

hereby declared legal and valid and of the same force and effect as tho made in full compliance with the then existing statutes.

Approved March 6, 1933.

NORTH DAKOTA

CHAPTER 185

H. B. No. 277—(Flannigan, Lillehaugen, and Peterson of Mountrail.)

BOARD OF STATE CAPITOL COMMISSIONERS

An Act to amend and re-enact Section 1, 3 and 6 of Chapter 205 of the Session Laws of 1931 providing for the Construction of a Capitol Building for the State of North Dakota and for that purpose creating a Board of Capitol Commissioners, defining its powers and duties, making appropriations for such purposes, providing and appropriating tax levies and the proceeds of sale of the Capitol Lands thereto, and authorizing the issuance of interest bearing certificates against the Capitol Building Fund.

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

§ I. AMENDMENT.] That Section 1 of Chapter 205 of the Session Laws of 1931, State of North Dakota, be and the same is hereby amended to read as follows:

§ I. (a) For the purpose of erecting and completing a State Capitol Building for legislative, executive, and judicial purposes for the State of North Dakota on the site now owned by it at the City of Bismarck, in the County of Burleigh and State of North Dakota, there is hereby created a board to be known as the "Board of State Capitol Commissioners" hereinafter called "the Board." The members of the Board of Administration of the State of North Dakota as the same is now or hereafter may be constituted, shall constitute such Board of State Capitol Commissioners, who shall serve until the completion and acceptance of said capitol building.

(b) Such members shall qualify within ten (10) days after this Act goes into effect by making and filing with the Secretary of State an oath in substance as follows:

"I, A. B., do solemnly swear that I will support the Constitution of the United States and of the State of North Dakota and that I will well and faithfully discharge the duties of State Capitol Commissioner; that I will not, directly or indirectly, be interested or concerned in any manner whatever in any transactions connected with the construction of the Capitol Building or with any contractor or any person whatsoever in the construction thereof or any work connected therewith or in the proceeds or profits growing out of the same or in any work or labor done or material furnished in the construction of the same. So help me God."

(c) Each member shall be bonded in the state bonding fund

in the sum of fifteen thousand dollars in addition to his bond as member of the Board of Administration, conditioned for the faithful performance of his duties as such commissioner; for a violation thereof an action may be maintained by the State in the District Court of Burleigh County.

(d) Any member may be removed by the Governor for cause, upon hearing, with ten (10) days notice thereof; vacancies from any cause shall be filled by the Governor by appointment in writing filed with the Secretary of State.

(e) Members shall be reimbursed for actual expenses incurred by them and shall receive no other compensation.

§ 2. AMENDMENT.] That Section 3 of Chapter 205 of the Session Laws of 1931, State of North Dakota, be and the same is hereby amended to read as follows:

§ 3. POWERS AND DUTIES OF BOARD.] Three of the members shall constitute a quorum and shall have the power to transact business and may adjourn meetings from time to time. The Board may hold regular monthly meetings and may hold special meetings at any time or place upon such notice as it sees fit; the Board shall meet at Bismarck, North Dakota, and organize within ten (10) days after the members receive notice of their appointment, by the election of a President, Vice-President, and Secretary; the president shall preside at all meetings and, with the Secretary, shall sign all contracts, vouchers, and official papers; the Vice-President shall preside and act in the absence or incapacity of the President; the Board shall have power and authority and it shall be its duty:

(a) To locate said capitol building at the place in the present capitol grounds, most sightly and suitable therefor,

(b) To secure the submission of plans and designs appropriate to a capitol building for the State of North Dakota, the reasonable cost of which building shall be two million (\$2,000,000.00) dollars, and no more; and from such plans and designs as may be worthy and adequate to secure the selection of the most desirable plan and design and to obtain proper architectural designs, plans, specifications and details in conformity with such plan and design.

(c) To secure the erection and completion of said capitol building conforming faithfully to such plan and design.

(d) To employ and enter into a contract with an architect to prepare such plans, designs, specifications, and details referred. If such architect is a non-resident he shall associate with him an architect who is a bona fide resident of the State of North Dakota and duly licensed as such architect under the laws of North Dakota. The Board may also employ and engage such associate and/ or assistant or consulting architects as it deems necessary.

(e) To pay from the Capitol Building Fund such reasonable legal fees and expenses as may be necessary under the provisions

of Section 16 of this Act, and to engage and employ such supervisor or supervisors, inspector or inspectors and such other assistants, employees, and aids as may be convenient and necessary to carry out the duties and authority hereby conferred upon the Board, and to fix the salaries thereof, and to remove and discharge the same at its pleasure.

(f) To make and enter into any and all contracts for the construction of said buildings as may be necessary, including contracts for work, labor, material, supplies, and all other purposes, and to buy and purchase or otherwise acquire any and all materials and supplies which may be necessary, and to sell and dispose of any thereof which may be found unnecessary or unfitted or which for any reason should be sold.

(g) To tear down, wreck, clear, and salvage the ruins of the present capitol building, and to sell, either at public or private sale upon such notice as it deems proper, any and all material which may be saved or recovered therefrom or to make use thereof in the construction of the new capitol, and to make and enter into any contract therefor; or the Board shall have authority to perform such work by day labor.

(h) To make any and all necessary contracts of insurance and to require that all workmen shall be within the Workmen's Compensation Fund.

(i) The Board shall have power and authority to do and perform any part of the work by day labor if deemed necessary.

(j) To adopt and promulgate rules and regulations for the transaction of its business and to carry out and fulfill the purposes thereof.

(k) The State hereby waives its exemption from suit and authorizes said Board to sue and be sued in the name of the "Board of Capitol Commissioners of the State of North Dakota" on account of, or in connection with, any and all contracts and all other transactions authorized herein, excluding, however, causes of action arising in tort.

(l) The Board is hereby authorized and empowered to provide and install such equipment as may be necessary at the state penitentiary for the purpose of generating additional electric current for use at the state capitol and also to construct a transmission line from the state penitentiary to the state capitol to be used for the transmission of such electric current. Such equipment and transmission line shall be paid for from the Capitol Building Fund.

§ 3. AMENDMENT.] That Section 6 of Chapter 205 of the Session Laws of 1931, State of North Dakota, be and the same is hereby amended to read as follows:

§ 6. BIDS FOR CONSTRUCTION AND MATERIAL.] Save as herein otherwise provided, all labor, material, transportation, (except by

rail) or construction, required by this Act, as well as all job printing, advertising or other work shall be done or furnished by contract.

The Board is authorized to contract for the performance of the entire work by a contractor who may undertake the whole work, or it may divide the work into appropriate classes and make separate contracts as to either of them as may seem to it to be for the best interests of the State.

