

§ 7. Any violation of the provisions of this Act or any violation of the rules or regulations legally adopted by the North Dakota Board of Pharmacy, hereunder, shall constitute a misdemeanor, and upon conviction thereof, the violator shall be subject to a fine of not less than Twenty-five (\$25.00) Dollars for each offense, and each and every day such violation shall continue shall constitute a separate and distinct offense and be punished as such; and upon any conviction of a permittee hereunder, the permit or renewal thereof of such violator, shall be null and void.

Approved March 11, 1937.

PROCEDURE

CHAPTER 194

S. B. No. 129—(Committee on Judiciary)

BUSINESS RECORDS AS EVIDENCE

An Act making provision for the use of business records as evidence and making uniform the law with reference thereto.

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

§ 1. DEFINITION.] The term "business" shall include every kind of business, profession, occupation, calling or operation of institutions, whether carried on for profit or not.

§ 2. BUSINESS RECORDS.] A record of an Act, condition or event, shall, insofar as relevant, be competent evidence if the custodian or other qualified witness testifies to its identity and the mode of its preparation, and if it was made in the regular course of business, at or near the time of the Act, condition or event, and if, in the opinion of the Court, the sources of information, method and time of preparation were such as to justify its admission.

§ 3. UNIFORMITY OF INTERPRETATION.] This Act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those States which enact it.

§ 4. SHORT TITLE.] This Act may be cited as the Uniform Business Records as Evidence Act.

§ 5. REPEAL. All Acts or parts of Acts which are inconsistent with the provisions of this Act are hereby repealed.

Approved March 1, 1937.

CHAPTER 195**S. B. No. 131—(Committee on Judiciary)****OFFICIAL REPORTS AS EVIDENCE**

An Act providing for the use of official reports as evidencing and making uniform the law with reference thereto.

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

§ 1. OFFICIAL REPORTS.] Written reports or findings of fact made by officers of this State, on a matter within the scope of their duty as defined by Statute, shall, insofar as relevant, be admitted as evidence of the matters stated therein.

§ 2. NOTICE BEFORE TRIAL.] Such report or findings shall be admissible only if the party offering it has delivered a copy of it or so much thereof as may relate to the controversy, to the adverse party a reasonable time before trial, unless in the opinion of the trial Court the adverse party has not been unfairly surprised by the failure to deliver such copy.

§ 3. CROSS-EXAMINATION.] Any adverse party may cross-examine any person making such reports or findings or any person furnishing information used therein; but the fact that such testimony may not be obtainable shall not affect the admissibility of the report or finding unless, in the opinion of the Court, the adverse party is unfairly prejudiced thereby.

§ 4. UNIFORMITY OF INTERPRETATION.] This Act shall be so interpreted and construed as to effectuate its general purpose to make uniform the Law of those States which enact it.

§ 5. SHORT TITLE.] This Act may be cited as the Uniform Official Reports as Evidence Act.

§ 6. REPEAL.] All Acts or parts of Acts which are inconsistent with the provisions of this Act are hereby repealed.

Approved March 3, 1937.

CHAPTER 196

S. B. No. 130—(Committee on Judiciary)

PROCEDURE JUDICIAL NOTICE

An Act for the judicial notice of the Laws of other jurisdictions and for proof thereof and to make uniform the Law with reference thereto.

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

§ 1. JUDICIAL NOTICE.] Every Court of this State shall take judicial notice of the Common Law and Statutes of every State, territory and other jurisdiction of the United States.

§ 2. INFORMATION OF THE COURT.] The Court may inform itself of such laws in such manner as it may deem proper, and the Court may call upon counsel to aid it in obtaining such information.

§ 3. RULING REVIEWABLE.] The determination of such laws shall be made by the Court and not by the jury, and shall be reviewable.

