

neral have been paid, he shall pro-rate the balance among all claims filed against said decedent in said proceedings, after which upon his filing a final account and report he shall be discharged as to said estate.

All acts or parts of acts in conflict herewith are hereby repealed.

Approved March 3, 1933.

PUBLIC UTILITIES

CHAPTER 220

S. B. No. 171—(Bonzer and Bangert.)

REDUCTION PUBLIC UTILITY RATES

An Act authorizing patrons and users to petition for reduction of public utility rate, authorizing negotiations touching such rates, providing for summary reduction of the same, relating to hearings and investigations; and relating to revaluation of property of public utility companies and corporations by the Board of Railroad Commissioners; relating to payment of expenses of such hearings, investigations, and revaluations and the method of assessing and collecting the same; and repealing all Acts or parts of Acts in conflict herewith.

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

§ 1. JURISDICTION AND POWERS.] In addition to the powers which they already possess, the Board of Railroad Commissioners of the State of North Dakota is hereby vested with power and jurisdiction to supervise, regulate, and determine rates of all associations, firms, corporations, persons, and agencies which are now or which may hereafter be engaged in the business usually conducted by telephone and telegraph companies; pipe line companies for the transportation of gas, oil, and water; electric light companies and individuals engaged in generating, distributing, and selling light, heat, or power; companies engaged in generating, distributing, and selling gas, natural or artificial; and all heating companies for the distribution of heat, whether incorporated or not, within the state; and to do things necessary and convenient in the exercise of such powers and jurisdiction, and to enforce their orders.

§ 2. PETITIONS FOR REDUCED RATES. SUMMARY REDUCTION.] Whenever twenty-five per cent of the public utility company or corporation patrons or users, within the incorporated limits of any city, village, or town, shall petition the Board of Railroad Commissioners for a revaluation of the property of such public utility company or corporation for the purpose of determining the rate or rates to be charged for the service rendered, said Board of Railroad Commissioners shall forthwith endeavor to arrive at a reasonable rate or rates, through negotiations with said utility company or corporation, and in the event they are unable to agree upon the new rate or rates

to be charged for said service within thirty days after the filing of said petition, which new rate or rates shall grant a net reduction of not less than fifteen per cent from the rate or rates in force at the time of the filing of said petition, it shall be the duty of the Board of Railroad Commissioners to summarily and forthwith reduce the rate or rates then in force twenty-five per cent, and said reduced rate or rates shall be the rate or rates at which said service shall be furnished to the patrons until a hearing shall have been held and a new rate or new rates established, as hereinafter provided; provided, however, that petition for revaluation shall not be filed more than once in every two years.

§ 3. UTILITY MAY COLLECT FULL RATE.] Any public utility company or corporation whose rate or rates have been summarily reduced may continue to charge the full rate or rates in force before such reduction took effect, provided it keeps twenty-five per cent of said collections separate and apart from all other funds pending the final determination of said rate or rates by the Board of Railroad Commissioners, and it shall remit to the several patrons their proportionate share of said fund in case said matter is determined adversely to said public utility company or corporation, in whole or in part, said remittance to be made within sixty days after the new rate or rates shall have been established by the Board of Railroad Commissioners.

§ 4. HEARINGS, INVESTIGATIONS, EXPERTS, RIGHT TO HIRE, PAYMENT OF COMPENSATION AND EXPENSES.]

(1) All hearings, investigations, proceedings, and valuations shall be public and shall be governed by this Act and by the rules, practice, and procedure heretofore or hereafter to be adopted by the Board of Railroad Commissioners, and in the conduct thereof the technical rules of evidence shall not be applied. No informality in any hearing, investigation, proceeding, or valuation, or in the manner of taking testimony, shall invalidate any order, decision, rule, regulation, or rate made, approved, promulgated, or confirmed by said Board of Railroad Commissioners.

(2) The Board of Railroad Commissioners shall have authority and are hereby invested with power to employ any and all rate experts, engineers, accountants, and any and all other expert help and assistance, and to fix the compensation therefor; provided, however, that the expense of such hearings, investigations, and proceedings, and the compensation and the actual expense of any such employees shall be paid by the utility being investigated or involved in such hearing or proceedings, such payment to be made to the Board of Railroad Commissioners within thirty days after an estimate of the amount thereof has been made and an order for such payment delivered to said utility company or corporation by said Board of Railroad Commissioners; provided, further, that in the event such

utility company or corporation shall fail, refuse, or neglect to make such payment within the time herein prescribed, the Board of Railroad Commissioners shall file a detailed statement of any amount disbursed by it by reason of the foregoing, together with their order for payment, and a report of non-payment thereof, with the State Board of Equalization, which Board shall thereupon assess such amount against the property of such utility company or corporation in the manner provided by law for the assessment of the property of public utility companies or corporations, and the same shall be collected in the manner and form provided by law for the collection of taxes against such property, and shall be paid as a condition precedent to the right of appeal from any order or decision of the Board of Railroad Commissioners.

§ 5. **ADDITIONAL AMOUNT TO BE PAID, REFUND.]** That in the event the amount so fixed shall be insufficient to cover the costs and expenses of such revaluation, the Board of Railroad Commissioners may make its order for an amount sufficient to cover such additional costs, and the same shall be levied and collected in the same manner as the original amount; and in the event the original order shall be for an amount in excess of the actual cost of such investigation, such surplus shall be refunded to the utility depositing the same within thirty days after the actual amount has been determined.

§ 6. **SAVING CLAUSE.]** That if any part of this Act is held unconstitutional such holding shall not impair nor invalidate the remainder of the Act, but shall be confined to the operation of that part adjudged invalid.

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

Approved March 9, 1933.

RAILROADS

CHAPTER 221

S. B. No. 213—(Bonzer.)

FULL CREW SELF-PROPELLED VEHICLES ON RAILS

An act to promote the safety of employees and travelers on railroads by compelling common carriers by railroad to properly man self-propelled vehicles operated on rails, and providing penalties and measuring damages for violation thereof.

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

§ 1. It shall be unlawful for any railroad company doing business in the State of North Dakota to operate or permit to be operated