

as against such foreign dealers this Act is hereby declared to be an emergency and shall be in force from and after its passage and approval.

Approved March 10, 1937.

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## MUNICIPAL CORPORATIONS

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### CHAPTER 170 S. B. No. 69—(Blaisdell)

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#### QUALIFICATIONS OF CITY ALDERMEN

An Act to amend and re-enact Section 3585 of the Compiled Laws of 1913 relating to the qualifications of City Aldermen, repealing all Acts and parts of Acts in conflict herewith, and declaring an emergency.

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

§ 1. AMENDMENT.] Section 3585 of the Compiled Laws of 1913 is hereby amended and re-enacted to read as follows:

§ 3585. QUALIFICATIONS.] No person shall be eligible to the Office of Alderman who is not a qualified elector of and resident within the ward for which he is elected; provided, that in Cities, where Aldermen are elected at large, he shall be a qualified elector of and resident within such City, nor shall he be eligible if he is directly or indirectly interested in any contract whatever to which the City is a party; nor shall he be eligible if he shall have been convicted of malfeasance, bribery, or other corrupt practices or crimes; nor shall he be eligible to any office, the salary of which is payable out of the City Treasury, if at the time of his appointment he shall be a member of City Council; nor shall any member of the City Council at the same time hold any other office under the City Government; nor shall he either directly or indirectly, individually, or as a member of a firm engage in any business transaction, other than official, with such City through its Mayor or any of its authorized boards, agents or attorneys, whereby any money is to be paid directly or indirectly out of the Treasury to such member or firm.

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 All Acts or parts of Acts in conflict herewith are hereby repealed.

§ 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 15, 1937.

## CHAPTER 171

S. B. No. 89—(Lowe)

### CITIES, DUTIES OF BOARD OF EQUALIZATION

An Act to amend and re-enact Section 3644 of the Compiled Laws of North Dakota for the year 1913 relating to the duties of City Boards of Equalization, and repealing all Acts in conflict herewith.

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

§ 1. AMENDMENT.] That Section 3644 of the Compiled Laws of North Dakota for the year 1913 be and the same is hereby amended and re-enacted to read as follows:

§ 3644. DUTIES OF THE BOARD.] The Board of Equalization shall meet at the usual place of meeting of the City Council, and shall proceed to equalize and correct such assessment roll. It may change the valuation and assessment of any real or personal property upon the roll by increasing or diminishing the assessed valuation thereof as shall be reasonable and just to render taxation uniform; provided, that the valuation of any property as returned by the Assessor shall not be increased more than twenty-five per cent without first giving the owner or his agent notice of the intention of the Board so to increase it. Such notice shall be by personal notice served upon the owner or his agent, or by leaving a copy at his place of business or last place of residence, and shall state the time when the Board will be in session to Act upon the matter.

§ 2. REPEAL.] All Acts or parts of Acts in conflict with this Act are hereby repealed.

Approved February 8, 1937.

## CHAPTER 172

H. B. No. 214—(Brusseau, Dalzell, Page and Symington)

### VALIDATING CERTAIN CITY ELECTIONS

An Act to validate actions heretofore taken in cities in connection with special elections of the question of erecting electric light and power systems and authorizing the construction of such systems, and declaring an emergency.

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

§ 1. That all actions heretofore taken in connection with the calling, giving notice, holding of, or in anywise appertaining to special elections held in any city pursuant to the provisions of Chapter 172, Laws of North Dakota, 1929, as amended by Chapter

200, Laws of North Dakota, 1935, on the question of erecting, operating and maintaining an electric light and power plant, site, buildings, and equipment thereof, for the purpose of furnishing electric energy for heat, light and power for such City and its inhabitants and industries, and to pay for the cost thereof from the earnings thereof, where a majority of the voters voting at such election voted in favor of erecting, operating and maintaining such a system, are hereby validated notwithstanding any defects, errors or omissions in any of the actions taken, and any such City is hereby authorized to erect, operate and maintain an electric light and power plant, site, buildings and equipment thereof and an electric distribution system and equipment thereof for the purpose of furnishing electric energy for heat, light and power for the inhabitants and industries of such City.

§ 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 9, 1937.