§ 4. EVIDENCE AS TO LAWS OF OTHER JURISDICTIONS.] Any party may also present to the trial Court any admissible evidence of such Laws, but, to enable a party to offer evidence of the Law in another jurisdiction or to ask that judicial notice be taken thereof, reasonable notice shall be given to the adverse parties either in the pleadings or otherwise.

§ 5. FOREIGN COUNTRY.] The law of a jurisdiction other than those referred to in Section 1, shall be an issue for the Court, but shall not be subject to the foregoing provisions concerning judicial notice.

§ 6. INTERPRETATION.] This Act shall be so interpreted and construed as to effectuate its general purpose to make uniform the Law of those States which enact it.

§ 7. SHORT TITLE.] This Act may be cited as the Uniform Judicial Notice of Foreign Law Act.

§ 8. REPEAL.] All Acts or parts of Acts inconsistent with the provisions of this Act are hereby repealed.

Approved March 1, 1937.

CHAPTER 197**S. B. No. 208—(Committee on Judiciary)****AFFIDAVIT OF IDENTIFICATION REQUIRED BEFORE
FILING OF JUDGMENTS**

An Act to amend and re-enact Chapter 244 of the Session Laws of North Dakota for 1935, requiring judgment creditors to file an affidavit identifying the judgment debtor, forbidding Clerks of Court, and other officers to enter judgments without affidavits of identification, and providing a penalty for failure to comply with this law.

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

§ 1. AMENDMENT.] That Chapter 244 of the Session Laws of North Dakota for 1935, be and the same is hereby amended and re-enacted to read as follows:

§ 1. No judgment for the recovery of money against any person shall hereafter be docketed or entered until the judgment creditor, his agent, or attorney, shall have filed with the Clerk of the District Court, an affidavit stating the full name, occupation, place of residence, and post office address of the judgment debtor, to the best of affiant's information and belief; and if debtor has a known street address, or residence number, or both, it shall be given; provided that this Section shall not apply to any case where judgment is taken against a corporation, co-partnership, public official, or party sued in a representative capacity. Failure to file such affidavit, or the filing of a defective or insufficient affidavit, shall not invalidate the judgment docketed or entered, but the Clerk of the District Court entering or docketing a judgment without such affidavit of identification, shall be liable to any person damaged thereby in the sum of Five Dollars.

Approved March 10, 1937.

CHAPTER 198**S. B. No. 112—(Strehlow, Guthrie, Lowe)****PUBLIC WORKS PROCEDURE ACT**

An Act simplifying the procedure for the construction and financing of Public Works Projects by municipalities, enabling municipalities to make and perform contracts with Federal Agencies relating to the construction and financing of such projects and conferring additional power upon municipalities; and declaring an emergency.

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

§ 1. SHORT TITLE.] This Act may be cited as "The Public Works Procedure Act."

§ 2. DEFINITION.] The following terms wherever used or referred to in this Act shall have the following meaning unless a different meaning appears from the context:

(a) The term "municipality" shall mean any public institution of the State, a County, City, Village, Town, Township, common school district, independent school district, special school district or park district empowered to borrow money and issue written obligations to repay the same out of public funds or revenues.

(b) The term "governing body" shall mean the board, commission, council, or other local legislative body of a municipality.

(c) The term "Law" shall mean any Act or statute, general, special or local, of this State, including, without being limited to, the charter of any municipality.

(d) The term "Bonds" shall mean bonds, interim receipts, certificates, or other obligations of a municipality issued or to be issued by its governing body for the purpose of financing or aiding in the financing of any work, undertaking or project for which a loan or grant, or both, has heretofore been made or may hereafter be made by any Federal Agency.

(e) The term "Recovery Act" shall mean the National Industrial Recovery Act, being the Act of the Congress of the United States of America, approved June sixteenth, nineteen hundred thirty-three, entitled "An Act to encourage national industrial recovery, to foster fair competition, and to provide for the construction of certain useful public works, and for other purposes," and any Acts amendatory thereof, and any Acts supplemental thereto, and revisions thereof, and any further Acts or Joint Resolutions of the Congress of the United States of America to reduce and relieve unemployment or to provide for the construction of public works or for work relief.