No construction or material shall be furnished except pursuant to bids advertised for as herein provided. The Board shall not 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 requirements will prevent proper competition, unless bids shall also be asked on other similar articles of equal value, utility, and merit. All lettings on construction or material exceeding in amount the sum of one thousand dollars shall be advertised once each week in four daily newspapers of general circulation for not less than twenty-one days. The bid of the lowest responsible bidder shall be accepted; saving that the Board shall have the right to reject any and all bids; and whether accepted or rejected, all bids shall be retained by the Secretary of the Board. The performance of every contract shall be secured by a bond to the State of North Dakota in a sum not less than one-half of the contract price, in a Surety Company organized in and/ or duly authorized to transact business in the State of North Dakota, and approved by the Board, said bond to be conditioned for the full, faithful, and complete performance of said contract and to be for the use of the State and any one who may perform any work or furnish any material under said contract who may bring an action thereon. No sub-letting of such contract or any part thereof, and no modification of the structure or work covered thereby, and no payments to the contractor prior to the time specified in the contract and no extension of time in the performance of the work shall operate to release the surety or sureties on said bond. Each bid shall be accompanied by a bidder's bond and a certified check in an amount equal to three per cent of such bid, conditioned for the execution and faithful performance of a contract in accordance with said bid if the same shall be accepted by the Board. All contracts shall reserve the right of the Board, for good cause shown, to annul the contract without allowance for damages, and allowing only expenses incurred and labor performed, not exceeding the contract price or the proportion that the work done or material furnished thereunder bears to the total amount contracted for. Ten per centum of the amount allowed shall be reserved from payments on monthly estimates of work done, until such work shall have been completed, inspected and accepted. All material contracted for shall be of the best quality and to the satisfaction of the Board; and the directions, plans and specifications of the work shall be executed and carried

out by skilled and reputable architects, contractors, artists, mechanics and laborers, likewise to the satisfaction of the Board.

§ 4. REPEAL.] All Acts or parts of Acts in conflict herewith are hereby repealed.

Approved March 6, 1933.

CHAPTER 186

H. B. No. 184—(Twichell and Aljets.)

BOARD OF AUDITORS EXAMINATION, ETC., STATE DEPARTMENTS

An Act to amend and re-enact Section 369b of the Supplement to the Compiled Laws of North Dakota for 1913, relating to the examination and audit of the State Hail Insurance Department, the State Highway Department, the Workmen's Compensation Bureau and other departments, bureaus, boards, commissions and officers having control of public funds not required by law to be examined or audited by the State Examiner.

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

§ 1. AMENDMENT.] That Section 369b of the Supplement to the Compiled Laws of North Dakota for 1913 is hereby amended and re-enacted to read as follows:

§ 369b. EXAMINATION AND AUDIT REQUIRED.] It shall be the duty of the State Board of Auditors, in addition to other duties enjoined by law, at least once each year to cause an examination and audit to be made of the accounts, books, and vouchers of the State Hail Insurance Department, the State Highway Department and the Workmen's Compensation Bureau, and to take an account of the amount and condition of the assets and liabilities of each department so examined and audited, and to make and file a report thereof with the Governor on or before the fifteenth day of November each year. It shall also be the duty of such board to cause to be made an annual examination and audit of any other department, bureau, board, commission, or officer of the state, or any employee thereof, having the custody, control or supervision of the expenditure of any public funds of any character not now required by law to be examined and audited by the State Examiner, or which may hereafter be created by law, or otherwise, whether such fund or funds are in the custody of the State Treasurer or in the custody or control of any such department, bureau, board, commission, or officer, or employee thereof, and to make and file a complete and itemized report of such examination and audit with the Governor on or before the fifteenth day of November of each year. The board is hereby authorized to employ such expert accountants as it may deem necessary to carry out the provisions of this Act.

Approved March 3, 1933.

CHAPTER 187

H. B. No. 28—(Shurr by request.)

ACQUISITION NATIONAL FOREST LANDS BY UNITED STATES
OF AMERICA

An Act to empower the United States of America to acquire lands in the State of North Dakota by purchase or otherwise for the establishment of National Forests, and to grant to the United States of America all rights necessary for the proper control and administration of lands so acquired.

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

§ 1. That the consent of the State of North Dakota be and is hereby given to the acquisition by the United States, by purchase, gift, or condemnation with adequate compensation, of such lands in North Dakota as in the opinion of the Federal Government may be needed for the establishment of National Forests; provided, that the State of North Dakota shall retain a concurrent jurisdiction with the United States in and over lands so acquired so far that civil process in all cases and such criminal process, as may issue under the authority of the State of North Dakota against any person charged with the commission of any crime without or within said jurisdiction, may be executed thereon in like manner as if this Act had not been passed.

§ 2. Power is hereby conferred upon the Congress of the United States to pass such laws and to make or provide for the making of such rules and regulations, of both civil and criminal nature, and provide punishment therefor, as in its judgment may be necessary for the administration, control and protection of such lands as may be from time to time acquired by the United States under the provisions of this Act.

§ 3. That if any land in county ownership is desired by the United States for National Forest purposes, the commissioners of the county in which said land is situated may determine and appraise its value and may submit a copy of said appraisal to the proper agency or officer of the United States. If the willingness of the United States to pay such appraised value is expressed by appropriate action of the authorized agency or officer, the said lands may be advertised for sale in the manner provided by Session Laws 1927, Chapter 266 as amended by Session Laws 1931, Chapter 288; and if no acceptable and satisfactory bid in excess of said appraised value is received, the county commissioners may and they hereby are authorized to sell said lands to the United States upon payment of the appraised and agreed value thereof.

Approved February 10, 1933.

CHAPTER 188**S. B. No. 330—(Delayed Bills Committee.)****REPEAL NORTH DAKOTA GOVERNMENTAL SURVEY
COMMISSION**

An Act repealing Chapter 210 Session Laws 1931 entitled: "An Act to provide for the creation of a North Dakota Governmental Survey Commission, defining its powers and duties and making an appropriation therefor; and declaring an emergency.

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

§ 1. REPEAL.] That Chapter 210 Session Laws 1931, entitled "An Act to provide for the creation of a North Dakota Governmental Survey Commission," defining its powers and duties and making an appropriation therefor, be and the same hereby is 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 March 3, 1933.

CHAPTER 189**S. B. No. 299—(Hamilton.)****STATE DEPARTMENT OF HEALTH**

An Act amending and re-enacting Sections 396d1, 396d2, 396d3, 396d4, 396d5, 396d6, 400a, 403a1, 403a2, 403a3, 403a4, Supplement to the Compiled Laws of 1913 providing for the establishment of a State Department of Health prescribing the officers to serve thereon and their terms of office; and providing for their actual expenses when engaged in the discharge of their official duties; and providing for the transfer of the State Public Health at Grand Forks, Minot, Bismarck, and Fargo to the State Department of Health.

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

§ 1. AMENDMENT.] That Sections 396d1, 396d2, 396d3, 396d4, 396d5, 396d6, 400a, 403a1, 403a2, 403a3, 403a4, Supplement to the Compiled Laws of 1913 be amended and re-enacted to read as follows:

§ 396d1. STATE DEPARTMENT OF HEALTH.] There is hereby created and established a State Department of Health, which shall be constituted as provided in this Act, and shall exercise all the powers and duties now conferred upon the State Board of Health, and such other powers and duties as are herein provided for. The State Department of Health shall consist of a public health advisory council, a state health officer, directors of divisions and other employees as herein provided for. (1925 Supplement to 1913 C. L.)

§ 396d2. PUBLIC HEALTH ADVISORY COUNCIL.] The public health advisory council shall consist of five (5) members, three (3) of whom shall be appointed by the Governor; the superintendent of public instruction and the Attorney General shall be ex-officio members of the council. The term of office of the appointive members shall be six years except as hereinafter provided for, and until their successors are appointed and qualified.

The Governor shall fill all vacancies by appointment but in case of a vacancy before the expiration of a term the appointment shall be for the residue of the term only. Immediately after the passage of this Act the Governor shall appoint one member for a term of two years, one member for a term of four years, one member for a term of six years. Thereafter each original appointment shall be for six years.