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## CHAPTER 173

H. B. No. 221—(Twitchell, Godwin and Burgum)

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### CIVIL SERVICE CITY EMPLOYEES

An Act permitting and authorizing the adoption of Civil Service by Cities having a population in excess of 4,000 according to the latest official census, Federal or State; providing for such adoption by passage or ordinance; when not so adopted, by proceeding by petition and election based thereon; providing for abolishing such Civil Service after adoption, by vote of electors; prescribing procedure with respect thereto; and penalties for violations hereof.

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

§ 1. The governing body of any City within the State, having a population in excess of 4,000 according to the latest official census, Federal or State, is hereby authorized and empowered to adopt by ordinance a Civil Service system, for the selection, employment, classification, advancement, suspension, retirement or discharge of appointive officials and employees of such City. Such governing body may provide and create a Civil Service Commission of three members, or a Civil Service Commissioner, and may delegate to such Commission or Commissioner, as the case may be, such powers and duties in relation thereto, including the making and enforcing of Civil Service rules and regulations as in its discretion may be deemed advisable, but such rules and regulations shall have no force or effect until duly adopted by ordinance. If a Commission is created, the term of office of the three Commissioners to be first appointed shall

be for one, three and five years respectively; thereafter original appointments shall be to a five year term; if a Commissioner is created, the appointment and subsequent original appointments, shall be for a three year term. In case of vacancy in the office of member of the Commission or in the office of Commissioner, such governing body shall fill such vacancy by appointment for the balance of the term. The compensation of any Commissioner or member of the Commission, shall not exceed Five (\$5.00) Dollars per day attending meetings, with actual expenses; and not to exceed a per diem of One Hundred and Twenty (\$120.00) Dollars in any year of employment. The governing body of the City shall fix such per diem, but not in an amount in excess of that hereinbefore provided as a maximum. The City Clerk or Auditor shall be ex-officio clerk, of such Commission or Commissioner.

§ 2. It is the intent and purpose of the provisions of this Act to enable, authorize and empower the governing body of any City within the perview hereof, to adopt a Civil Service system adapted to the size and requirements of such City, and that such system may if deemed by such body advisable, consist merely in the setting up of a minimum of employment qualifications for full time members of the City's paid fire and police departments, and the heads thereof; with provisions prohibiting their suspension, removal or discharge, or the suspension, removal or discharge of any other appointive employee or official, except upon adequate reason and cause shown upon hearing had thereon after reasonable notice to the person or persons sought to be suspended, removed or discharged. Or such Civil Service system may consist of a comprehensive system covering all paid fire and police department full time employees and the heads of these two departments and other appointive full time employees and officials, other than common labor and employees who have not been in the continuous employment of the City for a period of more than one year; as in the discretion of the governing body of the City may be for the best interests of the public, such employees and the service to be rendered the City.

In any ordinance creating such system, such governing body shall designate the departments, class of employees and appointive officials of the City who shall then come thereunder, and may subsequently add thereto; but all full time paid employees of the fire and police departments, with the Chiefs thereof shall be placed under any Civil Service system adopted, whether so included in such ordinance or not. Such governing body, Civil Service having been adopted, shall not abolish Civil Service or remove any department or employee thereof, or any employee or appointive official, from under the such Civil Service and the provisions hereof, unless and until Civil Service has been abandoned by such City after the question shall have been submitted to the qualified voters thereof at a special or regular election held in such City, in which election the abandonment of Civil

Service, shall have been approved by a two-thirds vote of those voting thereat upon such proposition; but the office and employment may be terminated by the governing body of the City, by resolution declaring there is no longer need therefor, after due hearing given officials and employees to be affected and determination to such effect.

§ 3. The governing body of any municipality subject to the provisions of this Act, may contract with the governing board of any other municipality within this State, or with any State department for the conducting of competitive examinations to ascertain the fitness of applicants for positions and employment in the City service, and for the performance of any other service in connection with personnel selection and administration.

§ 4. Any ordinance adopted by the governing body of any municipality under the provisions of this Act shall include the following provisions and penalty; no person holding an office or place in any department placed by the governing body under a Civil Service System, pursuant to the provisions of this Act, shall seek or accept election, nomination or appointment as an officer of a political club or organization, or take an active part in a County or municipal political campaign, or serve as a member of a committee of such club or organization, or seek signatures to any petition provided for by any law, or act as a worker at the polls, or distribute badges or pamphlets, dodgers or handbills of any kind favoring or opposing any candidate for election, or for nomination to a public office, whether State, County or municipal; provided, however, that nothing in this Act shall be construed to prevent any such officer or employee from becoming or continuing to be a member of a political club or organization, or from attendance at a political meeting, or from enjoying entire freedom from all interference in casting his vote or from seeking or accepting election or appointment to public office.

