

shoulder. Stationary blinds on land, constructed of natural material, live or artificial decoys, and boats anchored in natural blinds, can be used in the taking of wild ducks and geese. No person shall shoot from a sunken device nor from any boat in open water of this state, nor shall any person use or cause to be used any floating battery, electric, steam, or gasoline, or other floating vessel, or rifle, pistol, or ball cartridge, for the purpose of raising or driving any game birds from their resting or feeding places in any waters of this state. Rifles shall not be used in hunting or pursuing wild ducks and geese or other protected game birds. No person, while in a motor vehicle, shall take any game or discharge any firearms at any protected birds or animals. It shall be unlawful to use any kind or type of silencers on firearms.

Approved March 6, 1933.

## GAS

### CHAPTER 123

H. B. No. 314—(Place and Noben.)

#### RESERVATION GAS FRANCHISES

An Act providing that hereafter no franchise involving the use of natural gas shall be granted to any person, firm or corporation, any city, village, or other public corporation, which does not make a reservation therein to use a percentage of native natural gas, if and when produced; providing for a pro rata distribution to producers, and fixing the percentage of native natural gas to be used by any such person, firm or corporation operating under any such franchise, and declaring what shall be native natural gas in commercial quantities, and providing an emergency.

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

§ 1. RESERVATION IN GAS FRANCHISES.] No city, village or other public corporation, shall hereafter grant to any person, firm or corporation, a franchise to furnish natural gas to the public in this state, without making a reservation therein that a percentage of native natural gas shall be used by said person, firm or corporation, if, and when produced in commercial quantities.

§ 2. PERCENTAGE FIXED.] Whenever native natural gas is produced in this State in commercial quantities, it shall be the duty of any person, firm, or corporation, having a franchise to furnish gas to the public, which franchise is dated after the passage and approval of this Act, to use 50%, or its equivalent of native natural gas as developed if the source thereof is located not more than six miles from any established gas pipe line.

§ 3. GAS IN COMMERCIAL QUANTITIES, WHAT IS.] Any gas well of two hundred fifty thousand cubic feet volume and two

hundred pounds of rock pressure, shall constitute a well producing native natural gas in commercial quantities, under the provisions of this Act.

§ 4. PRO RATA OF DISTRIBUTION.] All wells of the above classification shall be entitled to an equal pro rata of products to be used by any person, firm or corporation, holding franchises to furnish gas to the public, under the provisions of this Act.

§ 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, 1933.

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## GASOLINE

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### CHAPTER 124

S. B. No. 123—(McDonald.)

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#### REGULATION GASOLINE FILLING STATIONS

An Act to prohibit the operation of gasoline filling stations unless operated by the owner or a bona fide employee or authorized attendant thereof, and providing for a penalty therefor.

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

§ 1. DEFINITION OF TERMS.] The following words, terms and phrases, as used in this Act, are for the purposes thereof hereby defined as follows: "Motor vehicle" shall mean and include all vehicles, engines, machines or mechanical contrivances which are propelled by internal combustion motors or engines. "Filling station" shall mean and include all places of whatever character or description where gasoline or other inflammable liquids are sold at retail for use in motor vehicles. "Person" shall mean and include natural persons and partnerships, firms, associations and corporations.

§ 2. SALE OF GASOLINE: REGULATIONS FOR HANDLING AND DISPENSING.] No fuel tank of a motor vehicle, and no barrel, drum or other vessel or container shall be filled wholly or partly with gasoline or any other inflammable liquid at any filling station by or on behalf of the purchaser thereof or by any person other than the owner or operator of such filling station or a regular bona fide employee or authorized attendant of such owner or operator; and no hose, pump, pipe or other contrivance for conveying, measuring or handling such liquid or liquids shall at any time be used, handled or manipulated for the purpose of dispensing gasoline or other inflammable liquids at any filling station by or on behalf of the purchaser thereof, or by any person other than the owner or operator