(f) The term "Federal Agency" shall include the United States of America, the President of the United States of America, the Federal Emergency Administrator of Public Works, Reconstruction Finance Corporation, and any agency or instrumentality of the United States of America, which has heretofore been or hereafter may be designated, created or authorized to make loans or grants.

(g) The term "public works project" shall mean any work, project, or undertaking which any municipality, is authorized or required by law to undertake or any lawful purpose for which any municipality is authorized or required by law to make an appropriation.

(h) The term "contract" or "agreement" between a Federal Agency and a municipality shall include contracts and agreements in the customary form and shall also be deemed to include an allotment of funds, resolution, unilateral promise, or commitment by a Federal Agency by which it shall undertake to make a loan or grant, or both, upon the performance of specified conditions or compliance with rules and regulations theretofore or thereafter promulgated, pre-

scribed or published by a Federal Agency. In the case of such an allotment of funds, resolution, unilateral promise, or commitment by a Federal Agency, the terms, conditions and restrictions therein set forth and the rules and regulations theretofore or thereafter promulgated, prescribed or published shall, for the purpose of this Act, be deemed to constitute covenants of such a contract which shall be performed by the municipality, if the municipality accepts any money from such Federal Agency.

§ 3. POWERS CONFERRED.] Every municipality shall have power and is hereby authorized:

(a) To accept from any Federal Agency grants for or in aid of the construction of any public works project.

(b) To make contracts and execute instruments containing such terms, provisions, and conditions as in the discretion of the governing body of the municipality may be necessary, proper or advisable for the purpose of obtaining grants or loans, or both, from any Federal Agency pursuant to or by virtue of the Recovery Act; to make all other contracts and execute all other instruments necessary, proper or advisable in or for the furtherance of any public works project and to carry out and perform the terms and conditions of all such contracts or instruments.

(c) To subscribe to and comply with the Recovery Act and any rules and regulations made by any Federal Agency with regard to any grants or loans, or both, from any Federal Agency.

(d) To perform any acts authorized under this Act through or by means of its own officers, agents and employees, or by contracts with corporations, firms or individuals.

(e) To award any contract for the construction of any public works project or part thereof upon any day at least fifteen days after one publication of a notice requesting bids upon such contract in a newspaper of general circulation in the municipality, provided that in any case where publication of notice may be made in a shorter period of time under the provisions of existing Statute or Charter, such Statute or Charter shall govern.

(f) To sell bonds at private sale to any Federal Agency without any public advertisement.

(g) To issue interim receipts, certificates or other temporary obligations, in such form and containing such terms, conditions and provisions as the governing body of the municipality issuing the same may determine, pending the preparation or execution of definitive bonds for the purpose of financing the construction of a public works project.

(h) To issue bonds bearing the signatures of officers in office on the date of signing such bonds, notwithstanding that before delivery thereof any or all the persons whose signatures appear thereon

shall have ceased to be the officers of the municipality issuing the same.

(i) To include in the cost of a public works project which may be financed by the issuance of bonds: (1) Engineering, inspection, accounting, fiscal and legal expenses; (2) the cost of issuance of the bonds, including engraving, printing, advertising, and other similar expenses; (3) any interest costs during the period of construction of such public works project and for six months thereafter on money borrowed or estimated to be borrowed.

(j) To stipulate in any contract for the construction of any public works project or part thereof the maximum hours that any laborer, workman or mechanic should be permitted or required to work in any one calendar day or calendar week or calendar month, and the minimum wages to be paid to laborers, workmen or mechanics in connection with any public works project; provided, that no such stipulation shall provide for hours in excess of or for wages less than may now or hereafter be required by any other law.

(k) To exercise any power conferred by this Act for the purpose of obtaining grants or loans, or both, from any Federal Agency pursuant to or by virtue of the Recovery Act, independently or in conjunction with any other power or powers conferred by this Act or heretofore or hereafter conferred by any other Law.