§ 5. In the event the governing body of any City subject to the provisions of this Act fails or refuses to adopt the provisions hereof for a period of six months after the Act becomes effective, twenty (20) per cent of the qualified electors of said City may file a written petition with the Clerk or Auditor demanding that the same be adopted or that the question be submitted to the electors of the City and unless said Civil Service is adopted the question shall be submitted to the electors of said City at the next regular election.

At any election held to determine whether a City shall adopt a Civil Service system hereunder, the question shall be submitted to the voter in the following form:

“Shall the City Adopt the Civil Service System.....”

At any election held to determine whether the City shall abandon the Civil Service system, the question shall be submitted to the voter in the following form:

“Shall the City abandon the Civil Service System.....”

If sixty (60) per cent of the votes cast upon the question of adopting a Civil Service system shall favor the same, the governing body of such City shall pass the necessary ordinance and adopt a Civil Service system as herein provided for, within sixty (60) days after such election.

§ 6. PENALTY.] Any wilful violation of the provisions hereof or any violation of such provisions through culpable negligence, shall be grounds for removal from office, in case of a City official, or in case of a City employee, for summary discharge.

Approved March 17, 1937.

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## CHAPTER 174

H. B. No. 332—(Twitchell, Johnson, Krause and Fitch)

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### POLICE PENSION ACT

An Act creating pensions for disabled or retired policemen, their widows, and children under sixteen years of age; disabled or retired police matrons and their children under sixteen years of age; and widows of policemen who die in the service, and their children under sixteen years of age; in Cities now or hereafter having a population in excess of twenty-five (25,000) thousand by the last official Census, Federal or State; and providing for a fund out of which such persons shall be paid; and for the establishment of a Pension Board for the management, control and distribution of such fund.

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

§ 1. POLICE PENSION FUND.] Any City now or hereafter having a population in excess of Twenty-five (25,000) thousand, according to the last official Census, Federal or State, and having an organized paid police department, may annually levy a tax of not more than one-half of one mill for the purpose of creating a policemen's pension fund.

Provided, further, that Cities, in which a police retirement system based upon actuarial tables, shall be established by law, shall levy for the police pension fund a tax sufficient in amount to meet all necessary obligations and expenditures; and said obligations and expenditures shall be direct liabilities of said Cities.

Whenever there is a sufficient balance in said fund to meet any proper or legitimate charges that may be made against the same, such City shall not be required to levy a tax for this purpose.

All moneys derived from each tax so levied, and all moneys received as membership fees and dues, and all moneys received from grants, donations, and devises for the benefit of such fund shall constitute a fund, to be known and designated as a policemen's pension fund.

§ 2. BOARD OF TRUSTEES:—OFFICERS.] The Chief Officer of such department, with the City Treasurer and the City Attorney of such Cities shall be ex officio members of and shall constitute the Board of Trustees for the management of such fund. The Chief Officer of the department shall be president and the City Treasurer, Treasurer of such Board, and the faithful performance of the duties of the Treasurer shall be secured by his official bond as City Treasurer. Such trustees shall not receive any compensation for their services as members of said Board.

§ 3. INVESTMENT OF SURPLUS.] The Board shall have power to invest any surplus left in such fund, at the end of the fiscal year, but no part of the funds realized from any tax levy shall be used for any purpose other than the payment of pensions. Investments shall be limited to interest-bearing bonds of the United States, of the State of North Dakota, of any County, Township, or Municipal Corporation of the State of North Dakota. All such securities shall be deposited with the Treasurer of the Board of Trustees for safe-keeping.

§ 4. GIFTS, DEVISES, OR BEQUESTS.] Such Board may take by gift, grant, devise, or bequest, any money or property, real or personal, or other thing of value for the benefit of said funds. All rewards in moneys, fees, gifts, or emoluments of every kind or nature that may be paid or given to any police department or to any member thereof, except when allowed to be retained or given to endow a medal or other permanent or competitive reward on account of extraordinary services rendered by said department or any member thereof, and all fines and penalties imposed upon members, shall be paid into the said pension fund and become a part thereof.

§ 5. MEMBERSHIP FEE—ASSESSMENTS.] Every member of said department shall be required to pay to the Treasurer of said fund a membership fee to be fixed by the Board of Trustees, not exceeding Five (\$5.00) Dollars, and shall also be assessed and required to pay annually an amount equal to two (2%) per cent per annum upon the amount of the annual salary paid to him, which assessment shall be deducted and retained in equal monthly installments out of such salary.

