

LAWS

PASSED AT

THE TWENTY-THIRD SESSION

OF THE

Legislative Assembly

OF THE

STATE OF NORTH DAKOTA

BEGUN AND HELD AT BISMARCK, THE CAPITAL OF SAID
STATE, ON TUESDAY, JANUARY THIRD, 1933, AND
CONCLUDING FRIDAY, MARCH THIRD, 1933.



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AUTHENTICATION

**STATE OF NORTH DAKOTA,
Department of State, Bismarck.**

I, Robert Byrne, Secretary of State, hereby certify that the laws contained in this volume are true and correct copies of the original enrolled bills passed at the Twenty-third Session of the Legislative Assembly of the State of North Dakota, beginning Tuesday, January 3, 1933, and terminating Friday, March 3, 1933, now on file in this office, with the exception of clerical errors.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of North Dakota, this first day of July, 1933.

(SEAL)

**ROBERT BYRNE,
Secretary of State.**

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Secretary of State
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THE LAWS

AGRICULTURAL PRODUCTS

CHAPTER 1

H. B. No. 177—(Olson of Bowman.)

EMBARGO ON AGRICULTURAL PRODUCTS

An Act authorizing the Governor to declare and maintain an embargo on the shipment out of this state of any agricultural product produced within the state, when the market price thereof reaches a point where the returns are confiscatory, and declaring that agricultural products taken from the soil constitute a drain on the natural resources of this state, and that the disposition thereof at confiscatory prices becomes a matter of public concern warranting an executive order to prevent 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. AGRICULTURAL PRODUCTS DEFINED.] Agricultural products, produced in this state, are hereby declared to be a drain on the natural resources of the state; and the disposition of the same at confiscatory prices becomes a matter of public concern.

§ 2. EMBARGO WHEN PROCLAIMED AND HOW ENFORCED.] Whenever the price of agricultural products, produced from the soil in this state reaches a point where the sale and returns thereon become confiscatory, leaving to the producers, after the deduction of freight, commissions, and expenses, an amount which practically confiscates the commodity or brings a price unconscionable with the cost of production and becomes an unwarranted drain upon the natural resources of the State, the Governor may, by executive order, issue an embargo or proclamation, commanding that none of such commodities shall be shipped, trucked, or driven out of the state for the purpose of sale, and that said order shall continue until revoked. For the purpose of making such order effective, the same shall be published at least once in the daily newspapers published in this state, and served upon every common carrier authorized to do business within the state. To further enforce the said executive order, the Governor may use the military forces of the state to enforce the same.

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

Approved March 3, 1933.

CHAPTER 2**H. B. No. 103—(Flannigan, by request.)****OVERRUN IN MANUFACTURE OF BUTTER**

An Act defining overrun and percentage of overrun in the manufacture of butter, limiting the percentage of overrun permissible in such manufacture, providing penalties and prescribing rules of evidence in prosecuting thereunder.

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

§ 1. For the purpose of this Act "overrun" is the difference between the weight of any given amount of pure butterfat and the weight of the butter manufactured therefrom, and this difference, ascertained in any case, divided by the given amount of pure butterfat in such case and multiplied by 100, is the "percentage of overrun," in the manufacture of butter.

§ 2. It shall be and hereby is declared to be unlawful for any person to have or permit a percentage of overrun in excess of 25 per cent in butter manufactured by him.

§ 3. Any person violating any provisions of this Act shall be deemed guilty of a misdemeanor, the minimum punishment for which shall be a fine of \$25 or imprisonment for 20 days.

§ 4. The reports required by law to be made and which are made to the commissioners of dairy by persons engaged in the manufacture of butter shall be competent evidence in any prosecution under this Act against the person making the same, and whenever such reports, received in evidence upon the trial, show that during a period of one month or more the person on trial and charged with a violation of this Act, alleged to have been committed on a certain date within said period, has had or permitted an average percentage of overrun in excess of 25 per cent in the butter manufactured by him during said period, such showing shall be prima facie evidence of a violation of this Act by the person so charged, committed as of the date alleged.

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

Approved March 9, 1933.

CHAPTER 3**H. B. No. 81—(Crockett.)****UNFAIR DISCRIMINATION PURCHASE CERTAIN
FARM PRODUCTS**

An Act defining unfair discrimination in the purchase of certain farm products, prohibiting such discrimination and providing a penalty therefor, and declaring an emergency.

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

§ 1. The following words, terms, and phrases shall, for the purpose of this Act, be given the meanings hereinafter subjoined to them.

§ 2. (a) The term "person" means an individual, firm, co-partnership, corporation, or association.

(b) The term "farm products" as used in this Act shall mean and include butter, milk, cream, butterfat, cheese, and other dairy products, honey, eggs, and poultry.

§ 3. Any person engaged in the business of buying any such farm products for manufacture or sale thereof, who shall discriminate between different sections, localities, communities, cities, or villages of this state by purchasing any such farm products at a higher price or rate in one locality than is paid for such farm products of the same kind, quality, and grade by such person in another section, locality, community, city, or village, after making due allowance for the difference, if any, in the actual cost of transportation from the locality of purchase to the locality of manufacture or sale, shall be deemed guilty of unfair discrimination, which is hereby prohibited and declared to be unlawful. It shall not be unfair discrimination for any person to pay, in any section, locality, community, city, or village, a price equal to that actually paid on the same day by any bona fide competitor in such section or locality for farm products of the same kind and grade, provided such price is paid in a good faith effort to meet such competition, and the burden of proving such facts shall be upon the defendant.

§ 4. Proof that any person has paid a higher price for any such farm products in one section, locality, community, village, or city than in another, after due allowance for the cost of transportation has been made, shall be prima facie evidence of a violation of this Act.

§ 5. The Commissioner of Agriculture and Labor, and the Dairy Commissioner, their deputies, assistants, inspectors, agents, and employees, shall enforce the provisions of this Act and in so doing shall have all the powers conferred upon them and each of them by the provisions of law.

§ 6. If complaint shall be made to the Commissioner of Agriculture and Labor or to the Dairy Commissioner that any person is guilty of unfair discrimination defined by this Act, either of them shall investigate such complaint and the Commissioner of Agriculture and Labor and Dairy Commissioner may also upon his own initiative investigate whether or not this statute has been violated, and in either event for that purpose either of them may subpoena witnesses, administer oaths, take testimony, and if in his opinion sufficient ground exists therefor he may prosecute an action in the name of the state, in the proper court, to annul the act of incorporation or the existence of a corporation engaged in such business practice. If any corporation is adjudged by any court guilty of unfair discrimination, as defined by this Act, such court may vacate the charter or revoke the authority of such corporation to do business in this state and may permanently enjoin it from transacting business in this state.

§ 7. Any person violating the provisions of Section 3 of this Act, shall, upon conviction thereof, be fined not less than \$50.00 nor more than \$500.00 for each offence, or in default of the payment of such fine, by imprisonment in the county jail for not less than three months nor more than one year.

§ 8. The authority hereby extended to the Commissioner of Agriculture and Labor and the Dairy Commissioner shall be considered as duties only and shall not be construed to preclude any prosecuting officer or any party interested from instituting proceedings, civil or criminal, for the enforcement of any of the provisions of this Act.

§ 9. Nothing in this Act shall be construed as repealing any other Act or part of any other Act, but the remedies herein provided shall be cumulative to all other remedies provided by law.

§10. 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.

Approval March 9, 1933.

CHAPTER 4

H. B. No. 291—(Solberg and Lavik.)

GRAIN INSPECTION

An Act to amend and re-enact Sections 9, 10, 24, Chapter 155, Session Laws of North Dakota for the year 1927.

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

§ 1. AMENDMENT.] That Chapter 155, S. L. 1927 be amended and re-enacted to read as follows:

§ 9. TRACK BUYERS, LICENSE AND BOND.] Any person, firm or corporation, excepting a warehouseman, desiring to purchase grain from producers for the purpose of loading the same in cars on the track of any railroad company in this State for shipment, shall be known as Track Buyers, and shall procure a license from the Commission before transacting any business. Such license to be granted by the Commission at its discretion after applicant has submitted, in the manner the Commissioners may prescribe, proof of convenience of, or, local demand for, such Track Buyer. The fee for such license shall be ten dollars per annum for each station. Any such Track Buyer must pay cash for grain so purchased and such Track Buyer shall be subject to the same laws, rules and regulations, as may govern public warehouses, insofar as they may apply, for the protection of sellers of grain, provided that nothing herein shall be construed to classify as a Track Buyer any producer of grain, who may purchase grain from other producers in order to complete a carload in which a portion of said carload is grain grown by said producer.

§ 10. BONDS TO BE FILED.] Before any license is issued to any public warehouseman or Track Buyer, applicant for such license shall file with the Commission a bond in such sum as it shall prescribe, which sum shall not be less than five thousand dollars for any one warehouse. Such bonds shall cover the period of the license and shall run to the State of North Dakota for the benefit of all persons storing or selling grain in such warehouses. They shall be conditioned upon the faithful performance of his duties as a public warehouseman and all of the provisions of law relating to the storage and purchase of grain by such warehouseman and the rules and regulations of the Commission relating thereto. The Commission is authorized to require such increases in the amount of bonds from time to time as it may deem necessary for the protection of the holders of storage receipts and cash tickets or checks. The surety on such bonds must be a corporate surety company and approved by the Commission, authorized to do such business within the State of North Dakota. Provided, however, that the commission may accept a bond executed by personal sureties, in lieu of a surety bond, when, in its judgment, such personal surety bond will properly protect the holders of storage receipts and cash tickets or checks. One bond only need be given for any line of elevators, mills, or warehouses, owned, controlled, or operated by one individual, firm or corporation, and such bond shall be construed to cover such elevators, mills, or warehouses, as a whole and not a specific amount to each of such elevators. Every such bond shall specify the location of each public warehouse intended to be covered thereby, and shall, at all times, be in a sufficient sum to protect the holders of outstanding storage receipts and cash tickets or checks.

§ 24. DISCRIMINATION PROHIBITED.] No public warehouse-

man shall discriminate in the buying, selling, receiving and handling of grain or in the charges made or the service rendered to owners of stored grain, nor shall such warehouseman discriminate in the receiving of grain offered for sale or storage, nor in regard to the persons offering such grain for sale or storage, nor between points or stations except as the marketing factors or transportation costs or grain quality premiums may warrant; provided, that no public warehouseman shall be required to receive for storage any grain which is heating or otherwise out of condition. Storing grain free of charge is hereby prohibited except as prescribed by law. Warehouseman shall post grain prices paid in a conspicuous place in the office or driveway of his place of business.

Approved March 9, 1933.

CHAPTER 5

H. B. No. 297—(Solberg and Lavik.)

TERMINATION PUBLIC GRAIN WAREHOUSE STORAGE CONTRACTS

An Act to amend and re-enact Sections 1, 2, and 3 of Chapter 228, Session Laws of North Dakota for the year 1931.

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

That Sections 1, 2 and 3 of Chapter 228 of the Session Laws of North Dakota for the year of 1931 be amended and re-enacted to read as follows:

Paragraph 1, Section 1, Chapter 228, S. L. 1931,—All storage contracts on grain in store at public grain warehouses shall terminate on June 30th of each year. Storage on any or all such grain may be terminated by the owner at any time before the date mentioned herein by the payment of all legal charges and the surrender of the storage receipt, together with a demand for delivery of such grain, or notice to the warehouseman to sell the same. In the absence of a demand for delivery, an order to sell, or a request for the renewal of the storage contract, entered into prior to the expiration of the storage contract, the warehouseman shall, upon the expiration of the storage contract, sell, at the local market price on the close of business on that day, sufficient of said stored grain to satisfy all accrued storage charges thereon and warehouseman's advances upon such storage contract, and shall issue a new storage receipt for the balance of said grain to the owner thereof upon the surrender of the old storage receipt, properly cancelled.

Paragraph 2.—On or before June 1st of each year the warehouseman shall notify by mail the person in whose name the grain was stored, of his intention to make such sale, and for this purpose at the time of the issuance of each storage receipt, the postoffice

address of such person to whom such receipt was issued, shall be inserted therein.

§ 2. Upon payment of all legal accrued charges and surrender to warehouseman of receipt, and receipt holder elects to continue the storage contract, warehouseman shall forthwith issue a new storage receipt to the owner and cancel the former receipt by endorsing thereon the words: "Cancelled by the issuance of Storage Receipt No.....," inserting the number of the re-issue storage receipt thereafter, and holder's name shall be signed thereto by himself or his authorized agent. Re-issue storage receipt shall be so designated by stamping thereon: "Re-issue of Storage Receipt No....."

§ 3. There shall be printed upon all warehouse receipts the following words: "All storage contracts on grain in store at public grain warehouses shall terminate on June 30th of each year. If storage charges and warehouseman's advances remain unpaid at the time of such termination, the warehouseman shall sell sufficient of said grain to pay such charges and advances. Holder hereof shall surrender this receipt to issuing warehouseman for settlement."

Approved March 7, 1933.

ANIMALS

CHAPTER 6

S. B. No. 4—(Matthaei.)

REGISTRATION OF DOGS—REPEAL

An Act to repeal Chapter 3 of the Session Laws of the State of North Dakota for year 1931, relating to registration of dogs, and declaring an emergency.

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

§ 1. REPEAL.] Chapter 3 of the Session Laws of the State of North Dakota for the year 1931, be and the same is hereby repealed.

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

Approved February 27, 1933.

CHAPTER 7

H. B. No. 195—(Cunningham and Hanson of Benson.)

REGULATION DIRECT BUYERS OF LIVESTOCK

An Act to provide for the licensing of direct buyers of livestock, regulating the conduct of such buyers, and providing for the feeding and watering of livestock purchased by them, and providing a penalty.

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

§ 1. As used herein the term "buyer" shall mean any person, co-partnership, association, or corporation, engaged in buying livestock, horses, cattle, hogs, sheep, poultry, direct from producers, their agents or representatives, either for resale direct to packers and/ or processors of livestock, and/ or for packers and/ or processors of livestock or shipment to terminal markets. Nothing herein contained shall apply to farmers who purchase livestock to complete loads of livestock of their own for shipment to market. The buyer shall have the scale upon which the animals are weighed inspected and tested by some duly authorized inspector.

§ 2. On and after July 1, 1933, all buyers of livestock as herein defined shall be duly licensed as hereinafter provided. No agent shall act for any such buyer unless the buyer is duly licensed and has designated such agent to act in his behalf and notified the Board of Railroad Commissioners in his application for license or in writing of such appointment, and requested the Commission to issue to such agent an agent's license. The buyer shall be accountable and responsible for the acts of his or its agent.

§ 3. Each buyer, before engaging in the business of buying livestock direct from producers at places other than public terminal livestock markets, shall annually on or before January 1, (and for the year 1933 on or before August) file an application with the Board of Railroad Commissioners on a form prescribed by it for a license to transact such business. The application shall state the nature of the business as hereinabove set forth, the name or names of the person or persons applying for the license, and if the applicant be a firm, association, partnership or corporation the full name of each member of such firm, association or partnership, or the names of the officers of the corporations, and the name of the agent or agents of such person, firm, association, partnership or corporation, the postoffice address of the principal place of business of the applicant, and such other facts as the Commissioners prescribe.

Each applicant shall file with his application a surety company bond in the sum of five thousand dollars, in which the Commissioners shall be the obligee but which shall be for the purpose of protecting any person dealing with such applicant from loss by reason

of acts of fraud, dishonesty, forgery and theft on the part of the principal. The Commissioners shall thereupon issue to such applicant on payment of the sum of five dollars a license entitling the applicant, applicants, or his or their agent, to conduct the business of buying livestock direct from producers thereof at places other than public terminal livestock markets at the place or places named in the application until the 31st day of December next following.

§ 4. The Commissioners may decline to grant or may revoke a license when it is satisfied that (a) the applicant or licensee has violated the laws of this state governing the shipment or transportation of livestock; or (b) that the applicant or licensee has been guilty of fraudulent practices in the purchase of livestock or in dealing in livestock. Before any license shall be revoked the licensee shall be furnished with a copy of the complaint made against him and a hearing shall be had before the Commissioners upon at least ten days notice to the licensee to determine whether such license shall be revoked, which notice may be served either by registered mail addressed to the address of the licensee as shown in his application or in the manner provided by law for the service of a summons. At the time and place fixed for hearing the Commissioners or any official, employee, or agent of the Commission authorized by the Commissioners, shall receive evidence, administer oaths, examine witnesses and hear the testimony, and shall thereafter file an order either dismissing the proceedings or revoking the license.

§ 5. Each buyer shall keep such accounts, records and memoranda concerning his buying transactions as may from time to time be required by the Commissioners and the Commissioners shall at all times have access to such accounts, records, and memoranda.

§ 6. When any buyer represents or states to the seller that the price offered or paid by the buyer for livestock is based directly or indirectly upon prices established upon public terminal livestock markets within or without North Dakota, or in fact the purchase price is directly or indirectly based upon such prices.

§ 7. On the date of purchase of livestock direct from the producer as hereinbefore specified, the buyer shall mail to the Board of Railroad Commissioners a record in form satisfactory to that body, showing the grading of the animals, the number of animals of each grade included in the purchase, the average weight of the animals of each grade included in the purchase, and the price per hundred pounds paid for the animals of each grade, the number of animals docked, the number of animals in each grade docked, and the amount of dockage for each grade.

§ 8. The seller may require the buyer of his livestock to give the livestock such food as they will consume during a two-hour period prior to weighing, the feed to be furnished by the buyer at the expense of the seller, and after such feeding the animals shall be

given by the buyer free access to water until their thirst is fully quenched. If, however, feeding is omitted, the actual scale weight shall apply as the sole basis for settlement with the shipper.

§ 9. Nothing herein contained shall apply to co-operative livestock marketing associations of producers of livestock in their dealings with their members, or livestock purchased by local dealers for home consumption or trading for merchandise or machinery.

§ 10. Any person who shall violate the provisions of this Act, shall be guilty of a gross misdemeanor and shall be punished by a fine of not less than \$100.00 nor more than \$500.00, or by imprisonment in the county jail of not less than 30 days nor more than 1 year, or by such fine and imprisonment.

§ 11. This Act shall take effect and be in force from and after July 1, 1933.

Approved March 9, 1933.

CHAPTER 8

H. B. No. 308—(Sannes and Erickson of McKenzie.)

CANCELLATION AND RE-RECORDING LIVE STOCK BRANDS

An Act to amend and re-enact Sections 2602, 2603, 2604, 2605 and 2606 of the Compiled Laws of North Dakota for the year 1913.

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

§ 1. AMENDMENT.] That Sections 2602, 2603, 2604, 2605, and 2606 of the Compiled Laws of North Dakota be and the same is amended and re-enacted to read as follows:

§ 2602. On the first day of November, nineteen hundred thirty-three, each and every live stock brand or mark shall be cancelled, and no person, co-partnership, company, firm, or corporation shall use nor have any right, title or interest in or to any live stock brand or mark previously recorded in this state. Provided, however, that if a person, co-partnership, company, firm or corporation may desire to continue ownership thereof, the brand or mark must be re-recorded on or before December first, nineteen hundred thirty-three. Failure to re-record any previously recorded live stock brand or mark on or before the time specified, and under provisions hereof, shall be deemed an absolute abandonment to the state of North Dakota of such previously recorded live stock brand or mark. On and after January first, nineteen hundred thirty-four, the commissioner of agriculture and labor shall accept regular applications for the issuance to any one of such abandoned live stock brand or mark; and the said commissioner of agriculture and labor is hereby authorized, empowered, and directed to issue his certificate for the use of such abandoned brand or mark within this state.

§ 2603. It shall be the duty of the commissioner of agriculture and labor to notify, on or before August first, nineteen hundred thirty-three each and every record owner of livestock brands or marks of the final date set for cancellation, and also of his, her or their prior right to re-record such previously recorded live stock brand or mark. Such notice shall be given in writing, legibly written, sent by ordinary first-class mail, and addressed to the record owner at the address shown last upon the present records.

§ 2604. It shall be the duty of the commissioner of agriculture and labor to publish in each official county newspaper in every county where brands or marks are in use, a notice of the expiration of the time fixed by law for the re-recording of live stock brands or marks, and of the prior right of record owners to re-record his, her, or their previously recorded brands or marks. Such publication shall begin on or about the first of September, nineteen hundred thirty-three, and shall continue at least three successive times in each of such newspapers. The commissioner shall also request each newspaper publishing notices to call attention to this law in a news item in the regular columns, for which no charge shall be allowed.

§ 2605. Re-recording of abandoned live stock brands or marks, and the recording of new brands and marks shall conform in all respects to existing provisions of law, and not otherwise. The previously issued certificate must be surrendered to the commissioner of agriculture and labor, accompanied by an application to re-record, and also accompanied by either money order or bankable draft for fifty cents. In case the previously issued certificate may have been lost or destroyed the original brand records only shall be prima facie evidence of ownership, except where a fact can otherwise be established

§ 2606. All fees collected under provisions of this Act (Sections 2602-2606) shall monthly be turned over to the state treasurer. All expenses for publication of notices, new books, records, and files necessary for the establishment and maintenance of a complete system of brand recording and brand re-recording shall first be approved by the commissioner of agriculture and labor, and paid by the state treasurer out of the general funds.

Approved March 6, 1933.

CHAPTER 9**H. B. No. 80—(Committee on State Affairs.)****WOLF AND COYOTE BOUNTY**

An Act to amend and re-enact Chapter 283 of the Session Laws of North Dakota of 1927, relating to wolf bounty; and declaring an emergency.

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

§ 1. AMENDMENT.] That Chapter 283 of the Session Laws of North Dakota of 1927, be and the same is hereby amended and re-enacted to read as follows:

§ 2645. STATE BOUNTY FOR WOLVES AND COYOTES.] For the purpose of encouraging the destruction of wolves and coyotes, a bounty shall be paid by the State of North Dakota for each wolf and coyote killed, as follows:

One dollar and fifty cents (\$1.50) for each mature wolf or coyote killed, and one (\$1.00) dollar for each wolf or coyote pup killed prior to September 1st of the year of the whelping of such wolf or coyote pup. Provided, further, that no bounty shall be paid on wolves or coyotes killed by the Extension Division of the North Dakota Agricultural College, through the directors thereof co-operating with the Bureau of the Biological Survey of the United States Department of Agriculture.

§ 2. EMERGENCY.] An emergency is hereby declared to exist; therefore this Act shall take effect and be in force from and after its passage and approval.

Approved March 1, 1933.

APPROPRIATIONS**CHAPTER 10****S. B. No. 307—(Simonson.)****ERADICATION BEE DISEASES**

An Act making an appropriation for the inspection and eradication of bee diseases, under the provisions of Chapter 140, Session Laws of 1923, the same being Sections 2790a1-2790a18 of the Supplement to the 1913 Compiled Laws of North Dakota.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$1,000.00 or so much thereof as may be necessary, to defray

the expenses of the Commissioner of Agriculture and Labor, or his agents, in carrying out the provisions of Chapter 140, Session Laws 1923, the same being Sections 2790a1-2790a18 of the Supplement to the 1913 Compiled Laws of North Dakota for the biennium beginning July 1st, 1933, and ending June 30th, 1935.

Approved March 9, 1933.

CHAPTER 11

S. B. No. 47—(Committee on Appropriations.)

BOARD OF ADMINISTRATION—CHILD WELFARE

An Act making an appropriation for the use by the Board of Administration in administering child welfare laws.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$8,910.00, or so much thereof as may be necessary, for use by the Board of Administration in performing the duties imposed upon it by law in connection with the administration of the child welfare laws of this state, for the biennium beginning July 1st, 1933, and ending June 30th, 1935, to-wit:

Salary	\$3,840.00
Clerkhire	2,070.00
Postage	300.00
Office Supplies	100.00
Furniture and Fixtures	50.00
Printing	100.00
Miscellaneous	650.00
Travel Expense	1,800.00
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Total	\$8,910.00

Approved March 9, 1933.

CHAPTER 12

S. B. No. 39—(Committee on Appropriations.)

BOARD OF AUDITORS. PARTIAL VETO

An Act making an appropriation to the Board of Auditors for the purpose of carrying out the provisions of Section 369 of the Compiled Laws of the State of North Dakota for the year 1913, as amended and re-enacted by Chapter 226, Laws of 1915, and as amended and re-enacted by the Initiated Law approved November 2nd, 1920, and as provided for in Chapter 143, Laws of 1923, the same being Sections 369 and 369b of the Supplement to the 1913 Compiled Laws of North Dakota.

TO THE HONORABLE THE SECRETARY OF STATE:

At 10:20 P. M. on March 17th, 1933, I approve Senate Bill No. 39 in the Total sum of \$15,000.00. I withhold my approval from the

remainder of said appropriation for the reason that the reduction is necessary because of the present condition of State finances.

Very respectfully,

WILLIAM LANGER,
Governor.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$20,000, or so much thereof as may be necessary to the State Board of Auditors for the purpose of examining and auditing the accounts, books and vouchers of the State Treasurer, departments and commissions and of all industrial institutions of this State, and for the purpose of ascertaining the assets and liabilities of the same as provided for in Section 369 of the Compiled Laws of the State of North Dakota for the year 1913, as amended and re-enacted by Chapter 226, Laws of 1915, and as amended and re-enacted by the Initiated Law approved November 2nd, 1920, and as provided for in Chapter 143, Laws of 1923, the same being Sections 369 and 369b of the Supplement to the 1913 Compiled Laws of North Dakota, for the biennium beginning July 1st, 1933, and ending June 30th, 1935.

CHAPTER 13

S. B. No. 38—(Committee on Appropriations.)

PREMIUMS BONDS STATE OFFICIALS

An Act making an appropriation for the purpose of paying premiums on bonds of state officials as provided by Chapter 175, Session Laws of 1917, the same being Section 663A1 of the Supplement to the 1913 Compiled Laws of North Dakota.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$2,000.00, for the biennium, or so much thereof as may be necessary to pay the premiums on bonds of State officials, bonded under the provision of Chapter 175, Session Laws of 1917, the same being Section 663A1 of the Supplement to the 1913 Compiled Laws of North Dakota.

Approved March 1, 1933.

CHAPTER 14**S. B. No. 16—(Committee on Appropriations.)****BOVINE TUBERCULOSIS—PARTIAL VETO**

An Act making an appropriation for the purpose of indemnifying owners of animals infected with bovine tuberculosis and to pay expenses in connection therewith.

TO THE HONORABLE THE SECRETARY OF STATE:

At 5:40 P. M., on March 17, 1933, I approve Senate Bill No. 16 in the Total amount of \$20,000.00. I withhold my approval of the remainder of said appropriation, because I believe that \$20,000.00 is ample for this purpose, in view of the fact that many counties of the State have already had a thorough investigation of the tubercular situation.

Very respectfully,

WILLIAM LANGER,
Governor.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$30,000.00, or so much thereof as may be necessary for the purpose of indemnifying the owners of animals infected with bovine tuberculosis, which animals have been destroyed, and to pay expenses in connection therewith, as provided in Section 2699 to 2710, inclusive, of the Compiled Laws of North Dakota for the year 1913, and amendments thereto, for the biennium beginning July 1st, 1933, and ending June 30th, 1935.

CHAPTER 15**H. B. No. 63—(Flannigan.)****TRANSFER SPECIAL BRIDGE FUND TO GENERAL FUND
BIG BEND BRIDGE**

An Act transferring the special bridge fund, provided by sub-division C of Section 2976T15 of the Supplement to the Compiled Laws for 1913 to the General Fund of the State, and making available from January 1, 1934, that part of said fund appropriated for the Big Bend Bridge.

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

§ 1. That there is hereby transferred all of the special bridge fund now existing or which may hereafter and during the year 1933 come into existence, under the provisions of sub-division C of Section 2976T15 of the Supplement to the Compiled Laws of North Dakota, for the year 1913 to the General Fund of the state; except such sums as may be necessary to meet standing appropriations heretofore

appropriated for special bridge projects; and provided that the appropriation and provision made for the Big Bend Bridge in Chapter 18, Session Laws of North Dakota for 1931, be extended to January 1, 1935, and that said fund appropriated in said chapter be made available after January 1, 1934, out of funds thereafter coming in to said Special Bridge Fund.

§ 2. 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 6, 1933.

CHAPTER 16

H. B. No. 3—(Committee on Appropriations.)

GENERAL BUDGET—PARTIAL VETO

An Act to appropriate money for the expenses of the Executive, Legislative and Judicial Departments of the State Government, and for public schools, specifying the amount and time for which such appropriations shall be available, and repealing all acts, or parts of acts, insofar as the same shall relate to appropriations conflicting herewith or to appropriations for the same matters or purposes provided for herein.

TO THE HONORABLE THE SECRETARY OF STATE:

At 11:50 A. M., on March 18th, 1933, I approve Senate [House] Bill No. 3 in the Total Sums for each subdivision of the Bill as follows:

Subdivision 1 — \$ 15,920.00	Subdivision 18 — \$ 15,910.00
Subdivision 2 — 1,600.00	Subdivision 19 — 57,793.76
Subdivision 3 — 70,398.80	Subdivision 20 — 65,460.80
Subdivision 4 — 13,450.00	Subdivision 21 — 69,359.52
Subdivision 5 — 113,000.00	Subdivision 22 — 103,072.80
Subdivision 6 — 26,724.80	Subdivision 23 — 6,024.00
Subdivision 7 — 15,200.00	Subdivision 24 — 16,671.60
Subdivision 8 — 54,106.72	Subdivision 25 — 7,840.00
Subdivision 9 — 36,020.16	Subdivision 26 — 10,337.00
Subdivision 10 — 20,923.76	Subdivision 27 — 4,200.80
Subdivision 11 — 10,055.00	Subdivision 28 — 4,450.00
Subdivision 12 — 49,182.00	Subdivision 29 — 109,500.00
Subdivision 13 — 30,984.00	Subdivision 30 — 1,000.00
Subdivision 14 — 30,980.00	Subdivision 31 — 2,300.00
Subdivision 15 — 16,499.56	Subdivision 32 — 1,500.00
Subdivision 16 — 3,584.00	Subdivision 33 — 4,000.00
Subdivision 17 — 64,800.00	

And disapprove of all sums in excess of the amounts and the appropriations made for the following items are reduced to the amounts hereinafter mentioned and as so reduced are approved, and as to all sums in excess of said reduced amounts for said items of the Bill or items are disapproved:

§ 3. APPROPRIATIONS.]

Subdivision 1.

EXECUTIVE OFFICE

Item "Office Supplies" is reduced by me to	\$ 175.00
Item "Furniture and Fixtures" is struck out by me.	
Item "Printing" is reduced by me to	175.00
Item "Great Lakes-St. Lawrence Deep Waterway Project" is reduced by me to	1,000.00
Item "Total" is reduced by me to	15,920.00

Subdivision 5.

JUDGES OF DISTRICT COURT

Item "Salary Fifteen Judges" is reduced by me to..	\$ 98,000.00
Item "Total" is reduced by me to	113,000.00

Subdivision 6.

SECRETARY OF STATE

Item "Extra Clerkhire during elections and Legislative Assemblies" is struck out by me.	
Item "Postage" is reduced by me to	\$ 3,000.00
Item "Office Supplies" is reduced by me to	700.00
Item "Furniture and Fixtures" is struck out by me.	
Item "Printing and Lithographing" is reduced by me to	2,300.00
Item "Miscellaneous" is reduced by me to	500.00
Item "Travel Expense" is reduced by me to	100.00
Item "Total" is reduced by me to	26,724.80

Subdivision 8.

STATE AUDITOR

Item "Furniture and Fixtures" is struck out by me.	
Item "Printing and Lithographing" is reduced by me to	\$ 4,000.00
Item "Travel Expense" is reduced by me to	1,500.00
Item "Total" is reduced by me to	54,106.72

Subdivision 9.

STATE TREASURER

Item "Postage" is reduced by me to	\$ 4,400.00
Item "Office Supplies" is reduced by me to	400.00
Item "Furniture and Fixtures" is struck out by me.	
Item "Printing" is reduced by me to	1,000.00
Item "Miscellaneous" is struck out by me.	
Item "Total" is reduced by me to	36,020.16

Subdivision 10.

INSURANCE DEPARTMENT

Item "Postage" is reduced by me to	\$ 1,000.00
Item "Office Supplies" is reduced by me to	200.00

Item "Furniture and Fixtures" is struck out by me.	
Item "Printing" is reduced by me to.....	3,000.00
Item "Miscellaneous" is struck out by me.	
Item "Travel Expense" is reduced by me to.....	150.00
Item "Total" is reduced by me to.....	20,923.76

Subdivision 11.

STATE FIRE MARSHAL DEPARTMENT

Item "Miscellaneous" is struck out by me.	
Item "Total" is reduced by me to.....	\$ 10,055.00

Subdivision 12.

ATTORNEY GENERAL

Item "Miscellaneous" is reduced by me to.....	\$ 500.00
Item "Total" is reduced by me to.....	49,182.00

Subdivision 13.

DEPARTMENT OF PUBLIC INSTRUCTION

Item "Furniture and Fixtures" is struck out by me.	
Item "Total" is reduced by me to.....	\$ 30,984.00

Subdivision 15.

DEPARTMENT OF AGRICULTURE AND LABOR

Item "Furniture and Fixtures" is struck out by me.	
Item "Printing" is reduced by me to.....	\$ 1,500.00
Item "Miscellaneous" is struck out by me.	
Item "Total" is reduced by me to.....	16,499.56

Subdivision 16.

DEPARTMENT OF AGRICULTURE AND LABOR
DAIRY DIVISION

Item "Assistant Dairy Commissioner" is struck out by me.	
Item "Chief Clerk and Secretary" is struck out by me.	
Item "Official Tester" is struck out by me.	
Item "Stenographer" is struck out by me.	
Item "Postage" is struck out by me.	
Item "Office Supplies" is struck out by me.	
Item "Furniture and Fixtures" is struck out by me.	
Item "Printing" is struck out by me.	
Item "Miscellaneous" is struck out by me.	
Item "Travel Expense" is struck out by me.	
Item "Auto Exchange" is struck out by me.	
Item "Total" is reduced by me to.....	\$ 3,584.00

Subdivision 17.

BOARD OF RAILROAD COMMISSIONERS

Item "Traffic Expert" is struck out by me.	
Item "Assistant Engineer" is struck out by me.	
Item "Stenographers" is reduced by me to.....	\$ 9,000.00
Item "Postage" is reduced by me to	2,000.00
Item "Office Supplies" is reduced by me to.....	1,000.00
Item "Furniture and Fixtures" is reduced by me to	250.00
Item "Lithographing and Printing" is reduced by me to.....	1,500.00
Item "Miscellaneous" is reduced by me to.....	1,000.00
Item "Travel Expense" is reduced by me to.....	6,000.00
Item "Expense handling cases before Interstate Commerce Commission, including necessary extra help" is reduced by me to.....	6,000.00
Item "Expense incurred as Members of National Association of Railway and Utilities Commis- sioners" is struck out by me.	
Item "Total" is reduced by me to.....	64,800.00

Subdivision 18.

BOARD OF RAILROAD COMMISSIONERS
ELEVATOR DIVISION

Item "Second Assistant Elevator Accountant" is struck out by me.	
Item "Postage" is reduced by me to.....	\$ 1,000.00
Item "Furniture and Fixtures" is struck out by me.	
Item "Printing and Lithographing" is reduced by me to.....	700.00
Item "Miscellaneous" is struck out by me.	
Item "Travel Expense and Car Exchange" is re- duced by me to.....	3,000.00
Item "Total" is reduced by me to.....	15,910.00

Subdivision 19.

LAND COMMISSIONER

Item "Furniture and Fixtures" is struck out by me.	
Item "Printing" is reduced by me to.....	\$ 1,500.00
Item "Total" is reduced by me to.....	57,793.76

Subdivision 20.

STATE EXAMINER

Item "Furniture and Fixtures" is struck out by me.	
Item "Printing" is reduced by me to.....	\$ 600.00
Item "Miscellaneous" is reduced by me to.....	500.00
Item "Travel Expense" is reduced by me to.....	18,000.00
Item "Total" is reduced by me to.....	65,460.80

Subdivision 21.

STATE TAX COMMISSIONER

Item "Furniture and Fixtures" is struck out by me.

GASOLINE DIVISION

Item "Furniture and Fixtures" is struck out by me.

Item "Total" is reduced by me to..... \$ 69,359.52

Subdivision 22.

BOARD OF ADMINISTRATION

Item "Furniture and Fixtures" is struck out by me.

Item "Printing" is reduced by me to..... \$ 500.00

Item "Total" is reduced by me to..... 103,072.80

Subdivision 23.

STATE SECURITIES COMMISSION

Item "Furniture and Fixtures" is struck out by me.

Item "Miscellaneous" is struck out by me.

Item "Dues National Association" is struck out
by me.

Item "Total" is reduced by me to..... \$ 6,024.00

Subdivision 24.

STATE LIBRARY COMMISSION

Item "Furniture and Fixtures" is struck out by me.

Item "Total" is reduced by me to..... \$ 16,671.60

Subdivision 25.

STATE ENGINEER

Item "Field Assistants" is struck out by me.

Item "Hydrographic Survey" is struck out by me.

Item "Total" is reduced by me to..... \$ 7,840.00

Subdivision 26.

ADJUTANT GENERAL

Item "Furniture and Fixtures" is struck out by me.

Item "Total" is reduced by me to..... \$ 10,337.00

Subdivision 27.

STATE PRINTER

Item "Clerk and Stenographer" is struck out by me.

Item "Postage" is reduced by me to..... \$ 100.00

Item "Furniture and Fixtures" is struck out by me.

Item "Printing" is struck out by me.

Item "Miscellaneous" is struck out by me.

Item "Travel Expense" is struck out by me.

Item "Total" is reduced by me to..... 4,200.80

Subdivision 28.

INDUSTRIAL COMMISSION

Item "Furniture and Fixtures" is struck out by me.

Item "Total" is reduced by me to..... \$ 4,450.00

Such reductions are absolutely necessary because of the low tax receipts and the present condition of State finances.

Reduction in Subdivision five is because another judge will not be appointed on the District during the biennium.

Reductions in Subdivision 16 are made because change in the law does away with traveling agents in the Dairy Division of the Department of Agriculture and Labor.

Very respectfully,

WILLIAM LANGER,
Governor.

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

§ 1. APPROPRIATIONS FOR THE EXECUTIVE, LEGISLATIVE, AND JUDICIAL DEPARTMENTS OF THE STATE GOVERNMENT AND FOR PUBLIC SCHOOLS.] The sums hereinafter named only, or so much thereof as may be necessary, are hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, for the purposes specified in the following sections of this Act.

§ 2. THE PERIOD DURING WHICH THE APPROPRIATIONS MADE HEREIN SHALL BE AVAILABLE.] Unless otherwise specifically stated, the appropriations herein made shall be available for the expenses to be incurred in and about the several purposes herein set out, during the fiscal period of two years, beginning July 1st, 1933, and ending June 30th, 1935.

§ 3. APPROPRIATIONS.]

Subdivision 1.

EXECUTIVE OFFICE

Salary—Governor	\$ 8,000.00
Clerkhire:	
Stenographer	2,620.80
Postage	350.00
Office Supplies	200.00
Furniture and Fixtures.....	100.00
Printing	200.00
Miscellaneous	1,200.00
Travel Expense	1,500.00
Contingent	600.00
Governor's conference	300.00

Great Lakes-St. Lawrence Deep Waterway Project	1,200.00
TOTAL	\$ 16,270.80

Subdivision 2.

LIEUTENANT GOVERNOR

Salary	\$ 1,600.00
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Subdivision 3.

SUPREME COURT

Salary—Five Justices	\$ 54,000.00
Clerkhire:	
Clerk of Supreme Court.....	4,000.00
Stenographers to Justices	10,348.80
Postage	750.00
Office Supplies	400.00
Furniture and Fixtures	200.00
Printing	300.00
Miscellaneous	400.00
TOTAL	\$ 70,398.80

Subdivision 4.

SUPREME COURT REPORTER AND
STATE LAW LIBRARIAN

Salary	\$ 4,000.00
Postage	300.00
Office Supplies	100.00
Furniture and Fixtures	100.00
Printing, Binding Books and Periodicals.....	250.00
Miscellaneous	200.00
Publishing North Dakota Reports.....	4,500.00
Purchase of Books and Periodicals for Law Library	4,000.00
TOTAL	\$ 13,450.00

Subdivision 5.

JUDGES OF DISTRICT COURTS

Salary—Fifteen Judges	\$105,000.00
Miscellaneous expenses while holding court outside the county in which the Judges reside, and while serving on the Supreme Bench. (To become available upon the passage and approval of this Act)	15,000.00
TOTAL	\$120,000.00

Subdivision 6.

SECRETARY OF STATE

Salary	\$ 4,800.00
Clerkhire:	
Deputy	3,584.00
Chief Clerk and Bookkeeper.....	2,620.80
Stenographers	4,560.00
Recording Clerks	4,560.00
Extra Clerkhire during elections and legisla- tive assemblies	800.00
Postage	4,000.00
Office Supplies	800.00
Furniture and Fixtures	500.00
Printing and Lithographing	3,300.00
Miscellaneous	1,500.00
Travel Expense	200.00
 TOTAL	 \$ 31,224.80

Subdivision 7.

SECRETARY OF STATE—PUBLIC PRINTING

Legal Notices	\$ 400.00
Authenticated and Popular editions Session Laws 1933	3,800.00
Publicity Pamphlet	7,000.00
Postage for publicity pamphlet.....	4,000.00
 TOTAL	 \$ 15,200.00

Subdivision 8.

STATE AUDITOR

Salary	\$ 4,800.00
Clerkhire:	
Deputy	3,584.00
Chief Clerk and Bookkeeper.....	2,784.00
Voucher and Audit Clerk.....	2,620.80
Assistant Voucher and Audit Clerk.....	2,280.00
Bookkeeper	2,620.80
Bookkeeper and Warrant Clerk.....	2,620.80
Voucher and Warrant Clerk	2,280.00
Warrant Clerks (3).....	6,840.00
Gasoline Tax Clerks	8,506.56
Stenographer and Extra Clerkhire.....	2,069.76
Postage	5,000.00
Office Supplies	500.00
Furniture and Fixtures.....	1,000.00
Printing and Lithographing.....	5,000.00
Miscellaneous	500.00

Travel Expense	2,000.00
Supplies for Departments and Counties.....	1,000.00
Lists, New Taxable Lands.....	100.00
Gasoline Tax Law Enforcement, adjusting county care accounts and special audit work.....	500.00
TOTAL	\$ 56,606.72

Subdivision 9.

STATE TREASURER

Salary	\$ 4,800.00
Clerkhire:	
Deputy	3,584.00
Chief Clerk and Bookkeeper.....	2,784.00
Cashier	2,620.80
Bookkeepers (two)	5,241.60
Receipt Clerk	2,280.00
Farm Loan Clerk.....	2,280.00
Cigarette Revenue Clerks (two).....	4,560.00
Stenographer	2,069.76
Postage	5,400.00
Office Supplies	500.00
Furniture and Fixtures.....	500.00
Printing	1,500.00
Miscellaneous	500.00
TOTAL	\$ 38,620.16

Subdivision 10.

INSURANCE DEPARTMENT

Salary	\$ 4,800.00
Clerkhire:	
Deputy	3,584.00
Actuary-Examiner	3,840.00
Chief Clerk and Stenographer.....	2,069.76
Bookkeeper	2,280.00
Postage	1,500.00
Office Supplies	300.00
Furniture and Fixtures.....	100.00
Printing	4,000.00
Miscellaneous	500.00
Travel Expense	200.00
TOTAL	\$ 23,173.76

Subdivision 11.

STATE FIRE MARSHAL DEPARTMENT

Salary	\$ 3,200.00
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Clerkhire:	
Deputy	2,280.00
Postage	150.00
Office Supplies	75.00
Furniture and Fixtures.....	50.00
Printing	50.00
Miscellaneous	350.00
Travel Expense	4,000.00
Fees to Fire Chiefs for reporting fires.....	250.00
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TOTAL	\$ 10,405.00

Subdivision 12.

ATTORNEY GENERAL

Salary	\$ 6,000.00
Clerkhire (Four Stenographers and Extra help) ..	10,192.00
Four Assistant Attorney Generals.....	18,432.00
Special Assistant Attorney General.....	2,750.00
Commerce Counsel	4,608.00
Postage	1,000.00
Office Supplies	500.00
Furniture and Fixtures.....	200.00
Printing	1,000.00
Miscellaneous	1,000.00
Travel Expense	1,500.00
Miscellaneous Court Cases.....	2,000.00
Library	500.00
	<hr/>
TOTAL	\$ 49,682.00

Subdivision 13.

DEPARTMENT OF PUBLIC INSTRUCTION

Salary	\$ 4,800.00
Clerkhire:	
Deputy	3,584.00
Chief Clerk	2,280.00
Stenographers and Clerks.....	5,520.00
Postage	2,000.00
Office Supplies	400.00
Furniture and Fixtures.....	400.00
Printing	10,000.00
Miscellaneous	400.00
Travel Expense	2,000.00
	<hr/>
TOTAL	\$ 31,384.00

Subdivision 14.

DEPARTMENT OF PUBLIC INSTRUCTION
STATE AID AND EXAMINATION

Salary Director Secondary Education.....	\$ 3,200.00
Travel	500.00
Clerkhire:	
High School Clerk.....	2,280.00
Expense conducting eighth grade and high school examinations	10,000.00
For County Agricultural Schools.....	15,000.00
TOTAL	\$ 30,980.00

Subdivision 15.

DEPARTMENT OF AGRICULTURE AND LABOR

Salary	\$ 4,800.00
Clerkhire:	
Deputy	3,584.00
Chief Clerk	2,620.80
Stenographers	2,069.76
Postage	750.00
Office Supplies	475.00
Furniture and Fixtures.....	100.00
Printing	2,300.00
Miscellaneous	600.00
Travel Expense	700.00
TOTAL	\$ 17,999.56

Subdivision 16.

DEPARTMENT OF AGRICULTURE AND LABOR
DAIRY DIVISION

Salary—Dairy Commissioner	\$ 3,584.00
Clerkhire:	
Assistant Dairy Commissioners.....	6,960.00
Chief Clerk and Secretary.....	2,230.00
Official Tester	2,069.76
Stenographers	2,669.76
Postage	1,500.00
Office Supplies	500.00
Furniture and Fixtures	300.00
Printing	1,000.00
Miscellaneous	500.00
Travel Expense	10,000.00
Auto Exchange	1,500.00
TOTAL	\$ 32,863.52

Subdivision 17.

BOARD OF RAILROAD COMMISSIONERS

Salary—Three Commissioners	\$ 16,800.00
Clerkhire:	
Secretary	3,200.00
Chief Clerk	2,620.80
Traffic Expert	5,600.00
Assistant Traffic Expert	3,360.00
Reporter	4,000.00
Chief Engineer	4,608.00
Assistant Engineer	2,816.00
Accountant	3,456.00
Stenographers	10,000.00
Postage	2,750.00
Office Supplies	2,000.00
Furniture and Fixtures	500.00
Printing and Lithographing	1,800.00
Miscellaneous	2,750.00
Travel Expense	9,000.00
Expense handling cases before Interstate Commerce Commission including necessary extra help	12,000.00
Expense incurred as Members of National Association of Railway and Utilities Commissioners....	1,000.00
TOTAL	\$ 88,260.80

Subdivision 18.

BOARD OF RAILROAD COMMISSIONERS
ELEVATOR DIVISION

Clerkhire:	
Chief Elevator Accountant	\$ 3,584.00
Assistant Elevator Accountant	2,816.00
Second Assistant Elevator Accountant.....	2,280.00
Stenographers and Clerks	4,560.00
Postage	1,250.00
Office Supplies	250.00
Furniture and Fixtures	375.00
Printing and Lithographing	900.00
Miscellaneous	500.00
Travel Expense and Car Exchange.....	4,000.00
TOTAL	\$ 20,515.00

Subdivision 19.

LAND COMMISSIONER

Salary	\$ 4,800.00
Clerkhire:	
Deputy	3,584.00

Office Deputy	3,072.00
Bookkeeper	2,620.80
Cashier	2,620.80
Manager Bond and Mortgage Department. . .	2,620.80
Collection Manager	2,784.00
Leasing Clerk	2,280.00
Field Agent	2,784.00
Patent Clerk	2,280.00
Five Stenographers	8,847.36
Postage	4,000.00
Office Supplies	300.00
Furniture and Fixtures	200.00
Printing	2,000.00
Miscellaneous	400.00
Travel Expense	5,000.00
Leasing unsold land	3,000.00
Premium on bonds	300.00
Field inspection and supervision leased and un- leased school lands	5,000.00
TOTAL	\$ 58,493.76

Subdivision 20.

STATE EXAMINER

Salary	\$ 4,800.00
Clerkhire:	
Office Deputy	3,840.00
Deputy Examiners	29,260.80
Clerkhire	5,760.00
Postage	1,000.00
Office Supplies	700.00
Furniture and Fixtures	380.00
Printing	800.00
Miscellaneous	1,000.00
Travel Expense	20,000.00
Bonds for Examiners	1,000.00
TOTAL	\$ 68,540.80

Subdivision 21.

STATE TAX COMMISSIONER

Salary	\$ 5,600.00
Clerkhire:	
Deputy Tax Commissioner and Assistants. . .	18,720.00
General Property Assessment Clerk.	2,280.00
Utility Assessment Clerk and Stenographer. .	2,280.00
Cashier and Bookkeeper	2,280.00
Stenographer and File Clerk	2,069.76

Stenographer and Clerk	2,069.76
Extra Clerkhire	560.00
Stenographer and Clerk	4,560.00
Postage	8,000.00
Office Supplies	1,400.00
Furniture and Fixtures	600.00
Printing	8,000.00
Miscellaneous	1,240.00
Travel Expense	4,000.00
GASOLINE TAX REFUND DIVISION :	
Clerkhire:	
Stenographer and Chief Clerk.....	2,400.00
Refund Clerks and Machine Operators.....	1,800.00
Postage	1,000.00
Printing	800.00
Furniture and Fixtures	400.00
Office Supplies	200.00
Miscellaneous	100.00
TOTAL	\$ 70,359.52

Subdivision 22.

BOARD OF ADMINISTRATION

Salary—Three Members	\$ 14,400.00
Clerkhire:	
Executive Secretary	3,584.00
Chief Clerk	2,620.80
Stenographer	960.00
Auditor	3,456.00
Purchasing Agent	3,072.00
Voucher Clerk	2,280.00
Supply Clerk	1,900.00
Postage	1,000.00
Office Supplies	600.00
Furniture and Fixtures	200.00
Printing	1,000.00
Miscellaneous	1,700.00
Travel Expense	7,000.00
Emergency Fund for State Institutions.....	60,000.00
TOTAL	\$103,772.80

Subdivision 23.

STATE SECURITIES COMMISSION

Salary—Executive Officer	\$ 3,584.00
Clerkhire—Stenographer	1,140.00
Postage	300.00
Office Supplies	100.00

Furniture and Fixtures	150.00
Printing	200.00
Miscellaneous	300.00
Travel Expense	300.00
Investigations	400.00
Dues National Association	200.00
TOTAL	\$ 6,674.00

Subdivision 24.

STATE LIBRARY COMMISSION

Salary	\$ 3,200.00
Clerkhire:	
Chief Traveling Librarian	2,620.80
Reference Librarian	2,280.00
Stenographer	1,900.80
Clerk	1,440.00
Clerk	480.00
Postage	700.00
Office Supplies	400.00
Furniture, Fixtures and Mailing Cases	400.00
Printing	100.00
Miscellaneous	500.00
Travel Expense	300.00
Aids to Libraries	150.00
Books	2,000.00
Preparation of Books	200.00
Binding	400.00
TOTAL	\$ 17,071.60

Subdivision 25.

STATE ENGINEER

Salary	\$ 3,840.00
Clerkhire	500.00
Postage	100.00
Office Supplies	200.00
Furniture and Fixtures	100.00
Printing	200.00
Miscellaneous	400.00
Travel Expense	1,500.00
Field Assistants	1,200.00
Hydrographic Survey	4,000.00
TOTAL	\$ 12,040.00

Subdivision 26.

ADJUTANT GENERAL

Salary	\$ 3,840.00
Clerkhire:	
Assistant Adjutant General	3,072.00
Clerk—Return Soldiers	2,500.00
Postage	250.00
Office Supplies	200.00
Furniture and Fixtures	150.00
Printing	100.00
Miscellaneous	75.00
Travel Expense	300.00
TOTAL	\$ 10,487.00

Subdivision 27.

STATE PRINTER

Salary	\$ 4,000.00
Clerkhire:	
Clerk and Stenographer	1,900.80
Postage	200.00
Office Supplies	100.00
Furniture and Fixtures	100.00
Printing	200.00
Miscellaneous	200.00
Travel Expense	100.00
TOTAL	\$ 6,800.80

Subdivision 28.

INDUSTRIAL COMMISSION

Clerkhire	\$ 2,800.00
Postage	400.00
Office Supplies	200.00
Furniture and Fixtures	200.00
Printing	250.00
Miscellaneous	500.00
Travel Expense	300.00
TOTAL	\$ 4,650.00

Subdivision 29.

TWENTY-FOURTH LEGISLATIVE ASSEMBLY

Mileage and per diem, Members	\$ 57,000.00
Per diem, officers and employees	20,000.00
Printing	25,000.00
Miscellaneous expenses and supplies	7,500.00
TOTAL	\$109,500.00

Subdivision 30.

STATE BOARD OF PARDONS

Appropriation for per diem, travel expenses, Clerk-hire, and miscellaneous items \$ 1,000.00

Subdivision 31.

STATE BUDGET BOARD

Per diem and other expenses of every kind incurred by the State Budget Board as prescribed by Sections 710A1 to 710A6, inclusive, of the Supplement to the 1913 Compiled Laws of North Dakota and Chapter 93, Session Laws for the year 1929 \$ 2,300.00

Subdivision 32.

REWARD FOR APPREHENSION OF CRIMINALS

Reward for apprehension of criminals as prescribed by Chapter 200, Laws of 1917, the same being Section 11150 of the Supplement to the 1913 Compiled Laws of North Dakota..... \$ 1,500.00

Subdivision 33.

ARREST AND RETURN OF FUGITIVES FROM JUSTICE

For the arrest and return of fugitives from justice as provided by Section 11162, Compiled Laws of 1913, as amended and re-enacted by Chapter 160, Laws of 1915, the same being Section 11162 of the Supplement to the 1913 Compiled Laws of North Dakota \$ 4,000.00

§ 4. INTENT, REPEAL, PURPOSE AND CONSTRUCTION.] All acts and parts of acts that may be in conflict herewith are hereby repealed and if for any reason or cause any specific appropriation for any item or set of items should be held by the court or courts, to be unconstitutional or illegal or otherwise unavailable for any cause, such holding shall not effect or be construed to apply to the remaining items of appropriation herein or purposes provided for herein.

§ 4. EMERGENCY.] This Act is necessary to the immediate preservation of the public peace, health and safety. The reason for this is that it contains the general appropriation and provides the means of continuing and maintaining the State Government and to enable it to perform its proper functions, among which are the preservation of the public peace, health and safety of the people, and without the means provided for by this Act the functions of the State Government will be suspended. This Act will therefore in its entirety go into instant operation upon its approval by the Governor.

CHAPTER 17**H. B. No. 4—(Committee on Appropriations.)**

BURIAL CIVIL WAR VETERANS

An Act making an appropriation to pay expenses of erecting headstones over the graves of Soldiers, Sailors, and Marines of the United States War of the Rebellion.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$50.00, for the biennium, or so much thereof as may be necessary, to pay for the expenses of erecting headstones over the graves of Soldiers, Sailors, and Marines of the United States War of the Rebellion, as authorized under Sections 3181, 3182, 3183, and 3184 of the Compiled Laws of North Dakota for 1913.

Approved March 1, 1933.

CHAPTER 18**H. B. No. 5—(Committee on Appropriations.)**

BURIAL INMATES PENITENTIARY AND STATE TRAINING SCHOOL

An Act making an appropriation to pay the burial expenses of inmates of the Penitentiary and State Training School as prescribed by Chapter 12, Laws of 1915, the same being Section 11302 of the Supplement to the Compiled Laws of North Dakota.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$300.00, for the biennium, or so much thereof as may be necessary, to pay the costs of burial of inmates of the penitentiary and State Training School as prescribed by Chapter 12, Session Laws 1915, the same being Section 11302 of the Supplement to the Compiled Laws of North Dakota.

Approved March 1, 1933.

CHAPTER 19

S. B. No. 23—(Committee on Appropriations.)

COAL MINE INSPECTION

An Act making an appropriation for the purpose of paying salary, clerk-hire and general expenses of the Department of Coal Mine Inspection.

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

§ I. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$7,305.00, or so much thereof as may be necessary to pay salary, clerkhire, per diem and general expenses in carrying out the provisions of Chapter 168, Session Laws of 1919, the same being Sections 3084a1 to 3084a89 of the Supplement to the 1913 Compiled Laws of North Dakota, and amendments thereto, relative to mine inspection, for the biennium beginning July 1st, 1933, and ending June 30th, 1935, to-wit:

Salary	\$ 3,200.00
Clerkhire	1,440.00
Examining Board: Per Diem and Expenses	190.00
Postage	100.00
Office Supplies	75.00
Printing	300.00
Miscellaneous	200.00
Travel Expense	1,800.00
TOTAL	\$ 7,305.00

Approved March 10, 1933.

CHAPTER 20

H. B. No. 24—(Committee on Appropriations.)

ESCAPED CONVICTS

An Act making an appropriation to pay Burleigh County for expenses incurred in the prosecution of escaped convicts from the State Penitentiary, as prescribed by Section 9362 of the Compiled Laws for 1913.

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

§ I. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$1,702.53, to pay expenses of Burleigh County in the prosecution of the case of the State of North Dakota against George Arnet, escaped convict from the State Penitentiary, as prescribed by Section 9362 of the Compiled Laws for 1913.

§ 2. EMERGENCY.] This Act is hereby declared to be an emergency measure and shall be in force and effect from and after its passage and approval.

Approved March 9, 1933.

CHAPTER 21

S. B. No. 41—(Committee on Appropriations.)

FEEBLE MINDED—STATE AT LARGE

An Act making an appropriation for the care of feeble minded whose residence cannot be determined and whose care must be borne by the State.

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

§ I. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$1,500.00, or so much thereof as may be necessary to care for the feeble minded whose residence cannot be determined and whose care must be borne by the State, for the biennium beginning July 1, 1933, and ending June 30, 1935.

Approved March 1, 1933.

CHAPTER 22

H. B. No. 8—(Committee on Appropriations.)

INSURANCE TAX TO FIRE DEPARTMENTS—PARTIAL VETO

An Act making an appropriation for the purpose of paying insurance tax to the various fire departments of the state, in compliance with the provisions of Sections 3993 to 3998, inclusive, of the Compiled Laws of 1913.

TO THE HONORABLE THE SECRETARY OF STATE:

At 5:55 P. M. on March 17th, 1933, I approve House Bill No. 8 in the total sum of \$50,000.00. I withhold my approval from the remainder of said appropriation for the reason that I believe \$50,000.00 is ample under the present condition of State finances.

Very respectfully,

WILLIAM LANGER,
Governor

L/F

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

§ I. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$70,000.00, or so much thereof as may be necessary to comply with the provisions of Sections 3993 to 3998, inclusive, of the Compiled Laws of North Dakota for the year 1913 relating to the

payment of premiums received upon policies issued upon property, to various fire departments, for the biennium beginning July 1st, 1933, and ending June 30th, 1935.

CHAPTER 23

S. B. No. 68—(Committee on Appropriations.)

GAME AND FISH DEPARTMENT

An Act making an appropriation for the purpose of defraying the expenses of the maintenance and operation of the Game and Fish Department.

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

§ I. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury in the Game and Fish Fund, not otherwise appropriated, the sum of \$123,050.00, or so much thereof as may be necessary for the purpose of defraying the expenses of the maintenance and operation of the Game and Fish Department, and in carrying out the provisions and purposes of all game laws imposing duties or conferring powers on the Game and Fish Commissioner, for the biennium beginning July 1st, 1933, and ending June 30th, 1935, to-wit:

Salary:

1.	Commissioner, Deputy Commissioner and Chief Game Warden	\$ 12,800.00
2.	Game Wardens	14,000.00
3.	Clerkhire	6,500.00
4.	Postage	2,000.00
5.	Office Supplies	300.00
6.	Furniture and Fixtures	250.00
7.	Printing	4,000.00
8.	Miscellaneous	6,500.00
9.	Travel Expenses	25,000.00
10.	Office Rent	700.00
11.	Maintenance of Fish Hatcheries	7,500.00
12.	Rewards	3,500.00
13.	Construction of Dams and Water Conservation	40,000.00
TOTAL		\$123,050.00

Approved March 8, 1933.

CHAPTER 24

S. B. No. 15—(Committee on Appropriations.)

GLANDERS AND DOURINE INDEMNITY FUND

An Act making an appropriation for the Glanders and Dourine Indemnity Fund.

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

§ I. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$500.00, or so much thereof as may be necessary to indemnify the owners of animals afflicted with the disease known as glanders and dourine, for the biennium beginning July 1st, 1933, and ending June 30th, 1935.

Approved March 1, 1933.

CHAPTER 25

S. B. No. 22—(Committee on Appropriations.)

DEPARTMENT OF PUBLIC HEALTH—PARTIAL VETO

An Act making an appropriation for the purpose of paying salary, clerk-hire and general expenses of the Department of Public Health.

TO THE HONORABLE THE SECRETARY OF STATE:

At 11:10 P. M. on March 17th, 1933, I approve Senate Bill No. 22 in the total sum of \$18,063.00, and disapprove it in all sums in excess of that amount, and the appropriations made for the following items in said Bill are reduced to the amounts hereinafter mentioned, and as so reduced the said Bill and items are approved, and as to all sums in excess of said reduced amounts for said items, the said Bill or items are disapproved.

Clerk-hire:

Item "Director Vital Statistics" is struck out by me.	
Item "Three Stenographers" is reduced by me to . . . \$	2,400.00
Item "Postage" is reduced by me to	700.00
Item "Office Supplies" is reduced by me to	300.00
Item "Furniture and Fixtures" is struck out by me.	
Item "Printing and Lithographing" is reduced by me to	500.00
Item "Miscellaneous" is reduced by me to	250.00
Item "Travel Expense" is reduced by me to	1,500.00
Item "Tabulating, Indexing, Filing and Binding Birth, Death and Marriage Certificates" is reduced by me to	1,000.00

These reductions are made because of the low tax returns in the present period of depression.

Very respectfully,

WILLIAM LANGER,
Governor.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$26,091.00, or so much thereof as may be necessary to pay the salary, clerkhire and all miscellaneous items and expenses for the Department of Public Health, for the biennium beginning July 1st, 1933, and ending June 30th, 1935, to-wit:

Salary—Health Officer and Director of Preventable Diseases	\$ 4,800.00
Director of Preventable Diseases	2,000.00
Clerkhire:	
Director Vital Statistics	2,620.00
Director Child Hygiene	3,584.00
Three Stenographers	4,158.00
One Public Nurse	2,529.00
Postage	800.00
Office Supplies	600.00
Furniture and Fixtures	300.00
Printing and Lithographing	1,000.00
Miscellaneous	500.00
Travel Expense	2,000.00
Tabulating, Indexing, Filing and Binding Birth, Death and Marriage Certificates	1,200.00
TOTAL	\$ 26,091.00

CHAPTER 26

S. B. No. 67—(Committee on Appropriations.)

STATE HIGHWAY DEPARTMENT

An Act making an appropriation for the purpose of defraying the expenses of the maintenance and operation of the State Highway Department.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury in the Motor Vehicle Registration Fund, not otherwise appropriated, the sum of \$200,000.00, or so much thereof as may be necessary for the purpose of defraying the expenses of the maintenance and operation of the State Highway

Department, and in carrying out the provisions and purposes of the State Highway Commission Act, and co-operating with the Federal Government under the Act of Congress approved July 11, 1916 (Public Document No. 156) entitled "An Act to provide that the United States shall aid the states in the construction of rural post-roads and for other purposes," and in carrying out the provisions of any other law imposing duties or conferring powers on said Commission, and there is hereby set apart and appropriated from said Motor Vehicle Registration Fund the amounts specified in the following Section of this Act, for the biennium beginning July 1st, 1933, and ending June 30th, 1935, to-wit:

Salary of Commissioner	\$ 6,400.00
Commissioner's Travel	2,400.00
General Operating Expense	191,200.00
TOTAL	\$200,000.00

Approved March 9, 1933.

CHAPTER 27

H. B. No. 22—(Committee on Appropriations.)

MOTOR VEHICLE REGISTRATION

An Act making an appropriation for the purpose of defraying the expenses of the maintenance and operation of the Motor Vehicle Registration Department.

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

§ I. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury in the Motor Vehicle Registration Fund, not otherwise appropriated, the sum of \$72,040.00, or so much thereof as may be necessary for the purpose of defraying the expenses of the maintenance and operation of the Motor Vehicle Registration Department for the biennium beginning July 1st, 1933, and ending June 30th, 1935, to-wit:

Salary	\$ 3,840.00
Clerkhire	8,000.00
Postage, Freight and Express	10,000.00
Printing and Lithographing	2,000.00
License Plates	28,000.00
Refund	1,200.00
AUTO THEFT FUND DIVISION	
Clerkhire	14,000.00
Postage	3,500.00
Printing and Lithographing	1,000.00
Miscellaneous	500.00
TOTAL	\$ 72,040.00

Approved March 9, 1933.

CHAPTER 28

S. B. No. 20—(Committee on Appropriations.)

STATE HISTORICAL SOCIETY

An Act making an appropriation for the purpose of paying salary, clerk-hire and general expenses of the State Historical Society.

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

§ I. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$13,520.00, or so much thereof as may be necessary to pay the salary, clerkhire and miscellaneous expenses of the State Historical Society for the biennium beginning July 1st, 1933, and ending June 30th, 1935, to-wit:

Salary—Superintendent	\$ 3,520.00
Clerkhire:	
Librarian	2,400.00
Office Assistant and Stenographer	1,800.00
Newspaper Clerk	1,200.00
Postage	300.00
Office Supplies—Furniture and Fixtures	1,000.00
Printing	200.00
Miscellaneous	300.00
Travel Expense	600.00
Museum	1,000.00
Books and Periodicals	600.00
State Parks	600.00
TOTAL	\$ 13,520.00

Approved March 9, 1933.

CHAPTER 29

H. B. No. 20—(Committee on Appropriations.)

INSANE PATIENTS—STATE AT LARGE

An Act making an appropriation for the care of insane patients whose residence cannot be determined and whose care must be borne by the State.

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

§ I. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$83,000.00 or so much thereof as may be necessary, to care for the insane patients whose residence cannot be determined and whose care must be borne by the State, for the biennium beginning July 1st, 1933, and ending June 30th, 1935.

Approved March 10, 1933.

CHAPTER 30

S. B. No. 48—(Committee on Appropriations.)

APPROPRIATION—RELEASE INSANE PATIENTS

An Act making an appropriation to provide funds to pay the necessary expenses and reasonable compensation to commissioners appointed in actions to release insane patients as prescribed by Section 2562 of the Compiled Laws of 1913.

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

§ I. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$100.00, for the biennium, or so much thereof as may be necessary to pay the expenses and reasonable compensation to commissioners appointed in actions to release insane patients as provided for under Section 2562 of the Compiled Laws of North Dakota for 1913.

Approved March 3, 1933.

CHAPTER 31

H. B. No. 23—(Committee on Appropriations.)

AGRICULTURAL COLLEGE—PARTIAL VETO

An Act making an appropriation to pay the general maintenance, improvements and repairs, equipment, miscellaneous and public service of the Agricultural College, Fargo, North Dakota.

TO THE HONORABLE THE SECRETARY OF STATE:

At 11:30 A. M. on March 18th, 1933, I approve House Bill No. 23 in the total sum of \$339,358.67 and disapprove it in all sums in excess of that amount, and the appropriations made for the following items in said bill are reduced to the amounts hereinafter mentioned, and as so reduced the said bill and items are approved, and as to all sums in excess of said reduced amounts for said items, the said bill or items are disapproved.

ADMINISTRATION:

Item 2, "Business Office," is reduced by me to..	\$ 13,962.00
Item 3, "Registrar," is reduced by me to.....	11,655.00

EDUCATION:

Item 15, "General Education Expense," is reduced by me to.....	4,000.00
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PHYSICAL PLANT:

Item 1, "Power Plant," is reduced by me to....	15,000.00
Item 2, "Fuel," is reduced by me to.....	55,000.00
Item 4, "Institutional Expense," is reduced by me to	5,000.00
Item 5, "Gas, Light, Power and Water," is reduced by me to.....	22,750.00

IMPROVEMENTS AND REPAIRS:

Item 2, "Campus Streets, Sidewalks and Buildings," is reduced by me to..... 4,000.00

PUBLIC SERVICE:

Item 1, "Salaries and Operating Budget," is reduced by me to..... 7,500.00

Such reductions are necessary because of low tax receipts and the present condition of State finances.

Very respectfully,

WILLIAM LANGER,
Governor.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$374,265.67, or so much thereof as may be necessary to pay the general maintenance, improvements and repairs, equipment, miscellaneous and public service of the Agricultural College, Fargo, North Dakota, for the biennium beginning July 1st, 1933, and ending June 30th, 1935, to-wit:

ADMINISTRATION:

1. President's office	\$ 9,520.00
2. Business office	15,962.00
3. Registrar	12,655.00
4. Telephone Exchange	5,000.00
5. Publications and general printing.....	3,500.00
6. Divisional Expense	500.00

EDUCATION:

1. School Agriculture	104,747.00
2. School of Mechanic Arts.....	70,645.00
3. School of Home Economics.....	36,931.00
4. School of Chemistry	34,914.00
5. School of Pharmacy.....	13,174.00
6. School of Veterinary Science.....	4,220.00
7. Education	13,444.00
8. School of Science and Literature.....	120,190.00
9. College Library	15,919.00
10. Music, (Band, Orchestra, etc.).....	3,000.00
11. Physical Education for women.....	2,000.00
12. Physical Education for men.....	2,000.00
13. Military Science and Tactics.....	4,000.00
14. Student Welfare	1,200.00
15. General Education Expense.....	5,000.00

PHYSICAL PLANT:

1. Power Plant	18,412.00
2. Fuel	70,000.00
3. Buildings and Grounds.....	37,155.00
4. Institutional Expense	7,327.00
5. Gas, Light, Power and Water.....	30,000.00

TOTAL MAINTENANCE	\$641,415.00
Less Estimated Income.....	323,000.00

TOTAL NET MAINTENANCE \$318,415.00

IMPROVEMENTS AND REPAIRS:

1. Special Improvement Assessments:	
(a) Trunk sewer and Job No. 2507.....	2,763.08
(b) Trunk Water and Job No. 2601.....	1,282.69
(c) Highways No. 183,26 and 268C.....	5,186.90
2. Campus Streets, sidewalks and buildings...	5,000.00

EQUIPMENT:

1. Special equipment, Mechanic Arts.....	1,000.00
2. Special Equipment, Botany, Biology and Zoology	1,000.00

MISCELLANEOUS:

1. Insurance of all buildings on campus including experiment station and Workmen's Compensation and bonds.....	30,200.00
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PUBLIC SERVICE:

1. Salaries and operating budget	9,418.00
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TOTAL \$374,265.67

CHAPTER 32

H. B. No. 26—(Committee on Appropriations.)

AGRICULTURAL COLLEGE EXPERIMENT STATION
—PARTIAL VETO

An Act making an appropriation to pay the general maintenance, improvements and repairs and miscellaneous items of the Experiment Station at the Agricultural College, Fargo, North Dakota, and its branch stations.

TO THE HONORABLE THE SECRETARY OF STATE:

At 11:47 P. M., on March 17th, 1933, I approve House Bill No. 26 in the total sum of \$34,333.04, and disapprove it in all sums in excess of that amount, and the appropriations made for the following items in said Bill are reduced to the amounts hereinafter mentioned, and as so reduced the said Bill and items are approved,

and as to all sums in excess of said reduced amounts for said items, the said Bill or items are disapproved.

SALARIES, WAGES AND OPERATING EXPENSE —
MAIN STATION:

Item 2, "Station staff, other employees and Labor," is reduced by me to..... \$151,410.00
Item 3, "Operating expense," is reduced by me to 67,000.00

IMPROVEMENTS AND REPAIRS:

Item 1, "General repairs," is reduced by me to.. 2,000.00

MISCELLANEOUS:

Item 1, "Heat, light, water, power and campus service," is reduced by me to..... 20,000.00

The reductions are made because of the low tax returns in the present period of depression.

Very respectfully,

WILLIAM LANGER,
Governor.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$63,333.04, or so much thereof as may be necessary to pay the general maintenance, improvements and repairs and miscellaneous items of the Experiment Station at the Agricultural College, Fargo, North Dakota, and its branch stations, for the biennium beginning July 1st, 1933, and ending June 30th, 1935, to-wit:

SALARIES, WAGES AND OPERATING EXPENSE —
MAIN STATION:

1. Administration \$ 6,624.00
2. Station staff, other employees and labor..... 156,410.00
3. Operating Expense 70,000.00

TOTAL MAINTENANCE \$233,034.00
Less estimated income..... 233,034.00

TOTAL NET MAINTENANCE..... none

IMPROVEMENTS AND REPAIRS:

1. General repairs 3,000.00

MISCELLANEOUS:

1. Heat, Light, Water, Power and Campus Service 40,000.00
2. Fire and Tornado Insurance..... 1,108.86
3. Workmen's Compensation Insurance 6,224.18

BRANCH STATIONS:

1. Dickinson	5,000.00
2. Edgeley	2,000.00
3. Hettinger	2,000.00
4. Langdon	2,000.00
5. Williston	2,000.00
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TOTAL	\$ 63,333.04

CHAPTER 33

H. B. No. 25—(Committee on Appropriations.)

AGRICULTURAL COLLEGE EXTENSION DIVISION—
PARTIAL VETO

An Act making an appropriation for the purpose hereinafter shown, of moneys available to the Extension Division of the Agricultural College.

TO THE HONORABLE THE SECRETARY OF STATE:

At 10:00 P. M. on March 17th, 1933, I approve House Bill No. 25 as to items and the appropriations made for the following items in said bill are reduced to the amounts hereinafter mentioned, and as so reduced the said bill and items are approved, and as to all sums in excess of said reduced amounts for said items, the said bill or items are disapproved.

Item 1, "County Agents," is reduced by me to....	\$ 50,710.00
Item 2, "Field Agents (Agriculture)" is reduced by me to.....	42,449.00
Item 3, "Field Agents (Home Economics)" is reduced by me to.....	25,930.00
Item 5, "Home Demonstration (Home Makers Club)", is reduced by me to.....	16,354.00
Item 8, "Maintenance," is reduced by me to.....	9,000.00

These reductions are necessary because of low tax receipts and the present condition of the State's finances.

Very respectfully,

WILLIAM LANGER,
Governor.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$10,000.00 or so much thereof as may be necessary to pay such expenses in carrying out the work of the Extension Division of the Agricultural College, Fargo, North Dakota, and assist in carrying out the provisions of the Smith-Lever Federal Aid Work in the Agricultural Demonstration, as provided for under Chapter 5,

Session Laws of 1915, for the biennium beginning July 1st, 1933, and ending June 30th, 1935, to-wit:

1. County Agents	\$ 55,710.00
2. Field Agents (Agriculture).....	44,449.00
3. Field Agents (Home Economics).....	26,930.00
4. Boys' and Girls' Club Work.....	13,150.00
5. Home Demonstration (Homemakers' Club)...	17,354.00
6. Publicity and Publications	11,158.00
7. Administration	14,122.00
8. Maintenance	20,000.00
TOTAL	\$202,873.00
State appropriations for maintenance.....	10,000.00
TOTAL	\$212,873.00
Less estimated income.....	202,873.00
TOTAL NET APPROPRIATION	\$ 10,000.00

CHAPTER 34

H. B. No. 13—(Committee on Appropriations.)

STATE SCHOOL FOR THE BLIND

An Act making an appropriation for the general maintenance, improvements and repairs, equipment and miscellaneous expenses of the State School for the Blind, at Bathgate.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of moneys in the State Treasury, not otherwise appropriated, the sum of \$29,118.00, or so much thereof as may be necessary to pay the general maintenance, equipment, improvements and repairs and miscellaneous expenses of the State School for the Blind at Bathgate, for the biennium beginning July 1st, 1933, and ending June 30th, 1935, to-wit:

SALARIES AND WAGES:

1. Administration	\$ 4,800.00
2. Faculty	8,568.00
3. Other Employees	8,000.00

OPERATING EXPENSE:

1. Fuel (including freight).....	5,300.00
2. Light, Power, Water, Gas.....	1,000.00
3. Telephone, Telegraph, Postage	400.00
4. Freight and Express.....	200.00
5. Insurance, Bonds, etc.	1,350.00
6. Printing	150.00
7. Travel	250.00

8. Office Supplies	150.00
9. Educational Supplies	700.00
10. Power House Supplies	250.00
11. Janitor's Supplies	150.00
12. Student's Welfare	200.00
13. Food (including meats, etc.).....	6,000.00
14. Clothing	300.00
15. Hospital and Medical Service.....	450.00
16. Laundry Cost	200.00
17. Farm and Garden	1,000.00
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TOTAL MAINTENANCE	39,418.00
Less estimated income, all sources.....	13,000.00
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NET MAINTENANCE	\$ 26,418.00
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IMPROVEMENTS AND REPAIRS:	
1. General Repairs	1,000.00
EQUIPMENT:	
1. Kitchen Utensils	200.00
2. Furniture, Beds and Bedding.....	300.00
3. Books and Musical Instruments.....	350.00
4. Replacement, Plumbing and Steam Fitting..	400.00
MISCELLANEOUS ITEMS:	
1. Care of Blind Babies.....	450.00
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TOTAL	\$ 29,118.00

Approved March 9, 1933.

CHAPTER 35

S. B. No. 46—(Committee on Appropriations.)

CAPITOL BUILDINGS AND GROUNDS—PARTIAL VETO

An Act making an appropriation for the maintenance of the State Capitol and for improvements, rents, repairs, insurance and upkeep of grounds.

TO THE HONORABLE THE SECRETARY OF STATE:

At 5:57 P. M. on March 16, 1933, I approve Senate Bill No. 46. in the total sum of \$69,050.00 and disapprove it in all sums in excess of that amount, and the appropriations made for the following items in said bill are reduced to the amounts hereinafter mentioned, and as so reduced the said bill and items are approved, and as to all sums in excess of said reduced amounts for said items, the said bill or items are disapproved.

"Maintenance," is reduced by me to.....\$50,000.00
 "Improvements and repairs," is reduced by me to... 2,500.00

"Trees, shrubbery, roads and sidewalks," is reduced
by me to..... 1,000.00

The reductions are made because of the low tax returns in the present period of depression.

