burleigh County to establish the deposit or the amount due thereon, which action shall be triable to the court.

The Liquidating Board may employ and fix the salary of an Executive Secretary, and delegate to him such part of its duties as it shall see fit, his acts, however, to be always subject to the approval of such board. The Executive Secretary shall take the constitutional oath of office and devote his entire time to the duties of his office. Such board may also employ and fix the salaries and duties of other assistants and clerks as it shall deem necessary to the prompt discharge of its duties hereunder.

§ 6. Upon the payment of any deposit the state shall be subrogated to all rights of the depositor against the Receiver of the bank of deposit, which right shall be enforced by the Liquidating Board; and the proceeds thereof, together with any assets received from the Depositors' Guaranty Fund Commission, shall be used in furtherance of the purposes of this amendment, in such manner as shall be provided by the legislature.

§ 7. It is the purpose and intent hereof that money due depositors in excess of the amount that will be paid in course of liquidation the Liquidating Board is empowered to make rules and regulations for determining the validity of depositors' claims and the amounts thereof in advance of the final liquidation of such banks; and it may pay in advance of such liquidations such part of any deposits as it may determine to be just and expedient.

§ 8. This article shall be construed as a separate, distinct, and additional article to the Constitution as it now exists, and it shall not affect the right of the state to incur indebtedness for other purposes as now provided by the Constitution, and when any bonds issued hereunder have been paid they shall not be reissued or other indebtedness incurred in their place.

§ 9. In the month of August, 1929, and each of the four succeeding years, the State Board of Equalization shall levy and certify to the various county officers a tax of one mill on the dollar of the assessed value of all taxable property in the State of North Dakota, which tax as collected shall be set aside as a fund for the payment of interest and principal of the bonds herein provided for. At the regular session of 1933 the legislature shall by law provide for the levy of a tax upon all taxable property in the state, sufficient to meet the interest upon and pay the bonds issued hereunder when due, which tax shall be in addition to all other taxes authorized by the Constitution. In case of the failure of the legislature to make such

provisions at such session, the Board of Equalization shall continue to levy the said tax of one mill annually until such legislation has been provided.

§ 10. The provisions of this amendment are hereby declared to be self-executing, and shall be immediately carried out, but the legislature shall pass laws to facilitate its operation and shall appropriate the necessary funds to meet the expenses thereof. Until such appropriation shall have been made the Liquidating Board may meet its expenses out of any funds accounted for by the Depositors' Guaranty Fund Commission.

§ 11. Speculation in depositors' claims shall be unlawful and any purchase of such claims for speculative purposes shall be void.

§ 12. In the event any Court should declare any provision or part of this Constitutional Amendment invalid for any reason, or should declare the same invalid as applied to any class of deposits, such adjudication shall not affect the validity of the remaining provisions or parts of this amendment or its applicability to other classes of deposits.

Dissapproved November 6, 1928. 218270 to 24755.

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