At least one of the appointive members of the public health advisory council shall be a woman; at least one shall be a physician who is a graduate of a regular medical school of Class A standing; and at least one shall be a dentist, who is a graduate of a regular dental school of Class A standing. The public health advisory council shall meet in January and June of each year and at such other times as may be directed by the council of its president. The members of the council shall receive only their actual and necessary traveling expenses when engaged in the actual discharge of their official duties.

A member of the council shall be chosen president thereof and his term of office shall be two years. His duties shall be prescribed by the statutes of the state. A member of the council shall be chosen secretary thereof.

§ 396d3. HEALTH OFFICER.] The state health officer shall be appointed by the public health advisory council. He or she shall be a physician who has graduated from a regular school of medicine of Class A standing, who shall have had special training and experience in public health administration and shall be duly licensed to practice his profession in North Dakota. He shall receive a salary not to exceed \$3,000.00 a year, payable in monthly installments and necessary traveling expenses incurred in the performance of official business. He shall not engage in any other occupation or business and shall hold office for two years beginning July, 1933. The state health officer shall be the administrative officer of the state department of health. His duties shall be those prescribed by the statutes of the state and the regulations of the state board of health for the superintendent of public health. (1925 Supplement to 1913 C. L.)

§ 396d4. ACCEPTING PROVISIONS OF SHEPPARD-TOWNER INFANT AND MATERNAL HYGIENE ACT.] The provisions of the Sheppard-Towner Act, allotting \$5,000.00 annually for five years to the state department of health, which provisions have already been accepted by the Governor during the legislative recess, are hereby accepted by the legislative assembly. (1925 Supplement to 1913 C. L.)

§ 396d5. MAKING AN APPROPRIATION TO MEET THE ALLOTMENT OF THE SHEPPARD-TOWNER ACT.] The sum of \$2000 is hereby appropriated out of the moneys in the general fund in the state treasury, not otherwise appropriated, for the purpose of conducting infant and maternal hygiene work in North Dakota under the supervision of the state department of health. Provided, a like sum is allotted by the Federal Government under the provisions of the Sheppard-Towner Act. (1925 Supplement to C. L.)

§ 2. AMENDMENT.] Section 396d6, 1925 Supplement to the Compiled Laws of 1913, is hereby amended and re-enacted to read as follows:

§ 396d6. ACCEPTANCE OF FUNDS BY STATE HEALTH DEPARTMENT.] The State Department of Health shall be authorized to accept funds from cities, counties, the Federal Government, private organizations and individuals for infancy and maternal hygiene, and other public health work and to match the same from any unexpended portion of their budget, in accordance with specifications agreed to or required by Congressional Act when approved by the Governor of the State. All such work shall be done by the State Department of Health.

§ 400a. POWERS AND DUTIES.] The powers and duties of the state department of health and the public health advisory council shall be those prescribed by the statutes of the state and the regulations of the state board of health. (1925 Supplement to C. L.)

§ 403a1. CHANGES IN TITLES.] Whenever the words "State Board of Health" appear in the statutes of the state and the regulations of the state board of health there shall be substituted therefor the words "State Department of Health."

Wherever the words "Superintendent of Public Health" appear there shall be substituted therefor the words "State Health Officer," in the statutes of the state and the regulations of the state board of health. (1925 Supplement to C. L.)

§403a2. WORKING DIVISIONS.] The state department of health may establish the following divisions, together with such other divisions as may from time to time be determined:

1. Division of Vital Statistics.
2. Division of Preventable Disease.
3. Division of Child Hygiene and Public Health Nursing.
4. Division of Sanitary Engineering.

(1925 Supplement to 1913 C. L.)

§ 403a3. OFFICE SPACE.] The state shall provide suitable office space in Bismarck for housing and maintaining the state department of health. Special fireproof vaults shall be provided for the storage of birth and death certificates. (1925 Supplement to C. L.)

§ 403a4. REPEALING SECTIONS 397, 398, 401, and 403.] Sections 397, 398, 401, and 403 of the Compiled Laws of 1913 are hereby repealed. (1925 Supplement to C. L.)

And it is further enacted:

§ 3. That the operation of the state public health laboratories at Grand Forks, Bismarck, Minot and Fargo is hereby transferred to the State Department of Health and any appropriation theretofore made or any funds now belonging to said laboratories is hereby also transferred to the State Department of Health. The State Department of Health is hereby authorized and empowered to close one or more of said laboratories or substations if in their judgment, conditions so warrant.

§ 4. REPEAL.] All Acts or parts of Acts in conflict herewith are hereby repealed.

Approved March 6, 1933.

CHAPTER 190

S. B. No. 29—(Olson.)

ABOLISHING COMMISSIONER OF IMMIGRATION

An Act abolishing the office of Commissioner of Immigration of the State of North Dakota; transferring all papers, writings, documents, books, records, files, office furniture and fixtures, and all future correspondence of said office to the office of Commissioner of Agriculture and Labor; repealing Sections 578a-1, 578a-2, and 578a-3, Supplement to the Compiled Laws of 1913; transferring any unexpended and unobligated balance to the credit of said Commissioner of Immigration to the general fund, and declaring an emergency.

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

§ 1. The office of Commissioner of Immigration of the State of North Dakota is hereby abolished.

§ 2. REPEAL.] Sections 578a-1, 578a-2, and 578a-3, Supplement to the Compiled Laws of 1913 are hereby repealed.

§ 3. All papers, writings, documents, books, records, files, office furniture and fixtures, all future correspondence and all other papers of whatsoever nature, used and belonging to the office of Commissioner of Immigration, or used by, or in connection with said office, are hereby transferred to the office of the Commissioner of Agriculture and Labor.

§ 4. All unexpended and unobligated moneys to the credit of said Commissioner of Immigration are hereby transferred to the general fund.

§ 5. EMERGENCY.] This Act is hereby declared to be an emergency Act, and to be in full force and effect from and after its passage and approval.

Approved February 11, 1933.

CHAPTER 191

S. B. No. 195—(Magnuson.)

RE-ESTABLISHMENT INDUSTRIAL COMMISSION

An Act to amend, re-enact and construe, Sections 368a1, 368a2 and 368a4, Supplement to the 1913 Compiled Laws of North Dakota, relating to the Industrial Commission.

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

§ 1. That Sections 368a1, 368a2 and 368a4 be amended, re-enacted and construed to read as follows:

§ 368a1. A commission is hereby created and established to conduct and manage, on behalf of the state of North Dakota, certain utilities, industries, enterprises and business projects, now or hereafter established by law. It shall be known as the Industrial Commission of North Dakota, but may be designated as the Industrial Commission. In the creation of the Industrial Commission, it was the intention of the Legislature, and it is the intention of this Legislature, that all acts of the Industrial Commission shall be the acts of the State of North Dakota, functioning in its sovereign capacity, and no court shall ever construe this Section otherwise.

§ 368a2. The Industrial Commission shall consist of three members, namely: The Governor, the Attorney General and the Commissioner of Agriculture and Labor, of the State of North Dakota. The Governor and one member shall constitute a quorum for the transaction of business. The first meeting of the Commission shall be held in the office of the Governor, at his call, within twenty days after this Act goes into effect. Its meetings thereafter shall be held at such times and places as the Governor or a majority of the Commission may determine. It shall be provided by the proper authorities with suitably furnished offices at the seat of government.

§ 368a4. The Industrial Commission shall adopt and procure an official seal, and may authenticate therewith its documentary acts. All orders, rules, regulations, by-laws and written contracts, adopted or authorized by the Commission shall, before becoming effective, be approved by the Governor, as Chairman, and shall not be in force unless approved and signed by him. In the creation of the Industrial Commission, it was the intention of the Legislature, and it is the intention of this Legislature, that the Governor shall have full veto power and that any Act vetoed, or not approved and signed, by him,

shall be null and void and of no effect. Any decision of any court to the contrary, notwithstanding.