Very respectfully,

WILLIAM LANGER,
Governor.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$78,626.00 or so much thereof as may be necessary for the maintenance, improvements and repairs, rents, insurance, upkeep of grounds and miscellaneous of the State Capitol Buildings. Unless otherwise specifically stated, the appropriations herein made shall be for the biennium beginning July 1st, 1933, and ending June 30th, 1935, to-wit:

Maintenance	\$56,076.00
Improvements and repairs.....	5,000.00
Office Rental	10,390.00
Insurance and Workmen's Compensation.....	4,160.00
Trees, shrubbery, roads and sidewalks.....	3,000.00
TOTAL	<u>\$78,626.00</u>

CHAPTER 36

S. B. No. 275—(Appropriations Committee.)

REIMBURSEMENT CAPITOL MAINTENANCE FUND

An Act to appropriate One Thousand Five Hundred Ninety-one Dollars and Ninety-five Cents (\$1591.95) to the State Capitol Maintenance Fund as reimbursement for certain bills paid out of such fund in connection with the Twenty-third Legislative Assembly, and declaring an emergency.

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

§ 1. There is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated the sum of One Thousand Five Hundred Ninety-one Dollars and Ninety-five Cents (\$1,591.95) or so much thereof as may be necessary to the State Capitol Maintenance Fund to reimburse said fund for the following payments made or to be made from the current appropriation therefor in connection with the housing and operation of the Twenty-third Legislative Assembly as follows:

James W. Guthrie, Carpenter Work and Material....	\$1,035.41
R. A. Middaugh, Varnishing and Staining, Material and Labor	112.22

Frank G. Grambs, Plumbing Material and Labor.....	7.85
Frank G. Grambs, Plumbing Material and Labor.....	53.61
Bismarck Paint and Glass Co., 1 Quart Stain.....	.90
Lyman W. Morely, Electrical Work and Material....	126.28
Myers Broadcasting Company, Broadcasting Inauguration	211.25
Northwestern Bell Telephone Co., Bill for January...	19.90
Melville Electric Shop, Wiring City Auditorium.....	24.53

\$1,591.95

§ 2. EMERGENCY.] Whereas, the above sums have been paid or will be paid for the benefit of the Legislative Assembly out of the appropriation for Capitol Building Maintenance for the biennium of 1931-1933, and there remains in said fund after such payments insufficient funds to meet its requirements, now, therefore, an emergency is hereby declared to exist and this act shall be in full force and effect immediately upon its passage and approval and the amount hereby appropriated shall be made immediately available.

Approved March 6, 1933.

CHAPTER 37

S. B. No. 14—(Committee on Appropriations.)

NORTH DAKOTA CHILDREN'S HOME AND AID SOCIETY

An Act Making an appropriation for the North Dakota Children's Home and Aid Society of Fargo, North Dakota.

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

§ 1. APPROPRIATION, METHOD OF EXPENDITURE.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$10,000.00 for the biennium beginning July 1st, 1933, and ending June 30th, 1935, or so much thereof as may be necessary, to the Children's Welfare Bureau and by its director apportioned to the North Dakota Children's Home and Aid Society in the following manner, to-wit: The sum of \$10.00 per month shall be paid the said North Dakota Children's Home and Aid Society toward the support and maintenance of each poor and indigent infant or child while their age or general condition necessitates their remaining as charges of said society, as determined by the superintendent or superior in charge.

§ 2. REPORTS AND CERTIFICATES—PAYMENTS.] The superintendent or superior in charge of said North Dakota Children's Home and Aid Society shall make monthly reports to the State Auditor, of the State of North Dakota, duly certified under oath, showing the number and classes of inmates in said institution and

the State Auditor shall thereupon pay the said institution the sum for each inmate as hereinbefore provided.

§ 3. SUPERVISION AND INSPECTION.] Said North Dakota Children's Home and Aid Society shall be subject to the supervision and inspection of the State Board of Administration as provided in the Child Welfare Act.

Approved February 7, 1933.

CHAPTER 38

S. B. No. 12—(Committee on Appropriations.)

FLORENCE CRITTENTON HOME

An Act making appropriation for poor and destitute persons, providing the methods of expenditure and audit thereof; supervision and inspection therefor.

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

§ 1. APPROPRIATION, METHOD OF EXPENDITURE.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$10,000.00 for the biennium beginning July 1st, 1933, and ending June 30th, 1935, or so much thereof as may be necessary, to the Children's Welfare Bureau and by its directors apportioned to the Florence Crittenton Home, a corporation, of Fargo, North Dakota, being a maternity home now licensed in this State, to be paid to the said Florence Crittenton Home in the following manner, to-wit: The sum of \$15.00 per month shall be paid the said institution toward the support and maintenance of each poor and indigent unmarried expectant mother, or mother, and \$10.00 per month toward the support and maintenance of each poor and indigent infant or child during the time their age or physical condition necessitates their being charges in said maternity home, as determined by the superintendent or superior in charge.

§ 2. REPORTS AND CERTIFICATES — PAYMENTS.] The superintendent or superior in charge of said Florence Crittenton Home shall make monthly reports to the State Auditor, of the State of North Dakota, duly certified under oath, showing the number and classes of inmates in said institution and the State Auditor shall thereupon pay the said institution the sum for each inmate as hereinbefore provided.

§ 3. SUPERVISION AND INSPECTION.] Said Florence Crittenton Home shall be subject to the supervision and inspection of the State Board of Administration as provided for in the Child Welfare Act.

Approved February 7, 1933.

CHAPTER 39**S. B. No. 37—(Committee on Appropriations.)****NORTH DAKOTA HOUSE OF MERCY**

An Act making an appropriation for poor and destitute persons, providing the methods of expenditure and audit thereof; supervision and inspection therefor.

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

§ 1. APPROPRIATION, METHOD OF EXPENDITURE.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$10,000.00 for the biennium beginning July 1st, 1933, and ending June 30th, 1935, or so much thereof as may be necessary, to the Children's Welfare Bureau, and by its director apportioned to the North Dakota House of Mercy, of Fargo, North Dakota, being a maternity home now licensed in this State, to be paid to said North Dakota House of Mercy in the following manner, to-wit: The sum of \$15.00 per month shall be paid the said institution toward the support and maintenance of each poor and indigent unmarried expectant mother, or mother, and \$10.00 per month toward the support and maintenance of each poor and indigent infant or child during the time their age or general condition necessitates their being charges in said maternity home, as determined by the superintendent or superior in charge.

§ 2. REPORTS AND CERTIFICATES — PAYMENTS.] The superintendent or superior in charge of said North Dakota House of Mercy shall make monthly reports to the State Auditor, of the State of North Dakota, duly certified under oath, showing the number and classes of inmates in said institution, and the State Auditor shall thereupon pay the said institution the sum for each inmate as herebefore provided.

§ 3. SUPERVISION AND INSPECTION.] Said North Dakota House of Mercy shall be subject to the supervision and inspection of the State Board of Administration as provided for in the Child Welfare Act.

Approved February 7, 1933.

CHAPTER 40**S. B. No. 45—(Committee on Appropriations.)****ST. JOHN'S ORPHANAGE**

An Act making an appropriation for St. John's Orphanage of Fargo, North Dakota.

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

§ 1. APPROPRIATION, METHOD OF EXPENDITURE.] There is hereby appropriated out of any moneys in the State Treasury, not

otherwise appropriated, the sum of \$10,000.00 for the biennium beginning July 1st, 1933, and ending June 30th, 1935, or so much thereof as may be necessary, to the Children's Welfare Bureau and by its director apportioned to the St. John's Orphanage in the following manner, to-wit: The sum of \$10.00 per month shall be paid the said St. John's Orphanage toward the support and maintenance of each poor and indigent infant or child while their age or general condition necessitates their remaining as charges in said Home, as determined by the superintendent or superior in charge.

§ 2. REPORTS AND CERTIFICATES — PAYMENTS.] The superintendent or superior in charge of said St. John's Orphanage shall make monthly reports to the State Auditor, of the State of North Dakota, duly certified under oath, showing the number and classes of inmates in said institution, and the State Auditor shall thereupon pay the said institution the sum for each inmate as hereinbefore provided.

§ 3. SUPERVISION AND INSPECTION.] Said St. John's Orphanage shall be subject to the supervision and inspection of the State Board of Administration as provided for in the Child Welfare Act.

Approved February 7, 1933.

CHAPTER 41

H. B. No. 14—(Committee on Appropriations.)

SCHOOL FOR THE DEAF—PARTIAL VETO

An Act making an appropriation for the general maintenance, improvements and repairs, equipment and miscellaneous expenses of the School for the Deaf at Devils Lake, North Dakota.

TO THE HONORABLE THE SECRETARY OF STATE:

At 5:51 P. M. on March 16th, 1933, I approve House Bill No. 14 in the total sum of \$118,805.58 and disapprove it in all sums in excess of that amount, and the appropriations made for the following items in said bill are reduced to the amounts hereinafter mentioned, and as so reduced the said bill and items are approved, and as to all sums in excess of said reduced amounts for said items, the said bill or items are disapproved.

OPERATING EXPENSE:

Item 2, "Light, Power, Water, Gas," is reduced by me to.....	\$ 2,000.00
Item 3, "Telephone, Telegraph, Postage," is reduced by me to.....	1,000.00
Item 6, "Printing," is reduced by me to.....	1,500.00
Item 16, "Farm and Garden," is reduced by me to	2,500.00

IMPROVEMENTS AND REPAIRS

Item 3, "Painting," is reduced by me to.....	400.00
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The reductions are made because of the low tax returns in the present period of depression.

Very respectfully,

WILLIAM LANGER,
Governor.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$120,905.58, or so much thereof as may be necessary to pay the general maintenance, improvements and repairs, equipment and miscellaneous expenses of the School for the Deaf at Devils Lake, North Dakota, for the biennium beginning July 1st, 1933, and ending June 30th, 1935, to-wit:

SALARIES AND WAGES:

1. Administration	\$ 9,151.08
2. Faculty	49,548.92
3. Other Employees	21,145.58

OPERATING EXPENSE:

1. Fuel (including freight).....	15,000.00
2. Light, Power, Water, Gas.....	2,500.00
3. Telephone, Telegraph, Postage.....	1,200.00
4. Trades Building Supplies.....	1,500.00
5. Insurance, Bonds, etc.	5,310.00
6. Printing	2,000.00
7. Travel	350.00
8. Office Supplies	200.00
9. Educational Supplies	1,200.00
10. Power House Supplies	500.00
11. Janitors' Supplies	1,800.00
12. Students' Welfare	600.00
13. Food (including meats, etc.)	18,000.00
14. Laundry	500.00
15. Hospital and Medical Service.....	800.00
16. Farm and Garden	3,000.00
17. Automobile and Bus upkeep.....	1,000.00
18. Kitchen Supplies	700.00
19. Bedding Linen and Dry Goods.....	1,300.00

TOTAL MAINTENANCE	\$137,305.58
Less estimated income, all sources.....	25,000.00

NET MAINTENANCE \$112,305.58

IMPROVEMENTS AND REPAIRS:

1. Heating and Plumbing	800.00
2. Electric Wiring and Supplies	500.00

3. Painting	800.00
4. General Repair of Buildings.....	850.00
EQUIPMENT:	
1. Library and Text Books.....	1,000.00
2. Furniture	850.00
3. Motion Picture Projector	500.00
4. Shops Equipment	750.00
5. Power House Equipment	1,500.00
6. Farm Equipment	150.00
7. Fire Hose and Extinguishers.....	500.00
MISCELLANEOUS ITEMS:	
1. Western Union Clock Rental.....	400.00
TOTAL	\$120,905.58

CHAPTER 42

S. B. No. 80—(Committee on Appropriations.)

INSTITUTION FOR FEEBLE MINDED—PARTIAL VETO

An Act making an appropriation for the general maintenance, improvements and repairs, equipment and miscellaneous items for the Institution for the Feeble Minded at Grafton, North Dakota.

TO THE HONORABLE THE SECRETARY OF STATE:

At 11:30 P. M. on March 17th, 1933, I approve Senate Bill No. 80 in the total sum of \$58,590.00 and disapprove it in all sums in excess of that amount, and the appropriations made for the following items in said bill are reduced to the amounts hereinafter mentioned, and as so reduced the said bill and items are approved, and as to all sums in excess of said reduced amounts for said items, the said bill or items are disapproved.

SALARIES AND WAGES:

Item 3, "Other Employees," is reduced by me to \$ 97,292.00

OPERATING EXPENSE:

Item 1, "Fuel (including freight)", is reduced by me to	50,000.00
Item 2, "Light, Power, Water, Gas," is reduced by me to	2,000.00
Item 6, "Printing," is reduced by me to.....	400.00
Item 9, "Educational Supplies," is reduced by me to	750.00
Item 10, "Power Supplies," is reduced by me to	1,000.00
Item 14, "Clothing," is reduced by me to.....	17,500.00
Item 15, "Hospital and Medical Service," is reduced by me to.....	3,000.00
Item 16, "Farm and Garden," is reduced by me to	7,000.00
Item 18, "Incidentals," is reduced by me to.....	2,000.00

IMPROVEMENTS AND REPAIRS:

Item 1, "Paints and Painting," is struck out by me.	
Item 2, "Building Repairs," is reduced by me to	2,000.00
Item 3, "Boiler House," is reduced by me to . . .	7,000.00
Item 4, "Heating and Plumbing," is reduced by me to	800.00
Item 5, "Wells and Water Tower," is reduced by me to	4,200.00

EQUIPMENT:

Item 1, "Kitchen Equipment," is reduced by me to	400.00
Item 2, "Beds and Furniture," is reduced by me to	1,200.00
Item 3, "Furnishings," is reduced by me to	800.00
Item 4, "Laundry Equipment," is reduced by me to	1,000.00

MISCELLANEOUS:

Item 1, "Land Rental," is reduced by me to . . .	4,000.00
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Such reductions are necessary because of low tax receipts and the present condition of the State finances.

Very respectfully,

WILLIAM LANGER,
Governor.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$128,044.00, or so much thereof as may be necessary to pay the general maintenance, improvements and repairs, equipment and miscellaneous items of the Institution for the Feeble Minded at Grafton, North Dakota, for the biennium beginning July 1st, 1933, and ending June 30th, 1935, to-wit:

SALARIES AND WAGES:

1. Administration	\$ 6,080.00
2. Faculty	11,828.00
3. Other employees	138,936.00

OPERATING EXPENSES:

1. Fuel (including freight)	60,000.00
2. Light, Power, Water, Gas	3,000.00
3. Telephone, Telegraph, Postage	1,000.00
4. Freight and Express	450.00
5. Insurance, Bonds, etc.	6,390.00
6. Printing	500.00
7. Travel	300.00
8. Office Supplies	700.00
9. Education Supplies	1,000.00

10. Power House Supplies	1,400.00
11. Janitors' Supplies	2,700.00
12. Patients' Welfare	800.00
13. Food (including meats, etc.)	55,000.00
14. Clothing	20,000.00
15. Hospital and Medical Service	4,000.00
16. Farm and Garden	9,000.00
17. Laundry	3,000.00
18. Incidentals	4,000.00
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TOTAL MAINTENANCE	\$330,084.00
Less estimated income, all sources.....	232,000.00
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NET MAINTENANCE	\$ 98,084.00
IMPROVEMENTS AND REPAIRS:	
1. Paints and Painting	1,000.00
2. Building Repairs	3,000.00
3. Boiler House	8,950.00
4. Heating and Plumbing	1,000.00
5. Wells and Water Tower.....	6,000.00
EQUIPMENT:	
1. Kitchen Equipment	750.00
2. Beds and Furniture	1,500.00
3. Furnishings	1,000.00
4. Laundry Equipment	1,500.00
MISCELLANEOUS ITEMS:	
1. Land Rental	5,260.00
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TOTAL	\$128,044.00

CHAPTER 43

S. B. No. 73—(Committee on Appropriations.)

SCHOOL OF FORESTRY

An Act making an appropriation for the general maintenance, improvements and repairs and equipment of the State School of Forestry at Bottineau.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$58,396.00, or so much thereof as may be necessary for the purpose of paying the general maintenance, improvements and repairs and equipment of the State School of Forestry at Bottineau, for the biennium beginning July 1st, 1933 and ending June 30th, 1935, to-wit:

SALARIES AND WAGES:

1. Administration	\$ 8,870.00
2. Faculty	30,671.00
3. Other Employees	4,050.00

OPERATING EXPENSE:

1. Fuel (including freight)	2,700.00
2. Light, Power, Water, Gas.....	720.00
3. Telephone, Telegraph, Postage	900.00
4. Freight and express	675.00
5. Insurance, Bonds, etc.	1,110.00
6. Printing	500.00
7. Travel	200.00
8. Office Supplies	400.00
9. Educational Supplies	600.00
10. Special Assessment taxes	625.00
11. Janitors' Supplies	675.00
12. Students' welfare	200.00
13. Truck Maintenance	270.00
14. Dormitory Maintenance	360.00
15. State Forestry Nursery	7,000.00
16. Forestry Extension	3,500.00
17. Reforestation and Co-op. with Federal Gov. ernment	2,500.00
18. Appraisalment	50.00

TOTAL MAINTENANCE	\$ 66,576.00
Less estimated income, all sources.....	10,000.00

NET MAINTENANCE \$ 56,576.00

IMPROVEMENTS AND REPAIRS:

1. General Repairs	500.00
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EQUIPMENT:

1. Library	270.00
2. School and Laboratory	500.00
3. State Forest Nursery Machinery.....	200.00
4. Typewriter Replacement	100.00
5. Athletic Equipment replacement	50.00
6. Agriculture—Smith-Hughes	200.00

TOTAL \$ 58,396.00

Approved March 9, 1933.

CHAPTER 44

H. B. No. 19—(Committee on Appropriations.)

HOSPITAL FOR THE INSANE—PARTIAL VETO

An Act making an appropriation for the payment of salaries and wages, and improvements and repairs for the State Hospital for the Insane at Jamestown, North Dakota.

TO THE HONORABLE THE SECRETARY OF STATE:

At 5:40 P. M. on March 16th, 1933 I approve House Bill No. 19 in the total sum of \$4,000.00 and disapprove it in all sums in excess of that amount, and the appropriations made for the following items in said bill are reduced to the amounts hereinafter mentioned, and as so reduced the said bill and items are approved, and as to all sums in excess of said reduced amounts for said items, the said bill or items are disapproved.

OPERATING EXPENSE:

Item 5, "Printing and Office Supplies," is reduced by me to	\$ 1,000.00
Item 16, "Grounds, Farm and Garden Maintenance," is reduced by me to	10,000.00
Item 17, "Household Supplies," is reduced by me to	10,000.00

IMPROVEMENTS AND REPAIRS:

Item 2, "Addition to building complete with all equipment," is struck out by me.

The reductions are made because of the low tax returns in the present period of depression.

Very respectfully,

WILLIAM LANGER,
Governor.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$65,000.00, or so much thereof as may be necessary to pay the salaries and wages, and improvements and repairs of the State Hospital for the Insane at Jamestown, North Dakota, for the biennium beginning July 1st, 1933 and ending June 30th, 1935, to-wit:

SALARIES AND WAGES:

1. Administration	\$ 9,840.00
2. Assistant Physicians, dentist and matron...	11,292.00
3. Other employees	175,952.00

OPERATING EXPENSE:

1. Fuel (including freight)	118,600.00
2. Filtration Plant	20,000.00
3. Telephone, Telegraph, Postage	2,400.00

4. Insurance, bonds, etc.	13,360.00
5. Printing and Office Supplies.....	1,500.00
6. Travel	400.00
7. Laundry supplies	8,000.00
8. Educational supplies (O. T. Dept.).....	4,000.00
9. Power House supplies	2,500.00
10. Janitors' supplies, soaps and cleansers.....	10,000.00
11. Patients' Welfare	12,000.00
12. Food (including meats, etc.).....	158,000.00
13. Clothing	30,000.00
14. Hospital, Medical and Dental service.....	8,000.00
15. Operating Physical plant	22,500.00
16. Grounds, farm and garden maintenance....	15,500.00
17. Household supplies	15,000.00
18. Autos, trucks and supplies	5,000.00
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TOTAL MAINTENANCE	\$643,844.00
Less estimated income, all sources.....	643,844.00
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IMPROVEMENTS AND REPAIRS:

1. Repair of boilers	15,000.00
2. Addition to building complete with all equip- ment	50,000.00
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TOTAL \$ 65,000.00

CHAPTER 45

S. B. No. 75—(Committee on Appropriations.)

DICKINSON NORMAL—PARTIAL VETO

An Act making an appropriation for the general maintenance, improvements and repairs, new buildings, equipment and miscellaneous expenses for the State Normal School, Dickinson, North Dakota.

TO THE HONORABLE THE SECRETARY OF STATE:

At 8:40 A. M. on March 18th, 1933, I approve Senate Bill No. 75 in the total sum of \$97,629 and disapprove it in all sums in excess of that amount, and the appropriations made for the following items, in said bill are reduced to the amounts hereinafter mentioned, and as so reduced the said bill and items are approved, and as to all sums in excess of said reduced amounts for said items, the said bill or items are disapproved.

SALARIES AND WAGES:

Item 2, "Faculty," is reduced by me to.....	\$ 80,000.00
Item 3, "Other Employees," is reduced by me to	16,500.00

OPERATING EXPENSE:

Item 2, "Light, Power, Water, Gas," is reduced by me to	2,000.00
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Item 3, "Telephone, Telegraph, Postage," is reduced by me to 1,000.00
 Item 14, "Supplies and Maintenance Dormitories," is struck out by me.

IMPROVEMENTS AND REPAIRS:

Item 1, "Electric Fixtures and lamps," is struck out by me.
 Item 2, "General repairs and upkeep," is struck out by me.
 Item 3, "Replace and refinish roofs," is struck out by me.
 Item 4, "Improvements," is struck out by me.

The reductions are made because of the low tax returns in the present period of depression.

Very respectfully,

WILLIAM LANGER,
 Governor.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$116,006.00, or so much thereof as may be necessary to pay the general maintenance, improvements and repairs, new buildings, equipment and miscellaneous expenses of the State Normal School, Dickinson, North Dakota, for the biennium beginning July 1st, 1933, and ending June 30th, 1935, to-wit:

SALARIES AND WAGES:

1. Administration	\$ 13,009.00
2. Faculty	87,478.00
3. Other employees	19,409.00

OPERATING EXPENSE:

1. Fuel (including freight)	12,000.00
2. Light, power, water, gas	2,500.00
3. Telephone, telegraph, postage	1,140.00
4. Freight and Express	360.00
5. Insurance, bonds, etc.	1,550.00
6. Printing	800.00
7. Travel	200.00
8. Office Supplies	250.00
9. Educational Supplies	1,400.00
10. Power House Supplies	900.00
11. Janitors' Supplies	1,170.00
12. Students' Welfare	1,350.00
13. Contract renewal of typewriters	560.00
14. Supplies and Maintenance Dormitories....	1,350.00

15. Operating rural car	1,000.00
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TOTAL MAINTENANCE	\$146,426.00
Less estimated incomes, all sources.....	40,000.00
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NET MAINTENANCE	\$106,426.00
IMPROVEMENTS AND REPAIRS:	
1. Electric Fixtures and lamps	250.00
2. General Repairs and upkeep	1,600.00
3. Replace and refinish roofs	1,500.00
4. Improvements	4,000.00
EQUIPMENT:	
1. Gymnasium and physical education.....	400.00
2. Office	100.00
3. Library	200.00
4. Manual training	320.00
5. Class room equipment	100.00
6. Laboratory equipment and supplies	400.00
7. Library books and periodicals.....	560.00
8. Commercial Department	100.00
MISCELLANEOUS ITEMS:	
1. Appraisal	50.00
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TOTAL	\$116,006.00

CHAPTER 46

S. B. No. 83—(Committee on Appropriations.)

MAYVILLE NORMAL—PARTIAL VETO

An Act making an appropriation for the general maintenance improvements and repairs, equipment and miscellaneous expenses of the State Normal School, Mayville, North Dakota:

TO THE HONORABLE THE SECRETARY OF STATE:

At 5:30 P. M. on March 16th, 1933 I approve Senate Bill No. 83 in the total sum of \$92,756.00 and disapprove it in all sums in excess of that amount, and the appropriations made for the following items in said bill are reduced to the amounts hereinafter mentioned, and as so reduced the said bill and items are approved, and as to all sums in excess of said reduced amounts for said items, the said bill or items are disapproved.

SALARIES AND WAGES:

Item 2, "Faculty," is reduced by me to.....	\$ 80,000.00
Item 3, "Other Employees," is reduced by me to	13,000.00

OPERATING EXPENSE:

Item 2, "Light, Power, Water, Gas," is reduced by me to	5,000.00
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Item 3, "Telegraph, Telephone, Postage," is reduced by me to	1,000.00
IMPROVEMENTS AND REPAIRS:	
Item 3, "Shingling Main Building," is reduced by me to	800.00
Item 6, "Heat Control—New Gymnasium," is struck out by me.	
EQUIPMENT:	
Item 1, "Replacement of Equipment," is reduced by me to	500.00
Item 3, "Library," is reduced by me to.....	500.00

The reductions are made because of the low tax returns in the present period of depression.

Very respectfully,

WILLIAM LANGER,
Governor.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$101,947.00, or so much thereof as may be necessary to pay the general maintenance, improvements, and repairs, equipment and miscellaneous items of the State Normal School at Mayville, for the biennium beginning July 1st, 1933 and ending June 30th, 1935, to-wit:

SALARIES AND WAGES:	
1. Administration	\$ 10,331.00
2. Faculty	84,409.00
3. Other employees	14,137.00
OPERATING EXPENSE:	
1. Fuel (including freight)	16,000.00
2. Light, Power, Water, Gas.....	6,000.00
3. Telegraph, Telephone, Postage	1,320.00
4. Freight and express	800.00
5. Insurance, Bonds, etc.	4,600.00
6. Printing	800.00
7. Travel	200.00
8. Office Supplies	400.00
9. Educational Supplies	2,000.00
10. Power House Supplies	1,000.00
11. Janitors' supplies	1,000.00
12. Students' Welfare	1,000.00
13. Extension	2,000.00
14. Commencement Supplies	200.00
15. Truck, Car, Bus maintenance	1,000.00

16. City Practice Teaching.....	1,000.00
17. Rural Practice Teaching	1,000.00
18. Grounds	100.00
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TOTAL MAINTENANCE	\$149,297.00
Less estimated income, all sources.....	55,000.00
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NET MAINTENANCE	\$ 94,297.00
IMPROVEMENTS AND REPAIRS:	
1. Plumbing, heating, ventilating	600.00
2. General Repairs	1,000.00
3. Shingling main building	2,000.00
4. Painting (general)	200.00
5. Tubes and linings, boiler No. 1.....	800.00
6. Heat Control—New Gymnasium.....	125.00
EQUIPMENT:	
1. Replacement of equipment	1,000.00
2. Typewriters	250.00
3. Library	1,000.00
4. Filing equipment	100.00
5. Physical Education equipment	100.00
6. New Equipment, Class Rooms and offices..	100.00
7. Adding Machine	75.00
MISCELLANEOUS ITEMS:	
1. Appraisal	100.00
2. Miscellaneous items (not budgeted)	200.00
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TOTAL	\$101,947.00

CHAPTER 47

S. B. No. 76—(Committee on Appropriations.)

MINOT NORMAL—PARTIAL VETO

An Act making an appropriation for the general maintenance, improvements and repairs, equipment and miscellaneous items of the State Normal School, Minot, North Dakota.

TO THE HONORABLE THE SECRETARY OF STATE:

At 5:29 P. M. on March 16th, 1933 I approve Senate Bill No. 76 in the total sum of \$172,938.00 and disapprove it in all sums in excess of that amount, and the appropriations made for the following items in said bill are reduced to the amounts hereinafter mentioned, and as so reduced the said bill and items are approved, and as to all sums in excess of said reduced amounts for said items, the said bill or items are disapproved.

SALARIES AND WAGES:

Item 2, "Faculty," is reduced by me to..... \$165,000.00
 Item 3, "Other Employees," is reduced by me to 28,800.00

OPERATING EXPENSE:

Item 1, "Fuel," is reduced by me to.....	21,000.00
Item 9, "Educational Supplies," is reduced by me to	5,300.00
Item 11, "Janitors' Supplies," is reduced by me to	2,000.00

IMPROVEMENTS AND REPAIRS:

Item 1, "General Repairs," is reduced by me to	1,000.00
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The reductions are made because of the low tax returns in the present period of depression.

Very respectfully,

WILLIAM LANGER,
Governor.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$187,375.00, or so much thereof as may be necessary to pay the general maintenance, improvements and repairs, equipment and miscellaneous items of the State Normal School, Minot, North Dakota, for the biennium beginning July 1st, 1933 and ending June 30th, 1935, to-wit:

SALARIES AND WAGES:

1. Administration	\$ 16,483.00
2. Faculty	174,001.00
3. Other employees	29,056.00

OPERATING EXPENSE:

1. Fuel (including freight)	22,500.00
2. Light, Power, Water, Gas	1,800.00
3. Telephone, Telegraph, Postage	1,800.00
4. Freight and Express	1,350.00
5. Insurance, Bonds, etc.	2,600.00
6. Printing	1,200.00
7. Travel	200.00
8. Office Supplies	675.00
9. Educational Supplies	6,300.00
10. Power House supplies	800.00
11. Janitors' supplies	2,880.00
12. Students' Welfare	1,350.00
13. Campus Maintenance	700.00
14. Dormitory	700.00
15. Operating Rural Department cars and truck	700.00
16. Library supplies	180.00

TOTAL MAINTENANCE	\$265,375.00
Less estimated income, all sources.....	87,000.00

NET MAINTENANCE	\$178,375.00
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IMPROVEMENTS AND REPAIRS:	
1. General Repairs	2,000.00
EQUIPMENT:	
1. Library books and periodicals.....	1,000.00
2. General	1,000.00
MISCELLANEOUS ITEMS:	
1. Taxes and special improvements.....	5,000.00
2. Appraisements	100.00
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TOTAL	\$187,375.00

CHAPTER 48

S. B. No. 74—(Committee on Appropriations.)

VALLEY CITY NORMAL—PARTIAL VETO

An Act making an appropriation for the general maintenance, improvements and repairs, equipment and miscellaneous items of the State Normal School at Valley City, North Dakota.

TO THE HONORABLE THE SECRETARY OF STATE:

At 11:45 P. M. on March 17th, 1933, I approve Senate Bill No. 74 in the total sum of \$161,859.39 and disapprove it in all sums in excess of that amount, and the appropriations made for the following items in said bill are reduced to the amounts hereinafter mentioned, and as so reduced the said bill and items are approved, and as to all sums in excess of said reduced amounts for said items, the said bill or items are disapproved.

SALARIES AND WAGES:

Item 2, "Faculty," is reduced by me to.....	\$165,000.00
Item 3, "Other Employees," is reduced by me to	30,000.00

OPERATING EXPENSE:

Item 2, "Light, Power, Water, Gas," is reduced by me to	2,000.00
Item 9, "Educational Supplies," is reduced by me to	4,300.00
Item 10, "Power House Supplies," is reduced by me to	2,000.00
Item 11, "Janitors' Supplies," is reduced by me to	2,500.00

IMPROVEMENTS AND REPAIRS:

Item 1, "General," is reduced by me to.....	5,000.00
Item 3, "Care and Improvement of grounds, drives, walks," is struck out by me.	

EQUIPMENT:

Item 2, "Furniture, apparatus and machinery," is struck out by me.

MISCELLANEOUS ITEMS:

Item 2, "Rural Teachers Training Department,"
is reduced by me to..... 5,000.00

The reductions are made because of the low tax returns in the present period of depression.

Very respectfully,

WILLIAM LANGER,
Governor.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$183,881.61, or so much thereof as may be necessary to pay the general maintenance, improvements and repairs, equipment and miscellaneous items of the State Normal School at Valley City, North Dakota, for the biennium beginning July 1st, 1933 and ending June 30th, 1935, to-wit:

SALARIES AND WAGES:

1. Administration	\$ 16,805.00
2. Faculty	169,212.00
3. Other employees	37,760.00

OPERATING EXPENSE:

1. Fuel (including freight)	27,000.00
2. Light, Power, Water, Gas	2,700.00
3. Telephone, Telegraph, Postage	1,800.00
4. Freight, Express	900.00
5. Insurance, Bond, etc.	6,400.00
6. Printing	1,350.00
7. Travel	200.00
8. Office Supplies	540.00
9. Educational Supplies	6,300.00
10. Power House Supplies	4,000.00
11. Janitors' Supplies	3,150.00
12. Students' Welfare	1,350.00

TOTAL MAINTENANCE	\$279,467.00
Less estimated income all sources.....	117,000.00

NET MAINTENANCE \$162,467.00

IMPROVEMENTS AND REPAIRS:

1. General	7,200.00
2. Heating plant	1,200.00
3. Care and improvement of grounds, drives, walks	500.00

EQUIPMENT:

1. Library, books, periodicals, binding and supplies	1,000.00
2. Furniture, apparatus and machinery.....	1,000.00
3. Furniture for dormitories	800.00

MISCELLANEOUS ITEMS:

1. Special assessment, paving Normal & Euclid Avenues	3,564.61
2. Rural Teacher Training Department.....	6,000.00
3. Appraisals	150.00

TOTAL \$183,881.61

CHAPTER 49

S. B. No. 82—(Committee on Appropriations.)

NORMAL AND INDUSTRIAL SCHOOL, ELLENDALE

An Act making an appropriation for the general maintenance, improvements and repairs, equipment and miscellaneous expenses of the State Normal and Industrial School at Ellendale.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$54,744.00, or so much thereof as may be necessary to pay the general maintenance, improvements and repairs, equipment and miscellaneous expenses of the State Normal and Industrial School at Ellendale, for the biennium beginning July 1st, 1933 and ending June 30th, 1935, to-wit:

SALARIES AND WAGES:

1. Administration	\$ 9,340.00
2. Faculty	58,376.00
3. Other employees.....	15,018.00

OPERATING EXPENSE:

1. Fuel (including freight)	9,000.00
2. Light, Power, Water, Gas.....	900.00
3. Telephone, Telegraph, Postage	720.00
4. Freight and Express	315.00
5. Insurance, Bonds, etc.....	2,520.00
6. Printing	720.00
7. Travel	200.00
8. Office Supplies	450.00
9. Educational Supplies	2,250.00
10. Power House Supplies	450.00
11. Janitors' Supplies	720.00
12. Students' Welfare	1,350.00
13. Farm Maintenance	900.00

14. Practice Teaching, City Schools.....	900.00
15. Practice Teaching, Rural Schools.....	900.00
<hr/>	
TOTAL MAINTENANCE	\$105,029.00
Less estimated income, all sources.....	54,000.00
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NET MAINTENANCE	\$ 51,029.00
IMPROVEMENTS AND REPAIRS:	
1. Watermain	200.00
2. General Repairs	800.00
EQUIPMENT:	
1. Laboratories	500.00
2. Replacements	750.00
3. Library Books	1,125.00
MISCELLANEOUS ITEMS:	
1. Appraisal	40.00
2. Items of expense (not included in the preceding)	300.00
<hr/>	
TOTAL	\$ 54,744.00
Approved March 10, 1933.	

CHAPTER 50

H. B. No. 16—(Committee on Appropriations.)

STATE PENITENTIARY—PARTIAL VETO

An Act making an appropriation for the general maintenance, improvements and repairs, equipment and miscellaneous expenses of the State Penitentiary.

TO THE HONORABLE THE SECRETARY OF STATE:

At 8:45 A. M., on March 18th, 1933, I approve House Bill No. 16 in the total sum of \$172,706.20 and disapprove it in all sums in excess of that amount, and the appropriations made for the following items in said bill are reduced to the amounts hereinafter mentioned, and as so reduced the said bill and items are approved, and as to all sums in excess of said reduced amounts for said items, the said bill or items are disapproved.

OPERATING EXPENSE:

Item 1, "Fuel (including freight)," is reduced by me to.....	\$ 24,000.00
Item 3, "Telephone, Telegraph, Postage," is reduced by me to.....	1,800.00
Item 4, "Freight and Express," is reduced by me to	1,800.00
Item 6, "Printing," is reduced by me to.....	300.00
Item 8, "Office Supplies," is reduced by me to..	200.00

Item 10, "Power House and Electrical Supplies," is reduced by me to.....	2,000.00
Item 11, "Janitors' Supplies, Soaps and Cleansers," is reduced by me to.....	6,500.00
Item 18, "Maintenance Autos, Trucks, Tractors," is reduced by me to.....	4,000.00
Item 20, "Maintenance Farms and Shops," is reduced by me to	10,000.00

IMPROVEMENTS AND REPAIRS:

Item 1, "General," is reduced by me to.....	5,000.00
Item 2, "Plumbing Material Old Cell House" is struck out by me.	

EQUIPMENT:

Item 2, "Farm," is reduced by me to.....	800.00
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MISCELLANEOUS:

Item 1, "Rent of Land," is reduced by me to...	3,600.00
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Such reductions are necessary because of low tax receipts and the present condition of State finances.

Very respectfully,

WILLIAM LANGER,
Governor.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$192,106.20, or so much thereof as may be necessary to pay the general maintenance, improvements and repairs, equipment and miscellaneous expenses of the State Penitentiary, for the biennium beginning July 1st, 1933, and ending June 30th, 1935, to-wit:

SALARIES AND WAGES:

1. Administration	\$ 12,441.42
2. Faculty	768.00
3. Other Employees	58,296.78

OPERATING EXPENSE:

1. Fuel (including freight)	25,000.00
2. Light, Power, Water, Gas.....	2,000.00
3. Telephone, Telegraph, Postage	2,000.00
4. Freight and Express	2,000.00
5. Insurance, Bonds, etc.	12,200.00
6. Printing	400.00
7. Travel	300.00
8. Office Supplies	300.00
9. Educational Supplies	100.00
10. Power House and Electric Supplies.....	2,500.00
11. Janitors' Supplies, Soaps and Cleansers....	7,500.00

12. Inmates' Welfare	2,500.00
13. Food (including meats, etc.)	55,000.00
14. Clothing, Beds and Bedding	15,000.00
15. Hospital and Medical Service	10,000.00
16. Bertillon and Escapes	2,000.00
17. Transportation and Clothing	11,000.00
18. Maintenance Autos, Trucks, Tractors.....	5,000.00
19. Inmates' Wages	19,200.00
20. Maintenance Farms and Shops.....	11,500.00
	TOTAL MAINTENANCE
	\$257,006.20
	Less estimated income, all sources
	89,000.00
	NET MAINTENANCE
	\$168,006.20
IMPROVEMENTS AND REPAIRS:	
1. General	7,000.00
2. Plumbing Material, Old Cell House.....	10,500.00
EQUIPMENT:	
1. Kitchen	500.00
2. Farm	1,000.00
3. Plumbing, Carpenter, Blacksmith shops....	200.00
4. Hospital	200.00
MISCELLANEOUS ITEMS:	
1. Rent of land	4,700.00
	TOTAL
	\$192,106.20

CHAPTER 51

H. B. No. 203—(Thompson and Crockett.)

PENITENTIARY—TANNERY

An Act to establish a tannery at the penitentiary of the state of North Dakota and making an appropriation of two thousand dollars (\$2,000.00) for the purpose of carrying out this act.

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

§ 1. The Board of Administration is hereby authorized, empowered and directed to establish a tannery at the Penitentiary of North Dakota for the purpose of tanning hides for leather and robes.

§ 2. The Board shall hire an experienced tanner, providing there is none of the inmates capable of overseeing the work. Otherwise all work shall be done by the inmates and a correct record kept of all transactions.

§ 3. All hides for farmers must be tanned for the actual cost plus ten per cent, but hides may be purchased if deemed necessary

and leather sold at wholesale, no less than one side of leather sold to any one purchaser.

§ 4. APPROPRIATION.] There shall be appropriated out of the General Fund not otherwise appropriated the sum of Two Thousand Dollars (\$2,000.00) for the purpose of carrying out this Act.

Approved March 6, 1933.

CHAPTER 52

S. B. No. 81—(Committee on Appropriations.)

STATE SCHOOL OF SCIENCE

An Act making an appropriation for the paying of general maintenance, improvements and repairs and equipment of the State School of Science at Wahpeton, North Dakota.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$76,460.00, or so much thereof as may be necessary to pay the general maintenance, improvements and repairs and equipment of the State School of Science at Wahpeton, North Dakota, for the biennium beginning July 1st, 1933, and ending June 30th, 1935, to-wit:

SALARIES AND WAGES:

1. Administration	\$ 10,273.00
2. Faculty	73,367.00
3. Other Employees	11,025.00

OPERATING EXPENSE:

1. Fuel (including freight)	11,000.00
2. Light, Power, Water, Gas.....	4,950.00
3. Telephone, Telegraph, Postage	1,170.00
4. Freight and Express	900.00
5. Insurance, Bonds, etc.	2,340.00
6. Printing	1,900.00
7. Travel	200.00
8. Office Supplies	450.00
9. Educational Supplies	6,300.00
10. Power House Supplies	400.00
11. Janitors' Supplies	1,000.00
12. Students' Welfare	450.00
13. House Rent	3,000.00
14. Miscellaneous	2,250.00

TOTAL MAINTENANCE	\$130,975.00
Less estimated income, all sources.....	65,000.00

NET MAINTENANCE \$ 65,975.00

IMPROVEMENTS AND REPAIRS:

1. General	\$ 3,825.00
2. Installing Stoker	500.00

EQUIPMENT:

1. Trades	4,750.00
2. Library Books and Supplies.....	560.00
3. Class Room	850.00

TOTAL \$ 76,460.00

Approved March 9, 1933.

CHAPTER 53

S. B. No. 66—(Committee on Appropriations.)

STATE TRAINING SCHOOL—PARTIAL VETO

An Act making an appropriation for the general maintenance, improvements and repairs, equipment and miscellaneous expenses of the State Training School, Mandan, North Dakota.

TO THE HONORABLE THE SECRETARY OF STATE:

At 11:05 P. M., on March 17th, 1933, I approve Senate Bill No. 66, in the total sum of \$179,281.00, and disapprove it in all sums in excess of that amount, and the appropriations made for the following items in said Bill are reduced to the amounts hereinafter mentioned, and as so reduced the said Bill and items are approved, and as to all sums in excess of said reduced amounts for said items, the said Bill or items are disapproved.

SALARIES AND WAGES:

Item 3, "Other Employees," is reduced by me to \$ 44,000.00

OPERATING EXPENSE:

Item 1, "Fuel," is reduced by me to..... 17,000.00

Item 4, "Freight and Express," is reduced by me
to 1,000.00

Item 7, "Travel," is reduced by me to..... 1,500.00

Item 12, "Students' Welfare," is reduced by me to 2,500.00

Item 14, "Clothing," is reduced by me to..... 15,000.00

Item 15, "Hospital and Medical Service," is reduced by me to 7,500.00

Item 17, "Farm and Garden Maintenance," is reduced by me to..... 6,000.00

Item 20, "Carpenter and Plumbing Shops, auto trucks, repairs, gas and oils," is reduced by me to..... 4,000.00

IMPROVEMENTS AND REPAIRS:

Item 1, "Recast Water Supply Tank," is struck out by me.

Item 2, "Stucco one building," is struck out by me.

Item 3, "Boiler Repairs," is struck out by me.

Item 4, "Repairs for tunnels," is struck out by me.

Item 5, "Roof, Chapel," is struck out by me.

EQUIPMENT:

Item 4, "Household," is reduced by me to 1,500.00

MISCELLANEOUS ITEMS:

Item 2, "Land Rental," is reduced by me to 2,000.00

These reductions are made because of the low tax returns in the present period of depression.

Very respectfully,
 WILLIAM LANGER,
 Governor.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$200,319.00, or so much thereof as may be necessary to pay the general maintenance, improvements and repairs, equipment and miscellaneous expenses of the State Training School, Mandan, North Dakota, for the biennium beginning July 1st, 1933, and ending June 30th, 1935, to-wit:

SALARIES AND WAGES:

- 1. Administration \$ 8,604.00
- 2. Faculty 13,677.00
- 3. Other Employees 49,418.00

OPERATING EXPENSE:

- 1. Fuel (including freight) 18,920.00
- 2. Light, Power, Water, Gas 6,700.00
- 3. Telephone, Telegraph, Postage 1,500.00
- 4. Freight and Express 1,500.00
- 5. Insurance, Bonds, etc. 13,700.00
- 6. Printing 300.00
- 7. Travel 2,000.00
- 8. Office Supplies 300.00
- 9. Education Supplies 1,500.00
- 10. Power House Supplies 3,000.00
- 11. Janitors' Supplies 1,500.00
- 12. Students' Welfare 3,500.00
- 13. Food (including meats, etc.) 40,000.00
- 14. Clothing 16,000.00
- 15. Hospital and Medical Service 10,000.00
- 16. Students' Wage 250.00

17. Farm and Garden Maintenance	8,000.00
18. Laundry Supplies	1,400.00
19. Grounds	200.00
20. Carpenter and plumbing shops, auto trucks repairs, gas and oils	5,000.00
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TOTAL MAINTENANCE	\$206,969.00
Less estimated income, all sources.....	19,000.00
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NET MAINTENANCE	\$187,969.00
IMPROVEMENTS AND REPAIRS:	
1. Recast Water Supply Tank	1,500.00
2. Stucco one building	1,000.00
3. Boiler Repairs	1,000.00
4. Repairs for tunnels	500.00
5. Roof, chapel	700.00
EQUIPMENT:	
1. Vocational and Shop	500.00
2. Office	250.00
3. Library	500.00
4. Household	2,000.00
MISCELLANEOUS ITEMS:	
1. Burial Expense and rewards	900.00
2. Land Rental	3,000.00
<hr/>	
TOTAL	\$200,319.00

CHAPTER 54

H. B. No. 15—(Committee on Appropriations.)

TUBERCULOSIS SANATORIUM

An Act making an appropriation for the general maintenance, improvements and repairs, and equipment for the Tuberculosis Sanatorium at San Haven, North Dakota.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$91,494.20, or so much thereof as may be necessary for paying the general maintenance, improvements and repairs and equipment of the Tuberculosis Sanatorium at San Haven, North Dakota, for the biennium beginning July 1st, 1933 and ending June 30th, 1935, to-wit:

SALARIES AND WAGES:

1. Administration	\$ 8,788.80
2. Other Employees	90,222.40

OPERATING EXPENSE:	
1. Fuel (including freight)	37,000.00
2. Telephone, Telegraph, Postage	1,100.00
3. Freight and Express	3,800.00
4. Insurance, Bonds, etc.	6,283.00
5. Printing	600.00
6. Travel	200.00
7 Office Supplies	800.00
8. Educational Supplies	400.00
9. Power House Supplies	1,500.00
10. Janitors' Supplies	2,000.00
11. Patients' Welfare	1,800.00
12. Food (including meats, etc.)	95,000.00
13. Clothing, Bedding, etc.	5,000.00
14. Hospital and Medical Supplies	15,000.00
15. Farm, Garden, Dairy	12,000.00
16. Laundry, water softening supplies	4,000.00
17. Refunds	1,000.00
18. Auto and Truck maintenance	2,000.00
19. Dishes, crockery, glassware	1,200.00
	<hr/>
TOTAL MAINTENANCE	\$289,694.20
Less estimated income, all sources	208,000.00
	<hr/>
NET MAINTENANCE	\$ 81,694.20
IMPROVEMENTS AND REPAIRS:	
1. General	2,000.00
2. Hydrants and water mains	1,950.00
3. Root cellar extension	1,000.00
4. Addition to boys' cottage	1,500.00
EQUIPMENT:	
1. Kitchen equipment	500.00
2. Power House equipment	1,200.00
3. Infirmary equipment	850.00
4. Replacement of furniture	300.00
5. Farm equipment	500.00
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TOTAL	\$ 91,494.20

Approved March 9, 1933.

CHAPTER 55

H. B. No. 21—(Committee on Appropriations.)

UNIVERSITY—PARTIAL VETO

An Act making an appropriation to pay for the general maintenance, improvement and repairs, public health laboratories, lignite testing, clay testing and miscellaneous expenses of the State University at Grand Forks, North Dakota.

TO THE HONORABLE THE SECRETARY OF STATE:

At 8:30 A. M. on March 18th, 1933, I approve House Bill No. 21 in the total sum of \$518,823.00 and disapprove it in all sums in excess of that amount, and the appropriations made for the following items in said bill are reduced to the amounts hereinafter mentioned, and as so reduced the said bill and items are approved, and as to all sums in excess of said reduced amounts for said items, the said bill or items are disapproved.

MAINTENANCE—PROPERTY:

Item 3, "Power Plant (direct and indirect)," is
reduced by me to\$89,000.00

Such reductions are necessary because of low tax receipts and the present condition of State finances.

Very respectfully,

WILLIAM LANGER,
Governor.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$523,823.00, or so much thereof as may be necessary to pay the general maintenance of the State University at Grand Forks, North Dakota, together with improvements and repairs, miscellaneous items, public health laboratories, lignite testing and clay testing, for the biennium beginning July 1st, 1933, and ending June 30th, 1935, to-wit:

MAINTENANCE—EDUCATIONAL DEPARTMENT:

1. College of Engineering	\$ 81,202.00
2. College of Liberal Arts	161,513.00
3. School of Commerce	28,483.00
4. School of Education	90,429.00
5. School of Law	21,629.00
6. School of Medicine	21,056.00
7. Military Training	5,000.00
8. Physical Training	5,000.00
9. Library	18,040.00
10. Office of Dean of Women	5,380.00
11. General Educational Service	5,000.00

12. Dispensary	3,495.00
Correspondence Courses and Emergency Fund ...	25,077.00
MAINTENANCE—ADMINISTRATION:	
1. President's Office	10,359.00
2. Business Office	14,991.00
3. Registrar's Office	13,811.00
4. Stenographic Bureau	8,182.00
5. Telephone and Telegraph	5,000.00
6. Publication and General Printing	3,500.00
MAINTENANCE—PROPERTY:	
1. Grounds and Property	7,842.00
2. Buildings Maintenance, Including Janitors, Repairs, etc.	25,000.00
3. Power Plant (direct and indirect)	94,000.00
4. Office of Supt. of Buildings and Grounds..	20,000.00
TOTAL MAINTENANCE	\$673,989.00
Less estimated income	197,200.00
NET MAINTENANCE	\$474,789.00
MISCELLANEOUS	\$ 24,658.00
PUBLIC SERVICE:	
1. Public Health Laboratories—	
(a) Main Laboratory at University	\$ 14,324.00
(b) Substation, Bismarck	7,052.00
TOTAL	\$ 21,376.00
Less local income	4,000.00
	\$ 17,376.00
2. Lignite Testing and Investigations.....	5,000.00
TOTAL FOR ALL PURPOSES	\$523,823.00

CHAPTER 56

H. B. No. 152—(McManus.)

**PURCHASE OF LAND FOR INTERNATIONAL PEACE GARDEN—
PARTIAL VETO**

An Act appropriating \$11,200.00 to the International Peace Garden for the purchase of certain land located in Rolette County, State of North Dakota; restricting its alienation and exempting the same from taxation.

TO THE HONORABLE THE SECRETARY OF STATE:

At 11:35 P. M. on March 17th, 1933, I approve House Bill No. 152, in the total amount of \$9,175.00. I withhold my approval of the

remainder of said appropriation because I believe that the price per acre for the land described, as suggested in the Act, is excessive.

Very respectfully,

WILLIAM LANGER,
Governor.

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

§ 1. There is hereby appropriated to the International Peace Garden, a corporation organized and existing under the laws of the State of New York, the sum of \$11,200.00 or so much thereof as may be necessary for the purpose of purchasing the following described land, situated in the County of Rolette and the State of North Dakota, to-wit: The South Half of the Southeast quarter, the South Half of the Southwest quarter, and Lots Numbered one, two, three and four, of Section Twenty-five, in Township One Hundred Sixty-four, North of Range Seventy-three, West of the Fifth Principal Meridian, to be used and maintained as an International Peace Garden, as a memorial to commemorate the long existing relationship of peace and good will between the people and governments of Canada and the United States.

§ 2. Such funds to become available upon the International Peace Garden, a New York Corporation, either filing its articles of incorporation with the Secretary of State, or re-incorporating under the laws of the State of North Dakota.

§ 3. And upon the presentation and filing with the State Treasurer, a duplicate originals of the instrument or deeds of conveyance showing that said lands are to be used and maintained by said International Peace Garden in connection with other lands in the State of North Dakota and in the Province of Manitoba, Dominion of Canada, as a memorial to commemorate the long existing relationship of peace and good will between the people and governments of Canada and the United States. Which instrument or deed of conveyance shall contain a restriction or provision that when and if the lands hereinbefore described shall, at any time cease to be used and maintained as an International Peace Garden, the same shall revert to the State of North Dakota and upon such reversion shall become the absolute property of the State of North Dakota, and further contain a reservation or provision that while the title to said land is in the International Peace Garden, Incorporated, the said International Peace Garden shall not in any manner alienate or encumber the same or in any manner dispose of the same, or any interest therein.

§ 4. That while the title to said land purchased is in the International Peace Garden, Incorporated, and used and maintained as an International Peace Garden, in accordance with the intent and

purposes of this act, the said land shall not be subject to taxation for local, county or state purposes.

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

CHAPTER 57

S. B. No. 18—(Committee on Appropriations)

LIVE STOCK SANITARY BOARD — PARTIAL VETO

An Act making an appropriation for the per diem, salaries and general expenses of the State Live Stock Sanitary Board.

TO THE HONORABLE THE SECRETARY OF STATE:

At 11:20 P. M. on March 17th, 1933, I approve Senate Bill No. 18 in the total sum of \$15,820.00 and disapprove it in all sums in excess of that amount, and the appropriations made for the following items in said bill are reduced to the amounts hereinafter mentioned, and as so reduced the said bill and items are approved, and as to all sums in excess of said reduced amounts for said items, the said bill or items are disapproved.

Item "Postage," is reduced by me to.....	\$	300.00
Item "Printing," is reduced by me to.....		175.00
Item "Miscellaneous," is reduced by me to.....		100.00
Item "Travel Expense and Services Board's Agents," is reduced by me to		7,000.00

Such reductions are necessary because of low tax receipts and the present condition of State finances.

Very respectfully,
 WILLIAM LANGER,
 Governor.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$19,325.00 or so much thereof as may be necessary to pay the general expenses of the State Live Stock Sanitary Board for the biennium beginning July 1st, 1933 and ending June 30th, 1935, to-wit:

Salary—Executive Officer and State Veterinarian	\$	4,800.00
Clerkhire: Stenographer and Clerk		2,000.00
Postage		400.00
Office Supplies		150.00
Printing		375.00
Miscellaneous		300.00
Travel Expense and Services Board's Agents		10,000.00

Insurance Workmen's Compensation Bureau	500.00
Compensation and Expenses of Members of State Live Stock Sanitary Board	800.00
TOTAL	\$ 19,325.00

CHAPTER 58

S. B. No. 50—(Committee on Appropriations.)

MINIMUM WAGE DEPARTMENT

An Act making an appropriation for the purpose of paying salary and miscellaneous general expenses of the Department of Minimum Wage.

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

§ I. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$3,832.00, or so much thereof as may be necessary to pay salary and all miscellaneous and general expenses in carrying out the provisions of Chapter 174, Laws of 1919, the same being Sections 396B1 to 396B16 of the Supplement to the 1913 Compiled Laws of North Dakota, and amendments thereto, relative to minimum wage, for the biennium beginning July 1st, 1933 and ending June 30th, 1935, to-wit:

Salary	\$ 2,462.00
Postage	200.00
Office Supplies	50.00
Printing	140.00
Miscellaneous	80.00
Travel Expense	500.00
Hearings, Conferences, Witness and Legal Fees..	400.00
TOTAL	\$ 3,832.00

Approved March 10, 1933.

CHAPTER 59

H. B. No. 7—(Committee on Appropriations.)

NATIONAL GUARD

An Act making an appropriation to provide funds for the maintenance of the North Dakota National Guard or State Militia, as provided for under Chapter 35 of the Political Code of the Compiled Laws of North Dakota, for the year 1913 and amendments thereto, and to meet other requirements prescribed by the Federal Statutes.

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

§ I. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum

of \$45,000.00, or so much thereof, as may be necessary to provide proper maintenance for the North Dakota National Guard or State Militia, as prescribed in Chapter 35 of the Political Code of the Compiled Laws of North Dakota for the year 1913 and amendments thereto, and to meet other requirements prescribed by the Federal Statutes, for the biennium beginning July 1st, 1933 and ending June 30th, 1935.

Approved March 7, 1933.

CHAPTER 60

H. B. No. 209—(Godwin.)

STATE-WIDE VALUATION PUBLIC UTILITY PROPERTIES

An Act making an appropriation for the State-wide valuation by the Board of Railroad Commissioners, of the property of Public Utilities subject to the provisions of Chapter 192, Session Laws of 1919, (Sections 4609c1, et seq. of the 1925 Supplement to the 1913 Compiled Laws) provided for in Section 37, 38 and 39 of said Chapter 192, Session Laws of 1919, (Sections 4609c37, 4609c38 and 4609c39 of the 1925 Supplement to the 1913 Compiled Laws).

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

§ 1. There is hereby appropriated out of any funds in the State Treasury, not otherwise appropriated, the sum of Twenty-five Thousand (\$25,000.00) Dollars, or so much thereof as may be necessary, for the purpose of carrying out the provisions of Sections 37, 38 and 39 of Chapter 192, Session Laws of 1919, (Sections 4609c37, 4609c38 and 4609c39, of the 1925 Supplement to the 1913 Compiled Laws) relative to the State-wide valuation of public utility properties by the Board of Railroad Commissioners, such fund to be known as the Utility Valuation Fund of the Board of Railroad Commissioners.

§ 2. EMERGENCY.] An emergency is hereby declared to exist and does exist and this Act shall be in force and effect from and after its passage and approval.

Approved March 9, 1933.

CHAPTER 61

S. B. No. 225—(Committee on Appropriations.)

MISCELLANEOUS REFUNDS

An Act making an appropriation for the purpose of refunding money erroneously paid into or credited to the general fund.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the

sum of \$1,500.00, for the biennium beginning July 1st, 1933, and ending June 30, 1935, or so much thereof as may be necessary for the purpose of making certain refunds out of the General Fund and which is known as the Miscellaneous Refunds Account, used for the purpose of refunding money erroneously paid into or credited to the General Fund.

Approved March 4, 1933.

CHAPTER 62

S. B. No. 233—(Committee on Education.)

STATE EQUALIZATION FUND FOR SCHOOLS

An Act to appropriate the sum of Two Hundred Thousand Dollars (\$200,000.00) for the State Equalization Fund for schools.

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

§ 1. There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, the sum of two hundred thousand (\$200,000.00) dollars for the State Equalization Fund to be expended and disbursed in accordance with the provisions of law, relating to the State Equalization Fund for Schools, for the biennium, beginning July 1, 1933, and ending June 30, 1935.

Approved March 9th, 1933.

CHAPTER 63

S. B. No. 51—(Committee on Appropriations.)

STATE SEED DEPARTMENT—PARTIAL VETO

An Act making an appropriation for the purpose of defraying the expenses of the maintenance and operation of the State Seed Department.

TO THE HONORABLE THE SECRETARY OF STATE:

At 5:53 P. M. on March 16th, 1933, I approve Senate Bill No. 51 in the total sum of \$10,840.00 and disapprove it in all sums in excess of that amount, and the appropriations made for the following items in said bill are reduced to the amounts hereinafter mentioned, and as so reduced the said bill and items are approved, and as to all sums in excess of said reduced amounts for said items, the said bill or items are disapproved.

Item "Clerkhire, General Service and Regulatory Work, Operating Expense, and Equipment" is reduced by me to \$ 7,000.00

The reductions are made because of the low tax returns in the present period of depression.

Very respectfully,
 WILLIAM LANGER,
 Governor.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$13,840.00, or so much thereof as may be necessary for the purpose of defraying the expenses of the maintenance and operation of the State Seed Department as prescribed by Chapter 258 and Chapter 214, Session Laws of North Dakota for 1931, and in carrying out the provisions of any law imposing duties or conferring powers on the State Seed Commissioner, for the biennium beginning July 1st, 1933, and ending June 30th, 1935, to-wit:

Salary State Seed Commissioner.....	\$ 3,840.00
Clerkhire, General Service and Regulatory Work,	
Operating Expense and equipment	10,000.00

TOTAL	\$ 13,840.00

CHAPTER 64

S. B. No. 314—(Bonzer)

TRANSFER PERMANENT HAIL SURPLUS FUND

An Act providing funds for the State with which to pay interest on its real estate bonds; transferring and loaning funds from the permanent surplus fund of the state hail insurance department; providing for the repayment thereof and declaring an emergency.

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

§ 1. There is hereby transferred into and loaned to the Real Estate Bond Interest Payment Fund established and created by Chapter 182 Laws of 1929, from the Permanent Hail Surplus Fund established and created by Chapter 189b6 Supplement to the 1913 Compiled Laws of North Dakota, the sum of five hundred thousand (\$500,000.00) dollars to be used in the payment of interest now due or to become due on said bonds. The said sum of five hundred thousand (\$500,000.00) dollars to be transferred and paid back to the Permanent Hail Surplus Fund on or before January 1, 1939, with interest at the rate of two per cent (2%) per annum out of any funds available in the said bond interest payment fund.

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

Approved March 7, 1933.

CHAPTER 65

S. B. No. 52—(Committee on Appropriations.)

VETERANS' SERVICE COMMISSIONER—PARTIAL VETO

An Act making an appropriation for the purpose of paying salary, clerk-hire, travel and general expenses of the office of Veterans' Service Commissioner as prescribed by Chapter 281, Laws of 1927 and Chapter 74, Laws of 1929.

TO THE HONORABLE THE SECRETARY OF STATE:

At 5:31 P. M. on March 16th, 1933 I approve Senate Bill No. 52 in the total sum of \$9,000.00 and disapprove it in all sums in excess of that amount, and the appropriations made for the following items in said bill are reduced to the amounts hereinafter mentioned, and as so reduced the said bill and items are approved, and as to all sums in excess of said reduced amounts for said items, the said bill or items are disapproved.

Item "Clerkhire" is reduced by me to.....	\$2,150.00
Item "Furniture and Fixture" is struck out by me.	
Item "Miscellaneous" is struck out by me.	
Item "Travel Expense" is reduced by me to.....	900.00
Item "Rent" is reduced by me to.....	300.00

The reductions are made because of the low tax returns in the present period of depression.

Very respectfully,

WILLIAM LANGER,
Governor.

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

§ I. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$9,930.00, or so much thereof as may be necessary, to pay salary, clerkhire, travel and general expenses of the office of Veterans' Service Commissioner as prescribed by Chapter 281, Session Laws of North Dakota for 1927, and Chapter 74, Session Laws of North Dakota for 1929, for the biennium beginning July 1st, 1933 and ending June 30th, 1935, to-wit:

Salary	\$4,800.00
Clerkhire	2,280.00
Postage	700.00
Office Supplies	150.00
Furniture and Fixtures.....	100.00
Miscellaneous	300.00
Travel Expense	1,000.00
Rent	600.00
TOTAL	<u>\$9,930.00</u>

CHAPTER 66

S. B. No. 40—(Committee on Appropriations.)

VETERINARY MEDICAL EXAMINERS

An Act making an appropriation to pay the expenses of the State Board of Veterinary Medical Examiners as authorized under Section 2711 to 2720, inclusive, of the Compiled Laws of North Dakota for the year 1913.

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

§ I. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$725.00, or so much thereof as may be necessary to pay per diem, mileage, clerkhire, and miscellaneous expenses of the State Board of Veterinary Medical Examiners as authorized under Sections 2711 to 2720, inclusive, of the Compiled Laws of 1913, for the biennium beginning July 1st, 1933 and ending June 30th, 1935.

Approved March 1, 1933.

CHAPTER 67

(S. B. No. 19—(Committee on Appropriations.)

VOCATIONAL EDUCATION AND REHABILITATION

An Act making an appropriation for the purpose of carrying out the provisions of Chapter 203, Session Laws 1919 and Chapter 115, Session Laws 1921, the same being Sections 1471B1 to 1471B9 and 1471C1 to 1471C8 of the Supplement to the 1913 Compiled Laws of North Dakota.

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

§ I. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$20,000.00, or so much thereof as may be necessary to pay the expenses of carrying out the provisions of Chapter 203, Session Laws 1919 and Chapter 115, Session Laws 1921, the same being Sections 1471B1 to 1471B9 and 1471C1 to 1471C8 of the Supplement to the 1913 Compiled Laws of North Dakota, relative to vocational education and vocational rehabilitation, for the biennium beginning July 1st, 1933, and ending June 30th, 1935, to-wit:

Salary	\$ 2,000.00
Clerkhire	800.00
Postage	150.00
Office Supplies	100.00
Printing	400.00
Miscellaneous	250.00

Travel Expense	1,500.00
Vocational Rehabilitation	14,800.00
	\$20,000.00
TOTAL	
Approved March 10th, 1933.	

CHAPTER 68

H. B. No. 36—(Falconer.)

L. J. WEHE

An Act to appropriate the sum of Two Hundred (\$200.00) Dollars, to pay Mr. L. J. Wehe, an Attorney at Law, of Bismarck, North Dakota, for professional services rendered the Special Investigating Committee, appointed by the House of Representatives of the Special Session of the Sixteenth Legislative Assembly of the State of North Dakota, in the year 1919, in conducting a hearing on certain charges preferred against the State Library and those in charge of same, as authorized and directed by said House of Representatives.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of the State Treasury, not otherwise appropriated, the sum of Two Hundred (\$200.00) Dollars, for professional services rendered by L. J. Wehe, Esq., an attorney at law, of Bismarck, North Dakota, who was employed by and which professional services were incurred by and in connection with the Special Investigating Committee, appointed by the House of Representatives of the Special Session of the Sixteenth Legislative Assembly of the State of North Dakota, in the year of 1919, in conducting a hearing on certain charges which had been preferred against the State Library and those in charge of same; and, that said Special Committee was fully authorized, empowered and directed by the said House of Representatives to employ special counsel to assist it in conducting said hearing; and, that the said Special Investigating Committee duly hired and employed the said L. J. Wehe, Esq., an attorney at law, of Bismarck, North Dakota, who acted and performed the professional services of special counsel for the said Special Investigating Committee and for the said House of Representatives, as duly authorized by resolution passed on December 1, 1919, and set forth at page 32 of the Journal of the House, and also as amended by resolution of December 4, 1919, as appearing at page 93 of the Journal of the House of the Special Session of the Sixteenth Legislative Assembly.

The payment herein provided for is made in full settlement and satisfaction of any and all claims on the part of said Wehe for services claimed to have been performed in this matter, and the acceptance of a warrant in the amount herein appropriated shall stop his making any further claim against the state in this matter.

Approved February 21, 1933.

CHAPTER 69

S. B. No. 13—(Committee on Appropriations)

WOLF, COYOTE AND MAGPIE BOUNTY—PARTIAL VETO

An Act making an appropriation for the purpose of paying a bounty on wolves and coyotes as provided for under Sections 2645 to 2656, inclusive, of the Supplement to the Compiled Laws of 1913 as amended by Chapter 283, Session Laws of 1927, and magpie bounty as provided for by Sections 2656b1 to 2656b9, inclusive, of the Supplement to the 1913 Compiled Laws of North Dakota.

TO THE HONORABLE THE SECRETARY OF STATE :

At 9:00 P. M. on March 17th, 1933 I approve Senate Bill No. 13 in the total sum of \$15,000.00. I withhold my approval from the remainder of the appropriation. While I am in sympathy with the intent of the enactment, it is necessary now to curtail all but absolutely essential expenditures.

Very respectfully,
 WILLIAM LANGER,
 Governor.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$25,000.00, or so much thereof as may be necessary for the purpose of paying the bounty on wolves and coyotes as prescribed under Sections 2645 to 2656 inclusive, of the Supplement to the Compiled Laws of 1913, as amended by Chapter 283, Session Laws of 1927, and magpie bounty as provided for by Sections 2656b1 to 2656b9, inclusive, of the Supplement to the 1913 Compiled Laws of North Dakota.

CHAPTER 70

S. B. No. 69—(Committee on Appropriations.)

WORKMEN'S COMPENSATION BUREAU—PARTIAL VETO

An Act making an appropriation for the purpose of defraying the expenses of the maintenance and operation of the Workmen's Compensation Bureau.

TO THE HONORABLE THE SECRETARY OF STATE :

At 5:49 P. M. on March 16th, 1933 I approve Senate Bill No. 69, in the total sum of \$84,940.00 and disapprove it in all sums in excess of that amount, and the appropriations made for the following items in said bill are reduced to the amounts hereinafter mentioned, and as so reduced the said bill and items are approved, and as to all sums in excess of said reduced amounts for said items, the said bill or items are disapproved.

Item "Clerkhire" is reduced by me to.....\$43,000.00

Item "Postage" is reduced by me to 8,000.00
 Item "Office Supplies" is reduced by me to 2,000.00

The reductions are made because of the low tax returns in the present period of depression.

Very respectfully,

WILLIAM LANGER,
 Governor.

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

§ I. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury in the Workmen's Compensation Fund, not otherwise appropriated, the sum of \$97,480.80, or so much thereof as may be necessary for the payment of salaries of the members of the bureau, of the secretary and all actuaries, accountants, inspectors, examiners, experts, clerks, physicians, stenographers, and other assistants, and all other expenses of the Bureau authorized in the Workmen's Compensation Acts, including rent for offices of the bureau, and the premium on the bond of the State Treasurer, for the biennium beginning July 1st, 1933 and ending June 30th, 1935, to-wit:

Salary	\$13,440.00
Clerkhire	52,940.80
Postage	10,000.00
Office Supplies	2,600.00
Furniture and Fixtures	1,000.00
Printing	1,500.00
Miscellaneous	5,000.00
Travel Expense	5,000.00
Automobile Equipment and Maintenance	1,000.00
Legal Expense	5,000.00
TOTAL	<u>\$97,480.80</u>

BANKS AND BANKING

CHAPTER 71

S. B. No. 227—(Burkhart and Fine.)

BANKING DEPARTMENT

An Act to provide for a banking department, a state banking board, a state examiner and deputies; for the organization and operation of state banks and for the government and regulation of banking; and to repeal Sections 1 to 3, inclusive, of Chapter 96 of the Session Laws for the year 1931, Section 224 of the 1913 Compiled Laws of North Dakota as amended by Chapter 260 of the Session Laws for the year 1927, Section 225 of the 1913 Compiled Laws of North Dakota as amended by Chapter 127 of the Session Laws for the year 1919, as further amended by Chapter 195 of the Session Laws for the year 1925, Section 234 of the 1913 Compiled Laws of North Dakota as amended by Chapter 219 of the Session Laws for the year 1917 as further amended by Chapter 259 of the Session Laws for the year 1927, and Sections 226, 227, 228, 229, 230, 231, 232, 233 and 235 of the 1913 Compiled Laws of North Dakota, together with all Acts amendatory thereof and all other Acts or parts of Acts repugnant to and inconsistent herewith, and declaring an emergency.

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

THE BANKING DEPARTMENT—STATE BANKING BOARD

§ 1. BANKING DEPARTMENT.] There is hereby created a state department of banking which shall have charge of the execution of all laws relating to state banks, savings banks, trust companies, building and loan associations, mutual investment corporations, mutual savings corporations and other financial corporations heretofore or hereafter organized or doing business under the laws of the State of North Dakota, exclusive of the Bank of North Dakota, and engaged wholly or in part in the receiving of deposits or the selling of their certificates or other evidences of indebtedness or obligations to the public, which shall be known and designated as the "Banking Department," and which shall be under the management and control of the State Banking Board and a chief officer to be designated and known as the State Examiner.

§ 2. STATE BANKING BOARD.] The State Banking Board shall consist of the governor, the secretary of state and the attorney general. None of the members of the Banking Board shall receive any additional compensation for their services by reason of the additional services herein imposed. The governor shall be the Chairman of the Board and the attorney general shall be ex-officio the attorney for the Board and the state examiner shall be its secretary. The Banking Board shall hold regular meetings on the first Wednesdays of January, April, July and October of each year, at the office of the Banking Department in the State Capitol at Bismarck, and shall hold special meetings at the call of the governor.

§ 3. POWERS. DUTIES. ORDERS. RECEIVERS.] The State Banking Board shall have, and it is hereby vested with, the power to make such rules and regulations for the government of financial corporations as in its judgment may seem wise and expedient, which rules shall not conflict with any laws of the State of North Dakota or of the United States. It shall be the duty of the Board at each regular meeting and at any special meeting called for that purpose, to examine all reports made by said corporations relating to their condition, and all reports of regular and special examinations made by the State Examiner and/or deputy examiners from his department and filed with said Board during the preceding quarter or such period as shall have elapsed since the last meeting of said Board, and to approve or disapprove the same, and to make and enforce such orders as, in its judgment, may be necessary or proper to protect the public and particularly the depositors or creditors of said institutions. Said Board and the State Examiner and the deputy examiners shall each have the power to subpoena witnesses, administer oaths, and generally to do and perform any and all acts and things necessary to the complete performance of the duties herein imposed, and to enforce all the provisions of law, and for the purpose of enabling them to perform all the duties imposed upon them, the provisions of Section 8200, Compiled Laws, 1913, shall be held as applicable to their proceedings. Any and all orders made by said Board shall be immediately operative and remain in full force until modified, amended or annulled by said Board, or by a Court of competent jurisdiction in an action to be commenced by the party against whom such order may have been issued. Said Board shall keep a full and complete record of all its proceedings and of all orders made by it, and the records of the State Banking Board, and of the State Examiner, and of any and all reports made by or filed with the Board or the State Examiner shall, under proper restrictions, during regular business hours, be open to inspection and examination by stockholders, depositors, creditors and sureties on any bonds of any of said corporations or on the bonds of any officer or employee thereof. The said Board, except as otherwise herein provided, is hereby vested with the power and authority to appoint, by its own order, receivers for insolvent corporations as defined in this Act, and such receivers shall have the same power and authority, and their acts the same validity, as if appointed under and by the direction of a district court, but nothing herein contained shall be construed so as to take away from the courts the power to appoint receivers of such institutions at any stage of the proceedings and thus terminate the receivership ordered by the Board.

THE STATE EXAMINER

§ 4. APPOINTMENT OF STATE EXAMINER. QUALIFICATIONS.] There shall be a State Examiner who shall be appointed by the Governor and confirmed by the Senate, immediately upon the taking effect of this Act, who shall hold his office for a term of four years

and until his successor has been appointed, confirmed by the Senate, and has qualified, unless sooner removed as herein provided. Thereafter, the terms of office shall be four years, beginning on the quadrennial anniversary after the taking effect of this Act. The State Examiner shall be a skilled accountant, an expert in the theory and practice of bookkeeping, and shall not be an incumbent of any public office in the state, or of any county, municipality or public institution therein, and shall not own, hold or control any stocks, capital or bonds, or the office of trustee, assignee, officer, agent or employee of any banking, annuity, safe deposit, trust company, moneyed or savings institution or corporation, or of any corporation engaged in the business of guaranteeing or insuring the fidelity or faithful performance of the duties of or the solvency of public officers or of public depositaries created under the laws of North Dakota, or created under the laws of any other state, or under the laws of the United States. If a vacancy arises by reason of death, removal, resignation or otherwise, the Governor shall fill the same by appointment. The Governor is authorized to remove from office any State Examiner who violates or fails to discharge faithfully the duties of his office or who becomes disqualified under the provisions of this section, and to appoint his successor, who shall hold office until the end of the current term for which his predecessor was appointed, as provided in this section.

§ 5. STATE EXAMINER, SUPERVISION BY. EXAMINATIONS.] The State Examiner shall, under the direction and subject to the orders of the State Banking Board, exercise a constant supervision, either personal or through the deputy examiners hereinafter provided for, over the business and affairs of all the financial corporations placed by this Act within the jurisdiction of the State Banking Board and shall, personally or through the deputy examiners herein provided for, visit at least twice each year, all of said corporations, inspecting and verifying the assets and liabilities of each, and so far investigate the character and value of the assets of each such corporation as to ascertain with reasonable certainty that the values are correctly carried on its books. He shall further investigate the methods of operation and conduct of said corporations and their systems of accounting, to ascertain whether such methods are in accordance with the law and sound banking usage and principles, and report the findings, conclusions and recommendations upon such examinations to the Banking Board and put into force and effect such orders and directions as it may make in reference thereto.

§ 6. SECRETARY OF THE STATE BANKING BOARD.] The State Examiner shall be ex-officio secretary of the State Banking Board, and shall keep all proper records and files pertaining to the duties and work of his office and the proceedings of the Board and shall report to the Board annually, touching on all his official acts and those of his deputy examiners, giving abstracts of statistics and of

the conditions of the various institutions to which his duties relate, and making such recommendations and suggestions as he may deem proper, which report shall be printed and bound in a satisfactory and substantial manner and distributed among all of the state banking corporations and other financial corporations within his jurisdiction, and to the Bank of North Dakota. The State Banking Board shall make biennial reports, each containing a full report of its proceedings, the same as other state officers and boards, in which there shall be included a summary or abstract of the reports of the State Examiner.

§ 7. DUTY TO ENFORCE LAWS.] It shall be the duty of the State Examiner to enforce the provisions of this Act and the other provisions of law relating to financial corporations within his jurisdiction.

§ 8. SALARY.] The salary of the State Examiner for all services so rendered in any capacity whatever shall not exceed four thousand dollars per year, and his necessary and actual expenses incurred in the discharge of his official duties, to be audited and paid in the same manner as the salary and expenses of the state officers are paid.

§ 9. OFFICIAL BOND.] The State Examiner shall execute an official bond to the State in the sum of ten thousand dollars and each of his deputies shall execute a like bond in the sum of ten thousand dollars, all to be approved by the Governor and filed in the office of the Secretary of State.

§ 10. APPOINTMENT OF DEPUTIES.] The State Examiner may, subject to the approval of the State Banking Board, appoint and at pleasure remove, not more than ten deputy examiners, one statement clerk, one stenographer and such other employees as may, in the judgment of the Banking Board, be necessary for the proper discharge of the business of the Banking Department. The State Examiner shall select and designate one of said deputy examiners to be chief deputy examiner and to act during the absence or disability of the State Examiner, and in such cases the deputy examiner so designated shall have charge of the office and administer its affairs. Not less than three of the said deputy examiners so appointed shall have had at least three years active experience in bank work within this state and shall furnish such evidence of qualification as expert accountants and of general fitness for the duties as may be demanded by the Banking Board.

§ 11. DEPUTIES CONTROLLED BY STATE EXAMINER.] Each deputy examiner herein provided for shall be under the direct orders and instructions of the State Examiner and shall make report to him, in such form as he or the Banking Board may prescribe, during or immediately after the completion of the examination of each

financial institution examined by him, with such recommendations and suggestions as he may deem advisable.