§ 6. WHO ENTITLED TO PENSION. CONDITIONS.] Any member of said department, including officers and police matrons, who shall have served twenty-two (22) years or more in such department, and shall have reached the age of sixty years; or who shall while a member of such department become mentally or physically permanently disabled from discharging his duties, shall be entitled to be retired, and upon retirement shall be paid out of the pension fund of such department a monthly pension equal to sixty (60) per cent of the amount of salary received by him monthly at the date he actually retires from said department. If any member shall have served twen-

ty-two (22) years in said department, but shall not have reached the age of sixty (60) years, he shall be entitled to retirement, but no pension shall be paid while he lives until he reaches the age of sixty (60) years.

§ 7. SOLDIERS AND SAILORS.] Any member of the police department, who resigned therefrom to serve in the army, navy or marine reserve, or marine corps, of the United States, or as a member of the United States army and navy reserve, or in the world war 1917-1918, and has returned with an honorable discharge from such service, to the fire or police department, shall have the period of such service included as part of his period of service in the department.

§ 8. DISABILITY—HOW CONTRACTED.] No member who has not served five (5) years or more in said department shall be entitled to be retired and paid a pension under the provisions of this Chapter, unless such disability was contracted while engaged in the performance of his duties, or by reason of following such occupation. The question of disability shall be determined by the trustees upon the concurring report of at least two out of three physicians designated by the Board of trustees to make a complete physical examination of the member. After any member shall become entitled to be retired, such right shall not be lost or forfeited by discharge or for any other reason except conviction for felony.

§ 9. RETIRED MEMBERS ASSIGNED FOR LIGHT DUTY.] The Chief of the Police department of such City may assign any member of such department, retired or drawing pensions under the provisions of this Chapter, to the performance of light duties in such department.

§ 10. PENSIONS—WIDOW—CHILDREN—DEPENDENTS.] Upon the death of any acting or retired member of such department, leaving a widow or minor children, or dependent father or mother surviving him, there shall be paid out of said fund as follows:

(1) To the surviving widow, so long as she remains unmarried and of good moral character, Forty Dollars per month.

(2) If there be no surviving widow, or upon the death or remarriage of such widow, then to his dependent father and mother, if both survive, or to either dependent parent, if one survives, Forty (\$40.00) Dollars per month.

(3) To the guardian of each surviving child under sixteen (16) years of age, Ten (\$10.00) Dollars per month.

The aggregate of all such payments shall not exceed sixty (60%) per cent of the amount of the salary of such member at the time of his death or retirement. Provided, however, that the benefits provided by this Section shall be subject to the following definitions: The term "widow" shall mean only such surviving spouse of a marriage contracted prior to retirement of a deceased member from active service,



or of a marriage of a retired member contracted prior to the date this Act takes effect. The terms "child" and "children" shall mean only the surviving issue of a deceased active or retired member, or the child or children legally adopted by a deceased member prior to his retirement from active service, or by a member now retired prior to the date this Act takes effect.

§ 11. EXEMPTION.] All pensions paid under the provisions of this Chapter shall be exempt from liability for debts of the person to or on account of whom the same is paid, and shall not be subject to seizure upon execution or other process.

§ 12. R E-EXAMINATION OF RETIRED MEMBERS.] The Board of Trustees of such department shall have power, at any time, to cause any member of such department retired by reason of physical or mental disability to be brought before it and again examined by three competent physicians appointed by the Board of Trustees to discover whether such disability yet continues and can be improved and whether such retired member should be continued on the pension roll, and shall have power to examine witnesses for the same purpose. The question of continued disability or ability to perform regular or light duty in the police department shall be determined by the concurring report of at least two of the three examining physicians. Such member shall be entitled to reasonable notice that such examination will be made, and to be present at the time of the taking of any testimony, shall have the right to examine the witnesses brought before the Board and to introduce evidence in his own behalf. All witnesses shall be examined under oath, which may be administered by any member of such Board.

§ 13. DECISION OF BOARD.] The decision of such Board upon such matters shall be final and conclusive, in the absence of fraud, and no appeal shall be allowed therefrom. Such disabled member shall remain upon the pension roll unless and until reinstated in such department by reason of such examination.