§ 2. REPEAL.] 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 take effect and be in force from and after its passage and approval.

Approved March 3, 1933.

CHAPTER 192

S. B. No. 331—(Fine.)

REPEAL INDUSTRIAL SURVEY COMMISSION

An Act to repeal Chapter 208 Session Laws 1931, entitled "An Act creating an Industrial Survey Commission for the State of North Dakota," defining its duties and making an appropriation therefor; and declaring an emergency.

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

§ 1. REPEAL.] That Chapter 208 Session Laws 1931, entitled "An Act creating an Industrial Survey Commission for the State of North Dakota," defining its duties and making an appropriation therefor, be and the same 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 March 3, 1933.

CHAPTER 193

S. B. No. 194—(Magnuson.)

RE-ESTABLISHMENT NORTH DAKOTA MILL AND ELEVATOR ASSOCIATION

An Act to amend and re-enact Chapter 268, Session Laws of 1931, relating to the North Dakota Mill and Elevator Association.

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

That Chapter 268, Session Laws of 1931, be amended and re-enacted to read as follows:

§ 1. That for the purpose of encouraging and promoting agriculture, commerce and industry, the State of North Dakota shall engage in the business of manufacturing and marketing farm products and for that purpose shall establish a system of warehouses, elevators, flour mills, factories, plants, machinery and equipments,

owned, controlled and operated by it under the name of North Dakota Mill and Elevator Association, hereinafter for convenience called the Association. In the creation of the North Dakota Mill and Elevator Association, it was the intention of the Legislature, and it is the intention of this Legislature, that all acts of the Association shall be the acts of the State of North Dakota, functioning in its sovereign and governmental capacity and no court shall ever construe this Section otherwise. The Mill and Elevator Association is not a separate agency of the sovereign power, but is the state itself—functioning.

§ 2. The Industrial Commission shall operate, manage and control the Association, locate and maintain its places of business, of which the principal place shall be within the state, and shall make and enforce orders, rules, regulations and by-laws for the transaction of its business. The business of the Association, in addition to other matters herein specified, may include anything that any private individual or corporation may lawfully do in conducting a similar business except as herein restricted. The Industrial Commission shall meet within twenty days after the passage and approval of this Act to begin the organization of the Association.

§ 3. To accomplish the purposes of this Act the Industrial Commission shall acquire by purchase, lease, or by exercise of the right of eminent domain, as provided by Chapter 36 of the Code of Civil procedure, Compiled Laws of 1913, all necessary property or property rights and may construct, remodel or repair all necessary buildings; and may purchase, lease, construct, or otherwise acquire, warehouses, elevators, flour mills, factories, offices, plants, machinery, equipments, and all other things necessary, incidental or convenient in the manufacturing and marketing of all kinds of raw and finished farm products within or without the state and may dispose of the same; and may buy, manufacture, store, mortgage, pledge, sell, exchange or otherwise acquire or dispose of all kinds of manufactured and raw farm and food products and by-products, and may for such purposes establish and operate exchanges, bureaus, markets and agencies, within or without the state, including foreign countries, on such terms and conditions, and under such rules and regulations as the Commission may determine.

§ 4. The Industrial Commission shall obtain such assistance as in its judgment may be necessary for the establishment, maintenance and operation of the Association. To that end it shall appoint a manager, and may appoint such subordinate officers and employees as it may judge expedient. It may constitute such manager its general agent, in respect to the functions of the Association, but subject, nevertheless in such agency, to the supervision, limitation and control of the Commission. It shall employ such contractors, architects, builders, attorneys, clerks, accountants and other experts, agents and servants as in the judgment of the Commission the in-

terests of the state may require, and shall define the duties, designate the titles, and fix the compensation and bonds of all such persons so engaged; provided, however, that subject to the control and regulation of the Commission, the Manager of the Association shall appoint and employ such deputies and other subordinates, and such contractors, architects, builders, attorneys, clerks, accountants and other experts, agents and servants as he shall, in his judgment, deem are required by the interests of the Association. The total compensation of such appointees and employees, together with other expenditures for the operation and maintenance of the Association, shall remain within the appropriation and earnings lawfully available in each year for such purpose. All officers and employees of the Association engaged upon its financial functions shall, before entering upon their duties, respectively furnish good and sufficient bonds to the state in such amount and upon such conditions as the Commission may require and approve; but the bond of the Manager shall not be less than fifty thousand dollars. Such bonds shall be filed with the Secretary of State.

§ 5. The Industrial Commission may remove and discharge any and all persons appointed in the exercise of the powers granted by this Act, whether by the Commission or by the Manager of the Association and any such removal may be made whenever in the judgment of the Commission the public interests require it; provided, however, that all appointments and removals contemplated by this Act shall be so made as the Commission shall deem most fit to promote the efficiency of the public service.

§ 6. The Industrial Commission shall fix the buying price of all things bought, and the selling price of all things sold, incidental to the operation of the Association, and shall fix all charges for any and all services rendered by the Association, but in fixing these prices—while all services are to be rendered, as near as may be, at cost—there shall be taken into consideration, in addition to other necessary costs, a reasonable charge for depreciation of all property, all overhead expenses and a reasonable surplus, together with all amounts required for the re-payment, with interest, of funds received from the state.

§ 7. All business of the Association may be conducted under the name of "North Dakota Mill and Elevator Association." Title to property pertaining to the operation of the Association shall be obtained and conveyed in the name of "The State of North Dakota, doing business as the North Dakota Mill and Elevator Association." Written instruments shall be executed in the name of the State of North Dakota, signed by any two members of the Industrial Commission, of whom the Governor shall be one, or by the Manager of the Association within the scope of his authority so to do as defined by the Industrial Commission.

§ 8. Civil actions may be brought against the State of North

Dakota on account of causes of action claimed to have arisen out of transactions connected with the operation of the Association, upon condition that the provisions of this Section are complied with. In such actions the State shall be designated as "The State of North Dakota, doing business as North Dakota Mill and Elevator Association," and the service of process therein shall be made upon the Manager of the Association. Such actions may be brought in the same manner and shall be subject to the same provisions of law as other civil actions brought pursuant to the provisions of the Code of Civil Procedure. Such actions shall be brought, however, in the county where the Association shall have its principal place of business, except as provided in Sections 7405, 7416 and 7418, Compiled Laws of North Dakota, 1913. The provisions of Section 375 and 657 of the Compiled Laws of 1913 shall not apply to claims against the state affected by the provisions of this section.

§ 9. There is hereby appropriated, to carry out the purposes of this Act, all moneys raised by the mill tax for terminal elevators as provided in Sections 2072 and 2073 of the Compiled Laws of 1913. Said moneys shall be paid to the Manager of said Association, and he shall place the said moneys in the general funds of the Association. Said money, together with any funds that shall be procured by the Industrial Commission through the sale of state bonds, as may be provided by law for that purpose, shall be designated as the capital of the Association.

§ 10. The State Examiner shall personally or through deputy examiners visit the Association at least twice annually, and shall inspect and verify the assets in its possession and under its control, with sufficient thoroughness of investigation to ascertain with reasonable certainty whether the valuations are correctly carried on its books. He shall report the results of each such examination and investigation to the Industrial Commission as soon as practicable, and to the Legislative Assembly at its next ensuing session.