§ 12. DEPUTIES TO BE DISINTERESTED.] No deputy examiner shall have any interest directly or indirectly in any corporation within the jurisdiction of the Banking Department, nor in any corporation engaged wholly or in part in the writing or issuing of bonds of or for any such corporation or of the officers or employees of any such corporation.

§ 13. SALARIES OF DEPUTIES.] The salary of the chief deputy examiner shall not exceed twenty-eight hundred dollars per annum, and the salary of each other deputy shall be not less than twelve hundred dollars nor more than twenty-four hundred dollars per annum, to be fixed by the Banking Board, and in addition thereto each deputy shall be paid his actual and necessary traveling expenses when engaged in the discharge of his duties; and the salaries of all other clerks, stenographers and assistants shall be fixed by the Banking Board.

§ 14. SPECIAL STATE EXAMINER.] The Governor may, at such time as he may consider it for the best interests of the State, appoint a special state examiner to examine any of the state institutions, state industries, state departments, or public offices. Such special state examiner shall have all the powers and authority that are granted to the State Examiner in making such examinations, and shall also examine into and report upon such other matters connected with the state institutions and public offices as the Governor may direct. He shall receive as compensation for such services the sum of ten dollars per day for the time actually employed upon such examinations, and his actual traveling expenses, to be paid upon vouchers approved by the Governor, in the same manner as state officers salaries are now paid.

§ 15. DUTIES, EXAMINATIONS, FEES.] It shall be the duty of the State Examiner to examine at least once a year, and as much oftener as he in his discretion may deem advisable, the books and accounts of the Secretary of State, State Auditor, State Treasurer, Clerk of Supreme Court, Commissioner of Insurance, Commissioner of Agriculture and Labor, Department of University and School Lands, Supply Department of the National Guard, Board of Administration, State Tax Commissioner, County Treasurers, Clerks of the District Court, County Judges, Registers of Deeds, County Superintendents of Schools, Sheriffs, County Auditors, and Public Administrators.

It shall also be the duty of the State Examiner at least once a year to examine the books and accounts of all city auditors, city treasurers, treasurers of park districts, village clerks and village treasurers in cities and villages having a population of 1000 or more, and school district clerks, secretaries of boards of education, and

school district treasurers in school districts comprising cities or villages having a population of 1000 or more. Provided, however, that the governing board of any such city, park board, village or school district, may provide for such examination by a certified public accountant, and in such case the State Examiner shall not be required to make such examination. Copies of the report of such examination made by a certified public accountant shall be filed with the State Bonding Fund, and with the State Examiner, not more than thirty days after the date of such examination. Fees for such examinations shall be charged by the State Examiner, only for the examination of books and accounts of county treasurers, clerks of the district court, county judges, registers of deeds, county superintendents of schools, sheriffs, county auditors, public administrators, city auditors, city treasurers, treasurers of park districts, village clerks, village treasurers, school district clerks, secretaries of boards of education, and school district treasurers, at the rate of \$10.00 per day, for the time actually employed by himself or his deputy in such examination, which fees shall be paid into the State Treasury. On petition of 35% of the electors of any school district, city or village, in which such examinations are not hereinbefore provided for, or at the request of the governing board or chairman thereof, of such political subdivision, it shall be the duty of the State Examiner to examine the books, records and accounts of the treasurer, and clerk or auditor thereof, as the case may be. Fees for such services shall be paid by such school district, city or village at the rate of \$10.00 per day for the time actually employed in making such examination and audit, and said fees shall be paid into the State Treasury.

§ 16. SUPERVISION OF BOOKS AND ACCOUNTS OF PUBLIC INSTITUTIONS AND PRIVATE INSTITUTIONS WITH WHICH STATE HAS DEALINGS.] It shall be the duty of the State Examiner to assume and exercise constant supervision over the books and financial accounts of the several public, educational, charitable, penal, reformatory and industrial institutions belonging to the state; to prescribe and enforce correct methods of keeping financial accounts of the state institutions by himself or duly appointed deputy, and to instruct the proper officer of each of said institutions in the due performance of his duty concerning the same; to examine the books and accounts of all public institutions under the control of the state, and of all private institutions with which the state has any dealings, so far only as the same relates to such dealing, once in each six months.

§ 17. EXAMINATION OF COUNTIES.] It shall be the duty of the State Examiner to order and enforce a correct and, as far as practicable, uniform system of bookkeeping by state and county treasurers and auditors so as to afford a suitable check upon their mutual actions and to insure a thorough supervision over and the safety of the state and county funds. He shall have full authority to expose false and erroneous systems of accounting, and when necessary to

instruct or cause to be instructed the state and county officers in the proper mode of keeping the accounts. It shall be the duty of the State Examiner to ascertain the character and financial standing of all present and proposed bondsmen of state and county officers. He shall require county treasurers as often as he shall deem necessary to make true statements of their accounts, and he shall personally, or by deputy, visit said offices without previous notice to such treasurers, at irregular periods, of at least once a year, or when requested by the board of county commissioners of any such county, and make a thorough examination of the books, accounts and vouchers of such officers, ascertaining in detail the various items of receipts and expenditures; and it shall be his duty to inspect and verify the character and amounts of any and all assets and securities held by said officers on public account, and to ascertain the character and amount of any commissions, percentages or charges for services exacted by such officer without warrant of law. He shall report to the Attorney General the refusal or neglect of any state or county officer to obey his instructions, and it shall be the duty of said Attorney General promptly to take action to enforce compliance herewith. He shall report to the Governor the result of his examination, which report shall be filed in the Executive Office, as well as any failure of duty by any financial officers, as often as he thinks required by public interest, and the Governor may cause the result of such examination to be published, or at his discretion to take such action for the public security as the exigencies demand, and if in his opinion the public interest requires it, he may suspend any such officer from further performance of duty, until examination is had, or such security obtained as may be demanded for the protection of the public funds.

§ 18. FISCAL AFFAIRS OF COUNTIES.] It shall be the duty of the State Examiner at the request of the county commissioners of any county in this State to examine and audit, compare and correct any books, records, papers, securities or other documents necessary to be had in any pending settlement of the fiscal affairs, or any necessary correction of the records of any county in this State. He shall have free access to all books, papers, records or other documents of any county in the State, found or deemed to be necessary, and is hereby empowered to take the records of any one county in this State to any other county in this State, when in his judgment it is deemed necessary, to compare and correct the same. And all county officers in this State are hereby required and enjoined to assist said State Examiner in the discharge of his duties in all things which he may require of them as such county officers.

§ 19. EXAMINATION OF BANKS AND OTHER FINANCIAL CORPORATIONS.] It shall be his duty to visit, at least once in each year, without previous notice, each of the banks and other private financial corporations, incorporated or doing business under the laws of this State, and thoroughly examine into their affairs and ascertain their

financial condition. It shall be the duty of such examiner to inspect carefully and verify the validity and amount of the securities held by such institutions, examine into the validity of the mortgages held by savings institutions, and see that the same are duly recorded, and ascertain the amount of any discount or other banking transaction which he may deem foreign to the legitimate and lawful purposes of savings institutions. He shall inquire into, and report any neglect or infringement of the laws governing such banks and other private financial corporations, and for such purposes shall have power to examine the officers, agents and employees thereof, and all persons doing business therewith. He shall forthwith report the condition of such corporation so ascertained to the Governor, together with his recommendations or suggestions respecting the same, and the Governor may cause the same to be published, or in his discretion take such action as the exigencies may seem to demand.

§ 20. PUBLIC OFFICERS TO AID EXAMINER. PENALTY FOR FALSE STATEMENT.] All officers of the State and counties of the State and all officers and employees of banking and other financial institutions mentioned in this Article must afford all reasonable facilities for the investigations provided for in this Article, and all such officers, managers, and employees must make return and exhibit to the Examiner under oath in such form and in such manner as he may prescribe, and each and every person so required who shall refuse and neglect to make such return or exhibit, or to make or to give such information as may be required by said Examiner, shall be deemed guilty of a felony and shall be liable on conviction to a fine of one thousand dollars, and imprisonment in the penitentiary for the term of one year; and if any person in making such exhibit or giving such information or affording any statement required under this Act, on his oath, shall knowingly swear falsely concerning the same, he shall be deemed guilty of perjury and be punished accordingly. Any statement or report required under this Act when signed by any officer by his own signature shall be deemed to be as fully a true and correct report of the subject matter thereof as though an affidavit as to its truth and accuracy were affixed; and the absence of an affidavit shall be no release from liability, either civil or criminal, thereunder, nor from penalty accruing therefrom.

§ 21. OBSTRUCTION OF EXAMINER. PENALTY.] Every person who shall wilfully obstruct or mislead the State Examiner in the execution of his duties as hereby prescribed shall be subject to conviction and punishment therefor in the same manner as is now provided for the conviction and punishment of persons obstructing or hindering any officers, ministerial, judicial, or executive, under the laws and authority of this State. The State Examiner shall have full power and authority for the various purposes named to examine, and he shall at least once each year examine any books, papers, accounts, bills, vouchers and other documents, or property of any or all of the

aforesaid state institutions, moneyed, banking, insurance, annuity, safe deposit, trust company and moneyed or insurance corporations and county or state officers and custodians of any county or state fund or official or person to whom any public money or funds is paid as custodian thereof; also to examine under oath any or all trustees, managers, officers, or employees or agents of said institution and moneyed and savings corporations and other persons in the control of or doing business with said moneyed or savings institutions, or any person receiving public money or money charged with a public purpose, either officially or personally, and the county and state officers and custodians of county and state funds aforesaid. When necessary, the State Examiner shall employ stenographers, or clerical help, the expense incurred therefor to be collected by the Examiner from the county or corporation in interest. Said Examiner is empowered to issue subpoenas and administer oaths in the performance of his duties, and any person refusing access by said Examiner, to any such books or papers, or any trustee, manager, officer, agent, clerk, employee, or other person aforesaid, who shall obstruct such access or refuse to furnish any required information, or who shall in any manner hinder a thorough examination required by this act of the officers, state, moneyed, banking, insurance, annuity, safe deposit, trust companies and savings institutions, or custodian, personal or official, of money or funds charged with a public purpose, or pertaining to the county and state officers aforesaid, shall be deemed guilty of a felony and shall be liable on conviction to a fine of one thousand dollars or imprisonment in the penitentiary for the term of one year.

§ 22. REPORTS, CONTENTS OF.] The State Examiner shall report to the Governor the result of his examinations on the first Monday in November of each year; he must also make a report upon any particular matter at any time when required by the Governor, and shall embody in such report an abstract of the statistical facts relating to resources and liabilities, receipts and expenditures and financial condition of the State, the several state institutions, and the counties, ascertained by him, which report shall be printed to the number of five hundred copies and shall be included with other official reports in the volume of executive documents. The State Examiner shall perform such other duties as shall be prescribed by law.

§ 23. REPEAL.] Sections 1, 2 and 3 of Chapter 96 of the Session Laws for the year 1931, Section 224 of the 1913 Compiled Laws of North Dakota as amended by Chapter 260 of the Session Laws for the year 1927, Section 225 of the 1913 Compiled Laws of North Dakota as amended by Chapter 127 of the Session Laws for the year 1919 as further amended by Chapter 195 of the Session Laws for the year 1925, Section 234 of the 1913 Compiled Laws of North Dakota as amended by Chapter 219 of the Session Laws for the

year 1917 as further amended by Chapter 259 of the Session Laws for the year 1927, and Sections 226, 227, 228, 229, 230, 231, 232, 233, and 235 of the 1913 Compiled Laws of North Dakota, together with all Acts amendatory thereof and all other Acts or parts of Acts repugnant to and inconsistent herewith, are hereby repealed.

§ 24. INVALIDITY.] In the event that any section or clause, sentence, paragraph or part of this Act shall for any reason be adjudged by any court of competent or final jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Act but shall be confined in its operation to the section, clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Approved March 7, 1933.

CHAPTER 72

S. B. No. 207—(Bangert.)

ADMINISTRATION INSOLVENT BANKS

An Act relating to the administration of insolvent banking institutions; repealing all Acts or parts of Acts in conflict herewith.

Whereas, there are now a great number of insolvent banking institutions in the State of North Dakota, many of which have been in the hands of the receiver of insolvent banks for a number of years, and

Whereas, there is a wide-spread demand for the more prompt and expeditious closing of said insolvent institutions and for amendment of the laws under which said institutions are now being liquidated; *therefore*,

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

§ 1. JURISDICTION BURLEIGH COUNTY DISTRICT COURT, REVIEW OF ACTS BY SUPREME COURT.] The District Court of Burleigh County is hereby invested with full, complete, and exclusive original jurisdiction of all proceedings connected with insolvent banking institutions hereinafter referred to, and the judges of said District Court of Burleigh County shall perform all the duties herein required, and the acts of said Court and the judges thereof shall be subject to review by the Supreme Court in the manner now or hereafter provided by law relating to appeals.

§ 2. JURISDICTION, OTHER DISTRICT COURTS.] The district court of any county wherein any closed bank may be located is hereby vested with full and complete jurisdiction and power to carry out the provisions of this Act and the judges of said district court shall perform all of the duties herein required and the acts of said courts

and the judges thereof shall be subject to review by the Supreme Court in the manner now or hereafter provided by law.

§ 3. EXPENSES OF DISTRICT JUDGES.] The necessary traveling and other expenses of the judges of the district courts, incurred in carrying out the provisions of this Act, shall be paid out of the general funds of the State upon vouchers duly presented as in other cases of the expenses of district judges.

§ 4. CERTIFYING INSOLVENT BANKS. DELIVERY OF ASSETS AND PROPERTY TO STATE BANK EXAMINER. PRODUCING INFORMATION RELATING TO AFFAIRS. FIXING TIME FOR SO DOING.] Within ten days after this Act takes effect or such further time, not exceeding an additional thirty days, as the District Court of Burleigh County or one of the judges thereof may, for good cause shown, grant the present receiver of insolvent banking institutions of this State which have not been fully liquidated at the time of the taking effect of this Act shall prepare and serve upon one of the judges of the District Court of Burleigh County, the Attorney General, and the Bank Examiner of this State a full, concise and complete statement of all property, assets, books, records, documents, and files in his hands, with a full and complete itemized statement of all bills receivable, notes, cash, mortgages, contracts, accounts, or other assets still in his hands, in connection with each separate banking institution then under his control, together with all information which has come to his knowledge as such receiver touching each of said insolvent banking institutions and the affairs thereof, with a summary of the affairs of said insolvent institution from the time the same was taken over by him to the date of making said report. Immediately thereupon one of the judges of the District Court of Burleigh County shall fix a time and place for hearing said report, shall designate one of the district judges to hear said matter if the report relates to an insolvent institution not located in Burleigh County, which judge so designated shall be in the judicial district where said insolvent banking institution was located at the time of its closing, and shall cause notice to be served upon the receiver, the Bank Examiner, the Attorney General, and the designated district judge, as herein provided for, of the time and place so fixed. At the time and place fixed as aforesaid, the receiver, or one of his deputies who shall have knowledge of the matters contained in said statement, shall appear and make proof under oath in support of said statement so rendered and the judge or referee hearing said matter shall receive said proof and the judge may approve, modify, or reject the same and may require such further or additional statements or proof as under the circumstances shall seem just and proper in order to arrive at the exact and true condition of the affairs of said insolvent institution. Such hearing may be adjourned from time to time and until such time as it shall appear to the judge that a full, comprehensive, and complete statement of the affairs of said in-

solvent institution has been furnished by the receiver, and when so satisfied the court shall make its order requiring the receiver to deliver to the State Bank Examiner all the records, files, documents, correspondence, assets, and information upon which evidence has been received and which remain in his hands or under his control, and thereafter the affairs of said insolvent institution shall be handled by the State Bank Examiner in the manner hereinafter provided, provided, however, that if it shall be made to appear to the Court that the furnishing of the report within the time allowed herein will in any way interfere with the closing of Federal Loans, the Court may grant such additional time as shall appear necessary in each instance.

§ 5. REFERENCE TO OTHER DISTRICT JUDGES.] The judges of the District Court of Burleigh County are hereby directed and empowered to refer to the judges of the district court in the judicial district wherein the insolvent banking institution is located all matters to be heard and tried under the provisions of this Act.

§ 6. APPOINTMENT OF ATTORNEY.] Upon receiving the statements herein provided for to be furnished by the receiver, one of the judges of the District Court of Burleigh County may appoint an attorney duly qualified to practice in the courts of this State who shall appear and represent the interests of the State Bank Examiner and the depositors in connection with said matter, and he shall fix his compensation for services so rendered, which compensation shall be paid out of the assets of the insolvent institution; provided, that such attorney shall be discharged at any time upon the petition of a majority of the depositors.

§ 7. REFERENCE.] Instead of conducting the hearings in person the judges of the district courts may refer the same to a referee who shall be appointed and who shall have the power conferred upon and receive the compensation provided for referees under the provisions of the laws of the State of North Dakota.

§ 8. NOTICE TO DEPOSITORS. HEARINGS, FIXING BOND.] Immediately upon receiving the order from the district court approving the statement and account of the receiver, said Bank Examiner shall serve notice by registered letters addressed to all of the known depositors of said insolvent banking institution, whose deposits shall amount to twenty-five dollars or more, said notice to be mailed to said depositors to the addresses shown by the records of said bank or known to the receiver, and in case no address is shown or known then to the town, city, or village in which said insolvent banking institution was located at the time of its closing, and said notice shall inform the depositors that the assets of said insolvent institution are in the hands of the examiner and that said depositors will be granted ninety days from the date of said notice within which to serve upon the examiner notice of their intention to reorganize

or liquidate such insolvent institution. If said notice is given and is signed by persons, firms, or corporations representing forty per cent of the amount of the deposits in such insolvent institution at the date of the notice, exclusive of public money secured by indemnity bond or otherwise and exclusive of deposits of less than twenty-five dollars, thereupon the Bank Examiner shall immediately transmit such proposal to the judge to whom the affairs of said insolvent banking institution have been referred and the court shall require said depositors to submit for its inspection and approval a plan under which they propose to handle the affairs of said insolvent institution, which plan must specify, among other things, the percentage to be paid to depositors not joining in the notice upon the amount of their deposits; thereupon the court may proceed to hear said matter, either with or without notice, and upon such terms as the court may direct, and if said plan is approved by said judge he shall make his order to that effect and cause the same to be served upon the State Bank Examiner and said examiner shall immediately send notice to all persons who joined in said notice and plan of the fact that said plan has been approved, and advising them of the amount and condition of the bond, if any, directed by the court to be furnished which bond shall be conditioned for the faithful performance of said plan, and if said bond shall be furnished and the order of the court complied with, the assets, books, records, property, and files of said insolvent institution shall be transferred and delivered to the person or persons agreed upon in the plan submitted.

Should the court refuse to approve said plan, he shall have power to specify such additional terms as may seem just and proper and if said additional terms are complied with then said plan shall be approved and the assets delivered as aforesaid.

§ 9. PROVIDING FOR DISPOSAL OF ASSETS. NO PLAN FILED.] If no petition for reorganization or liquidation is presented to the examiner within ninety days after notice has been given as herein provided, it shall be the duty of said bank examiner to present to one of the judges of the District Court of Burleigh County or to the district judge to whom said matter has been referred a plan for disposing of the remaining assets of said insolvent institution, and thereupon the court shall consider said plan and shall make such order with reference thereto as shall seem proper, and the remaining assets of said insolvent institution shall be disposed of as provided for in said order; said order shall provide for the final disposition of all of the remaining assets of said insolvent institution within two years after having been received by said state bank examiner; provided however that the examiner may extend the time if the best interest of the depositors require it.

§ 10. APPOINTMENT OF TEMPORARY RECEIVER.] If it shall appear to one of the judges of the District Court of Burleigh County, or to the judge to whom the affairs of an insolvent banking institu-

tion have been referred, that it would be advantageous and of benefit to appoint a temporary receiver to take charge of the remaining assets of said insolvent institution pending an application to reorganize or to liquidate, or for the purpose of making final disposition of the assets by the bank examiner, the court shall have power to appoint a receiver for such purpose and such receiver shall have the usual powers conferred upon receivers of insolvent institutions and he shall handle the affairs of said insolvent institution under the order and direction of said court, and the court shall fix his compensation for such services. The same person may be temporary receiver of any number of closed banks in the same county.

§ 11. FUTURE INSOLVENCY. DISPOSITION.] Whenever any banking institution shall hereafter be closed as insolvent it shall be the duty of the State Bank Examiner to immediately serve notice as provided for in Section 8 hereof, and the depositors shall have the right to reorganize or liquidate the affairs of said bank upon the terms and in the manner hereinafter provided for.

§ 12. APPOINTMENT OF RECEIVER.] Whenever any bank shall hereafter be closed as insolvent, any three or more depositors may petition the District Court of Burleigh County for the appointment of a receiver. Said petition shall set forth all the jurisdictional facts and a full report of the condition of the affairs of said bank so far as known, including a list of the depositors, their residence, and the amount of their several deposits. If said district court is satisfied as to the truthfulness of said petition he shall appoint a receiver for said bank with full power to liquidate the same and shall fix the salary of said receiver. The same person may be receiver of any number of closed banks in the same county.

§ 13. APPOINTMENT OF ATTORNEY.] The judge of the District Court of Burleigh County may, upon receiving the petition referred to in the preceding paragraph, appoint an attorney duly qualified to practice in the courts of this state who shall appear and represent the interests of the State Bank Examiner and the depositors in connection with said matter, and the judge shall fix his compensation for the services so rendered, which compensation shall be paid out of the assets of said insolvent institution; provided, that such attorney shall be discharged at any time upon the petition of a majority of the depositors.

§ 14. REFERENCE TO OTHER DISTRICT JUDGES.] The judges of said District Court of Burleigh County are hereby directed and empowered to refer to the judges of the district courts of the judicial district wherein the insolvent banking institution is located all matters to be heard and tried and the control of the receiver appointed as herein provided, and said matter shall from the time of reference be within the control of said district judge to whom it is referred.

§ 15. LIQUIDATING COMMITTEE.] At any time within thirty days after any receiver shall have been appointed for any bank hereafter to become insolvent, as provided for in the preceding section, depositors representing fifty-one per cent of the deposits may select a liquidating committee of five, four of whom shall be elected from the depositors and one selected by the stockholders, and when said committee has been selected they may petition the district court of the county wherein said bank is closed, and to whom said matter has been referred, for the appointment of said liquidating committee as the receiver of said bank and when so appointed said committee shall have all of the powers of a general receiver and shall complete the liquidation of said bank under the control and upon the approval of the court, and thereupon the prior receivership shall be discharged. Said liquidating committee shall receive such compensation as may be fixed by the court and shall be authorized to hire such assistance as may be deemed necessary and as the court may approve to complete said liquidation, and the compensation to be paid to such persons so selected shall be subject to the approval of the court.

§ 16. DEPOSITORS AND CREDITORS MAY REORGANIZE.] In connection with all banking institutions to become insolvent hereafter, whenever depositors representing fifty-one per cent of the deposits and creditors, exclusive of the depositors of funds covered by indemnity bond or other valuable security, and exclusive of depositors of less than twenty-five dollars each, shall present a petition to the State Bank Examiner setting forth a plan of reorganization, which has the approval of fifty-one per cent of such depositors as described herein, and said petition is accompanied by such data and information as shall be required by said bank examiner, the said State Bank Examiner shall approve of the application and authorize the reorganization committee named in the petition to proceed with the plan and re-open said bank, and for that purpose the State Bank Examiner shall request the judge under whose jurisdiction said insolvent banking institution is to surrender to said committee the assets of said bank, and thereupon the receiver theretofore appointed shall be discharged.

§ 17. GENERAL LAW APPLIES.] In the event no provision is made in this Act with reference to any matters relating to procedure touching the powers of the court or the duty of the receiver in connection with the matters herein referred to, the general law of the State of North Dakota shall apply thereto.

§ 18. REPEAL.] All Acts or parts of Acts in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall be construed as repealing subdivision S of Section 51 of Chapter 96 of the Session Laws of 1931, relating to re-opening of banks without receivership.

Approved March 7, 1933.

CHAPTER 73

S. B. No. 311—(Erickson of Kidder.)

ORGANIZATION AND OPERATION OF STATE BANKS

An Act to amend and re-enact Subdivision a of Section 10, Section 11 and Section 14, of Chapter 96, of the Session Laws of North Dakota for the year 1931, relating to the organization and operation of State Banks.

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

§ 1. AMENDMENT.] Subdivision a of Section 10, of Chapter 96 of the Session Laws of North Dakota, for the year 1931, is hereby amended and re-enacted to read as follows:

“(a) The organization certificates shall be acknowledged before the clerk of some court of record or a Notary Public and shall be, together with the acknowledgment thereof, authenticated by the seal of such court or notary. The same shall thereupon be transmitted to the State Banking Board with a request for permission to present the same to the Secretary of State, with application to him for the issuance of a certificate of authority. Upon receiving such organization certificate the Board shall cause notice of the application therefor to be published in the official newspaper of the county within which such association is proposed to be established, which notice shall contain a statement of a time and place where the board will hear such application and that any person objecting thereto may appear and show cause why such application should not be approved; provided, however, upon the consolidation of banks or the conversion of a national bank to a state bank notice of such hearing need not be given.

At the time and place so stated, and through any other sources of information at its command, the board shall diligently inquire whether the place where such banking association is proposed to be located is in need of further banking facilities, and whether the proposed association is adapted to the filling of such need, and whether the proposed incorporators are possessed of such character, integrity, reputation and financial standing as shown by a detailed financial statement, that their connection with the banking associations will be beneficial to the public welfare of the community in which such bank is proposed to be established. The board shall hear any reasons advanced by the applicants why they should be permitted to organize the proposed association, and any reasons advanced by any person in opposition thereto why such association should not be permitted to be organized. At the termination of such hearing the board shall make a brief statement in writing of its conclusions whether such association should be permitted to be organized, and if it finds that it should not, stating briefly the reasons why. A copy of such conclusions shall be either indorsed upon or attached to the organization

certificate, together with the refusal or grant of permission to the proposed incorporators to present the said organization certificate to the Secretary of State. Provided, however, the determination in favor of such organization must be joined in by all the members of the board.

If the determination of the State Banking Board is in favor of the applications, the organization certificate and permission of the board accompanying the same, shall be recorded in the office of the Register of Deeds in the county where such banking association is to be established, and the same shall be transmitted to the Secretary of State and received by him, and he shall record and carefully preserve it in his office, and certify the facts to the State Banking Board, and issue a certificate of authority to the corporation, which certificate of authority shall be transmitted to and held by the State Examiner until an examination is made and the certificate of the State Examiner or the deputy examiner produced to the effect that the capital stock and required surplus has been paid in full and that all conditions of the law have been strictly complied with. But if the determination of the State Banking Board is against the said application such organization certificate must not be recorded in the office of the Register of Deeds, nor, if presented, shall it be accepted by the Secretary of State.

§ 2. AMENDMENT.] Section 11, of Chapter 96, of the Session Laws of North Dakota for the year 1931, is hereby amended and re-enacted to read as follows:

“§ 11. CERTIFICATE AND AUTHORIZATION PUBLISHED.] The association shall cause the organization certificate and the certificate of authority of the Secretary of State, issued under this Act, to be published in some newspaper in the city or county where the association is located, for at least four consecutive weeks next after the issuing thereof, proof of such publication to be filed with the State Banking Board; provided, however, upon the consolidation of banks or the conversion of a national bank to a state bank such organization certificate of authority need not be published.”

§ 3. AMENDMENT.] Section 14 of Chapter 96 of the Session Laws of North Dakota for the year 1931, is hereby amended and re-enacted to read as follows:

“§ 14. INVESTMENT IN BANKING HOUSE. FURNITURE AND FIXTURES.] It shall be unlawful for any corporation having banking powers and a capital stock of twenty thousand dollars or more, to invest over thirty per cent of such stock and unimpaired surplus in banking house, furniture and fixtures, including the lot, piece or parcel of land on which such banking house is located; provided, that similar corporations with a capital stock of ten thousand dollars and less than fifteen thousand dollars may invest forty per cent of their stock and unimpaired surplus, and those with fifteen thousand

dollars and less than twenty thousand dollars stock may invest thirty-five per cent of their capital stock unimpaired surplus in such banking house, furniture, fixtures, and lot, piece or parcel of land on which such banking house is located; provided, further, that the provisions hereof shall not be applicable upon the consolidation of banks or the conversion of a national bank to a state bank, in which cases the amount which may be invested in banking house, lot, and furniture and fixtures shall be fixed and determined by the State Banking Board.

Approved March 6, 1933.

CHAPTER 74

H. B. No. 313—(Sannes and Erickson of McKenzie)

MANAGER BANK OF NORTH DAKOTA EXAMINATION REPORTS, ETC., STATE BANKS

An Act authorizing the State Bank Examiner to permit the Manager of the Bank of North Dakota to examine the reports, statements and all other records of State Banks.

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

§ 1. The State Bank Examiner is hereby authorized and directed to permit the Manager of the Bank of North Dakota, or any other officer of the Bank of North Dakota authorized by said manager, to examine all reports, statements, records, books, files, and documents of any state bank in the possession of said State Bank Examiner. The State Bank Examiner is also authorized and directed to give to said Manager of the Bank of North Dakota, or person designated by said Manager, any and all information that he may have, upon request, concerning the solvency and financial standing of any state bank.

Approved March 3, 1933.

CHAPTER 75

S. B. No. 128—(Committee on Banks and Banking.)

MEETINGS BUILDING AND LOAN ASSOCIATION

An Act to amend and re-enact Section 19, of Chapter 94, of the Session Laws of 1931, relating to building and loan associations of the State of North Dakota.

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

§ 1. AMENDMENT.] Section 19, of Chapter 94, of the Session Laws of 1931, be and it is hereby amended and re-enacted to read as follows:

§ 19. MEETING OF SHAREHOLDERS AND DIRECTORS.] The

meeting of the shareholders of a domestic building and loan association must be held at its office or principal place of business in this state, and any number not less than twenty-five per cent (25%) of shareholders represented at the meeting, either in person or by proxy, shall constitute a quorum.

In its by-laws such association shall provide for at least one regular meeting of shareholders annually in January. Notice of any meeting, whether regular or special, shall be given by the secretary in accordance with this Act. The board of directors shall have the right to call a special meeting at any time. The board of directors must also call a special meeting whenever petitioned so to do by shareholders owning at least twenty-five per cent of the issued shares, such meeting shall be called within twenty days after the filing of such petition.

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

Approved March 3, 1933.

CHAPTER 76

S. B. No. 126—(Committee on Banks and Banking.)

POWERS BUILDING AND LOAN ASSOCIATIONS

An Act to amend and re-enact Subdivision 12, of Section 7, of Chapter 94, of the Session Laws of 1931, relating to building and loan associations of the State of North Dakota.

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

§ 1. AMENDMENT.] That Subdivision 12 of Section 7, of Chapter 94, of the Session Laws of 1931, relating to building and loan associations of the State of North Dakota, is hereby amended and re-enacted to read as follows:

Subdivision 12. To borrow money, when deemed necessary, and to issue its promissory note therefor, and to pledge its assets as security for such notes; provided, that the assets and securities of an association shall not be pledged or hypothecated to secure its borrowed money in an amount exceeding twenty-five per cent of its assets without the consent of the State Examiner.

To become a member of the Federal Home Loan Bank in compliance with the provisions of the Act of Congress known and cited as a Federal Home Loan Bank Act approved July 22nd, 1932.

To subscribe for the stock of the Federal Home Loan Bank and to invest its funds in such stock, bonds and obligations, for the purpose and to the extent required and permitted by the provisions of the Federal Home Loan Bank Act.

To do all other things required under the Federal Home Loan Bank Act or any amendment thereto necessary to obtain and to continue membership in the Federal Home Loan Bank, and to assume all duties, obligations, responsibilities and liabilities and to become entitled to all the benefits provided in the Federal Home Loan Bank Act.

To borrow money from the Federal Home Loan Bank when authorized by a resolution of its Board of Directors upon such terms and rates of interest as may be agreed upon, and to assign and pledge its notes, bonds, mortgages or other property and to repledge its shares of stock pledged to it as collateral security for the payment of its indebtedness for money borrowed and to do all other acts or things incidental thereto.

To deposit money in Federal Home Loan Bank of the district in which said association is located, upon such terms and conditions as authorized by the Federal Home Loan Bank.

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

Approved March 10, 1933.

CHAPTER 77

S. B. No. 125—(Committee on Banks and Banking.)

REPORTS BUILDING AND LOAN ASSOCIATIONS

An Act to amend and re-enact Section 37, of Chapter 94, of the Session Laws of 1931, relating to building and loan associations of the State of North Dakota.

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

§ 1. AMENDMENT.] That Section 37, of Chapter 94, of the Session Laws of 1931, relating to building and loan associations of the State of North Dakota, is hereby amended and re-enacted to read as follows:

§ 37. REPORTS CONFIDENTIAL.] Whoever, being the State Examiner, his deputy, assistant or clerk, fails to keep secret the facts and information obtained in the course of an examination, or by reason of his official position, except when the public duty of such officer requires him to report upon or take official action regarding the affairs of an association so examined, or wilfully makes a false report as to the condition of such association, shall be guilty of a felony and shall be removed from office. Nothing in this Section shall prevent the proper exchange of information relating to building and loan associations and the business thereof, with the representatives of building and loan departments of other states, but in no case shall the private business or affairs of any individual association

or company be disclosed; provided, however, that nothing in this Section shall prevent the said officer or officers from fully disclosing to the Federal Home Loan Bank Board at Washington, D. C., or to the Federal Home Loan Bank of this district or to any other federal agency any information which such examiner may have in his office pertaining to such associations.

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

Approved March 1, 1933.

CHAPTER 78

S. B. No. 127—(Committee on Banks and Banking.)

WITHDRAWAL SHARE CREDITS BUILDING AND LOAN ASSOCIATIONS

An Act to amend and re-enact Subdivision 8, of Section 7, of Chapter 94, of the Session Laws of 1931, relating to building and loan associations of the State of North Dakota.

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

§ 1. AMENDMENT.] Subdivision 8, of Section 7, of Chapter 94, of the Session Laws of 1931, be and it is hereby amended and re-enacted to read as follows:

Subdivision 8.) To permit members to withdraw all or part of their share credits at such times and upon such terms as the by-laws or the board of directors may provide; provided, that at least one-half of the collections made by the association must be used for the payment of withdrawals after outstanding contracts have been provided for. And provided further that the Board of Directors in providing for withdrawals shall make classifications as to amount of stock held and make uniform payments as to each classification. Provided, also, that shareholders who have filed applications for withdrawals still remain shareholders and are in no way to be deemed creditors of the association.

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

Approved March 3, 1933.

BARBERS

CHAPTER 79

S. B. No. 190—(McDonald and Jones.)

BARBERS REGISTRATION FEES

An Act to amend and re-enact Section 17 of Chapter 101 of the Session Laws of North Dakota for 1927.

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

§ 1. AMENDMENT.] That Section 17 of Chapter 101 of the Session Laws of North Dakota for 1927 be, and the same is hereby amended and re-enacted to read as follows:

§ 17. FEES.] The fee to be paid by an applicant for an examination to determine his fitness to receive a certificate of registration to practice barbering is \$10.00 and for issuance of the certificate \$2.00.

The fees to be paid by an applicant for an examination to determine his fitness to receive a certificate of registration to practice as an apprentice is \$5.00 and for the issuance of a certificate \$1.00.

The fee to be paid for the renewal of a certificate of registration to practice barbering is \$2.00, and for the restoration of an expired certificate \$5.00.

The fee to be paid for the renewal of a certificate of registration to practice as an apprentice is \$1.50, and for the restoration of an expired certificate, \$3.00.

Approved March 3, 1933.

BONDS

CHAPTER 80

H. B. No. 287—(Opdahl.)

BONDS OF NORTH DAKOTA, BANK SERIES (B)

An Act providing for the issuing of Bonds for the State of North Dakota in such amount as will, with the Bonds of North Dakota, Bank Series (B), then outstanding, aggregate an amount not in excess of \$1,000,000 to be known as "Bank of North Dakota, Bank Series (B); Prescribing the terms and stating the purposes thereof; Providing a tax and making other provisions for the payment thereof; Making appropriation for the payment of said Bonds and to carry into effect the provisions of this Act; and declaring this Act to be an Emergency Measure.

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

§ 1. ISSUANCE.] Whereas the State of North Dakota doing business as The Bank of North Dakota has invested large sums of money in certificates of indebtedness issued by various taxing districts throughout the state, the Industrial Commission is hereby authorized and directed, if and when in their judgment it may be necessary, to adopt a resolution directed to the Governor and State Treasurer, authorizing the carrying into effect the provisions of this Act, and the Governor and State Treasurer are hereby authorized, empowered and directed thereupon to issue negotiable bonds of the State of North Dakota in such amount as will, with the Bonds of North Dakota, Bank Series (B), then outstanding, aggregate an amount not in excess of \$1,000,000, being the aggregate amount for which bonds of the State of North Dakota unsecured by mortgage may be issued, provided that the Industrial Commission shall exercise its best judgment as to the amount of bonds to be issued, the period to which such bonds shall run within the constitutional limit and the rate of interest; provided, however, such bonds shall not be below par. The bonds so issued shall be executed by the Governor and the State Treasurer under the Great Seal of the State and shall be attested to by the Secretary of State. The Auditor and Secretary of State shall endorse and sign on each bond a certificate showing that it is issued pursuant to law and is within the debt limit. The bonds shall be designated, "Bonds of North Dakota, Bank Series (B)."

§ 2. BONDS. PAYABLE TO WHOM. DENOMINATIONS. MATURITY. INTEREST DATE.] The bonds so issued shall be payable to the purchaser or bearer; provided, however, that the provisions of Section 151 of the Compiled Laws of North Dakota for the year 1913 are hereby declared to apply to them. They shall be issued in denomination or denominations, as the Industrial Commission shall decide, but in no case less than one hundred dollar denominations, and shall

be payable in not less than ten nor more than thirty years from the date of the issue of such bonds; provided, however, that at the option of the Industrial Commission they may when issued be made payable at any time after five years from the date of their issue, upon notice given by the Industrial Commission that they shall mature and become payable at a date not less than one year from the time of giving such notice. They shall bear interest at a rate not exceeding six per cent per annum from their date until maturity, payable semi-annually on the first day of January and July in each year; and coupons shall be attached to each bond evidencing the amount of interest payable on each first day of January and July until maturity, unless and until the holder or purchaser shall have exercised the privilege granted by Section 151 of the Compiled Laws of North Dakota for the year 1913. The principal and interest shall be payable at the office of the State Treasurer in Bismarck; or at a bank or trust company in the City of New York. The terms of said bonds as to denominations, periods of maturity, and rates of interest shall be fixed by the Industrial Commission within the limitations above stated. Each such bond and coupon must be presented at the office where the same is payable within six years from the date of its maturity; and no such bond or coupon shall bear interest after maturity unless payment thereof shall not be made upon due presentation for payment. All said bonds shall be exempt from state, county and municipal taxes of any and all kinds.

§ 3. PURPOSE OF ISSUE.] The said issue of bonds is authorized for the purpose of making delivery thereof to the Industrial Commission as hereinafter provided, and as contemplated by Section 368a5 (g) of the 1925 Supplement to the Compiled Laws of North Dakota for 1913 and enacted as Section 5, Chapter 151 Session Laws of 1919, and for the purpose of enabling the Industrial Commission to negotiate and sell such bonds, pursuant to the provisions of this Act and of said Section 368a5, and to create a revolving fund in the Bank of North Dakota.

§ 4. NEGOTIATION, SALE AND DELIVERY.] In furtherance of the purposes declared by this Act, it is hereby made the duty of the Governor and the State Treasurer after the issue, execution, sealing and attestation of said bonds to deliver them to the Industrial Commission, in such denominations and amounts, bearing interest at such rates, and running to such periods of maturity, as may be determined by the Governor, in his discretion, upon consideration of the resolution of the Industrial Commission as provided in Section 1 of this Act. The Industrial Commission is empowered, authorized and directed, in connection with and in addition to its other powers and duties, to act as the agent of the State for the negotiation, sale and delivery of said bonds. It shall sell them for cash in such manner and at such terms as in its sound discretion it shall deem most advantageous to the interests of the State. The Commission is hereby

authorized to receive all moneys paid by buyers of said bonds, upon the sale thereof, and upon receipt of the purchase price to deliver to each purchaser the bonds by him purchased. Upon such delivery of bonds so purchased and paid for, the faith and credit of the State of North Dakota is pledged for the payment thereof, both principal and interest, to the lawful holder and owner thereof upon presentation for payment, according to law. The moneys so derived and received from the sale of said bonds shall constitute a fund in the Bank of North Dakota to be designated as "Revolving Fund," and shall be so employed by the Industrial Commission. Nothing in this Act, however, shall be construed to prevent the purchase of any of said bonds with any funds in the Bank of North Dakota.

§ 5. BANK'S EARNINGS TO BE APPLIED TO PAYMENT OF PRINCIPAL AND INTEREST.] From time to time the Industrial Commission shall, out of the earnings derived from the operation of the Bank of North Dakota pay to the State Treasurer such moneys as the Commission shall deem available to devote to the purpose of paying said bonds and interest. In making such payment the Commission shall file a statement with the State Treasurer specifying the purpose of such payment. When moneys shall have been so paid to the State Treasurer, he shall apply the same to their specified purpose as hereinafter directed.

§ 6. TAX TO PAY INTEREST.] At the time of each annual meeting of the State Board of Equalization hereafter, the Industrial Commission shall deliver to said board an exact written statement of all bonds issued under the provisions of this Act outstanding at that time, including therein the dates of maturity, interest rates and all other information proper to enable the board intelligently to comply with the provisions of this Act in regard to tax levies. On the basis of such information the State Board of Equalization shall annually levy a tax at the time other taxes are levied, sufficient in amount to pay such interest on said bonds as will become due during the year beginning on the next ensuing first day of January, and said tax shall be collected in the same manner as other state taxes are collected. In determining, however, the amount of the tax sufficient for such purpose the Board of Equalization shall take into account whatever moneys, if any, shall then have been paid to the State Treasurer by the Industrial Commission as provided in Section 5 of this Act, for the specific purpose of paying such interest. The Board of Equalization shall apply to the State Treasurer for information as to the amount of such moneys, and he shall forthwith supply the information requested. If the amount of such moneys shall equal or exceed the amount of the interest on said bonds payable during said year beginning on the next ensuing first day of January, then no tax shall be levied by the Board of Equalization for that purpose; but if the amount of such moneys shall be less than the amount of the interest on said bonds payable during said year, then the Board

of Equalization shall deduct the amount of said moneys in the possession of the Treasurer from the amount of the interest so payable, and shall levy the tax hereinbefore in this Section provided for at least the difference between said amounts.

§ 7. TAX TO PAY PRINCIPAL.] Whenever it shall appear to the Board of Equalization from the information contained in any statement delivered to it by the Industrial Commission at any annual meeting of said Board, as provided in Section 6 above, that there will mature, within a period of five years from such annual meeting, any of the bonds provided for in this Act, the Board of Equalization shall thereupon, at such annual meeting, levy a tax in an amount equal to one-fifth of the amount of the principal of such bonds; provided, however, that in determining the amount of such tax, the Board of Equalization shall take into account whatever moneys, if any shall have been paid to the State Treasurer by the Industrial Commission for the specific purpose of paying the principal of said bonds when due as provided in Section 5 of this Act. The Board of Equalization shall apply to the State Treasurer for information as to the amount of such moneys and as to the times when paid to him.

§ 8. FUND TO PAY BONDS. NAME OF.] To identify and distinguish the funds provided and available for the payment of the bonds issued pursuant to this Act there is hereby created and established, as a part of the moneys of the State received and kept by the State Treasurer, a fund to be designated the "Bank Bond Payment Fund (B)." All moneys received by the State Treasurer, whether from the proceeds of taxes, or from payments made by the Industrial Commission, or from legislative appropriation, or otherwise, which shall be by law or by other authoritative designation made applicable to the payment of the said bonds, or interest thereon, shall be by him kept in said fund distinct from all other moneys, and shall be disbursed by him only for the particular purpose or purposes for which such moneys shall be delivered to him, and no other appropriation shall ever be made of the moneys in said fund until the said bonds shall be fully paid. But this Act shall not be construed as preventing the State Treasurer from depositing such funds in the Bank of North Dakota as provided by law with respect to all public funds.

§ 9. APPROPRIATION TO PAY INTEREST AND PRINCIPAL.] There is hereby appropriated all of the moneys obtained as proceeds of the taxes provided for in Sections 6 and 7 above, and all moneys paid to the State Treasurer by the Industrial Commission as specified in Section 5 above, and all moneys constituting the Bank Bond Payment Fund (B), or so much thereof as may be from time to time necessary to pay the interest and principal upon the said bonds as payments thereon shall become due; and whenever any of said bonds, or any coupons thereon, being due, shall be presented for payment, the State Treasurer shall pay the same out of the fund applicable thereto. If for any reason the said fund shall for the time being, be insuffi-

cient, the Treasurer shall supply the deficiency out of any other available moneys of the state in his custody; but in that case he shall as soon as possible, out of the Bank Bond Payment Fund (B), return the amount of such deficiency to the source whence taken.

§ 10. APPROPRIATION TO CARRY OUT PROVISIONS OF ACT.] There is hereby appropriated out of any available funds of the Bank of North Dakota, not otherwise appropriated, ten thousand dollars or as much thereof as may be necessary, to carry out the provisions of this Act. This appropriation is hereby made available immediately upon the passage and approval of this Act.

§ 11. REPEATING POWERS.] The powers herein granted may be repeatedly exercised and the duties following thereupon shall be likewise repeatedly performed under the terms of this Act from time to time as the occasion may arise; should any of the bonds issued under the provisions of this Act be paid and retired, the Industrial Commission may issue bonds in lieu thereof under the terms hereof; provided, that at no time shall the amount of bonds of the State of North Dakota issued pursuant to Section 1 of Chapter 148 of the Session Laws of 1919 (Section 2290a1 of the 1925 Supplement to the Compiled Laws of 1913) and pursuant to this Act, unsecured by mortgages, be issued and outstanding in an aggregate amount in excess of \$1,000,000.

§ 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; and the provisions of Sections 6, 7, 8 and 9 hereof shall remain in full force and effect until the maturity of any bond issued hereunder and for six years thereafter.

Approved March 7, 1933.

CHAPTER 81

S. B. No. 156—(Cain.)

CONTRACTORS BONDS PUBLIC IMPROVEMENTS

An Act to amend and re-enact Chapter 100 of the Session Laws of the State of North Dakota for the year 1931 relating to the bonds required of contractors on public improvements.

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

§ 1. AMENDMENT.] That Section 6832 of the 1925 Supplement to the Compiled Laws of 1913, as amended and re-enacted by Chapter 100 of the Session Laws of 1931 be and the same is hereby amended and re-enacted to read as follows:

§ 6832. BONDS FROM CONTRACTORS ON PUBLIC IMPROVEMENTS.] It shall be the duty of every public officer or board authorized to enter into a contract for the erection, repair, alteration or

betterment of any public building, or any other public improvements, except municipal improvements, before entering into such contract, to take from the contractor a good and sufficient bond for an amount at least equal to the price stated in the contract conditioned to be void if the contractor and all sub-contractors shall pay all bills and claims on account of labor or materials, or repairs or supplies used for machinery and motor power equipment performed, furnished and used in and about the performance of said contract, including all demands of sub-contractors, said bond to stand as security for all such bills, claims and demands until the same are fully paid. The obligee in said bond shall be the State of North Dakota; but any person having any lawful claim against the contractor, or any sub-contractor, on account of labor, or materials, or repairs, or supplies, as aforesaid, performed, furnished or used in and about the performance of said contract, may institute an action to recover the same in his own name upon said bond in the manner and with like effect as though said bond were payable to him. No contract for public improvements, as hereinbefore described, shall be valid unless the contractor shall furnish a bond as required herein, conditioned upon the payment by the contractor, and all sub-contractors, of all bills, claims and demands on account of all items hereinbefore set forth.

§ 2. EMERGENCY.] This Act is hereby declared to be an emergency measure, and shall be in full force and effect immediately after its passage and approval.

Approved March 3, 1933.

CHIROPRACTIC

CHAPTER 82

H. B. No. 117—(Schauss, by request.)

EXAMINATIONS PRACTICE OF CHIROPRACTIC

An Act to amend and re-enact Section 523a3, and 523a4 of the Supplement to the Compiled Laws of North Dakota for 1913, and relating to examinations for and defining of the practice of Chiropractic, and raising the qualifications of practitioners.

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

§ 1. AMENDMENT.] That Section 523a3 of the Supplement to the Compiled Laws of 1913, be amended and re-enacted to read as follows:

§ 523a3. EXAMINATIONS, HOW CONDUCTED. LICENSES, HOW GRANTED AND REVOKED.] All persons before commencing the practice of chiropractic in this state, shall apply to the State Board of Chiropractic examiners for a license, and shall submit to an examination in the following subjects: Anatomy, physiology, symptomatolo-

gy, diagnosis, nerve tracing, dietetics, chiropractic orthopedia, chemistry, pathology, bacteriology, gynecology, chiropractic philosophy, chiropractic jurisprudence, and adjusting as taught by chiropractic schools and colleges; and shall present a diploma (or photo of same) from a chartered school or college of chiropractic, wherein the resident course of instruction is not less than three years of eight months each, or its equivalent; and shall have in addition to the qualifications prescribed herein, preliminary educational qualifications of a standard resident high school course of not less than 16 units or credits, and two years of college or university work in an accredited college embracing the basic sciences, physics, chemistry, hygiene, anatomy, psychology, pathology, and diagnosis; provided, however, that the above qualifications shall not apply to students from North Dakota who are now enrolled in chiropractic schools and colleges who shall graduate prior to January 1st, 1934.

§ 2. AMENDMENT.] That Section 523a4 of the Supplement to the Compiled Laws of 1913 be amended and re-enacted to read as follows:

§ 523a4. CHIROPRACTIC DEFINED.] Any chiropractor who has complied with the provisions of this Act may adjust any displaced tissue of any kind or nature, and practice physiotherapy, electrotherapy and hydrotherapy as taught by chiropractic schools and colleges, but shall not prescribe for, or administer to any person, any medicine or drug now or hereafter included in materia medica, to be taken internally, nor perform any surgery, except as herein stated, nor practice obstetrics, nor use the titles Doctor, Physician, or Surgeon, but may use the title of Doctor of Chiropractic, or D. C.

Approved March 3, 1933.

CONSTITUTIONAL AMENDMENTS PROPOSED

CHAPTER 83

SENATE CONCURRENT RESOLUTION S.
(Erickson of Kidder, and Fowler.)

READING OF LEGISLATIVE BILLS

Be It Resolved, By the Senate of the State of North Dakota, the House of Representatives Concurring:

That the following amendment to Article 63 of the Constitution of the State of North Dakota be agreed to and submitted to the qualified electors of the State for the approval or rejection, in accordance with the provisions of Section 202 of the Constitution of the State of North Dakota;

That Article 63 of the Constitution of the State of North Dakota be, and the same hereby is amended to read as follows:

ARTICLE 63

Every bill shall be read two separate times, but the first and second readings may not be upon the same day; and the first reading may be by title of the bill only, unless upon such first reading, a reading at length is demanded. The second reading shall be at length. No legislative day shall be shorter than the natural day.

Filed March 7th, 1933.

CHAPTER 84

H. B. No. 216—(State Affairs Committee.)

COUNTY OFFICERS

A Concurrent Resolution providing for the amendment of Section 173 of Article 10 of the Constitution of North Dakota as amended by Article 41 of the amendments thereof, relating to county officers.

Be It Resolved by the House of Representatives, the Senate Concurring:

That the following proposed amendment to Section 173 of Article 10 of the Constitution of the State of North Dakota as amended by Article 41 of the amendments thereof, is agreed to and that the same be submitted to the qualified electors of the State for approval or rejection in accordance with the provisions of Section 202 of the Constitution of the State of North Dakota, as amended.

§ 1. AMENDMENT.] That Section 173 of Article 10 of the Constitution of the State of North Dakota, as amended by Article 41 of the amendments thereof, is hereby amended and re-enacted to read as follows:

§ 173. At the first general election held after the adoption of this amendment, and every two years thereafter, there shall be elected in each organized county in the state, a register of deeds, county auditor, treasurer, sheriff, state's attorney, county judge and a clerk of the district court, who shall be electors in the county in which they are elected and who shall hold their office until their successors are elected and qualified; provided in counties having fifteen thousand population, or less, the county judge shall also be the clerk of the district court. Provided further that counties having a population of 6,000 or less, the register of deeds shall also be clerk of the district court and county judge. The legislative assembly shall provide by law for such other county, township and district officers as may be deemed necessary, and shall prescribe the duties and compensation of all county, township and district officers. The sheriff and treasurer

of any county shall not hold their respective offices for more than four years in succession.

Approved March 7, 1933.

CORPORATIONS

CHAPTER 85

S. B. No. 100—(Judiciary Committee.)

NOTICE EXPIRATION CORPORATE EXISTENCE

An Act authorizing and directing the Secretary of State to give notice to domestic corporations of the date of expiration of period of duration of their corporate existence.

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

§ 1. The Secretary of State is hereby authorized and directed to cause to be mailed to all corporations heretofore or hereafter organized under the laws of this State, which have complied with the provisions of Section 4518 Compiled Laws of 1913, a notice stating the date upon which the period of corporate existence of such corporation will expire, at least sixty days prior to the date of such expiration.

Approved February 9th, 1933.

CHAPTER 86

S. B. No. 59—(Fowler.)

RENEWAL CORPORATE EXISTENCE AFTER EXPIRATION

An Act authorizing the renewal of the period of corporate existence of certain corporations whose period of duration has expired without the renewal thereof, and legalizing acts and contracts of such corporations made or done and performed subsequent to the expiration of the original period of existence of such corporations.

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

§ 1. RENEWAL OF CORPORATE EXISTENCE.] Any corporation heretofore organized under the laws of this State, whose period of duration has expired and the same has not been renewed and such corporation has continued to transact its business, may renew its corporate existence from the date of the expiration of its period of duration for an additional period not exceeding twenty (20) years from and after the time of its expired period of duration, with the same force and effect as if renewed prior to the expiration of its term of existence, by taking the same proceedings and by paying into the state treasury twenty-five dollars in addition to the fees as now provided by law for the renewal of the corporate existence of such

corporations in cases where such renewal is made before the end of its period of duration.

§ 2. TWO YEAR LIMITATION.] Such proceedings to obtain such extension shall be taken within two (2) years after the taking effect of this Act.

§ 3. ORIGINAL ACTS DECLARED VALID.] When such steps are taken within such period, or have been heretofore taken, such proceedings shall relate back to the date of the expiration of said original corporate period, and when said period is extended as provided by this Act, any and all corporate acts and contracts done, performed, made and entered into after the expiration of said original period, shall be and each is hereby declared to be legal and valid.

§ 4. APPLICATION.] This Act shall not apply to any corporation the charter of which has been declared forfeited by the final judgment of any court of competent jurisdiction in this State, nor to any corporation as to which there is any action or proceedings pending in any of the courts in this State for the forfeiture of its charter, nor to any corporation whose directors have acted as trustees under the provisions of Section 4567, Compiled Laws of 1913.

Approved January 30, 1933.

CHAPTER 87

H. B. No. 188—(Holthusen.)

CHANGE CORPORATE HEADQUARTERS SYNODICAL RELIGIOUS DISTRICT

An Act providing ways and methods for changing the corporate headquarters of the synodical religious district which has been incorporated in the State of North Dakota.

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

§ 1. Every religious corporation which consists of the union of two or more congregations into synodical districts within the State of North Dakota, or within and without the State of North Dakota, may change its corporate headquarters, by vote at any regular annual meeting, or any regular annual postponed meeting provided;

(1) That notice of intention to change the corporate headquarters shall have been given to each member congregation, either by written notice mailed by the president of the synodical district to the secretary of each congregation by registered mail, not less than sixty (60) nor more than eighty (80) days before the date previously set for such regular annual meeting, or in lieu of mailing such registered notice, the same may be given by publication of such notice signed by the president of such synodical district corpora-

tion in the official paper of such corporation if it publishes one, such publication to be made at least sixty (60) days before the date previously set for such regular annual meeting; provided, however, that no previous notice of such intended change need be given and such matter of the change of corporation headquarters may be voted upon at any regular annual meeting of such corporation, if eighty-five per cent (85%) of the member congregations are present at such meeting by delegates.

(2) At least two-thirds of the accredited delegates of member congregations present must vote for such change of corporate headquarters to effect the change.

(3) A certificate signed by the chairman and secretary of the meeting at which such vote has been taken, showing compliance with the requirements of this bill or law, the place of the new corporate headquarters, the number of congregations represented and the result of the vote taken must be filed in the office of the Secretary of State, there to be recorded in the book of corporations, and thereupon the corporate headquarters and the place where the business shall be transacted shall be at the place to which changed by such vote.

§ 2. REPEAL.] Every Act or part of Act including Section 4564 of the Compiled Laws of the State of North Dakota, in conflict herewith are hereby repealed insofar as the same affect corporations herein designated.

§ 3. EMERGENCY.] This is declared to be an emergency measure and shall go into effect immediately on its passage and approval.

Approved March 6th, 1933.

CHAPTER 88

H. B. No. 189—(Holthusen.)

CHANGE CORPORATE NAME SYNODICAL RELIGIOUS DISTRICT

An Act providing ways and methods for changing the corporate name of the synodical religious district which has been incorporated in the State of North Dakota.

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

§ 1. Every religious corporation which consists of the union of two or more congregations into synodical districts within the State of North Dakota, or within and without the State of North Dakota, may change its corporate name by vote at any regular annual meeting, or any regular annual postponed meeting, provided;

(1) That notice of intention to change the corporation name shall have been given to each member congregation either by written notice mailed by the president of the synodical district to the sec-

retary of each member congregation by registered mail, not less than sixty (60) or more than eighty (80) days before the date previously set for such regular annual meeting; or, in lieu of mailing such registered notice, the same may be given by publication of such notice signed by the president of such synodical district corporation in the official paper of such corporation if it publishes one, such publications to be made at least sixty days before the date previously set for such regular annual meeting; provided, however, that no previous notice of such intended change need be given and such matter of the change of corporate name may be voted upon at any regular annual meeting of such corporation, if eighty-five per cent of the member congregations are present at such meeting by delegates.

(2) At least two-thirds of the accredited delegates of member congregations present must vote for such change of corporation name to effect the change.

(3) A certificate signed by the chairman and secretary of the meeting at which such vote has been taken, showing compliance with the requirements of this bill or law, the new corporate name, the number of congregations represented, and the result of the vote taken must be filed in the office of the Secretary of State, there to be recorded in the book of corporations, and thereupon the corporate name as so changed by such vote.

§ 2. REPEAL.] Every Act or part of Act including Section 4563 of the Compiled Laws of the State of North Dakota, in conflict herewith are hereby repealed in so far as the same affects corporations herein designated.

§ 3. EMERGENCY.] This Act is declared to be an emergency measure and shall go into effect immediately upon its passage and approval.

Approved March 6th, 1933.

CHAPTER 89

S. B. No. 151—(Fowler and Matthaei.)

PROHIBITING CORPORATION FARMING

An Act to amend and re-enact Sections 1, 2 and 3 of that certain initiated law adopted by the voters of the State of North Dakota at the primary election held June 29, 1932, entitled as follows: "An Act prohibiting corporation farming and relating to corporations acquiring and holding real estate not necessary in the operation of their business, and to legalize the title and ownership of any real estate acquired since the approval and adoption of said initiated law, and declaring an emergency."

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

§ 1. AMENDMENT.] That Section 1 of said initiated law be and the same is hereby amended to read as follows:

“That all corporations, both domestic and foreign, except as otherwise provided in this Act, are hereby prohibited from engaging in the business of farming or agriculture.”

§ 2. AMENDMENT.] That Section 2 of said initiated law be amended to read as follows:

“That all corporations, both domestic and foreign, who now own or hold rural real estate, used or usable, for farming or agriculture, except such as is reasonably necessary in the conduct of their business, shall dispose of the same within ten years from the date that this Act takes effect, provided that during said ten year period said corporations may farm and use said real estate for agricultural purposes provided further that the ten year limitation provided by this Section shall be deemed a covenant, running with the title to the land against any grantee, successor of (or) assignee of such corporation, which is also a corporation.”

§ 3. AMENDMENT.] That Section 3 of said initiated law be amended to read as follows:

“That any corporation, either domestic or foreign, that acquires any rural real estate, used or usable, for farming or agriculture, by judicial process or operation of law, hereafter, except such as is reasonably necessary in the conduct of its business, shall dispose of such real estate within ten years from the date that it is so acquired, provided that during said ten year period it may farm and use the same for agricultural purposes, provided further that the ten year limitation provided by this Section shall be deemed a covenant, running with the title to the land, against any grantee, successor or assignee of such corporation, which is also a corporation.”

§ 4. TITLE LEGALIZED.] That the title and ownership of any real estate acquired, in any manner, by any domestic or foreign corporation, since the approval and adoption of the aforesaid initiated law, is hereby declared to be legal and valid for all purposes, notwithstanding any provisions in said initiated law contained, but subject however, to all of the provisions now contained in said initiated law as hereby amended and re-enacted.

§ 5. 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 4, 1933.

CHAPTER 90

S. B. No. 180—(Jones.)

**POWER FRATERNAL CORPORATIONS TO ACQUIRE
PROPERTY**

An Act to amend and re-enact Section 1 of Chapter 110 of the Session Laws of 1927, relating to limit of property that may be acquired by fraternal corporations.

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

§ 1. AMENDMENT.] That Section 1 of Chapter 110 of the Session Laws of 1927 be amended and re-enacted to read as follows:

§ 5031. PROPERTY, POWER TO ACQUIRE.] Any such association shall have power to acquire property, both real and personal, by purchase, devise, or bequest, to an amount not exceeding five hundred thousand dollars in value, and to hold the same, and may sell, exchange or mortgage any or all property held or owned by it, in the manner determined by its by-laws or by a majority vote of its members present at a meeting called for such purpose.

Approved March 9th, 1933.

CHAPTER 91

S. B. No. 252—(Committee on Judiciary.)

ANNUAL REPORTS AND REINSTATEMENT OF CORPORATIONS

An Act to amend and re-enact Section 4520, Compiled Laws of 1913, and Section 4521, Supplement to the Compiled Laws of 1913, relating to annual reports and reinstatement of corporations.

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

§ 1. AMENDMENT.] That Section 4520, Compiled Laws of 1913, is hereby amended and re-enacted as follows:

§ 4520. AMENDMENT.] The Secretary of State is hereby required on or before the twenty-fifth day of June of each year to mail to every corporation embraced in this article proper blanks to be used in making the report hereinbefore provided for; also a copy of this article together with a notice that a failure on the part of said corporation to make such report within the time prescribed by law, shall be prima facie evidence that such corporation is out of business and that upon such failure its articles of incorporation will be cancelled upon the records in the office of Secretary of State.

§ 2. AMENDMENT.] That Section 4521, Supplement to the Compiled Laws of 1913, is hereby amended and re-enacted as follows:

§ 4521. AMENDMENT.] Reinstatement of corporations. Any domestic corporation which is engaged in active business under its charter, or any foreign corporation engaged in active business under its certificate of authority to transact business in this state, failing to make said report as required by Section 4518, may be reinstated upon the records of the office of the Secretary of State upon the filing of such annual corporation report accompanied by an affidavit stating that such corporation was at the time of default and is still engaged in active business in the State of North Dakota, and the payment of the required report fee of \$2.50 with an additional reinstatement fee of \$1.00. Such reinstatement may be made at any time between August first and September thirtieth inclusive upon payment of said fees—and at any time after October first upon filing the required report with the \$2.50 fee and an additional reinstatement fee of \$5.00; provided that when default extends over several years annual reports must be filed for each year with a fee of \$2.50 for every report and payment of the \$5.00 reinstatement fee for each and every year the corporation has failed to file its report.

Approved March 4, 1933.

COUNTIES

CHAPTER 92

S. B. No. 221—(Cain, Brunsdale and Wog.)

CONSOLIDATION COUNTIES AND PARTS OF COUNTIES

An Act providing for the consolidation of counties and parts of counties; the petition and election therefor; the vote thereon; result thereof; and proclamation by the Governor; the officers; expiration of their terms and transfer of all books, records and property; nominations, when void; the transfer and trial of all actions; the debts, taxes and issuance of bonds or certificates of indebtedness, and repealing all Acts in conflict herewith.

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

§ 1. Whenever twenty per cent (20%) of the legal voters as determined by the vote cast for the office of Governor at the last preceding general election, who are freeholders residing in any county of this state, shall petition the board of county commissioners of their county for permission to have their county consolidated with and annexed to any adjoining or partly adjoining county, and shall also petition the board of county commissioners of the county to which they desire their county to be annexed or united, ninety (90) days before any election as hereinafter defined, and if such petitions are found to conform to the provisions of this Act, it shall be the duty of the board of county commissioners of the counties so petitioned to submit to the voters of each of said counties the

question of the consolidation of the county or parts of counties designated in the petition at the next state-wide primary election for the nomination of county and state officers. Provided, however, that a part or portion of a county may file a like petition with the boards of county commissioners as herein provided to have a part of a county consolidated with and annexed to an adjoining county, but such petition for the consolidation or annexation of a part of a county shall not be considered by the board of county commissioners unless a petition is also filed by the voters of the remaining portion of the county for consolidation with or annexation to some other adjoining county. Notice of said election shall be given as is provided by law, and in addition thereto shall contain the name of each of the two counties or parts thereof, and shall state that the proposition to be voted upon will be: "Shall the county or part thereof as designated in the petition of (naming the county or part thereof whose legal voters petition for consolidation) be consolidated with and annexed to the county of (naming the adjoining county to which the legal voters have petitioned to be united and annexed)" providing that the proposition of consolidation shall not be voted upon more than once in five years.

§ 2. The county or part thereof whose legal voters shall petition the several county boards as aforesaid shall be called the "petitioning county" and the county to which said legal voters shall petition to be consolidated with or annexed to shall be called the "adjoining county."

§ 3. The ballots at such election shall be substantially in the following form, to-wit:

For consolidating and annexing the county of (naming the petitioning county) to the county of (naming the adjoining county)

Against consolidating and annexing the county of (naming the petitioning county) to the county of (naming the adjoining county)

§ 4. If a majority of all the legal votes cast in the petitioning county at such election shall be in favor of said proposition and if sixty per cent (60%) of the votes polled in the adjoining county at such election shall be in favor of said proposition, all of that territory included within the established boundaries of the petitioning county shall be consolidated with and annexed to the adjoining county and such petitioning county shall cease to have any separate existence as a county, but shall be merged into and form an integral part of such adjoining county in fact and in name at the time and in the manner hereinafter provided.

§ 5. The votes polled at such election shall be canvassed and returned in the manner provided by law for canvassing votes polled for county and state officers.

§ 6. Within ten (10) days after the filing of the findings and certificates of the canvassing board on the question of consolidation in each of the said counties, the county auditor of each of said counties shall send a correct and duly certified abstract of the votes polled at such election to the Secretary of State, and if a majority of all the legal votes cast at such election in the petitioning county and sixty per cent (60%) of all the legal votes cast in the adjoining county, is found to be in favor of consolidating and annexing the petitioning county to the adjoining county, the Secretary of State shall forthwith notify the Governor of the State, and the Governor shall thereupon forthwith and without delay issue his proclamation announcing and declaring the result of such election, and on and after January first after the date of such proclamation, the petitioning county shall cease to exist as a county and all that territory embraced in the limits of such petitioning county shall be consolidated with and annexed to, and shall form an integral part of such adjoining county.

§ 7. All the county officers, except as hereinafter provided, of the petitioning county shall continue to hold their offices until their respective terms of office shall expire, and shall perform the duties of their respective office arising in the territory which, before the election and Governor's proclamation, had constituted the petitioning county, and within five (5) days prior to the first day of January following the date of the Governor's proclamation, as aforesaid, they shall remove all files and records, books, papers, equipment, fixtures and furniture of their respective offices to the court house of the adjoining county, which shall thereafter be held and taken to be the files, records, books, papers, equipment, fixtures, furniture and property of the adjoining county as it shall be constituted after January first following the date of the proclamation as aforesaid, and all moneys and property of whatsoever nature in the custody or possession of any of said officers shall be delivered to the proper officers of the adjoining county within the period of time herein mentioned. Provided, however, that any and all moneys transferred to the proper officers of the adjoining county by the officers of the petitioning county shall be kept in a separate fund for the purpose of paying the indebtedness of petitioning county, and any and all moneys of petitioning county for interest and sinking funds shall be kept in a separate fund for the payment of interest and principal when due on bonds or certificates of indebtedness, if any, issued by petitioning county.

§ 8. Nominations received by any candidate or candidates for county office in a petitioning county at an election when the question of consolidating said county is voted upon, shall be null and void if the consolidation of such county is approved as provided for in this Act, and no county officers shall be elected in such county at the general fall election.

§ 9. The members of the board of county commissioners of the petitioning county whose term of office does not expire by expiration of time on January first following the Governor's proclamation as aforesaid, shall, during the remainder of their term of office, act at all regular and special meetings with the board of county commissioners of adjoining county as it will be constituted after the consolidation. Provided, however, that any member or members of the board of county commissioners of petitioning county so acting shall have no voice or vote on any question pertaining to matters arising within the territory of the adjoining county, but as to questions pertaining to the territory formerly included in the petitioning county, they shall be permitted to act and vote with the commissioners of the adjoining county, and such commissioners of petitioning county, during their unexpired term of office, shall receive the same fees and compensation as that paid to them by petitioning county prior to the consolidation, which compensation and fees shall be paid by the adjoining county out of taxes collected upon property in the territory that had constituted the petitioning county. Provided, however, that if a vacancy should occur in the term of office of any member of the board of county commissioners of petitioning county, no successor to such commissioner shall be appointed, and upon the expiration of the term of office of any such commissioner, no successor shall be elected. At the first meeting of the board of county commissioners following the date of consolidation, the board of the adjoining county shall re-district the territory of the county as consolidated into commissioners districts and the commissioners acting from the petitioning county shall be considered as commissioners at large.

§ 10. If the petitions filed by the legal voters of a county or part of a county for consolidation with and annexation to one or more counties is to be voted upon at any election as provided for herein and such petitions require an election in two or more counties, the question of consolidation to be of any force or effect, must receive the affirmative vote herein provided for in all of said counties, otherwise said election shall be null and void and no consolidation shall take effect.

§ 11. On and after January first, following the Governor's proclamation as aforesaid, the officers of the adjoining county shall do and perform any and every act or thing necessary to be done or performed within the territory that had constituted the petitioning county, and such acts so performed shall have the same validity as though said officers had been elected from such territory.

§ 12. All actions or suits of every nature that have been filed or are pending in any of the courts of petitioning county on January first following the Governor's proclamation, aforesaid, shall be transferred by the clerks of the respective courts to the clerk of court of the adjoining county, and all matters of probate or other actions

pending in the county court shall be transferred to the county court of the adjoining county and shall be by that court heard, tried and determined as though said action had originally been filed therein, and all criminal cases so transferred shall be tried by a jury drawn in the manner provided by law from the qualified jurors residing within the limits of the territory which had constituted the petitioning county, unless the defendant in any such criminal case shall consent in open court to be tried by a jury of the adjoining county; and any and all actions pending in the justice court in the territory formerly comprising the petitioning county shall be transferred to the justice of the peace in the adjoining county whose office is located in or nearest to the court house of said county, and said justices of the peace of petitioning county shall within ten (10) days after January first following the Governor's proclamation, aforesaid, deliver to the clerk of the court of the adjoining county his docket and all other books and records of his office.

§ 13. The adjoining county shall not be or in any manner become liable for the debts of the petitioning county. The board of county commissioners of the adjoining county shall have all the powers which the county board of petitioning county had as of the date of January first, as aforesaid, to levy taxes upon all the property in the territory which had prior to the consolidation constituted the petitioning county to pay the debts and obligations of the petitioning county. The board of county commissioners of the adjoining county shall have full power to compromise the debts of the petitioning county and shall have full power to issue bonds or certificates of indebtedness in settlement or compromise of the debts and obligations of the petitioning county, which debts or obligations may be funded by the adjoining county by the issuance of bonds or certificates of indebtedness, setting forth upon their face that the principal and interest of such bonds or certificates of indebtedness shall be paid from taxes levied upon the property within the territory which had constituted the petitioning county.

§ 14. All suits that might have been brought against the petitioning county may be brought after the consolidation, aforesaid, against the adjoining county, and any judgment that may be rendered in said suits shall be paid by taxation upon the property in the territory that had constituted the petitioning county.

§ 15. The boards of county commissioners of the petitioning and adjoining counties shall meet at the court house in the petitioning county on the third Tuesday of December following the Governor's proclamation to effect an equalization of the property, funds on hand and debts, and at said meeting they shall provide for the cost of having such records of petitioning county, as may be necessary, transcribed and made a part of the records of the adjoining county, and do and perform such other acts as may be necessary to effectually

carry out the consolidation of said counties on the date provided for herein.

§ 16. The territory which constituted the petitioning county shall continue and remain in the same legislative district until the next apportionment of the state for legislative districts, and at any election where the territory that had constituted the respective counties before the consolidation is in different legislative districts, the county auditor of the adjoining county shall keep separately the vote polled in the territory constituting the respective counties before the consolidation and shall report and return the same separately to the Secretary of State.

§ 17. SAVING CLAUSE.] The provisions of this Act are severable and if any of its provisions shall be held unconstitutional the decision of the court shall not affect or impair other provisions of the Act. It is hereby declared as of legislative intent that this Act would have been adopted had such unconstitutional provisions not been included therein.

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

Approved March 6, 1933.

CHAPTER 93

S. B. No. 283—(Hamilton.)

RETIREMENT OUTSTANDING DRAIN WARRANTS, ETC.

An Act authorizing and requiring the Board of County Commissioners where drain bonds are issued, to retire outstanding drain warrants to pay a just amount of the drain assessments against tracts of land acquired by the county by tax title in cases, and where the value of the land so acquired exceeds the amount which would have been required to redeem the land at the time tax deed was issued and the amount of taxes which probably would have been levied against the land if title had not passed to the county.

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

§ 1. When the Board of County Commissioners of any county exercise their authority, and issue drainage bonds to retire outstanding warrants against the drain fund and it appears that the county has acquired tax title to any tract of land in the drain district, which tract would be subject to assessment for the payment of such bonds if the taxes on which the tax title is based had been paid, and the land had remained the property of the person who was the owner thereof at the time the drain was constructed, the County Commissioners shall make an appraisal of such tract of land to which it holds such tax title, and if it appears that any such tract is reasonably worth more than the amount which would have been required

to redeem at the time the tax deed was issued and the taxes which probably would have been levied against such tract while it has been the property of the county, if the same had remained the property of the private owner the County Commissioners shall, and they are authorized to, pay such amount of the drain assessments against such tract of land as in their judgment is just and fair, having in mind on one hand the interests of the general taxpayers of the county, and, on the other hand, the rights and interests of the owners of land subject to drain assessments and taxes.

§ 2. EMERGENCY.] An emergency is hereby declared to exist and this Act shall become effective immediately upon its passage and approval.

Approved March 6, 1933.

CHAPTER 94

S. B. No. 165—(Trout, by request.)

ERECTION AND LEVY FOR MEMORIALS

An Act amending and re-enacting Chapter 175, Session Laws of North Dakota for the year 1929.

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

§ 1. AMENDMENT.] That Chapter 175, Session Laws of 1929, is hereby amended and re-enacted to read as follows:

§ 2071C1. COUNTY COMMISSIONERS AUTHORIZED TO ERECT A MEMORIAL OR MEMORIALS OR OTHER SUITABLE RECOGNITION. TO LEVY TAXES.] The board of county commissioners of any county in the State of North Dakota is hereby authorized to erect a memorial or memorials, or other suitable recognition in commemoration of the people of the county who rendered services, or who lost their lives in the service of their country during the Great World War and may for such purpose use funds out of the general fund of the county if there is sufficient money in said fund, or use funds heretofore raised by tax levy for such memorial or memorials, and may after the taking effect of this Act and prior to September 1, A. D. 1937, levy a tax not in excess of one mill on the dollar in any one year upon the assessed valuation of all property in the county, or may use funds for that purpose donated to the county for that purpose, or may use for such purpose funds out of the general fund of such county if there is sufficient money in said fund in conjunction with the funds so donated or obtained by such levy and tax, and the proceeds of such levy, tax, and donations, together with the amount taken out of the general fund, shall be used solely for the purpose of erecting such memorial, or memorials, or other suitable recognition; provided, however, that in no case shall the board expend tax moneys in excess of the maximum levy permitted under this

Act together with such amount as has been heretofore levied under the provisions of Chapter 181 of the Session Laws for the year 1919 Chapter 117 of the Session Laws for the year 1927 and Chapter 175 of Session Laws for the year 1929. The total levy authorized to be made under the provisions of this Act and under the provisions of Section 2071c1 of the Supplement to the Compiled Laws of 1913 and Chapter 117 of the Session Laws of North Dakota of the year 1927, and Chapter 175 of the Session Laws for the year 1929, shall in no event exceed four mills upon the taxable property of the county. Provided, further, that where a suitable memorial, or memorials, or other suitable recognition has been made, no further levy is authorized. Provided, however, that nothing therein contained shall be construed to prohibit said board from expending any additional moneys derived from sources other than taxation. Such memorial, or memorials, or other suitable recognition shall be erected within the county at a place determined upon by such board and such memorial, or memorials, or recognition when erected, shall be properly and permanently maintained by such board by necessary expenditures from the general fund of the county or from funds donated to the county therefor or from either or both of such funds. Provided, further, that where funds have been heretofore raised by tax levy for such memorial or memorials, and the funds so raised are unexpended, the board of county commissioners may at any time after September 1, 1935, by resolution transfer any such unexpended funds to the general fund of the county.

§ 2. The board of county commissioners in any county of this state in which a fund has been or may be created for the erection of a war memorial or memorials, may combine such war memorial fund with other funds of the county for the purpose of erecting a memorial court house.

Approved March 9, 1933.

CHAPTER 95

H. B. No. 99—(Carlson.)

DEPOSIT, ETC., FUNDS ENTRUSTED SHERIFFS, CLERKS OF DISTRICT COURTS AND PUBLIC ADMINISTRATORS

An Act providing for the deposit by Sheriffs, Clerks of District Courts, and Public Administrators, of funds entrusted to or received by them by virtue of their offices, absolving such public officials from liability for funds so deposited, providing for the care and disbursement of such funds, and declaring that failure to deposit such funds shall be cause for removal from office.

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

§ 1. That any and all funds hereinafter received by any sheriff, clerk of district court, or public administrator, in this state, by virtue of his office, shall be by said officer forthwith paid over and delivered

to the treasurer of the county, of which said sheriff, clerk of district court, or public administrator, is an officer, and that upon such deposit the said officer making the same shall be absolved from all liability for the safe-keeping thereof. Provided that the provisions of this Act shall not apply to fees or taxes received by county officers, which are now required to be paid over and delivered to the County Treasurer.