§ 14. MONEYS DRAWN—HOW PAID—REPORT.] All pensions paid and all moneys drawn from the pension fund under the provisions of this Chapter shall be upon warrants signed by the appropriate Board of Trustees, which warrants shall designate the name of the person and the purpose for which payment is made. The Treasurer's annual report shall show the receipts and expenditures of each fund for the preceding fiscal year, the money on hand, and how invested.

§ 15. HOSPITAL EXPENSE.] Cities and towns are hereby authorized and empowered to provide hospital, nursing, and medical attention for the members of the police department of such Cities, when injured while in the performance of their duties as members of such department, and the cost of such hospital, nursing, and medical

attention shall be paid out of the appropriation for the department; provided that any amounts received by such injured person under the workmen's compensation law of the State, or from any other source for such specific purposes, shall be deducted from the amount paid by such City under the provisions of this Section.

§ 16. HOURS ON DUTY LIMITED.] Policemen employed in the police department of Cities having a population of twenty-five thousand or over, shall not be required to remain on duty for periods of time which will aggregate in each month more than an average of eight hours per day, and no single period of time, or shift, shall exceed twenty-four hours in length, provided that in cases of serious emergencies such policemen may be required to remain on duty until such emergency has passed, when so ordered by the Chief of the department or person acting in his place.

§ 17. EXCEPTIONS.] The provisions of the foregoing Section shall not apply to the Chief, or other persons in command of a police department, not to policemen who are employed subject to call only.

Approved March 11, 1937.

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## CHAPTER 175

S. B. No. 101—(Guthrie)

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### TAX LIMITATION OF CITIES

An Act to amend and re-enact Chapter 208 of the Session Laws of North Dakota for the year 1935 relating to tax limitations of Cities.

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

§ 1. AMENDMENT.] That Chapter 208 of the Session Laws of North Dakota for the year 1935 be and the same is hereby amended and re-enacted to read as follows:

(b) The aggregate amount levied for general City purposes shall not exceed such an amount as will be produced by a levy of fourteen mills on the net taxable assessed valuation of property in the City, provided that in Cities supporting bands, public libraries or airports an additional levy not to exceed two mills on the net taxable assessed valuation of property in such Cities may be made for these purposes.

Approved March 16, 1937.

## CHAPTER 176

H. B. No. 32—(Norheim and Blair)

FUNDING AND REFUNDING INDEBTEDNESS,  
MUNICIPALITIES

An Act to amend and re-enact Section 1 and 2 of Chapter 195 of the Session Laws for 1935 relating to funding and refunding existing indebtedness of municipalities and declaring an emergency.

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

§ 1. AMENDMENT.] That Sections 1 and 2 of Chapter 195 of the Session Laws for the year 1935 be amended and re-enacted to read as follows:

A municipality may issue bonds under the provisions of this Act for the purpose of funding and refunding its existing indebtedness at any time prior to May 1, 1939. The term "governing body" and "municipality" as used herein shall be deemed and construed to mean the same as such terms are respectively defined in Chapter 196, Laws of 1927. The terms "floating indebtedness" and "bonded indebtedness" shall collectively be deemed to include orders, certificates of indebtedness, bonds, contracts and warrants and other instruments evidencing a general municipal indebtedness, issued and outstanding prior to January 1, 1937.

§ 2. Any municipality may by resolution of the governing body propose or accept and adopt a plan for funding and refunding floating indebtedness and/or bonded indebtedness or any part thereof existing prior to January 1, 1937. Such resolution shall recite the plan in detail and contain such provisions not inconsistent with this Act as shall be found to be for the best interests of the municipality, its creditors, and its taxpayers. The plan may contemplate the issuance of bonds to refund any or all of its outstanding bonds, including bonds which are not due or about to become due, may provide that bonds may be exchanged in whole or in part for unmatured bonds with the consent of the holders thereof, and may provide for the execution and sale or exchange and delivery of bonds from time to time as needed to meet maturing obligations. Any such plan may provide for the issuance of one series of bonds or more than one series. The governing body may fix a time limit within which creditors may surrender obligations for payment or exchange and may thereafter extend such time if it is found beneficial to the municipality to do so. The plan may require the consent of any specified percentage or amount of the holders of the obligations included in such plan before it shall become effective. Any municipality may take any action authorized by any present or future bankruptcy or similar law enacted by the Congress of the United States designed to assist in the compounding or compromising and refinancing of indebtedness, including the payment

of fees and expenses necessary to make use of such Act and approved by the Court having jurisdiction thereof.

