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## PROPERTY

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### CHAPTER 271

S. B. No. 106

Introduced by Senators Drew, Murry, Troxel, Krenz and Semerad

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#### SALE OF STATE AND COUNTY LANDS

An Act Repealing Chapter 1 of the Authenticated Edition of the Special Session Laws of 1944 relating to suspending sale of state and county lands and declaring an emergency.

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

§ 1. REPEAL.] That Chapter 1 of the Authenticated Edition of the Special Session Laws of 1944 is hereby repealed.

§ 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 28, 1945.

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## PUBLIC UTILITIES

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### CHAPTER 272

H. B. No. 223

Introduced by Representatives Hegge and Falconer

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#### COMMON MOTOR CARRIERS REGULATION; AMENDMENT

An Act To amend and re-enact subdivisions 4 and 5 of Section 49-1808 of the North Dakota Revised Code of 1943, pertaining to the regulation of common motor carriers by the Public Service Commission.

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

§ 1. AMENDMENT.] That subdivision 4 of Section 49-1808 of the North Dakota Revised Code of 1943 be amended and re-enacted to read as follows:

4. Prevent unfair competition between common motor carriers and between them and the lines of competing railroads.

§ 2. AMENDMENT.] That subdivision 5 of Section 49-1808

of the North Dakota Revised Code of 1943 be amended and re-enacted to read as follows:

5. Prevent unjust discrimination or preferences between common motor carriers and between them and competing railroads, and may require the coordination of motor service and schedules of such carriers with rail service.

§ 3. REPEAL.] All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 13, 1945.

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## CHAPTER 273

H. B. No. 172

Introduced by Representatives Thompson of Richland  
Wolf of McIntosh and Bagge

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### EXEMPTING CERTAIN FARM TRUCKING FROM MOTOR CARRIERS REGULATIONS

An Act To amend and re-enact Section 49-1802 of the North Dakota Revised Code of 1943, providing for certain exemptions to farmers hauling own goods from the provisions of Chapter 49-18, North Dakota Revised Code of 1943, and declaring an emergency.

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

§ 1. That Section 49-1802 of the North Dakota Revised Code of 1943 is hereby amended and re-enacted to read as follows:

49-1802. CHAPTER NOT APPLICABLE TO FARMERS HAULING OWN GOODS.] The provisions of this chapter shall not apply to:

1. Any farmer or association of farmers engaged in operating or controlling a motor vehicle engaged in the transportation of grain, seed, feed, poultry, livestock, dairy products, or any other agricultural products or farm supplies from the farm where such products are produced, grown, or further processed, to the market, village, or place where such products are sold, stored, or disposed of, when transported by the producer thereof or by an association of producers transporting the products of its producer members;

2. The transporting of such goods from the market, village, or place where the same are purchased or acquired to the farm where the same are to be used, consumed, or further processed by such farmer or association; nor

3. The transportation of property between the farms and the usual local trading places of the person for whom such transportation is performed, or between farms locally.

4. The emergency transportation anywhere in this state, of grain, seed, feed, farm machinery, poultry, livestock, dairy or other perishable produce: (1) between the farm where the same may be raised, or produced; and the market where the same may be sold, stored, or otherwise disposed of; (2) between the market where the same may be purchased or acquired and the farm where the same may be used, processed or consumed; (3) between the farm where the same may be raised or produced and the farm where the same may be used, processed or consumed, provided, however, that the person for whom such transportation service is furnished shall have obtained a written agreement from, and signed by, the nearest licensed Special or Agricultural carrier to the effect that such licensed motor carrier is unable to furnish such transportation service within 48 hours from the time, the application for such application for such transportation is made.

§ 2. [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, 1945.

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## CHAPTER 274

H. B. No. 239

Introduced by Representatives Haugland, Wolf of Morton  
Olson of Barnes and Lillehaugen

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### LIABILITY FOR ELECTRICAL INTERFERENCE; MODIFIED

An Act To provide immunity from liability, in the absence of negligent construction or operation, for inductive interference caused in communication circuits by electric facilities; to repeal all acts and parts of acts in conflict herewith.

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

§ 1. No person, firm, association, corporation or body politic owning or operating electric light and power facilities shall be liable, in the absence of negligent construction or operation of such electric light and power facilities, for inductive interference caused in communication circuits, and shall not, in the absence of negligent construction or operation of such electric light and power facilities, be required to bear any portion of the cost of avoiding, minimizing or mitigating such inductive interference. The burden of proof of negligent construction or operation of such electric light and power facilities shall be upon the person, firm, association, corporation or body politic complaining of the inductive interference.

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

Approved March 13, 1945.

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## CHAPTER 275

S. B. No. 47

Introduced by Senators Young, Stucke, Kehoe and Streibel

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### PUBLIC UTILITY RATES

An Act To establish prudent investment as the standard for valuation of public utility property for rate-making purposes and repealing Section 49-0602 and Section 49-0603 of the North Dakota Revised Code of 1943, and all acts or parts of acts in conflict herewith.

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

§ 1. The value of the property of a public utility, as determined by the Public Service Commission for rate-making purposes, shall be the money honestly and prudently invested therein by the Utility less accrued depreciation.

§ 2. The value of public utility property for rate-making purposes shall not include or be affected by good-will value; going concern value; or franchise value in excess of payments made therefor.

§ 3. Section 49-0602 and Section 49-0603 of the North Dakota Revised Code of 1943, and all acts or parts of acts in conflict herewith, are hereby repealed.

Approved February 23, 1945.

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## CHAPTER 276

H. B. No. 127

Introduced by Committee on Appropriations

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### PUBLIC UTILITY VALUATION FUND

An Act To create a "Public Utility Valuation Fund" in the State Treasury, and to provide for the payment of all monies into the general fund of the State, and declaring an emergency.

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

§ 1. There is hereby created a special fund in the Office of the

State Treasury, to be known as the "Public Utility Valuation Fund," which fund shall be used by the Public Utility Division of the Public Service Commission as provided in Section 49-0618 of the North Dakota Revised Code of 1943.

§ 2. All costs and expenses of valuation and/or revaluation collected by the Commission under the provisions of Section 49-0618 of the North Dakota Revised Code of 1943, shall be paid into the general fund of the State Treasury.

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

Approved March 2, 1945.

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## CHAPTER 277

S. B. No. 186

Introduced by Senators Streibel, Lynch, and Olson of Mountrail

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### SPECIAL MOTOR CARRIERS, RESTRICTIONS

An Act Amending and re-enacting Section 49-1810, of the North Dakota Revised Code of 1943, relating to special common motor carriers; restrictions.

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

§ 1. AMENDMENT.] That section 49-1810 of the North Dakota Revised Code of 1943 is hereby amended and re-enacted to read as follows:

49-1810. SPECIAL COMMON MOTOR CARRIERS; RESTRICTIONS.] Special common motor carriers may transport commodities within their authority in any quantity but only from or to that territory or zone for which they heretofore lawfully served, proved or hereafter may prove, public convenience and necessity. A special common motor carrier shall have the authority:

1. To transport household goods, emigrant movables, livestock, and farm supplies, or other special commodities or general commodities in truckloads as defined by the commission, from or to points not in such zone or between points on Class A routes, by the authority and under the conditions and rules set by the commission;
2. To specify minimum shipments which the carrier shall be obliged to carry, by tariff publication, subject to the approval of the commission.

Approved March 13, 1945.