§ 2. That the County Treasurer receiving such deposit shall thereupon deliver to the officer making the same, a receipt therefor, and at the same time make and deliver to the county auditor of his county, a duplicate receipt therefor, and shall place the sum deposited in such fund as is now provided for that purpose, or if no special fund is now provided by law, such deposit shall be placed in a separate special fund, for each county officer making such deposit to be maintained for that purpose, and shall thereupon be vested with the same rights, duties and liabilities with respect to such deposit as with respect to public funds in his hands as such county treasurer. Such funds shall be deposited by the county treasurer, as are other public funds, and any interest collected on or accruing on time deposits shall be credited to the fund belonging to the person, firm or corporation entitled to receive the same. Provided, further, that such funds shall, upon making of such deposit, become public funds of such county, subject to be disbursed in the manner hereinafter set forth.

§ 3. That such deposit shall be disbursed only upon the order of the County Auditor of said county, based upon the order of the officer making such deposit or his successor in office, or if the funds deposited are such as are now required to be disbursed by warrant or draft drawn by the State Auditor, then such fund shall be disbursed upon proper warrant or draft drawn by the State Auditor. Provided, however, if such deposit is made in the form of a check or draft, the County Treasurer shall not disburse such funds unless or until such check or draft is paid.

§ 4. That if any Sheriff, Clerk of District Court, or Public Administrator shall fail, neglect or refuse to make the deposit herein set forth as herein required, or shall make or deliver or cause to be made or delivered, any order for the withdrawal of said deposit except to the person, firm or corporation entitled to receive the same, such action shall constitute a complete cause for his removal from office and he shall be liable upon his bond to any person suffering loss thereby.

§ 5. It is further provided that this Act shall not apply to funds which at the date this Act takes effect have been impounded by the failure of a bank in which the same have been deposited, and this Act shall not affect such impounded funds unless and until the same have been recovered by the officer, or the successor in office

of the officer by whom such funds were deposited. Provided, further, that any and all such funds now in the hands of any Sheriff, Clerk of District Court, or Public Administrator, not impounded by the failure of a bank in which the same have been deposited, shall be paid over and delivered to the County Treasurer within 30 days after the taking effect of this Act.

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

Approved March 6, 1933.

CHAPTER 96

S. B. No. 142—(Whelan, by request.)

EXAMINATION COUNTY OFFICERS RECORDS AT END OF TERM

An Act to amend and re-enact Section 3543 of the Compiled Laws of the State of North Dakota for the year 1913.

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

§ 1. AMENDMENT.] That Section 3543 of the Compiled Laws of the State of North Dakota for the year 1913, be amended and re-enacted to read as follows:

§ 3543. EXAMINATION OF RECORDS. STATE'S ATTORNEY TO PROSECUTE.] At the end of the term of office of each county officer, or at any time it may seem advisable, the Board of County Commissioners may secure an examination of the records of his office by the State Examiner or other competent accountants. Any failure or irregularity discovered must be remedied, or it shall become the duty of the State's Attorney to prosecute an officer guilty thereof for neglect as provided in the last Section. It shall also be the duty of the city council, board of aldermen, village trustees, civil township supervisors, school township or school district board, as the case may be, to examine the records of their several officers in like manner, or to employ a competent accountant to make such examination. Upon complaint of irregularity by the proper board the State's Attorney shall prosecute as provided in the last Section.

Approved March 4th, 1933.

CHAPTER 97

H. B. No. 289—(Twichell, Swett, Homnes and Aljets.)

ADMINISTRATION COUNTY POOR RELIEF

An Act providing relief for the poor, prescribing the procedure therefor, defining the duties of County Commissioners, Township Supervisors, City and Village Trustees in respect thereto, granting the District Courts power to determine issues involving removal of poor persons and the legal residence thereof, and repealing Sections 2496, 2497, 2498, 2499, 2500, 2501, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, and 2527 of the Compiled Laws of North Dakota for 1913, and Section 2514 of the Supplement to the Compiled Laws of North Dakota for 1913, and Section 1 of Chapter 107 of the Session Laws of North Dakota for 1929, and all Acts and parts of Acts in conflict herewith.

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

§ 1. DUTY OF COUNTY COMMISSIONERS.] The county commissioners of the several counties of this state shall be ex-officio the overseers of the poor within their respective districts, and shall perform all duties with reference to the poor of their respective districts, that may be prescribed by law. Every county commissioner shall, while discharging the duties prescribed by this Act, be designated an overseer of the poor. Provided that when the board of county commissioners of any county shall determine the same to be necessary it may designate one of the members thereof as county overseer of the poor. Such designation shall be made by resolution duly adopted and spread upon the minutes of the board. When a board of county commissioners has designated one of its members as county overseer of the poor he shall exercise the powers and perform the duties as overseer of the poor throughout the entire county and the other members of the board of county commissioners shall no longer continue to act as overseers of the poor.

§ 2. ACTIONS AND PROCEEDINGS—DUTIES OF STATE'S ATTORNEYS.] All suits and other proceedings arising out of the administration of the laws pertaining to the support of the poor shall be brought by or against the county in its corporate name. Except as otherwise provided in this Act such suits and proceedings, including the service of process, shall be governed by the provisions of the Code of Civil Procedure. It shall be the duty of the State's Attorneys of the several counties in the State to institute and conduct or defend any and all actions or proceedings that may be instituted under the provisions of this Chapter.

§ 3. APPLICATION FOR RELIEF. JURISDICTION.] The county commissioners of each county shall have exclusive jurisdiction and control of the administration of poor relief within each county, except as otherwise provided in this Act. Every application for

poor relief must be made to the board of county commissioners and may be filed either with the county auditor or with the overseer of the poor of the district in which the applicant resides.

§ 4. RESIDENCE ACQUIRED. MARRIED WOMEN AND CHILDREN.] Residence may be acquired in any county so as to oblige such county to relieve and support the persons acquiring such residence in case they are in need of relief, as follows:

1. The residence of a married woman follows that of her husband if he has any within the state, otherwise her own at the time of her marriage, and if she then had any residence it shall not be lost or suspended by the marriage; and in case the wife shall be removed to the place of her residence, and the husband shall need relief, he shall receive it in the place where his wife shall have her residence.

2. Legitimate children shall follow and have the residence of their father if he has any within the state, until they gain a residence of their own, but if the father has no residence they shall in like manner follow and have the residence of their mother if she has any.

3. Illegitimate children shall follow and have the residence of their mother of the time of their birth, if she then has any within the state; but neither legitimate nor illegitimate children shall gain a residence by birth in the place where they were born, unless their parent or parents had a residence therein at the time.

4. Each male person and each unmarried female over the age of twenty-one years, who shall have resided one year continuously in any county in this state, shall thereby gain a residence in such county. Each minor whose parents, and each married woman whose husband has no residence in this state, who shall have resided one year continuously in the state, but not in any one county, shall have a settlement in the county in which he has longest resided within such year. Every minor not emancipated and settled in his own right shall have the same settlement as the parent with whom he has last resided. The time during which a person has been an inmate of a hospital, poorhouse, jail, prison or other public institution and each month during which he has received relief from the poor fund of any county, shall be excluded in determining the time of residence hereunder.

5. Each minor who shall be bound as an apprentice to any person shall immediately upon such binding, if done in good faith, thereby gain a residence where his master has a residence.

6. Each residence when once legally acquired shall continue until it is lost or defeated by acquiring a new one in this state, or by voluntary absence from the county in which such residence had obtained for one year or more; and upon acquiring a new residence, or upon the happening of such voluntary absence, all former residence shall be defeated and lost, and the provisions of this section

shall apply to cases of residence begun to be acquired or lost or defeated, as well heretofore as hereafter. Provided, that if within a year of such removal the county of former residence shall contribute to the poor relief of such person in the county to which he or she shall have moved, such absence from the county of former residence shall not be construed to be voluntary as that term is used in this Act.

§ 5. CARE OF POOR. TEMPORARY AID.] The overseer of the poor in each county commissioner's district shall have the oversight and care of all persons in his district so long as they remain a public charge and shall see that they are properly relieved and taken care of in the manner provided by law. He shall, in cases of necessity, promptly provide medical and surgical attention for all the poor in his district, who are not provided for in public institutions and shall see that such medicines as prescribed by the physician or surgeon in attendance upon the poor, are furnished, provided that in counties where a county physician or physicians have been appointed on an annual salary, the overseer of the poor shall call upon the nearest county physician to attend such poor person in need of certain medical or surgical attention. Whenever an overseer shall ascertain by investigation that any poor person or family requires assistance, he shall furnish them such temporary aid as may be necessary for immediate relief, but before final or permanent relief shall be given any case, the overseer shall consider whether the distress can be relieved by other means than by the expenditure of county funds.

§ 6. OVERSEER TO MAKE INVESTIGATION.] Whenever an application for poor relief is made as herein provided, such application shall be referred to the chairman of the board of supervisors of the township in which such applicant resides, and it shall thereupon be the duty of such chairman of the board of supervisors to immediately make a careful investigation of such application and make a report thereon to the overseer of the poor. Such investigation shall include careful inquiry into the circumstances of such poor persons, the facts relating to their legal residence, their physical ability and capacity for labor, their ages and nationality, and the names, ages, ability and capacity of labor of all members of their family, the names and addresses and occupation of their parents, brothers, sisters, sons or daughters and all other facts bearing upon their condition and distress, if any, provided that in case of emergency, the overseer of the poor may make such investigation personally. And in cases where the applicant resides in territory not organized as a civil township, such investigation and report shall be made by the overseer of the poor for such district.

§ 7. COMPLAINT IN BEHALF OF THE POOR. DUTY OF OVERSEERS.] It shall be the duty of the overseers of the poor, on any complaint made to them in behalf of the poor, to examine into the ground of such complaint, and if in their judgment the poor have

not been sufficiently provided with the common necessities of life, or have in any respect been ill treated by the person under whose charge they have been placed, to withhold any part of the compensation allowed to the person keeping them, as such overseers may deem reasonable and proper, and remove such poor and place them in the care of some other person.

§ 8. POOR PERSONS REQUIRED TO WORK.] If the poor persons applying are in good health, or if any members of their family are so, the overseers shall insist that those able to labor shall seek employment and he shall refuse to furnish any aid until he is satisfied that the persons claiming help are endeavoring to find work for themselves. The overseers in such cases shall make all possible effort to secure employment for the able bodied in the county where they reside and may call upon residents of the county to aid him in finding work for such persons as are able to labor.

§ 9. ASSISTANCE BY RELATIVES.] If the poor persons applying for county aid have relatives to assist them who are living in the county, it shall be the duty of the overseer before giving aid a second time, to call on such relatives of the poor persons and ask them to help their poor relatives either with material relief or by furnishing them with employment. If any poor person applying for relief is able to labor and refuses to work when given the opportunity then the overseer shall refuse any further aid to such person, except admission to the county poor asylum or farm, if there be one, where he shall be compelled to labor, and if there be no poor farm in the county, such person shall be considered a vagrant and on complaint made by an overseer of the poor or by any other person, the person so refusing to work shall be prosecuted and punished in the manner prescribed in cases of vagrancy.

§ 10. DUTY OF RELATIVE TO AID. RIGHT OF RECOVERY BY COUNTY.] It is the duty of the father, the mother and the children of any poor person who is unable to maintain himself by work, to maintain such person to the extent of their ability. The county may recover for necessaries furnished to an indigent person from his father, mother or adult children.

§ 11. COUNTY TO PAY POOR RELIEF CHARGES. POWER OF COUNTY COMMISSIONERS.] Whenever an overseer of the poor shall give aid to any poor person or family to the amount of the value of \$25.00, it shall be unlawful for him to furnish any further aid to such poor person or family until he shall have presented a statement of the case to the board of county commissioners, with a report of said case containing the facts and information required by this Act. The board of county commissioners shall have the power and authority to refuse to appropriate county funds for the aid and maintenance of any poor person who has received aid from the overseer of the poor if it appears to the board after having examined the report of

said overseer that aid is unnecessary. The board of county commissioners shall have the authority to reduce or increase any allowance for aid and maintenance of the poor made by the overseer of the poor where justice seems to require it; and the board, by a majority vote of all the members, shall have the power to grant relief to poor persons who have been refused aid by the overseer of the poor if justice and humanity require such relief. The county commissioners may accept property or security from a person receiving, or in need of relief in cases where it seems desirable. Provided, however, that in all cases where hospitalization is necessary, in the opinion of the overseer of the poor, upon approval, or subsequent ratification by the county physician and the overseer of the poor, or by the overseer of the poor in counties having no county physician, hospitalization shall be furnished by the county.

§ 12. AID FOR THE ABLE BODIED NONRESIDENTS.] It shall be unlawful for any overseer of the poor or for the board of county commissioners to aid any person who is not a resident of the county where he is found otherwise than by some form of labor, unless such person shall be sick, aged, injured or crippled and unable to travel; and all overseers of the poor shall endeavor to provide some form of manual labor to which they shall set any able bodied nonresident who may apply for relief. It shall be unlawful for any overseer of the poor to furnish any able bodied nonresident with transportation at the cost of the county. The overseers of the poor shall not furnish any nonresident who may be sick, aged, injured or crippled, with transportation at the cost of the county until after the overseer shall, by correspondence or otherwise, have determined the legal residence of the person applying, and any transportation furnished such person or persons shall be in the direction of their legal residence, unless it appears that the person in distress has some valid claim for support or other means of support in some other place towards which such person or persons shall ask to be sent.

§ 13. WHEN RESIDENCE IS UNCERTAIN. ACTION TO DETERMINE.] If any one within the description of the poor persons specified in this Act shall be found in any county and the overseer of the poor of such county shall be unable to ascertain and establish the place of legal residence of such person, he shall proceed to provide for such poor person in the same manner as other persons are hereby directed to be provided for. When the question of legal residence of such person is an issue between the overseers of the poor in two or more counties and when an agreement cannot be effected, the county commissioners of the county in which the application is pending may bring action in the district court against the county or counties in which the legal residence of such applicant is alleged to be to determine the issue. The summons in such action shall be in the form prescribed for a summons in a civil action except that the defendant shall be required to serve an answer to the complaint

within twenty days after the service of the summons upon such defendant. When it appears from the pleadings in said action or is made to appear to the satisfaction of the court during the course of the trial that some county other than one of those named in the title of the action is or may be the legal residence of such poor person or that some person is legally responsible for the care of such poor person under Section 10 of this Act, then the court shall cause such county or person to be brought into the action and made a party thereto. The court shall have full power in such action to make determination fixing the rights and liabilities of the counties and of the several persons that may be made parties to such action. Such action shall be tried to the court without a jury on ten days' notice served by either party. When an action is brought for the purpose herein provided, the county commissioners of the county in which the applicant is located, shall contribute to the support of such poor during the pendency of such action, subject to reimbursement by the county where it is finally determined that such applicant has legal residence, if such action is decided favorably to the county contributing to the maintenance of such poor person.

§ 14. POOR PERSON CONVEYED TO PLACE OF RESIDENCE.] Whenever any poor person, who is likely to become a public charge; or has become a public charge, is found in any county other than that of his legal residence, the overseer of the poor may, in case such poor person refuses to voluntarily go to the county of his legal residence, make application to the district court for an order directed to such poor person and to be executed by the sheriff, cause any such poor person to be sent and conveyed at the expense of the county to the place where such poor person belongs, if the same can be conveniently done; but if such poor person cannot be so removed, such person shall be relieved as herein provided. Such application for an order of removal to the district court shall be made upon written notice and order to show cause served upon such poor person and such poor person shall be entitled to a hearing thereon before an order of removal is issued. Any person who has been removed to another county pursuant to an order and who returns to such county, shall be in contempt of court. If any such poor person shall be a legal resident of another state, the county in which he shall be found, may, in like manner procure an order of court, causing his removal to the state of his legal residence.

§ 15. APPEAL TO THE SUPREME COURT.] If any poor person is ordered removed to another county, or to another state, he may within twenty days after the service of such order of removal, appeal from the order of the district court ordering such removal to the supreme court, and such appeal shall be taken, tried and determined as in other cases of appeal from the judgment of the district court in cases tried without a jury, and the order of removal may be vacated or affirmed according to law and the right of the cause.

§ 16. COUNTY OF LEGAL RESIDENCE MUST RECEIVE PERSON.] If any person be removed by virtue of the provisions of this Act from any county to any other county within the state by order of the district court as hereinbefore provided, the overseer of the poor of the county to which such poor shall be removed shall be required to receive such person and provide care for such person in the same manner as to the persons whose legal residence are situated therein.

§ 17. BURIAL OF INDIGENT PERSONS.] If any person shall die in any county who shall not leave money or other means necessary to defray his funeral expenses, including costs of casket, it shall be the duty of the overseer of the poor of such county to employ some person to arrange for and superintend the burial of such deceased person, and the necessary and reasonable expense thereof shall be paid by the county upon the order of such overseer, provided that expenses of such funeral to be borne by the county shall not exceed \$50.00.

§ 18. COMPENSATION OF OVERSEERS AND TOWNSHIP SUPERVISORS.] Overseers of the poor shall receive two dollars per day for each day during which they shall be necessarily employed in the discharge of their duties as such overseers, to be allowed and paid out of the general fund of the county. Each township supervisor who shall make investigations of poor relief applications and make reports thereon as herein provided, shall receive two dollars per day for each day during which they shall be necessarily employed in the discharge of such duties, to be allowed and paid out of the general fund of the county.

§ 19. OVERSEERS SHALL SUBMIT ACCOUNTS. WHEN.] The overseers of the poor shall annually at the first session of the board of county commissioners in each year submit an annual report for the year past covering all poor relief expenditures authorized by them during the year, which report shall be presented to the county auditor on the first day of the session of such board.

§ 20. BLANKS.] All blanks for reports, schedules and information required under this Act shall be prepared and printed by the county and the expense thereof shall be paid out of funds of the county. The county auditor shall distribute said blanks among the overseers of the poor in each county. The Attorney General shall prepare all the forms for blanks to be used by the overseers of the poor under this Act, and such forms shall be sent to the county auditors promptly after the passage and approval of this Act, who shall thereupon print and distribute the said blanks hereinbefore required.

§ 21. RECORDS.] Every overseer of the poor and every person who administers relief from the public funds to the poor, sick and needy who are not inmates of any public institutions, shall keep a record in which shall be entered the full name, age, sex, color,

whether married or single, and nationality of every person to whom such officer or disbursing officer of public funds gives relief, the date of giving relief in each instance, and the amount, if the relief be in form of money, or the value and kind, if such relief be in the form of articles of use or value. In the instance that relief is given to the person for the use of others, the records shall show the number of such recipients of relief, with the age and sex of each, if the relief be restricted to a single family, and the name, age, sex, color and nationality of each person partaking of such relief who is not a member of the family of the person into whose hands relief is given by the overseer of the poor or other disbursing officer of public funds. The said record also be made to show the reason for the giving of relief in each instance.

§ 22. COPIES OF RECORD FILED WITH AUDITOR.] Two copies of the record so kept shall be filed in the office of the auditor of the county wherein such relief is given by every person keeping such a record, at least once every three months; and it is hereby made unlawful for the board of county commissioners of any county to approve or allow the payments from the county treasury of the expense of relief to any person, except for temporary aid, until two copies of such records, fully conforming to that described in the last preceding Section, shall have been filed in the office of the auditor of the county in which such relief is given.

§ 23. PROVISIONS HEREIN APPLICABLE TO CITY AND VILLAGE OFFICERS.] The provisions of this Act relative to the duty of township supervisors in connection with the investigation and making of reports on applications for poor relief shall apply to the mayor or the president of the city commission in cases of cities, and to the chairman of the board of village trustees in villages of this state.

§ 24. BOARD MAY EMPLOY SOCIAL WORKER OR POOR COMMISSIONER.] The board of county commissioners may, in its discretion, in behalf of the county, or in conjunction with other adjacent counties, employ an experienced social worker, or poor commissioner, who shall perform such duties respecting the administration of the poor laws in such county or counties, as the board of county commissioners shall require under the supervision of such board or boards, and may fix his compensation and allow and pay his necessary expenses from the general funds of the county.

§ 25. When the board of county commissioners shall determine the same to be necessary it may provide for the establishment of a county welfare board consisting of three or five persons. The members of such board shall be appointed by the board of county commissioners, and they shall be chosen without regard to political affiliations and upon the basis of their special fitness to serve in such capacity by reason of character, training and experience. There shall be persons of both sexes on the board. The or-

iginal members shall be divided into three classes; one person shall serve for one year; one-half of the remaining members shall serve for two years, and the other half for three years respectively. Thereafter all members shall serve three years or until their successors have been duly qualified. Each member shall file an oath of office with the county auditor. The members shall serve without compensation, but the county commissioners may make provision for payment of actual expenses incurred by the members of the board in the discharge of their duties. It shall be the duty of such county welfare board to aid and assist in every possible way to co-ordinate and bring about an efficient operation of all relief and welfare activities within their respective counties by private as well as public organizations engaged in welfare and relief work. It shall also be the duty of such welfare board to supervise and direct such relief and welfare activities as the county conducts. All acts of such board in the supervision or direction of welfare activities shall be subject to review by the board of county commissioners.

§ 26. REPEAL.] Sections 2496, 2497, 2498, 2499, 2500, 2501, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526 and 2527 of the Compiled Laws of North Dakota for 1913, and Section 2514 of the Supplement to the Compiled Laws of North Dakota for 1913, and Section 1 of Chapter 107 of the Session Laws of North Dakota for 1929, and all Acts and parts of Acts in conflict herewith, are hereby repealed.

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

Approved March 6, 1933.

CHAPTER 98

H. B. No. 343—(Twichell, Swett, Aljets, and Homnes.)

COUNTY POOR RELIEF FUND

An Act establishing a Poor Relief Fund in each of the several counties of the State, providing for the creation thereof, expenditures therefrom, and permitting, under certain circumstances, exceptions to the laws relating to budgets and levy limitations.

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

§ 1. There is hereby established in each of the several counties of the state a fund to be known as the County Poor Relief Fund.

§ 2. The County Treasurer of each county shall immediately upon receipt thereof pay into the County Poor Relief Fund that

proportion of the tax receipts which the county poor relief appropriation bears to the total county appropriations.

§ 3. All expenditures for the relief of the poor shall be paid out of the County Poor Relief Fund, but said fund shall not be subject to any other charges and shall be exempt from the provisions of Section 2079b5 of the Supplement to the 1913 Compiled Laws of North Dakota.

§ 4. If the appropriation for poor relief purposes shall not be sufficient to meet the expenditures required by law, the county auditor may, on order of the Board of County Commissioners, make a transfer to the County Poor Relief Fund from any other fund, except sinking and interest funds, set aside to pay the principal or interest on outstanding bond issues, or funds set aside to retire any other outstanding indebtedness. Provided, however, that if there is not a sufficient unexpended balance in any fund or funds to meet an emergency created by unusual and unanticipated demands for the relief of the poor, then in that case and for that purpose, the Board of County Commissioners may, by resolution, authorize the expenditure of an amount in excess of budget appropriations, and may by resolution obligate the county in excess of such appropriations for the purpose of replenishing said Poor Relief Fund.

§ 5. In case the County Board of any County, due to an emergency, expends in any one year such an amount for poor relief purposes that the total county appropriations for that year are exceeded, the appropriations for the following year, to make up the deficit caused by such expenditures, shall not be included within the appropriations subject to the tax levy limitation for general county purposes now provided by law.

§ 6. 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 6, 1933.

COURTS

CHAPTER 99

H. B. No. 182—(Solberg.)

JUDICIAL NOTICE CONFISCATORY PRICES AGRICULTURAL PRODUCTS

An Act providing that the courts of this State may take judicial notice of confiscatory prices of agricultural products and may stay entry of judgment and all other proceedings which will tend to force the sale of agricultural products on the market that will cause a loss of property; providing the same may be done, upon the ground of public policy.

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

§ 1. POWER OF COURTS WHEN PRICES ARE CONFISCATORY.] Until the price of farm products produced in this state shall rise to a point to equal at least the cost of production, in comparison to the price of other commodities in general, entering into the business of agriculture, the Supreme Court of this State and all District and County Courts in this state shall have power, (if they deem it for the best interest of both litigants,) to extend the time for serving and filing all papers requisite and necessary for the final determination of causes; and said courts may, in like manner, stay the entry of judgment or execution thereon, or defer the signing of all orders for judgment and other process, or defer terms of court whenever in their judgment the strictly legal procedure in any cause will confiscate or tend to confiscate the property of any litigant by forcing the sale of agricultural products upon a ruinous market.

§ 2. COURTS MAY DELAY ORDERS IN CERTAIN CASES.] Whenever any foreclosure proceeding is pending in any court in this state and the amount of the debt is less than the value of the property involved, and when any order for judgment will have the force and effect of depriving a defendant of his home and confiscating his property, the court may construe further proceedings to be unconscionable and delay the signing of such order to such time as he shall deem it advisable and just to enter the same.

§ 3. PUBLIC POLICY.] The Courts of this state may take judicial notice of the situation the producers and laborers find themselves in at a time when prices of farm products are confiscatory, and upon the ground of public policy may do all necessary things to be done to carry out the provisions of this Act.

Approved March 6th, 1933.

CHAPTER 100

H. B. No. 214—(Sannes, and Erickson of McKenzie, by request.)

ADDITIONAL JURISDICTION JUDGES DISTRICT AND COUNTY COURT

An Act enlarging the jurisdiction of judges of the District Court and Judges of the County Court, and prescribing additional duties of such Judges, and declaring an emergency.

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

§ 1. Jurisdiction is hereby conferred upon the Judges of the District Court and Judges of the County Courts of this State to act as referees, trustees or commissioners when named or appointed so to act, by any of the Judges of the Courts of Bankruptcy of the United States and such District Court Judges and County Court Judges shall assist and co-operate with the Judges of such Courts of Bankruptcy and shall perform all duties that are now, or may hereafter be delegated to them by any Judge of such Courts of Bankruptcy, under the authority of any enactment of the Congress of the United States for the relief of debtors.

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

Approved March 1st, 1933.

CRIMES AND PUNISHMENTS

CHAPTER 101

S. B. No. 55—(Miklethun, Olson and Stucke.)

BANK ROBBERY FROM INSIDE

An Act defining the crime of bank robbery from the inside and prescribing a penalty therefor.

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

§ 1. Any manager, officer, or director having the control of the assets of any bank or trust company, who shall embezzle, steal or wilfully and knowingly misapply any of the funds of such bank or trust company, or who shall wilfully and knowingly falsify or destroy any books or records which form a material part of the records of such bank or trust company, shall be guilty of bank robbery from the inside, which is hereby declared a felony, and shall be punished by imprisonment in the State Penitentiary for a term of not more than thirty years.

Approved March 4, 1933.

CHAPTER 102

S. B. No. 178—(Miklethun.)

STATE SUPERINTENDENT CRIMINAL IDENTIFICATION

An Act to amend and re-enact Chapter 116 of the Laws of North Dakota for the year 1929, as amended by Chapter 134 of the Laws of North Dakota for the year 1931, creating a State Superintendent of Criminal Identification, establishing who shall be superintendent thereof, fixing and defining his powers and duties, providing for the payment of his salary and expenses, and providing for the duties of sheriffs and state's attorneys in the operation thereof, repealing all Acts or parts of Acts in conflict herewith.

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

§ 1. That Chapter 116 of the Laws of North Dakota for the year 1929, as amended by Chapter 134 of the Laws of North Dakota for the year 1931, be amended and re-enacted to read as follows:

§ 1. That hereafter the Superintendent of Criminal Identification shall be the Warden of the State Penitentiary, who shall serve as such superintendent without fees or salary in addition to that received as warden. He shall be allowed such additional clerical help and expenses in his said office as shall be approved by the Governor, to be paid out of the General Fund of the State.

§ 2. All equipment, letters, files and fingerprints now accumulated in the office of the Superintendent of Criminal Identification shall be by such officer turned over to the Warden of the State Penitentiary for the purpose of carrying out the provisions of this Act.

§ 3. It shall be the duty of said "superintendent" to procure and file for record in his said office, as far as can be procured, all plates, finger prints, photographs, outline pictures, descriptions, information, and measurements, of all persons who have been arrested for felony or shall hereafter be arrested for any felony under the laws of this or other states or of the United States, and of all well-known and habitual criminals, from wherever procurable; and it shall be the duty of the person in charge of any state penal institution, state's attorney, and of every sheriff, chief of police, or other police officer, to furnish any such material to the "superintendent" upon his request.

§ 4. The "superintendent" and his assistants shall co-operate with and assist the Criminal Bureau of the Department of Justice at Washington, D. C., and all judges, state's attorneys, sheriffs, chiefs of police, and all other law enforcement officers of the state and of all other states, and of the Federal Government in the establishment of a complete system of criminal identification, and shall file for

record the finger print impressions of all persons confined in any penitentiary or jail, when such person confined in said penitentiary or jail is suspected of having committed any felony or of being a fugitive from justice, and such other information as they may from time to time receive from the law enforcement officers of this state and other states, and of the Federal Government. It is especially made the duty of such "superintendent" and his assistants to co-operate with the state's attorneys, sheriffs, constables, marshals, police, and other peace officers in the state, in the detection of the following felonies committed within the state, towit: Treason, murder, manslaughter, robbery, burglary, grand larceny, arson, assault with intent to kill, assault with a deadly weapon, rape, incest, sodomy, abortion, bribery, escaping or assisting or aiding persons in escaping from a penitentiary, embezzlement, forgery, perjury, kidnapping, maiming, extortion, carrying concealed or deadly weapons without lawful authority therefor, and larceny of poultry or livestock.

The "superintendent" shall co-operate with such officials in the apprehension and conviction of criminals, within and without the state, believed to be guilty of such felonies committed within the state. The "superintendent" and his assistants shall under the direction of the Attorney General conduct such investigation throughout the state as may be necessary to apprehend and convict persons guilty of such felonies. The "superintendent" and assistant superintendents are hereby authorized and empowered to make arrests without warrants for all violations of law they may witness, and to serve and execute criminal warrants issued by proper authorities.

§ 5. It is hereby made the duty of all state's attorneys, sheriffs, chiefs of police and other law enforcement officers in the state of North Dakota, to immediately upon the arrest of any person, who, in the best judgment of the arresting officer, is wanted on a felony charge, or who such officer has reason to believe is a fugitive from justice, to take and furnish to the said "superintendent," copies of finger prints in duplicate, with a description and all available information respecting such accused. The "superintendent" shall compare the finger prints and such description as received by him, with those already on file in his office, and if he finds that the person arrested has a criminal record or is a fugitive from justice, he shall at once inform the arresting officer of such past criminal record, and in order to facilitate the work of identification, of the name or names under which such person has been arrested, together with his available criminal record as known.

§ 6. It is hereby declared to be the duty of every sheriff in the state of North Dakota to take the finger prints of every defendant charged with a felony within their respective counties, and to transmit said finger prints to the bureau for identification, within twenty-four hours after such defendant is taken into custody. The "superintendent" shall, as soon as possible, ascertain the criminal

record, if any, of the defendants so charged and shall forward said record immediately to the sheriff of said county and a carbon copy thereof to the state's attorney. The "superintendent" shall assist sheriffs and other peace officers, in the establishment of a system for the apprehension of criminals and the detection of crime, and shall instruct them in the taking of finger prints as herein provided. It is further provided that said sheriffs may take and forward to the "superintendent" the finger prints of any person who, in the best judgment of the sheriff, is wanted on a felony charge, or who is believed to be a fugitive from justice, or who has in his possession at the time of his arrest goods or property reasonably believed to have been stolen, or in whose possession is found a burglary outfit, tools, keys, or explosives reasonably believed by said sheriff to be intended for unlawful use, or who is carrying concealed or deadly weapons without lawful authority therefor, or who is in possession of any ink, dye, paper, or other articles used in the making of counterfeit money of the United States of America, or who has in his possession any tools or equipment used in defacing or changing the number on motor vehicles, or who is believed by said officer to have been previously incarcerated in any state or federal penitentiary.

§ 7. It is hereby declared to be the duty of the judge of the district court of each county, or the state's attorney or sheriff thereof, to ascertain before sentence is passed, the criminal record, if any, of every defendant convicted of a felony before passing sentence on said defendant. It is hereby declared to be the duty of the state's attorney and sheriff of each county, upon the request of the "superintendent" or the Attorney General, to furnish forthwith to such "superintendent," a statement of facts relative to the commission or alleged commission of all felonies within their respective counties and to furnish such information upon blanks, or in any form requested by said "superintendent" or the Attorney General.

§ 8. Neglect or refusal of any officer herein mentioned to make the report required herein or to do or perform any other act hereby, on his part, required to be done or performed, shall constitute a misdemeanor, and such officer shall upon conviction thereof be punished by a fine of not less than five nor more than twenty-five dollars. Such neglect or refusal shall also constitute non-feasance in office and subject the officer to removal from office.

§ 9. It shall be the duty of the "superintendent" to co-operate with similar departments or bureaus in other states and with the criminal bureau in the Department of Justice in Washington, D. C., and to develop and carry on a complete system of criminal identification.

§ 10. It shall be the duty of the "superintendent" to afford assistance and, when practicable, instructions to all judges, state's attorneys, sheriffs, chiefs of police, and other law enforcement officers

in establishing efficient methods of criminal identification in their districts and in making such officials proficient in procuring finger print records.

§ 11. The "superintendent," with the approval of the Attorney General, shall make and promulgate such rules and regulations from time to time as may be necessary and proper for the efficient administration of this Act, and not inconsistent therewith. It is hereby made the duty of every state's attorney, sheriff, constable, marshal, or other peace officer, to assist the "superintendent" in the performance of his duties by complying with such rules and regulations promulgated by the "superintendent," and such rules and regulations shall be printed and forwarded to such peace officers.

§ 12. All moneys collected or received, including all rewards for the apprehension or conviction of any criminal, earned or collected by the superintendent or his assistants, or any employee of his office, shall be forthwith paid into the General Fund.

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

Approved March 4, 1933.

CHAPTER 103

H. B. No. 262—(Swendseid.)

PROBATION OR PAROLE DEFENDANT IN CRIMINAL CASES

An Act to authorize the District Courts and the County Courts, with increased jurisdiction, to place on probation or parole the defendant in any criminal case, where such courts have power to sentence a defendant to imprisonment in a county jail.

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

§ 1. In all prosecutions for crime in a district court, or in a county court with increased jurisdiction, where the defendant has pleaded or been found guilty, and where the court has the power to sentence such defendant to imprisonment in county jail, said court may suspend sentence, and place the defendant on probation. In such prosecutions, if the defendant has been sentenced to and imprisoned in county jail, such court may also order that the defendant be released on parole.

§ 2. The Supreme Court is authorized to adopt rules for the district courts, and the county courts with increased jurisdiction, relating to the systems of probation and parole authorized by this Act.

Approved March 6, 1933.

DENTISTRY

CHAPTER 104

S. B. No. 138—(Indergaard and Trovatten.)

REGULATION PRACTICE OF DENTISTRY

An Act to amend and re-enact Sections 507, 508, 511, and 512 of the Compiled Laws of 1913, and Section 509 and 510 of the 1925 Supplement to Compiled Laws of 1913, and to provide that unprofessional conduct shall be grounds for revocation of dentist's license.

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

§ 1. AMENDMENT.] That Section 507 of the Compiled Laws of 1913 is hereby amended and re-enacted to read as follows:

§ 507. BOARD. HOW CONSTITUTED.] The State Board of Dental Examiners, consisting of five members, heretofore created, shall continue to be the State Board of Dental Examiners. Upon the expiration of each member's term of office the Governor shall appoint his successor, who shall hold office for five years and until his successor is appointed and qualified. All vacancies in such board shall be filled by appointment by the Governor. No person shall be eligible to appointment on such board who is not actively engaged in the practice of his profession, and shall have been so engaged in the State for a period of at least the five years next preceding his appointment, and shall have been recommended for such appointment by the North Dakota Dental Association as hereinafter provided. No member shall serve more than one term of appointment. The board shall at all times include five members who shall have been appointed on the recommendation of the North Dakota Dental Association, provided such recommendation to the Governor be made at least ninety days before the expiration of a term of a member. Otherwise, the Governor shall appoint from the last recommendations by the North Dakota Dental Association. Every vacancy caused otherwise than by the expiration of a term, shall be filled in the same manner. If a member shall be absent from two consecutive regular meetings, the board may declare a vacancy to exist. The Association shall recommend not less than three candidates for each appointment.

§ 2. AMENDMENT.] That Section 508 of the Compiled Laws of 1913 is hereby amended and re-enacted to read as follows:

§ 508. OFFICERS. MEETINGS. COMPENSATION. REPORT.] At every annual meeting of the board, it shall elect from its members a President, a Vice President, and a Secretary-Treasurer, and shall have a seal. It shall hold regular meetings at such places as it may designate on the second Tuesday of the month of July of each year, and such special meetings as are necessary. Out of the funds received

by the board under the provisions of this or any other law heretofore, or hereafter enacted, each member of the board shall receive as compensation for his services the sum of ten dollars for each day that he is actually engaged in the duties of his office, five cents per mile for distance necessarily traveled in going to and return from the meetings of the board, and for meals and lodging, not to exceed \$5.00 per day, and out of the fund the secretary-treasurer shall be paid an annual salary equal to fifteen per cent of all funds received by the board during the year. No part of the salary of the secretary-treasurer or the expenses or compensation of the board shall be paid out of the State Treasury. All amounts received in excess of said compensation and traveling expenses of the members of the board and the salary of the secretary-treasurer as above provided for shall be held by the secretary-treasurer of the board as a special fund for defraying other necessary expenses of the board and for carrying out the provisions of this Act. The secretary-treasurer of the board shall from time to time give such bond as the board may direct. The board shall make an annual report of its proceedings to the Governor on or before the thirtieth day of June in each year, which report shall contain an account of all moneys received and disbursed by the board during the preceding year.

§ 3. AMENDMENT.] That Section 509 of the 1925 Supplement to the Compiled Laws of 1913 is hereby amended and re-enacted to read as follows:

§ 509. DENTISTRY DEFINED. INHIBITION. EXCEPTION.] Every person shall be deemed to be practicing dentistry within the meaning of this section who shall use the word or letters "Dentist" or "D. D. S.," "D. M. D." or any other letters of title in connection with his name, which in any manner represents him as engaged in the practice of dentistry, or who shall advertise, or permit it to be done, by sign, card, circular, hand bill, newspaper, radio or otherwise, that he can or will attempt to perform dental operations of any kind, treat diseases or lesions of the human jaw, administer an anesthetic, local or general as applied to dentistry, or take and diagnose Dental X-Rays, or make injections of drugs as applied to Dentistry, or replace lost teeth by artificial ones or attempt to correct malposition thereof, or sign death certificates; or who shall for a fee, salary, or other reward, paid or to be paid, either to himself or to another person, perform dental operations of any kind, treat diseases or lesions of the human jaw or teeth, administer an anesthetic local or general as applied to dentistry, or take and diagnose Dental X-Rays, or make injections of drugs as applied to dentistry, or replace lost teeth by artificial ones, or attempt to correct malposition thereof, and sign death certificates. Provided, however, that this section:

(A) Shall not prohibit nonlicensed persons from doing mechanical work upon inert matter in dental offices or laboratories.

(B) Shall not apply to students enrolled in and regularly attending any dental college recognized as such by the state board of dental examiners, provided their acts are done in said dental college and under the direct supervision of their instructor.

(C) Shall not apply to a legally qualified and licensed physician or surgeon in the conduct of his practice or who extracts teeth or relieves pain or prescribes for the relief of pain.

(D) Shall not apply to duly licensed and registered dentists of another state temporarily operating in a clinic under the auspices of a dental college or reputable dental society, or to one lecturing before a duly organized and reputable society composed exclusively of dentists or dental nurses.

(E) Shall not prohibit a dental hygienist, regularly licensed and registered from practicing as provided by law.

§ 4. AMENDMENT.] That Section 510 of the 1925 Supplement to the Compiled Laws of 1913, is hereby amended and re-enacted to read as follows :

§ 510. EXAMINATION. LICENSES. REVOCATION. ASSUMED NAME.] Any person not already a licensed dentist in this state at the time of the going into effect of this article, desiring to practice dentistry in North Dakota, shall apply to the secretary-treasurer of the board for examination and enclose with the application, a recent autographed picture of himself, and a fee of twenty-five dollars for the first examination and ten dollars for any subsequent examination, which fee shall in no case be refundable. At the next regular meeting of the board held after such application is made, the applicant shall present himself for examination and produce a diploma issued to him by some dental college recognized by the board. No person shall be admitted to examination unless he shall prove to the satisfaction of the board that he has received a preliminary general education equivalent to at least four years of study in some accredited high school or an academy of the State of North Dakota having a four year course beyond that of an elementary school, and from and after the first day of January, 1920, every applicant for such examination shall in addition to the foregoing requirements, present to the board satisfactory evidence of having successfully completed a preliminary course of study equivalent to at least one year of pre-dental work at the University of North Dakota, provided, however, that the privileges of such examination are not denied an applicant therefor who holds a license to practice dentistry in some other state than North Dakota, whose laws and requirements in this particular were equivalent to those operating in North Dakota prior to January first, 1920. No holder of a degree or diploma from a foreign country or province which does not accept for examination the holder of a license to practice dentistry issued by the state board of dental examiners of this state shall be eligible for such examination. The board shall give the applicant such an exam-

ination as to thoroughly test his fitness for the practice of dentistry and include therein the subjects of anatomy, physiology, oral surgery, chemistry, materia medica, thereapeutics, metallurgy, histology, pathology, bacteriology, orthodontia, prosthetic dentistry, crown and bridge, x-ray, and operative, surgical and mechanical dentistry, and such other subjects as may be deemed by the board to be necessary or proper. If the applicant successfully passes the examination, he shall forthwith be registered upon the records of the board as a duly qualified dentist, and shall receive a certificate of registration signed by all members of the board, whereby he shall be authorized to practice dentistry in said state for the calendar year of the date of such certificate and thereafter as long as such certificate shall be annually renewed as hereinafter provided, provided, that any dentist who has for five years or more immediately preceding his application been in legal practice in another state having and maintaining a standard of laws regulating the practice of dentistry equal with this state, including reciprocity provisions, and who is a reputable dentist of good moral character and who is desirous of removing to this state and who deposits in person with the North Dakota Board of Dental Examiners a certificate from the examining board of the state in which he is practicing, certifying to the fact of his registration and that he is of good moral character, and a letter from the secretary of the state dental organization of the state in which he is practicing, certifying that he is a member in good standing of that dental organization, and upon payment of a fee of fifty dollars (\$50.00), may, at the discretion of the board, be permitted by said board to take the practical examination only as prescribed by said board, and upon his demonstrating his ability to the satisfaction of said board, the board shall grant to him a license to practice in this state without theoretical examination. The board upon hearing, after twenty days notice thereof, may revoke the license of anyone who, with intent to deceive the public, shall practice dentistry under an assumed name. It shall be no defense for a person prosecuted for practicing dentistry under one name, without license, that he shall have been licensed under a different name, unless it be shown that such practice was without intent to deceive.

The said board may revoke or suspend the license of any dentist for any of the following causes:

(1) His conviction of a felony; or of a misdemeanor involving moral turpitude, and in either case the record of conviction or certified copy thereof certified by the clerk of court, or by the judge, in whose court the conviction is had, shall be conclusive evidence of such conviction.

(2) Unprofessional conduct, or for gross ignorance or inefficiency in his profession. Unprofessional conduct shall mean habitual intemperance, or gross immorality, or the obtaining of any fee by fraud or misrepresentation.

The proceeding to revoke or suspend any license under the first subdivision hereof must be taken by the board on a receipt of a certified copy of the record of conviction. The proceedings under the second subdivision hereof may be taken upon the information of another. All accusations must be in writing, verified by some person familiar with the facts therein charged, and three copies thereof must be filed with the secretary-treasurer of the board. Upon receiving the accusation, the board shall, if it deem the complaint sufficient, make an order setting the same for hearing at a specified time and place, and the secretary-treasurer shall cause a copy of the order and the accusation to be served upon the accused, by delivery of the same to him personally, or by registered mail, at least twenty (20) days before the day appointed in the order for such hearing. The accused must appear at the time appointed in the order and answer the charges and make his defense to the same unless for sufficient cause the board assign another day for the purpose. If he does not appear after due service upon him of the accusation and order as aforesaid, the board may proceed and determine the accusation in his absence. If the accused pleads guilty or refuses to answer the charges or upon the hearing thereof the board shall find them or any of them true, it may revoke his license or suspend it. The board and the accused may have the benefit of the services of counsel duly licensed to practice law in this state. The board shall have power to administer oaths, and summon witnesses and take testimony upon such hearing, and when the board or the accused shall desire to secure the presence or testimony of any person before the board, said board or such accused may procure subpoenas from the clerk of the district court of the county wherein such hearing is to be had, and the clerk of the court is hereby directed to issue such subpoenas in the name of the state, commanding the persons whose name shall be given to such clerk by the board or by such accused person to appear before the board at a certain time and place fixed by the board for such hearing and then and there to testify upon such hearing. If any person so commanded to appear and testify shall fail or refuse to obey such subpoenas, he shall be dealt with by said district court in the same manner and to the same effect as though such subpoenas had commanded such person to appear and testify in a cause or trial in said court. Such persons so commanded to appear and testify shall be entitled to the same fees as witnesses in district court, and such subpoena shall be served in the manner provided by law for the service of subpoenas for trials in said courts and shall be substantially the same form. Testimony of witnesses not subject to subpoena may be taken, upon notice, certified and returned to the secretary-treasurer of the board in the same manner as is provided by the law applicable to civil cases in district court.

§ 5. AMENDMENT.] That Section 511 of the Compiled Laws of 1913 is hereby amended and re-enacted to read as follows:

§ 511. RECORD OF LICENSE. FEES.] Every holder of a dental license issued under the authority of this Act, shall within ninety days after its issuance file the same record in the office of the clerk of the district court in the county where the holder resides, and if said holder of a dental license changes his residence to another county, he shall file said license in the office of the clerk of the district court of such county before practicing therein. The clerk's fee for recording a license shall be fifty cents. Every dentist in this state admitted to practice under former laws shall be subject to the provisions of this section, provided that every such dentist must file his license as above provided within ninety days after this Act goes into effect. Every licensed dentist upon changing his place of business shall, within ten (10) days thereafter, furnish the secretary-treasurer of the board of dental examiners with his new address by registered mail, return receipt requested. He shall not act as a dentist for more than ten days after such removal, without giving such notice. In case of a lost state board certificate, and satisfactory proof of the loss or destruction thereof being furnished to the board in a sworn statement, the board shall issue a duplicate license charging a fee therefor of five dollars.

§ 6. AMENDMENT.] That Section 512 of the Compiled Laws of 1913 is hereby amended and re-enacted to read as follows:

§ 512. RENEWAL OF CERTIFICATE. ANNUAL FEE. CERTIFICATE AS EVIDENCE.] No certificate or renewal thereof shall be valid for more than the calendar year of its issuance, and every registered dentist shall on or before the first day of January in each year, if he desires to have his certificate renewed, pay to the board a fee of three dollars (\$3.00) for the renewal of such certificate, and thereupon the board shall issue to him a renewal thereof. The board may upon hearing and after twenty days notice by registered mail, revoke the license of any registered dentist in case of default in the payment of such annual fee, but the payment thereof on or before the time of hearing, with such additional sum, not exceeding ten dollars (\$10.00), as may be fixed by the board, shall excuse such default and entitle the holder to a renewal of his certificate. In case said registered dentist does not pay the renewal fee with penalty within the twenty day period as heretofore provided, his license to practice dentistry in North Dakota may be revoked by the board, and the board, in its discretion may institute proceedings as provided for in Section 514 of the 1925 Supplement to the Compiled Laws of 1913; provided, however, that any practitioner of dentistry who has been duly licensed to practice dentistry in this state by the Board of Dental Examiners and who has changed his residence to some other state or country and who is subject to revocation or suspension of license by reason of his failure to pay the annual fee as heretofore required, may be reinstated, his suspension revoked and his annual certificate renewed by paying to the Secretary-Treas-

urer of the Board the amount of such fee, not to exceed six dollars (\$6.00). All certificates and renewals thereof shall be prima facie evidence of the right of the holder to practice dentistry in this state during the period for which they are issued. Any person receiving such certificate and the renewal thereof shall display the same conspicuously in his place of business. The fee of the board for issuing a duplicate certificate shall be one dollar (\$1.00). All fees provided for in this section may at the discretion of the board be collected in a civil action.

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

Approved February 17, 1933.

DIVORCE

CHAPTER 105

H. B. No. 66—(Anderson of Logan.)

REVOCATION DECREE SEPARATE MAINTENANCE

An Act to amend and re-enact Section 5 of Chapter 132 Session Laws of 1927 relating to the conditions under which a decree for separation forever, when a decree for separation forever may be revoked, and the terms and conditions upon which the judge, or his successor, may entertain such application and render a decree of absolute divorce.

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

§ 1. AMENDMENT.] That Section 5 of Chapter 132 Session Laws 1927 be amended and re-enacted to read as follows:

§ 5. When a decree for separation forever or for a limited period shall have been pronounced, it may be revoked at any time thereafter, by the same judge, or his successor, by whom it was pronounced, under such regulations and restrictions as the judge may impose, upon the application of either of the parties to such decree, upon not less than 10 nor more than 20 days' notice to the other of such application, by the service of moving papers to be used on such application. Such service of moving papers may be made in the same manner as to service as that of a summons in a civil action. Upon the service of said moving papers, if it shall be made to appear, on the hearing of such application, that the original decree has been in existence and force for more than four years, and that reconciliation between the parties to the marriage is improbable, the judge may revoke such separate maintenance decree and, in lieu thereof, render a decree absolutely divorcing the parties and at the same time make such final division of the property or direct the payment of such alimony and make such orders with reference to minor children, if any, as justice and the merits of the case and the circumstances of the parties shall warrant.

§ 2. EMERGENCY.] Whereas an emergency exists in that the previous law on the subject is inadequate to the terms and conditions of the subject matter, this Act shall take effect and be in force from and after its passage and approval.

Approved March 1, 1933.

DRUGS

CHAPTER 106

H. B. No. 89—(Twete by request.)

PROHIBITING MARIHUANA

An Act defining Marihuana as a habit-forming drug, prohibiting the sale or gift thereof, providing a penalty for violation, and declaring an emergency.

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

§ 1. DEFINING MARIHUANA.] Marihuana, often times known as American Hemp, and locally known by such names as "Grifo," "Mari," "Moota," "Muggles," "Mary Warner," is hereby declared to be a habit-forming drug, and it shall be unlawful for any person, firm, corporation, or association, to sell, furnish, or give away, or offer to sell, furnish, or give away, or to have in his or its possession, marihuana known by any of its names, botanically or otherwise, or any compound, derivative or preparation thereof.

§ 2. PENALTY.] Any person, who shall violate any of the provisions of this Act, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not to exceed \$500 or imprisonment in the county jail for a period not to exceed 6 months, or by both such fine and imprisonment.

§ 3. 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 6, 1933.

ELECTIONS

CHAPTER 107

S. B. No. 164—(Regeth.)

ABSENT VOTING—APPLICATION FOR BALLOT, ETC.

An Act to amend and re-enact Sections 992, 993, 995 and 996 of the Compiled Laws of 1913, as amended by Chapter 136, Session Laws of North Dakota for the year 1931.

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

§ 1. AMENDMENT.] That Sections 992, 993, 995 and 996 of the Compiled Laws of 1913, as amended by Chapter 136, Session Laws of North Dakota for the year 1931 be amended and re-enacted to read as follows:

§ 992. ABSENT VOTER. WHO MAY VOTE.] Any qualified elector of this state having complied with the laws in regard to registration, who is absent from the county of which he is an elector on the day of holding any general or primary election, may vote at any such election as hereinafter provided.

§ 993. APPLICATION FOR BALLOTS. MADE WHEN.] At any time within thirty days next preceding such election, any voter expecting to be absent on the day of election from the county in which his voting precinct is situated, may make application to the county auditor of such county for an official absent voters ballot to be voted at such election.

§ 995. ABSENT VOTERS BALLOT. FORM OF APPLICATION FOR.] Application for such ballot shall be made on a blank to be furnished by the county auditor of the county of which the applicant is an elector, and shall be substantially in the following form:

I.....a duly qualified elector of the township ofor of the village of.....or of the precinct and State of North Dakota, and to my best knowledge and belief entitled to vote in such precinct at the next election, expecting to be absent from the said county on the day for holding such election, hereby make application for an official absent voters ballot to be voted by me at such election. Date.....

(Signed)
Post Office Address.....

Provided, that if the application be made for a primary election ballot such application shall also give the name of the political party with which the applicant is affiliated.

§ 996. APPLICATION BLANK. HOW OBTAINED.] Such application blank shall upon request therefor, be sent by such county

auditor to any absent voter by mail, and shall be delivered to any voter upon application made personally at the office of such auditor.

Approved March 7, 1933.

CHAPTER 108

H. B. No. 344—(Niewoehner.)

REPEAL VOTERS GUIDE CARDS

An Act to repeal Chapter 140 of the Session Laws of North Dakota for the year 1931.

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

§ 1. All of Chapter 140 of the Session Laws of North Dakota for the year 1931 is hereby repealed.

Approved March 9th, 1933.

CHAPTER 109

S. B. No. 33—(Wog.)

COMPENSATION ELECTION OFFICERS

An Act to amend and re-enact Section one of Chapter 124 of the Laws of North Dakota for the year 1929, relating to compensation of election board.

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

§ 1. That Section one of Chapter 124 of the Laws of North Dakota for the year 1929 be amended and re-enacted to read as follows:

§ 1. COMPENSATION OF ELECTION OFFICERS AT CITY AND STATE-WIDE ELECTIONS.] Every judge, clerk or inspector of any state-wide election, either primary, general or special, shall for services so performed at such election by such officer receive as compensation therefor the sum of four dollars (\$4.00) and when the number of votes cast at such election shall exceed one hundred (100) the sum of one dollar (\$1.00) for each additional one hundred (100) votes cast, or major fraction thereof, and every judge, clerk or inspector, of any city election, either annual or special, shall for services so performed at such election, by such officer, receive as compensation therefor the sum of four dollars (\$4.00).

Approved February 9th, 1933.

CHAPTER 110

S. B. No. 297—(Indergaard.)

SELECTION PARTY COUNTY AND STATE COMMITTEES

An Act to amend and re-enact Section 890 of the 1925 Supplement to the 1913 Compiled Laws, as amended by Chapter 125, 1929 Session Laws; providing for the selection of party county and state committees and defining their duties, and prescribing penalty for misrepresentation.

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

§ I. AMENDMENT.] That Section 890 of the 1925 Supplement to the 1913 Compiled Laws as amended by Chapter 125, 1929 Session Laws, be amended and re-enacted to read as follows:

§ I. COUNTY AND STATE COMMITTEE; HOW SELECTED: TIME AND PLACE OF MEETING.] The county committee of each party shall be composed of all the precinct committeemen of each party, and each legislative nominee residing in such county shall be entitled to select and appoint in writing one committeeman at large, which appointment shall be immediately filed with the county auditor. The committeemen thus appointed, together with the precinct committeeman elected as prescribed in Section 889, shall constitute the county committee of each county, and they shall meet in the court house at the county seat of each county, at two o'clock P. M., on the third Wednesday after each primary election and organize by selecting a chairman, a secretary, and a treasurer, by adopting rules and modes of procedure, and by selecting an executive committee consisting of from five to nine persons chosen from the county committee, of which executive committee the chairman and secretary shall be members. Such committee shall at the time select one person who shall be a legal voter to act upon and be a member of the state central committee of such party in all counties consisting of one legislative district, and in counties having more than one legislative district the precinct committeemen from each legislative district shall select one person from their respective legislative district; and when two or more counties are embraced in one legislative district, the county committee of each county shall meet at the court house of the county seat of the senior county of such district at two o'clock on the fourth Wednesday after such primary election, and select one person, who shall be a legal voter to act upon and be a member of the state central committee of such party. The members so selected as state central committeemen shall meet at the World War Memorial Building in the city of Bismarck until such time as the new Capitol Building is completed, and after that time in the Capitol building, on the first Wednesday in August at two o'clock P. M., of said day and organize by selecting a chairman, a secretary, and a treasurer (provided, however, that the secretary and treasurer

may be combined in one person), and shall adopt rules and modes of procedure and promulgate and publish a platform of principles upon which its candidates shall stand. Each member of any committee shall retain such position until his successor is chosen. Each member so selected shall be a legal voter. Vacancies shall be filled by a majority of the committee by appointment from the district in which such vacancy exists. Any individual or association of individuals, other than the legally elected and qualified members of the respective state central committees, representing himself or themselves members of such committees shall be guilty of a misdemeanor.

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

Approved March 6th, 1933.

FLOUR

CHAPTER 111

H. B. No. 114—(Fedje.)

LABELING AND BRANDING OF FLOUR

An Act relating to and concerning the labeling and branding of flour offered or exposed for sale, or sold, within this State, prescribing regulations and providing penalties for violation thereof.

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

§ 1. This Act shall be known and may be cited as the "Flour Label Act."

§ 2. UNLAWFUL TO SELL FLOUR; WHEN.] It shall be unlawful for any person, partnership, corporation or association to manufacture or distribute, sell, offer or expose for sale or delivery or to have in possession for sale or delivery, in this State, any flour made, manufactured or produced in whole or in part from wheat, in violation of the provisions of this Act or any rule or regulation issued pursuant thereto.

§ 3. LABEL; CONTENTS.] Each and every package, container, or barrel of flour, manufactured or distributed in whole or in part from wheat, which is sold, offered or exposed for sale or delivery in this State, shall bear on the outside thereof, in a conspicuous place, a legible and plainly written or printed label or statement which will truly state the brand or trademark under which the flour is sold or offered; the name and address of the manufacturer and the place where the flour was manufactured and distributed; the percentage of each kind of wheat used in the manufacture of said flour, whether North Dakota hard spring wheat, or other wheat of the regular hard spring variety or of other wheat such as winter wheat, soft spring

wheat, durum wheat or any other variety, and the state in which it was produced. Such label shall also state the percentum of protein of the said wheat or mixture of wheat when manufactured into flour; also the net weight in pounds of flour contained in such container, bag or barrel.

§ 4. STATE FOOD COMMISSIONER TO ADMINISTER.] It shall be the duty of the State Food Commissioner and Chemist to enforce the provisions of this Act; and in the performance of such duty he shall possess the same rights and powers concerning flour, as are prescribed for him in the North Dakota Food and Drug Act, known as Chapter 222 of the Laws of North Dakota for the year 1923. The method of prosecution and the penalties for violation as provided in said Food and Drug Act shall apply to the provisions of this Act.

Approved March 7, 1933.

GAME AND FISH

CHAPTER 112

S. B. No. 327—(Committee on Delayed Bills.)

TAKING, ETC., BEAVER DOING DAMAGE TO PROPERTY

An Act to amend and re-enact Subsection 2 of Section 1 of Chapter 150 of the 1931 Session Laws of North Dakota, relating to taking, trapping, or killing beaver doing damage to property; giving notice to land owners; and for sale and tagging of pelts to be sold.

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

§ 1. AMENDMENT.] That Subsection 2 of Section 1 of Chapter 150 of the 1931 Session Laws of North Dakota be amended and re-enacted as follows:

(2) The licensee shall report to the Game and Fish Commissioner within ten days after the taking of any beaver, the number of beaver so taken by him and shall make application for one tag for each beaver or beaver pelt in his possession, inclosing with his application an express or postal money order in payment of the number of tags applied for. The licensee shall pay the Commissioner a fee of 25 cents for each tag so issued, and the proceeds thereof shall be paid into the Game and Fish Fund. Such tags shall be prepared and issued by the Game and Fish Commissioner and shall be numbered consecutively and shall contain such other information as said Commissioner may deem expedient or necessary. The Commissioner shall keep a record of each such tag, with its serial number, to whom issued, the date thereof, and under what permit issued. The licensee shall immediately on the receipt of such tags affix in the manner designated by the Commissioner one of such tags to each and every

beaver or beaver pelt in his possession. Beaver or beaver pelts so taken and tagged may be bought, sold, had in possession, or transported at any time upon compliance with regulations of the Commissioner and all provisions of law relating thereto. It is hereby specifically provided that no licensee shall have in his possession at any time any beaver pelt longer than twenty days after the taking thereof, unless he shall have secured and affixed thereto such tag. It shall be unlawful for any person to sell, offer for sale, barter, or otherwise dispose of any beaver or beaver pelt unless it shall be so tagged, and it shall be unlawful for any person, partnership, or corporation to buy any beaver or beaver pelt at any time unless it shall be so tagged. It shall be unlawful to ship, transport, accept for transportation, or carry or convey in any manner any beaver or beaver pelt at any time unless the same shall be so tagged. The possession of a beaver pelt, not tagged as heretofore provided and required, shall be prima facie evidence of the unlawful taking of the beaver from which such pelt was procured.

Approved March 6, 1933.

CHAPTER 113

H. B. No. 127—(Committee on Game and Fish.)

SALE OF FISH PROHIBITION

An Act to amend and re-enact Section 55 of Chapter 148 of the 1931 Session Laws, relating to the sale of fish.

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

§ 1. AMENDMENT.] That Section 55 of Chapter 148 of the Session Laws of 1931 be amended and re-enacted to read as follows:

§ 55. FISH, SALE OF.] No person shall have in possession with intent to sell, barter, or trade to any person at any time any species of trout, crappie, sunfish, pike, perch, or land-locked salmon which have been caught within the borders of this state, and the sale of bass, taken either within or without the state, is prohibited.

Approved March 3, 1933.

CHAPTER 114

H. B. No. 136—(Committee on Game and Fish.)

PROPAGATION AND DOMESTICATION GAME BIRDS AND ANIMALS

An Act providing for the propagation and domestication of protected game birds and animals and providing a penalty for the violation thereof.

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

§ 1. PROPAGATING AND DOMESTICATING GAME BIRDS AND ANIMALS.] Upon application the Game and Fish Commissioner may issue permits to residents of this state to propagate and domesticate protected game birds and animals. Such applications shall be made upon forms furnished by the Commissioner and shall contain:

1. The name and address of the applicant.
2. A description of the premises upon which the applicant will keep such domesticated birds or animals.
3. The number and kind of birds or animals in possession at the time of making application, and whether they are wild or domesticated, and such other information as the Commissioner may require.

The Game and Fish Commissioner shall keep a record of all persons holding such permits. The fee for such a permit shall be One Dollar (\$1.00), and all permits shall expire on December 31st of the year when issued. Every person holding such permit shall annually, on or before December 31st, report to the Game and Fish Commissioner any increase or decrease in the number of game birds or animals held under permit during that year. Game birds or animals held under such a permit may be sold or transported alive for propagation purposes, and the eggs of such protected game birds may be sold or transported during such seasons as the Commissioner shall prescribe. All such sales and shipment shall be with the written permission of the Commissioner, and the packages or shipments must be tagged or marked as prescribed by the Commissioner. The Game and Fish Commissioner and his bonded deputies shall have the right to inspect all premises used for the purposes of this Act.

§ 2. PENALTY.] The penalty for the possession by any person of any such protected game birds or animals for propagation purposes without such person having first secured the permit referred to in this Act shall be the same as that now provided for the illegal taking of such game birds or animals during the closed season thereon.

Approved March 6, 1933.

CHAPTER 115

H. B. No. 133—(Committee on Game and Fish.)

HARMLESS BIRDS AND GAME BIRDS

An Act to amend and re-enact Section 10322a50 of the Supplement to the Compiled Laws of 1913, defining harmless birds and game birds.

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

§ 1. AMENDMENT.] That Section 10322a50 of the Supplement to the Compiled Laws of 1913 be, and the same is, hereby amended and re-enacted to read as follows:

§ 10322a50. HARMLESS BIRDS. GAME BIRDS DEFINED.] No person shall kill, catch, take, ship, or cause to be shipped to any person within or without the state, purchase, offer or expose for sale, sell to any one, have in possession with intent to sell, or have in possession or under control at any time, any wild birds, living or dead, other than a game bird, nor any part thereof, irrespective of whether said wild bird was captured or killed within or without the state; and for the purpose of this Act the following only shall be considered game birds: The anatidae, commonly known as geese, brant, river and sea ducks; the limicolae, commonly known as plover, snipe, woodcock; the gallinae, commonly known as pinnated grouse, (prairie chicken) sharp tailed grouse (white-breasted grouse), pheasants of all varieties, quail, ruffed grouse or partridge; the gruidae or cranes of all varieties; the raillidae or rails or coots; the columbidae, or pigeons or doves; provided that black birds, magpies, crows, English sparrows, sharp-shinned hawks and Cooper hawks, great horned owls, snowy owls, and cormorants, may be killed and had in possession at any time, but nothing contained herein shall be construed to prevent the keeping and sale of imported song birds as domestic pets.

Approved March 6, 1933.

CHAPTER 116

H. B. No. 132—(Committee on Game and Fish.)

AIRCRAFT HUNTING PROHIBITED

An Act to amend and re-enact Section 56 of Chapter 148 of the 1931 Session Laws, relating to hunting from aircraft.

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

§ 1. AMENDMENT.] That Section 56 of Chapter 148 of the Session Laws of 1931 be, and the same is, hereby amended and re-enacted to read as follows:

§ 56. HUNTING FROM AIRCRAFT PROHIBITED.] Any aeronaut

or passenger who, while in flight within this state, shall intentionally kill or attempt to kill any birds or animals, except as hereinafter provided, shall be guilty of a misdemeanor; provided that wolves, coyotes, Canadian lynx or bobcats, and red and gray foxes, may, with the permission of the Game and Fish Commissioner, be hunted from aeroplanes within this state. Such hunting shall be subject to regulation by the Game and Fish Commissioner, and he may, in his discretion, require the posting by the hunter of a bond in the sum of not to exceed five hundred dollars (\$500.00), which bond shall be payable to the State of North Dakota and shall be forfeit thereto in the event of his conviction of a violation of this Section.

Approved March 6, 1933.

CHAPTER 117

H. B. No. 130—(Committee on Game and Fish.)

USE OF HUNTING DOGS

An Act to amend and re-enact Section 10322a27 of the Supplement to the Compiled Laws of 1913, and to repeal Section 58 of the Session Laws of 1931.

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

§ I. AMENDMENT.] That Section 10322a27 of the Compiled Laws of 1913 be, and the same is, hereby amended and re-enacted to read as follows:

§ 10322a27. No person shall hunt, pursue, catch, take or kill deer, antelope, moose or elk with any dog or dogs. No person shall train or run any dog or dogs known as "bird dogs" including pointer, setters, or droppers, or allow the same to run loose in fields or upon land in which game birds may be found, or are apt to be frequented by game birds, between the first day of April and the first day of November (both inclusive) following of each year.

Provided, however, that this Section shall not be construed as prohibiting the use of dogs for retrieving water birds, including any or all of the several species of ducks and geese, which it is lawful to hunt and kill.

Provided, further, that nothing in this Section shall be construed as prohibiting the use of retrievers or spaniels for the purpose of retrieving dead or wounded upland game birds during the open season thereon.

§ 2. REPEAL.] That Section 58 of the Session Laws of 1931 be, and the same is hereby repealed.

Approved March 6, 1933.

CHAPTER 118

H. B. No. 131—Committee on Game and Fish.)

ILLEGAL POSSESSION GAME AND FISH

An Act defining the illegal possession of game and fish, and providing penalties for the violation thereof.

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

§ 1. POSSESSION OF GAME AND FISH. PRESUMPTION. PENALTY.] Except as otherwise provided in this Act, it shall be unlawful for any person to take or kill or wound, or attempt to take or kill or wound, any game, except during the open season or to have in possession, or under control, any protected fish, or protected game bird or animal, either alive or dead, or any part thereof, except game lawfully taken during the open season. The burden of proof that game, or any part thereof, found in possession of any person after the close of the open season, was lawfully taken, shall be upon the person in whose possession such game or part thereof is found. It is unlawful for any person to knowingly use any game that has been unlawfully killed or taken, or to knowingly aid or assist in the concealment of any game unlawfully killed, or to knowingly have in possession with intent to use or conceal the same, any game or part thereof that has been unlawfully killed or taken. Provided, that a two days' bag limit of sharp-tailed grouse, pinnated grouse (prairie chickens), ruffed grouse (partridge), Hungarian partridge, sage-hen and Chinese or ring-necked pheasants, may be had in possession for not to exceed thirty (30) days immediately following the close of the season thereon; a two days' bag limit of geese, brant, ducks, coots and jack-snipes, may be had in possession for not to exceed ten (10) days immediately following the close of the season thereon, and one deer or any part thereof may be legally had in possession for not to exceed ninety (90) days after the close of the season, if the proper tag and seal is attached thereto. The possession, transportation, or having in control, of any fish, game bird or game animal, or part thereof, taken in violation of law, shall constitute a misdemeanor and shall be punishable by the same penalty as that provided for the illegal killing, catching, taking, or hunting, of such fish, birds, or animals.

Approved March 6, 1933.

CHAPTER 119

H. B. No. 129—(Committee on Game and Fish.)

ESTABLISHMENT GAME REFUGE

An Act to amend and re-enact Section 37 of Chapter 148 of the 1931 Session Laws, relating to game refuges.

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

§ 1. AMENDMENT.] That Section 37 of Chapter 148 of the Session Laws of 1931 be, and the same is, hereby amended and re-enacted to read as follows:

§ 37. GAME REFUGE.] Any person, partnership, or corporation owning or having control by lease or otherwise for the required time of lands within the State of North Dakota, may establish thereon a game refuge by filing a written application with the Game and Fish Commissioner giving: (a) the name of the owner or lessee, or in case of the lessee, the written consent of both the owner and the lessee; (b) the time for which the refuge is to be established, in no case less than ten years from the date the application is filed; (c) the extent and legal description of the land, in no case less than ten acres, and not to exceed in all six sections in any one township; (d) a brief dedication of the land to the State of North Dakota for the purpose of a game refuge; (e) each owner or lessee, if the latter the written agreement of both, must waive all rights of himself or members of his family to hunt, shoot, trap, or kill any protected game bird or animal, during the life of the dedication of the land to the State as a game refuge, and after the filing of his application in due form and the acceptance by the Game and Fish Commissioner shall constitute a game refuge within the meaning of this Section. A proper record subject to public inspection shall be kept by the Game and Fish Commissioner in which shall be registered by counties the names and donors, the time of the dedication and the legal description of the lands so dedicated as game refuges. The Game and Fish Commissioner may, in like manner, establish one or more game refuges on any unsold public lands of the State, which shall be registered with the game refuges on the private lands, as hereinbefore set forth, the duration of the public land refuges being until they become the property of private persons or until cancelled by the Game and Fish Commissioner. It is further provided that under the same terms and conditions the owner or owners of lands surrounding or adjoining any lake within the state may dedicate the lake to the State for breeding, resting and refuge places for waterfowl. All lands and lakes so set aside and established as game refuges shall be under the protection of the state, and it shall be unlawful to hunt with any firearms of any description within one hundred and fifty feet of the boundaries thereof, and any person who shall within the limits of one hundred and fifty feet of any game

refuge shoot, trap, kill, wound in any manner, take or capture or drive out of the refuge for the purpose of killing or capturing any protected game bird or animal, or shall be found within the limits of any game refuge with firearms of any kind, shall, upon conviction, be punished by a fine of not less than fifty dollars nor more than one hundred dollars, or by imprisonment in the county jail not less than ten or more than thirty days in the discretion of the court. Any person convicted of a second or subsequent offense shall be punished by a fine double the amount of the penalty for the first offense. Each game refuge shall, after it has been established as provided, be posted at each corner and along its outer line at approximately eighty rods with a sign upon which shall be the words, "State Game Refuge." The owner or lessee of land or lakes so set aside as a game refuge shall not himself hunt or carry firearms therein nor permit immediate members of his own family or any other person or persons to hunt or carry firearms therein, except that if he has reason to believe there are within the game refuge any carnivorous birds or animals, or if he finds any carnivorous birds or animals, he may with the knowledge and written permit from the Game and Fish Commissioner, hunt and kill and trap any and all such carnivorous or unprotected birds or animals found within such game refuge, as by nature injure or kill protected game birds and animals living therein. The Game and Fish Commissioner shall be empowered to designate as his agent, and subject to his regulation, a game warden or any other person to destroy predatory birds or animals within a state game refuge provided that consent is first secured from the owner or lessee of the property on which such birds or animals are found.

Approved March 6, 1933.

CHAPTER 120

H. B. No. 204—(Godwin.)

DISPOSITION OTHER MONEYS GAME AND FISH COMMISSION

An Act to amend and re-enact Section 11 of Chapter 148 of the Session Laws of 1931, relating to the disposition of money collected by the Game and Fish Commissioner, and providing for the conservation of water and the construction of dams within the state.

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

§ I. AMENDMENT.] That Section II of Chapter 148 of the Session Laws of 1931 be, and the same is hereby amended and re-enacted to read as follows:

§ II. DISPOSITION OF OTHER MONEYS.] All moneys collected by the Game and Fish Commissioner, his deputies or agents, upon licenses issued, by the sale of game seized and sold, and from all

other sources except fines, shall be paid to the Treasurer of the State of North Dakota to be credited to the Game and Fish Fund to be used in enforcing the provisions of this Act; provided that any surplus accumulating to the credit of the Game and Fish Fund may be used for the propagation of game and fish. The Game and Fish Commissioner is hereby authorized and empowered to expend not to exceed twenty thousand dollars (\$20,000.00) annually for the construction of dams and water conservation projects within the state, which will provide fishing facilities and breeding and resting places for waterfowl. All such expenditures shall be limited to the payment of labor and materials used in such construction projects. The selection of dam sites and the supervision of their construction shall be under the control and direction of the Game and Fish Commissioner.

Approved March 6, 1933.

CHAPTER 121

H. B. No. 134—(Committee on Game and Fish.)

RESIDENT HUNTING AND FISHING LICENSES

An Act to amend and re-enact Section 22 of Chapter 148 of the 1931 Session Laws, relating to resident licenses. Cost. How issued. Applications. Forms. Game and fish shipment, and declaring an emergency.

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

§ 1. AMENDMENT.] That Section 22 of Chapter 148 of the Session Laws of 1931 be, and the same is, hereby amended and re-enacted to read as follows:

§ 22. RESIDENT LICENSES. COST. HOW ISSUED. APPLICATIONS. FORMS. GAME AND FISH SHIPMENT.] Applications for resident hunting, trapping, or fishing licenses shall show the applicant is a citizen of the United States, or has declared his intention to become such citizen, and is a bona fide resident of the state, shall give his residence, postoffice address, shall contain a description of his person as to his weight, height, color of his hair and eyes. Such application shall be signed by the applicant. Resident hunting, trapping, fishing and taxidermist licenses shall be sold by the County Auditor, Game and Fish Commissioner, Deputy Game and Fish Commissioner, and all bonded game wardens. When sold by the Game and Fish Commissioner, Deputy Game and Fish Commissioner, or the bonded game wardens, the gross receipts must be sent to the Game and Fish Commissioner's office at Bismarck, North Dakota, and by him transmitted to the State Treasurer, who shall credit the amount to the Game and Fish Fund. No such resident license shall be transferable. Resident hunting licenses shall be sold for One Dollar and Fifty Cents (\$1.50) each; resident trapping licenses for One Dollar (\$1.00) each; resident fishing licenses for

Fifty Cents (50¢) each; taxidermist licenses for Two Dollars (\$2.00) each. Provided, that any person under 18 years of age may fish without a license. Resident licenses, when issued, shall describe the licensee, designate his place of residence, and have printed upon it in large figures the year for which issued and the words "Non Transferable." Any resident of the state having procured a resident hunting, trapping, fishing license, as required, and being lawfully in possession of any protected game birds, animals or fish, mentioned in this Act, may ship by common carrier, or when same is accompanied by the person legally in the possession of said protected game birds, animals or fish, may carry on the same train or other conveyance to his home address in the county in which he resides not to exceed a two days' bag limit of any protected game birds, animals or fish. Any resident of the state who shall hunt, trap, fish, or practice taxidermy for pay, without having first procured a license therefor, as provided in this Act, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00) and cost of prosecution, or by imprisonment, in the county jail for not less than ten nor more than thirty days for each offense, or by both such fine and imprisonment, and each violation of this Act shall be a distinct and separate offense.

§ 2. EMERGENCY.] An emergency is 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 122

H. B. No. 128—(Committee on Game and Fish.)

USE OF TRAPS, SNARES, LIGHTS, ETC.

An Act to amend and re-enact Section 15 of Chapter 148 of the 1931 Session Laws relating to the use of traps, snares, lights, etc.

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

§ 1. AMENDMENT.] That Section 15 of Chapter 148 of the Session Laws of 1931 be, and the same is hereby amended and re-enacted to read as follows:

§ 15. TRAPS, SNARES, LIGHTS, ETC.] No person shall at any time set, lay, or prepare any trap, snare, artificial light, net, birdlime, swivel gun, or any contrivance whatever, or drag any wire, or rope, or other contrivance in any manner for the purpose of catching, taking, killing or raising any protected game birds, animals, or fish, mentioned in this Act, except as hereinafter provided. Game birds and animals protected by law can be taken only in daytime with a gun not larger in bore than a ten gauge shotgun, fired from the

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.

GASOLINE

CHAPTER 124

S. B. No. 123—(McDonald.)

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

of such filling station or a regular bona fide employee or authorized attendant of such owner or operator.

No owner or operator of any filling station shall permit the tank of any motor vehicle or any barrel, drum or any vessel or container, to be filled or partially filled at any such filling station by any person other than the owner or operator, or a regular bona fide employee or authorized attendant of such owner or operator; or permit any such hose, pump, pipe or other device for conveying, measuring, pumping or dispensing any such liquids by any person or persons, except such owner or operator, or a regular bona fide employee or authorized attendant of such owner or operator.

§ 3. PENALTY FOR VIOLATION.] Any person who shall violate any of the provisions of this Act shall upon conviction thereof be fined not less than ten dollars, nor more than two hundred dollars. Each day or part thereof during which any person shall operate any filling station in violation of the provisions of this Section shall be deemed and shall constitute a separate offense.

Approved March 3, 1933.

HIGHWAYS

CHAPTER 125

S. B. No. 114—(Bonzer.)

STATE HIGHWAY COMMISSIONER

An Act creating the office of State Highway Commissioner, defining his powers and duties, and fixing the compensation of said commissioner, and repealing Chapter 153 of the Laws for 1931.

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

§ 1. The office of State Highway Commissioner is hereby created and established, which shall consist of one person, to be appointed by the Governor for a term of three years, and until his successor is appointed and qualified, and who shall be subject to removal by the Governor for neglect of duty, or for nonfeasance or malfeasance in office. Said Commissioner, upon appointment, shall take and file the oath prescribed by law for state officers, and shall be bonded in the State Bonding Fund, in the sum of twenty-five thousand dollars, such bond to be conditioned for the faithful performance of the duties of his office.