(l) To do all acts and things necessary or convenient to carry out the powers expressly given in this Act.

§ 4. CONSTRUCTION OF ACT.] The powers conferred by this Act shall be in addition and supplemental to and not in substitution for the powers now or hereafter conferred upon any municipality by any other law. This Act is intended to aid in relieving the existing emergency by simplifying the procedure for the construction and financing of public works projects. This Act is remedial in nature and the powers hereby granted shall be liberally construed. Nothing in this Act shall be construed to authorize the issuance of bonds for any purpose by any municipality not authorized to issue bonds for such purpose under any other law heretofore or hereafter enacted, nor to dispense with the approval by a State Department, Board, Officer or Commission of a public works project where such approval is necessary under provisions of existing Law.

§ 5. SEPARABILITY OF PROVISIONS.] If any provision of this Act, or the application thereof to any person, body, or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons, bodies, or circumstances other than those as to which it shall have been held invalid shall not be affected thereby.

§ 6. TERMINATION OF ACT.] Except in pursuance of any contract or agreement theretofore entered into by and between any mu-

municipality and any Federal Agency, no municipality shall exercise any of the powers conferred by this Act after December 31, 1939.

§ 7. EMERGENCY.] Whereas, this Act is necessary for the immediate support of the State Government and its existing institutions, an emergency is hereby declared and this Act shall be in full force and effect from and upon its passage and approval.

Approved March 12, 1937.

CHAPTER 199

H. B. No. 137—(Burgum)

PROCEDURE DISTRICT COURT ACTIONS

An Act amending and re-enacting Section 7812 of the Compiled Laws of North Dakota for the year 1913, as to the furnishing of surety for costs in District Court actions by plaintiffs who are non-residents of the State or foreign corporations other than United States corporations; and declaring an emergency.

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

§ 1. AMENDMENT.] That Section 7812 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:

§ 7812. NON-RESIDENTS MUST FURNISH SURETY.] In cases in which the plaintiff is a non-resident of the State or a foreign corporation, the plaintiff must before commencing such action furnish a sufficient surety for costs; provided, however, that no surety for costs shall be required when the plaintiff is a corporation that is an instrumentality or agency of the United States. The surety must be a resident of the County or subdivision where the action is to be brought and must be approved by the Clerk. His obligation shall be complete by simply endorsing the summons or signing his name on the complaint as security for costs.

§ 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 10, 1937.

CHAPTER 200
H. B. No. 139—(Burgum)

SURETY FOR COSTS NON-RESIDENT PLAINTIFFS

An Act to amend and re-enact Section 9020 of the Compiled Laws of North Dakota for the year 1913, and to provide for the furnishing of surety for costs by plaintiffs who are non-residents or corporations other than United States corporations, declaring an emergency.

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

§ 1. AMENDMENT.] Section 9020 of the Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

§ 9020. SURETY FOR COSTS. HOW GIVEN. NON-RESIDENTS.] The Justice shall in all cases, when plaintiff is a non-resident of the State or a corporation, before issuing a summons, require of the plaintiff sufficient surety for costs; provided, however, that no surety for costs shall be required when the plaintiff is a public corporation, or a corporation that is an instrumentality or agency of the United States. The surety must be a resident of the State. His obligation shall be complete by simply endorsing the summons or signing his name on the complaint as security for costs. In all other cases the justice may in his discretion require surety for costs.

§ 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 10, 1937.

PUBLIC UTILITIES

CHAPTER 201
H. B. No. 230—(Thorson of Barnes)

METER DEPOSITS TO ELECTRIC POWER COMPANIES

An Act prohibiting electrical power companies from charging a deposit upon any meter installed upon the premises of any user of current unless interest is paid annually upon such deposit.

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

§ 1. It shall be unlawful for any person or corporation engaged in the business of furnishing electrical current for light, heat