§ 11. REPEAL.] All Acts and parts of Acts in conflict herewith are hereby repealed.

§ 12. 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 3, 1933.

CHAPTER 194**H. B. No. 17—(Piper.)****PREVENTION OF NEPOTISM**

An Act providing for the prevention of nepotism and prohibiting the appointment by the head of any executive or administrative department of the State, of his or her wife or husband, son or daughter, brother or sister, to any position in said department or under the control of such department head; providing penalties therefor; and declaring an emergency to exist.

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

§ 1. That from and after the taking effect of this Act, it shall be unlawful for the head of any executive or administrative department, either elective or appointive, of the State of North Dakota, to appoint his or her wife or husband, son or daughter, brother or sister, to any position under the control or direction of said head of such department.

§ 2. Any monies paid out after the taking effect of this Act, in violation of Section 1 hereof, shall be deducted from the salary of the head of the department.

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

§ 4. An emergency is hereby declared to exist, and this Act shall take effect upon its passage and approval.

Approved March 3, 1933.

CHAPTER 195**H. B. No. 154—(Sandlie.)****PUBLIC NOTICES AND PRINTING**

An Act relating to the printing of public notices and public printing.

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

§ 1. All Township, School District, Park Board, City, Village, County, and State Officials and all other officials paid by tax monies shall print or stamp on all public notices, letter heads, receipts, checks, and all other printed and mimeographed forms which are passed or sent out of their offices, the following:

BUY "DAKOTA MAID" FLOUR.

§ 2. PENALTY.] Any person violating the provisions of this Act shall be guilty of a misdemeanor.

Approved March 3, 1933.

CHAPTER 196

S. B. No. 326—(Committee on Judiciary.)

SALARIES, ETC., APPOINTIVE STATE OFFICERS

An Act fixing the maximum annual and per diem compensation which may be paid to the following named appointive officers of the State, to-wit: Adjutant General, State Geologist, Deputy State Geologist, Members of the Board of Administration, Secretary of the Board of Administration, Members of the Board of Pardons, Members of the Budget Board, Members of the Chicago International Exposition Commission, Coal Mine Inspector, Assistant Dairy Commissioner, Fire Marshal, Game and Fish Commissioner, Chief Game Warden, Deputy Game and Fish Commissioner, District Deputy Game Wardens, State Health Officer, Members of Livestock Sanitary Board, State Land Commissioner, Registrar of Motor Vehicles, Clerk of the Supreme Court, State Transportation Officer, State Superintendent of Criminal Identification, Assistant State Superintendent of Criminal Identification, State Highway Commissioner, Secretary of the Securities Commission, State Bank Examiner, Office Deputy State Bank Examiner, Deputy State Bank Examiner, Tax Commissioner, Veterans Service Commissioner, Veterinary Medical Examiner, and Commissioners of Workmen's Compensation Bureau, Superintendent of the State Hospital for the Insane, Principal for the School of the Deaf, providing for disposition of fees collected by such appointive officers, and repealing all Acts or parts of Acts in conflict herewith, and declaring an emergency.

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

§ 1. MAXIMUM SALARY.] That the annual salary or per diem compensation for services rendered in his official capacity by each of the following named appointive officers of the state shall in no case exceed the sum hereinafter set forth opposite his official name, and if the annual salary or per diem compensation of such appointive officer, is, under the laws of this state to be paid out of the general fund of the State from appropriations made therefor by the Legislature, such annual salary or per diem compensation shall be in the amount appropriated therefor by the Legislature, but in no event shall the amount appropriated therefor exceed the maximum annual salary and per diem compensation hereby established for such officer, and if such annual salary or per diem compensation is under the laws of this state to be paid out of any fund not created from appropriation, or created partly from appropriation and partly from other sources, then no salary or per diem compensation exceeding the amount hereby established therefor for such officer shall be by any board or officer entrusted with the payment thereof allowed or paid, to-wit:

NAME OF OFFICER	Maximum annual salary or per diem compensation
Adjutant General	\$2,400.00
State Geologist	8.00 per day
Deputy State Geologist.....	8.00 per day
Members of Board of Administration, each.....	2,400.00

Secretary of Board of Administration.....	2,400.00
Members of Board of Pardons, each.....	4.00 per day
Members of Budget Board, each.....	6.40 per day
Members of the Chicago International Exposition Commission, each	4.80 per day
Coal Mine Inspector	2,000.00
Assistant Dairy Commissioner	1,350.00
Fire Marshal	2,000.00
Game and Fish Commissioner.....	2,400.00
Chief Game Warden	2,000.00
Deputy Game and Fish Commissioner.....	2,000.00
District Deputy Game Wardens, each.....	1,440.00
State Health Officer	3,200.00
Members of Livestock Sanitary Board, each.....	4.00 per day
State Land Commissioner.....	2,400.00
Registrar of Motor Vehicles.....	2,400.00
Clerk of Supreme Court.....	2,000.00
State Transportation Officer	1,920.00
State Superintendent of Criminal Identification....	2,400.00
Assistant Superintendent of Criminal Identification	1,920.00
State Highway Commissioner	3,600.00
Secretary of Securities Commission.....	2,240.00
State Bank Examiner	4,000.00
Office Deputy State Bank Examiner.....	2,800.00
Deputy State Bank Examiner	2,400.00
Tax Commissioner	3,200.00
Veterans Service Commissioner	2,400.00
Veterinary Medical Examiner	4.00 per day
Commissioners of Workmens Compensation Bu- reau, each	2,240.00
Superintendent of the State Hospital for the Insane	3,200.00
Assistant Superintendent of the State Hospital for the Insane	2,880.00
Principal for the School of the Deaf.....	2,000.00

§ 2. DISPOSITION OF FEES.] All fees, which are not otherwise by the laws of this state directed to be deposited in a special fund or disbursed for a special purpose, received or charged by any of the above named appointive officers for any act or service rendered, in their official capacity shall be accounted for and paid over by them monthly to the State Treasurer and be credited to the General Fund of the state.

§ 3. REPEAL.] That all Acts or parts of Acts in conflict herewith are hereby repealed.

§ 4. 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.

CHAPTER 197**S. B. No. 318—(Bangert.)****TRAVEL EXPENSE STATE OFFICERS, AGENTS
AND EMPLOYEES**

An Act fixing the amount of traveling expenses to be claimed by elective and appointive officers, agents, and employees of the State of North Dakota or any of its subdivisions, bureaus, boards, or commissions while upon public expense account; providing a penalty for violation thereof.

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

§ 1. TRAVELING EXPENSES, WHAT ALLOWED.] That after the passage and approval of this Act it shall be unlawful for any elective or appointive officer, employee, representative or agent of the State of North Dakota or any of its subdivisions, agencies, bureaus, boards or commissions to make claim upon any public funds whatsoever for traveling expenses while engaged upon public business in an amount in excess of that allowed by law for such travel, and where more than one public officer, employee, representative, or agent shall travel in the same car while engaged upon official duty, whether belonging to different departments, subdivisions, boards, or commissions or not, it shall be unlawful to make claim for more than one mileage, such claim to be made by the owner or lessee of such car.

§ 2. PENALTY.] Any person violating any of the provisions of this Act shall be guilty of a felony and upon conviction thereof shall be punished by a fine of not less than \$50.00 nor more than \$1,000.00 or by imprisonment in a county jail for not less than ninety days nor more than one year, or by imprisonment in the state penitentiary for not more than five years, or by both such fine and imprisonment.