§ 2. Such Commissioner shall not hold any other office under the laws of this state or any other state, or of the United States. He shall reside at the capital of the state, and shall devote his entire time to the duties of his office, and shall not hold any position of trust, or profit, or engage in any business or occupation interfering

or inconsistent with his duties, nor shall he serve on or under any committee of any political party.

§ 3. The salary of such Commissioner shall not exceed four thousand dollars per annum, payable monthly. In addition to such salary, he shall receive his expenses actually and necessarily incurred in the performance of the official duties of his office.

§ 4. The office of said Commissioner shall be open for the transaction of business every day of the year, except Sundays, and legal holidays, and said Commissioner, or whosoever may be designated by him, may hold sessions or conduct investigation or hearings at the Capitol, or at any other place within the state when deemed necessary to facilitate the work of the commission.

§ 5. Said State Highway Commissioner shall have the full control, management, supervision, administration and direction of the State Highway Department of the State Highway Commission now existing, of the office of Registrar of Motor Vehicles and such other duties as may now or hereafter be imposed upon him, or placed under his jurisdiction. All powers and duties now vested, or which hereafter may be vested by law in the existing State Highway Commission or in any officer or employee thereof, and in the Registrar of Motor Vehicles, or any officer or employee thereof, shall be exercised and performed under the direction, control, supervision, management of, and with the approval of the office of State Highway Commissioner hereby created. It is hereby declared to be the intent and purpose of this Act to make and constitute the State Highway Commissioner hereby created, the final and ultimate authority to carry out the duties and exercise the powers of the departments and offices hereinbefore mentioned.

§ 6. In addition to the foregoing powers and duties, the State Highway Commissioner shall be the chief executive and administrative officer of the offices and departments above enumerated. He shall have charge of the records of the State Highway Department. He shall cause minutes of his acts to be kept and accurate and complete books of account to be kept, and to supervise the signing of vouchers, orders for supplies, materials and any other expenditures. He shall have authority, and it shall be his duty to employ all engineers, assistants, clerks, agents, attorneys and other employees, as may be required for the proper transaction of the business of his office, or of the State Highway Department; fix their titles, determine their duties, the amount of their bonds in the State Bonding Fund, if any are required, their compensation and discharge them in his discretion; sign and execute all documents and papers, contracts and agreements for highway construction, and purchase of machinery, materials and supplies.

It shall be the duty of the State Highway Commissioner, on or before December fifteenth of each year, to transmit to the Governor,

a full and complete annual report of the activities of his office, and of the State Highway Department, as of December first of each year, and to submit a biennial report, as is now required by law for other departments of the state government.

§ 7. Such State Highway Commissioner shall not pay, to exceed the maximum sums hereinafter stated, for the following classes of employees, to-wit:

For bookkeeper not to exceed.....	\$1800.00 per annum
For draftsman not to exceed.....	2,000.00 per annum
For assistant engineers not to exceed.....	2400.00 per annum
For engineers, other than the chief engineer or his first assistant not to exceed. . .	3000.00 per annum

The total annual expense for the Highway Department, and the office of State Highway Commissioner, exclusive of all outside employees, assistants and engineers, and inspection and maintenance work shall not exceed the sum of \$100,000.00 per annum. In addition to the salaries fixed by the Commissioner for said employees, they shall be entitled to receive their expenses, actually and necessarily incurred in the performance of their duties; the amount of such expenses so allowed to be fixed and determined by such Commissioner.

§ 8. The State Highway Commissioner shall file, at the beginning of each month, with the State Auditing Board, an itemized statement of all materials purchased or sold, showing the amount paid or received for such materials, together with the names and the postoffice address of the party or parties from whom such materials were purchased or to whom such materials were sold. He shall also file with said board, at the beginning of each month an itemized statement of all moneys paid out or received by him, together with the name of the party or parties to whom such moneys have been paid or from whom they have been received.

§ 9. REPEAL.] All Acts or parts of Acts in conflict herewith, including Chapter 153, Laws 1931, are hereby repealed.

§ 10. 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 14, 1933.

CHAPTER 126

H. B. No. 245—(Peterson of Mountrail.)

AWARD CONTRACTS ROAD, BRIDGE WORK AND MATERIALS
An Act to amend and re-enact Chapter 154, Session Laws of 1931 relating to and governing the awarding of certain contracts and giving preference to residents of the State of North Dakota.

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

§ 1. AMENDMENT.] That Chapter 154 of the Session Laws of 1931 is hereby amended and re-enacted to read as follows:

§ 154. CONTRACTS: FOR ROAD AND BRIDGE WORK AND MATERIALS. AWARDED TO RESIDENTS OF NORTH DAKOTA AND GIVING PREFERENCE TO RESIDENTS OF NORTH DAKOTA.] In the letting of any contract for the construction of any road or bridge, road work, or for road material or culvert, by the State Highway Department or by any political subdivision of the State, preference shall be given to all bona fide contractors who have been continually in business and resided in the State of North Dakota for a period of at least one year prior to the taking effect of this Act, to the extent of five per cent; provided such 5% preference shall not apply to Federal Aid projects; and provided further that at least 90% of the employees engaged in highway construction and maintenance shall have been residents of the State of North Dakota for at least one year, and shall be citizens of the United States or have declared their intention to become such.

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

§ 3. EMERGENCY.] Whereas, resident North Dakota contractors bidding upon such work and materials are entitled to a preference over bidders not residents of this State, 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 6, 1933.

CHAPTER 127

H. B. No. 79—(Svingen and McManus.)

MILEAGE STATE HIGHWAY SYSTEM

An Act designating the number of miles of main market, arterial and interstate public roads to be included in the "State Highway System" of the State of North Dakota. Repeal.

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

§ 1. STATE HIGHWAY SYSTEM.] The State Highway System of the State of North Dakota consisting of main market, arterial

and interstate public roads, as heretofore created, shall not exceed seven per cent of the entire road mileage of the State, whether such roads be township, county or state roads, and in no case shall such highway system exceed 7700 miles in length.

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

Approved March 1st, 1933.

CHAPTER 128

H. B. No. 144—(Swendseid and Muus.)

PURCHASE AND CONDEMNATION RIGHT OF WAY, MATERIAL, ETC., STATE HIGHWAY COMMISSION

An Act to amend and re-enact Section 20 of Chapter 159, Laws of 1927 relating to the purchase and condemnation of right of way, material, etc., by the State Highway Commission.

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

§ 1. AMENDMENT.] Section 20 of Chapter 159, Laws of 1927 is hereby amended and re-enacted to read as follows:

§ 20. PURCHASE OF RIGHT OF WAY, GRAVEL, ETC., BY STATE HIGHWAY COMMISSION.] The State Highway Commission or its successor, by resolution or order may, on behalf of the state, and as part of the cost of construction, reconstruction, widening, altering, changing, locating, relocating, aligning, re-aligning, or maintaining, or for providing a temporary road for public use, may purchase, acquire, take over or condemn under the right and power of eminent domain, for the state, any and all lands which it shall deem necessary for present public use, either temporary or permanent, or which it may deem necessary for reasonable future public use, and to provide adequate drainage in the improvement, construction, reconstruction, widening, altering, changing, locating, re-locating, aligning, re-aligning, or maintaining of a state highway. It may, by the same means, secure any and all materials, including clay, gravel, sand or rock, or the lands necessary to secure such material, and the necessary land, lands or easements thereover, to provide ways and access thereto. It may so acquire such land, lands or materials notwithstanding that the title thereto now or hereafter be vested in the State or any division thereof. Whenever the State Highway Commission or its successors shall determine by resolution or order that public exigency requires the taking of land or materials as aforesaid, it shall cause the same to be surveyed and described, and a plat thereof, and the said description shall be recorded in the office of the Register of Deeds for the county wherein the same is located. The State Highway Commission, or its duly authorized agents, is hereby authorized and empowered to enter upon any land or lands for the

purpose of making such surveys, examination or tests for the purpose herein named; provided, however, that in case of any damages to said premises said Commission shall forthwith pay to the owner of said premises the amount of said damages.

If the State Highway Commission is unable to purchase such land, lands, or materials with the necessary ways and access thereto, at what it deems a reasonable valuation, then the Board of County Commissioners of the county wherein such land, lands or materials may be situated, on petition of the State Highway Commission, shall proceed to ascertain and determine the damages and make awards in the same manner as provided by statute for lands taken for highway purposes as hereby modified or amended. Within 15 days after the filing of such petition with the County Auditor, the Board of County Commissioners shall fix a time and place, not later than 60 days from and after the filing of such petition, for a hearing of all persons or parties interested or aggrieved by such taking and shall cause to be published in the official newspaper of the county at least once a week, for a period of three successive weeks, prior to such hearing, a notice of such hearing, stating the time and place where the same shall be held, together with a description of the property so to be taken. Such published notice shall be in lieu of all other notices now required by statute, and when so published shall give the said Board of County Commissioners full and complete jurisdiction to proceed with the determination of awards of damages, provided, however, that a copy of such notice shall be personally served upon all known owners residing or found within the state, and upon the occupant of such land, not less than fifteen days prior to such hearing, in the manner now provided for the service of a summons in the District Court, and in case of personal service of said notice upon all persons interested in any manner in said real property, as disclosed by the records in the office of the Register of Deeds of the county wherein said property is located, no publication of said notice shall be made.

When the award of damages for the taking of land or materials, or both, shall have been completed by the Board of County Commissioners, the State Highway Commission shall pay, or cause to be paid from the State Highway Fund, into court for the benefit of the owners of land to whom such awards have been made by depositing with the Clerk of Court of such county, cash in the amount of such award or awards.

Every owner entitled to such award before the same shall be paid to him by the Clerk of Court, aforesaid, shall sign and execute a receipt therefor, which receipt shall contain a description of the premises covered by the said award. In case the owner shall fail or refuse to accept such award and execute such receipt therefor, the Clerk of Court shall execute a receipt, reciting the deposit of such award with him and the description of the premises covered by the award.

At the expiration of 30 days from the award by the Board of County Commissioners, from which no appeal has been taken as hereinafter provided, and when such money shall have been deposited in the office of the Clerk of Court, the receipt of the owners of said property, or of such Clerk of Court, as aforesaid, shall be recorded in the office of the Register of Deeds of the county in which such real estate is situated, and the title of the land or materials shall thereupon be and become vested in the state.

Parties aggrieved by these proceedings of the State Highway Commission in the taking of the lands or materials or by the estimates of damages and the awards by the Board of County Commissioners, shall have like remedies provided by statute for appeal from any determination of a Board of County Commissioners in taking of land by counties for highway purposes, the service of a written or printed notice of such appeal to be made upon the Chairman of the Board of County Commissioners and the Chief Highway Commissioner. Appeal from the award by the Board of County Commissioners, without filing cost bond, may be taken by the State Highway Commission, by service of notice of appeal upon the Chairman of the Board of County Commissioners and the owner of the property in the manner provided by law for the service of summons in civil actions.

In all cases of appeal, as heretofore provided, the State Highway Commission shall, on application to the Judge of the District Court, be granted a special term of court, in like manner as is provided by statute in cases of eminent domain under the Code of Civil Procedure. No fees shall be charged or collected by the County Auditor, the Register of Deeds, or the Clerk of Court for any services rendered for the recording or filing of any document hereinbefore required, nor for filing the case upon appeal.

The State Highway Commission may vacate any land or part thereof, or rights in land which have been taken or acquired for highway purposes under the provisions of this Act by executing and recording a deed thereof, and said vacation shall revest the title to the lands or rights so vested in the persons, their heirs, successors or assigns in whom it was vested at the time of the taking. The Governor, on recommendation of the State Highway Commission, is authorized to sell and convey on behalf of the state the interests of the state in property acquired by purchase under this Section and deemed no longer necessary for the purposes of the Act, and the proceeds of such sale so far as practicable be credited to the funds from which such purchase was originally made.

§ 2. REPEAL.] All Acts or parts of Acts inconsistent herewith are hereby repealed.

Approved March 6th, 1933.

HOTEL INSPECTION

CHAPTER 129

H. B. No. 147—(Hill.)

REPEAL HOTEL INSPECTOR

An Act to repeal Section 2986, Supplement to the 1913 Compiled Laws of North Dakota, relating to Hotel Inspection.

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

§ 1. That Section 2986, Supplement to the 1913 Compiled Laws, State of North Dakota, 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.

ICE CREAM

CHAPTER 130

H. B. No. 82—(Flannigan.)

DEFINING IMITATION ICE CREAM

An Act to amend and re-enact Section 1, Chapter 159, Session Laws for 1931, defining imitation ice cream.

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

§ 1. AMENDMENT.] That Section 1 of Chapter 159, Session Laws 1931, be and the same is hereby amended and re-enacted to read as follows:

§ 1. Any milk, cream, skim milk, buttermilk, condensed milk, evaporated milk, powdered milk, marshmallow or eggs, or any parts thereof, which is mixed with sugar, flavor, or other substance, if made in imitation or semblance of ice cream, or calculated or intended to be sold as ice cream, or for ice cream, or weighing less than four and a quarter pounds avoirdupois per gallon, shall be for the purposes of this Act known and designated as "imitation ice cream."

Approved March 1, 1933.

INSURANCE

CHAPTER 131

S. B. No. 246—(Magnuson, by request.)

CAPITAL STOCK DOMESTIC AND OTHER STOCK INSURANCE COMPANIES

An Act to amend and re-enact Section 4863 of the 1925 Supplement to the Compiled Laws of North Dakota for the year 1913 as amended by Chapter 145, Session Laws of 1929, relating to capital stock required by domestic and other stock insurance companies.

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

§ I. AMENDMENT.] Section 4863 of the 1925 Supplement to the Compiled Laws of North Dakota for the year 1913 as amended by Chapter 145, Session Laws of 1929, is hereby amended and re-enacted to read as follows:

§ 4863. No stock life insurance company shall be incorporated under this Chapter unless it has an authorized capital stock of at least \$150,000; provided, that if the articles of incorporation of such company permits also the writing of accident and health insurance, such authorized capital stock shall be not less than \$200,000. Domestic stock insurance companies writing other than life, health and accident insurance shall have an authorized capital stock of not less than \$250,000. No domestic stock insurance company may issue any policy of insurance until 50% (fifty per cent) of its authorized capital has been paid, the residue to be paid within twelve months from the time of filing the articles of incorporation; provided, that the Commissioner of Insurance may, for good cause shown, extend the time of payment of such residue for the further period of not to exceed one year. Provided, however, that a domestic stock fire insurance company may be organized under the laws of this state with a capital stock of not less than \$100,000 for the purpose of purchasing, acquiring and taking over the business, property and assets of another domestic stock fire insurance company organized under the laws of this state prior to the enactment of Chapter 163 Laws of 1919 with a capital of \$100,000 and still doing business in this state, and upon the completion of such purchase and taking over thereof the charter of the selling corporation shall become forfeited and null and void.

No foreign stock insurance company shall hereafter be admitted to do business in this state unless it has a fully paid up capital stock in amount at least equal to the stock required of domestic companies transacting the same classes of insurance.

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

Approved March 9, 1933.

CHAPTER 132

S. B. No. 262—(Magnuson, by request.)

REGULATION INVESTMENT OF FUNDS DOMESTIC
INSURANCE COMPANIES

An Act to amend and re-enact Sections one (1) and two (2) of Chapter 146, of the Session Laws of 1929 to regulate the investment of funds and the real estate holdings of domestic insurance companies, and prohibiting loans to officers and directors of such companies.

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

That Sections 1 and 2 of Chapter 146 of the Session Laws of 1929 relating to the investment of funds and the real estate holdings of domestic insurance companies, and prohibiting loans to officers and directors of such companies, is hereby amended and re-enacted to read as follows:

§ 1. INVESTMENT OF FUNDS RESTRICTED.] No domestic insurance company incorporated under the laws of this state shall after the first day of July, 1929, invest in or loan upon any shares of stock of any corporation, other than a municipal corporation or shares of domestic building and loan associations nor, excepting government, state, or municipal securities, shall it invest in or loan upon, any bonds or obligations not secured by adequate collateral security, and when more than one-third of the total value of the collateral security shall consist of shares of stock it shall be deemed inadequate. No investment or loan, except policy loans, shall be made by any such insurance company unless the same shall first have been authorized by the board of directors or by a committee thereof charged with the duty of supervising such investment or loan. No such company shall subscribe to or participate in any underwriting of the purchase or sale of securities or property, or enter into any transaction for such purchase or sale on account of said company jointly with any other person, firm or corporation; nor shall any such company enter into any agreement to withhold from sale any of its property, but the disposition of its property shall be at all times within the control of its board of directors. Any such company, in addition to other investments allowed by law, may invest any of its funds and accumulations in the bonds or other obligations of the United States or of any state in the United States or of any county, city, town or village or duly organized school district therein, or of any municipality or civil division of any state, and may loan upon mortgages on improved unincumbered real estate within this state, or within any state in which such company is or becomes duly authorized and licensed to transact business, worth double the sum loan thereon, exclusive of buildings, unless such buildings are insured and the policies made payable to the company as its interest may appear, or may invest in first mortgage bonds on improved city real estate, in any state, issued by a real estate corporation duly incorporated

under the laws of any state of the United States, wherein the loans are made in accordance with the requirements as to first mortgage loans herein provided. Such companies may also invest in the mortgage bonds of any dividend paying railway company duly incorporated and organized under the authority of this state or any other state, Federal Land Bank bonds, or in the mortgage bonds of any dividend paying industrial or public utility corporation duly incorporated and organized under the authority of the United States or of any state therein, and it may also make loans on the security of promissory notes amply secured by pledge of any bonds in which such insurance companies are hereby authorized to invest their funds. Domestic life insurance companies may also make loans upon the security of its own policies, but no loan on any policy shall exceed the reserve value thereof.

From and after the taking effect of this Act, no insurance company or association organized under the statutes of North Dakota to transact an insurance business, shall invest its capital, surplus funds or other assets in, or loan the same on, property owned by any officer or director of such company or by any of the immediate members of the family of any such officer or director, neither shall any such office or director gain through the investment of funds of any such company.

§ 2. HOLDING OF REAL PROPERTY LIMITED.] Every such insurance company may acquire, hold and convey real property only for the following purposes and in the following manner:

First. Such as shall be requisite for the convenient accommodation in the transaction of its business.

Second. Such as shall have been mortgaged to it in good faith by way of security for loans previously contracted or for moneys due.

Third. Such as shall have been conveyed to it in satisfaction of debts previously contracted in the course of its dealings.

Fourth. Such as shall have been purchased at sales on judgments, decrees or mortgages obtained or made for such debts.

All such property specified in Subdivisions two, three and four of this Section which shall not be necessary for its accommodation in the convenient transaction of its business, shall be sold and disposed of within two years after the company shall have acquired title to the same, or within two years after same shall have ceased to be necessary for the accommodation of its business; and it shall not hold such property for a longer period unless it shall procure a certificate from the Commissioner of Insurance that its interests will suffer materially by the forced sale thereof, in which event the time for sale may be extended to such time as the Commissioner shall direct in such certificate.

§ 3. EMERGENCY.] This Act is hereby declared an emergency

measure and shall be in full force and effect from and after its passage and approval.

Approved March 6, 1933.

CHAPTER 133

S. B. No. 321—(McDonald.)

INSURANCE POLICIES AND SURETY BONDS BY RESIDENT AGENTS ONLY

An Act to amend and re-enact Section 4926 of the Compiled Laws of 1913, providing that Insurance and Surety Companies shall do business only through authorized agents within the state.

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

§ 1. AMENDMENT.] That Section 4926 of the Compiled Laws of 1913 be amended so as to read as follows:

§ 4926. INSURANCE AND SURETY BONDS BY RESIDENT AGENTS ONLY.] No insurance or surety company shall do business in this state except through its authorized agents who must be residents of and have their office or place of business in this state. All policies of insurance issued in this state shall be countersigned by such agents who shall be paid the full commission payable by such companies. All policies or surety bonds not written in accordance with the foregoing provisions shall be deemed a violation of this Article.

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

§ 3. EMERGENCY.] An emergency is declared to exist herein, therefore, this Act shall take effect and be in force immediately upon its passage and approval.

Approved March 7, 1933.

CHAPTER 134

S. B. No. 120—(Magnuson.)

VALUATION SECURITIES INSURANCE COMPANIES

An Act to amend and re-enact Section 4848a of the 1925 Supplement to the Compiled Laws of North Dakota for the year 1913, authorizing the valuation of bonds and other securities held by Fire, Life and Casualty Insurance Companies, Assessment Associations and Fraternal Beneficiary Associations by the amortization method.

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

§ 1. AMENDMENT.] That Section 4848a of the 1925 Supplement to the Compiled Laws of North Dakota for the year 1913 be amended and re-enacted as follows:

§ 4848a. VALUATION OF SECURITIES.] All bonds or other evidences of debt having a fixed term and rate held by any fire, life or casualty insurance company, assessment association or fraternal beneficiary association authorized to do business in this state may, if amply secured and not in default as to principal or interest, be valued as follows: If purchased at par, at the par value; if purchased above or below par, on the basis of the purchase price adjusted so as to bring the value to par at maturity and so as to yield in the meantime the effective rate of interest at which the purchase was made; provided that the purchase price shall in no case be taken at a higher figure than the actual market value at the time of purchase; and, provided further, that the Commissioner of Insurance shall have full discretion in determining the method of calculating values according to the foregoing rule.

Approved March 3, 1933.

CHAPTER 135

H. B. No. 123—(Swett.)

INSURANCE PUBLIC BUILDINGS

An Act to amend and re-enact Sections 189c1, 189c2, 189c3, 189c5, 189c6, and 189c7 of the 1925 Supplement to the 1913 Compiled Laws of North Dakota, as amended by Chapter 173 of the 1927 Session Laws and Chapter 162 of the 1931 Session Laws of the State of North Dakota, relating to Fire and Tornado Insurance on public buildings, and fixing rates of premiums to be charged.

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

§ 1. AMENDMENT.] That Section 189c1 of the 1925 Supplement to the 1913 Compiled Laws of North Dakota be and the same is hereby amended and re-enacted to read as follows:

§ 189c1. STATE BUILDINGS INSURED.] On and after August 1st, 1933, no officer or agent of this state and no person or persons having charge of any public buildings or property of the state shall pay out any public moneys or funds on account of any insurance against loss by fire or tornado or shall in any manner contract for or incur any indebtedness against the state on account of any such insurance upon any of the public buildings, furniture or fixtures or property of any kind whatever belonging to the state except in the manner hereinafter provided.

§ 2. AMENDMENT. That Section 189c2 of the 1925 Supplement to the 1913 Compiled Laws of North Dakota be and the same is hereby amended and re-enacted to read as follows:

§ 189c2. REPORT ON STATE BUILDINGS.] On August 1st of each odd numbered year, each officer, board of administration or agents of the state of any kind having in charge any public build-

ings or property of any kind whatsoever belonging to the state, shall report to the Commissioner of Insurance of the state the sound, depreciated value of each building or risk and contents therein, and such other information as may be required by the Commissioner of Insurance on forms provided by him.

§ 3. AMENDMENT.] That Section 189c3 of the 1925 Supplement to the 1913 Compiled Laws of North Dakota as amended by Chapter 173 of the Session Laws for the year 1927, and Chapter 162 of the Session Laws for the year 1931, be and the same is hereby amended and re-enacted to read as follows:

§ 189c3. INSURANCE PROVIDED. RATE OF PREMIUM.] On or between July 1st and August 1st, 1933, and each odd numbered year thereafter, the Commissioner shall provide for the insurance in the State Fire and Tornado Fund, and in some reliable Fire and Tornado Insurance Company or Companies doing business in the State of North Dakota, as hereinafter provided, on all state property subject to destruction by fire or tornado, for an amount not to exceed ninety per cent (90%) of the actual value of the property, as such value is determined by the Commissioner and the officer or board having control of such property, and for such purpose the Commissioner of Insurance is hereby designated and constituted the custodian of said property. Upon special written request by the officer or board, the Commissioner of Insurance may provide for insurance against loss by hail, in the same manner and form and on such property as is insured against loss by tornado, as provided herein. The Commissioner shall first determine the insurable value of each article of property and then fix the rate of premiums to be paid by the insured at 60% of the rates promulgated by the General Inspection Bureau.

§ 4. AMENDMENT. That Section 189c5 of the 1925 Supplement to the 1913 Compiled Laws of North Dakota be and the same is hereby amended and re-enacted to read as follows:

§ 189c5. REPORT ON OTHER BUILDINGS.] On August 1st of each odd numbered year, each county auditor, city auditor, township, village and school district clerk, as the case may be, shall report to the Commissioner of Insurance the sound, depreciated or insurable value of each building or risk and contents therein, and such other information as may be required by the Commissioner of Insurance, on forms provided by him.

§ 5. AMENDMENT.] That Section 189c6 of the 1925 Supplement to the 1913 Compiled Laws of North Dakota be and the same is hereby amended and re-enacted to read as follows:

§ 189c6. INSURANCE PROVIDED. PREMIUM.] From and after August 1st, 1933, the insurance on all property of any such county, city, township, village or school district, shall be provided for by

the Commissioner in the manner provided for the insurance of property of the state, except that the amount of insurance and the premiums thereon shall be certified by the Commissioner to the clerk or auditor of the township, village, city, county or school district. Upon receipt of such certification, the amount of premium so certified shall, on or before sixty days from the date of such certification, be remitted by the proper officer to the Commissioner of Insurance to be by him deposited with the State Treasurer to the credit of the State Fire and Tornado Fund and which shall be used only for the purposes provided for in this Act. In case of failure to pay the same within sixty days from the date of such certification, the township, village, city, county or school district official or officials responsible therefor, shall become jointly and severally, as the case may be, personally liable for the same in an amount equal to double the premium due from such township, village, city, county or school district, and in case of such default it shall be the duty of the State Insurance Commissioner to notify the Attorney General, who shall bring an action in the courts of this state, or shall direct the State's Attorney of the county in which such delinquency occurs to bring such action, to recover the amount hereinbefore provided for.

§ 6. AMENDMENT.] That Section 189c7 of the 1925 Supplement to the 1913 Compiled Laws of North Dakota be and the same is hereby amended and re-enacted to read as follows:

§ 189c7. REPLACEMENT OF POLICIES.] No policies of insurance in force on the first day of August, 1933, and covering risks not heretofore required by law to be insured with the State Fire and Tornado Fund shall be cancelled by the Commissioner; but all such risks as and when the policies covering the same shall lapse, expire or be otherwise cancelled, shall be insured with the State Fire and Tornado Fund as herein provided, and the amount of such insurance in said State Fire and Tornado Fund shall be from time to time increased so as to maintain at all times on the property covered thereby the amount of insurance required by the provisions of this Act.

Approved March 9th, 1933.

CHAPTER 136

S. B. No. 102—(Magnuson.)

**FIRE OR TORNADO INSURANCE SCHOOL AND TOWNSHIP
PROPERTY**

An Act authorizing the school board of any civil township in the state whose property is not required by law to be insured against loss by fire or tornado by the State Fire and Tornado Fund to insure the property of such district and such township against loss in Mutual Fire Insurance Companies, State Fire and Tornado Fund or in Old Line Fire Insurance Companies.

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

§ 1. AMENDMENT.] That Section 1 of Chapter 167, Session Laws of 1927, be amended and re-enacted to read as follows:

§ 1. The property of any school district or of any civil township in the state which is not required to be insured against loss by fire or tornado by the State Fire and Tornado Fund may at the discretion of the school board of such district, or the township board of such township, be insured against such loss in Mutual Fire Insurance Companies, State Fire and Tornado Fund or in Old Line Fire Insurance Companies; provided that no such insurance may be so placed by any school board or township board except in companies duly authorized under the laws of the state to do business in the state of North Dakota.

Approved March 9, 1933.

CHAPTER 137

S. B. No. 143—(Matthaei.)

STATE HAIL INSURANCE

An Act to amend and re-enact Sections 189b3 and 189b17, of the Supplement to the 1913 Compiled Laws of North Dakota, and to amend and re-enact Sections 189b5, 189b7, 189b8, 189b9, 189b10, 189b11, 189b13, 189b15, 189b20, 189b21, 189b22, 189b25, 189b29, and 189b30 of the 1925 Supplement to the 1913 Compiled Laws of North Dakota, as amended by Sections 1, 2, 3, 4, 6, 9, 11, 12, 13, 14, 15, 17, 18 and 19 respectively by the 1931 Session Laws of the State of North Dakota; and to repeal Sections 5, 7, and 8 of Chapter 170 of the Session Laws of North Dakota for 1931, and all other Acts and parts of Acts in conflict herewith; relating to State Hail Insurance, providing for collection of hail indemnity insurance, and giving notice of priority of hail indemnity tax liens; providing for writing hail protection, defining duty of assessors; providing for collection of taxes, fixing amount, and providing for adjustment of claims of indemnity; and abatement of hail indemnity tax and correction of records, and declaring an emergency.

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

§ 1. AMENDMENT.] That Section 189b3 of the 1925 Supplement to the Compiled Laws of 1913, be and is hereby amended and re-enacted to read as follows:

§ 189b3. EMPLOYEES, SALARIES AND OPERATING EXPENSE.] The Commissioner of Insurance with the approval of the Governor shall appoint a manager who shall be in direct charge of the Department and whose salary shall be set by the Commissioner of Insurance. With the approval of the Commissioner of Insurance, the manager shall employ all the assistants necessary to operate the Department and may employ legal counsel.

The salaries of all employees together with all other expenditures for the operation and maintenance of the Department shall remain within the appropriation and surplus available in each year for such purposes and shall not exceed the sum of one hundred and fifty thousand dollars per annum, except as provided for by Sections 16 and 17 of this Act. The Commissioner of Insurance shall pay all salaries and expenses of the Department by vouchers issued by him and approved by the State Auditing Board, except payment for writing applications as provided for in Section 9 of this Act.

§ 2. AMENDMENT.] That Section 189b5 of the 1925 Supplement to the Compiled Laws of 1913, as amended by Section 1 of Chapter 170 of the Session Laws of the State of North Dakota for 1931, be and is hereby amended and re-enacted to read as follows:

§ 189b5. CROPS INSURED.] The crops insured under this Act shall consist of crops grown on cultivated lands, listed as actually cropped subject to the payment of the taxes specified in this Act. The following crops may be insured: rye, wheat, speltz, barley, oats; flax, corn, buckwheat, millet, sweet clover, alfalfa, and cane. The insurance herein provided shall in no event become effective on winter rye and winter (wheat) before 12 o'clock noon, Central Standard Time, of June 1st and shall not become effective on any other crops before 12 o'clock noon, Central Standard Time, of June 10th of any year, subject to the provisions of Section 9, 11, and 25 of this Act. Provided that no indemnity shall be allowed for loss to winter rye and winter wheat which occurs later than 12 o'clock noon, Central Standard Time, of August 25th of each year, and flax and corn shall be considered insured up to 12 o'clock noon, Central Standard Time, September 15th of each year; on all other crops the protection shall cease 12 o'clock noon, Central Standard Time, of September 10th of each year. The insurance provided for in this Act shall not be effective on crops struck by hail before an application is filed with the Hail Insurance Department.

§ 3. AMENDMENT.] That Section 189b7 of the 1925 Supplement to the Compiled Laws of 1913, as amended by Section 2 of Chapter 170 of the Session Laws of North Dakota for 1931, be and is hereby amended and re-enacted to read as follows:

§ 189b7. INDEMNITY TAX.] The Commissioner of Insurance shall, on or before the 15th day of October of each year, ascertain the amount which is required for the total payment of all loss

caused by hail to crops insured by the Department and a sum sufficient to pay interest on certificates of indebtedness, or for interest at the rate of 5% per annum on all indemnity warrants from date of registration until called for payment by the State Treasurer if such warrants are not payable in cash when issued, and for any anticipated refunds or abatements of taxes, plus a sufficient sum to maintain and operate the Department for the succeeding year, and for the purpose of securing and paying of same, there is hereby levied by this Act pursuant to Section 177 of the Constitution and Article 24 of the Amendments of the Constitution of the State of North Dakota each and every year an indemnity acreage tax sufficient to cover said amounts on all insured lands as specified in this Act, but in no event shall the total of such levy exceed ten per cent of the total risk for the State carried by the Department for such year. The Commissioner of Insurance shall determine the rate of the levy for the hail indemnity tax and certify the same to the several County Auditors, and in preparing the tax lists for each year the County Auditors of the several counties shall enter in such list opposite the description of each tract, parcel or subdivision of land insured with the State Hail Department, the hail indemnity tax charged against said land, using as the basis for computation of such tax the rate certified by the Commissioner of Insurance. Provided that when \$8.00 per acre insurance is carried the indemnity tax shall be as much greater than the tax for \$5.00 per acre protection as 8 is greater than 5.

Such hail indemnity tax shall be a general tax against the whole of said tract, parcel, or subdivision of land in like manner and to the same effect as general state and county taxes. It shall be of the same order and the lien therefor shall share rateably with other general tax liens in all tax proceedings and tax sales, and it shall be subject to all the provisions of law relating to general taxes except as hereinafter provided. The lien of the tax herein provided for shall be prior and superior to all mortgages, liens and judgments executed subsequent to the approval of this Act. Such tax shall become due and payable at the same time as other general taxes and delinquent at the same time as the first installment of other general taxes except that said tax shall be paid as a whole and not in installments.

Provided, further, that this Act shall be legal notice that the hail indemnity taxes levied during any year after the passage and approval of this Act are prior and superior to mortgages, contracts for sale of realty, liens and judgments executed or otherwise coming into existence after the approval of this Act.

For the purpose of levying the acreage indemnity tax the State is hereby divided into five districts, the composition of which is to be determined by the Commissioner of Insurance and the Manager of the Hail Insurance Department at the time levy for hail indemnity tax is determined. The basis for districting shall be the actual

cost of the protection in each county for the then current year as determined by the amount of indemnity allowed and the acreage insured within each county. District No. 1 shall be comprised of all such counties showing for each year an actual cost of not more than 1% of the risk carried; District No. 2 an actual cost of over 1% but not more than 3%; District No. 3 an actual cost of over 3% but not more than 5%; District No. 4 an actual cost of over 5% but not more than 7%; District No. 5 an actual cost of over 7%. When such levy for hail indemnity tax is made, each of the five districts shall be considered a unit; however, the rate and actual per acre cost of such indemnity tax levied shall be based on the following proportions or ratios between the districts: First District, 3; Second District, 5; Third District, 6; Fourth District, 7; Fifth District, 8. Provided that if the total amount necessary for indemnity tax for any one year equals more than 10 per cent of the risk carried by the Department for such year, in order that losses may be paid in full, the Commissioner of Insurance may use any moneys in the surplus of the Hail Insurance Fund to pay such difference between the moneys actually obtained by the levy for hail indemnity tax and the amount actually needed to pay all such legal indemnities for each year, and the Commissioner of Insurance shall in the following or any succeeding year or years, when the indemnity for hail losses as above provided is not in excess of an average of 10 per cent of the risk carried by the Department, include in the levy for hail indemnity tax such sum, or sums, as may be necessary to reimburse the surplus fund for such moneys borrowed from such fund. All moneys collected under the provisions of this Section shall be paid into the State Hail Insurance Fund.

§ 4. AMENDMENT.] That Section 189b8 of the 1925 Supplement to the Compiled Laws of 1913, as amended by Section 3 of Chapter 170 of the Session Laws of the State of North Dakota for 1931, be and is hereby amended and re-enacted to read as follows:

§ 189b8. NOTICE TO COUNTY AUDITORS AND TREASURERS.] After the Commissioner of Insurance has determined the indemnity tax acreage rates and made the necessary deductions from indemnities as required under this Act, he shall forthwith forward to the County Auditor of each county an abstract of records as provided for in Section 13 of this Act and the County Auditor shall spread such indemnity tax on the tax rolls in separate columns, for the purpose as provided in Section 7 of this Act. Such indemnity tax shall be collected by the Treasurer of said county and shall be kept in a separate fund to be known as the State Hail Insurance Fund.

§ 5. AMENDMENT.] That Section 189b9 of the 1925 Supplement to the Compiled Laws of 1913, as amended by Section 4 of Chapter 170 of the Session Laws of North Dakota for 1931, be and is hereby amended and re-enacted to read as follows:

§ 189b9. DUTY OF ASSESSORS: WRITING THE PROTECTION.]

It shall be and is hereby made the duty of each and every assessor in the State, each within his respective district, or county, each and every year at the time of the listing of property for assessment, to inquire of the person whose property is assessed, or the legal occupant, whether or not he has any crops growing or to be grown during such year, and if he has any such crops, whether or not he desires to have such crops or any part thereof insured against loss by hail under the provisions of this Act for the year in which said assessment is made. Such assessor shall at that time explain fully to said person the provisions of this Act relative to amount of insurance per acre, the time within which notice of loss must be given, and the time and manner of paying hail taxes and indemnities. If such person desires to insure any or all of his crops the assessor shall then and there take his application, in triplicate, on forms of application furnished by the Commissioner of Insurance. Such application may be taken by the assessor at any time before crops are struck by hail and not later than the fifteenth day of July of the year for which said insurance is desired. Provided, however, that in no case shall insurance take effect before such application is actually received in the office of the Hail Insurance Department. Immediately after the fifteenth day in July the assessor shall forward to the County Auditor of his county the balance of his hail insurance listing supplies. All applications shall be made in triplicate and shall carefully describe each piece of land to be insured, describing particularly the quarter section or subdivision thereof, the number of the section, the township and range with acreage, description of and location of the different kinds of crops to be insured. Each application shall also show the interest of applicant in such crop. Provided, however, that the occupant, if same be a tenant, may make application as owner's agent if he has written authority and files such written authority with his application. The information contained in such application shall be furnished by the applicant and shall be binding on him. Provided, however, that such applicant may amend such application as to kind of crop and location thereof at any time before July 6, and before loss, by notifying the Hail Insurance Department thereof by registered mail.

At the time of taking the application herein provided for, the assessor shall endorse on each copy thereof the date and hour of same and shall forward by mail within twenty-four hours the triplicate copy to the County Auditor of his county and the original and duplicate copies to the Hail Insurance Department at Bismarck; all such applications shall be subject to the approval of the Commissioner of insurance. Immediately upon receipt and checking of such original and duplicate copies in the office of the Hail Insurance Department the Commissioner of Insurance shall, if he approves the same, cause to be stamped and endorsed thereon the day and hour when insurance is effective, his receipt and approval of same, and

shall return the duplicate copy to the applicant which duplicate copy thus endorsed shall constitute the policy of insurance under the provisions of this Act and shall entitle the applicant to the protection thereof. The application shall be the basis of computing the hail indemnity tax which shall be charged against the land on which such crops are grown, except as further provided in this Act.

If, for any reason, any person having crops growing or to be grown, fails to make application with the assessor for hail insurance, as herein provided, he may at any time after the first day in June and before 12 o'clock noon on the 15th day of July make application for such insurance with the County Auditor or directly with the Hail Insurance Department. In case the fifteenth day in July falls on Sunday, the applicant may file his application at any time before twelve o'clock noon the following day. Upon taking such application the County Auditor shall retain the triplicate copy in his office and shall mail immediately the original and duplicate thereof to the Hail Insurance Department. The provisions of this Section which apply to the assessor in taking applications shall also, as far as applicable, apply to the County Auditor.

The assessors and County Auditors in addition to other compensation allowed them according to law, shall be entitled to compensation for their services at the rate of one cent per acre on approved applications listed and reported by them in accordance with the provisions of this Act. Such compensation shall be paid out of the Hail Insurance Fund Operating Account and the Commissioner of Insurance shall certify to the State Auditor a list of the assessors and County Auditors and the amounts due them and thereupon the State Auditor shall draw warrants on the State Treasurer for payment of same out of the State Hail Insurance Fund Operating account.

§ 6. REPEAL.] That Section 5 of Chapter 170 of the Session Laws of the State of North Dakota for the year 1931, be and is hereby repealed.

§ 7. AMENDMENT.] That Section 189b10 of the 1925 Supplement to the Compiled Laws of 1913, as amended by Section 6 of Chapter 170 of the Session Laws of North Dakota for 1931, be and is hereby amended and re-enacted to read as follows:

§ 189b10. COLLECTION OF TAXES.] The hail indemnity taxes provided for in this Act shall be collected by the County Treasurers of the various counties in the State as other taxes are collected, and all sums arising from penalty and interest on account of non-payment of such taxes shall accrue to and become a part of the State Hail Insurance Fund. Provided that premiums for special policies issued shall be collected by the State Hail Insurance Department direct.

It is further provided that it shall be the duty of the County Treasurer of each and every county in the State to remit to the

State Treasurer all moneys collected under the provisions of this Act each month, on or before the 15th day of the following month, and the State Treasurer shall, upon the first day of each month, report to the Commissioner of Insurance the condition of the State Hail Insurance Fund. Before paying any indemnity arising under this Act, the Commissioner of Insurance shall deduct from such payment, the hail indemnity tax due the Hail Insurance Fund by the insured on the land covered by the policy, not only for the current year's protection, but also such as may have accrued and is unpaid from previous years, as certified to the State Hail Insurance Department by the various County Auditors, and the Commissioner of Insurance may deduct any other indemnity tax for which the insured is liable. After making such deduction from the indemnities the Commissioner of Insurance shall certify the same to the County Auditors, and the County Auditors and the County Treasurers shall use such deductions so listed as authority for striking part or all of such current or delinquent taxes from the tax rolls.

Hail indemnity taxes may be paid separately without payment of other general taxes so as to allow owners or croppers to secure State Hail Insurance protection on crops grown on lands on which hail indemnity taxes are unpaid at the time protection is applied for. When any land is advertised and sold for non-payment of taxes, the hail indemnity taxes, which constitute a prior lien as provided for in this Act, shall be advertised and sold together with the general taxes and all laws relating to the collecting of penalty and interest and sale of realty for non-payment of taxes shall apply to such hail indemnity taxes. Provided, that hail indemnity taxes not constituting prior liens shall not be advertised or sold but such hail indemnity taxes shall remain on the county records as a lien against the land until paid or until cancelled as provided for in Section 29 of this Act. Provided further that in case the lien prior to the lien of the hail indemnity tax is extinguished or satisfied by any process other than the foreclosure of the lien prior to the hail indemnity tax lien, such hail indemnity tax shall be sold at the next real estate tax sale and all laws relating to sale of realty for non-payment of taxes shall apply to such hail indemnity taxes.

§ 8. REPEAL.] That Section 7 of Chapter 170 of the Session Laws of North Dakota for the year 1931, be and is hereby repealed.

§ 9. REPEAL.] That Section 8 of Chapter 170 of the Session Laws of North Dakota for the year 1931, be and is hereby repealed.

§ 10. AMENDMENT.] That Section 189b11 of the 1925 Supplement to the Compiled Laws of 1913, as amended by Section 9 of Chapter 170 of the Session Laws of North Dakota for 1931, be and is hereby amended and re-enacted to read as follows:

§ 189b11. CROP AFFIDAVIT, INSURABILITY AND LIENS.] In making application for State Hail Insurance as provided by Section

189b9 of this Act, the owner, tenant, or cropper, shall furnish the complete information required in the application blank, and he shall be bound by such information. If lands are bought on contract, the contract owner shall be deemed the party responsible for the payment of the hail indemnity taxes and the record or title owner, in such case, shall not in any way determine as to whether or not such insurance should be carried. Where the cropper is a tenant, he shall, in making application for State Hail Insurance, secure the owner's consent in writing to such application but such consent may be filed on separate forms or letter to be made a part of the application. Provided, that an owner may make regular application for insurance on his proportionate share of crop. It is further provided that every lease, oral or written, on land subject to hail indemnity tax, hereafter made, shall be deemed to include, as a covenant and agreement on the part of the lessee or cropper, an undertaking to pay his share of hail indemnity taxes properly chargeable against the land, and the landlord shall have a first lien upon all the crops grown upon the land, belonging to any such tenant or share cropper as security for the payment of tenant's share of the said hail indemnity taxes, unless the contrary shall be clearly expressed in writing and made a part of the lease. Every vendee or mortgagee of crops grown on rented land shall be charged with notice of such lien. Such lien may be enforced in the same manner as a seed, labor, or thresher's lien and with like effect or the amount thereof may be subjected to other provisions of the contract relative to the division of the crop. It is further provided that contracts for sale of lands and mortgages executed prior to the approval of this Act must be recorded within ninety days of the effective date of this Act in order to preserve their status as a prior lien to the hail indemnity taxes levied hereunder. No regular application for hail insurance shall be approved by the Commissioner of Insurance where the records of the County Auditor show any unpaid hail indemnity taxes except as hereinafter provided. Provided that applications for hail insurance may be approved where the records of the County Auditor show unpaid hail indemnity taxes for one year of the last preceding three years. Provided, however, that an application may be approved when an owner makes proof that he is not liable for payment of indemnity taxes levied against the land and remaining unpaid on account of foreclosure of a superior lien.

On May 15th of every year the Sheriff of each and every county in the State shall furnish the Hail Insurance Commissioner a list of sheriff's certificates in his county, issued on foreclosure of mortgages, and on which the period of redemption extends through part or all of the then current cropping year. Provided that listings for insurance on such premises shall in no event be approved by the Commissioner of Insurance. Special policies may, however, be issued for insurance in all cases not insurable on regular applications

if proper applications in accordance with provisions of Section 25 of this Act be filed with the Hail Insurance Department direct.

§ 11. AMENDMENT.] That Section 189b13 of the 1925 Supplement to the Compiled Laws of 1913, as amended by Section 11 of Chapter 170 of the Session Laws of North Dakota for 1931, be and is hereby amended and re-enacted to read as follows:

§ 189b13. ADDITIONAL DUTIES OF COUNTY OFFICIALS, ABSTRACTS OF RECORDS.] As soon as possible after the hail indemnity tax rates have been ascertained, the Commissioner of Insurance, through the Hail Insurance Department, shall file with the County Auditor of each county, a complete list of descriptions of lands within such county upon which the State Hail Insurance Department has carried the protection for the then current season, such based on the regular applications for hail insurance on file in his office, the cancellation thereof or changes made therein. The County Auditor shall use such list as the basis for spreading the hail indemnity tax on the records. Provided, it shall be the duty of the County Auditors and County Treasurers to make proper corrections on their records, and to cause deductions of hail taxes to be made from time to time upon receipt of certification from the office of the Hail Insurance Department. It shall be the duty of the County Auditors, upon the filing of application for insurance, to ascertain from his records and the records of the County Treasurer the amount or amounts of unpaid hail taxes due and delinquent on lands covered by such application, and forward a statement of the same immediately to the Commissioner of Insurance. Such delinquent tax notification, as well as other reports in connection with the Hail Insurance work, shall be made by the various officials on forms prepared by the Commissioner of Insurance and it is hereby provided that it shall be a part of the official duties of any county official to furnish to the State Hail Insurance Department information necessary or convenient in accomplishing the purposes of this Act.

It shall be the duty of the Register of Deeds in each county not later than November 10th of each year, to check the land descriptions in the abstract of records provided for herein and in Section 8 of this Act as to priority of the hail indemnity tax liens for each year and certify to the County Auditor the description of lands whereon the hail indemnity tax is not a prior lien.

§ 12. AMENDMENT.] That Section 189b15 of the 1925 Supplement to the Compiled Laws of 1913, as amended by Section 12 of Chapter 170 of the Session Laws of North Dakota for 1931, be and is hereby amended and re-enacted to read as follows:

§ 189b15. AMOUNT OF INDEMNITY.] The maximum amount of indemnity for total loss shall be either \$5.00 per acre or \$8.00 per acre, as the application for insurance may specify. Provided,

however, that if the original application calls for \$5.00 per acre insurance, the insured may before loss and before July 15th make application to the Hail Insurance Department for an additional \$3.00 per acre protection. Such application shall be made out in duplicate upon forms prepared and furnished by the Commissioner of Insurance and mailed directly to the Department at Bismarck, and if approved by the Commissioner of Insurance, the duplicate of such application shall be returned to the maker and considered his policy of insurance. Such application shall contain the legal description of the land, the kind of crops and the acreage of same on which additional insurance is desired. The location of such crops shall also be given upon a diagram on the application blank, and such application shall contain a statement to the effect that such crops have not been damaged or destroyed by hail. Provided further, that such application shall be signed by the applicant and shall be acknowledged by the assessor or sworn to before someone authorized to administer oaths. If the applicant is a tenant, the signed consent of the person liable for the taxes authorized by this Act must appear upon such application, and if the owner makes such application, the written consent of the tenant must appear thereon. If either owner or tenant, in filing such application, acts as agent one for the other, a written authorization shall be attached to the application. Such applications are subject to the approval of the Commissioner of Insurance.

In no event shall such additional insurance become effective before application is on file in the office of the Hail Insurance Department. Provided, that no indemnity shall be allowed to any claimant for loss of less than ten per cent, and a loss of 85 per cent or over shall be deemed a total loss. There shall be no claim allowed for any loss or damage to crops except such as is directly traceable to hail. Provided that no indemnity shall be allowed or paid for damage to any crop after it is cut, nor on any abandoned crop.

§ 13. AMENDMENT.] That Section 189b17 of the 1925 Supplement to the Compiled Laws of 1913, be and is hereby amended and re-enacted to read as follows:

§ 189b17. ADJUSTMENT OF CLAIMS.] In making adjustment of claims it shall be the duty of the adjuster to inspect the crops on which damage is claimed and he shall have the authority to administer oaths and, if deemed necessary, to call witnesses to testify as to the condition of the crop before and after loss, and he shall establish the fact that hail fell from other evidence than that found in the field by examining witnesses living adjacent to or near the land on which loss is claimed. It shall be the duty of the adjuster, whenever possible, to secure the written concurrence of the claimant, or his legal representative, in the award made by the adjuster of the claim, and to immediately forward same to the Commissioner of Insurance. In case the claimant does not concur in the findings and

award of the adjuster, the adjuster shall immediately notify the Commissioner of Insurance of such fact, and upon the request of the claimant duly made within three days upon blanks furnished by the Department for that purpose, or by notice in writing, the Hail Insurance Department, through its authorized deputy inspector, shall reinspect the crops claimed to have been damaged, and if, upon such reinspection, the insured still refuses to concur in the adjustment as found by the inspector, then the deputy inspector shall immediately submit the case to arbitration. The claimant shall then within a period of six hours deposit with the deputy inspector not less than Twenty-Five Dollars nor more than Fifty Dollars in certified check, bank draft, or postal money order drawn to the order of the State Hail Insurance Department as security for the payment of the fees and expenses of the members of the Board of Arbitration and deputy inspector in case the findings of such Board be in amount not greater than that offered by the deputy inspector. Provided, that if claimant shall refuse or neglect to make such deposit with the deputy inspector within the six hours provided for, the claim shall be considered settled and the findings of the deputy inspector shall govern in paying indemnity for such loss. If arbitration is resorted to it is provided that within a period of twelve hours (not including the time between 7 P. M. and 7 A. M.) after the deposit is made the deputy inspector shall appoint and produce on the premises one disinterested person and the claimant shall appoint and produce on the premises one disinterested person and these two shall appoint a third person and the findings of the majority of the three so appointed shall be final and binding upon the State Hail Insurance Department and the claimant. Provided, if the first two arbitrators fail to agree on a third party within two hours the deputy inspector in charge shall discharge them and notify the Manager of the Hail Insurance Department immediately. The Manager shall thereupon notify the chief inspector to appraise the hail damage to the crops in question and indemnity for such loss shall be paid in accordance with the findings of the chief inspector. Provided, when settlements are made by a Board of Arbitration, should the findings be more than the amount allowed by the deputy inspector, the expenses of such adjustment shall be paid by the Hail Insurance Department, as other expenses of this Department are paid. Otherwise, the expenses of such arbitration, including witness fees, if any, shall be borne by the claimant. Provided further, that the deputy inspector shall immediately following the arbitration forward the deposit received from the claimant to the Hail Insurance Department together with vouchers drawn by the members of the Board of Arbitration and certified by him and the Hail Insurance Department shall deposit such moneys to the credit of the State Hail Insurance Fund and warrants shall be drawn in payment to the members of the Board of Arbitration and the balance of such deposit returned to the claimant. Provided further, that such deposits shall be considered

separate from and above the allowance made for operating and maintenance expense under Section 3 of this Act. The fee to be paid witnesses and arbitrators, under this Section, shall be the same as those allowed witnesses in civil actions. Provided, that all adjustments as made shall be subject to the approval of the Commissioner of Insurance. Provided further, that if any loss is found to be less than 10% the Commissioner of Insurance may charge the cost of such inspection to the claimant and such expense shall be certified to the County Auditor as a lien against the land and such lien shall have the same standing as the hail indemnity tax for that year.

§ 14. AMENDMENT.] That Section 189b20 of the 1925 Supplement to the Compiled Laws of 1913, as amended by Section 13 of Chapter 170 of the Session Laws of North Dakota for 1931, be and is hereby amended and re-enacted to read as follows:

§ 189b20. DIVERSE INTEREST IN CROP.] In case of diverse ownership of interest in any crop upon which indemnities are allowed, proof of the percentage of interest in the award shall be made to the Commissioner of Insurance by affidavit or other showing under such rules and regulations as the Commissioner may provide, and the award shall be disbursed to the owner of the land, tenant or to the different claimants as their interest may appear, or by joint warrant. Provided that interest in indemnity shall follow the direct interest in the crop. If land is bought on crop payment plan under which the title owner is to receive a certain part of the crop each year, indemnity shall be distributed to him in the same proportion as his interest in the crop or by joint warrant, if proper showing has been made to the Department during the then current year and before the adjustment has been approved for issuance of warrant. Provided that ownership on account of liens and mortgages, garnishment, levy, execution, and any other legal process shall not be considered a direct interest. Neither shall the mere retaining of title in the crop constitute an absolute or direct interest as interpreted by this Act.

§ 15. AMENDMENT.] That Section 189b21 of the 1925 Supplement to the Compiled Laws of 1913, as amended by Section 14 of Chapter 170 of the Session Laws of North Dakota for 1931, be and is hereby amended and re-enacted to read as follows:

§ 189b21. ISSUANCE OF WARRANTS.] Warrants in payment of approved adjustments shall be drawn within fifteen days after such adjustments are approved. Prior to the writing of such warrants the Commissioner of Insurance shall first deduct the current hail indemnity taxes if ascertained at that time, and then unpaid hail taxes for prior years, as certified by the County Auditor. If such hail indemnity taxes for the then current year are not determined when payment of indemnity is made, the Commissioner shall deduct from the indemnity a sum by him considered sufficient

to cover that year's hail tax, but in no event more than fifteen per cent of the total risk covered by the policy. Any amount deducted in excess of actual premium and in excess of other legal deductions by the Department shall be repaid to the claimant within a reasonable time after the hail indemnity tax rate has been determined. Provided that any net indemnity of less than one dollar shall be paid the claimant direct by postage stamps and a record shall be kept of such payments. The Commissioner of Insurance, through the Manager of the Hail Insurance Department, shall draw warrants upon the State Treasurer payable out of the State Hail Insurance Fund, for such amounts and in favor of such persons or parties entitled thereto; which amounts shall be charged to the State Hail Insurance Fund; such warrants to be mailed by the State Hail Insurance Department to the persons interested, or in case of joint warrant to one of such persons. The warrants become due and payable immediately upon issue and shall draw no interest unless in case of necessity arising for the registry of such warrants for lack of funds, in which event warrants shall draw interest at the rate of five per cent per annum from date of registration.

§ 16. AMENDMENT.] That Section 189b22 of the 1925 Supplement to the Compiled Laws of 1913, as amended by Section 15 of Chapter 170 of the Session Laws of North Dakota for 1931, be and is hereby amended and re-enacted to read as follows:

§ 189b22. INDEMNITY EXEMPT FROM GARNISHMENT.] The indemnity provided for herein shall be exempt from garnishment, levy, execution, attachment, liens and mortgages, and any other legal process whatsoever, but may be assigned in such manner and form as the Commissioner of Insurance may determine.

§ 17. AMENDMENT.] That Section 189b25 of the 1925 Supplement to the Compiled Laws of 1913, as amended by Section 17 of Chapter 170 of the Session Laws of North Dakota for 1931, be and is hereby amended and re-enacted to read as follows:

§ 189b25. INSURANCE OF HOMESTEAD AND INDIAN LANDS: ISSUANCE OF OTHER SPECIAL POLICIES.] The Hail Insurance Department may insure crops grown upon homestead lands on which patent has not been issued and also on lands within the boundaries of Indian Reservations, also on lands not otherwise subject to taxation, or which are not insured in the regular manner according to the provisions of this Act. In any case where crops are not covered by an approved application in accordance with provisions of Sections 9 and 11 of this Act, any party having a direct interest in such crops may apply for insurance on his proportionate share of such crops according to the provisions of this Section. The applications covering such special insurance shall be made upon blanks furnished by the Commissioner of Insurance under such rules and regulations as he may direct, and shall be accompanied by a certified check or draft in payment of the

premium at the rate of 10 cents per each one dollar of insurance applied for. Provided, however, the Commissioner of Insurance shall, when crops are insured under the provisions of this Section, refund after the actual per acre levy has been ascertained, such amounts to such applicants as will make the cost per acre the same for crops insured under the provisions of this Section as the cost per acre within the same county to those who carry the insurance in the regular manner, and premium for which is determined in accordance with Section 7 of this Act, and the Commissioner of Insurance, through the manager of the Hail Insurance Department, shall draw warrants on the State Treasurer, payable out of the State Hail Insurance Fund, to the persons to whom such refunds are due. Such warrants shall be mailed by the Hail Insurance Department to the parties who, according to the records, are entitled thereto.

§ 18. AMENDMENT.] That Section 189b29 of the 1925 Supplement to the Compiled Laws of 1913, as amended by Section 18 of Chapter 170 of the Session Laws of North Dakota for 1931, be and is hereby amended and re-enacted to read as follows:

§ 189b29. ABATEMENT OF HAIL INDEMNITY TAX AND CORRECTION OF RECORDS.] The Commissioner of Insurance may make proper correction of the hail insurance tax records on applications submitted to him in the manner and form he shall determine. In cases of erroneous listings of lands for hail insurance purposes, before the Commissioner may approve the corrections, proofs satisfactory to him shall first be submitted. Provided, that such applications, in order to be considered, must be filed before the levy for hail indemnity tax be determined for that year, and before adjustment of loss, if any, for such year is made. Provided, further, that in all such cases where holders of the superior liens have on proper showing paid general taxes without the inclusions of the hail indemnity tax, and where such taxes still remain of record, when three years have elapsed after passing of title on foreclosure of such superior liens without the premises reverting to the original owner, such hail indemnity taxes shall be cancelled from the records of the counties and the Hail Insurance Department. Provided further, that as far as pertains to hail taxes for any year prior to 1932, the county commissioners, with the approval of the Commissioner of Insurance, may in case of error abate any hail insurance tax wrongfully levied and refund any tax wrongfully collected under the provisions of this Act upon presentation to them of a written application. The Commissioner of Insurance is hereby invested with authority to make compromise settlements, including cancellation and satisfaction of records, of Hail Indemnity taxes not constituting prior liens in cases where the Hail Indemnity Tax lien is subject to extinction by mortgage foreclosure; however, in case the ownership of the land reverts to the original mortgagor, the balance of the taxes shall again become a lien against the land.

§ 19. AMENDMENT.] That Section 189b30 of the 1925 Supplement to the Compiled Laws of 1913, as amended by Section 19 of Chapter 170 of the Session Laws of North Dakota for 1931, be and is hereby amended and re-enacted to read as follows:

§ 189b30. LIMITING TIME OF ACTION.] The Commissioner of Insurance is hereby vested with discretionary powers to extend for a reasonable period the time for reporting hail loss to the Department upon proper showing being made, but in no event shall adjustment be made on loss notices received in the office of the Hail Insurance Department after the 25th day of September of the year in which the loss occurred. Provided, that no action upon any claim for loss by hail shall be brought after one year from the time the loss occurred and no action for refund or abatement of hail taxes shall be brought after three years from the 31st of December of the year for which such tax was levied. Provided, further, that any warrant in payment of hail indemnity that is unpaid on the books of the Hail Insurance Department and the State Auditor six years after date of issue shall be cancelled. Provided, that thirty days before such cancellation, the Commissioner of Insurance shall cause to be published at least once in the official paper of the county in which the damaged crops were located, a list of such warrants that are to be cancelled. Upon cancellation of such warrants, proper credits shall be shown on the records of the Hail Insurance Department. Provided, that the manager of the Hail Insurance Department may destroy records more than six years old, except in such cases where according to the records of the Hail Insurance Department and the State Auditor warrants in payment of indemnity have not been presented for payment, the adjustment shall be kept in the files of the Department indefinitely.

§ 20. CONFLICTING PROVISIONS REPEALED, INCLUDING CERTAIN PROVISIONS NOT AFFECTING WHOLE OF ACT.] If any provisions of this Act shall be held invalid, the other provisions therein shall not be affected, and the law now in force relating to the same subject shall continue in full force and effect. Provided, that any act or parts of acts in conflict with any of the provisions of this Act are hereby expressly repealed.

§ 21. EMERGENCY.] This Act is hereby declared to be an emergency measure and shall take effect and be in full force from and after its passage and approval.

Approved March 7, 1933.

CHAPTER 138

H. B. No. 212—(C. T. Olson.)

HAIL TAX REFUND

An Act to amend and re-enact Sections 1, 2, 5, 6, and repeal Sections 3, 4, 7, and 8 of Chapter 171 of the Session Laws of North Dakota for the year 1931, which amended Chapter 147 of the Session Laws of North Dakota for the year 1929, which amended Chapter 172 of the Session Laws of North Dakota for the year 1927.

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

§ 1. AMENDMENT.] Section 1 of Chapter 171 of the Session Laws of North Dakota for the year 1931 is hereby amended and re-enacted to read as follows:

§ 1. Whenever any lands have been sold for hail taxes to purchasers other than the counties, and it develops that they were subject to a paramount lien and such lien was foreclosed and the purchaser's rights under his tax certificate cut out, such purchaser, or his assigns, shall be refunded the amount of the sale, with interest at the rate of five per cent per annum, by the Hail Insurance Department as hereinafter provided.

§ 2. AMENDMENT.] Section 2 of Chapter 171 of the Session Laws of North Dakota for the year 1931 is hereby amended and re-enacted to read as follows:

§ 2. The holder of the certificate must make application for the refund to the Commissioner of Insurance, tendering his certificate and an assignment thereof to the Hail Insurance Department, and making proof satisfactory to the Commissioner of Insurance that the title of the land has been lost under a paramount lien and that he has not been compensated in any way for the money paid for the certificate. Upon being so satisfied, the Commissioner of Insurance shall refund to the holder, such amount with interest. Upon making any such refund, the Commissioner shall take an assignment of the certificate in trust for the benefit of the Hail Insurance Department, and in case the tax debtor ever becomes the owner of the land affected, the hail indemnity tax represented by such certificate shall again attach as a lien upon his interest.

§ 3. AMENDMENT.] Section 5 of Chapter 171 of the Session Laws of North Dakota for the year 1931 is hereby amended and re-enacted to read as follows:

§ 5. The Commissioner of Insurance shall beginning with the levy for hail indemnity tax for the year 1933 and each year thereafter include in such levy an amount sufficient to reimburse such tax certificate holders whose applications for refunds have been approved, prior to the time of making the levy for the then current year.

§ 4. AMENDMENT.] Section 6 of Chapter 171 of the Session Laws of North Dakota for the year 1931 is hereby amended and re-enacted to read as follows:

§ 6. No claim for refund by a tax certificate holder shall be allowed unless presented within one year after the lien of such tax certificate has been lost except where holders of sheriff's deed did not redeem the taxes within one year after such deed was due to issue in which case the tax certificate holder shall be allowed sixty days after such tax redemption to apply for refund. Provided further, that where general taxes have been redeemed prior to the expiration of six years from the tax sale by a lien holder and the tax sale certificate holder continued or continues to hold the same for the "hail indemnity tax" without having applied for deed thereon, even though more than six years have elapsed, since the sale upon which said certificate was issued, the provisions of Section 2 hereof shall apply and same shall be refunded.

§ 5. REPEAL.] Sections 3, 4, 7 and 8 of Chapter 171 of the Session Laws of North Dakota for the year 1931 are hereby repealed.

Approved March 9, 1933.

INTEREST

CHAPTER 139

H. B. No. 83—(Gilbertson.)

RATE OF INTEREST ON JUDGMENTS

An Act to amend and re-enact Section 6077 of the Compiled Laws of the State of North Dakota, 1913.

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

§ 1. AMENDMENT.] That Section 6077 of the Compiled Laws of the State of North Dakota for 1913 be and the same is hereby amended and re-enacted to read as follows:

§ 2. JUDGMENTS TO BEAR SIX PER CENT.] Interest is payable on judgments recovered in the courts of this state at the rate of six per cent per annum, and no greater rate, but such interest must not be compounded in any manner or form.

§ 3. 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 1, 1933.

CHAPTER 140

H. B. No. 93—(Peterson of Mountrail, Larson of Nelson.)

USURY

An Act to amend and re-enact Section 6073 of the Supplement to the 1913 Compiled Laws of North Dakota, as amended by Chapter 274, Session Laws 1927, defining usury, and declaring an emergency.

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

§ 1. AMENDMENT.] That Section 6073 of the Supplement to the 1913 Compiled Laws of North Dakota, as amended by Chapter 274, Session Laws 1927, be and the same is hereby amended and re-enacted to read as follows:

§ 6073. USURY DEFINED.] No person, co-partnership, association, or corporation, shall directly or indirectly take or receive, or agree to take or receive, in money, goods or things in action, or in any other way, any greater sum or any greater value for the loan or forbearance of money, goods, or things in action, than eight per cent per annum, and in the computation of interest, the same shall not be compounded. Any violation of this Section shall be deemed usury; provided, that any contract hereafter made, to pay interest on interest overdue shall be deemed usury; provided further, that any evasion of this Act by charging more for goods or chattels when sold on credit, or on deferred payments, or when sold upon monthly or installment payments, shall be deemed usury whenever the total payments shall exceed the cash selling price plus eight per cent interest. Nothing in this Act shall be construed by any court to excuse or legalize any past evasion of the usury law, or exonerate any person, firm or corporation, that may have been guilty in the past of charging a usurious rate of interest, in violation of Section 6073 of the Supplement to the 1913 Compiled Laws of North Dakota, as amended by Chapter 274, Session Laws 1927.

§ 2. EMERGENCY. This Act shall take effect and be in force from and after its passage and approval.

Approved March 6, 1933.

INTOXICATING LIQUORS

CHAPTER 141

S. B. No. 137—(Indergaard and Trovatten.)

ADMINISTRATION INTOXICATING LIQUORS BY PHYSICIANS AND DENTISTS

An Act to amend and re-enact Section 10145b6 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, and to permit the administration of intoxicating liquors by physicians and dentists.

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

§ 1. AMENDMENT.] Section 10145b6 of the 1925 Supplement to Compiled Laws of 1913 is hereby amended and re-enacted to read as follows:

§ 10145b6. USE OF INTOXICATING LIQUORS BY PHYSICIANS AND DENTISTS.] No physician *or dentist* shall issue any prescription for intoxicating liquors as such, but a physician *or dentist* holding a federal permit therefore, may personally or under his supervision administer intoxicating liquors to his patients, where the immediate use of such intoxicating liquors is believed necessary to afford relief from some disease *or condition*. Provided, that not more than one pint of such intoxicating liquors may be administered to any one patient by a physician *or dentist*, during any period of ten days, and provided that no physician *or dentist* shall obtain for such purposes more than five gallons of intoxicating liquors during any calendar year. Provided, further, that physicians *and dentists* may procure and use those United States Pharmacopeia and National Formulary and American Institute of Homeopathy preparations fit for beverage purposes in such amount and for such purposes as may be in good faith necessary in compounding medical preparations.

Approved, February 17, 1933.

IRRIGATION

CHAPTER 142

S. B. No. 161—(Brostuen.)

IRRIGATION DISTRICTS

An Act to amend and re-enact Sections 8247a1, 8247a3 and 8247a10, Supplement to the Compiled Laws of North Dakota, 1913, relating to irrigation districts, the qualifications of directors of such districts, the voting places at elections of directors held therein, and fixing the time of holding meetings of board of directors of such districts.

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

§ I. AMENDMENT.] That Section 8247a1 Supplement to the Compiled Laws of North Dakota, 1913, be and the same is hereby amended and re-enacted to read as follows:

§ 8247a1. IRRIGATION DISTRICTS: ORGANIZATION: ELECTORS.] Whenever a majority of the electors owning lands or holding leasehold estates in the manner and to the extent hereinafter provided in any district susceptible of one mode of irrigation from a common source and by the same system of works, desire to provide for the irrigation of the same, they may propose the organization of an irrigation district under the provisions of this act, and when so organized, each district shall have the powers conferred or that may hereafter be conferred by law upon such irrigation district. Provided, that where ditches or canals have been constructed before the passage of this act of sufficient capacity to water the lands thereunder for which the water taken in such ditches is appropriated, such ditches and franchises and the land subject to be watered thereby, shall be exempt from operation of this law, except such district shall be formed to make purchase of such ditches, canals and franchises. Provided, that this law shall not be construed to in any way affect the rights of ditches already constructed. Provided, further, that the term elector, as used in this chapter shall include any resident of the state of North Dakota, owning not less than ten acres of land within any district or proposed district, or entryman upon public lands therein, or any resident of the state of North Dakota holding a leasehold estate in not less than forty acres of state land within said district for a period of not less than five years from the date at which said elector seeks to exercise the elective franchise. Provided, however, when the elector is the owner or entryman of land in more than one division of the irrigation district and resides without the district he shall be considered an elector in that division of the district in which the major portion of his land is situated; provided, further, that no person other than an elector as herein defined shall be eligible and permitted to hold the office of director of said irrigation district.

§ 2. That Section 8247a3 of the 1925 Supplement to the Compiled Laws of North Dakota, 1913, be, and the same is hereby amended and re-enacted to read as follows:

§ 8247a3. SAME: ELECTION: .ORGANIZATION.] Such election shall be conducted in accordance with the general laws of the state. The said county board shall meet on the second Monday next succeeding such election and proceed to canvass the vote cast thereat; and if upon such canvass it appears that a majority of all the votes cast are "Irrigation District — Yes," the said board shall, by an order entered on their minutes, declare such territory duly organized as an irrigation district, under the name and style therefor designated, and shall declare the persons receiving the highest number of votes for such several offices to be duly elected to such offices. The said board shall cause a copy of such order, duly certified, to be immediately filed for record in the office of the county register of deeds of each county in which any portion of such lands are situated, and must also immediately forward a copy thereof to the clerk of the board of county commissioners of each of the counties in which any portion of the district may lie; and no board of county commissioners of any county, including any portion of such district, shall, after the date of the organization of such district, permit another district to be formed including any of the lands of such district, without the consent of the board of directors thereof; and from and after the date of such filing, the organization of such district shall be complete, and the officers thereof shall be entitled immediately to enter upon the duties of their respective offices, upon qualifying in accordance with law, and shall hold such offices until their successors are elected and qualified.

For the purpose of the election above provided for the said county board must establish a convenient number of election precincts in the said proposed district, and define the boundaries thereof, which precincts may thereafter be changed, consolidated or reduced in number by the board of directors of such district at the discretion of and as it may seem advisable to said board, and the said board may, if it deems it advisable so to do, establish one voting precinct only in each irrigation district.

§ 3. That Section 8247a10 of the 1925 Supplement to the Compiled Laws of North Dakota, 1913, be, and the same is hereby amended and re-enacted to read as follows:

§ 8247a10. SAME: MEETINGS: QUORUM: RECORD.] The board of directors shall hold regular meetings at their office on the first Tuesday of each month, and during the months of December, January, February, March and April of each year and the said meetings shall be held and continue in session from 2 o'clock in the afternoon to 6 o'clock in the afternoon, and during the months of May, June, July, August, September, October and November the said meetings shall be held and continue in session from 7 o'clock P. M. to 10

o'clock P. M. ; and the said board shall hold such other special meetings as may be required for the proper transaction of business. Provided, all special meetings shall be ordered by the president of the board, the order must be entered of record, and five days notice thereof must be given each member. The order must specify the business to be transacted, and no other than that specified shall be transacted at such special meeting. All meetings of the board must be published, and a majority of the members shall constitute a quorum for the transaction of business and upon all questions requiring a vote there shall be a concurrence of at least a majority of such board. All records of the board must be open to the inspection of any elector during business hours, and said board shall cause to be published at the close of each regular or special meeting a brief statement of the proceedings thereof in one newspaper of general circulation in the district, if same can be done at an expense not exceeding one-third of the legal rate for advertising notices. The board, its agents and employees shall have the right to enter upon any land within the district, to make surveys, and may locate the line of any canal, or canals, and the necessary branches for such location. The board shall also have the right to acquire either by purchase or condemnation, all lands and waters and other property necessary for the construction, use, maintenance and repair and improvement of any canals, power plants of any kind or nature, and lands for reservoirs for storage of water and all necessary appurtenances. The board shall also have the right to acquire by purchase or condemnation any irrigation works, power plant, ditches, canals or reservoirs already constructed, for the use of said district. In case of purchase, the bonds of the district hereinafter provided for may be used at their par value in payment. The board may also construct the necessary dams, reservoirs and works for the collection of water for the district and do any and every lawful act necessary to be done that sufficient water may be furnished to each tract of land in the district for irrigation purposes, and may enter into any obligation or contract with the United States for the construction, operation and maintenance of the necessary work for the delivery and distribution of water therefrom under the provision of the Federal Reclamation Act and all Acts amendatory thereof, or supplementary thereto, and the rules and regulations established thereunder ; or the board may contract with the United States for a water supply under any Act of Congress providing for or permitting such contract, and in case contract has been, or may be hereafter made with the United States as herein provided, bonds of the district may be deposited with the United States at ninety per cent of their par value, to the amount to be paid by the district to the United States under any such contract, the interest on such bonds to be provided for by assessment and levy as in the case of other bonds of the district and regularly paid to the United States to be applied as provided in such contract, and if bonds of the district are not so deposited it shall

be the duty of the board of directors to include as part of any levy or assessment provided for in Section 19 of this Act, an amount sufficient to meet each year all payments accruing under the terms of any such contract; and the board may accept on behalf of the district appointment of the district as fiscal agent of the United States, or authorization of the district by the United States to make collections of money for and on behalf of the United States in connection with any federal reclamation project, whereupon the district shall be authorized to so act and to assume the duties and liabilities incident to such action, and the said board, shall have full power to do any and all things required by the federal statutes in connection therewith, and all things required by the rules and regulations established by any department of the federal government in regard thereto. The use of all water required for irrigation of lands of any district formed under the provisions of this Article, together with canals and ditches already constructed, the right of ways for canals and ditches, sites for reservoirs, and pumping plants, and all other property required in fully carrying out the provisions of this Article, is hereby declared to be a public use, subject to the regulation and control of the state in the manner prescribed by law. If contract is made with the United States, as in this Section provided, and bonds are not to be deposited with the United States in connection with such contract, bonds need not be issued, or if required to raise funds in addition to the amount of such contract, shall be issued only in the amount needed in addition thereto.

Approved March 6, 1933.

LAW

CHAPTER 143

H. B. No. 86—(Patterson, by request.)

PROHIBITING UNLAWFUL PRACTICE OF LAW

An Act to amend and re-enact Section 811 of the Supplement to the Compiled Laws of North Dakota of 1913; relating to admission to the bar; requiring and fixing an annual license fee to be paid by members of the State Bar; providing that no person shall practice law within the state who has not made payment of the annual license fee; prohibiting the practice of law by any member of the bar or other persons not so qualified and fixing a penalty therefor; providing for the deposit of the license fee with the treasurer of the state bar board, and specifying the manner in which said annual license fee shall be disbursed.

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

§ I. AMENDMENT.] That Section 811 of the Supplement to the Compiled Laws of North Dakota for 1913, be amended and re-enacted to read as follows:

§ 8II. PROHIBITING UNLICENSED PRACTICE OF LAW.] No person shall be entitled to practice law or act as attorney or counsellor at law in this state unless such person shall secure first a certificate of admission to the bar. Such certificate shall be issued upon payment of the fee provided therefor, and in addition thereto the further payment of the annual license fee of ten dollars. Any member of the bar who has not first paid such license fee or any other person or corporation is hereby prohibited from engaging in the practice of law within the state; and upon so doing shall be guilty of a misdemeanor. The Clerk of the Supreme Court, in his ex-officio capacity, as the treasurer of said Bar Board, shall deposit all license fees with the State Treasurer to be by him kept in a fund known as the State Bar Fund, the same to be disbursed therefrom only in manner as follows, to-wit:

(1) To pay to the Bar Association of the State of North Dakota, the sum of five dollars as provided by law for each licensed member of the bar.

(2) To pay the compensation provided by law for each member of the State Bar Board for the actual time devoted by him to the duties of his office, and expenses incurred by him while away from his place of residence in attendance to such duties.

(3) The expenses incurred by said State Bar Board in conducting examination of applicants for admission to the bar, or in the investigation of charges warranting the suspension or disbarment of members of the bar and in prosecutions brought and conducted before the Supreme Court for the discipline of such members.

(4) The expenses incurred by the Bar Association of North Dakota in the conduct of investigations and prosecution of proceedings instituted for the purpose of protecting the public and the bar of North Dakota against unauthorized practices by corporations or persons not licensed to practice law; and:

(5) The necessary expenses of conducting and supplying the offices of said State Bar Board. Nothing herein contained shall prevent any non-resident attorney, duly licensed to practice in another state, from appearing before the courts of this state.

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

Approved March 7, 1933.

LIENS

CHAPTER 144

S. B. No. 328—(Committee on Delayed Bills.)

SEED LIENS

An Act amending and re-enacting Section 6851 of the Compiled Laws of North Dakota, 1913, relating to who may have seed liens, and extending the scope of Federal liens, providing that the Secretary of Agriculture of the United States of America may have seed liens for loans made to farmers during the years 1933 and 1934 for crop production, seeding, planting, fallowing and cultivation, and declaring an emergency.

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

§ 1. AMENDMENT.] That Section 6851 of the Compiled Laws of North Dakota, 1913 be amended and re-enacted to read as follows:

§ 6851. SEED LIENS, WHO MAY HAVE.] Any person who shall furnish to another, seed to be sown or planted on lands owned or contracted to be purchased, used, occupied or rented for him, shall upon filing the statement provided in Section 6852 have a lien upon all the crop produced from the seed so furnished, to secure the payment of the purchase price thereof; and the Secretary of Agriculture of the United States of America may file a seed lien for loans made to farmers during the years 1933 and 1934 for crop production, seeding, planting, fallowing and cultivation.

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

Approved March 6, 1933.

CHAPTER 145

H. B. No. 320—(Rathbun, by request.)

SEED AND CROP PRODUCTION LIEN

An Act to amend and re-enact Chapter 257 of the Session Laws of 1931 of the State of North Dakota, relating to seed and crop production liens.