§ 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 12, 1937.

## CHAPTER 177

H. B. No. 203—(Schauss, Peterson of Renville)

### HOURS OF EMPLOYMENT MUNICIPAL EMPLOYEES

An Act to amend and re-enact Chapter 201 of the 1935 Session Laws relating to limiting the hours of employment of municipal employees, fixing the penalty for violation 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. AMENDMENT.] That Chapter 201 of the Session Laws of 1935 is hereby amended and re-enacted to read as follows:

§ 1. It shall be unlawful for any person employed by any City in the State of North Dakota having a population of 5,000 or more to work for any City more than eight hours in any one day, or more than fifty-six hours in any one week, except in case of emergency, provided, that this Act shall not apply to public officers who are elected to their said office; provided, however, that the provisions of this Act shall not apply to the fire department or head of any department of any City

§ 2. Any employee of any City wilfully violating this Act, and any City officer, or member of any Board, Bureau, or Commission, having charge or supervision over the employment of any such employee, who shall require such employee to violate Section 1 hereof, by requiring him to work more than eight hours in any one day or more than fifty-six hours in any one week, except in case of emergency, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punishable by a fine of not less than Ten Dollars or 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.

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

Approved March 17, 1937.

**CHAPTER 178****H. B. No. 57—(State Affairs Committee)****VOLUNTEER FIREMEN DECLARED MUNICIPAL EMPLOYEES**

An Act declaring volunteer firemen to be employees of the municipalities which they serve, and entitled to the protection of the Workmen's Compensation Laws of the State; defining the term "Volunteer Firemen"; fixing the basis of payment of benefits out of the Workmen's Compensation Fund and the method of making assessments of premiums against municipalities; and declaring an emergency.

THAT, WHEREAS there are in the State of North Dakota approximately 8,000 volunteer firemen, who devote a portion of their time to the hazardous undertaking of protecting their various communities against the hazards of fire, and

WHEREAS, such service is rendered by them without the payment of any fee or compensation; or if compensation be paid, the same is inadequate and insufficient upon which to base an assessment, by the Workmen's Compensation Bureau, against the several municipalities, for which such services are rendered, adequate to justify the payments, out of the Workmen's Compensation Fund, of death and disability benefits as provided by the Laws of the State of North Dakota, and

WHEREAS, by reason of such facts the vast majority of such volunteer firemen are receiving no protection from said Workmen's Compensation Fund, and the Workmen's Compensation Bureau has no authority, under the present laws of the State of North Dakota, to make assessments against municipalities for the protection of such volunteer firemen, or to pay benefits to such volunteer firemen out of said Workmen's Compensation Fund, and

WHEREAS, said volunteer firemen are entitled to be protected against the hazards of their occupation to the same extent as paid employees,

THEREFOR:

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

§ 1. VOLUNTEER FIREMEN DECLARED EMPLOYEES.] That volunteer firemen of the State of North Dakota, as hereinafter defined, be and they are hereby declared to be employees of the municipalities which they serve and entitled to the same protection and rights under the Workmen's Compensation Laws of the State of North Dakota, as are full time paid employees.

§ 2. VOLUNTEER FIREMEN DEFINED.] A volunteer fireman is hereby defined to be, any active member of an organized volunteer fire department of the State of North Dakota, and any other person performing services as a volunteer fireman for a municipality, at

the request of the Chief, or other person in command, of the fire department of such municipality, or of any other officer of such municipality having authority to demand such services; provided, that firemen who are paid a regular wage or stipend by the municipality as such, or whose entire time is devoted to such services for the municipality, shall not for the purpose of this Act be deemed volunteer firemen.

§ 3. COMPENSATION BENEFITS: HOW DETERMINED.] The basis of compensation and benefits, to be paid to volunteer firemen under the terms of this Act, shall be established by the Workmen's Compensation Bureau of the State of North Dakota, by ascertaining the average weekly wage paid to full time paid firemen by municipalities of the State of North Dakota, maintaining paid departments, and the amount of such weekly wage shall be taken and deemed to be the wages of volunteer firemen, for the purpose of such payments.