Approved March 7th, 1933.

CHAPTER 198**H. B. No. 105—(Svingen.)****INTEREST AND DEPRECIATION PUBLIC BUILDINGS**

An Act to regulate the computation of interest and depreciation in relation to Public Buildings and other structures belonging to the State of North Dakota.

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

§ 1. PUBLIC EXPENDITURES IN PUBLIC BUILDINGS NOT INTEREST BEARING.] Expenditures by and on behalf of the State of North Dakota for public buildings or other structures for educational, charitable, penal, industrial, or other public purposes are made in order to provide the equipment to promote such public purposes, and such

investments are not made for the purpose of, or with a view to charging interest thereon and are not interest-bearing.

§ 2. AUDITORS PROHIBITED FROM SETTING UP INTEREST CHARGES IN AUDIT WHERE NO INTEREST IS CHARGED ON PUBLIC BUILDINGS.] Auditing boards, auditors, and examiners shall, on and after the taking effect of this Act, in their respective audits and examinations, refrain from setting up an interest charge on the amounts invested in any such public buildings or structures, and shall restore to their respective audits or examinations any interest charges theretofore set up as a charge against the operations of the public purposes defined in Section 1 of this Act. The Accounting Officer thereof shall adjust the books of the respective institution or boards in accordance therewith.

§ 3. DISCRIMINATION AS TO INTEREST ON PUBLIC BUILDINGS PROHIBITED.] There shall be no discrimination in respect to interest on investments made or to be made in the Capitol building, University or other educational buildings, twine plant, state mill, Bank of North Dakota or other industrial buildings, Hospital for the Insane or other charitable buildings, memorial building, bridges or highways or any other public buildings or structure owned, managed and controlled wholly by the State of North Dakota.

§ 4. DEPRECIATION: HOW COMPUTED.] Where it is deemed proper to set up charges for depreciation, to ascertain a basis for insurance or for other purposes, the annual charge for depreciation shall be such an amount as the addition thereof annually, together with interest thereon added thereto annually at the highest rate of interest paid regularly on twelve month deposits in the Bank of North Dakota, will aggregate at the end of the period estimated to be the natural life of the building or other structure, as will at that time equal the original cost of the building or structure. Such addition annually of the depreciation charge and interest shall be credited to a fund to be entitled "Reserve for Depreciation." The depreciation credit shall be charged against undivided profits and the interest credited to depreciation shall be charged to interest paid. On and after the taking effect of this Act any depreciation charges theretofore made in excess of the amount herein provided shall be restored on the books and in the audits or reports of examination thereof to the fund against which such depreciation was previously charged in relation to the several institutions affected. Amounts heretofore credited on investments in real estate and structures thereon shall be restricted to the fund representing such assets, to the end that such real estate shall continue to be carried on the books at its original cost or actual value whichever is lowest as of this date of purchase or erection.

Approved March 6, 1933.

CHAPTER 199

H. B. No. 249—(Anfinson.)

NORTH DAKOTA REGULATORY DEPARTMENT

An Act establishing and creating the North Dakota Regulatory Department, providing for appointment of a director, assistant director and seven inspectors of said Regulatory Department, fixing their salaries and expenses, providing for the deposit of all moneys collected by said Regulatory Department in a revolving fund to be designated as the "State Regulatory Fund" and the payment of all salaries and expenses out of such fund upon allowance by the State Auditing Board, for the transfer monthly of part of said fund to the General Fund of the State. Providing for the duties of said director, assistant director and expenses of said department, transferring to said Regulatory Department from the officers now charged therewith the enforcement of certain Regulatory Laws of this State, imposing certain duties as to inspection and licensing of weights and measures and as to collection of certain taxes, providing for additional help and for purchase of equipment for said department, requiring officers and boards superseded by said department to account for and deliver books and equipment of their office, and repealing all Acts or parts of Acts in conflict herewith, declaring an emergency and providing for transfer of certain unexpended funds.

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

§ 1. REGULATORY DEPARTMENT: CREATION.] There is hereby created and established a regulatory department to be known as "The North Dakota Regulatory Department" under whose charge and management the enforcement of the following regulatory laws or other regulatory laws by whatever name designated, of this state, is placed, to-wit:

Article 40A of Chapter 38 of the Political Code of the 1925 Supplement to the Compiled Laws of North Dakota, 1913, known as the "Pure Food and Beverages Law."

Chapter 85A of the Penal Code of the 1925 Supplement to the Compiled Laws of North Dakota, 1913, known as the "Beverage Inspection Act."

Article 40B of Chapter 38 of the Political Code of the 1925 Supplement to the Compiled Laws of North Dakota, 1913, known as the "Food and Drugs Act."

Article 360 of Chapter 38 of the Political Code of the 1925 Supplement to the Compiled Laws of North Dakota, 1913, known as the "Egg Law."

Chapter 141 of the 1927 Session Laws known as the "Commercial Feeding Stuffs Law."

Chapter 97 of the Penal Code of the Compiled Laws of North Dakota, 1913, known as an "Insecticide and Fungicide Law."

Article 41 of Chapter 38 of the Political Code of the Compiled Laws of North Dakota, 1913, known as the "Fertilizer Law."

Chapter 107 of the 1925 Session Laws, as amended by Chapter 106 of the 1927 Session Laws and by Chapter 105 of the 1931 Session Laws and by Chapter 253 of the 1927 Session Laws, known as the "Cigarette, Cigarette Paper and Snuff Law."

Article 69 of Chapter 38 of the Political Code of the 1925 Supplement to the Compiled Laws of North Dakota, 1913, known as the "Oil Inspection Law."

Article 45 of Chapter 38 of the Political Code of the Compiled Laws of North Dakota, 1913, known as the "Adulteration of Paints Law."

Article 45A of Chapter 38 of the Political Code of the 1925 Supplement to the Compiled Laws of North Dakota, 1913, known as the "Varnish Law."

Article 57 of Chapter 38 of the Political Code of the 1925 Supplement to the Compiled Laws of North Dakota, 1913, as amended by Chapter 144 of the 1929 Laws, known as the "Hotel Inspection Law."

Article 20A of Chapter 5 of the Political Code of the 1925 Supplement to the Compiled Laws of North Dakota, 1913, known as the "Licensing Department Law."

And wherever in the laws of this state, or in any of the laws hereinbefore generally or specifically mentioned, the officers therein designated as Food Commissioner, State Food Commissioner, Director of the North Dakota Government Agricultural Experiment Station, Director of the Regulatory Division of the North Dakota Agricultural College, Director of the Experiment Station, Food Commissioner and State Chemist, Inspector of Hotels, Inspector of Oils, Chief Sanitary Inspector, the Attorney General, Inspector and Chief Clerk of the Licensing Department, or any of them, shall be granted any power or charged with the performance of any duty in connection with the enforcement of any of the laws hereinbefore specified or any Acts amendatory thereto, said power so vested in said officers or boards shall be vested in the Director, Assistant Director and Inspectors of the Regulatory Department hereinafter mentioned, and said Director, Assistant Director, and Inspectors of the Regulatory Department shall perform all of the duties required by said laws to be performed by any of said officers or boards in connection with the enforcement of said laws.