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

§ 1. AMENDMENT.] That Section 1 of Chapter 257 of the Session Laws of 1931 is hereby amended and re-enacted to read as follows:

§ 1. SEED AND CROP PRODUCTION LIENS.] Any county of this

State, or the United States of America, or any bureau, agency or department thereof, which shall furnish seed or money for the purchase of seed, feed, gas, oil or repairs on farm equipment, necessary in crop production, to any farmer within the State of North Dakota, to be sown or planted upon lands owned, rented or contracted to be purchased, used, occupied or rented by such person, shall upon filing the statement provided for in the next Section, have a lien upon the crops produced from the seed so furnished, or from the seed purchased with the money so furnished, or from the grain produced with the aid to crop production herein provided for, to secure the purchase price of said feed, seed, gas, oil or repairs, or the payment of the money advanced for the purchase of such seed, feed, gas, oil or repairs.

§ 2. AMENDMENT.] That Section 2 of Chapter 257 of the Session Laws of 1931 be amended and re-enacted to read as follows:

§ 2. Such lien shall be perfected by filing in the office of the Register of Deeds of the county in which said seed is to be sown or planted, or such feed, gas, oil or repairs, are used, within thirty days after the furnishing thereof, of the statement in writing, verified by the oath of the officer having charge of the furnishing of such seed, feed, gas, oil or repairs, which statement shall show the kind and quantity of such seed, feed, gas, oil or repairs furnished, and its value, or the amount of money so advanced for the purchase thereof, and the name of the person to whom it was furnished, or the money advanced, and a description of the lands upon which the same is to be sown, or has been planted or sown, and upon which a lien is claimed.

§ 3. AMENDMENT.] That Section 3 is hereby re-enacted to read as follows:

§ 3. The lien given by this Chapter shall, as to the crops covered thereby, have priority over all the other liens and encumbrances, excepting only liens given by Chapter 97 of the Civil Code of the Compiled Laws of 1913.

§ 4. EMERGENCY.] Whereas, an emergency exists, in that many farmers in portions of this State are without seed, feed, gas and oil, or means to secure the same, and whereas the present state of the law makes the procedure to secure loans from the Federal Government for the purchase of seed, complicated, slow, and in many cases, impractical, this Act shall be in full force and effect immediately upon its passage and approval by the Governor.

Approved March 7, 1933.

CHAPTER 146**H. B. No. 316—(Gilbertson.)****LIEN FOR REPAIRS OF PERSONAL PROPERTY**

An Act to amend and re-enact Section 6877 of the 1925 Supplement to the Compiled Laws of 1913, as amended by Chapter 176 of the Session Laws of 1931. An Act providing for a lien for repairs of personalty.

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

§ I. AMENDMENT.] That Section 6877 of the 1925 Supplement to the Compiled Laws of 1913, as amended by Chapter 176 of the Session Laws of 1931, be and the same is hereby amended and re-enacted to read as follows:

§ 6877. LIEN FOR REPAIRS OF PERSONALTY.] Any blacksmith, machinist, or garage keeper, having an established place of business within the State who makes, alters, or repairs any automobile, engine, threshing machine, or well machine at the request of the owner, or legal possessor of the property, shall have a lien upon the same for his reasonable charges for work done and material furnished, including accessories and parts placed upon the same, until the charges are paid, and said lien shall have priority over all other liens, chattel mortgages or encumbrances against said personal property, provided such lien does not exceed fifty dollars (\$50.00); any amounts of said lien in excess of fifty dollars (\$50.00) shall become a lien subject to any prior encumbrance, and provided further that any person entitled to a lien under this Section, shall, within sixty days after materials are furnished or labor performed in altering or repairing such personal property, file in the office of the Register of Deeds of the county of residence of the owner or legal possessor of the property, a statement in writing, verified by oath, showing the labor performed, materials furnished, the price agreed on for the same, or if no price is agreed on then state the reasonable value thereof, the name of the person for whom the work or labor was performed, or to whom materials were furnished, or both, and descriptions of the property upon which the lien was claimed; provided, that when the person retains possession of this property so altered or repaired no statement is required to be filed as above provided; provided, that if any person makes, alters, or repairs more than one article of personal property for the same owner or legal possessor thereof, he may include all such articles or personal property so made, altered, or repaired, within sixty days preceding the filing thereof, in the same statement, and the statement so made shall have the same force and effect as to each article enumerated therein as though a separate statement had been filed for each of said articles so made, altered, or repaired. Unless the person entitled to said lien shall file such statement within the time aforesaid, he shall be

deemed to have waived his right thereto; provided, further, that the person holding such lien on property that has been previously encumbered by mortgage, before the foreclosure of same, shall give to the record holder of such mortgage twenty days' notice in writing of his intention to foreclose said lien before beginning action or proceedings for foreclosure of the same, which notice may be served by sending same in a registered letter addressed to such lien holder at his last known post office address; and provided, further, that the holder of any mortgage against property on which the lien herein provided for, shall have been filed, may at any time previous to sale, pay off the amount due on such lien, the holder thereof shall assign the same to such person and thereafter he shall be entitled to all the rights that the person filing said lien would have been had the same not been paid.

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

Approved March 9, 1933.

CHAPTER 147

S. B. No. 309—(Whelan.)

SUGAR BEET CROP PRODUCTION LIEN

An Act creating and establishing a lien in connection with the planting, cultivation and harvesting of sugar beets, to be known as Sugar Beet Crop Production Lien, providing the manner in which such lien shall be perfected, the priority thereof, and declaring an emergency.

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

§ 1. SUGAR BEET PRODUCTION LIEN, WHO MAY HAVE.] Any person, association, co-partnership or corporation, who shall enter into a contract to furnish to another sugar beet seed to be planted, insecticide, fertilizer to be used upon the land so planted, labor in connection with the cultivation, harvesting and hauling thereof, as well as any cash advances made, or material or services rendered, or any part or portion thereof necessary in the production and harvesting of sugar beet crops, shall be entitled to a lien upon the crop so raised for the full amount to become due under and in accordance with the terms and conditions of said contract.

§ 2. PROCEDURE TO OBTAIN LIEN.] Any person, association, co-partnership or corporation, entitled to a lien under this Act shall, within sixty days from the date of entering into such contract file in the office of the Register of Deeds of the county in which such crop is to be grown a verified copy of such contract containing, among other things, the name and post office address of all parties to the contract and a description of the land upon which such crop is to be grown. Unless such contract shall be filed within the time

aforesaid such person, association, co-partnership or corporation, shall be deemed to have waived the right to such lien.

§ 3. PRIORITY.] The lien given by this Act shall, as to the crops covered thereby, have priority over all other liens and encumbrances thereon.

Approved March 7, 1933.

LIGNITE

CHAPTER 148

H. B. No. 335—(Owings.)

DEFINING LIGNITE CHAR AND LIGNITE BRIQUETS

An Act defining Lignite Char and Lignite Briquets for freight rate making purposes.

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

§ 1. Lignite char is hereby defined as the product obtained by processing raw lignite coal by heat treatment resulting in a carbonized product. Lignite briquet is hereby defined as product of lignite coal obtained by the carbonizing of raw lignite treated with binder to form convenient sizes and shapes for commercial handling.

§ 2. For the purpose of making freight rates for the transportation of lignite char or lignite briquets these items, as defined in Section 1 of this Act, shall be considered as lignite coal and shall not be charged rates in excess of rates contemporaneously applicable upon lignite coal.

§ 3. That the Board of Railroad Commissioners for the State of North Dakota are hereby authorized and required to take all necessary steps as required by law to make effective the provisions of this Act to the end that the freight rates provided for herein shall become legally effective contemporaneously with the passage and approval of this Act.

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

Approved March 6, 1933.

MARRIAGE

CHAPTER 149

S. B. No. 101—(Murphy, by request.)

MARRIAGE LICENSE AND CERTIFICATE

An Act to amend and re-enact Section 4363 of the Compiled Laws of the State of North Dakota for the year 1913 relating to marriage license certificate.

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

§ I. AMENDMENT.] That Section 4363 of the Compiled Laws of the State of North Dakota for the year 1913 relating to marriage license certificate be and the same is hereby amended and re-enacted to read as follows:

§ 4363. LICENSE AND CERTIFICATE.] The marriage license and certificate of the person solemnizing the marriage shall be upon one blank form substantially as follows:

MARRIAGE LICENSE

State of North Dakota }
County of } ss.

To any person authorized by law to perform the marriage ceremony, greeting:

You are hereby authorized to join in marriage....., of....., aged..... who has.....been divorced, and..... of....., aged.....who has.....been.....divorced; and of this license and your certificate you will make due return to my office within thirty days.

Dated at.....this.....day of.....19....
(Seal.)

County Judge.

CERTIFICATE OF MARRIAGE

I hereby certify that the persons named in the foregoing license were by me joined in marriage at....., county of..... State of North Dakota, on the.....day of.....19....

In presence of
.....)
.....)
Witnesses.

Approved February 14, 1933.

MORTGAGE

CHAPTER 150

S. B. No. 247—(Whelan.)

AUTHORIZING CROP MORTGAGES IN FAVOR OF U. S., ETC., INCLUDING BANK OF NORTH DAKOTA

An Act to amend and re-enact Section 2 of that certain initiated law entitled "An Act declaring mortgages on growing and unharvested crops to be against the public policy of this state, and abolishing the same," approved and adopted by the electors at the June 29th, 1932, Primary Election.

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

§ 1. AMENDMENT.] That Section 2 of said initiated law be amended and re-enacted to read as follows:

§ 2. That all mortgages on growing and unharvested crops are abolished, and that any and all mortgages on growing and unharvested crops hereafter taken shall be held null and void and of no effect; provided, however, that the provisions of this Act shall not apply to any mortgage or lien in favor of the United States, the State, any county or any department or agency of either thereof; including the Bank of North Dakota.

§ 3. 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 4, 1933.

CHAPTER 151

S. B. No. 25—(Miklethun.)

BILLS OF SALE, ETC., UPON CROPS CIRCUMVENTING CROP MORTGAGE LAW

An Act prohibiting the solicitation and procurement of bills of sale or other transfers to obtain title to, or liens upon crops in circumvention of the Crop Mortgage Law, enacted by the people of the State of North Dakota at the primary election in June, 1932, and approved in the November election of 1932; and providing that all such transfers heretofore made shall be void.

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

§ 1. UNLAWFUL TO SOLICIT OR PROCURE BILLS OF SALE, AND TRANSFERS CIRCUMVENTING THE CROP MORTGAGE LAW.] It shall be unlawful for any person, firm, corporation or association to solicit or procure bills of sale or transfers of whatever nature, for the purpose of obtaining title to, or liens upon growing crops for the year

1933, and thereafter, in circumvention of the Crop Mortgage Law passed by the people of North Dakota on June 29, 1932, and any such bill of sale or transfer obtained since said Crop Mortgage Law became effective shall be null and void.

§ 2. PRESUMPTION.] Any such bill of sale or transfer mentioned in the above Section shall be presumed to be a violation of the Crop Mortgage Law.

§ 3. PENALTY.] Any person, firm, corporation or association violating any of the provisions of this Act shall be guilty of a misdemeanor, and for each offense, shall be fined in the penal sum of \$300.00.

§ 4. EMERGENCY.] Whereas, since said Crop Mortgage Law was passed by the people of North Dakota, and became effective as law, various persons, firms, corporations and associations have obtained from farmers, bills of sale, transfers and deeds to land, to circumvent the provisions of said law, and have thus involved the farmers in legal complications and expense; and that such acts are being continued in this state; *therefore*: an emergency exists, and this Act shall be in full force and effect from and after the date of its passage and approval.

Approved March 4, 1933.

CHAPTER 152

H. B. No. 56—(Swendseid.)

REDEMPTION PERSONAL PROPERTY FROM FORECLOSURE SALE

An Act to amend and re-enact Section 8134 of the 1913 Compiled Laws of North Dakota, relating to the redemption of personal property sold at mortgage foreclosure sale.

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

§ 1. AMENDMENT.] Section 8134 of the 1913 Compiled Laws of North Dakota is hereby amended and re-enacted to read as follows:

§ 8134. REDEMPTION FROM MORTGAGE SALE. HOW MADE.] Any mortgagor of personal property, or his assignee, may redeem the same or any part thereof from a sale upon foreclosure of any mortgage within five days after such sale, exclusive of the day of sale, by paying or tendering to the owner of the mortgage, his agent or attorney, or the person making the sale, the amount for which said property was sold, with interest at the rate of six per cent per annum and costs of keeping said property from the date of the sale. The mortgagor or his assignee desiring to redeem such property shall at the time of sale give written notice to the person making

the sale of his desire to make such redemption; otherwise he shall be deemed to have waived his right to do so. In case such notice is served, the person making such sale shall retain the possession of the property sold until the expiration of said five days and shall be entitled to his reasonable expenses in caring for the same.

Approved March 1, 1933.

CHAPTER 153

S. B. No. 5—(Tinnes.)

DISCHARGE REAL ESTATE MORTGAGES NOT RENEWED

An Act to provide that real estate mortgages not renewed or extended of record within 15 years shall be discharged from public record.

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

§ 1. DISCHARGE OF REAL ESTATE MORTGAGE NOT RENEWED OR EXTENDED OF RECORD.] Three months from and after the taking effect of this Act, every mortgage of real estate which has not been renewed or extended of record within fifteen years after its due date or when no due date is shown in the mortgage, then within twenty years after the recording of such mortgage, shall be discharged of record by order of a Judge of the District Court within the district in which the mortgaged real estate is situated upon application of any party interested and without notice.

Approved February 11, 1933.

CHAPTER 154

S. B. No. 115—(Marshall.)

COSTS OF FORECLOSURE — ATTORNEY'S AFFIDAVITS

An Act to amend and re-enact Section 7792 of the Compiled Laws of North Dakota for 1913, relating to the amount of costs on foreclosure of liens, and attorney's affidavits; 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. That Section 7792 of the Compiled Laws of North Dakota for the year 1913 be, and the same is hereby amended and re-enacted to read as follows:

§ 2. COSTS ON FORECLOSURE OF LIENS, AND ATTORNEY'S AFFIDAVITS.] In all actions or proceedings for the foreclosure of mortgage upon personal property, or a mortgage or other lien upon real property, the plaintiff, or the person commencing such action or proceeding, shall be entitled to tax as a part of his costs the sum of twenty-five dollars; provided that no fee shall be allowed unless the

foreclosure proceedings shall be conducted under the supervision of an attorney duly authorized to practice in the courts of this state; provided, however, that before any attorney's fee provided for herein shall be allowed, paid, received, claimed or charged against the property, or allowed or taxed in said action or proceedings, the attorney or attorneys bringing the action or proceeding above mentioned shall at or prior to the time of the sale of the property, or prior to the time of entering judgment in said action or proceeding, file with the Register of Deeds of the county in which said action is commenced, an affidavit to the effect that such attorney or attorneys have been in good faith employed to bring said action or proceedings to foreclose said mortgage or other lien and that the full amount of the fees provided by law inures solely to his or their benefit, and that no agreement or understanding directly or indirectly has been made with any person for any division of said attorney's fees, that no part thereof is or has been agreed to be paid to the party foreclosing said mortgage or other lien and that such attorney or attorneys is or are actual bona fide residents of the State of North Dakota.

§ 3. SAVING CLAUSE.] Provided, however, that this Act shall not apply to any action or proceedings for the foreclosure of mortgages or liens pending at the time of the taking effect of this Act.

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

§ 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 February 14, 1933.

CHAPTER 155

S. B. No. 3—(Martin.)

JUDGMENT FORECLOSURE REAL ESTATE MORTGAGE

An Act to amend and re-enact Section 8100 of the Compiled Laws of North Dakota for the year 1913, relating to the foreclosure of mortgages, and what judgments may be entered therein.

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

§ 1. AMENDMENT.] Section 8100 of the Compiled Laws of the (State of North Dakota) is hereby amended and re-enacted to read as follows:

§ 8100. JUDGMENT INCLUDES WHAT.] Whenever an action shall be brought for the foreclosure or satisfaction of a mortgage, the court shall have power to render a judgment against the mortgagor for the amount of the mortgage due at the time of the rendi-

tion of such judgment and the costs of the action, and to order and decree a sale of the mortgaged premises, or such part thereof, as may be sufficient in full and complete satisfaction thereof, and shall have power to order and compel the delivery of the possession of the premises to the purchaser; but in no case under this Article shall the possession of the premises so sold be delivered to the purchaser or person entitled thereto, until after the expiration of one year from such sale, and the court shall direct and the judgment shall provide that during the said one year period that the debtor or owner of said premises shall be entitled to the possession, rents, use and benefits of the real property sold from the date of such sale until the expiration of the said one year period; and the court shall have no power to render a deficiency judgment. Nothing herein shall be construed to postpone or affect any remedy the creditor may have against any party personally liable for the mortgage debt other than the mortgagors and their grantees.

§ 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 be in full force and effect from and after its passage and approval.

Approved March 7, 1933.

CHAPTER 156

H. B. No. 323—(Anderson of Logan.)

NOTICE OF INTENTION FORECLOSURE REAL ESTATE MORTGAGES

An Act to amend and re-enact Section 8099a of the Supplement to the Compiled Laws of 1913, as amended by Chapter 143 of Laws of North Dakota for 1927, pertaining to the giving of notices of intention to foreclose real estate mortgages.

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

§ 1. AMENDMENT.] That Section 8099a of the Supplement to the Compiled Laws of 1913, as amended by Chapter 143 of Laws of North Dakota for 1927, be, and the same is, hereby amended and re-enacted to read as follows:

§ 8099a. NOTICE.] Before any action or proceeding shall be commenced to foreclose a mortgage on real property, a written notice describing the real estate, giving the date and amount of the mortgage, the sum due for principal, interest and taxes paid by the owners of the mortgage, respectively, and stating that, if the same be not paid within thirty days from the date of the mailing or service of such notice, proceedings will be commenced to foreclose the mortgage, shall be served on the title owner of the real estate described in

such mortgage, as shown by the records in the office of the Register of Deeds of the county in which said real estate is situated, except in the one case hereinafter provided, more than thirty days prior to the commencement of such action or proceeding. The said notice shall be served on such title owner by registered mail, addressed to such title owner at his post office address as such address is shown in the chain of title of such real estate in the records of the aforesaid office, or in the mortgage, but if such post office address be not so shown, said notice may be served by registered mail, addressed to said title owner at the post office nearest any part or tract of said real estate, provided, however, that service of said notice shall in any case be sufficient if said notice be received by such title owner; provided further, that a United States Post Office Registry Return Receipt showing that said notice has been delivered to such title owner, or to his agent for him, shall be prima facie evidence that he has received the same. If the title to such real estate is in the name of a deceased person, no service of such notice need be made, unless an administrator or executor of the estate of such deceased person has been appointed in the county in which said real estate is located, in which case said notice may be served on such administrator or executor either by personal service or by registered mail; provided that personal service of such notice on such title owner or on the administrator or executor of the estate of such deceased person, wherever appointed, made in the manner provided by law for the service of a summons in a civil action, either within or without the State of North Dakota, shall be sufficient; provided further that the certificate of the County Judge or of the legal custodian of the probate records of the county in which the real estate is situated, stating that no executor or administrator of the estate of such deceased title owners has been appointed in said county, recorded in the office of the Register of Deeds of said county, shall be sufficient evidence of that fact. Proof of the service herein required or that such title owner is a deceased person shall be made by affidavit of any person having knowledge of the facts; by a certificate of the Board of Health of North Dakota; or in other manner by law provided; and such proof of service, or of death shall be filed at the time of the filing of the complaint in any action of foreclosure and shall be recorded with the notice and certificate of sale in all other cases; provided, that if said owner, administrator, or executor shall, before the expiration of the thirty days from the service of such notice, perform the conditions or comply with the provisions upon which the default shall have occurred such mortgage shall be reinstated and shall remain in full force and effect the same as if no default has occurred therein; provided, further, that if an action or proceeding to foreclose such mortgage be not commenced within ninety days after the date of the service of the notice herein provided for, all proceedings under such notice shall be deemed discontinued.

§ 2. EMERGENCY.] An emergency is hereby declared and this Act shall be in full force and effect from and after its passage and approval.

Approved March 6, 1933.

CHAPTER 157

S. B. No. 2—(Marshall.)

EXTENSION REDEMPTION REAL ESTATE MORTGAGE FORECLOSURE

An Act temporarily extending the time in which redemption may be made from real estate mortgage foreclosure, and real estate execution sales.

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

§ 1. That whereas a public emergency and crisis exists throughout this state endangering the public health, welfare and morals, in that agricultural crops and products have been sold on an average below the cost of production since 1922, and all agricultural land values have virtually disappeared, due to the nation-wide depression, which caused under-consumption and produced starving millions throughout the nation; and whereas taxes have been steadily increasing in spite of the deplorable condition of agriculture, and whereas agriculture is the principal industry in this state and all other industries are solely dependent for their existence upon agriculture; and whereas there is at present no means whatsoever by which existing mortgages and judgments can be refinanced, and such debtors are at the absolute mercy of their creditors; and whereas hundreds and thousands of families have already lost their homes through mortgage foreclosures or other judicial proceedings; and whereas hundreds and thousands more will lose their homes unless some relief is given, therefore, in order to prevent the utter ruin and destruction of agriculture, commerce and industry and the collapse of civil government, and in order to maintain the integrity of the family and the home, and the public health, welfare, and morals of the people of this state, the period within which a mortgagor or judgment debtor may redeem from a foreclosure sale or an execution sale of real estate, hereafter made, is hereby extended from one year to two years from the date of such sale.

§ 2. That the period within which a mortgagor or judgment debtor may redeem from a mortgage foreclosure or execution sale of real estate, but for which deed has not been issued, is hereby extended for a period of two years from the date of the passage and approval of this Act.

§ 3. That the Legislature does hereby declare that this Act is passed under the police power of the State for the reasons and pur-

poses herein stated, and requests that the courts construe all of its provisions liberally, with a view of carrying out the purposes herein stated.

§ 4. SAVING CLAUSE.] It is hereby declared that if any of the provisions of this Act in any manner contravenes the provisions of the Constitution, the remaining provisions would have been enacted by this Legislative Assembly even though such provisions had been eliminated from the Act; hence, if any of the provisions are found to be violative of the Constitution, the remaining provisions shall not be affected by such invalidity but shall remain in full force and effect.

§ 5. EMERGENCY.] This Act is hereby declared to be an emergency measure and shall take effect and be in force for a period of two years only from and after its passage and approval, and the period within which a mortgage or execution debtor may redeem real estate from a sale thereafter made shall be governed by the laws now in effect.

Approved February 21, 1933.

CHAPTER 158

S. B. No. 170—(Marshall.)

RESTRICTION FORECLOSURE REAL ESTATE MORTGAGE BY ADVERTISEMENT

An Act to amend and re-enact Section 8073 of the Compiled Laws of North Dakota for the year 1913, authorizing foreclosure of real estate mortgages by advertisement by restricting the remedy of foreclosure by advertisement to mortgages executed to the Manager of the Bank of North Dakota and by him assigned to the State Treasurer of the State of North Dakota, as trustee for the State of North Dakota, and mortgages negotiated by the Board of University and School Lands to the State of North Dakota, as mortgagee; providing a saving clause and declaring an emergency.

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

§ 1. AMENDMENT.] That Section 8073 of the Compiled Laws of North Dakota for the year 1913 be amended and re-enacted to read as follows:

§ 8073. POWER OF SALE. FORECLOSURE AUTHORIZED.] Every mortgage of real property heretofore or hereafter executed to the Manager of the Bank of North Dakota, as mortgagee, and by him assigned to the State Treasurer, as Trustee for the State of North Dakota, and every mortgage negotiated by the Board of University and School Lands to the State of North Dakota as mortgagee, containing a power of sale, may upon default being made in the conditions of such mortgage, be foreclosed by advertisement in the cases and in the manner provided by law, and from and after the passage

and approval of this Act no other mortgage of real property shall be so foreclosed, but must be foreclosed by action.

§ 2. SAVING CLAUSE.] Providing, however, that no foreclosure now pending, or in which notice before foreclosure has been served at the time of taking effect of this Act, shall be affected hereby, and such foreclosure may proceed to completion in the same manner, and with the same force and effect as if this Act had not been passed.

§ 3. EMERGENCY.] An emergency is hereby declared to exist, and this Act shall be in full force and effect from, and after the date of its passage and approval.

Approved March 4, 1933.

CHAPTER 159

H. B. No. 94—(Anderson of Logan.)

VALIDATION REAL ESTATE MORTGAGE FORECLOSURE SALES MADE PRIOR TO JANUARY 1, 1927

An Act to legalize and validate real estate mortgage foreclosure sales made prior to January 1, 1927 whether or not Power of Attorney or Attorney's Affidavit or Notice of Intention to Foreclose has been filed, recorded, given, or served as provided by the law in force at the time of such foreclosure and sale thereunder were made, and limiting the time within which actions may be commenced or defenses interposed in relation thereto.

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

§ 1. From and after January 1st, 1934, no action shall be commenced to set aside the foreclosure of a mortgage foreclosed prior to January 1st, 1933 and no foreclosure of a mortgage so foreclosed shall thereafter be set aside and no defense shall be interposed in an action based on the foreclosure of such mortgage by virtue of any defect in the form, substance, service or manner of service of the notice of intention to foreclose such mortgage, and although no Power of Attorney or Attorney's Affidavit or Notice of Intention to Foreclose such mortgage, and served as provided by law.

Approved March 9, 1933.

MOTOR VEHICLES

CHAPTER 160

S. B. No. 271—(Bonzer.)

REGISTRAR OF MOTOR VEHICLES

An Act abolishing the Motor Vehicle Registration Department as a separate department, providing for appointment, salary and certain duties of a Registrar of Motor Vehicles under the supervision of the State Highway Commissioner, establishing method of distribution of fees collected, providing for Register of Deeds to perform certain duties in connection with registration and certificates of title of motor vehicles, exempting certain motor vehicles from payment of full annual license, abolishing and disposing of Auto-Theft and State Highway Funds and establishing the Motor Registration Fund and providing for its disbursements and apportionment, amending and re-enacting Sections 1, 2, 4, 9, 11, 19, 24, 25, 26, 29, 30, and 36 of Chapter 179 of the 1927 Session Laws and Acts amendatory thereto, repealing Sections 31, 32, 33, and 34 of Chapter 179 of the 1927 Session Laws and Acts amendatory thereto, amending and re-enacting Section 17 of Chapter 180 of the 1927 Session Laws, repealing all Acts and parts of Acts in conflict herewith, declaring an emergency.

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

§ 1. AMENDMENT.] That Subdivision "u" of Section 1 of Chapter 179 of the 1927 Session Laws, as amended by Chapter 186 of the 1931 Session Laws be amended and re-enacted to read as follows:

§ 1. (u) "Department." Whenever the word "Department" or "Department of Motor Vehicle Registration" is used in this Act the same shall mean the Registrar of Motor Vehicles as created by this Act acting directly or through officers and agents appointed by the State Highway Commissioner as in this Act provided.

§ 2. AMENDMENT.] That Section 2 of Chapter 179 of the 1927 Session Laws be amended and re-enacted to read as follows:

§ 2. MOTOR VEHICLE REGISTRATION DEPARTMENT ABOLISHED; APPOINTMENT OF REGISTRAR OF MOTOR VEHICLES; SALARY; OFFICE AND HELP.] The Department of Motor Vehicle Registration, as a separate department and the office of Registrar thereof as created under the provisions of Chapter 179 of the 1927 Session Laws is hereby abolished. Within ten days after this Act goes into effect the State Highway Commissioner shall appoint a suitable person to act as Registrar of Motor Vehicles, which appointment shall be for a term of two years, but such Registrar may be removed at any time for cause. The Registrar shall qualify by taking and subscribing to the oath of office prescribed by law for State officers and shall file a bond to be approved by the State Highway Commissioner in the sum of Twenty Thousand Dollars conditioned upon the faithful per-

formance of the duties of his office and the full accounting of all moneys received under the provisions of the Act, the cost of such bond to be paid as an expense of said office. The salary of such Registrar shall be fixed by the State Highway Commissioner, but such salary shall not exceed Twenty-four Hundred Dollars per annum, and shall be paid monthly as other expenses of said offices are directed to be paid under the provisions of this Act. The office of the Registrar shall be located in the same department as the State Highway Commissioner. The State Highway Commissioner shall provide the said Registrar with all office supplies necessary to carry out the duties of his office and such additional help as may be from time to time needed by said Registrar, the compensation of said help to be fixed by said State Highway Commissioner, and all expenses for office supplies to be paid as a part of the expenses of said office.

§ 3. AMENDMENT.] That Section 4 of Chapter 179 of the 1927 Session Laws, as amended by Chapter 186 of the 1931 Session Laws be amended and re-enacted to read as follows:

§ 4. RECORDS OF REGISTRAR.] The office of the Registrar shall be open and accessible to all applicants for motor vehicle licenses and to all persons desiring information regarding the records of his office during all reasonable office hours.

§ 4. AMENDMENT.] That Section 9 of Chapter 179 of the 1927 Session Laws be amended and re-enacted to read as follows:

§ 9. APPLICATION FOR REGISTRATION: DUTIES OF REGISTRAR AND REGISTER OF DEEDS.] (a) Application for the registration of a vehicle required to be registered hereunder shall be made by the owner thereof upon the appropriate forms approved or furnished by the Registrar and every application shall be signed by the owner and contain his residence address and a brief description of the vehicle to be registered, including the name of the maker, the engine and serial number whether new or used and the last license number if known and the state in which issued and, upon the registration of a new vehicle, the date of sale by the manufacturer or dealer to the person first operating such vehicle. The application shall contain such other information as may be required by the Registrar.

(b) In the event that the vehicle, for which registration is applied, is a specially constructed, reconstructed or foreign vehicle, such fact shall be stated in the application, and with reference to every foreign vehicle which has been registered theretofore outside of this state, the owner shall exhibit to the Registrar the certificate of title and registration card or other evidence of such former registration as may be in the applicant's possession or control or such other evidence as will satisfy the Registrar that the applicant is the lawful owner or possessor of the vehicle.

(c) The said application for registration may be made either to the Registrar at his office or to the Register of Deeds of the county

of the residence of the applicant, or in the case of a non-resident of this state to the Register of Deeds of any county or to the Registrar. If such application is made to the Register of Deeds it shall be the duty of said Register of Deeds, upon the payment to him of the fee prescribed by law for the registration of the vehicle described in the application, to issue a receipt to the applicant therefor, fully identifying the motor vehicle described in the application, and to assign to said motor vehicle a tentative and distinctive license or tag number, which assigned license or tag number shall be stated in the receipt aforementioned. The said Register of Deeds shall daily forward to the Registrar of Motor Vehicles a duplicate of all receipts by him issued and the applications by him received on the preceding day, and shall keep in his office a record in the form prescribed by the Registrar of all receipts by him issued and of all applications by him received, with a suitable space in said record to insert the final disposition made of each of said applications by the Registrar and by him, with number of license or tag plates assigned to each motor vehicle ; but no receipt by him issued or application received shall refer to or describe more than one vehicle.

On receipt from the said Register of Deeds of any such application and receipt aforementioned, the Registrar shall file the same in his office, and if the motor vehicle therein described is under the laws of this state entitled to registration, then said Registrar shall register such motor vehicle in a book to be kept for that purpose or in such other records as are now provided by law for that purpose, and shall immediately notify the Register of Deeds who issued said receipt and received said application that the application has been granted and that the license or tag number assigned to said motor vehicle has been recorded in the office of said Registrar, and upon receipt of such advice, it shall be the duty of the Register of Deeds to deliver or forward by mail or express to the applicant named in such receipt and application, without expense to the applicant, two license or tag plates, which plates shall bear the distinctive number previously assigned tentatively to said motor vehicle in the receipt issued by said Register of Deeds therefor.

If the motor vehicle described in said receipt and application is not under the laws of this state entitled to registration, or if for any reason the said receipt or application is found defective, it shall be the duty of the Registrar to immediately notify the Register of Deeds from whom the same were received of the rejection of said application or of his objection to the granting thereof. Said Register of Deeds shall thereupon immediately notify the applicant of the action of said Registrar on said application, and if the objection made to said application by said Registrar can be remedied by furnishing additional proof or complying with some other conditions, it shall be the duty of said Register of Deeds to furnish said applicant all help and assistance necessary to do so. If said application is by said Registrar rejected, it shall be the duty of said Register of Deeds to

immediately notify the applicant if (of) its rejection and to refund to said applicant the amount by him paid to said Register of Deeds as shown in the receipt to him issued for said vehicle, and for such purpose the said Register of Deeds shall be allowed to withdraw from the funds by him collected for license of motor vehicles applied for to him the amount necessary therefor, and if there are not sufficient funds in his hands out of said collections to make said refund he shall immediately require the Registrar to mail him a warrant therefor to be drawn out of the Motor Registration Fund as hereinafter provided.

The Registrar shall, on or before the 31st day of December of each year, furnish to each Register of Deeds all application and receipt blanks necessary for the registration of motor vehicles and such quantity of number plates as may be deemed necessary for the subsequent calendar year in the county of said Register of Deeds.

The applications for duplicates of lost number plates as provided for in Section 20 of Chapter 179 of the 1927 Session Laws may likewise be made to the Register of Deeds of the county of the residence of the owner of such vehicle and said application shall be dealt with and duplicate delivered in the manner hereinbefore provided for original applications for registration of motor vehicles upon payment to said Register of Deeds of the sum of One Dollar for each set of duplicate number plates applied for.

In case any application for registration of motor vehicles is finally rejected, the said application shall be returned by the Registrar to the Register of Deeds, to whom the same was made, and by him kept as a record of his office for two years thereafter.

On the Tuesday of each week each Register of Deeds shall mail to the Registrar of Motor Vehicles a report showing the number and amount of each receipt by him issued during the preceding week, and a postal or express money order or a check on The Bank of North Dakota for such amount payable to the Registrar of Motor Vehicles, and if no receipts have been issued during that week the report shall so state.

All receipts hereinbefore mentioned issued by each Register of Deeds shall be in triplicate on a form approved by said Registrar, and be numbered consecutively by the Registrar before delivered to said Register of Deeds, one of which duplicates shall be delivered to the applicant, one shall be mailed to and retained by the Registrar, and one shall be retained by the said Register of Deeds as a record in his office for two years, after which the same may be destroyed by him.

All services rendered by the Register of Deeds under the provisions of this Act shall be without cost to either the applicant or the Motor Registration Fund hereinafter mentioned, and all expenses of postage or others necessarily incurred by said Register of Deeds in performing the duties devolved upon him under the

provisions hereof shall be borne by the county of said Register and be paid as other expenses of his office are paid under the law.

§ 5. AMENDMENT.] That Section 11 of Chapter 179 of the 1927 Session Laws be amended and re-enacted to read as follows:

§ 11. REGISTRATION CARDS.] (a) The Registrar, upon registering a vehicle, shall issue to the owner a registration card which shall contain upon the face thereof the date issued, the registration number assigned to the owner and to the vehicle, the name and address of the owner, also a description of the registered vehicle, including engine number thereof, and with reference to every new vehicle hereafter sold in this state, the date of sale by the manufacturer or dealer to the person first operating such vehicle and such other statement of facts as may be determined by the Registrar.

(b) The registration card shall contain upon the reverse side a form for endorsement of notice to the Registrar upon transfer of the vehicle.

(c) The owner, upon receiving the registration card, shall sign the usual signature or name of such owner with pen and ink in the space provided upon the face of such card.

(d) In case the application for the registration of the motor vehicle has been forwarded to the Registrar through a Register of Deeds as in this Act provided, the said registration card mentioned in this Section shall be mailed to the Register of Deeds from whom the said application was received by said Registrar, and shall by the said Register of Deeds be delivered with and in the manner hereinbefore provided for delivery of number plates for the motor vehicle mentioned in said registration card.

§ 6. AMENDMENT.] That Section 19 of Chapter 179 of the 1927 Session Laws, as amended by Chapter 167 of the Session Laws of 1929 and by Chapter 186 of the 1931 Session Laws, be amended and re-enacted to read as follows:

§ 19. REGISTRATION BY NON-RESIDENTS.] (a) A non-resident owner, except as otherwise provided in this Section, owning any foreign vehicle which has been duly registered for the current calendar year in the state, county or other place of which the owner is a resident and which at all times when operated in this state has displayed upon it the number plate or plates issued for such vehicle in the place of residence of such owner, may operate or permit the operation of such vehicle within this state without registering this vehicle or paying any fees to this state for a period of not longer than ninety days, if under the law of the state of the residence of such owner like exemptions and privileges are granted to vehicles duly registered under the laws and owned by residents of this state.

(b) Except a non-resident owner of a foreign vehicle operated within this state for the transportation of persons or property for compensation or for the transportation of merchandise, shall regis-

ter such vehicle and pay the same fees therefor as are required with reference to like vehicles owned by residents of this state.

(c) And except further, that every non-resident, including any foreign corporation carrying on business within this state, and owning and regularly operating in such business any motor vehicle, within this state, shall be required to register each such vehicle and pay the same fees therefor as are required with reference to like vehicles owned by residents of this state.

(d) And except further that every person as hereinbefore defined, engaged in the hauling or transportation for hire or compensation, of property or persons by motor vehicle from any state into the State of North Dakota, a distance of more than five miles or from any state through the State of North Dakota, and using the highways within said State of North Dakota, shall be required to register each such vehicle and pay the same fees therefor as are required with reference to like vehicles owned by residents of this state.

(e) And except further that the Registrar may, upon an application setting forth the name and address of such applicant, the equipment proposed to be used, the gross weight intended to be transported, or the maximum weighted capacity of the passenger vehicle intended to be used as a carrier of passengers for hire, the point of entry into this state, the highways intended to be traversed, the point of destination and such further information as may be required by the Registrar, made by a non-resident owner of a motor vehicle of a foreign state who has fully complied with the laws of the state of which he is a resident relative to registration thereof and paid all taxes and registration fees of such foreign motor vehicle, issue to such owner a temporary permit or license for a single or occasional trip from such foreign state into or through this state and return, without requirement of registration, payment of license fees and display of registration plates as provided in this Act, but no more than three such permits shall during any calendar year be issued by said Registrar to the same person, firm, corporation, owner or operator; provided that such applicant, when making such application, intends to transport in interstate commerce an entire cargo only of property from one consignor to one consignee or person under a charter party only; and provided, further, that the state of the residence of such owner grants to motor vehicles duly registered and licensed in this state like privileges and exemptions under similar conditions.

§ 7. AMENDMENT.] That Subdivision First of Section 24 of Chapter 179 of the 1927 Session Laws be amended and re-enacted to read as follows:

§ 24. FIRST.] To operate or for the owner thereof knowingly to permit the operation upon a highway of any motor the registration of which has been cancelled or revoked, or which is not reg-

istered or which does not have attached thereto and displayed thereon a number plate or plates assigned thereto by the Registrar for the current registration year, subject to the exemptions allowed in Section 16 (d), 17 and 19 of said Chapter 179 of the 1927 Session Laws and Acts amendatory thereto.

§ 8. AMENDMENT.] That Subdivision "c" of Section 25 of Chapter 179 of the 1927 Session Laws, as amended by Chapter 186 of the 1931 Session Laws, be amended and re-enacted to read as follows:

§ 25. SUBDIVISION "c."] For motor trucks used for commerce freighting, in addition to the factors mentioned in paragraph (b) of this Act, an additional fee of Twenty-five and no/100 Dollars per vehicle shall be charged.

Provided, that any passenger motor vehicle not having an advertised manufacturer's weight shall pay a license fee based upon actual weight as determined by the Registrar from satisfactory proofs submitted to him and that any truck not having a manufacturer's advertised load capacity, shall pay a license fee in accordance with the schedules herein provided and applicable thereto upon its load capacity, as determined by the Registrar upon satisfactory proofs submitted to him, and that any truck, however constructed, having a manufacturer's advertised load capacity of ten tons or over, if permitted to operate on the highways of this state, shall pay a license fee of Fifteen and no/100 Dollars; provided, further, that there shall be paid as a license fee for any vehicle used as a motor bus in the transportation of persons for hire over the highways of this state with a seating capacity of more than seven passengers, in addition to the regular weight fee as charged for passenger cars, except motor passenger buses operating exclusively within the corporate limits of any town or city, an annual additional license fee of Eight and no/100 Dollars for each passenger capacity in excess of seven, and for this class of motor vehicles the Registrar shall designate a distinctive number and plate; but, if upon a satisfactory showing made to the Registrar that the operation of such motor bus is seasonal only, requiring the use of the equipment for less than six months in any year, notice of which seasonal use shall be given the Registrar when the original license fee last hereinbefore provided is paid, shall be, upon order of said Registrar, one-half of the annual additional license fee provided for herein, and one-half of the regular weight fee, and the license plate issued for such motor bus shall be by the owner of such vehicle returned to the Registrar at the end of said season.

§ 9. AMENDMENT.] That Section 26 of Chapter 179 of the 1927 Session Laws be amended and re-enacted to read as follows:

§ 26. Such license tags shall be of distinctly different color or shade each year, and at all times there shall be a mark between the

color of the number plate and that of the numerals or of letters thereon. Subject to such changes in the size and form of such license tags as may be found necessary and advisable by the State Highway Commissioner, such registration tags shall be substantially of the following size and form, viz: A plate or placard of metal or enamel with metal letters, $8\frac{1}{2}$ inches in length and 5 inches in width for one or two numerals; 10 inches in length and 5 inches in width for three numerals; 12 inches in length and 5 inches in width for four or more numerals; and on the left end of this plate with letter running vertically from the top, there shall be two letters "N. D.", each of which shall be approximately one inch in length; and on right end, arranged in the same manner and the same size there shall be the four numerals of the year in which the license is issued; and on the body of such plate there shall be the distinctive numbers assigned to the vehicle in numerals four inches long, each stroke of which shall be at least $\frac{1}{2}$ inch in width; provided, motorcycles shall be assigned tags three inches in width and of height to permit numerals to be placed vertically, across the top of this tag, with letters running horizontally, shall be the two letters "N. D." and across the bottom, arranged in the same manner, there shall be the four numerals of the year in which the license is issued, except that the last shall be in proportionate size to the small plate.

§ 10. AMENDMENT.] That Section 29 of Chapter 179 of the 1927 Session Laws, as amended by Chapter 165 of the 1929 Session Laws and by Chapter 186 of the 1931 Session Laws, be amended and re-enacted to read as follows:

§ 29. WHEN FEES DELINQUENT: PENALTIES.] The license fee under this Act to be paid upon a motor vehicle shall become due as soon as such vehicle shall first be used upon the public streets or highways in this state, and upon January 1st in each year thereafter. License fees due upon January 1st shall be paid upon transfer of ownership in the vehicle, and in any event on or before May 15th, and shall be delinquent after May 15th unless paid. License fees falling due between May 15th, except as hereinafter provided, and December 31st, shall become delinquent upon the expiration of five days after the same become due. Provided, that a licensed dealer shall on or before May 15th of each year, file with the Motor Vehicle Registrar, a list and description of all used cars on hand May 15th. Said used cars need not be licensed, unless sold, until October 1st, at which time said dealer must license all used cars on hand, paying the full annual license fee, but without penalty; provided, further, that on any car licensed in another state, which carries the current year's license issued by the state from which said car comes, taken in after July 1st of any year, one-half of the regular fee shall be paid and if any such car be taken in after October 1st of any year, said car shall be entitled to a license from the State of North Dakota, by paying one-fourth of the regular fee, and if said car is not sold by

the dealer until after December 31st of said year, in which it was taken in, no license shall be required by the State of North Dakota for that year.

A penalty of 10 cents a day shall be added to the license fee required under this Act for each and every day such license fee shall be delinquent for not to exceed fifteen days and \$2.00 for every thirty days or fraction thereof, but not to exceed one hundred and fifty days; provided, however, that there shall be no penalty charged on vehicles not owned by dealers that have not been operated on the highways during one or more years previous to application for re-registration, if the Registrar is satisfied of such proof.

In case any vehicle owned by a resident of this state is on proof satisfactory to the Registrar shown that it was not used upon any of the public streets or highways of this State in any one or more years, the same may be registered upon the payment of the license fee herein provided therefor for the current year and the further payment of a flat fee of Five and no/100 Dollars for each calendar year in which the said vehicle was not registered and no license fee paid therefor, without any additional penalty.

§ II. AMENDMENT.] That Section 30 of Chapter 179 of the 1927 Session Laws be amended and re-enacted to read as follows :

§ 30. DISPOSITION OF REGISTRATION FEE; APPORTIONMENT.] All moneys collected by the Registrar of Motor Vehicles under the provisions of Chapter 179 of the 1927 Session Laws known as the "Motor Vehicle Registration Act" and Chapter 180 of the 1927 Session Laws known as the Motor Vehicle Anti-Theft Act" and all Acts amendatory thereto shall be by the Registrar paid as soon as collected into the State Treasury and covered into a fund to be hereafter known as the "Motor Registration Fund," and the funds heretofore known and designated under the name of "State Highway Fund" under the provisions of said Chapter 179 of the 1927 Session Laws and as "Auto Theft Fund" under the provisions of Chapter 18 of the 1927 Laws are hereby abolished, and it shall be the duty of the State Treasurer upon taking effect of this Act to transfer the funds remaining in said State Highway Fund and Auto Theft Fund to the Motor Registration Fund hereby created.

All salaries and compensation of the Registrar and other employees charged with the operation and enforcement of the Motor Vehicle Registration Act and Motor Vehicle Anti-Theft Act, hereinbefore mentioned, and all office and other expenses in connection with the enforcement of said Acts, including the actual cost of the license tags or plates required to be furnished on registration of motor vehicles, shall be monthly, after being approved by the State Highway Commissioner, audited and allowed by the State Auditing Board, and when allowed by said Board it shall be the duty of the State Auditor to draw a warrant on the State Treasurer for the payment thereof out of said Motor Registration Fund, and the said

warrants as presented shall be paid by the State Treasurer accordingly.

Any money, in excess of a sum equal to the amount that was withdrawn therefrom during the preceding quarter for payment of salaries and other expenses as herein provided, remaining in the Motor Registration Fund aforementioned after the payment of all warrants then drawn thereon, shall be by the State Treasurer transferred and credited to the North Dakota Real Estate Bond Payment Fund for the payment of interest and fees; the sinking fund on said bonds now due or to become due during the years, 1933, 1934, and 1935.

§ 12. AMENDMENT.] That Section 36 of Chapter 179 of the 1927 Session Laws be amended and re-enacted to read as follows:

§ 36. The possession of the receipt hereinbefore provided to be issued by the Register of Deeds where the application for registration was made, or the possession of a certificate made out by the Notary Public who took acknowledgement of the original application where such certificate shows date of application, make and model of car and the manufacturer's number of the motor vehicle which such application describes and that he personally mailed the application with the remittance fee, shall be prima facie evidence of compliance with the motor vehicle law with reference to the motor vehicle therein described for a period of fifteen days from the date of such application or receipt.

§ 13. AMENDMENT.] That Section 17 of Chapter 180 of the 1927 Session Laws be amended and re-enacted to read as follows:

§ 17. MONEYS COLLECTED. ENFORCEMENT.] The Registrar shall deposit all fees and revenues received under this Act in the state treasury and such moneys shall be placed in the "Motor Registration Fund" and all salaries and other expenses incurred in connection with this Act shall be paid out of said Motor Registration Fund in the manner provided by law for the disbursement of said fund.

The State Highway Commissioner is hereby authorized to employ all office help and purchase all supplies necessary to carry out the provisions of this Act, and it is hereby made the duty of the sheriffs, the police officers and the other law enforcement officers of the various political subdivisions of this state to properly enforce the provisions of this Act.

§ 14. REPEAL.] That Sections 31, 32, 33 and 34 of Chapter 179 of the 1927 Session Laws, and all Acts or parts of Acts in conflict herewith be and the same are hereby repealed.

§ 15. EMERGENCY.] An emergency is hereby declared to exist and this Act shall become effective upon its passage and approval.

Approved March 7, 1933.

CHAPTER 161

H. B. No. 148—(Peterson of Mountrail.)

TAXATION AND LICENSING MOTOR VEHICLES

An Act to amend and re-enact Subdivisions (b) and (e) of Section 25 of Chapter 186 of the Session Laws for 1931, being an Act to provide for the taxation and licensing of Motor Vehicles, defining commercial hauling, providing for a refund, and declaring an emergency.

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

§ 1. AMENDMENT.] That Subdivisions (b) and (e) of Section 25 of Chapter 186 of the Session Laws of North Dakota for the year of 1931 be amended and re-enacted to read as follows:

(b) The registration fee for the years subsequent to the year in which the passenger vehicle or truck was purchased from the dealer shall be the basic fee or major fraction thereof as above determined, and as determined in this paragraph for trucks, less a ten per cent reduction from the basic fee for each successive year until the tax equals \$3.00 which will be the annual fee thereafter.

For motor trucks, not used for commercial freighting, the fee shall be based on its manufacturer's advertised load capacity, at the rate of \$13.50 on such vehicles with advertised load capacity of one-half ton; \$16.50 for truck of three-quarter ton capacity; \$21.00 for trucks of one ton capacity; \$28.50 for trucks of one and one-half ton capacity. Provided that trucks of two tons capacity or over shall carry the following registration fee for the first year:

\$55.00 for trucks of two tons capacity.

\$70.00 for trucks to two and one-half tons capacity.

\$90.00 for trucks of three and less than four tons capacity.

\$200.00 for trucks of four and less than five tons capacity.

\$400.00 for trucks of five and less than six tons capacity.

\$600.00 for trucks of six and less than seven tons capacity.

\$900.00 for trucks with load capacity of over seven tons.

The fee for the years subsequent shall carry a ten per cent reduction from the fee of the previous year, as above determined, until the fee equals one-half of the original and thereafter there shall be no further reduction. Provided however, that passenger cars and trucks coming under the definition of being engaged in commercial passenger and freight transportation, that the fee for the year subsequent shall carry a ten per cent reduction for each year from the fee of the previous year, as above determined until the fee equals one-half of the original and thereafter there shall be no further reduction.

Provided further that the foregoing provisions for fees shall be retroactive and become applicable as of January 1st, 1933; and further provided that under the provisions of this Act all motor vehicles shall be licensed when the fee paid for operation in the year

1933 shall be paid whether or not they were licensed and license fee paid in previous years.

Provided further that where fees have been paid for 1933 in excess of the amounts stipulated in this Act, the Registrar shall make a refund to the owners in accordance with the provisions hereof. Such refunds to be made out of the motor vehicle registration fee fund upon the presentation of properly prepared vouchers approved by the State Auditing Board, and approved by the registrars, and all such refunds made shall be deducted from the fees collected for each county where application was made.

(e) "Commercial Freighting" defined: Commercial freighting shall mean the carriage of things other than passengers, for hire, except within the limits of the same city, village, or town; providing that local dray lines carrying baggage or goods to or from a railroad station from or to places in said city, village, or town, or in the immediate vicinity thereof, in this State and not to exceed two miles from the corporate or recognized limits of said city, village or town, shall not be construed to be engaged in commercial freighting hereunder. Provided further that commercial freighting, as defined in this Act, shall not include hauling done by farmers for their neighbors in transporting agricultural products to or from market.

§ 2. EMERGENCY.] An emergency is hereby declared to exist and therefore this Act shall take effect and be in full force immediately upon its passage and approval.

Approved March 7, 1933.

CHAPTER 162

H. B. No. 161—(Mostad and Sandlie.)

TAXATION COMMERCIAL MOTOR VEHICLES USING HIGHWAYS

An Act to provide for the taxation of motor vehicles using the highways of the State of North Dakota for commercial purposes and engaged in transporting goods or merchandise for hire in interstate commerce.

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

§ 1. DEFINITION OF TERMS.]

(1) The term "Highway" means any public thoroughfare for vehicles, including streets in cities, villages and boroughs.

(2) The term "Motor Vehicle" means any self-propelled vehicle not operated exclusively upon railroad tracks, and any vehicle propelled or drawn by a self-propelled vehicle.

(3) The term "Owner" means any person, firm, association or corporation owning or renting a motor vehicle, or having the ex-

clusive use thereof, under a lease or otherwise, for a period greater than 30 days.

(4) The term "Tractor" means any motor vehicle designed or used for drawing other vehicles but having no provision for carrying loads independently.

(5) The term "Truck-tractor" means any motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

(6) The term "Trailer" means any vehicle designed for carrying property or passengers wholly on its own structure and being drawn by a motor vehicle.

(7) The term "Semi-trailer" means a vehicle of the trailer type so designed and used in conjunction with a self-propelled vehicle that a considerable part of its own weight or that of its load rests upon end is carried by the towing vehicle.

(8) The term "Truck" means any motor vehicle designed or used principally for carrying things other than passengers and includes a motor vehicle to which has been added a cabinet box, platform, rack or other equipment for the purpose of carrying merchandise other than the person or effects of the passenger.

(9) The term "Unloaded Weight" shall mean the actual weight of the vehicle fully equipped without a load.

(10) The term "Registrar" means the Registrar of Motor Vehicles designated in this Act.

(11) The term "Interstate Commerce" shall not be construed so as to include or affect any common or contract motor carrier operating exclusively within the State of North Dakota under a certificate of Public Convenience and Necessity, granted by the Board of Railroad Commissioners of the State of North Dakota, even the merchandise carried by such carrier is for transit to a foreign destination.

§ 2. No truck, tractor, truck-tractor, semi-trailer or trailer shall be operated on the highways of this state engaged exclusively in transporting property in interstate commerce or between this state and any province in the Dominion of Canada unless such vehicle has been registered and a license plate of a distinctive color issued therefor by the Registrar of Motor Vehicles. The applicant shall pay therefor a fee of \$5.00 for each such vehicle and in addition thereto truck mile tax as compensation for the use of the highways, which said tax shall be based upon the unloaded weight of the vehicle and the distance that such vehicle travels on the highways of this state. The tax on each motor vehicle or combination of vehicles shall be ascertained by multiplying the number of miles traveled by each of such vehicles on the highways of this state by the rate per mile as provided herein.

The tax on a combination of truck-tractor and semi-trailer and/or a tractor and trailer, shall be determined by adding together the unloaded weight of both the truck-tractor and semi-trailer and/or tractor and trailer. The combined weight of the vehicle so ascertained shall determine the unloaded weight of such combination of vehicles for the purpose of computing such tax. Where a trailer is not attached directly to a tractor it shall be subject to a truck mile tax based on the unloaded weight of such trailer.

The truck mile tax shall be determined as follows:

Vehicle or combination of vehicles having an unloaded weight under 2 ton	$\frac{1}{2}\phi$ per mi.
Vehicle or combination of vehicles having an unloaded weight of 2 ton and not exceeding 3 ton.....	$\frac{3}{4}\phi$ " "
Vehicle or combination of vehicles having an unloaded weight of 3 ton and not exceeding 4 ton	1ϕ " "
Vehicle or combination of vehicles having an unloaded weight of 4 ton and not exceeding 5 ton	$1\frac{1}{4}\phi$ " "
Vehicle or combination of vehicles having an unloaded weight of 5 ton and not exceeding 6 ton.....	$2\frac{1}{2}\phi$ " "
Vehicle or combination of vehicles having an unloaded weight of 6 ton and not exceeding 7 ton	$3\frac{1}{4}\phi$ " "
Vehicle or combination of vehicles having an unloaded weight of 7 ton and not exceeding 8 ton	4ϕ " "
Vehicle or combination of vehicles having an unloaded weight of 8 ton and not exceeding 9 ton	$4\frac{3}{4}\phi$ " "
Vehicle or combination of vehicles having an unloaded weight of 9 to 10 ton	$5\frac{1}{2}\phi$ " "
Any vehicle or combination of vehicles having an unloaded weight of more than 10 ton	6ϕ " "

§ 3. The Registrar of Motor Vehicles shall furnish to the owner of such vehicle appropriate blank forms on which to report the miles which said motor vehicle travels on the highways of this state.

The owner of such vehicle shall file with such Registrar of Motor Vehicles daily reports, if any, of such mileage traveled in North Dakota and shall keep such other records and furnish such information as said Registrar of Motor Vehicles may require. The Registrar of Motor Vehicles is authorized to require that any tractor, truck-tractor, semi-trailer, trailer or truck be equipped with a mechanical device approved by him to register the miles traveled by such motor vehicle, and such motor vehicle, including all appliances and all books and records of said owner, shall be subject to inspection at any time by the Registrar of Motor Vehicles.

The owner of every motor vehicle subject to the truck-mile tax shall, on or before the 15th day of each month, pay to the Registrar of Motor Vehicles, the truck-mile tax due and payable for the preceding month. At the time of the payment of such tax, such owner

shall file with the Registrar under oath upon a form prescribed by the Registrar, a report showing the truck miles operated during the preceding month and such other information as may be required. If the vehicle was not operated over the highways of this state during such month the report should so state.

The Registrar of Motor Vehicles shall not issue a license plate under this Section until the owner of said motor vehicle has filed with the said Registrar a surety bond payable to the state of North Dakota in a sum of not less than \$200, conditioned that the owner of said motor vehicle will pay the tax due hereunder and make such reports as may be required by the Registrar of Motor Vehicles.

If the owner of such vehicle shall fail to file the required reports or pay the tax within ten days after the filing of such reports or payment of such tax is due, the Registrar of Motor Vehicles shall declare such bond forfeited and an action shall be brought in the name of the state of North Dakota to recover the amount of said bond.

If the owner of such vehicle shall fail to file the required reports or pay the tax within the time required, the Registrar of Motor Vehicles shall also cancel and take up the license plate issued on such vehicle and notify the Board of Railroad Commissioners of such action.

§ 4. No tax shall be required from any truck, tractor, truck-tractor, semi-trailer or trailer when such vehicle engaged in interstate commerce does not come into the state of North Dakota a distance greater than five miles from the boundary of said state on any given trip, and does not travel on the highways of this state a distance of more than ten miles on said trip, nor shall any tax be required where said vehicle does not leave the incorporated limits of any city or cities while in the state of North Dakota within a zone circumscribed by a line running parallel to the corporate limits of any city, village or contiguous cities and villages and five miles distant therefrom.

§ 5. All funds collected under the provisions of this Act shall be paid into the "Auto Transportation Fund" as provided for by Chapter 188, Session Laws 1931, and shall be expended as so provided.

§ 6. VIOLATION OF PROVISIONS.] Every officer, agent or employee of any corporation, and every other person who violates or fails to comply with, or who procures, aids or abets in the violation of any provisions of this Act, or who fails to obey, observe or comply with any order, decision, rule or regulation, direction, demand or requirement or any part or provision thereof, is guilty of a misdemeanor and punishable as such.

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

§ 8. EMERGENCY.] This Act is hereby declared to be an emergency measure and shall be in full force and effect upon its passage and approval.

Approved March 9th, 1933.

CHAPTER 163

H. B. No. 160—(Mostad and Sandlie.)

SIZE AND LOAD MOTOR VEHICLES ON HIGHWAY

An Act to amend and re-enact Section 36 of Chapter 162 of the Session Laws of North Dakota for 1927 as amended by Chapter 190 of the Session Laws of North Dakota for the year 1931.

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

§ 1. AMENDMENT.] That Section 36 of Chapter 162 of the Session Laws of North Dakota for the year 1927, as amended by Chapter 190 of the Session Laws of North Dakota for the year 1931, be amended and re-enacted to read as follows:

SIZE OF VEHICLE AND LOAD.

(a) No vehicle shall exceed a total outside width, including any load thereon, of eight feet; provided, that the limitations as to size of vehicles stated in this Section shall not apply to contractor's equipment or implements of husbandry temporarily propelled or moved upon the public highway between sunrise and sunset.

(b) No vehicle unladen or with load shall exceed a height of twelve feet and six inches.

(c) No vehicle shall exceed a length of thirty-five feet and no combination of vehicles shall exceed a length of fifty feet. No train of more than two motor vehicles shall be operated on the highways of this state.

(d) No motor vehicle shall carry any load extending more than three feet beyond the front thereof, and no vehicle or combination of vehicles shall together with load exceed 16,000 pounds in weight per axle properly tired, or 600 pounds per inch of tire.

(e) No passenger vehicle shall carry any load extending beyond the line of the fenders on the left side of such vehicle nor extending more than six inches beyond the line of the fender on the right side thereof.

(f) The provisions hereof shall not apply to carriage of structural material of telephone, power and telegraph companies which must necessarily be transported on the highways on account of the location of their lines adjacent to said highways. Other structural material, which otherwise could not be transported over the highways of this state on account of the provisions of this Act, may be so transported upon obtaining a temporary permit from the State

Highway Commission or from any employee designated by said Commission for said purpose upon a showing of reasonable necessity and that the transporting of such structural material will not damage the highways to be used.

§ 2. EMERGENCY.] This Act is hereby declared to be an emergency measure and shall be in full force and effect immediately after its passage and approval.

Approved March 3, 1933.

CHAPTER 164

S. B. No. 282—(Bonzer.)

REGULATION MOTOR VEHICLE TRANSPORTATION

An Act providing for the supervision and regulation of the transportation of persons and property for compensation over any public highway by motor propelled vehicles; defining and classifying transportation by motor propelled vehicles affected hereby; providing safety and sanitary regulations for the operation of motor propelled vehicles used for the purpose of transporting persons and property for compensation over any public highway; providing for the supervision and regulation thereof by the Board of Railroad Commissioners of the State of North Dakota; providing for the enforcement of the provisions of this Act and for penalties for the violation thereof.

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

ARTICLE I. GENERAL DEFINITIONS AND PURPOSE.]

§ 1. (a) (1) The term "Motor vehicle," when used in this Act, shall mean any automobile, truck, trailer, semi-trailer, tractor, motor bus, or any self-propelled or motor driven vehicle used upon any public highway of this state for the purpose of transporting persons or property. (2) The term "public highway" when used in this Act shall mean every public street, alley, road or highway or thoroughfare of any kind used by the public. (3) The term "commission" means the Board of Railroad Commissioners of the State of North Dakota. (4) The term "person" means and includes an individual, firm, copartnership, corporation, company, association, or their lessees, trustees or receivers. (b) It is hereby declared to be the purpose and policy of the legislature in enacting this law to confer upon the commission the power and authority and to make it its duty to supervise and regulate the transportation of persons and property by motor vehicle upon or over the public highways of this state in all matters, whether specifically mentioned herein or not, so as to: (1) relieve the existing and future undue burdens of the highways arising by reason of the use of the highway by motor vehicles for hire; (2) protect the safety and welfare of the traveling and shipping public in their use of the highways; (3) carefully preserve, foster and regulate transportation and permit the coordina-

tion of transportation facilities, and to actively enforce the provisions of this act.

ARTICLE II. COMMON CARRIERS.]

§ 2. (a) The term "common motor carrier of property," when used in this Act, shall mean any person who holds himself out to the public as willing to undertake for hire to transport by motor vehicle from place to place the property of others who may choose to employ him. (b) The term "common motor carrier of passengers," when used in this Act, shall mean any person who holds himself out to the public as willing to undertake for hire to transport by motor vehicle from place to place persons who may choose to employ him. (c) The transportation for more than one consignor, or to more than three consignees, by any motor carrier shall be prima facie evidence that such motor carrier is operating as a common carrier.

§ 3. This Act shall not apply to common motor carriers who shall operate wholly within a city or village of this state, or not to exceed two miles from the corporate or recognized limits of said city or village, and this Act shall not apply to any farmer engaged in the transportation of grain, poultry, dairy products, livestock, or other agricultural products from the farm where such products are produced or grown, to the market, when so transported either by the producer thereof or for some other farmer or the transporting of goods from market to farm by such farmer.

§ 4. All "common motor carriers of property or passengers" are hereby declared to be affected with a public interest and subject to the laws of this state, now in force or that hereafter may be enacted, pertaining to public utilities and common carriers as far as applicable, and not in conflict herewith.

§ 5. No common motor carrier of property or passengers shall operate any motor vehicle for the transportation of either persons or property for hire on any public highway in this state except in accordance with the provisions of this Act.

§ 6. The commission is vested with power and authority, and it shall be its duty, to supervise and regulate all common motor carriers of property or passengers as defined in Section 2 and after a hearing thereon, to fix, alter, regulate and determine just, fair, reasonable and sufficient rates, fares, charges and classifications; to regulate the facilities, accounts, service and safety of operations of each such carrier, to regulate operating and time schedules so as to meet the needs of any community, and so as to insure adequate transportation service to the territory traversed by such carriers, and so as to prevent substantial duplication of service between these common motor carriers, and between them and the lines of competing steam and electric railroads; and not to substantially substi-

tute the operation of motor common carriers for existing steam or electric transportation facilities; and the commission may require the co-ordination of the service and schedules of competing carriers by motor vehicle; to require the filing of annual and other reports, tariffs, schedules and other data by such common motor carriers, and to supervise and regulate such common motor carriers in all matters affecting the relation between such carriers and the public, to the end that the provisions of this Chapter may be fully and completely carried out. The commission shall have power and authority by general order or otherwise, to prescribe rules and regulations in conformity with this Act applicable to any and all such common motor carriers, and to do all things necessary to carry out and enforce the provisions of this Act.

§ 7. All rates, fares and charges made by any common motor carrier shall be just and reasonable, and shall not be unlawfully discriminatory, prejudicial nor preferential. No such carrier shall charge, demand, collect or receive a greater or less or different remuneration for the transportation of passengers or property, or for any service in connection therewith, from the rates, fares and charges which have been legally established and filed with the commission; nor shall any such carrier refund or remit in any manner or by any device any portion of the rates, fares and charges required to be collected by the tariffs on file with the commission or ordered by the commission.

§ 8. It shall be unlawful for any common motor carrier to operate within this state without first having obtained from the commission a certificate of public convenience and necessity. The commission, upon the filing of an application for such certificate, shall fix a time for hearing thereon, which shall be not less than twenty days after such filing. The commission shall cause notice of such hearing to be served by registered mail at least ten days before the hearing upon an officer, managing agent or owner of every railroad or other common carrier that is operating, or has applied for a certificate to operate in the territory proposed to be served by the applicant, and on other interested parties as determined by the commission, and any such common carrier or interested party is hereby declared to be an interested party to said proceedings and may offer testimony for or against the granting of such certificate. Any other interested person may offer testimony at such hearing. If the commission finds from the evidence that the public convenience and necessity require the proposed service or any part thereof it may issue the certificate as prayed for, or issue it for the partial exercise only of the privilege sought, and may attach to the exercise of the right granted by such certificate such terms and conditions as in its judgment the public convenience and necessity may require; otherwise such certificate shall be denied. Before granting a certificate to a common motor carrier, the commission shall take into consideration

existing travel upon said route, the increased cost of maintaining the highway concerned, the effect on other essential forms of transportation, and existing transportation facilities in the territory for which a certificate is sought, and in case it appears from the evidence that the service furnished or that could be furnished by existing transportation facilities is reasonably adequate, the commission shall not grant such certificate.

§ 9. This Act shall apply to persons and motor vehicles engaged in interstate commerce only to the extent permitted by the Constitution of the United States.

§ 10. The commission shall prescribe forms of applications for certificates for the use of applicants and shall make regulations for the filing thereof. The application must contain a financial statement, a list of equipment to be used and describe the type of service offered and the route and/ or territory to be served. The commission may designate any of its employees to take evidence at the hearing of any application for a certificate and submit findings of fact to the commission.

§ 11. No certificate issued under this Act shall be assigned or otherwise transferred without the approval of the commission.

§ 12. No common motor carrier authorized by this Act to operate shall abandon or discontinue any service established under the provisions of this Act without an order of the commission.

§ 13. The commission may at any time, for good cause, suspend, and, upon not less than five days' notice to the grantee of any certificate and on opportunity to be heard, revoke or amend any certificate.

ARTICLE III. CONTRACT CARRIERS.]

§ 14. (a) The term "contract motor carrier of property" when used in this Act, shall mean any person engaged in the transportation by motor vehicle of property for hire and not included in the term "common motor carrier of property" as hereinbefore defined.

(b) The term "contract motor carrier of passengers," when used in this Act, shall mean any person engaged in the transportation by motor vehicle of persons for hire and not included in the term "common motor carrier of passengers" as hereinbefore defined.

§ 15. This Act shall not apply to contract motor carriers of property or passengers who shall operate wholly within any city or village of this state, or within not to exceed two miles thereof, or who are engaged exclusively in the transportation of children to or from school, or rural mail carriers, or farmers engaged in hauling grain, poultry, dairy products, livestock or other agricultural products from the farm where such products are produced to the market,

by the producing farmer, or for some other farmer or the transporting of goods from market by such farmer.

§ 16. No contract motor carrier of property or passengers shall operate any motor vehicle for the transportation of either persons or property for compensation on any public highway in this state, except in accordance with the provisions of this Act.

§ 17. It shall be unlawful for any contract motor carrier to operate within this state without first having obtained from the commission a permit. The commission, upon the filing of an application for such permit, may fix a time for hearing thereon, which shall be not less than ten days after such filing. The commission shall cause notice of such hearing to be served by registered mail at least five days before the hearing upon an officer, agent, or owner of every railroad or other common carrier that is operating, or has applied for a certificate to operate, in the territory proposed to be served by the applicant, and on other interested parties as determined by the commission, and any such common carrier may offer testimony for or against the granting of such certificate. Any other interested person may offer testimony at such hearing. The commission is hereby vested with power and authority to grant or deny, after hearing the permit prayed for, or to grant it for the partial exercise only of the privilege sought; and may attach to the exercise of the privilege granted by such permit, such terms and conditions, as in its judgment, will carry out the purposes of this Act. No permit shall be granted unless the applicant has established to the satisfaction of the commission that the privilege sought will not endanger the safety of the public or interfere with the public use of the public highways or impair the condition or maintenance of such highways directly, or indirectly by impairing the efficient public service of any authorized common carrier or common carriers then adequately serving the same territory. Application for such permit shall be made in writing, stating the ownership, financial condition, equipment to be used and physical property of the applicant, and contain such other information as the commission may require.

§ 18. The commission shall prescribe forms of applications for permits for the use of prospective applicants and shall make regulations for the filing thereof.

§ 19. The commission is hereby vested with power and authority, and it shall be its duty, to supervise and regulate every contract motor carrier of property or passengers for the purpose of promoting safety upon the highways and the conservation of their use; and to regulate and supervise the accounts and method of operation of the same; to prescribe such rules and regulations as it may deem necessary in carrying out the provisions of this Act, and to supervise and regulate all contract motor carriers of property or passengers in all matters affecting the relationship between such mo-

tor carriers and the traveling and shipping public. This Act shall apply to persons and motor vehicles engaged in interstate commerce only to the extent permitted by the Constitution and laws of the United States.

§ 20. No permit issued under the authority of this Act shall be subject to assignment or transfer. No permit issued in accordance with the terms of this Act shall be construed to be irrevocable. Every contract motor carrier of property or passengers who shall cease operation or abandon his rights under the permit issued shall notify the commission within thirty days of such cessation or abandonment.

§ 21. The commission may at any time, for good cause, suspend such permit and may upon not less than five days notice to the grantee and an opportunity to be heard revoke such permit.

§ 22. It is hereby declared that the business of contract motor carriers is affected with a public interest and that the safety and welfare of the public, the preservation and maintenance of the public highways and the integrity of the regulation of common carriers require the regulation of contract carriers to the extent herein provided.

§ 23. Every contract motor carrier is hereby forbidden to give or cause any undue or unreasonable advantage or preference to those whom he serves as compared with the patrons of any common motor carrier, as that term is used in this Act, or the patrons of any other common carrier, or to subject the patrons of any such common carriers to any undue or unreasonable discrimination or disadvantage; or by unfair competition to destroy or impair the service or business of any common motor carrier, as that term is used in this Act, or of any other common carrier, or the integrity of the state's regulation of any such service or business; and, to the end that the said commission may enforce these provisions, each such contract motor carrier shall maintain on file with the commission a statement of his charges, and of such other matters as the commission may require.

§ 24. The commission is hereby vested with power and authority, and it is hereby made its duty, to prescribe rules and regulations covering the operations of contract motor carriers in competition with common carriers of this state, and the commission shall prescribe minimum rates, fares and charges to be collected by such contract motor carriers, which shall not be less than the rates prescribed for common carriers for substantially the same service.

ARTICLE IV. FEES.]

§ 25. Every common motor carrier and every contract carrier of property and/or passengers now operating, or which shall hereafter operate as such common or contract carrier in this state, shall at the time of making application for a certificate of convenience

and necessity or permit and annually thereafter on or before April 15th of each calendar year, pay a fee of not less than fifteen dollars (\$15.00) nor more than seventy-five dollars (\$75.00) to be fixed by the commission in each instance.

Miscellaneous fees shall be as follows:

Application for transfer of a certificate of public convenience and necessity, \$5.00.

Application for the mortgaging of a certificate of public convenience and necessity, \$5.00.

Application for the issuance of a duplicate certificate of public convenience and necessity, \$3.00.

For copies of any records of the commission pertaining to auto transportation companies, per one hundred words or portion thereof, (15¢) fifteen cents.

For the purpose of carrying out the provisions of this Act there is hereby created in the State Treasury a state fund to be known as the "Auto Transportation Fund." All fees collected by the commission, as herein provided, shall be paid into the State Treasury monthly and shall be credited to the said "Auto Transportation Fund" to the use of the commission and shall be paid out upon proper voucher and audit by the State Auditing Board, for the expenses of said commission in administering and enforcing the provisions of this Act.

ARTICLE V. GENERAL ADMINISTRATION AND SAFETY REGULATION.]

§ 26. INSURANCE OR BOND REQUIRED. LIABILITY OF INSURER AND SURETY. TRIAL.] The commission shall in granting a certificate to any common motor carrier, and in granting a permit to any contract carrier require the owner or operator to first procure either liability and property damage insurance, or a surety bond, written by company authorized to write such insurance or bond in the State of North Dakota, in an amount to be designated by the commission. The conditions of this liability insurance or surety bond shall be such as to guarantee the payment of any loss or damage to property, or death or injury to persons, resulting from the negligence of such carrier, and also to guarantee the payment by the carrier of all legal obligations incurred by such carrier in connection with the operation or conduct of his or its business as such common motor carrier or contract carrier. In any action for damages resulting from the negligence of such carrier, the insurer or surety shall not be joined as a party defendant, nor shall the fact of the ultimate liability of such insurer or surety be disclosed, or commented on to the jury. Each insurance policy, or bond so required, shall be filed with the commission and kept in full force and effect, and upon the failure so to do the certificate or permit shall be revoked and cancelled.

§ 27. It shall be unlawful for any common or contract car-

rier, its officers or agents, subject to this Act, transporting either intrastate or interstate commerce, to require or permit any driver or his helper to drive or operate a motor vehicle or remain on duty for a longer period than 10 consecutive hours and whenever any such operator or driver of such a carrier shall have been continuously on duty for ten hours he shall be relieved and not be required or permitted again to go on duty until he has had at least 10 consecutive hours off duty, and no such operator or driver who has been on duty 10 hours in the aggregate in any 24-hour period shall be required or permitted to continue or again go on duty without having had at least 10 consecutive hours off duty; provided, that the provisions of this Section shall not apply in any case or casualty or unavoidable accident or the act of God, nor where the delay was the result of a cause not known to the carrier or its officer or agent in charge of such operator or driver at the time said operator or driver left a terminal and which could not have been foreseen.

It shall be unlawful for any common or contract motor carrier, its officers or agents subject to this Act transporting either intrastate or interstate commerce to employ any driver or helper to operate its motor vehicles who is not of the age of 21 years or over and who has not normal vision and hearing. No person shall be employed as such driver or helper by any common carrier or contract motor carrier who has any physical defects or disease which will in any way affect his ability to operate a motor propelled vehicle upon the public highways without danger to the public use of said highways.

The commission, for the purpose of enforcing this Section, shall require any such carrier to make quarterly reports which shall show the names and ages of its drivers, and/or helpers, the routes over which they drove, the length of time each such employee was on duty and off duty, and such other information as the commission may need for the enforcement of this Section.

§ 28. It shall be unlawful for any common or contract motor carrier, its officers or agents, subject to this Act, transporting either intrastate or interstate commerce, to use any motor vehicle for the transportation of goods for human consumption, until such motor vehicle, having been so used for the purpose of transporting live stock, has been thoroughly cleaned and renovated in such manner as shall be prescribed by the State Board of Health.

§ 29. COMPLAINTS. ORDERS. DECISIONS. APPEALS.] In all respects in which the commission has power and authority under this Act, applications and complaints may be made and filed with it and notices issued thereon, hearing held, opinions and decisions made and filed, petitions for rehearing filed and acted upon, and appeals from such orders and decisions may be taken by any party to the District Court of the county where such hearing was held unless otherwise provided for in this Article, in the same manner and under the same terms and upon the same conditions provided for by Section 4609c1

to 4609c56 inclusive, Supplement to the 1913 Compiled Laws of North Dakota, with the exception that the appellant shall be entitled, on demand, to a trial de novo in the District Court.

§ 30. The commission shall promulgate and mail to each holder of a certificate or permit hereunder, such regulations as it may deem necessary properly to carry out the provisions and purposes of this Act.

§ 31. Certificates and permits issued to carriers by the commission under the authority of previous Acts shall remain in effect subject to the regulatory and annual fee provisions of this Act, and subject to all limitations and requirements of this Act.

§ 32. VIOLATION OF PROVISIONS.] Every officer, agent or employee of any corporation, and every other person who violates or fails to comply with, or who procures, aids or abets in the violation of any provisions of this Act, or who fails to obey, observe or comply with any order, decision, rule or regulation, direction, demand or requirement or any part or provisions thereof, is guilty of a misdemeanor and punishable for such.

§ 33. It shall be the duty of all sheriffs and deputies and all police officers in the State of North Dakota to make arrests, and it shall be the duty of states attorneys to prosecute the violation of this Act; and an inspector may be appointed by the commission and paid out of the State Auto Transportation Fund, which said inspector so appointed by the Commission shall have all of the lawful power of a peace officer to enforce the provisions of this Act in any county or city of this state. Provided, further, that upon the written request of this commission it shall be the duty of the Attorney General to prosecute or assist in the prosecution of any person alleged to have violated any of the provisions of this Act, and provided further that it shall be the duty of the Board of Railroad Commissioners to actively enforce the provisions of this Act and to institute or cause to be instituted the prosecution of any and all violators of the provisions of this Act.

§ 34. If any section, subsection, clause, sentence or phrase of this Act is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portions of this Act. The legislature hereby declares that it would have passed this Act and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more of the sections, subsections, sentences, clauses or phrases be declared unconstitutional.

§ 35. REPEAL.] All parts of Chapter 188, Session Laws of North Dakota for 1931, inconsistent or in conflict with this Act, together with all other Acts or parts of Acts in conflict herewith, are hereby repealed.

Approved March 9, 1933.

CHAPTER 165

H. B. No. 194—(Scholl.)

REGULATION SALE TRACTOR FUEL OIL

An Act to regulate the sale of tractor fuel oil; to provide specifications therefor, and for an inspection thereof; to provide for inspection fees, the collection and disposition thereof; to define the duties of the State Food Commissioner and Chemist as regards such inspection and providing penalties for violation of the Act.