§ 4. ASSESSMENT OF PREMIUMS.] For the purpose of making assessments of premiums to be charged against municipalities, for protection of such volunteer firemen, the Workmen's Compensation Bureau of the State of North Dakota shall make such survey, as to such bureau may seem advisable, to ascertain the probable annual expenditures necessary to be paid out of the Workmen's Compensation Fund to carry out the provisions of this Act, and shall fix the annual charge and assessment which shall be made against municipalities, employing volunteer firemen as defined in this Act, which charge shall be a fixed sum for each 100 of the population of such municipalities, the same to be uniform as to all such municipalities, but in proportion to the population thereof. Provided, however, that the Bureau may establish a minimum charge or assessment, to be applicable to municipalities where the fixed rate or charge multiplied by the number of hundreds of the population thereof would amount to less than the amount of such minimum charge or assessment. Population as herein contemplated shall be that shown by the latest official North Dakota State or United States Government Census, whichever may be the later.

§ 5. PURPOSE OF ACT.] Except as the provisions of this Act are in conflict therewith, this Act is declared to be supplemental to and a part of the Workmen's Compensation Laws of the State of North Dakota as enacted by Chapter 162 of the Laws of North Dakota 1919 and amendments thereof, it being the intent and purpose of this Act to confer upon volunteer firemen of the State of North Dakota, the same rights, privileges and protection, under the Workmen's Compensation Laws of the State, as are now or may in the future be afforded to or enjoyed by paid employees of the several municipalities of the State, under such laws, and to impose upon such municipalities the same obligations and responsibilities, in respect to volunteer firemen, under such Workmen's Compensation Laws, as

are now, or in the future may be required of or imposed upon such municipalities, by such laws, as the same apply to paid employees of such municipalities.

§ 6. EMERGENCY.] Whereas an emergency now exists, in that there is at present no adequate protection under the Workmen's Compensation Laws of the State of North Dakota for volunteer firemen, as defined in this Act, therefore this Act is hereby declared to be an emergency measure, and shall become and be in force immediately upon its passage and approval.

Approved February 18, 1937.

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## CHAPTER 179

H. B. No. 81—(Olson of Sargent, and Nelson of Sargent)

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### DEFINITION OF VILLAGES

An Act extending the definition of "Villages" to include "Incorporated Towns" where such Towns were incorporated under any law of the territory of Dakota or of the State of North Dakota, and repealing all Acts or parts of Acts in conflict therewith.

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

§ 1. VILLAGE DEFINED.] Whenever the term "Village" is used in the laws of this State, such term "Village" shall include any "Incorporated Town" heretofore incorporated under any Law of the Territory of Dakota or of the State of North Dakota, and to all intents and purposes under said Law an Incorporated Town shall be deemed an Incorporated Village.

§ 2. REPEAL OF CONFLICTING LAWS.] Any Acts or parts of Acts in conflict herewith are hereby repealed.

Approved March 4, 1937.

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## CHAPTER 180

H. B. No. 129—(Beaton)

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### POLLING HOURS—VILLAGE ELECTIONS

An Act to amend and re-enact Section 3852 of the Compiled Laws of North Dakota for 1913, fixing the hours during which the polls shall be open at annual village elections; declaring an emergency.

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

§ 1. AMENDMENT.] That Section 3852 of the Compiled Laws of the State of North Dakota for 1913 be amended and re-enacted to read as follows:

§ 3852. POLLING HOURS.] At all elections in said village the polls shall be opened at nine o'clock in the forenoon, and shall not be closed until seven o'clock in the afternoon of such day.

§ 2. EMERGENCY.] Whereas annual elections in villages in this State are held on the third Tuesday of March, and under the present law many working people are disfranchised by inability to leave their work to vote during the present polling hours, therefore, an emergency is hereby declared to exist and this Act shall be in force from and after its passage and approval.

Approved February 15, 1937.

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## CHAPTER 181

H. B. No. 128—(Beaton)

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### HOURS OF VOTING AT ELECTIONS FOR PROPOSED VILLAGE INCORPORATION

An Act to amend and re-enact Section 3846 of the Compiled Laws of North Dakota for 1913, fixing the hours during which the polls shall be open at an election upon the question of whether or not a proposed village shall incorporate.

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

§ 1. AMENDMENT.] That Section 3846 of the Compiled Laws of the State of North Dakota for 1913 be amended and re-enacted to read as follows:

§ 3846. POLLING HOURS.] At the meeting of the qualified voters as herein provided, the polls shall be opened at nine o'clock in the forenoon, of such day and shall be kept open until seven o'clock in the afternoon, of such day.

Approved February 15, 1937.