§ 2. DIRECTOR OF REGULATORY DEPARTMENT. SALARY.] The management, control and supervision of the said Regulatory Department shall be placed in a director to be designated as the "Director of the North Dakota Regulatory Department," who shall be appointed by the Governor of this state and may be removed from office by the Governor at any time with or without cause. Before assuming the duties of his office the said Director of the Regulatory Department shall be required to furnish a bond, the premium thereof to be paid as an expense of said department, for the faithful per-

formance of his duties and the proper accounting of all moneys collected in his office in the sum of Twenty-five Thousand Dollars, and to take the oath of office and file the same in the manner now required from other state officers. The annual salary of said Director shall not exceed Three Thousand Dollars payable monthly as hereinafter provided.

§ 3. APPOINTMENT OF ASSISTANT DIRECTOR: SALARY: DUTIES.] The Governor shall appoint a competent chemist who shall be Assistant Director of said Department and in charge thereof in case of the absence or inability to act of said Director, and he shall be designated as "State Food Commissioner and Chemist." He shall be removed from office by the Governor at will and with or without cause, and he shall furnish a bond for the faithful performance of his duties and the proper accounting of all moneys collected in his office in the sum of Ten Thousand Dollars and qualify in the same manner that the Director of said Department is hereby required to qualify. The annual salary of said Assistant Director shall not exceed the sum of Twenty-four Hundred Dollars. The said Assistant Director shall have charge of and supervision over all laboratory work and laboratory equipment and shall have his office at such place in Bismarck, North Dakota, as may be designated by the Board of Administration.

§ 4. APPOINTMENT OF INSPECTORS.] The Director of the Regulatory Department shall appoint seven inspectors removable by the Governor at will with or without cause, one of whom shall be a competent auditor and be appointed at large, to act and perform such duties within the purview of this Act as may be prescribed to them by the Director of the Regulatory Department, and six of whom, one from each Regulatory District, such District to be designated by the Director of the Regulatory Department, shall be at the date of his appointment and shall remain for the duration of his appointment as a resident of the Regulatory District in which he may be selected. Before entering upon the performance of his duties as inspector, each of said inspectors shall be required to furnish a bond, the premium thereof to be paid as an expense of said department, in the sum of Five Thousand (\$5,000.00) Dollars for the faithful performance of his duties and the proper accounting of all moneys he may collect, and shall take the proper oath of office. The salary of each of said inspectors shall be fixed by the Director of the Regulatory Department, but in no case shall the salary of the six inspectors appointed for the Regulatory Districts exceed the sum of Two Thousand (\$2,000.00) Dollars or the salary of the inspector appointed at large exceed the sum of Twenty-four Hundred (\$2400.00) Dollars per annum.

§ 5. TRAVELING EXPENSES.] For all traveling expenses in the performance of the duties of their office, the said Director, Assistant Director and Inspectors of the Regulatory Department shall receive,

when traveling is done by auto or team the sum of six cents for each mile actually and necessarily traveled; and when traveling is done by rail or other means of public conveyance they shall receive the amount necessarily and actually expended therefor, together with subsistence and other expenses actually and necessarily incurred in the performance of their duties.

§ 6. FEES: DISPOSITION OF: EXPENSES: HOW PAID.] All revenues derived and fees and charges charged and collected under authority of this Act by the Director, Assistant Director, and Inspectors of the Regulatory Department shall be properly accounted for daily by the said Assistant Director and Inspectors to the Director of the Regulatory Department and by him recorded and monthly forwarded to the Treasurer of the State of North Dakota. The State Treasurer shall upon receipt thereof enter such funds and carry them in a special revolving fund to be designated as the "State Regulatory Fund" out of which all salaries, bills and expenses of whatever nature incurred in the performance of this Act shall by said Treasurer be paid.

Vouchers for all salaries and expenses of whatever nature incurred by the Director, Assistant Director and Inspectors of the Regulatory Department in carrying out and enforcing the provisions of this Act, when approved by the said Director, shall be forwarded monthly to the State Auditing Board for audit and approval, and when audited and approved by said Board shall be certified to the State Auditor who shall draw warrants upon the State Treasurer for said salaries and expenses, specifying that said warrants are to be paid from the State Regulatory Fund. The State Treasurer shall thereupon pay said expenses out of the State Regulatory Fund.

Annually, after the salaries and expenses of said Director and Inspectors and other necessary expenses of said Regulatory Department have been paid by the State Treasurer, the said State Treasurer shall transfer to the General Fund of the state fifty per cent of the balance that then remains in said revolving fund and deposited in said fund by said North Dakota Regulatory Department.

Provided, however, that in case the said Director, Assistant Director or Inspectors, collect any money for the State Tax Commissioner, State Auditor, Dairy Commissioner, Commissioner of Agriculture and Labor, or any other officer or board under the provisions of this Act, and which moneys or taxes so collected are under the laws of this state directed to be placed by the office or officers or board for whom the said collections were so made by the Regulatory Department in the general or other fund of the State, then the moneys and taxes so collected by said Regulatory Department shall not be placed in said State Regulatory Fund as hereinbefore provided, but shall be accounted for to the officers or board for whom the said collections were made and their receipt taken therefor.

§ 7. FEES TO BE COLLECTED: FORM OF LICENSES TO BE ISSUED:

EXCEPTION.] All fees or other charges now provided by law to be collected and charged for inspection or other duties performed by the Regulatory Department under any of the provisions of the laws hereinbefore enumerated and hereby placed under the management and supervision of the North Dakota Regulatory Department shall from and after the taking effect of this Act be one-half of the amount, now fixed by law therefor; provided, however, that the fees now specified to be charged and collected under the provisions of Article 69 of Chapter 38 of the Political Code of the 1925 Supplement to the Compiled Laws of North Dakota, 1913, known as the Oil Inspection Law, shall be and remain the same and in the same amounts as are now provided therefor, until otherwise provided by law; and provided, further, that no tax, stamp tax, license or permit fees, by whatever name called in said laws, shall hereby be reduced, and that the said taxes, stamp taxes, license or permit fees shall remain in the amounts now fixed by said law, until otherwise provided.

All licenses and permits that are now required to be issued under the provisions of any of the laws hereinbefore enumerated, and which shall hereafter be issued by the North Dakota Regulatory Department, shall be, insofar as practicable, uniform on a suitable blank provided and prescribed by the Director of said Department, and if two or more licenses or permits are applied for by the same person or corporation, all licenses or permits issued to such person or corporation shall be contained in one and the same blank, when possible.

§ 8. DUTIES OF REGULATORY DEPARTMENT IN TAX MATTERS.] The Director and Inspectors of the North Dakota Regulatory Department shall have supervision of all tax assessments and tax assessors, to be exercised by said Inspectors in such manner and within such territory as they may be directed to by the Director of said Department. Upon request therefor made by the State Tax Commissioner to the Director of the North Dakota Regulatory Department, the said Director shall, as soon as convenient, instruct one or more of the Inspectors of said department to secure such data concerning the listing and taxing of property within the State as shall be requested by the said State Tax Commissioner, and to tabulate and report such data on the forms prescribed by the State Tax Commissioner and to give in a general manner, and as soon as the performance of their other duties may permit, to the said Tax Commissioner or other State or County official for whom the said information asked for may be requested, for the proper enforcement of all laws and the proper collection of all taxes now under general supervision of the State Tax Commissioner, and when making any investigation or procuring any data at the request of the said State Tax Commissioner as aforesaid, each Inspector charged by the Director of the North Dakota Regulatory Department with that duty may compel the production before him from any person or official of such

books, papers, documents, or records, as he may deem necessary for the investigation by him being made; provided, however, that no inspector shall incur any expenses, traveling or otherwise, in conducting any investigation or performing any duties under this Section without being first directed and permitted so to do by the Director of the Regulatory Department.