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

§ 1. It shall be unlawful to expose for sale any tractor fuel oil (other than kerosene or gasoline), made from petroleum, which is adulterated or misbranded within the meaning of this Act. Such tractor fuel oil shall be deemed to be adulterated if it fails to meet the minimum specifications hereinafter prescribed; and such tractor fuel oil shall be deemed to be misbranded, if it is not labeled as hereinafter prescribed.

§ 2. Every package, barrel, pump and every tank wagon, truck or car containing tractor fuel oil, (other than gasoline or kerosene), for sale or consignment, when held within this state or being transported into this state, shall be clearly and distinctly tagged, marked, and labeled with the legend: "Tractor fuel oil, not for illuminating purposes nor wick burners."

§ 3. Tractor Fuel is hereby defined to mean any petroleum product, other than Gasoline or Kerosene, intended for use or offered for sale as a fuel for tractors regardless of whether the product be designated as Distillate, Gas Oil, Fuel Oil, or be given any other name or designation. Such tractor Fuel shall meet the following minimum requirements:

a. The Tractor Fuel shall be free from undissolved water and suspended matter.

b. Color. The color shall be straw of a color not lighter than minus sixteen Saybolt. This color may be natural but if the product does not meet this requirement, a sufficient quantity of a suitable dye must be added to give a color not lighter than minus sixteen Saybolt.

c. Distillation. When 10 per cent has been recovered in the receiver, the thermometer shall read not more than 420° F.

The end point shall not be more than 600° F.

d. Sulphur. The sulphur shall not be more than 0.150 per cent.

§ 4. Every person, firm or corporation shipping or transporting tractor fuel oil into this state for sale or consignment or with intent to sell or consign the same, shall pay to the State Food Commissioner and Chemist an inspection fee of one-twentieth (1-20) cent per gallon for each and every gallon of tractor fuel oil so

shipped or transported into the state, or that is held for sale within this state; provided, nothing in this Section shall be construed to require the payment of an inspection fee on any shipment or consignment of tractor fuel oil when such inspection fee has already been paid by another dealer.

On the first day of each calendar month it shall be the duty of each and every receiver or consignee of any of the aforementioned products to send to the State Food Commissioner and Chemist a correct report of all shipments, consignments, or receipts, during the preceding month, and such report shall include the following: (a) the number of gallons of tractor fuel oil received; (b) the grade or class of each shipment or consignment; (c) the date received; (d) the consignor and (e) the person, firm, or corporation, transporting or delivering the same to consignee. Such monthly report shall be accompanied by the fees herein required due the state on such tractor fuel oil. Failure on the part of the consignee or receiver of such tractor fuel oil to send such report and remittance as above specified shall be a violation of the Act and punishable under it.

§ 5. Every person, firm or corporation importing any tractor fuel oil for sale or consignment within this state or having same in his possession with intent to sell, shall, before so doing, deposit with the State Food Commissioner and Chemist a surety bond payable to the State of North Dakota in the penal sum of Five Hundred (\$500.00) Dollars or twice the amount of inspection fees due for any calendar month to guarantee to this state a truthful report of receipts of tractor fuel oil herein required and the payment of fees herein required in Section 4 of this Act. The said bond shall be approved as to its sufficiency by the State Food Commissioner and Chemist.

All inspection fees shall be due on the first day of each calendar month for the preceding month, and said fees shall become delinquent when ten days past due, and the person, firm or corporation bonding such delinquent, may, after twenty days, be called upon to make good the bond for the fees so delinquent.

Provided, however, that where a person, firm or corporation who ships or transports tractor fuel oil into this state for sale or consignment or with intent to sell or consign the same, also ships or imports kerosene or gasoline for like purposes and is required to furnish a bond under the provisions of the North Dakota Petroleum Products Inspection Act, to guarantee to the state a truthful report of receipts of gasoline and kerosene and the payment of the inspection fees upon such gasoline and kerosene that then, if such bond is furnished in the penal sum of Five Hundred (\$500.00) Dollars or twice the amount of the inspection fees due for any calendar month for gasoline and kerosene and for tractor fuel oil, and is conditioned so as to be applicable to and cover any and all inspection fees that may become due for the inspection fees upon the tractor

fuel oil as well as upon the kerosene or gasoline, that then no additional bond shall be required under this Act.

§ 6. All revenues derived under authority of this Act shall be used for the enforcement of the provisions thereof. All fees received by the State Food Commissioner and Chemist as provided for in this Act shall be properly recorded by him and forwarded to the Treasurer of the State of North Dakota. The State Treasurer shall upon receipt thereof enter such funds and carry them in the special revolving fund known and designated as the "State Regulatory Fund" out of which all bills and expenses of whatever nature incurred in the enforcement of this Act shall by said Treasurer be paid.

Vouchers for all expenses of whatever nature incurred by the State Food Commissioner and Chemist in carrying out and enforcing the provisions of this Act when approved by said State Food Commissioner and Chemist shall be forwarded monthly to the State Board of Administration for audit and approval, and when audited and approved shall be certified to the State Auditor, who shall draw warrants upon the State Treasurer for said 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.

§ 7. This statute is not intended to apply to the inspection of kerosene and gasoline or in any manner change the existing laws, as regards the inspection and sale of kerosene and gasoline in this state, but is intended to apply only to tractor fuel oils other than kerosene and gasoline.

§ 8. The primary object sought to be accomplished by this enactment is to regulate the sale of tractor fuel oil, to prescribe the specifications of such fuel oil and to provide for the inspection thereof. The provisions relating to the manner in which this is to be accomplished do not form an inducement for the enactment, and it is hereby declared that if any of the provisions of the Act contravene the provisions of the Constitution, the remaining provisions would have been enacted by the Legislative Assembly, even though such provisions had been eliminated from the Act. Hence, if any of the provisions are found to be violative of the Constitution, the remaining provisions shall not be affected by such invalidity but remain in full force and effect.

§ 9. 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 9, 1933.

MUNICIPAL CORPORATIONS

CHAPTER 166

S. B. No. 139—(Jones.)

NUMBER OF ALDERMEN IN CITIES

An Act to amend and re-enact Chapter 168 of the Session Laws of North Dakota for the year 1929, relating to the number of aldermen in cities; and declaring an emergency.

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

§ 1. AMENDMENT.] That Chapter 168 of the Session Laws of North Dakota for the year 1929 be amended and re-enacted to read as follows:

Chapter 168. NUMBER OF ALDERMEN.] The number of aldermen shall be as follows: In cities of six hundred inhabitants or less, four aldermen who shall be elected at large; exceeding six hundred, but not exceeding two thousand inhabitants, six aldermen; exceeding two thousand, but not exceeding four thousand, eight aldermen; exceeding four thousand, but not exceeding ten thousand, twelve aldermen; exceeding ten thousand, but not exceeding fifteen thousand, fourteen aldermen; and two additional aldermen for each ten thousand inhabitants or the major fraction thereof, over fifteen thousand; provided, that in cities of over one hundred thousand inhabitants there shall be elected thirty-six aldermen, and no more, the population to be determined by the last census; provided, however, if an official census has been taken by the Federal Government within one year it shall govern; provided, however, that whenever a census of the city shall show a population requiring more aldermen than are in the council at the time of taking such census, the city council shall not be required to make change in the number of aldermen and the corresponding change in the number of wards of such city unless a majority of the legal voters thereof, to be determined by the number of names on the poll list of the last annual election, petition therefor.

§ 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 be in full force and effect from and after its passage and approval.

Approved February 27, 1933.

CHAPTER 167**S. B. No. 140—(Jones.)****TERMS OF OFFICE MAYORS AND ALDERMEN**

An Act to amend and re-enact Sections 3565 and 3583 of the Compiled Laws of North Dakota for the year 1913 relating to terms of office of mayors and aldermen.

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

§ 1. AMENDMENT.] Section 3565 of the Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

§ 3565. MAYOR.] The chief executive officer of the city is the mayor, who shall be a qualified elector within the city, and who shall hold his office for four years and until his successor is elected and qualified.

§ 2. AMENDMENT.] Section 3583 of the Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

§ 3585. TERM OF OFFICE.] Aldermen shall hold their office for four years and until their successors are elected and qualified; provided, however, that the aldermen elected shall alternate in their respective terms of office by electing only one-half the number of aldermen in any one election, and it is further provided, that when a city governed under the commission system of city government adopts the City Council form of City Government as provided by Section 3839 of the Compiled Laws of North Dakota for the year 1913, then shall the alternation of such aldermen be perfected as follows: The alderman receiving the greatest number of votes when elected, shall serve for four years, and the alderman receiving the lowest number of votes when elected shall serve for two years.

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

§ 4. 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 7, 1933.

CHAPTER 168

(H. B. No. 168—(Swett, Twichell, Flannigan and Homnes.)

BOARD OF BUDGET REVIEW

An Act creating a Board of Budget Review, defining its powers and duties, and requiring the submission of preliminary budgets of certain taxing districts and proposed bond issues thereto for approval.

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

§ 1. There is hereby created in each city or village in this state having a population of one thousand or more, according to the last official census, a board of budget review. Such board shall consist of seven members and shall be constituted as follows: two members from the city council (or city commission), or village board, two members from the local school board, one member from the park board, and two members representing the public at large; except where there is no park board, there shall be three members representing the public at large.

§ 2. At the first regular meeting in January of each year the respective local boards shall appoint their representatives to serve on the board of budget review for the current year, such appointments to be certified to the city auditor or village clerk prior to the first day of February. If such certification is not received by the city auditor or village clerk by such date, it shall become his duty to notify each board failing to certify its appointments that the board of budget review will assemble for the purpose of organization and the appointment of members at large, giving the time and place of such meeting, and, unless such boards certify the appointment of its representatives on the board of budget review on or before the date of such organization meeting, the board so failing will be without representation on the board of budget review for the current year. The representatives of such boards shall meet on the day appointed by the city auditor or village clerk, which shall not be later than the 15th day of February, and shall organize by the election of a chairman and vice chairman. The city auditor or village clerk shall serve as clerk of such board of budget review. Such representatives shall thereupon appoint the members at large from the resident freeholders of the city or village, or school district. All members shall serve without compensation. Each member shall, before entering upon the duties of his office, take, subscribe, and file with the city auditor or village clerk the oath required by law of county officers. All vacancies on such board shall be filled in the same manner as the original appointment was made.

§ 3. It shall be the duty of the city council or city commission, or board of trustees of the village, and the board of education or board of school directors, and the park board, if there be one, to

submit its annual preliminary budget required by law to be prepared by them, before the same is finally adopted, to the board of budget review ; and it shall be the duty of the board of budget review to carefully review and examine in detail the items of each preliminary budget submitted to it by such local boards and to certify its approval, disapproval or modification thereof, before the time provided by law for the final adoption of such budgets. The board of budget review may approve, or disapprove any item in any of such preliminary budgets, and may lower, but not raise, any such item or items, or the total of any such budget. The action of the board of budget review on any preliminary budget shall be final. In reviewing such preliminary budgets, the board of budget review shall take into consideration the combined totals of all budgets submitted by such taxing districts and the probable total tax levies within such city or village, so far as the same can be determined, including levies for sinking funds and interest on bonds, the total combined bond indebtedness of such taxing districts, the total warrants and certificates of indebtedness outstanding, and other obligations, if any ; and shall, before approving such preliminary budgets, have due regard for the combined tax levies which shall result from the approval thereof, and shall exercise their supervisory authority in such a manner as to protect the taxpayers of such city or village from an undue burden of property taxes. The action of the board of budget review on the budget of each such taxing district shall be certified to the county auditor before the tax levy for each such taxing district shall spread, and the county auditor shall not spread such tax levies until such certificate of action is received by him.

§ 4. All proposed bond issues of the city or village, school district or park districts, shall, before being submitted to a vote of the electors, be submitted to the board of budget review for approval, disapproval or modification. Should any such proposed bond issue be disapproved, it shall not be submitted to the voters unless the governing board of such taxing district is requested to do so by petition signed by not less than twenty-five per cent of the electors of such district, as determined by the vote cast at the last general election for the office of governor.

§ 5. The board of budget review shall allow public hearings on each preliminary budget and on each proposed bond issue submitted to it for review, and shall give public notice of the time and place of such public hearings. The board of budget review shall keep a record of all of its proceedings, which record shall be preserved in the office of the city auditor or village clerk, and shall be open to inspection to the taxpayers of such city or village.

Approved March 3, 1933.

CHAPTER 169**S. B. No. 238—(Stucke.)**

CITY ENGINEER TO ACT AS STREET COMMISSIONER

An Act providing that in cities having no street commissioner the city engineer shall perform the duties and have the authority of street commissioner and that in cities having no street commissioner and no city engineer the chief of police shall perform the duties and have the authority of street commissioner.

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

§ 1. In cities having no street commissioner the city engineer shall perform the duties and have the authority of street commissioner.

§ 2. In cities having no street commissioner and no city engineer, the chief of police shall perform the duties and have the authority of street commissioner.

Approved March 4, 1933.

CHAPTER 170**H. B. No. 215—(State Affairs Committee.)**

ELECTION MUNICIPAL BOND ISSUES

An Act to amend and re-enact Section 5, Chapter 196 of the Session Laws of North Dakota for 1927, relating to municipal bond issues and elections therefor.

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

§ 1. AMENDMENT.] That Section 5 of Chapter 196 of the Session Laws of North Dakota for 1927 be amended and re-enacted to read as follows:

§ 5. ELECTION REQUIRED. EXCEPTIONS.] It shall be unlawful for any municipality, as herein defined, or for the governing board thereof, to issue bonds without first being authorized to do so by a vote equal to sixty-six and two-thirds per cent of all the qualified voters of such municipality voting upon the question of such issue, except as otherwise provided in Section 3 of this Act, and except that the governing body may issue bonds of the municipality for the purpose and within the limitations specified by paragraph (g) of Subsection 2 of Section 4, including village bonds for such purpose, and Subsections 7 and 8 of Section 4 of this Act without an election.

Approved March 3, 1933.

CHAPTER 171

H. B. No. 205—(Carlson.)

OATH AND BOND TOWNSHIP, VILLAGE AND CITY OFFICERS

An Act to amend and re-enact Section 3807 of the 1925 Supplement to the 1913 Compiled Laws of North Dakota and Sections 3615, 3869, 4161, 4165, 4166, 4167, and 4200 of the 1913 Compiled Laws of North Dakota relating to the official oath and official bond of township, city, and village officers and providing that the official bonds of such township, city, and village officials shall be with the North Dakota State Bonding Fund or private surety company.

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

§ 1. AMENDMENT.] That Section 3807 of the 1925 Supplement to the 1913 Compiled Laws of North Dakota be and the same is hereby amended and re-enacted to read as follows:

§ 3807. BONDS. WHAT OFFICERS GIVE.] The treasurer, auditor, city manager, city or village justice of the peace, and such other officers as the board of city commissioners may direct, shall, before entering upon the discharge of the duties of their respective offices, execute and deliver to the city or village a bond in such sum as the board of city commissioners may determine, conditioned for the faithful discharge of the duties of their respective offices. Such bond shall be in an amount to be fixed by the board; provided that the bond of the treasurer shall be for at least the maximum amount of money that shall be subject to such treasurer's control at any one time. All bonds must be approved by the president of the board of city commissioners, and when so approved shall be filed in the office of the city auditor. No personal sureties shall be accepted on any such bond but all such bonds must be with the North Dakota State Bonding Fund, or with a corporate surety company authorized to do business within this state. Premiums for bonds of the North Dakota State Bonding Fund shall be paid by the city in the manner provided by law, but no city shall pay the premium upon any other bond except for such bonds as are procured to replace bonds cancelled by the State Bonding Fund.

§ 2. AMENDMENT.] That Section 3615 of the 1913 Compiled Laws of North Dakota be and the same is hereby amended and re-enacted to read as follows:

§ 3615. OATH. BOND.] All officers of any city, whether elected or appointed, shall before entering upon the duties of their respective offices, take and subscribe the oath of office prescribed in Section 211 of the Constitution. Such oath shall be filed in the office of the city auditor, provided the oath of city auditor, city treasurer, shall be filed in the office of county auditor.

The treasurer, auditor, city manager, police magistrate, justice

of the peace, and such other officers as the city council may direct shall, before entering upon the discharge of the duties of their respective offices, execute and deliver to the city a bond payable to the city, conditioned for the honest and faithful discharge of the duties of their respective offices. Such bond shall be in an amount to be fixed by the city council; provided that the bond of the city treasurer shall be at all times for not less than the full amount of any and all moneys in the hands of such official. The city council may at any time require new and additional bonds of any officer. No personal sureties shall be accepted on any such bond but all such bonds must be with the North Dakota State Bonding Fund, or with a corporate surety company authorized to do business within this state. Premiums for bonds of the North Dakota State Bonding Fund shall be paid by the city in the manner provided by law, but no city shall pay the premium upon any other bond except for such bonds as are procured to replace bonds cancelled by the State Bonding Fund.

§ 3. AMENDMENT.] That Section 3869 of the 1913 Compiled Laws of North Dakota be and the same is hereby amended and re-enacted to read as follows:

§ 3869. VILLAGE OFFICERS TO GIVE BONDS.] The clerk, assessor, treasurer, marshal and justice of the peace of any village and such other officers as the village board may direct shall, within ten days after their election or appointment and before entering upon the discharge of the duties of their respective offices, execute and deliver to the village a bond in such sum as the village board may determine, conditioned for the faithful discharge of the duties of their respective offices. Such bond shall be in an amount to be fixed by the board; provided that the bond of the treasurer shall be for at least the maximum amount of money that shall be subject to such treasurer's control at any one time. No personal sureties shall be accepted on any such bond, but all such bonds must be with the North Dakota State Bonding Fund, or with a corporate surety company authorized to do business within this state. Premiums for bonds of the North Dakota State Bonding Fund shall be paid by the village board in the manner provided by law, but no village board shall pay the premium upon any other bond except for such bonds as are procured to replace bonds cancelled by the State Bonding Fund.

§ 4. AMENDMENT.] That Section 4161 of the 1913 Compiled Laws of North Dakota be and the same is hereby amended and re-enacted to read as follows:

§ 4161. JUSTICE TO TAKE OATH AND GIVE BOND.] Each person elected or appointed to the office of township justice of the peace shall within ten days after receiving notice thereof take and subscribe before any officer authorized to administer oaths, the oath of office prescribed in Section 211 of the Constitution. Such township justice shall give a bond to the township conditioned for the honest and

faithful discharge of the duties of his office and that he will safely keep and render a true account of all funds and property that shall come into his hands and pay and deliver the same according to law. Such bond shall be in the amount of \$500 and shall be filed with the Clerk of the District Court of the proper county for the benefit of any person aggrieved by the acts of such justice and any person aggrieved may maintain an action on said bond in his own name against such justice and his sureties. No personal sureties shall be accepted on any such bond but all such bonds must be with the North Dakota State Bonding Fund or with a corporate surety company authorized to do business within this state. Premiums for bonds of the North Dakota State Bonding Fund shall be paid by the township in the manner provided by law but no township shall pay the premium upon any other bond except for such bonds as are procured to replace bonds cancelled by the State Bonding Fund.

§ 5. AMENDMENT.] That Section 4165 of the 1913 Compiled Laws of North Dakota be and the same is hereby amended and re-enacted to read as follows:

§ 4165. BOND OF TOWNSHIP TREASURER.] Each person elected or appointed to the office of township treasurer, before entering upon the duties of his office, shall give bond to the township conditioned for the honest and faithful discharge of the duties of his office and that he will safely keep and render a true account of all funds and property that shall come into his hands and pay and deliver the same according to law. Such bond shall be in an amount to be fixed by the board not less than the maximum amount of money that shall be subject to such treasurer's control at any one time. No personal sureties shall be accepted on any such bond but all such bonds must be with the North Dakota State Bonding Fund or with a corporate surety company authorized to do business within this state. Premiums for bonds of the North Dakota State Bonding Fund shall be paid by the township in the manner provided by law, but no township shall pay the premium upon any other bond except for such bonds as are procured to replace bonds cancelled by the State Bonding Fund.

§ 6. AMENDMENT.] That Section 4166 of the 1913 Compiled Laws be and the same is hereby amended and re-enacted to read as follows:

§ 4166. CONSTABLE TO TAKE OATH AND GIVE BOND.] Each person elected or appointed to the office of township constable, shall before entering upon the duties of his office and within ten days after he is notified of his election or appointment take and subscribe the oath of office and such constable shall also give bond to the township conditioned for the honest and faithful discharge of the duties of his office and that he will safely keep and render a true account of all funds and property that shall come into his hands and pay and de-

liver the same according to law. Such bond shall be in the amount of \$500 and shall be filed with the County Auditor. No personal sureties shall be accepted on any such bond but all such bonds must be with the North Dakota State Bonding Fund or with a corporate surety company authorized to do business within this state. Premiums for bonds of the North Dakota State Bonding Fund shall be paid by the township in the manner provided by law, but no township shall pay the premium upon any other bond except for such bonds as are procured to replace bonds cancelled by the State Bonding Fund.

§ 7. AMENDMENT.] That Section 4167 of the 1913 Compiled Laws of North Dakota be and the same is hereby amended and re-enacted to read as follows:

§ 4167. BOND OF TOWNSHIP ASSESSOR.] Each person elected or appointed to the office of assessor shall give a bond in the official sum of \$1000 conditioned for the honest and faithful discharge of the duties of his office according to law. No personal sureties shall be accepted on any such bond, but all such bonds must be with the North Dakota State Bonding Fund or with a corporate surety company authorized to do business within this state. The premiums for bonds of the North Dakota State Bonding Fund shall be paid by the township in the manner provided by law but no township shall pay the premium upon any other bond except for such bonds as are procured to replace bonds cancelled by the State Bonding Fund.

§ 8. AMENDMENT.] That Section 4200 of the 1913 Compiled Laws of North Dakota be and the same is hereby amended and re-enacted to read as follows:

§ 4200. CLERK TO GIVE BOND AND TAKE OATH.] Each person elected or appointed to the office of township clerk shall, before entering upon the duties of his office and within the time prescribed by law for filing his oath of office, give a bond in such sum as the board of township supervisors may determine, conditioned for the faithful discharge of his duties. Such bond shall be filed in the office of the county auditor. No personal surety shall be accepted on any such bond but all such bonds must be with the North Dakota State Bonding Fund, or with a corporate surety company authorized to do business within this state. Premiums for bonds of the North Dakota State Bonding Fund shall be paid by the township in the manner provided by law but no township shall pay the premium on any other bond except for such bonds as are required to replace bonds cancelled by the State Bonding Fund.

Approved March 9, 1933.

CHAPTER 172

H. B. No. 138—(Muus and Patterson.)

CITY MANAGER PLAN

An Act to amend and re-enact Chapter 44b of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, providing a city manager plan; providing the manner of adoption of such a plan; authorizing the employment by cities of City Managers; defining the duties and powers of city managers and providing for the suspension of powers granted by law to the mayor, city council, or Board of City Commissioners, if and when such powers are in conflict with the powers, hereby granted to a City Manager, and declaring an emergency.

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

§ 1. AMENDMENT.] That Chapter 44b of the 1925 Supplement to the Compiled Laws of North Dakota, for the year 1913, be amended and re-enacted to read as follows:

§ 2. ADOPTION OF PLAN. ELECTION AS TO.] Upon the filing with the city auditor, and within thirty days thereafter, of a petition signed by twenty-five per cent of the legal voters as shown by the number of votes cast for mayor at the last preceding city election, praying therefor, the city council or city commissioners shall submit, at an election to be held within ninety days thereafter to the electors of the city, the question whether or not the city manager plan shall be put in force in said city; thirty days notice of the date of such election and the purposes thereof shall be given by the city auditor, and which said notice shall briefly state the powers of such city manager if the plan should be adopted; said election shall be held, the votes canvassed and the results declared in the same manner as city elections.

§ 3. FOUR-SEVENTHS MAJORITY NECESSARY TO ADOPTION.] If four-sevenths of the legal vote cast at such election shall be in favor of adopting the city manager plan, then the city council or city commissioners shall declare said plan adopted, and fix the time when the same shall go into force and effect, which shall not be before the first regular meeting of the Council or City Commission in the month of May following such election.

§ 4. SELECTION OF MANAGER. COMPENSATION. TERM OF OFFICE. REMOVAL.] The city manager shall be the chief administrative officer of the city and shall be chosen by the council or city commissioners solely on the basis of his qualifications, and in his choice the council or city commissioners shall not be limited to the inhabitants of the city or state; a majority of the members elect of the council or city commissioners shall be required to make a choice; the city manager shall receive a compensation of not less than \$1,000.00 per year and shall be chosen for an indefinite term; he may be removed from

office by the council or city commissioners at any time within six (6) months from and after his appointment summarily; after that period, he may be removed by the Council or Board of City Commissioners only pursuant to written charges made and filed with the City Auditor by the Mayor or some member of the council, or by a member of the board of city commissioners, and upon the filing of such charges the city manager shall, if he desires a hearing thereon, file a written demand for such hearing within three days after notice of the filing of such charges has been served upon him. In the absence of such demand he shall be deemed to have waived a hearing upon such charges and his final removal shall not take place until such hearing has been had or waived as aforesaid; pending the hearing he may be suspended by the Council or City Commissioners; during the absence or disability of the City Manager, the council or city commissioners shall designate some properly qualified person to perform the duties of the office. The decision of the City Council or City Commission shall be final.

§ 5. The City Manager shall be responsible to the Council or City Commissioners for the proper administration of all of the affairs of the city, and shall have power to appoint all appointive officers and power to remove such officers at will. Provided, however, that the appointment and removal of the City Auditor, City Health Officer, City Attorney, and City Assessor, shall be confirmed by the City Council or City Commission. He shall be entitled to be present at all meetings of the council or city commissioners, and of its committees, unless excused by the same, and may take part in their discussions and make recommendations to them. He may prepare and submit to the council or city commissioners an order of business for any meeting. He shall prepare and submit to the council or board of city commissioners, between the 1st and 10th days of July in each year, an annual preliminary budget as provided for under Article 17a of Chapter 44 of the Supplement to the Revised Code of 1913, and Acts amendatory thereto, and shall fix the salaries of all appointive officers, provided that the total of said salaries does not exceed the total sum appropriated for such purpose by the city council or city commission, other than himself, and shall have the right to add to, take from, alter and change the duties of the various appointive officers of the city, other than himself, save as the same are fixed by statute; provided however, that when and if the powers hereby granted to a city manager shall conflict with or be opposed to the powers or duties imposed upon or granted by law to mayors, councils, or city commissioners, that such powers or duties imposed or granted by law to mayors, councils, or city commissioners, shall be deemed to be suspended for and during the period that the City Manager plan is in force in the city, and during the employment of a City Manager thereunder.

§ 6. ELECTION AS TO RETENTION OF PLAN.] At any time after

said city manager plan shall have been in force in any city for the period of five years the city council or city commissioners may, and upon petition signed by forty per cent of the legal voters, as provided for under Section 2 of this Act, shall submit, at an election to be called for that purpose within thirty days after the filing of the petition, the question of whether or not said city manager plan shall be retained, and if a majority of the legal votes cast at such election shall be against retaining said plan, then said city shall revert to the plan theretofore in force therein and the provisions of this law shall thereafter not be applicable thereto save after another compliance with its terms; the council or city commissioners shall fix the date at which the plan shall cease to be operative therein, which shall not be less than three months nor more than six months after the election.

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

Approved March 3, 1933.

CHAPTER 173

S. B. No. 259—(Stucke.)

CONTRACTS FOR SIDEWALKS, CURBING AND GUTTERS IN CITIES

An Act relating to the letting of contracts for sidewalks, curbing and gutters in cities.

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

§ 1. The provisions of Article 19 and Article 20 of Chapter 44 of the Compiled Laws of North Dakota for 1913 and Acts amendatory thereof and supplementary thereto, in so far as the same apply to the letting of contracts for the construction or repair of sidewalks, may, by resolution of the City Council or Board of City Commissioners of any city, be made applicable to the letting of contracts for the construction or repair of curbing and gutters. Provided that the city council or board of City Commissioners may, by resolution prior to the advertising for bids for contracts for any such work, provide that, in lieu of a certified check in the amount of \$50.00 and bidder's bond in the amount of \$500.00, a certified check only may be required to accompany such bids. Provided further that all other provisions in the above said Article 19 and said Article 20 of said Chapter 44 of the Compiled Laws of North Dakota for 1913 shall be complied with.

Approved March 6, 1933.

CHAPTER 174

H. B. No. 231—(Fitch and Johnson.)

REPEAL RECALL CITY OFFICIALS

An Act to repeal Section 3835 of the Compiled Laws of 1913 as amended by Chapter 81 of the 1919 Session Laws and as amended by Chapter 173 of the 1923 Session Laws of the State of North Dakota, relating to the recall of elective officials in cities operating under the commission form of government.

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

§ 1. REPEAL.] That Section 3835, Compiled Laws of 1913, as amended by Chapter 81 of the Session Laws of 1919, and as amended by Chapter 173 of the Session Laws of 1923, be and the same is hereby repealed.

§ 2. EMERGENCY.] Inasmuch as the removal of an elective officer by means of the recall in cities operating under the commission form of government involves undue public expense in determining the sufficiency of recall petitions and in calling and conducting a special recall election if the petitions are found sufficient, and other methods for the removal of elective city officials for proper cause are now provided by law at a minimum of expense and public turmoil, this Act is hereby declared to be an emergency and shall be in force and effect from and after its passage and approval.

Approved March 9, 1933.

CHAPTER 175

H. B. No. 70—(Committee on Cities and Municipal Corporations.)

GRANT SPECIAL POWERS CITIES

An Act conferring additional powers upon cities; defining the duties and powers of city councils and boards of city commissioners in the exercise, administration, and enforcement of the powers of cities; prescribing the manner in which grants of power shall be construed and exercised; validating certain acts and ordinances of municipalities; and repealing conflicting laws.

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

§ 1. GRANT OF SPECIAL POWERS.] The city council or board of city commissioners of each city created, organized, and existing under the laws of this state shall have and enjoy the following additional powers:

First: To license and regulate the operation of taxicabs, and fix their charges for services rendered wholly within the city.

Second: To regulate, control, or restrict within designated zones or congested traffic districts the use of streets, alleys, or other

public ways by various classes of traffic, provided that any municipal regulations shall not be effective as to common carriers licensed by the state under a certificate of public convenience and necessity until such regulations are approved by order of the State Board of Railroad Commissioners.

Third: To license, regulate, and fix the location of any public or private tourist camp within the city.

Fourth: To provide by ordinance for the taking, storage, and disposal of any personal property abandoned or left unclaimed upon the streets, alleys, or other public ways of the city for a period exceeding ten days, and after holding such property for a period of not less than sixty days, to sell same at public sale upon such published or posted notice of not less than ten days before such sale, and at such place, and in such manner as may be provided by ordinance. At any time within six months after such sale the owner of such property shall be entitled to receive from the city the proceeds of the sale of such property, less the necessary expense of taking, storing, and selling the same, upon written application therefor. Upon the sale of such property the city shall be entitled to convey to the purchaser thereof merchantable title thereto by bill of sale. The owner of such property may reclaim same at any time prior to the sale thereof on payment of the necessary expense of taking and storing the same.

Fifth: To prohibit by ordinance the driving of any motor vehicle or other conveyance upon the streets, alleys, or other public ways of the city by any person under the influence of intoxicating liquor, or narcotics, and to punish the offender by a fine not to exceed one hundred (\$100) dollars; or by imprisonment not exceeding ninety (90) days, or both such fine and imprisonment.

Sixth: To withdraw from any stream, water course, or body of water within or without the city, or within or without, or bordering upon the State of North Dakota, a supply of water reasonably sufficient for the needs of the inhabitants thereof, and to supply the necessary storage and reserves of water for all other necessary municipal purposes, and to levy and collect reasonable charges for the furnishing of water to the inhabitants of such city; to erect dams upon or across streams, water courses, or bodies of water within or without, or bordering upon the boundaries of the State of North Dakota, and to improve, alter, or protect the bed, banks, or course thereof; to acquire by gift, grant, lease, easement, purchase, or by eminent domain; and to own, operate, and maintain and improve all lands, structures, power plants, public works, and personal property, whether within or without the state, necessary for the maintenance and conservation of its water supply.

Seventh: Each municipality may use its fire department to attend fires and render assistance to other municipalities within or without the state, or to private property including farm buildings located outside such city limits.

Eighth: To take charge of auditoriums or other property now fully completed, originally purchased or acquired for public use by public subscription, donation, sale of stock, or otherwise, where such auditorium or other property has been abandoned or lost by the original owner or owners, successors or assigns, thereof, and to operate, maintain, repair and keep such property for public use. In the ownership, management, use or operation thereof the city shall be deemed exercising a governmental function. The original owner or owners, or their successors or assigns, of such property may at any time within three (3) years, after taking effect of this Act, reclaim the property upon payment of the necessary expense actually incurred by the city in the repair and maintenance of such property.

§ 2. No city shall impose any license fee or charge against the producer or grower of any agricultural products grown or produced upon lands located in the State of North Dakota, or in any manner limit or restrict the free sale thereof by such grower or producer, except that the city may adopt reasonable health regulations and ordinances for the inspection and sale of milk and other articles intended for human consumption.

§ 3. Municipalities may, by ordinance, provide for the punishment of any person, firm, or corporation violating any of the provisions of such ordinance notwithstanding that such offence may also be punishable as a public offence by the State of North Dakota. The police magistrate of the city may suspend any sentence imposed during the good behavior of the person so sentenced, or for other reasonable cause.

§ 4. EMERGENCY.] This Act is hereby declared to be an emergency measure and shall be in force and effect from and after its passage and approval.

Approved March 3, 1933.

CHAPTER 176

S. B. No. 263—(Hamilton and Miller.)

SALE AND DISTRIBUTION OF BEER AND VINOUS LIQUOR

An Act providing for the sale and distribution of beer and vinous liquor, not unlawful under the constitution and laws of the United States by cities, towns and villages; the establishment of municipal liquor stores; the manner of sale, possession or sale by clubs prohibited; the duties of officers; the penalties for violation of this Act; and repeal of Acts and parts of Acts in conflict herewith.

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

§ 1. That wines, beer and vinous liquors, the sale and distribution of which is not unlawful under the constitution and laws of the

United States, may be possessed and sold in the State of North Dakota.

§ 2. Any incorporated city, town or village in this state that on January first, 1933 had and now maintains a regular police department or paid police force may operate a municipal store for the sale of the beverages described in Section 1 of this Act; provided, however, that a city, town or village having a population of 5000 or less shall not maintain or operate more than one such store, and cities having a population in excess of 5000 may operate two such stores. Whenever the word "store" is used in this Act, it shall mean "municipal liquor store."

§ 3. No store as provided for herein shall be opened or maintained in any city, town or village unless the opening and maintenance thereof is approved by the governing board of such municipality by a majority vote of the board.

§ 4. If the governing board of any incorporated city or village approves the opening and maintenance of a store as defined herein, then and in that event, the board shall appoint a manager and such assistant manager as it may deem necessary to operate such store. The manager and assistant manager shall be required to furnish surety bonds or United States government bonds or bonds of the State of North Dakota to the municipality, conditioned for the faithful performance of their service and the faithful accounting to the municipality for all property, moneys and effects coming into their possession as such manager or assistant manager, the bond or bonds to be in such sums as the governing board may deem sufficient. The manager or any assistant manager of the store may be removed at any time and without cause by the mayor of the city, the president of the city commission or of the village or town board. The governing board of the municipality shall fix the salary of the manager and the assistants, if any, of such store and fix and prescribe such rules and regulations not inconsistent with the provisions of this Act as in its discretion may be necessary to the proper and effective management of the store.

§ 5. The store referred to in this Act shall not be open for business prior to nine A. M. and shall close promptly at 9:00 P. M. and shall be closed on Sundays and legal holidays.

§ 6. The beverages described in Section 1 of this Act shall not be sold to minors.

§ 7. All sales made by such stores shall be in bulk and in sealed packages and no drinking of the beverages described herein shall be allowed or permitted in any of said stores or upon the premises where the same are located.

§ 8. In every such store there shall be kept a record book in

which each purchaser must sign his name in his own hand writing, giving his address and a receipt for every package of beverage purchased, and the record shall designate the kind and the amount of the purchase, and such record shall be open to inspection by the governing board of the municipality or any member thereof at any time, and it shall be the duty of the manager or assistant manager or managers of the store to rigidly enforce this rule.

§ 9. It shall be unlawful for any person to possess the beverages described in Section 1 of this Act except in his home, or transporting the same thereto, and it shall be unlawful for any person to sell or barter any of the beverages described in Section 1 of this Act.

§ 10. It shall be the duty of every sheriff and deputy sheriff, constable, marshal, chief of police or police officer of any city, town or village, having notice or information of any violation of this Chapter, to notify the state's attorney of the fact of such violation and to furnish him the names of any witnesses within his knowledge by whom such violation can be proven, and if it be proven that any officer designated herein fails or refuses to give the information required by this Section, it shall constitute sufficient grounds for removal from office.

§ 11. Every person, who shall, directly or indirectly, keep or maintain by himself or by an association, or combining with others, or who shall in any manner aid, assist or abet in keeping or maintaining any club room or other place of whatsoever nature, name, kind or description, in which any intoxicating liquor, including the beverages described in Section 1 of this Act, is received or kept for the purpose of use, gift, barter or sale as a beverage, or for distribution or division among the members of any such club or association, by any means whatsoever; and every person who shall use, barter, sell or give away or assist or abet another in bartering, selling or giving away any intoxicating liquors, including the beverages described in Section 1 herein, so received or kept, shall be deemed guilty of a misdemeanor, and shall be punished as provided for in Section 13 of this Act.

§ 12. It shall be the duty of the States Attorney to rigidly enforce the provisions of this Act, and his failure so to do shall be sufficient grounds for his removal from office.

§ 13. Any person violating any of the provisions of this Act shall, for the first offense, be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in a sum not less than \$200 or more than \$500, or be imprisoned in the county jail for a period of not more than six months, and for every succeeding offense, shall be deemed guilty of a felony and be punished by imprisonment in the penitentiary not exceeding two years.

§ 14. REPEAL.] All Acts or parts of Acts in conflict with the provisions of this Act are hereby expressly repealed.

Not approved by Governor.

Filed with Secretary of State March 18, 1933.

CHAPTER 177

H. B. No. 110—(Sundby of McLean.)

MUNICIPAL BOND INTEREST SPECIFICATION

An Act providing that municipal bonds of cities, villages, school districts, and townships shall specify that interest shall cease thereon at maturity unless the holder shall present the same for payment and payment is refused.

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

§ 1. All municipal bonds of cities, villages, school districts, and townships hereafter issued shall contain a provision that interest thereon shall cease at maturity unless the holder thereof shall present the same for payment and payment is refused.

Approved March 3, 1933.

CHAPTER 178

H. B. No. 202—(Fitch.)

MUNICIPAL BONDS FUNDING OUTSTANDING INDEBTEDNESS

An Act to amend and re-enact Chapter 196 of the Laws of North Dakota for 1931, and to authorize and empower Municipalities as defined in Chapter 196, Laws of 1927, to issue bonds for the purpose of funding outstanding indebtedness thereof incurred prior to January 1, 1933, in certain cases.

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

§ 1. AMENDMENT.] That Chapter 196 of the Laws of North Dakota for 1931 is hereby amended and re-enacted to read as follows:

§ 1. Any municipality is hereby authorized to issue its bonds in the form and manner and subject to the limitations herein provided for the purpose of funding any outstanding indebtedness thereof incurred prior to January 1, 1933, represented by certificates of indebtedness, orders, contracts, or other instruments other than bonds. The terms "governing body" and "municipality" as used herein shall be deemed and construed to mean the same as such terms are respectively defined in Chapter 196, Laws of 1927.

§ 2. Such bonds may be issued pursuant to resolution or ordinance of the governing body and without submitting the question to the electors of the municipality. Prior to the determination of the

governing body to issue bonds hereunder it shall ascertain and determine, and in its resolution or ordinance determining to issue such bonds shall find and declare, that by reason of tax delinquency and anticipated tax delinquencies and because of local economic conditions it would be unduly burdensome on the taxpayers of the municipality to pay and discharge the indebtedness so outstanding in the manner heretofore provided by law, and that the best interests of the municipality and its taxpayers will be served by the issuance of funding bonds pursuant to this Act. Such resolution or ordinance shall also list and sufficiently identify all the items of indebtedness to be funded by such bonds, and the governing body shall ascertain and determine, and in such resolution or ordinance shall find and declare, that each item of indebtedness therein listed is a valid outstanding and enforceable obligation of the municipality incurred prior to January 1, 1933, and in all respects proper to be funded pursuant to this Act. The determination of the governing body as to such matters shall be final and conclusively binding on such municipality, and shall never be called in question after such bonds have been delivered.

§ 3. The bonds authorized under the provisions of this Act shall be issued in the manner prescribed by said Chapter 196, Laws of 1927 and Acts amendatory thereof, except as otherwise specified herein. Such bonds shall mature serially, the first installment of principal thereof to fall due not more than three years and the last installment thereof to fall due not more than fifteen years from the date of such bonds. Insofar as such bonds may be issued for the purpose of funding indebtedness of the municipality represented by certificates of indebtedness issued pursuant to Chapter 326, Laws of 1923 and Acts amendatory thereof, such bonds may be exchanged at par for such outstanding certificates of indebtedness at or after the maturity thereof, or prior to the maturity thereof if the holders of such certificates of indebtedness consent thereto. Except as authorized in the preceding sentence, all such bonds shall be sold in the manner and upon the terms specified in said Chapter 196, Laws of 1927 and Acts amendatory thereof. In no event shall bonds issued pursuant thereto for the purpose of funding such certificates of indebtedness bear interest at a rate higher than the certificates of indebtedness funded thereby.

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

§ 5. 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 6, 1933.

CHAPTER 179

H. B. No. 69—(Committee on Cities and Municipal Corporations.)

DISPOSAL OF GARBAGE, SEWAGE, ETC.

An Act authorizing cities and villages, either individually or jointly by agreement, to provide a sanitary means of disposing of the garbage, sewage and night soil thereof; to charge owners or occupants of premises therefor; to borrow money and issue bonds to acquire, own, construct, equip, operate and maintain intercepting sewers and sewage disposal plants; to issue under certain conditions mortgage bonds therefor, and to provide means for the retirement of such obligations; to enter into contracts with other municipalities within or without the State to dispose of the sewage, garbage and night soil of such other municipality or municipalities; providing for the administration and operation of such improvements and the payment and retirement of the obligations incurred for the construction and operation thereof and repealing laws inconsistent herewith.

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

§ 1. Any city or village in this state, either individually or jointly by agreement, is hereby authorized to own, acquire, construct, equip, operate and maintain either within or without the statutory or corporate limits of such governmental agencies or municipalities, intercepting sewers, including pumping stations, a plant or plants for the treatment, purification and disposal in a sanitary manner of the liquid and solid wastes, sewage and night soil of or a plant or system for the disposal of garbage of such governmental agencies and municipalities. They shall each have authority to acquire by gift, grant, purchase or condemnation necessary lands therefor, either within or without the statutory or corporate limits of such governmental agencies or municipalities and within or without the State of North Dakota. For the purpose of acquiring, for the uses herein mentioned, such governmental agencies or municipalities may invoke and shall have all the rights and privileges granted to public corporations under existing laws with reference to eminent domain.

§ 2. The total cost of such improvement may be defrayed by the following alternative methods:

(1) Out of general current tax revenues on hand and appropriated for the purpose, or out of the proceeds of the sale of general liability bonds in accordance with the procedure and subject to the conditions and limitations, so far as applicable, of Chapter 196 of the 1927 North Dakota Session Laws and other Acts amendatory or supplementary thereof; or partly out of general current tax revenues on hand and appropriated for that purpose and the residue out of the proceeds of the sale of general liability bonds, aforesaid, as the legislative body of such municipality shall determine by majority vote.

(2) Governmental agencies or municipalities may issue mortgage bonds therefor beyond the general limits of the bonded indebt-

edness prescribed by law for the purpose of defraying the cost of such sewage disposal plant and system, or such garbage disposal plant. The mortgage bonds as provided in this subsection shall not impose any general liability upon the governmental agencies or municipalities but shall be secured only on the property and revenues, including the service rentals as hereinafter provided, of such system or systems. Such mortgage bonds shall be sold for not less than par, shall bear interest at a rate not to exceed 7 per cent per annum, and the total amount thereof shall not exceed 60 per cent of the costs of such improvement except as hereinafter provided. The remaining 40 per cent of the total cost of such improvement shall be defrayed as provided in subsection (1) preceding. No mortgage bonds shall be issued except upon a three-fifths affirmative vote of the legislative body of such governmental agency or municipality. The form, recitals, maturity, rate of interest and whether payable annually or semi-annually, of such mortgage bonds shall be fixed and determined by a three-fifths affirmative vote of the legislative body of such governmental agency or municipality.

(3) Governmental agencies or municipalities may defray the total cost of such improvement or system out of the proceeds of the sale of first mortgage bonds upon the assets and property of such improvement or system in like manner as provided in the preceding subsection except that such first mortgage bonds may be issued for the total cost of such improvement and be also secured by a pledge of the net revenues of such improvement or system to be set apart as an interest and sinking fund to pay the principal and interest of such first mortgage bonds as the same mature. Any municipality which follows the method provided in this subsection to defray the cost of such sewage disposal system shall by resolution of its legislative body or governing board create the district, provide for and approve plans and specifications and estimates of cost and adopt and publish the resolution declaring the work necessary to be done in accordance with the requirements, so far as applicable, of Sections 3698, 3699, 3703 and 3704 of the Compiled Laws of 1913 and Acts amendatory or supplementary thereof.

If the owners of a majority of the property liable to be imposed with the sewage disposal service charges as provided in this Act for the payment of such proposed improvement, shall within thirty days after the first publication of such resolution file with the auditor or clerk of such legislative body or governing board a written protest protesting against such improvement, then such legislative body or governing board at its next meeting after the expiration of the time for filing protests against such improvement shall hear and determine the sufficiency of such protests, and if after such hearing, has been had the legislative body or governing board shall find such protests to contain the signatures of the owners of a majority of the property liable to be so charged it shall be a bar against proceeding further with such improvement. In case the protests shall be found

insufficient or invalid the legislative body or governing board of such municipality shall have the power to cause such improvement to be made and to contract therefor, and to defray the cost thereof in the manner provided herein.

§ 3. The legislative body of any such governmental agency or municipality or the respective legislative bodies of such governmental agencies or municipalities, who may have agreed to jointly own and operate intercepting sewers or sewage disposal plants or garbage disposal plants may designate certain officials of the governmental agencies or municipalities to have the supervision and control of such sewage disposal plant or plants and such garbage disposal plant or plants. The legislative body or respective legislative bodies of such governmental agencies or municipalities may make all necessary rules and regulations governing the use, operation and control thereof and may establish just and equitable rates and charges to be paid for the use of such disposal plant or system and such garbage disposal plant or system, or either thereof, by such person, firm or corporation whose premises are served thereby. If the service charge so established is not paid when due, such sum may be recovered by the governmental agency or municipalities in an action at law, and it may also be assessed against the premises served and collected and returned in the same manner as other county and municipal taxes are assessed, certified, collected and returned.

§ 4. Bonds which are issued and secured by a mortgage on the utility as hereinbefore provided shall not be a general obligation of the governmental agency or municipality but shall be paid only out of revenues received from the service charges as provided in this Act or from the sale of the property under foreclosure of the mortgage. If a service rate is charged, to be paid as herein provided, such portion thereof as may be deemed sufficient shall be set aside as a sinking fund for the payment of the interest on said bonds, and the principal thereof at maturity, and shall constitute a special fund and be used for no other purpose. In the event a default shall occur in the payment of the principal or interest of any of such bonds and such default shall continue for a period of not less than six months, an action may be commenced by the holder or holders of not less than one-half of such outstanding past due bonds in the District Court of the county in which such improvement or some part thereof is located for the purpose of foreclosing the mortgage securing such bonds. In such action the court may enter a decree providing for the management and operation of such improvement by a Court Receiver and for the sale of the property secured by such mortgage and for the application of the net revenues arising from the operation of such plant upon the mortgage debt during the period of redemption, which period of redemption shall be one year from and after the date of the sale thereof. If there be no redemption from such sale within the time herein provided, sheriff's deed shall

issue to the holder of the certificate of sale thereof. The procedure subsequent to the entry of foreclosure decree shall so far as applicable be that provided under existing laws for the sale of real property under special execution. If after the issuance of such sheriff's deed it shall be made to appear to the State Board of Railroad and Warehouse Commissioners that it is in the public interest that such utility and improvement be continued in operation, such board may grant a franchise to the owners of such utility and improvement to engage in such business and to operate such improvement and utility. Such franchise may authorize the owner or owners thereof to charge each person, firm or corporation owning property from which such sewage or garbage is received such fee therefor as may be determined to be reasonable by the State Board of Railroad and Warehouse Commissioners upon proper application and after notice to the governmental agency or municipality affected and a hearing thereon. Such franchise may also grant to the owner or owners of such utility or improvement the right and privilege to lay all such necessary intercepting and other sewers and connecting pipes in the public streets and alleys of the governmental agencies or of the municipalities as may be necessary to receive and conduct the sewage to the disposal plant and under such reasonable rules, regulations and supervision as may be established by such State Board of Railroad and Warehouse Commissioners. Such franchise may also provide for an accounting from time to time of the gross revenues thereof and the application of the net revenues as determined by such Board of Railroad and Warehouse Commissioners upon the original mortgage indebtedness to the end that the holder of such franchise will use the net revenues as determined by such Board of Railroad and Warehouse Commissioners to discharge the original mortgage debt together with all interest, costs and other charges which such Board of Railroad and Warehouse Commissioners shall determine shall be paid. When the State Board of Railroad and Warehouse Commissioners shall, after notice to the interested parties and due hearing thereon, determine that the owner or owners of such utility and improvement have been saved whole out of the net revenues of such utility and improvement, such Board of Railroad and Warehouse Commissioners shall issue a certificate of ownership revesting in the governmental agencies or municipalities or either thereof, the title and ownership of such utility and improvement.

Any party in interest feeling aggrieved thereby may within sixty days of the date of the issuance of such certificate of ownership or other decision by such board appeal to the District Court of the county in which such utility or improvement, or some part thereof, is located for a review and trial de novo of the determination of such State Board of Railroad and Warehouse Commissioners therein. The court may in such case permit the party in possession to continue the operation of such utility and improvement on the giving of a

suitable bond with such surety and upon such conditions as the court may fix.

§ 5. Any of the governmental agencies or municipalities herein mentioned, through the legislative body or the legislative bodies thereof, shall have authority to issue and sell the necessary bonds for the construction and installation thereof, including the disposal plant and such intercepting and other sewers as may be necessary to permit the effective operation of such system and for the purchase of such real and personal property as may be necessary for use in connection with such system; such bonds to draw interest at not to exceed seven per cent per annum, and payable in not to exceed thirty years from the date of issuance; the legislative body or the respective legislative bodies shall determine the denomination of said bonds and the date, time and manner of payment. Governmental agencies or municipalities issuing bonds hereunder, the principal and interest of which are not to be paid out of funds created from service charges, as hereinbefore provided, may raise such sum annually by taxation as the legislative body or the respective legislative bodies may deem necessary to pay the interest on such bonds and to create a sinking fund to pay the principal thereof as it falls due but shall not exceed in amount the limitations provided by Chapter 196 of the 1927 Session Laws and other laws amendatory and supplementary thereof. Whenever any of the governmental agencies or municipalities herein mentioned has, pursuant to existing laws, heretofore obtained authority to issue and sell bonds for the construction and installation of any of the improvements herein mentioned, such governmental agency or municipality may defray the costs of such improvements entirely out of the proceeds of the sale of such bonds, or may defray the cost of such improvement in part out of the proceeds of the sale of such general liability bonds and in part out of the proceeds of the sale of mortgage bonds as provided in this Act, except that the mortgage indebtedness upon such improvement shall not when originally created exceed three-fifths of the total cost of such improvement. Provided that bonds issued hereunder which are a general liability of the city shall not be issued except upon a vote of the people as provided by Chapter 196 of the 1927 Session Laws and Acts amendatory and supplementary thereof.

§ 6. When the last maturing bonds secured by a first mortgage on such improvement as herein provided for come due and are not paid and a deficiency remains, the legislative body or the respective legislative bodies of the governmental agencies or municipalities herein mentioned shall levy a tax upon all of the taxable property within the limits of such governmental agencies or municipalities for the payment of such deficiency. After the bonds secured by first mortgage on such improvement have been fully paid, both principal and interest, the revenues of such utility and improvement set apart for the payment of such bonds may be used for the repair, improve-

ment or extension of such utility or improvement or may be credited to the interest and sinking fund established for the retirement and payment of the general liability bonds, or transferred to the general fund as the legislative body or the respective legislative bodies of the governmental agencies or municipalities herein mentioned may by resolution direct.

§ 7. The authority hereby given shall be in addition to and not in derogation of any power existing in any of the cities or villages under any statutory provisions now existing or which may be hereafter adopted.

§ 8. Whenever it is deemed expedient for the safety and health of the people, governmental agencies or municipalities are hereby authorized to enter into agreements with each other or jointly or severally with governmental agencies or municipalities without the state to erect and maintain intercepting sewers and sewage treatment plants, or may enter into contracts with governmental agencies or municipalities without the state to furnish such extra-territorial agencies or municipalities sewage disposal for such compensation and upon such terms and conditions as the parties under such agreement may stipulate. Whenever it shall be convenient or necessary as determined by a majority vote of the legislative body or the respective legislative bodies of said governmental agencies or municipalities herein mentioned, it shall be lawful for such governmental agencies or municipalities to acquire, purchase, own or maintain lands and personal property within or without the State of North Dakota and to improve the same and to erect structures thereon, including dams and dam sites. Whenever the legislative body or the respective legislative bodies of any of the governmental agencies or municipalities herein mentioned shall determine by resolution adopted by a majority vote thereof, such agencies or municipalities, or either thereof, may erect dams upon streams, water courses or other bodies of water either located wholly within or without the state or constituting in whole or in part the boundary waters of the state of North Dakota, and may alter or improve the bed, banks or courses of such streams, water courses or bodies of water, and to that end and in the enjoyment of such power may purchase and hold property within and without the state and may exercise the right of eminent domain as provided by the laws of this state and may enter into contracts and engagements with persons, firms, or corporations or extraterritorial governmental agencies or municipalities for like purposes.

§ 9. Whenever governmental agencies or municipalities shall desire to act under the provisions of this law the relationship established between such governmental agencies and municipalities shall be fixed by contract, and such contracts may be made by governmental agencies or municipalities under the provisions of this Act in the manner and to the extent that natural persons might make con-

tracts for like purposes, subject only to the limitations provided by this Act. Such contracts before becoming operative shall be approved by a vote of the majority of the members elected of each of the respective legislative bodies of the governmental agencies or municipalities operating under the provisions of this Act. Whenever any governmental agency or municipality shall desire to act under the provisions of this law without establishing relationship with other governmental agencies or municipalities it may proceed hereunder as a separate independent enterprise.

§ 10. If any clause, sentence, paragraph, section or part of this Act shall for any reason be adjudged or decreed to be invalid by any court of competent jurisdiction, such judgment or decree shall not affect, impair, or invalidate the remainder of this Act but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof, directly involved in the controversy in which said judgment or decree shall have been rendered.

§ 11. An emergency is hereby declared to exist affecting the health, safety and general welfare of the people of the state in this that many governmental agencies and municipalities will be unable to secure a satisfactory solution of sewage disposal and other health problems without enjoying the powers herein provided, and this Act shall take effect and be in force immediately after its final passage and approval.

§ 12. All Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed.

Approved March 3, 1933.

CHAPTER 180

S. B. No. 258—(Martin.)

MUNICIPAL HOLDING ASSOCIATION

An Act authorizing the organization of non-profit sharing municipal holding associations to erect, operate, equip, and maintain auditoriums upon or in the vicinity of municipal owned property; defining their powers, limitations, and restrictions; defining and limiting the powers and duties of the city council or commission relating thereto; exempting the property, bonds and other evidence of indebtedness of such associations from taxation and repealing all Acts or parts of Acts in conflict herewith, and making the provisions of this Act applicable to incorporated villages and townships and declaring an emergency.

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

§ 1. Non-profit sharing corporations to be known as municipal holding associations may be formed, to construct auditorium in cities or villages only where the building formerly used as an auditorium has been destroyed by fire, prior to July 1, 1933, in the

manner, for the purposes and with the powers, obligations and limitations prescribed by Chapter 12 of the Civil Code of the Compiled Laws of 1913; except as herein otherwise provided.

§ 2. Such association shall have power (1) to erect, equip, operate, manage, lease, or sell, as herein provided, auditoriums and their necessary equipment and appurtenances, to be located upon or in the vicinity of municipal property or upon sites purchased or otherwise acquired by such association, or as an addition to an existing auditorium in any city, and to be at all times used and operated for public purposes and entertainment; (2) to borrow money or contract debts for any or all of the aforesaid purposes and to issue bonds or other evidences of indebtedness therefor; (3) to secure the payment thereof by mortgaging or pledging any or all of its property, real or personal, including income.

Such association shall be subject to the following limitations and restrictions:

(1) Such auditoriums or improvements to existing auditoriums, their equipment and appurtenances, shall only be erected and installed according to plans and specifications therefor first approved by the city council or commission and at a cost for site, building and equipment to be fixed by it within the maximum limit hereinafter provided.

(2) Such auditoriums, their equipment and appurtenances shall at all times be owned, managed, operated, and conducted by such association, its successors or assigns, solely for public purposes herein provided and entertainment and under the control and supervision of said city council or commission and under and according to such rules and regulations, including rental charges, as shall be prescribed by it.

(3) Such association shall be non-profit sharing; no corporate stock shall be issued and no member shall have or acquire any divisional or other share or interest in any of its property.

(4) All of the income of such association shall be applied only to the payment of its debts and operating expenses, including necessary repairs and upkeep.

(5) When all of the debts against any site, auditorium thereon and equipment, are paid all of the right, title and interest of such association, its successors or assigns therein shall immediately terminate and the same shall forthwith become the property of and be conveyed to the city.

(6) Any transfer or encumbrance of the property of such association, except as herein provided, is prohibited and shall be null and void.

(7) Until further authorization is granted by the Legislative Assembly of this State, auditoriums or improvements to existing

auditoriums shall only be erected in cities of the State, provided however that the cost of such auditorium shall not exceed \$15,000.00.

(8) No auditorium shall be erected until a written permit therefor shall be granted and issued by the city council or commission to such association. Such permit shall describe the ground to be used, and shall provide that the auditorium to be erected thereon shall be erected, owned, and operated by such association, its successors and assigns only as provided for and subject to all the restrictions and limitations imposed by this Act. Such association or its successors and assigns, shall acquire no right, title or interest in and to such site, the auditorium erected thereon, or the equipment thereof, save and except the right to operate such auditorium for public purpose and entertainment, in the manner and upon the terms and conditions herein provided.

(9) The amount of money borrowed or debts contracted by such association shall not exceed the aggregate cost of the site, auditorium, and equipment as fixed by the city council or commission as herein provided and the terms and conditions of such loans or debts shall be fixed and approved by said city council or commission but the payment thereof shall not extend over a period of more than fifty years.

§ 3. The articles of incorporation of such association shall contain the following:

(1) The name of the Association. (2) The place, within this state, where its business will be transacted. (3) The term for which it is to exist. (4) That it is formed pursuant to this Act to carry out the objects and purposes hereof as provided, limited and restricted herein. (5) The number of its members and the condition of membership and succession therein. (6) The number of its trustees, who may or may not be members, and the names and residences of those who shall serve until their successors are elected and qualified.

§ 4. The city council or commission is hereby authorized, directed and empowered (1) to take all necessary and proper action and proceedings to carry out the terms and provisions of this Act and to do and perform all of the acts and duties imposed upon said city council or commission hereby subject, however, to all the limitations and restrictions imposed herein. (2) To lease from such association, its successors or assigns, the site, auditorium and equipment, or any of them, for a term of not to exceed fifty years to be used and operated by said city council or commission for public purposes and entertainment. Such lease shall provide for the payment to such association, its successors or assigns, of a net cash annual rental of not to exceed fifteen per cent of the cost of such site, auditorium and equipment. Said net cash annual rental shall be payable and paid solely and exclusively out of the income derived from the operation of such auditorium as herein provided, and it is hereby expressly provided that the municipality shall incur no liability what-

ever by reason of the exercise of the authority hereby granted to the said city council or commission. (3) To purchase from such association, its successors or assigns, the site, auditorium and equipment, or any of them, at a price not to exceed the cost of such site, auditorium or equipment, to be used and operated by said city council or commission or its successors for public purposes and entertainment. Such purchase price shall be payable in not to exceed fifty years, in annual installments of not to exceed fifteen per cent of such purchase price, at a rate of interest of not to exceed seven per cent per annum, payable semi-annually, and shall be payable and paid solely and exclusively out of the income derived from the operation of such auditorium as herein provided, and it is hereby expressly provided that the municipality shall incur no liability whatever by reason of the exercise of the authority granted to the said city council or commission.

§ 5. Any site, auditorium, its equipment or appurtenances acquired, purchased, erected, installed, owned, operated, or maintained by such association, its successors or assigns, as provided herein, and all bonds or other evidence of indebtedness issued by such association, under this Act, shall be exempt from taxation.

§ 6. If any part of this Act shall be declared invalid, such invalidity shall not be held or deemed to affect or impair the operation of the remainder of said Act.

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

§ 8. Whenever the words "city or cities" occur herein they shall be deemed to include incorporated villages and townships, and the governing board thereof shall possess the same powers and authority granted herein to any city council or commission.

§ 9. EMERGENCY.] This Act is hereby declared an emergency measure and shall be in full force and effect from and after its passage.

Approved March 7, 1933.

CHAPTER 181

S. B. No. 145—(Miklethun.)

MUNICIPAL UTILITIES FUND

An Act providing for the depositing and keeping of all earnings from municipally owned electric light, power and steam heating plants in a separate fund of the municipality, transferring earnings on hand to said fund, regulating expenditures, transfers and investments from such fund, and repealing conflicting laws.

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

§ I. SEPARATE FUND.] All money received by a municipality

for the service of any light, power and steam heating plant or plants owned and operated by the municipality, and all money, receipts and returns received from any investments of the earnings of such plants which may have been made prior to the taking effect of this Act, shall be paid to the treasury of the municipality, and shall there be kept in a fund known as the Municipal Utilities Fund, and all money and receipts from the earnings of such plants which a municipality may have on hand when this Act becomes effective, shall immediately upon the taking effect of this Act, be transferred by the governing body of such municipality to said Municipal Utilities Fund. All of said moneys, earnings and receipts so transferred and deposited in said Municipal Utilities Fund shall there be kept, until used, separate and distinct from all other funds of the municipality, and shall be used for the purposes herein specified and for no other purposes, and shall be disbursed in the manner and as herein provided, and in no other way or manner.

§ 2. EXPENDITURES FOR PLANTS.] There shall be paid out of said Municipal Utilities Fund upon proper orders or warrants upon authority of the governing body of such municipality all sums necessary for the operation, maintenance, enlargement, repairs, alteration, improvement and extension of said plant or plants whose earnings go into said fund, but no municipality shall pay out of said fund or divert therefrom any sum for any other purpose except as provided hereinafter in Section 3 of this Act.

§ 3. TRANSFER OR INVESTMENT.] When the governing body of the municipality shall determine and find a cash surplus in said fund over and above an amount necessary to adequately provide for the operation, maintenance, repair, enlargement, alteration, improvement and extension of said plant or plants, then and in that event said governing body may, in its discretion, invest said surplus or transfer a portion thereof as follows:

1. All or any part of said surplus may be invested by the governing body of said municipality in interest bearing bonds of the United States, the State of North Dakota, or any bonds or special improvement district warrants of the municipality in which said municipal plant is located, provided that all principal and interest on said warrants and bonds, when repaid shall be placed back into the Municipal Utilities Fund.

2. The governing body of said municipality may at any time during the fiscal year, or at various times during said year, divert and transfer from said surplus in said fund to the general fund of said municipality or to any other fund of said municipality a total sum of not to exceed ten per cent of the gross receipts of such municipal utilities for the fiscal year of said municipality during which said transfer or transfers are made.

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

Approved March 4, 1933.

NEGOTIABLE INSTRUMENTS

CHAPTER 182

S. B. No. 261—(McDonald by request.)

PAYMENT NEGOTIABLE INSTRUMENTS WHEN DEEMED COMPLETE

An Act to fix the time at which payment shall be deemed to be complete when made by check, draft or other negotiable instrument.

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

§ 1. Payment of any bill, claim, demand or contract shall not be complete upon the delivery to and acceptance by the creditor of a check, draft or other negotiable instrument unless the parties expressly agree that such instrument shall constitute payment. In case the creditor or his collecting agent fails to present the instrument for payment within a reasonable time after its issue or to present the same in a manner provided for by law, the debtor shall be discharged from liability to the extent of the loss caused by such delay or negligence. In the absence of such delay or negligence on the part of the creditor or his agents, payment shall not be complete until the debtor or his agent shall have paid over to the creditor or his agent the money called for by such instrument, or if such instrument be paid by check, draft or other negotiable instrument, until such checks, drafts or other negotiable instruments shall have been paid to the creditor or his agent.

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

Approved March 6, 1933.

CHAPTER 183

S. B. No. 130—(Atkins.)

UNLAWFUL OBLIGATIONS IN WRITING

An Act to amend and re-enact Section 10251, Supplement to the Compiled Laws of 1913.

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

§ 1. AMENDMENT.] That Section 10251, Supplement to the Compiled Laws of 1913 be amended and re-enacted to read as follows:

§ 10251. UNLAWFUL OBLIGATIONS IN WRITING.] Every person who takes any obligation in writing for any lightning rod, or any of its attachments, or for any patent right, or for which any stallion or jackass shall form the whole or any part of the consideration, or for any patent medicine, or for which the whole or any part of the consideration shall be the future cure of any disease or ailment, or for (which) the sale of the capital stock of foreign corporations shall form the whole or any part of the consideration, shall, before it is signed by the maker, stamp or write in red ink across the face of such written obligation in plain, legible writing, or print the words "given for a lightning rod," or "given for a patent right," or "given for a stallion," or given for a jackass," or "given for patent medicine," or "given for the cure of a disease," or "given for the sale of capital stock of foreign corporations," as the case may require provided this Act shall not apply to the sale of capital stock of cooperative corporations. Such obligations so stamped shall be subject to defenses in the hands of every holder or owner thereof. Any person who shall violate the provisions of this section is guilty of a misdemeanor, and upon conviction thereof is punishable by fine not less than two hundred and fifty dollars and not exceeding one thousand dollars, or by imprisonment in the county jail not more than one year, or by both such fine and imprisonment, and shall be liable in a civil action to the party injured for all damages sustained by him. Provided, however, that the provisions of this Act shall not apply to a note given in either part for full payment of any stallion or jackass, foaled in the State of North Dakota.

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

Approved March 7, 1933.

NEWSPAPERS

CHAPTER 184

H. B. No. 266—(Born.)

LEGALIZATION PUBLICATIONS PRIOR TO JANUARY 1, 1933

An Act legalizing and validating all publications made prior to January 1st, 1933, and required by law to be made in an official or legal newspaper.

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

§ 1. All publications of every nature, required by law to be made in an official or legal newspaper and made prior to January 1933, in any newspaper published in the State of North Dakota, are

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 Shepard-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.

§ 2. STATE BOARD OF OSTEOPATHIC EXAMINERS. HOW APPOINTED. QUALIFICATIONS. VACANCIES. HOW FILLED.] Within thirty days after this Act becomes a law the Governor shall appoint a State Board of Osteopathic Examiners, consisting of three practicing doctors of osteopathy, graduates of recognized colleges of osteopathy and resident practitioners of the state. The members of said board shall hold offices for one, two or three years respectively, in order of their appointment, from July 1, 1933. All vacancies in the Board shall be filled by the Governor by appointment, appointees to such vacancies to possess the qualifications above required for members of said board.

§ 3. OFFICERS. MEETINGS FOR EXAMINATION. EXPENSES OF BOARD. QUORUM. RECORD OF LICENSE.] Such board shall elect a president and secretary. The Board shall hold regular meetings for examination at such places as it may designate on the first Tuesdays of January and July of each year, and such special meetings as it may from time to time appoint. The board shall by appropriate rules and regulations make provision for the payment of the expenses of its members including per diem and mileage, but all expenses shall be paid out of application fees. Two members shall constitute a quorum and no license to practice osteopathy shall be granted except upon the affirmative vote of at least two such members. The board shall keep a record of all its proceedings and also a register of applicants for license, showing the name of each, his age, time spent in the study of osteopathy, the names and locations of the institutions from which such applicants hold the degree of doctor, or diploma of osteopathy, together with the date of his diploma. Such register shall also show whether the applicant was licensed or rejected. Such record and register shall be prima facie evidence of the matters therein recorded.

§ 4. EDUCATIONAL REQUIREMENTS.] Preliminary:—The applicant shall present a certificate, or its equivalent, of graduation from an accredited four year high school. Professional:—The applicant shall be a graduate of a professional school or college of osteopathy which required three years of nine months each for graduation prior to February, 1919, and four years of nine months each since February, 1919.

§ 5. EXAMINATIONS. HOW CONDUCTED. LICENSES. HOW GRANTED AND REVOKED.] All persons before commencing the practice of osteopathy in this state shall apply to the state board of osteopathic examiners for a license to do so, and such applicant shall submit to an examination in the following subjects: anatomy and histology, physiology, chemistry, pathology, bacteriology, toxicology and medical jurisprudence, preventive medicine, dietetics, diagnosis, obstetrics, gynecology, therapeutics, minor surgery, practice of osteopathy, and such other subject as the board may require. The board shall cause such examination to be practical and scientific and suffi-

cient to test the applicant's fitness to treat the diseases of the human body as taught by the recognized colleges of osteopathy. If the applicant passes the prescribed examinations by answering correctly not less than seventy-five per cent of the questions propounded to him in each subject, the board shall grant him a license to practice osteopathy in this state, which practice shall include the right to prescribe and use such medicinal agents, as shall be necessary in connection with the practice of obstetrics, namely general anesthetics and pituitous. The said license shall be signed by the president and the secretary of the board and attested by the seal thereof. The fee for such examination shall be twenty dollars, payable in advance, which shall be applied to the payment of the expenses of the board and such examination. The board may in its discretion permit an unsuccessful applicant to take a second examination within one year after rejection, without the payment of an additional fee. The board may also in its discretion, grant a license for the fee above specified, without examination, to applicants examined and licensed by legally constituted board of other states and territories of the United States, or the District of Columbia, maintaining standards of equal grade with these required of this Article. The board may refuse or revoke a license for dishonorable, unprofessional or immoral conduct, chronic or persistent inebriety, or aberration, excessive use of narcotics, or the practice of criminal abortion, or violating the provisions of this Act. The accused shall be furnished with a copy of the complaint and be given a hearing before the board in person, or by attorney.

§ 6. LICENSE TO BE RECORDED.] The person receiving a license shall file the same for record in the office of the Register of Deeds of the county wherein he resides and the Register of Deeds shall record the same in like manner as other instruments required to be recorded.

§ 7. PRESENT PRACTITIONERS.] The board shall acknowledge all licenses of doctors of osteopathy who are licensed under the laws of 1913, at the time of the passage of this Act.

§ 8. PERMITS.] An applicant after presenting qualifications fulfilling the educational requirements of this Act, and the payment to the secretary of the fee of twenty dollars, may be granted a permit by the board to practice osteopathy until the next regular examination; but, only one such permit shall be granted to the same applicant.

§ 9. WHO EXEMPT FROM THE PROVISIONS OF THIS ARTICLE.] This Act shall not apply to doctors of osteopathy in actual consultation from other states or territories, or the District of Columbia. Nothing in this Act shall be construed as to interfere with or prevent the practice of any other system of healing or therapy as licensed by the State of North Dakota.

§ 10. PENALTY FOR PRACTICING WITHOUT A LICENSE.] Any person practicing osteopathy without a license or permit, or who,

without complying with the provisions of this Act shall advertise or attempt to practice as an osteopathic physician or shall use any of the terms or letters as "osteopath," or "osteopathist," or "osteopathy," or "D. O.," or any other title or titles under such circumstances or in such manner as to lead to the belief that he or she is engaged in the practice of osteopathy, or otherwise violates provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not less than fifty dollars and not more than five hundred dollars for each offense. Nothing in this Section shall be construed so as to prohibit gratuitous assistance to a sick or injured person in case of emergency.

§ 11. PRIVILEGES AND OBLIGATIONS.] All duly licensed osteopathic physicians practicing in the State of North Dakota shall observe and subject to all state and municipal regulations relating to the control of contagious and infectious diseases, signing of birth and death certificates and signing certificates pertaining to public health, and shall report to the proper health officer the same as other licensed physicians. Any such certificate signed by a doctor of osteopathy duly licensed to practice as such under the laws of this state shall be of the same force and effect as those signed by other licensed practitioners. All state and municipal officers shall recognize all licensed osteopathic physicians the same as other licensed practitioners.

§ 12. PUBLIC INSTITUTIONS.] Physicians licensed hereunder shall have the same rights as physicians of other schools with respect to the treatment of cases in institutions maintained wholly or in part by public funds.

§ 13. COMPENSATION.] Physicians licensed under this Act shall have equal rights with other physicians in matters pertaining to disability compensation or adjustments for claims thereof in the State of North Dakota.

§ 14. REPEALING CLAUSE.] All laws or parts of laws in conflict with provisions of this Act are hereby repealed.

Approved March 9, 1933.

OWNERSHIP

CHAPTER 203

S. B. No. 294—(Fowler and Matthaei.)

SUSPENSION POWER OF ALIENATION

An Act to amend and re-enact Section 5287 of the Compiled Laws of North Dakota for the year 1913, relating to the suspension of the power of alienation.

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

§ 1. AMENDMENT.] That Section 5287 of the Compiled Laws of North Dakota for the year 1913 be amended and re-enacted to read as follows:

§ 5287. POWER OF ALIENATION. HOW LONG MAY BE SUSPENDED.] Except in the single case mentioned in Section 5315, the absolute power of alienation can not be suspended, by any limitation or condition whatever, for a longer period than as follows:

1. During the continuance of the lives of persons in being at the creation of the limitation or condition; or

2. For a period not to exceed twenty-five years from the time of the creation of the suspension.

Approved March 6, 1933.

PERSONAL PROPERTY

CHAPTER 204

S. B. No. 86—(Whitman, by request.)

CHATTEL MORTGAGE OR BILL OF SALE OF HOUSEHOLD GOODS, HOW SIGNED

An Act requiring a chattel mortgage or bill of sale of household goods, effects and furniture to be signed by both husband and wife to be valid.

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

§ 1. The household goods, effects and furniture of married person, cannot be conveyed or encumbered by a bill of sale or chattel mortgage, unless the instrument by which same is conveyed or encumbered, is executed by both husband and wife.

§ 2. Such bill of sale or chattel mortgage, if not so executed, shall be void.

§ 3. All Acts and parts of Acts in so far as they are in conflict with this Act, are hereby repealed.

Approved February 14, 1933.

CHAPTER 205

H. B. No. 119—(Oglesby.)

ENCUMBRANCE PERSONAL PROPERTY WHEN VOID

An Act rendering void an encumbrance upon exempt personal property unless the execution of the same be joined in by husband and wife.

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

§ 1. ENCUMBRANCES. PERSONAL PROPERTY. EXEMPTIONS.]

No encumbrance of personal property which may be held exempt from execution by the head of a family, if a resident of this state, under the provisions of law, shall be of any validity as to such exempt property, unless the same be by written instrument and unless the husband and wife, if both be living, concur in and execute the same joint instrument in the manner provided for in Section 6763 of the Compiled Laws of the State of North Dakota, 1913.

Approved March 17, 1933.

CHAPTER 206

H. B. No. 207—(Born.)

UNLAWFUL REMOVAL PERSONAL PROPERTY FROM PREMISES

An Act prohibiting the removal from the premises where seized of personal property or chattels ordered sold by judicial action or order by reason of default in payment of principal or interest on chattel mortgage, or on levy by sheriff for default in payment of delinquent personal property tax, providing for the sale of such property, repealing all Acts or parts of Acts in conflict herewith, and declaring an emergency therefor.

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

§ 1. REMOVAL OF PERSONAL PROPERTY OR CHATTELS FROM THE PREMISES WHERE SEIZED, UNLAWFUL, WHEN.] It shall be unlawful for the sheriff or any other person to remove for the purpose of sale, any personal property or chattels ordered sold by court order, as a result of action brought for recovery of property for failure or default in payment of interest or principal, or both on any note or evidence of indebtedness secured by chattel mortgage covering such property; or in case of levy by the sheriff for default in payment of personal property taxes, provided that the provisions of this Act shall not prohibit the removal to, and sale of grain at an elevator.

§ 2. CONDUCT OF SALE.] All sales of personal property or chattels as a result of foreclosure or decree of judgment, or of sheriff's levy, shall be conducted on the premises where said property is seized, and shall be conducted by the sheriff or other auctioneer duly designated by the court holding jurisdiction, and due notice of such

sale shall be given by insertion of the notice of sale in the official paper of the county for at least two issues prior to the date of sale.

§ 3. FORECLOSURE BY ADVERTISING.] The provisions of this Act shall apply in cases of foreclosure by advertising the same as in foreclosure by action.

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

§ 5. EMERGENCY.] An emergency is hereby declared to exist and this Act shall go into full force and effect upon its passage and approval.

Approved March 7, 1933.

PIPE LINES

CHAPTER 207

H. B. No. 229—(Place and Noben.)

REGULATION COMMON CARRIER PIPE LINES

An Act defining and regulating common carrier pipe lines and granting to them the right of eminent domain; empowering the Board of Railroad Commissioners of North Dakota to regulate the rates, charges and business of such common carrier pipe lines, prohibiting discrimination by said pipe lines, and providing penalties for the violation of this Act.