§ 9. DUTIES OF INSPECTORS AS TO MOTOR VEHICLE LAWS: REGISTRAR OF MOTOR VEHICLES NOT TO APPOINT TRAVELING INSPECTORS.] The Regulatory Department shall as a part of its duties supervise the enforcement of the laws requiring registration of all motor vehicles, report to the Motor Vehicle Department all known violations of said laws, and furnish to the officials of each county for proper action all information they may obtain of such violations through investigations or otherwise; and from the date that this Act takes effect it shall be unlawful for the Registrar of Motor Vehicles to appoint any inspector, deputy, or other officer charged with the performance of any of the duties hereby imposed upon the said Regulatory Department.

§ 10. ADDITIONAL DUTIES OF THE REGULATORY DEPARTMENT.] It shall be the duty of the Regulatory Department, at the request made therefor by the State Auditor to the Director of the Regulatory Department, and in the manner prescribed by the Director of the Regulatory Department to make such investigations and inspections as fall within the purview of the duties of the State Auditor.

It shall be the duty of the officers and inspectors of said Regulatory Department to perform at the request made therefor by the Commissioner of Agriculture and Labor of this State to the Director of the said Regulatory Department and in the manner that shall be prescribed by the Director of said Regulatory Department, all inspectory duties that are now imposed by law on the Dairy Commissioner and any other employee of the Commissioner of Agriculture and Labor, and it shall hereafter be unlawful for the Commissioner of Agriculture and Labor or Dairy Commissioner to employ any traveling agent to perform any of said inspectory work.

§ 11. DUTIES AS TO WEIGHTS AND MEASURES.] When requested so to do by the Board of Railroad Commissioners of the State of North Dakota, the Director of the Regulatory Department shall direct, when possible and practicable to do so, one or more of the inspectors of his department to perform such duties as may be required relating to the inspection and licensing of Weights and Measures, and when engaged in the performance of such duties each inspector of the Regulatory Department shall have the same power that is given the inspector and other employees of the Department of Weights and Measures and shall charge and collect the same fees for the services he may perform that are provided by Chapter 311 of the 1931 Session Laws or any Act amendatory thereto and

in force when such services are performed; provided however, that all fees, licenses, or other charges collected by the Regulatory Department in performing such additional duties for the Board of Railroad Commissioners shall for all purposes remain and be considered as collection made by the North Dakota Regulatory Department to be accounted for and disposed of as in this Act hereinbefore provided.

§ 12. OFFICES OF DEPARTMENT: HELP: EQUIPMENT.] The offices of the North Dakota Regulatory Department shall be maintained in the city of Bismarck, North Dakota, but each of the six inspectors appointed for each Regulatory district of the state shall retain his residence and office within the district from which appointed, and the inspector known as the inspector at large may also maintain his office at such other point within the state as may be directed by the Director of said Department.

The Director of the Regulatory Department may with the consent and approval first obtained of the Board of Administration of the State of North Dakota employ such additional help and purchase such equipment and office supplies as may be necessary for the proper performance of the duties of the said department, and all salaries for said help and other expenses shall be paid out of the revolving fund of the Regulatory Department in the same manner that the salaries of the Director, Assistant Director and Inspectors as hereinbefore provided are to be paid.

§ 13. SUPERSEDED OFFICERS AND BOARDS TO DELIVER BOOKS AND EQUIPMENT.] All officers and boards mentioned in the Acts above enumerated and whose duties are under the terms of this Act taken over by the North Dakota Regulatory Department shall upon the taking effect of this Act account for and turn over to the Director of the North Dakota Regulatory Department all books, records, correspondence and equipment pertaining to the duties in which they are hereby superseded by the said Regulatory Department.

§ 14. REPEAL.] All Acts or parts of Acts in conflict herewith are hereby repealed.

§ 15. EMERGENCY. TRANSFER OF FUNDS.] This Act is declared to be an emergency measure and shall be in full force and effect from and after April 1, 1933. The State Treasurer and State Auditor or any other officer entrusted under the existing laws with the custody of any special fund or the disbursement of any appropriation heretofore made for the operation and maintenance of any of the departments, boards or officers placed under the supervision of the North Dakota Regulatory Department under this Act for the purpose of meeting expenses of the regulatory work hereby placed in the said North Dakota Regulatory Department, are hereby directed, and it shall be their duty to transfer to the State Regulatory

Fund hereby created any and all unexpended balance remaining in said special fund or in said appropriation on the date of the taking effect of this Act.

Approved March 6, 1933.

CHAPTER 200

H. B. No. 276—(Patterson and Anderson of Logan.)

BOARD OF TRUSTEES SOLDIERS' HOME

An Act to amend and re-enact Section 1779 of the Supplement to the Compiled Laws, 1913; Board of Trustees of North Dakota Soldiers' Home.

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

§ 1. AMENDMENT.] That Section 1779 of the Supplement to the Compiled Laws, 1913; be and the same is hereby amended and re-enacted to read as follows:

§ 1779. BOARD OF TRUSTEES.] The general supervision and government of the Soldiers' Home shall be vested in a board of five members, to be styled, "The Board of Trustees of the Soldiers' Home." Upon and from the termination of the term of office of any present member of such board, his successor shall be appointed for a period of five years, and appointments hereafter made to such board shall be made so that at as early a date as possible such board consist of two members who shall have served in the Spanish-American War, two who shall have served in the World's War, and which members shall be appointed by the Governor by and with the advice and consent of the Senate; and one member who shall be appointed by the Department Commander of the organization known as the Grand Army of the Republic; all such appointees must be citizens of the United States and residents of the State of North Dakota. The member to be appointed by the Department Commander must be a veteran of the Army, Navy or Marines, honorably discharged.

The compensation of the said trustees shall be five dollars per day each, for not exceeding twenty days in any one year, and their necessary expenses while performing their duties of office.

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

§ 3. 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 7, 1933.

CHAPTER 201**H. B. No. 206—(Carlson.)****CANCELLATION OUTSTANDING STATE WARRANTS**

An Act empowering the State Auditor to cancel from his records any warrant which has not been presented for payment or paid within five years from the date of its issuance.

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

§ 1. The State Auditor shall at the beginning of each fiscal year certify to the State Treasurer the number, amount and on what fund drawn, each and every warrant which is more than five years old and which is unpaid and outstanding.

§ 2. Upon receipt of such certificate the State Treasurer shall issue his receipt for the amount of such outstanding warrants and credit such amount to Cancelled Warrant Fund.

§ 3. Upon receipt of the said State Treasurer's receipt, the State Auditor shall credit the State Treasurer with the amount and cancel the unpaid and outstanding warrants from his records.

§ 4. If any such cancelled warrant should subsequently be presented for payment the holder thereof shall execute a voucher for the amount, to which shall be attached the original warrant, or other satisfactory evidence of ownership of the said warrant, and such voucher when approved by the State Auditor and State Auditing Board shall be paid by State Auditor's warrant drawn on the Cancelled Warrant Fund.

§ 5. REPEAL.] All Acts or parts of Acts in conflict herewith are hereby repealed.

Approved March 7, 1933.

OSTEOPATHY**CHAPTER 202****S. B. No. 105—(Erickson.)****REGULATION PRACTICE OF OSTEOPATHY**

An Act regulating the practice of osteopathy in the State of North Dakota.

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

§ 1. OSTEOPATHY DEFINED.] Osteopathy is hereby defined as the art and science of applied therapy as heretofore, or hereafter, taught by the recognized colleges of osteopathy, except major surgery.