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

§ 1. Every person, firm, corporation, limited partnership, joint stock association or association of any kind whatsoever;

(a) Owning, operating, or managing any pipe line or any part of any pipe line within the State of North Dakota for the transportation of crude petroleum or gas to or for the public for hire, or engaged in the business of transporting crude petroleum or gas by pipe lines; or

(b) Owning, operating, or managing any pipe line or any part of any pipe line for the transportation of crude petroleum or gas, to or for the public for hire, and which said pipe line is constructed or maintained upon, along, over, or under any public road or highway; or

(c) Owning, operating, or managing any pipe line or any part of any pipe line or pipe lines for the transportation to or for the public hire, of crude petroleum, or gas, and which said pipe line or pipe lines is or may be constructed, operated, or maintained across, upon, along, over, or under the right of way of any railroad, corporation, or other common carrier, required by law to transport crude petroleum or gas as a common carrier; or

(d) Owning, operating or managing or participating in ownership, operation or management, under lease, contract of purchase, agreement to buy or sell, or other agreement or arrangement of any kind whatsoever, any pipe line or pipe lines, or any part of any pipe line, for the transportation from any oil or gas field or place of production, to any distributing, refining, or marketing center, or re-shipping point thereof, of crude petroleum or gas, bought of others; or

(e) Engaged in the business of producing, purchase, transportation for hire or transportation for sale within this State of natural gas, which is transported through pipe lines or any part of a pipe line, the right of way for which is granted or secured under the provisions of this Act or through exercise of the right of eminent domain; or

(f) Made a common carrier by or under the terms of contract with or in pursuance of the law of the United States, is hereby declared to be a common carrier and subject to the provisions hereof.

§ 2. It is declared that the operation of these pipe lines to which this Act applies, for the transportation of crude petroleum or gas, in connection with the purchase or purchase and sale of such crude petroleum or gas, is a business in mode of the conduct of which the public is interested, and as such is subject to regulation by law; and accordingly it is provided that from and after the expiration of thirty (30) days from the time this law takes effect the business of purchasing, or of purchasing and selling crude petroleum or gas, using in connection with such business a pipe line of the class subject to this Act to transport the crude petroleum or gas so bought or sold, shall not be conducted, unless such pipe line so used in connection with such business be a common carrier within the purview of this law and subject to the jurisdiction herein conferred upon the Board of Railroad Commissioners of North Dakota. It shall be the duty of the Attorney General to enforce these provisions by injunction or other adequate remedy.

§ 3. The right to lay, maintain, and operate pipe lines, together with telegraph and telephone lines incidental to and designed for use only in connection with the operation of such lines along, across, or under any public stream or highway in this State, is hereby conferred upon all persons, firms, limited partnerships, joint stock associations, or corporations, coming within any of the definitions of common carrier pipe lines as hereinbefore made. Any person, firm, limited partnership, joint stock association, or corporation, may acquire the right to construct pipe lines and such incidental telephone and telegraph lines along, across, or over any public road or highway in this State, by filing with the Board of Railroad Commissioners of North Dakota, an acceptance of the provisions of this law, expressly agreeing in writing that, in consideration of the rights so

acquired, it shall be and become a common carrier pipe line, subject to the duties and obligations conferred or imposed in this Act. This right to run along, across or over any public road or highway, as before provided for, can only be exercised upon condition that the traffic thereon shall be not interfered with, and that such road or highway be promptly restored to its former condition of usefulness, and the restoration thereof be subject also to the supervision of the County Commissioners of the county in which said highway is situated. And, provided, that in the exercise of the privileges herein conferred, such pipe lines shall compensate the county for any damage done to such public road, in the laying of pipe lines, telegraph or telephone lines, along or across the same; and nothing herein shall be construed to grant any pipe line company the right to use any public street or alley in any incorporated city or town, except by express permission from the city or governing authority thereof. Provided further, that such pipe line company, in the acceptance of the common carrier provisions of this Act, shall expressly agree that it will without discrimination accept, carry, or purchase, the oil or gas of the State or of any citizen or company not the owner of any pipe line, operating a lease or purchasing oil or gas; at prices and under regulations to be prescribed by the Board of Railroad Commissioners of North Dakota.

Every person, firm, corporation, limited partnership, joint stock associations, or association of any kind mentioned in this Act, which shall have filed with the Board of Railroad Commissioners of North Dakota, its acceptance of the provisions of this Act, is hereby granted the right and power of eminent domain in the exercise of which he, it, or they, may enter upon and condemn the land, rights of way, easements and property of any person or corporation necessary for the construction, maintenance, or authorization of his, its, or their common carrier pipe line, the manner and method of such condemnation and the assessment and payment of the damages therefor to be the same as is provided by law in the case of railroads. The right of eminent domain and the right to use public lands, highways, or roads for right of way for pipe lines shall be acquired only by compliance with the provisions of this Act, and all Acts and parts of Acts in conflict herewith shall be construed in connection with and be made subject to the provisions hereof.

§ 4. The Board of Railroad Commissioners of North Dakota shall have the power to establish and enforce rates or charges and regulations for gathering, transporting, leading, and delivering crude petroleum or gas by such common carrier in this state, and for the use of storage facilities necessarily incident to such transportation and to prescribe and enforce rules and regulations for the government and control of such common carriers in respect to their pipe lines and receiving, transferring, and loading facilities, and it shall be its duty to exercise such power upon petition by any person show-

ing substantial interest in the subject. No order establishing or prescribing rates, rules, and regulations shall be made except after hearing and at least ten days and not more than thirty days notice to the person, firm, corporation, partnership, joint stock association, or association owning or controlling and operating the pipe line or pipe lines affected. In the event any rate shall be filed by any pipe line and complaint against same or petition to reduce same shall be filed by any shipper, and such complaint be sustained, in whole or in part, all shippers who shall have paid the rates so filed by the pipe line shall have the right to reparation or reimbursement of all excess in transportation charges so paid over and above the proper rate as finally determined on all shipments made after the date of the filing of such complaint.

§ 5. Every common carrier as above defined shall exchange crude petroleum tonnage or gas with each like common carrier and the Board of Railroad Commissioners of North Dakota shall have the power to require such connections and facilities for the interchange of such tonnage or gas to be made at every locality, reached by both pipe lines whenever the necessity therefor exists and subject to such rates and regulations as may be made by the Board of Railroad Commissioners of North Dakota; and any such common carrier under like rules and regulations shall be required to install and maintain facilities for the receipt and delivery of crude petroleum or gas of patrons at all points on such pipe line. No carrier shall be required to receive or transport any crude petroleum or gas except such as may be marketable under rules and regulations to be prescribed by the Board of Railroad Commissioners of North Dakota, which they are hereby empowered and required to prescribe. The Board of Railroad Commissioners of North Dakota is also empowered and required to make rules for the ascertainment of the amount of water and other foreign matter in oil or gas tendered for transportation, and for deduction therefor and for the amount of deduction to be made for temperature, leakage, and evaporation. It is provided, however, that the recital herein of particular powers on the part of said Board of Railroad Commissioners of North Dakota shall not be construed to limit the general powers conferred by this Act. Until set aside or vacated by some decree or order of a court of competent jurisdiction, all orders of the Board of Railroad Commissioners of North Dakota as to any matter within its jurisdiction shall be accepted as prima facie evidence of their validity.

§ 6. Such common carriers of crude petroleum or gas shall make and publish their tariffs under such rules and regulations as may be prescribed by said Board of Railroad Commissioners of North Dakota, the Board shall require them to take reports and may investigate their books and records kept in connection with such business. The Board of Railroad Commissioners of North Dakota shall require of such common carrier pipe lines monthly reports duly

verified under oath, of the total quantity of crude petroleum owned by such pipe lines and of that held by them in storage for others, as also of their unfilled storage capacity, provided no publicity shall be given by the Board of Railroad Commissioners of North Dakota to the reports as to stock of crude petroleum on hand of any particular pipe line; but the Board of Railroad Commissioners of North Dakota, in its discretion, may make public the aggregate amounts held by all the pipe lines making such reports, and of their aggregate storage capacity. The Board of Railroad Commissioners of North Dakota shall have the power and authority to hear and determine complaints, to require attendance of witnesses, and to institute suits and sue out such writs and processes as may be necessary for the enforcement of its orders. Where pipe lines within the scope of this Act are engaged in interstate transportation of oil or gas, the Board of Railroad Commissioners of the State of North Dakota are hereby granted authority to act jointly and in conjunction with the supervisory body which exercises jurisdiction and control of such pipe line or pipe lines within any other state; for the purpose of control, supervision, making joint rates for interstate transportation of oil or gas, or any other matters within the scope of this Act.

§ 7. No such common carrier in its operations as such shall discriminate between or against shippers in regard to facilities furnished or services rendered or rates charged under same or similar circumstances in the transportation of crude petroleum or gas; nor shall there be any discrimination in the transportation of crude petroleum or gas produced or purchased by itself directly or indirectly. In this connection the pipe line shall be considered as a shipper of the crude petroleum or gas produced or purchased by itself directly or indirectly and handled through its facilities. No such carrier in such operation shall directly or indirectly charge, demand, collect, or receive from any one a greater or less compensation for any service rendered than from another for a like contemporaneous service; provided this shall not limit the right of the Board of Railroad Commissioners of North Dakota to prescribe rates and regulations different from or to some places from other rates or regulations for transportation from or to other places as it may determine; nor shall any carrier be guilty of discrimination when obeying any order of the Board of Railroad Commissioners of North Dakota. When there shall be offered for transportation more crude petroleum than can be immediately transported, the same shall be equitably apportioned. Gas shall be taken pro rata on the basis of open flow production of the wells connected to the pipe line or lines and the delivery of each well shall be regulated accordingly. The Board of Railroad Commissioners of North Dakota may make and enforce general or specific regulations in this regard.

§ 8. The Board of Railroad Commissioners of North Dakota when necessary shall make and enforce rules and regulations either

general in their nature or applicable to particular oil fields for the prevention of actual waste of oil or gas or operations in the field dangerous to life or property.

§ 9. Any common carrier as herein defined who shall violate any provisions of this Act, or who shall fail to perform any duty herein imposed or any valid order of the Board of Railroad Commissioners of North Dakota, when not stayed, or suspended by order of Court, shall be subject to a penalty of not less than \$100.00 nor more than \$1,000.00 for each offense, such penalty to be recoverable at suit of the Attorney General of the State of North Dakota in the name of the State and for its use. Actual damages may also be recovered by and for the use of any person, corporation, or association of persons against whom there shall have been an unlawful discrimination as herein defined; such suit to be brought in the name of and for the use of the party aggrieved, and may be maintained in any court of proper jurisdiction having due regard to the ordinary statutes of venue. For the wilful violation of any of the provisions herein forbidding discrimination on the part of common carriers, it is hereby provided that the owners, officers, agents or employees of such carriers who may be guilty thereof shall be deemed guilty of a misdemeanor; each violation of any of such provisions shall be deemed a separate and distinct offense and upon conviction thereof the party violating same shall be fined in the sum of not less than fifty dollars nor more than one thousand dollars, and may be further punished by confinement in the county jail for not less than ten days nor more than six months.

§ 10. Subject to the provisions of this Act and the rules and regulations which may be prescribed by the Board of Railroad Commissioners of North Dakota, every such common carrier shall receive and transport crude petroleum or gas delivered to it for transportation and shall so receive and transport same and perform its other duties with respect thereto without discrimination.

§ 11. If any of the provisions of this Act shall be held unconstitutional, or for any reason shall be held void, such holding shall not have the effect to nullify the remaining parts or provisions of this Act, but the parts not so held to be void shall nevertheless remain in full force and effect.

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

§ 13. EMERGENCY.] This Act shall be in full force and effect from and after its passage and approval.

Approved March 9, 1933.

PROCEDURE

CHAPTER 208

H. B. No. 46—(Swendseid.)

APPEALS CIVIL CASES TRIED WITHOUT JURY

An Act to amend and re-enact Section 7846 of the Supplement to the Compiled Laws of 1913, entitled "Appeals in Civil Cases Tried without a Jury"; and providing that the same shall apply to all actions or proceedings triable to the court without a jury, and also in all actions or proceedings properly triable with a jury and a jury trial has been waived and the same are tried to the Court without a jury, by stipulation or otherwise.

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

§ 1. AMENDMENT.] That Section 7846 of the Supplement to the Compiled Laws of 1913 is hereby amended and re-enacted to read as follows:

§ 7846. APPEALS IN ALL ACTIONS OR PROCEEDINGS TRIED TO THE COURT WITHOUT A JURY.] On appeal in the supreme court in any action tried by the court, but without a jury, if it appear to the court that any material evidence was excluded, the court may issue a mandate to the trial court to take such evidence without delay and to certify and return it to the supreme court, and all proceedings in the supreme court shall be stayed pending the return of such evidence. A party desiring to appeal from a judgment in any such action, shall cause a statement of the case to be settled within the time and in the manner prescribed by article 8 of Chapter 11 of the Compiled Laws of North Dakota for the year 1913, and shall specify therein the questions of fact that he desires the supreme court to review, and all questions of fact not so specified shall be deemed on appeal to have been properly decided by the trial court. Only such evidence as relates to the questions of fact to be reviewed shall be embodied in this statement. But if the appellant shall specify in the statement that he desires to review the entire case, all the evidence and proceedings shall be embodied in the statement. The supreme court shall try anew the question of fact specified in the statement or in the entire case, if the appellant demands a retrial of the entire case, and shall finally dispose of the same whenever justice can be done without a new trial, and either affirm or modify the judgment or direct a new judgment to be entered in the district court; the supreme court may, however, if it deem such course necessary to the accomplishment of justice, order a new trial of the action. In actions tried under the provisions of this section, failure of the court to make findings upon all the issues in the case shall not constitute a ground for granting a new trial or reversing the judgment; and provided, that the provisions of this Section shall apply to all actions

or proceedings tried to the court without a jury, and in all actions or proceedings which are properly triable with a jury and a jury trial has been waived and the same are tried to the court without a jury.

§ 2. REPEAL.] All acts or parts of acts in conflict herewith are hereby repealed.

Approved March 6, 1933.

CHAPTER 209

H. B. No. 45.—(Swendseid.)

DEFENSE GARNISHMENT PROCEEDINGS. CLAIM OF EXEMPTIONS

An Act to amend and re-enact Section 7580 of the Compiled Laws of North Dakota for the year 1913 and all amendatory Acts thereof, entitled and relating to when a defendant may defend garnishment proceedings, and providing method for claim of exemptions in garnishment proceedings.

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

§ 1. AMENDMENT.] That Section 7580 of the Compiled Laws of North Dakota for the year 1913, and all amendatory Acts thereof, is hereby amended and re-enacted to read as follows:

§ 7580. DEFENDANT MAY DEFEND GARNISHMENT PROCEEDINGS. CLAIM OF EXEMPTIONS HOW MADE.] The defendant may in all cases by answer duly verified, to be served within thirty days from the service of the garnishee summons on him, defend the proceedings against the garnishee upon the ground that the indebtedness of the garnishee, or any property held by him, is exempt from execution against such defendant, or for any other reason is not liable to garnishment; or, upon any ground upon which the garnishee might defend the same; and may participate in the trial of any issue between the plaintiff and the garnishee for the protection of his interests; and, provided, that when the defendant claims that the indebtedness or property, or a part thereof, is exempt from garnishment or from execution, the defendant at or before the time fixed for appearance or answer in the garnishee summons must serve and file with his answer a schedule of all his personal property made and sworn to as provided in Section 7733 Compiled Laws of 1913. And the garnishee may at his option defend the principal action for the defendant, if the latter does not, but shall be under no obligations to do so.

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

Approved March 1, 1933.

CHAPTER 210**S. B. No. 291—(Matthaei.)****FILING GARNISHMENT SUMMONS AND AFFIDAVIT****An Act to amend and re-enact Section 7571a2 of the Supplement to the Compiled Laws of North Dakota, 1913.***Be It Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. That Section 7571a-2 of the Supplement to the Compiled Laws for North Dakota, 1913 be amended and re-enacted to read as follows:

§ 7571a-2. FILING OF PAPERS.] The garnishment summons and affidavit of garnishment shall be filed in the office of the clerk of court in which the action is commenced at the time of filing of the summons and complaint in the action.

Approved March 6, 1933.

CHAPTER 211**H. B. No. 102—(Flannigan.)****REDEMPTION EXECUTION SALES****An Act to amend and re-enact Section 7758 of the Supplement to the Compiled Laws of the State of North Dakota, 1913.***Be It Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. AMENDMENT.] That Section 7758 of the Supplement to the Compiled Laws of the State of North Dakota for 1913 be and same is hereby amended and re-enacted to read as follows:

§ 7758. REDEMPTION; FILING OF CERTIFICATE.] In no case shall the debtor be required to pay more to effect a redemption than the purchase price with six per cent interest from the day of sale and all taxes and assessments paid with six per cent interest thereon from the date of payment, notwithstanding the fact that he seeks to redeem from the redemptioner. If the debtor redeems, the effect of the sale is terminated and he is restored to his estate. Upon a redemption by the debtor the person to whom the payment is made must execute and deliver to him a certificate of redemption acknowledged or proved before an officer authorized to take acknowledgments of conveyances of real property. Such certificate must be filed and recorded in the office of the register of deeds of the county in which the property is situated, and the register of deeds must note the record thereof in the margin of the record of the certificate of sale. In case the debtor redeems from a redemptioner who has, to effect his redemption, paid liens on the property, other than for taxes or assessments, the redemptioner shall be subrogated to all the rights of the former

holders of such liens, and the filing of written notices of such redemptions as required by Section 7756 shall constitute notice of the rights of such redemptioner in and to all the liens so held by him as equitable assignee as fully as if formal written assignments thereof had been recorded. All the statutes relating to redemptions from execution sales shall govern sales on mortgage foreclosure and these provisions shall apply to all sales hereafter made.

§ 2. EMERGENCY.] This Act is hereby declared to be an emergency measure and shall be in force and effect from and after its passage and approval.

Approved March 10th, 1933.

CHAPTER 212

S. B. No. 87—(Whitman, by request.)

EXAMINATION JURORS CRIMINAL CASES

An Act to permit examination of jurors by either party before exercising either peremptory challenges or challenges for cause, repealing Section 10800 of the Compiled Laws of 1913, and all Acts and parts of Acts in conflict herewith.

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

§ 1. Either party prior to exercising either peremptory challenges or challenges for cause, may examine the jurors for the purpose of determining whether or not such party desires to exercise a peremptory challenge or challenge for cause.

§ 2. REPEAL.] Repealing Section 10800 of the Compiled Laws of 1913 and all Acts and parts of Acts in conflict herewith.

Approved February 17th, 1933.

CHAPTER 213

H. B. No. 163—(Aljets.)

DENOMINATIONAL PRESUMPTIONS

An Act to amend and re-enact Subdivisions 41 of Section 7936, Compiled Laws of 1913, relating to Denominational Presumptions.

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

§ 1. AMENDMENT.] That Subdivision 41, of Section 7936, Compiled Laws of North Dakota for 1913, be and the same hereby is amended and re-enacted to read as follows:

Subdivision 41, § 7936. That the foreign law will be presumed to be the same as the law of the State of North Dakota in the absence of rebutting evidence.

Approved March 1, 1933.

CHAPTER 214**S. B. No. 284—(Fowler and Matthaei.)****UNDERTAKINGS BY MINORS FOR RELEASE ON BAIL**

An Act to make minors capable of binding themselves by undertakings for the purpose of securing their release on bail in criminal cases.

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

§ 1. Minors shall be capable of binding themselves by undertakings for the purpose of securing their release on bail in like manner and with like effect as persons sui juris.

Approved March 6th, 1933.

CHAPTER 215**H. B. No. 174—(Falconer.)****EXECUTION OF WARRANT ISSUED BY MAGISTRATE AND JUSTICE OF PEACE**

An Act amending and re-enacting Section 10541 Compiled Laws 1913, providing the manner in which a warrant issued by a Magistrate, other than the Judge of the Supreme Court or District Court, may be executed by any sheriff, constable, marshal, or policeman in the county or judicial subdivision in which it is issued.

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

§ 1. That Section 10541 Compiled Laws 1913 be amended and re-enacted to read as follows:

§ 10541. TO WHOM. OTHER MAGISTRATE.] If it is issued by any other magistrate including a Justice of the Peace it may be directed generally to any sheriff, deputy sheriff, marshal, or policeman in the county or judicial subdivision in which it is issued, and may be executed by such sheriff or deputy sheriff in any part of the state; but may be executed by a constable, marshal, or policeman only within the county or political subdivision for which such officer was elected or appointed.

§ 2. EMERGENCY.] An emergency is hereby declared to exist, and this Act shall take effect and be in full force from and after its passage and approval.

Approved March 6, 1933.

CHAPTER 216

S. B. No. 287—(Fowler and Matthaei.)

PROSECUTION INSANE OR MENTALLY DEFICIENT CASES

An Act regulating the practice of courts in the prosecution of insane or mentally deficient persons or persons whose mental capacity is in issue; providing for examinations and hearings to determine their mental conditions; providing for commitment of such persons to the State Hospital for the Insane during such disability, and for the resumption of prosecution after the restoration of mental capacity; providing for the appointment and examination of experts by the court and fixing their fees and repealing Sections 11064 to 11071 inclusive of the Compiled Laws of 1913.

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

§ 1. The provisions of this act shall apply in all criminal cases tried in District Courts or County Courts with increased jurisdiction.

§ 2. EXAMINATION OF DEFENDANT'S MENTAL CONDITION TO DETERMINE WHETHER HE SHALL BE TRIED.] (1) If before or during the trial the court has reasonable ground to believe that the defendant, against whom an indictment has been found or information filed, is insane, or mentally defective, to the extent that he is unable to understand the proceedings against him or to assist in his defense, the court shall immediately fix a time for a hearing to determine the defendant's mental condition. The court may appoint two disinterested qualified experts to examine the defendant with regard to his present mental condition and to testify at the hearing. Other evidence regarding the defendant's mental condition may be introduced at the hearing by either party.

(2) If the court, after the hearing, decides that the defendant is able to understand the proceedings and to assist in his defense it shall proceed with the trial. If, however, it decides that the defendant through insanity or mental deficiency is not able to understand the proceedings or to assist in his defense it shall take proper steps to have the defendant committed to the state hospital for the insane. If thereafter the proper officer of such institution is of the opinion that the defendant is able to understand the proceedings and to assist in his defense, he shall report this fact to the court which conducted the hearing. If the officer so reports, the court shall fix a time for a hearing to determine whether the defendant is able to understand the proceedings and to assist in his defense. This hearing shall be conducted in all respects like the original hearing to determine defendant's mental condition. If after this hearing the court decides that the defendant is able to understand the proceedings against him and to assist in his defense it shall proceed with the trial. If, however, it decides that the defendant is still not able to understand the proceedings against him or to assist in his defense it shall recommit him to the state hospital for the insane.

§ 3. APPOINTMENT OF EXPERT WITNESSES BY COURT.] Whenever on a prosecution by indictment or information the existence of insanity or mental defect on the part of the defendant at the time of the alleged commission of the offense charged becomes an issue in the cause, the court may appoint one or more disinterested qualified experts, not exceeding three, to examine the defendant. If the court does so, the clerk shall notify the prosecuting attorney and counsel for the defendant of such appointment and shall give the names and addresses of the experts so appointed. If the defendant is at large on bail, the court in its discretion may commit him to custody pending the examination of such experts. The appointment of experts by the court shall not preclude the State or defendant from calling expert witnesses to testify at the trial and in case the defendant is committed to custody by the court they shall be permitted to have free access to the defendant for purposes of examination or observation. The experts appointed by the court shall be summoned to testify at the trial and shall be examined by the court and may be examined by the counsel for the State and the defendant.

§ 4. FEES FOR EXPERT WITNESSES.] When expert witnesses are appointed by the court as provided in Sections 2 and 3, they shall be allowed such fees as the court in its discretion deems reasonable, having regard to the service performed by the witnesses. The fees so allowed shall be paid by the county where the indictment was found or the information filed.

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

Approved March 6, 1933.

CHAPTER 217

S. B. No. 141—(Whitman, by request.)

ATTENDANCE WITNESSES WITHIN AND WITHOUT THIS STATE

An Act to secure the attendance of witnesses from without the state and to provide for the attendance without the state of witnesses residing within this state, in criminal cases and providing for the exemption of such witnesses, while in attendance, from arrest and service of process.

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

§ 1. SUMMONING WITNESS IN THIS STATE TO TESTIFY IN ANOTHER STATE.] If a judge of a court of record in any state which by its laws has made provision for commanding persons within that state to attend and testify in criminal prosecution in this state certifies under the seal of such court that there is a criminal prosecution pending in such court, that a person being within this

state is a material witness in such prosecution, and that his presence will be required for a specified number of days, upon presentation of such certificate to any judge of a court of record in the county in which such person is, such judge shall fix a time and place for a hearing and shall notify the witness of such time and place.

If at the hearing the judge determines that the witness is material and necessary, that it will not cause undue hardship to the witness to be compelled to attend and testify in the prosecution in the other state, and that the laws of the state in which the prosecution is pending and of any other state through which the witness may be required to pass by ordinary course of travel will give him protection from arrest and the service of civil and criminal process, he shall issue a summons, with a copy of the certificate attached, directing the witness to attend and testify in the court where the prosecution is pending at a time and place specified in the summons.

If the witness, who is summoned as above provided, after being paid or tendered by some properly authorized person the sum of ten cents a mile for each mile by the ordinary traveled route to and from the court where the prosecution is pending and five dollars for each day that he is required to travel and attend as a witness, fails without good cause to attend and testify as directed in the summons, he shall be punished in the manner provided for the punishment of any witness who disobeys a summons issued from a court of record in this state.

§ 2. WITNESS FROM ANOTHER STATE SUMMONED TO TESTIFY IN THIS STATE.] If a person in any state, which by its laws has made provisions for commanding persons within its borders to attend and testify in criminal prosecutions in this state, is a material witness in a prosecution pending in a court of record in this state, a judge of such court may issue a certificate under the seal of the court stating these facts and specifying the number of days the witness will be required. This certificate shall be presented to a judge of a court of record in the county in which the witness is found.

If the witness is summoned to attend and testify in the criminal prosecution in this state he shall be tendered the sum of ten cents a mile for each mile by the ordinary traveled route to and from the court where the prosecution is pending and five dollars for each day that he is required to travel and attend as a witness. A witness who has appeared in accordance with the provisions of the summons shall not be required to remain within this state a longer period of time than the period mentioned in the certificate.

§ 3. EXEMPTION FROM ARREST AND SERVICE OF PROCESS.] If a person comes into this state in obedience to a summons directing him to attend and testify in a criminal prosecution in this state he shall not while in this state pursuant to such summons, be subject to arrest or the service of process, civil or criminal, in connection

with matters which arose before his entrance into this state under the summons.

If a person passes through this state while going to another state in obedience to a summons to attend and testify in a criminal prosecution in that state or while returning therefrom, he shall not while so passing through this state be subject to arrest or the service of process, civil or criminal, in connection with matters which arose before his entrance into this state under the summons.

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

§ 5. SHORT TITLE.] This Act may be cited as "Uniform Act to Secure the Attendance of Witnesses from without the State in Criminal Cases."

§ 6. INCONSISTENT LAWS REPEALED.] All Acts or parts of Acts inconsistent with this Act are hereby repealed.

Approved March 3, 1933.

CHAPTER 218

S. B. No. 215—(Bangert, by request.)

INVESTIGATION CLAIMS, ETC. ESTATES OF DECEASED PERSONS

An Act to amend and re-enact Sections 8544a12 and 8544a13 of the Supplement to the Compiled Laws of the State of North Dakota for 1913, relating to investigation of claims, hearing and allowance of claims in connection with estates of deceased persons, and to the registration of claims against estates of deceased persons, and waiving notice.

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

§ 1. AMENDMENT.] That Section 8544a12 of the Supplement to the Compiled Laws of the State of North Dakota for 1913 be amended and re-enacted to read as follows:

§ 8544a12. INVESTIGATION OF CLAIMS, HEARING AND ALLOWANCE.] When a claim, accompanied by the affidavit required in this article, is presented to the executor or administrator, he must carefully and faithfully investigate the merits of such claim and endorse thereon his approval or rejection, in whole or in part, and if he disallows the same, in whole or in part, he must notify the claimant of such disapproval, by registered mail, addressed to said claimant, or by personally serving a copy of said notice upon said claimant, said notice to be served as now provided for service of a citation, at least five days before the day set for adjustment of claims, and file such claim, with proof of such notice of disapproval, if any, and proof of

service, with the county judge on or before the day set for adjustment of claims, and the court may, in its discretion, allow the executor or administrator additional time for further proof, and continue the hearing to a future day. If another day is set for hearing claims the court must cause ten days notice thereof to be given the claimant by mail. If the claim be presented to the executor or administrator before the expiration of the time limit for the presentation of claims, the same is presented in time, though acted upon by the executor or administrator and by the judge after the expiration of such time. On the day set for adjusting claims, the executor or administrator shall exhibit the claims of the deceased, if any, in setoff to the claims of creditors, and the court shall ascertain and allow the balance, if any, against the estate; but no claim barred by the statutes of limitation at the time of the death of the deceased shall be allowed by the court, either in favor of or against the estate, as setoff or otherwise.

§ 2. AMENDMENT.] That Section 8544a13 of the Supplement to the Compiled Laws of North Dakota for 1913 be amended and reenacted to read as follows:

§ 8544a13. CLAIMS ALLOWED ENTERED IN REGISTER: NOTICE OF REJECTION: WAIVER BY APPEARANCE.] Upon the day set for hearing such claims, the court must pass upon and adjudicate the same. All claims adjudicated by the court, whether disputed or not, shall have endorsed thereon by the court the amount allowed, the class to which it belongs, and the date of adjudication, and such claim shall be ranked among the acknowledged debts of the estate to be paid in the due course of administration, and shall bear interest at the legal rate. If any claim is rejected, in whole or in part, the judge shall forthwith cause notice to be given the claimant, his attorney or agent, by registered mail, of such rejection; provided, that if the claimant, his attorney or agent, appear at such hearing, and the adjudication of such rejection be then and there announced, no further notice need be given. A brief description of every claim filed must be entered by the judge in a register for that purpose, showing the name of the claimant, the amount and character of the claim, rate of interest, and the date of allowance.

Approved March 3, 1933.

CHAPTER 219

H. B. No. 34—(Jones, by request.)

DISPOSITION SMALL ESTATE

An Act providing for the disposition of estates of less than \$300.00 which are under the jurisdiction of the Public Administrator.

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

That whenever a person dies in North Dakota leaving property of the value of \$300.00 or less, and there does not appear to be any relatives or heirs, the Public Administrator is hereby empowered to take such decedent's property into his possession in the manner now provided by law, and after so doing shall publish one notice in a newspaper published in the County where such property shall be located; which notice shall be entitled in the County Court of said County and shall state the facts as nearly as may be, and further stating that on a day certain not less than ten nor more than thirty days after such publication, exclusive of the date of publication, any heir or legally interested party may appear and claim such property; provided that if no one shall appear on said return date or make any claim, the County Court shall issue an order directing the Public Administrator to sell the property so taken by him, and belonging to such decedent, at public or private sale after publishing one notice of such sale five days before said sale, and to apply the proceeds of such sale; first, costs of administration, and thereafter in the order now provided for by law, any balance then left remaining shall be paid into the County General Fund. Provided that such notice of sale shall also state that any creditors of such decedent shall present and file their claims against said decedent with the County Judge within sixty days after date of publication of said notice and that there will be a hearing on claims on a day not less than seventy days nor more than ninety days from the date of such publication, any claim not presented as herein specified shall not be allowed or paid. Provided that out of such moneys, if any, the Public Administrator shall be paid for his services ten per cent of the sale price and in no event exceeding the sum of \$25.00, provided further that the Public Administrator shall not be allowed any charge for attorney's fees for himself or anyone employed by him in such proceeding.

Provided that if some heir or person legally entitled to said property does make a claim to the same, he shall first pay the expenses then incurred and \$5.00 for the services of the Public Administrator, and thereupon the Public Administrator shall turn over to him such property; providing, however, that such claimant or heirs must provide for the burial of the decedent, and payment of the expense thereof, and expense of last illness.

If the Public Administrator shall not have enough money to pay all debts after expenses of administration, last sickness, and fu-

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

on or over any of its main track any self-propelled crane, pile-driver, weed-burner, or other self-propelled engine or machine not used for the transportation of passengers and/ or freight or property for hire which has sufficient power to draw or propel itself and one or more standard railroad cars, unless such engine or machine shall be manned by a full crew of competent employees consisting of not less than one (1) conductor, or pilot and one person qualified to do flagging duties as provided by law.

§ 2. The term "Main track" as used herein means any continuous track over which through trains operate through and between stations.

§ 3. Any railroad company doing business in the State of North Dakota which shall operate or permit to be operated any self-propelled engine or machine in violation of section 1 of this act, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each offense and such company shall be liable in treble damages for any sickness, injury, loss, disability or accident resulting from or caused by any such violation, provided that in case of the disability of any member of said crew while the same is being operated upon the main track of any such railroad, it shall not be construed as a violation hereof to operate said vehicle to the nearest available side track with less than a full crew.

§ 4. REPEAL.] All acts or parts of acts in conflict with this act are hereby repealed.

Approved March 7, 1933.

SALES

CHAPTER 222

S. B. No. 186—(Wog.)

CORRECTION DEFAULT CONDITIONAL SALES CONTRACT OR PURCHASE MORTGAGE

An Act permitting the purchaser or mortgagor in a conditional sales contract or purchase mortgage to make good the default within a reasonable time.

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

§ 1. In actions for the foreclosure of conditional sales contracts, or purchase price chattel mortgages, the court in its discretion, upon the application of the defendant, may make an interlocutory order fixing a reasonable time within which the purchaser or mortgagor shall make the default good, and pay all costs of suit to date. If the purchaser or mortgagor shall show to the court on or before

the date fixed by the interlocutory order that he has made such payments or tenders them in court, then such action shall be dismissed; otherwise, final order for judgment for plaintiff may be made as though such interlocutory order had not been made. The court shall also have the power to impound the personal property in controversy during the pendency of the interlocutory order at the expense of the purchaser or mortgagor.

§ 2. When the mortgagee has commenced foreclosure proceedings or the vendor demands or takes possession of the property covered by the contract and it shall be made to appear by the affidavit of the mortgagor or vendee, his agent or attorney, to the satisfaction of the Judge of the District Court of the county wherein such property is situated, that the mortgagor or vendee has a legal counter-claim or is entitled to take advantage of the provisions of this Act, or has any other valid defense against the collection of the whole or any part of the amount claimed to be due, such judge may by an order to that effect enjoin the mortgagee from foreclosing such mortgage by advertisement, or the vendor from taking possession of or selling such property, and direct that all further proceedings be had in the District Court having jurisdiction of the subject matter; and for the purpose of carrying out the provisions of this Act, service may be made on the mortgagee or vendor or their attorney or agent. The provisions of this Act shall apply to the assignee or transferee of any mortgagee or vendor and to the assignee or successor in interest of the mortgagor or vendee.

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

§ 4. 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 6, 1933.

SCHOOL AND STATE LANDS

CHAPTER 223

H. B. No. 27—(Falconer.)

FEES LEASING AND SALE OF SCHOOL LANDS

An Act to amend and re-enact Section 363 of the 1913 Compiled Laws of North Dakota, as amended and re-enacted by Chapter 231 of the Session Laws of North Dakota for 1931, relating to the fixing and collecting of fees at the leasing and sale of school lands.

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

§ 1. AMENDMENT.] That Section 363 of the Compiled Laws

of North Dakota for 1913, as amended and re-enacted by Chapter 231 of the Session Laws of North Dakota for 1931, be and the same is hereby amended and re-enacted to read as follows:

§ 363. FEES FOR SERVICE. DUTY OF COUNTY TREASURER.] It shall be the duty of the Commissioner of University and School Lands to charge and collect the following fees: For each one year lease of school or other state lands, one dollar and fifty cents; for each lease for a period of more than one year, three dollars; for each contract for lands purchased, five dollars; for each patent, five dollars; for approving and recording each assignment of school land contract, five dollars; for furnishing certified copies of school land contracts, three dollars. All fees must be paid in advance, and when collected must be paid into the state treasury at the end of each month and be placed to the credit of the general fund of the State. It shall be the duty of the county treasurer, of any county where any such lands are leased, or sold, to collect the fees hereinbefore provided for at the time the first payment thereon is made for leases and contracts of sale, and transmit the same to the commissioner on the first day of each month.

§ 2. EMERGENCY.] An emergency is hereby declared to exist and this Act shall become effective immediately upon its passage and approval.

Approved March 3, 1933.

CHAPTER 224

H. B. No. 151—(McManus.)

INTERNATIONAL PEACE GARDEN

An Act providing for the transfer of certain school lands situated in Rolette county, State of North Dakota, to the International Peace Garden, to be used and maintained as an International Peace Garden, and a memorial to commemorate the long existing peace and good will between the governments of Canada and the United States; Exempting same from Taxation and Providing that same shall revert to the state when it shall cease to be used and maintained as an International Peace Garden.

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

§ 1. The Congress of the United States, having by Act of Congress, authorized the transfer of Section 36, Township 164, North of Range 73, West of the Fifth Principal Meridian, located in Rolette County, State of North Dakota, containing 640 acres, more or less according to the United States government survey;

THEREFORE, the Governor and the Board of University and School Lands are hereby authorized and directed to transfer and convey said Section 36 to the International Peace Garden, a corporation organized and existing under the laws of the State of New

York, to be used and maintained by said International Peace Garden in connection with other land in the State of North Dakota and in the Province of Manitoba, Dominion of Canada, as a memorial to commemorate the long existing relationship of peace and good will between the people and the governments of Canada and the United States.

§ 2. The conveyance referred to in Section One of this Act is to be made as soon as convenient and possible by the Governor and the Board of University and School Lands, after the International Peace Garden, a New York corporation, shall have filed its articles of incorporation with the Secretary of State, or has re-incorporated in the State of North Dakota.

§ 3. The instrument of conveyance shall also contain a provision, that, if said land shall at any time thereafter cease to be used and maintained as an International Peace Garden, as aforesaid, that then the land shall revert to the State of North Dakota, and upon such reversion to the state, said land shall become subject to the laws of the state and the United States to the same extent as if this Act had not been passed. While the title to said land is in the International Peace Garden, Incorporated, the said International Peace Garden shall not in any manner alienate or encumber the same or in any manner dispose of the same, or any interest therein.

§ 4. That while the title to said land is in the International Peace Garden, Incorporated, and used and maintained as an International Peace Garden, in accordance with the intent and purposes of this Act, the said land shall not be subject to taxation for local, county or state purposes.

§ 5. That all costs of transferring said land, as aforesaid, shall be paid by the State of North Dakota, shall be audited in the usual way and paid by the State Treasurer out of moneys in the State Treasury, not otherwise appropriated.

Approved March 3, 1933.

SCHOOLS

CHAPTER 225

S. B. No. 149—(Trout, by request.)

CLOSING CERTAIN SCHOOLS — REPEAL

An Act repealing Chapter 242 of the Session Laws of North Dakota for the year 1927.

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

§ 1. REPEAL.] Chapter 242 of the Session Laws of the State of North Dakota for the year 1927 is hereby repealed.

Approved March 1, 1933.

CHAPTER 226

S. B. No. 177—(Wog.)

COMPENSATION SCHOOL TREASURER COMMON AND
CONSOLIDATED DISTRICTS

An Act to amend and re-enact Chapter 241, Session Laws 1927, relating to the compensation of school treasurers in common and consolidated districts.

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

§ 1. AMENDMENT.] That Section 1172 Compiled Laws 1913, as amended by Chapter 241 Session Laws, be and the same is hereby amended and re-enacted to read as follows:

§ 1172. SALARY OF SCHOOL TREASURER.] The school treasurer in common school or consolidated districts shall be paid for his services one per cent (1%) of all moneys paid out of the school district treasury, for receiving, safely keeping, and paying over the same according to law; provided, that in no case shall such school treasurer receive for such services less than ten dollars (\$10.00) nor more than thirty dollars (\$30.00) in any one year; provided further that such treasurer shall not be allowed any percentage or amount on the balance turned over by him to his successor in office.

Approved March 4, 1933.

CHAPTER 227

H. B. No. 60—(Jack A. Patterson.)

OPENING AND CLOSING SCHOOL ELECTION POLLS

An Act to amend and re-enact Section 1262 of the Compiled Laws of North Dakota for the year 1913, and Section 1264 of the Supplement to the 1913 Compiled Laws of North Dakota providing for the time for opening and closing polls, and declaring an emergency.

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

§ 1. AMENDMENT.] That Section 1262 of the Compiled Laws of North Dakota for 1913 be, and the same is hereby amended and re-enacted to read as follows:

§ 1262. ELECTION OF BOARDS OF EDUCATION IN SPECIAL DISTRICTS.] On the first Tuesday in June, each year, an election shall be held in each special district at which such members of the board of education shall be elected at large as shall be necessary to fill all vacancies therein caused by expiration of terms of office or otherwise, and each member elected shall serve for a term of three years commencing on the second Tuesday in July following his election and until his successor is elected and qualified except when elected to serve an unexpired term. The polls shall be open at eleven o'clock

A. M. and kept open until seven o'clock P. M. on the day of such election.

§ 2. That Section 1264 of the Supplement to the 1913 Compiled Laws of North Dakota be and the same is hereby amended and re-enacted to read as follows:

§ 1264. NOTICE OF ELECTION. FORM OF.] Such notice shall be in substantially the following form:

Notice is hereby given that on Tuesday, the.....day of June,, an annual election will be held at..... (here insert polling place) for the purpose of electing the following members of the board of education..... (here insert terms for which they are to be elected), for the city, town or village (here insert name), and the polls will be open at eleven o'clock A. M., and closed at seven o'clock P. M. of that day.

By order of the board of education.

Signed,.....Clerk.

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

§ 4. This Act is hereby declared to be an emergency and will take effect from and after its passage and approval.

Approved February 17, 1933.

CHAPTER 228

H. B. No. 225—(Schauss.)

DISBURSEMENT SCHOOL FUNDS

An Act to amend and re-enact Sections 1168, 1255 and 1306 of the 1913 Compiled Laws of North Dakota relating to keeping of accounts and the manner of disbursement of funds of Common, Special and Independent School Districts, and providing for the form of warrants to be used by School Districts.

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

§ 1. AMENDMENT.] That Section 1168 of the 1913 Compiled Laws of North Dakota be and the same is hereby amended and re-enacted to read as follows:

§ 1168. SCHOOL FUNDS. HOW PAID OUT.] The School Treasurer of Common School Districts shall keep such accounts and make such reports as are required of him by law. He shall pay no money out of the funds in his hands except upon the warrant of the school board, signed by the President and countersigned by the Clerk. The form of warrant to be used shall be prescribed by the Superintendent of Public Instruction. The Treasurer shall pay all warrants properly drawn and signed when presented, if there is any money in his hands

or subject to his order for payment. When making payment of a warrant on the School District funds, the Treasurer shall not issue his check on the depository bank, but shall countersign the warrant hereinbefore provided for, and insert the name of the depository bank thereon, and such warrant when so countersigned and directed to the depository bank, shall be paid by the depository when properly endorsed by the payee named in such warrant. The Treasurer shall immediately upon countersigning any warrant, and inserting the name of the depository bank thereon, enter such payment in his Treasurer's record.

§ 2. AMENDMENT.] That Section 1255 of the 1913 Compiled Laws of North Dakota be and the same is hereby amended and re-enacted to read as follows:

§ 1255. TREASURER OF SPECIAL SCHOOL DISTRICTS. DUTIES OF.] The Treasurer of each board of education shall keep a true account of the receipts and expenditures of the various funds separately, and shall prepare and submit in writing a quarterly report of the state of the finances of the district, and shall, when required, produce at any meeting of such board, or any committee appointed for the purpose of examining his accounts, all books and papers pertaining to his office. He shall safely keep in his possession or under his control all school moneys coming into his hands, and shall pay out such moneys only upon a warrant signed by the President, countersigned by the clerk and attested by the corporate seal of the Board. The form of warrant to be used shall be prescribed by the Superintendent of Public Instruction. The Treasurer shall pay all warrants properly drawn and signed when presented, if there is any money in his hands or subject to his order for payment. When making payment of a warrant on the School District funds, the Treasurer shall not issue his check on the depository bank, but shall countersign the warrant hereinbefore provided for, and insert the name of the depository bank thereon, and such warrant when so countersigned and directed to the depository bank, shall be paid by the depository when properly endorsed by the payee named in such warrant. The Treasurer shall immediately upon countersigning any warrant, and inserting the name of the depository bank thereon, enter such payment in his Treasurer's record.

§ 3. AMENDMENT.] That Section 1306 of the 1913 Compiled Laws of North Dakota be and the same is hereby amended and re-enacted to read as follows:

§ 1306. SCHOOL FUNDS, INDEPENDENT SCHOOL DISTRICTS. HOW KEPT AND PAID OUT.] All moneys required to be raised by virtue of this article shall be paid in cash or in warrants hereinafter provided, drawn on the school fund only, and such moneys and all moneys received by such districts for the use of the common schools therein shall be deposited for safe keeping with the city treasurer to

the credit of the board of education, and shall by him be safely kept separate and apart from any other funds until drawn from the treasury as herein provided. Such Treasurer shall pay out the moneys authorized by this article only upon warrants drawn by the President, countersigned by the secretary and attested by the seal of such board of education. The form of warrant to be used shall be prescribed by the Superintendent of Public Instruction. The Treasurer shall pay all warrants properly drawn and signed when presented, if there is any money in his hands or subject to his order for payment. When making payment of a warrant on the school district funds, the treasurer shall not issue his check on the depository bank, but shall countersign the warrant hereinbefore provided for, and insert the name of the depository bank thereon, and such warrant when so countersigned and directed to the depository bank, shall be paid by the depository when properly endorsed by the payee named in such warrant. The Treasurer shall immediately upon countersigning any warrant and inserting the name of the depository bank thereon, enter such payment in his Treasurer's record.

Approved March 3, 1933.

CHAPTER 229

S. B. No. 217—(Committee on Education.)

STATE EQUALIZATION FUND

An Act to establish a State Equalization Fund, and to provide for distributing one-half thereof among the School Districts of the State in proportion to the number of children of school age therein; to provide for the distribution of the remaining half among the elementary schools of the State which are unable to raise sufficient money to defray the minimum cost thereof plus the amount required to be paid for high school tuition, and to make it the duty of the State Superintendent of Public Instruction to determine such minimum cost of operating elementary schools.

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

§ 1. MAXIMUM TAX LEVY.] Whenever the words "Maximum Tax Levy" shall appear in this Act they shall mean the maximum levy permitted to be made by each School District upon the assessed valuation of the previous year, by any law now or hereafter in force, and shall include any excess levy permissible only after an election or other special proceedings to increase the statutory maximum.

§ 2. STATE EQUALIZATION FUND CREATED.] There is hereby created a fund to be known as the State Equalization Fund. The State Treasurer shall credit to such fund all sums appropriated by the legislature for that purpose from any source of income whatever, and in the case of direct biennial appropriations, the State Treasurer shall apply one-half of the total appropriation of the biennium to

each year thereof, and the amount so applied for each year, plus all accumulations from other sources, shall be construed to be the amount available in such fund for the current year.

§ 3. HALF OF STATE EQUALIZATION FUND TO BE APPROPRIATED ON BASIS OF SCHOOL CENSUS.] It shall be the duty of the State Auditor before the first day of September in each year to certify to the State Superintendent the amount in said Equalization Fund available for that year. One-half of the moneys available shall be apportioned by the State Superintendent among the counties of the State in proportion to the number of school children residing in each as shown by the last school enumeration as provided by law, and certify to the State Auditor, State Treasurer, and to the County Treasurer and County Superintendent of each county, the amount so apportioned to the various counties. The amount of such apportionment shall forthwith be paid to the county treasurer and distributed among the school districts in the same manner as the State Tuition Fund is apportioned and distributed.

§ 4. DETERMINATION OF MINIMUM AMOUNT REQUIRED TO MAINTAIN SCHOOLS.] The State Superintendent of Public Instruction shall be charged with the duty of investigating and inquiring into the general subject of school costs within the state, and, on or before the first day of August in each year, shall fix and determine the minimum amount of money required to operate and maintain elementary schools within this state for the ensuing school year.

§ 5. COUNTY SUPERINTENDENT TO CERTIFY INFORMATION TO STATE SUPERINTENDENT.] On or before the 15th day of July in each year the County Superintendent of Schools and County Auditor in each county shall compile and certify to the State Superintendent of Public Instruction, upon forms to be prescribed by the State Superintendent, a list of the School Districts in their respective counties, which list shall disclose the name and number of each District, the number of elementary schools maintained therein, the amount of taxes levied for the preceding school year in each district, and the total amount of taxes possible to levy by applying the maximum tax levy of such school district, and including the amount possible to levy under Section 13 of Chapter 235 of the Session Laws of 1929, to the assessed valuation thereof for the preceding year, together with a statement of the high school tuition required to be paid by each school district for the preceding school year.

For the purpose of this Act, the decision of the County Superintendent upon the question of residence of high school students and liability for high school tuition shall be final, and such decision shall be based upon certificates of the rural school district clerks and the clerks of the districts receiving non-resident high school students and such other evidence as may be available to him.

§ 6. STATE SUPERINTENDENT TO CERTIFY APPORTIONMENT TO

STATE AUDITOR.] Upon receipt of the certificates of the County Superintendents and Auditors provided for in Section 3 hereof it shall be the duty of the State Superintendent to ascertain from such certificates, which school districts will be unable, by making their maximum tax levies, including any additional levy authorized under the provisions of Section 13 of Chapter 235 of the Session Laws 1929, to raise the minimum amount per teaching unit, as fixed and determined in accordance with Section 4 of this Act, plus the amount necessary to pay the high school tuition due from the previous year, and he shall compute the amount necessary to pay to each such school district the difference between the amount which can be produced under its maximum tax levy, including any additional levy authorized under the provisions of Section 13, of Chapter 235 of the Session Laws 1929, and the said minimum amount plus such high school tuition. On or before the first day of September in each year it shall be the duty of the State Superintendent to certify to the State Auditor the amount required for this purpose by each of the counties in this state, and he shall also certify to each County Superintendent the amount for each of the School Districts of his county.

§ 7. STATE AUDITOR TO ISSUE WARRANTS.] Upon receipt of the certificates of the State Superintendent it shall be the duty of the State Auditor forthwith to issue and deliver to the County Treasurers of the several counties warrants upon the State Treasurer, drawn upon the State Equalization Fund for the amounts certified by State Superintendent for each of said counties, up to the full amount of the Fund available for that year after the distribution of the apportionment provided for in Section 3 hereof, and if the remaining moneys available in said State Equalization Fund are insufficient to pay the amounts so certified in full, then the State Auditor shall pro-rate the full amount remaining in said State Equalization Fund available for the then current year among the said counties, in proportion to the amounts certified by the State Superintendent, and shall notify each Treasurer and Auditor of the percentage by which such apportionment has been decreased. The State Auditor, at the time of transmitting his warrants to the County Treasurer, shall notify the Auditor of each county of the amount so remitted to the Treasurer of the County. Such funds shall be placed by the Treasurer in the Equalization Fund and disbursed as hereinafter provided.

§ 8. COUNTY SUPERINTENDENT TO CERTIFY TO COUNTY AUDITOR.] The County Superintendent, upon receipt of the certificates of the State Superintendent as required by Section 6 hereof, shall certify to the County Auditor the amounts due each school district in the county, and the County Auditor shall, upon receipt of the notice from the State Auditor, forthwith issue and deliver to the Treasurers of the several school districts of his county, Auditor's Warrants upon the County Treasurer, drawn upon said Equaliza-

tion Fund, for the full amount certified by the County Superintendent to be due each school district, less any percentage of decrease certified to him by the State Auditor, and shall notify the School District Clerks of the amounts remitted to their districts.

§ 9. DUTIES OF SCHOOL DISTRICT CLERK AND TREASURER.] Upon receipt of the remittance for each of the purposes mentioned in this Act, the School District Clerk shall forthwith make a record of the receipt of the same, and the Treasurer of the School District shall credit the same to the General Fund of the School District, and the proceeds thereof may be expended in like manner and for the same purposes as other moneys in the General Fund of said District.

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

Approved March 9th, 1933.

CHAPTER 230

S. B. No. 146—(Greene, by request.)

HEALTH INSPECTION PUBLIC SCHOOL PUPILS

An Act amending and re-enacting, in part, Chapter 200, Session Laws 1919 (Supp. Compiled Laws 1913, Section 1346), providing that upon being petitioned in writing by a majority of the school directors of the county, the board of county commissioners may, in its discretion, employ a physician and nurse whose duty it shall be to visit the schools in the county and to inspect and examine the pupils attending the said schools. Also to provide that the school board or board of education of any school corporation in the state when petitioned by a majority of the persons having children attending the schools of the district may, in its discretion, employ one or more physicians or nurses to inspect and examine, at least once annually, all children enrolled in the public schools of the district.

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

§ 1. AMENDMENT.] That Chapter 200 Session Laws 1919 (Supp. Compiled Laws 1913 Section 1346), be amended and re-enacted, in part, to read as follows:

§ 1346. HEALTH INSPECTION OF PUPILS IN PUBLIC SCHOOLS.] Upon being petitioned in writing by a majority of the school directors of the county the board of county commissioners may, in its discretion, employ one or more licensed physicians or graduate nurses duly registered and licensed to practice nursing under the laws of this state, whose duty it shall be to visit the schools in the county and to examine and inspect the pupils attending said schools.

The school board or board of education of any school corporation in the state may, in its discretion, when petitioned by a majority of the persons having children attending the schools of the district,

employ one or more licensed physicians or graduate nurses duly registered and licensed to practice nursing in this state.

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

Approved March 1, 1933.

CHAPTER 231

S. B. No. 222—(Thorson.)

ADMISSION NON-RESIDENT HIGH SCHOOL PUPILS

An Act to amend and re-enact Section 1438a1 of the Supplement to the 1913 Compiled Laws of North Dakota, as amended by Chapter 245, Session Laws of North Dakota for 1927, relating to high school tuitions.

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

§ 1. AMENDMENT.] That Section 1438a1 of the Supplement to the 1913 Compiled Laws of North Dakota, as amended by Chapter 245, Session Laws of North Dakota for 1927, be amended and re-enacted to read as follows:

§ 1438a1. NON-RESIDENT PUPILS.] Non-resident pupils may be admitted to the high school department of standardized graded schools or standardized high schools. The school district board or board of education in any school district having a standardized graded school or standardized high school shall admit to the high school department, whenever the facilities for seating and instruction will warrant, any non-resident pupil who is prepared to enter such high school department; provided, that a common school diploma issued by the county superintendent of schools setting forth that the holder thereof has completed the course of study prescribed by the state superintendent of public instruction for the common schools of the state shall be evidence of the completion of the course of study necessary for admittance to the high school department of a standardized graded school or standardized high school and for making claim for tuition from the district in which such non-resident pupil resides as hereinafter provided for; provided further that any school district located on the boundary line of this state, and not having a full four year high school course, of at least fifteen (15) units, and being adjacent to a school district in an adjoining state having a full four year high school course, shall arrange for the attendance of any pupil in such adjacent school district located in such adjoining state, to complete such part of a full four year high school course of at least fifteen (15) units as is not offered in his own district, and for the payment of such tuition fee as shall first be approved by the county superintendent of schools of the county in which such pupil resides. And be it further provided that any pupil

or student who has completed the eighth grade, living in a district having no four-year high school and living in a county that is on the border line of another state, shall be entitled to attend the nearest four-year high school in the adjoining state.

Approved March 3, 1933.

CHAPTER 232

H. B. No. 2—(Niewoehner.)

HIGH SCHOOL TUITION NON-RESIDENT PUPILS

An Act to amend and re-enact Chapter 256 of the Session Laws of North Dakota for 1931, relating to tuition fees for non-resident pupils.

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

§ I. AMENDMENT.] That Chapter 256 of the Session Laws of North Dakota for 1931, be, and the same is, hereby amended and re-enacted to read as follows:

§ 256. TUITION FEE, AMOUNT OF.] It shall be the duty of any school district, not having a full four year high school course of at least fifteen (15) units, to pay the tuition of pupils residing in such district that enter the high school department in any standardized graded school or standardized high school department in the state, to complete such part of a full four year high school course of at least fifteen (15) units, as is not offered in the district in which the pupil resides. The school board or board of education of the district in which the standardized high school is located shall be entitled and is hereby authorized to charge a tuition fee for such non-resident pupil not to exceed one dollar and fifty cents per week for the time, not exceeding four school years, such non-resident pupils are in attendance, and the school board or board of education of the district, in which the standardized graded school is located, shall be entitled and is hereby authorized to charge a tuition fee for such non-resident pupils not to exceed one dollar and fifty cents per week for the time such non-resident pupils are in attendance, provided, however, that any school board charging tuition under this Act for a non-resident pupil shall not charge or receive any registration, entrance, attendance, or admission fee, or any other fee for such pupil, for the purpose of circumventing the provisions and intentions of this Act.

Approved March 9, 1933.

CHAPTER 233

H. B. No. 74—(Odegard and Lillehaugen.)

MEETINGS COMMON SCHOOL DISTRICTS

An Act to amend and re-enact Section 1162 of the Compiled Laws of North Dakota for the year 1913 relating to annual, regular and special meetings of boards of Common School Districts and providing for notice of same and relating to attendance, per diem and mileage of school officers attending county meetings and declaring an emergency.

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

§ 1. AMENDMENT.] Section 1162, Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

§ 1162. The board shall, on the second Tuesday in January, April, July and October of each year, hold regular meetings for the transaction of business at such hour and place as may be fixed by the board, provided such time and place of meetings for the ensuing year shall be designated at the time of the annual meeting. A special meeting may be held upon the call of the president or the other two members. Written notice of the time and place of any special meeting shall be given to each member of the board of such meeting. Each member of the board shall be paid the sum of eight dollars per annum, less two dollars for each regular meeting which he fails to attend; provided, that in any common school district which contains a graded school of three or more departments, the board shall hold regular meetings for the transaction of business on the second Tuesday of each month at such time and place as may be fixed by the board, and in such districts the members of the board shall receive a compensation of one dollar for each meeting attended; provided that no per diem or mileage shall be paid said board members and clerks in attending general county meetings of school officers convened by the County Superintendent.

§ 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 6, 1933.

CHAPTER 234**H. B. No. 11—(Odegard.)****SCHOOL HOUSE SITES**

An Act to amend and re-enact Section 1187 of the Compiled Laws of North Dakota for the year 1913 relating to school house sites, the area, acquisition and disposition of the same.

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

§ 1. AMENDMENT.] Section 1187 of the Compiled Laws of North Dakota for the year of 1913 is hereby amended and re-enacted to read as follows:

§ 1187. The school board of any school district may take in the corporate name thereof any real property, not less than one acre, nor exceeding five acres in area, chosen as a site for a school house, as provided in this chapter, and may hold and use such tract for school purposes only. It shall secure good title to any and all of the school sites in the district, and cause the same to be recorded in the office of the Register of Deeds. It shall be the duty of the State's Attorney to pass upon the title to any school site before the deed thereto is recorded. Should the owner of such real property refuse or neglect to convey and grant such site, a site for a school house may be obtained by proceedings in eminent domain, as provided in the Code of Civil Procedure. If any school site so taken or otherwise acquired, is not used for school purposes for three successive years and if no school house or other building is located upon such site, it shall revert to the original owner or his assigns upon payment to the district of the sum originally paid by the school district or such lesser sum as the board may fix. If such owner or his assigns neglects or refuses to make such payment for one year after demand therefor by the board, such site may be sold to any purchaser in the form and manner provided for the sale of real property of deceased persons, the school board acting as appraisers and performing all acts in connection with the offer and sale of such site.

Approved February 17th, 1933.

CHAPTER 235**S. B. No. 236—(Whelan.)****TIME WITHIN WHICH TEXTBOOKS MAY BE CHANGED**

An Act prescribing and limiting the time within which text books may be changed in the public schools and educational institutions of this state.

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

§ 1. From and after the passage and approval of this Act, it shall be unlawful for any public school or educational institution

within this state to change or alter the text books which are being used in any such school or institution oftener than once in three years.

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

§ 3. SAVING CLAUSE.] The provisions of this Act shall not prohibit the purchase of new books to replace books purchased prior to September 30, 1930.

§ 4. EMERGENCY.] An emergency is hereby declared to exist and this Act shall be in force and effect from and after its passage and approval.

Approved March 4, 1933.

CHAPTER 236

H. B. No. 84—(Erickson and Kapfer.)

COMMON SCHOOL TRANSPORTATION

An Act relating to common school transportation; leaving same to the discretion of the school board; and limiting the amount that may be paid for same, and repealing Chapter 244, Session Laws of North Dakota for the year 1931.

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

§ 1. That the common school board, may in its discretion and at its option, pay to each family whose child, or children, attend school, a sum per day for each days attendance in proportion to the distance from school, according to the schedule set forth in section 1342 of the Supplement to the Compiled Laws of 1913, as amended by Chapter 238, Session Laws of the State of North Dakota for the year 1927.

§ 2. Chapter 244 of the Session Laws, State of North Dakota, for 1931 and all acts or parts of acts in conflict herewith are hereby repealed.

§ 3. This act shall not apply or affect consolidated schools or schools now known as consolidated schools.

Approved March 3, 1933.

CHAPTER 237

H. B. No. 90—(Nelson and Sundby.)

TUITION INSTITUTIONAL MODEL SCHOOLS

An Act to amend and re-enact Section 1221a of the 1925 Supplement to the Compiled Laws North Dakota, 1913, relating to tuition at Institutional Model Schools and Providing for payment thereof by school districts of residence of student when permission for attending said Institutional Model School is granted by Board of School District of Residence of student.

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

§ 1. AMENDMENT.] That Section 1221a of the 1925 Supplement to the Compiled Laws North Dakota 1913 be, and the same is hereby amended and re-enacted to read as follows :

§ 1221a. AMOUNT. .WHEN PAYABLE.] Upon application being first made to the Board of any school district by any parent or guardian of a student residing in said school district and desiring to attend any model, high, graded or elementary school which is operated, maintained or in any manner connected with the State University, any normal school, publicly maintained educational institution of higher learning in this state in which model, high, graded, or elementary school members of the faculty or student body of such university, normal school or institution of higher learning teach, for payment to said institution by such school district of the residence of said student of the tuition hereafter mentioned for such attendance, it shall be the duty of the board of said school district at its next regular or special meeting to consider said application and allow or reject it as it may seem advisable, and keep proper record in the minutes of its proceedings of its action thereon, and such school district board may reject any or all of said applications as in its judgment it shall deem proper in each case. If any application is rejected the school district shall not be liable for the tuition at said institution of the student whose application has been rejected. If the application is granted the school district of the residence of said student shall pay to said institution as tuition for such attendance as follows: Not less than two and a half dollars per month of actual membership per pupil in such model high school and not less than two dollars per month of actual membership per pupil in any such graded, or elementary school; provided, however, that such tuition shall be payable at the close of each term or semester.

Approved March 1, 1933.

CHAPTER 238

H. B. No. 284—(Patterson and Lynch.)

WAR ORPHAN TUITION PRIVILEGES

An Act Providing Educational Opportunities for the children of Soldiers, Sailors and Marines who were killed in action or died during the World War.

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

§ 1. The Board of Administration is hereby authorized to waive all tuition charges and fees for war orphans not under 16 years and not over 21 years of age who are attending or may attend a state educational or training institution or a secondary or college grade. By the term "war orphan" is meant children of those who were killed in action or died from other causes during the World War from April 6, 1917, to July 2, 1921, while serving in the Army, Navy, or Marine Corps of the United States or as a result of such service. The privileges of this Act are limited to the 35 war orphans now domiciled in the State of North Dakota, such orphans having been born between the years 1912 and 1921, both inclusive.

§ 2. The Board of Administration shall determine the eligibility of the children who may make application for the benefits provided in this Act.

Approved March 6, 1933.

STATE INSTITUTIONS

CHAPTER 239

S. B. No. 179—(Burkhart.)

ELIMINATION DUPLICATION, ETC., COURSES OF STUDY STATE EDUCATIONAL INSTITUTIONS

An Act directing the Board of Administration to eliminate unnecessary duplication and to co-ordinate courses of study in our state educational institutions in so far as is practicable.

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

§ 1. The Board of Administration is hereby instructed and directed to eliminate all unnecessary duplication of courses as may be found between our state educational institutions and to coordinate the courses of study at our state educational institutions in so far as is practicable.

§ 2. Such duplication to be eliminated and such coordination to be made and brought about gradually, so as not to cause hardship to students attending the different state educational institutions, but

nevertheless to be completed within three years by eliminating a certain percentage each year.

§ 3. 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 240

S. B. No. 121—(Murphy, by request.)

CHANGING NAME OF INSTITUTION FOR FEEBLE MINDED

An Act to amend and re-enact Section 1709 of the Compiled Laws of the year 1913, changing the name of the Institution for Feeble Minded.

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

§ 1. AMENDMENT.] That Section 1709 of the Compiled Laws of the State of North Dakota for the year 1913 be and the same is hereby amended and re-enacted to read as follows:

§ 1709. LOCATION.] There shall be located and permanently maintained at or near the city of Grafton, in the County of Walsh, an institution for the feeble minded, upon the grounds conveyed by the United States of America to the State of North Dakota for that purpose, to be known and designated as "Grafton State School."

§ 2. REPEAL.] That all Acts and parts of Acts in conflict herewith are hereby repealed.

Approved February 18, 1933.

CHAPTER 241

H. B. No. 167—(Place, Noben, and Olson.)

USE OF NATIVE LIGNITE COAL, NATURAL OIL AND GAS BY STATE INSTITUTIONS

An Act to amend and re-enact Section 1, Chapter 78 of the Laws of 1913 (1915), the same being Section 1828 of the Supplement to the Compiled Laws of 1913, Providing that state institutions, counties and public schools in this state, shall use for fuel, native or lignite coal, or lignite coal products, native North Dakota natural oil or native North Dakota natural gas, and providing it shall be unlawful for any officer to purchase for use in such institutions any other of such enumerated products produced, when said products are produced within the state, and providing a penalty for violation thereof.

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

§ 1. That section 1828 of the Supplement to the Compiled Laws of North Dakota for 1913 be amended and re-enacted to read as follows:

§ 1828. PUBLIC INSTITUTIONS TO USE.] The various state institutions, county buildings and public school houses in this state shall use for fuel, North Dakota native or lignite coal, or lignite coal products, North Dakota native natural oil or North Dakota native natural gas, and it shall be unlawful for any officer to purchase for use in such institutions, county buildings and public schools any coal other than that taken from the mines or wells within the boundaries of this State. This section shall not be construed, however, as prohibiting the use of other coal or wood, North Dakota natural oil or natural gas, at such institutions, county buildings and public schools when such other coal or wood or North Dakota natural oil or North Dakota natural gas can be obtained at a cost less than such North Dakota native fuel products, or the use of coal other than North Dakota native lignite coal or lignite coal products, North Dakota native natural oil or native natural gas, at such public schools as are located six miles or more from any mine or railroad station within the boundaries of this state; provided, that the comparative cost of such fuel is not greater than that of lignite coal, lignite coal products, North Dakota native natural oil or native natural gas.

All purchases of lignite coal, or lignite coal products, or North Dakota native natural gas or native natural oil, shall be based upon proposals published in some newspaper, published in and having a general circulation in the State of North Dakota, and copies of said proposals shall be filed in the office of the Secretary of State at Bismarck, North Dakota on or about the date thereof, and said purchases of such products shall be made from the lowest responsible bidder, and shall be based on the following standard contract grade:

Two thousand (2000) pounds shall constitute one (1) ton standard contract grade of lignite coal.

Standard contract grade of lignite coal shall contain as delivered 33% of moisture, as determined at one hundred five (105) degrees centigrade (c). For actual weight of moisture above thirty-five per cent, deduct proportionately the price per ton.

Standard contract grade lignite coal, water-free basis, shall contain from ten (10) to fifteen (15) per cent of ash. For each one (1) per cent of ash above fifteen (15) per cent deduct two and one-quarter ($2\frac{1}{4}$) per cent of the bid price per ton. For the one (1) per cent below the ten (10) per cent, add one and three-fifths ($1\frac{3}{5}$) per cent of the bid price per ton.

Standard contract grade lignite coal shall contain, water-free basis, not over two (2) per cent of sulphur. For each one (1) per cent, or major fraction thereof above two (2) per cent, deduct two (2) per cent of the bid price per ton.

Standard contract grade lignite coal shall contain, water-free basis, nine thousand five hundred (9,500) British thermal units (B. T. U.) and the price per ton shall be based upon that number of heat units. When the British thermal units (B. T. U.) are in

excess of that amount, such excess shall be paid for proportionately; and if the contents are less than nine thousand five hundred (9,500) British thermal units (B. T. U.) then a proportionate amount shall be deducted from the price.

The method of ascertaining the above facts shall be agreed upon between buyer and seller; provided, that any school or institution which does not use to exceed fifty (50) tons of coal in any one year shall not be required to publish for proposals as herein provided.

Approved March 18th, 1933.

CHAPTER 242

H. B. No. 107—(Crockett, Svingen, Hill, and Sundby of McLean.)

MANUFACTURE COFFINS AT PENITENTIARY

An Act authorizing and directing the Board of Administration to engage in the manufacture of coffins at the State Penitentiary.

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

§ 1. The Board of Administration is hereby authorized, empowered and directed to manufacture or cause to be manufactured coffins at the state penitentiary and to use inmates as laborers in the manufacture of said coffins and to do all other things necessary or incidental in carrying out the provisions and purposes of this Act. They are authorized and directed to make all necessary rules and regulations governing the manufacture, sale and distribution of coffins so manufactured, and they are directed to keep a complete record of the accounts of said industry in a separate set of books showing profit or loss as the same may be.

§ 2. The Board of Administration shall sell said coffins at wholesale or retail to the state, any county, municipality, persons, associations, corporations or co-partnerships. The wholesale price shall be 10% and the retail price 20% above cost of manufacture; provided, however, that the coffins purchased by the state, any county or municipality for burial of paupers shall be sold at the cost of manufacture. Provided that the County Commissioners shall keep on hand a reasonable supply of the various sizes of coffins for the burial of paupers. It is further provided that the County Commissioners of any County may in their discretion keep on hand a supply of coffins for sale to the general public. The County Auditor shall act as the agent of the County Commissioners in the matter of sale and disposition of coffins, using the same discretion and care in this business as he is required by law to give to other business of the county.

§ 3. All coffins made under the provisions of this Act shall be properly identified as such by having a metal plate attached to coffin

on which is inscribed the following words "Made in North Dakota Penitentiary." This identification plate shall be placed on the bottom of the coffin where it can be easily found on inspection.

§ 4. That all money and profits derived from the sale of coffins under this Act shall be kept in a separate account and not intermingled with any other funds of the State Penitentiary and shall not be transferred except by authority of law.

§ 5. The Board of Administration shall, so far as compatible with the efficient business of manufacturing coffins, make use of any inmates and employees of the State Penitentiary.

§ 6. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of two thousand dollars (\$2,000.00) or so much thereof as may be necessary to carry out the provisions of this Act.

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

Approved March 9th, 1933.

CHAPTER 243

H. B. No. 228—(Owings and Lavik.)

EMPLOYMENT PRISON LABOR

An Act to provide for the employment of the labor of prisoners of the State Penitentiary, for the sale of the products of said labor, the use of the receipts from said sales and appropriation of money for the establishment of said industry.

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

§ 1. EMPLOYMENT OF INMATES OF THE PENITENTIARY.] The State Board of Administration is hereby authorized and empowered to employ the labor of the prisoners of the state penitentiary, or so much thereof, as is not otherwise employed, in the manufacture of auto license plates and road signs, which plates and signs may be sold at a price fixed by said Board of Administration to the Motor Vehicle Registration Department and the Highway Departments of the State and to the several counties and municipalities of the state.

§ 2. USE OF RECEIPTS.] The receipts of said sales shall be deposited with the State Treasurer to the credit of Miscellaneous Earnings of the Penitentiary, and so much thereof as is necessary may be used under proper voucher in payment of the expenses incurred in connection with the said industry and the necessary repairs, upkeep, purchase of machinery and other requirements of the said industry. The receipts of said industry over and above the

necessary expense in maintaining the same shall be used under the direction of the Board of Administration to augment any of the funds of the penitentiary.

§ 3. APPROPRIATIONS.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$18,000.00 or so much thereof as may be necessary for the purpose of purchasing the equipment and materials necessary to put this account in full force and effect. Provided that in the judgment of the Board of Administration, together with the Governor, it is warranted.

Approved March 10, 1933.

CHAPTER 244

H. B. No. 340—(Carlson.)

PURCHASES STATE INSTITUTIONS

An Act requiring the purchasing agent of the Board of Administration to buy in accordance with the United States Bureau of Standard Specifications.

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

§ 1. The Board of Administration and the Purchasing Agent are hereby required and directed to make all purchase of goods and materials on behalf of the various state institutions in accordance with the standards and specifications of the United States Bureau of Standards Specifications.

Approved March 6th, 1933.

TAXATION

CHAPTER 245

H. B. No. 349—(Committee on Agriculture.)

ASSESSORS DUTIES

An Act amending and re-enacting Section 1904, Compiled Laws 1913, and Section 1905, Supplement to the 1913 Compiled Laws of North Dakota, relating to the duties of the county, township, city, and village assessors in connection with the securing of statistics, relating to agriculture and such other subjects as may be required by the state statistician.

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

§ 1. AMENDMENT.] That Section 1904, Compiled Laws 1913 be amended and re-enacted to read as follows:

§ 1904. WHAT STATISTICAL STATEMENT TO CONTAIN.] The

statistical statement mentioned in the foregoing section shall contain answers properly classified to the following questions: What is the number of farms, the number of acres cultivated or to be cultivated to crop for the current and preceding year, together with the acreage and product for the year, of wheat, oats, barley, flax, corn, rye, potatoes cultivated, and wild hay. The number of milch and beef cows, sheep and hogs, and laying hens and turkey hens.

§ 2. AMENDMENT.] That Section 1905 of the Supplement to the Compiled Laws, 1913, be amended and re-enacted to read as follows:

§ 1905. STATISTICS. HOW OBTAINED.] Each assessor shall perform the services by a personal visit to each dwelling house and to each family in his township, district, city, or village, and shall secure the information which he is required to ascertain by inquiries made of some member of each family, if any can be found capable of giving the information, but, if not then he shall obtain such information from the most reliable source; and he shall personally visit the farms, shops, and other places in the district, respecting which information is required, as specified on the blanks furnished him by the state statistician, and he shall obtain all information from the best and most reliable sources. The county auditor shall furnish to each assessor in his county such blanks as may be necessary for taking such statements, which blanks shall be furnished by the state statistician to the county auditors, together with printed instructions explaining the duties of the assessor in collecting the statistics aforesaid; and he county auditor within five days after such statements are returned to him shall forward the same by registered mail to the state statistician. In case such statement is not received by the state statistician on or before the twentieth day of July of each year he shall report such fact in writing to the attorney general, who shall notify such county auditor in writing of such delinquency, and if such county auditor neglects or refuses to forward such statement on or before the first day of August, then the attorney general shall at once proceed to enforce the penalties provided in section 1907 of the Compiled Laws of North Dakota for 1913.

Approved March 6, 1933.

CHAPTER 246

H. B. No. 112—(Owings.)

TAX INFORMATION FOR BANK OF NORTH DAKOTA

An Act requiring the County Auditors to furnish the Bank of North Dakota information relative to taxes on lands in which it or the State treasurer is interested.

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

§ 1. The County auditors of the respective counties are hereby

required and directed immediately upon the taking effect of this Act and on or before the first day of July each year thereafter to inform the Bank of North Dakota of any delinquent and unpaid taxes upon real estate owned or mortgaged to the Bank of North Dakota or assigned by it to the State Treasurer as trustee for the State of North Dakota. They shall give a description of the land for which the taxes are unpaid, the amount of unpaid taxes for each year, showing separately hail indemnity and special assessment taxes if any, the names of the purchaser if sold.

§ 2. The county auditors of the respective counties shall immediately upon the taking effect of this Act, notify the Bank of North Dakota if applications for tax deed have been made or if and when applications have been made for tax deed to any real estate in such county owned by or mortgaged to or assigned by the Bank of North Dakota to the State Treasurer as trustee for the State of North Dakota. Such notice to be sent before any costs or expenses are incurred in connection with such application.

§ 3. The notice and information required in this Act shall be sent by registered mail to the Bank of North Dakota and no charge shall be made by any county auditor for the furnishing of same, and any charge heretofore made is hereby cancelled.

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

Approved March 3, 1933.

CHAPTER 247

S. B. No. 118—(Whelan by request.)

CERTIFICATES OF INDEBTEDNESS

An Act to amend and re-enact Section 2079b1; Section 2079b2; Section 2079b3; Section 2079b4; Section 2079b5 and Section 2079b13, Supplement to the Compiled Laws of 1913.

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

That Section 2079b1; Section 2079b2; Section 2079b3; Section 2079b4; Section 2079b5 and Section 2079b13, Supplement to the Compiled Laws of 1913, be amended and re-enacted to read as follows:

§ 2079b1. CERTIFICATES OF INDEBTEDNESS.] Counties, cities, villages, townships, school districts, park districts, and irrigation districts shall have power to borrow in anticipation of revenues to be derived from taxes already levied. The aggregate amount of such borrowings shall not at any time exceed the amount of delinquent taxes which have been levied during the year in which the borrow-

ing is made, plus uncollected taxes remaining upon the tax lists of four preceding years, exclusive of levies for the purpose of retiring bond issues and the interest thereon. For the purpose of borrowing all such taxing districts may issue certificates of indebtedness. A certificate of indebtedness shall consist of an agreement on the part of the taxing district to pay a stated sum on a specified date or on or before a specified date nor more than twenty-four months in the future, together with interest thereon at a specified rate not exceeding seven per cent per annum which may be made payable semi-annually, which certificate shall be signed on behalf of the district by its president or chairman and also by its auditor, clerk or secretary, and be payable out of funds derived from delinquent taxes levied for the current tax year and four previous years, and which have not been set aside for the payment of other certificates of indebtedness pursuant to Section 2079b5. However, a certificate of indebtedness shall be the general obligation of the issuing tax district.

Certificates of indebtedness shall bear the certificate of the county auditor to the effect that they, together with all other outstanding certificates, are within the amount of delinquent taxes which have been lawfully levied in the then present year plus uncollected taxes of four preceding years. Such certificates of indebtedness shall possess no validity unless they bear such certificates of the county auditor. It shall be the duty of the county auditor to make such certificate according to the facts. When so executed with the prescribed certificate signed by the county auditor, certificates of indebtedness shall be fully negotiable and shall be incontestable, except upon the ground of fraud on the part of the holder or original payee or connivance between the holder or the original payee and officer or officers of the taxing district concerned. In the hands of a holder in due course, the execution of a certificate of indebtedness by the proper officials shall be conclusive evidence that the issuance thereof was duly authorized by the governing board of the taxing district. A tax shall be deemed to have been levied when it has been voted by the tax levying board and certified to the county auditor.

§ 2079b2. CERTIFYING AMOUNT OF UNCOLLECTED TAXES.] The county auditor shall at any time upon request of the officers of any taxing district, certify to them the amount of uncollected taxes remaining upon the tax lists to the credit of such district on the last day of the preceding month, and shall annually certify such information to the clerk of each township and village on February fifteenth and to the auditor of each city on September tenth, and to the clerk of each school board on June tenth. The county auditor shall also certify to the clerk, auditor, or secretary of such taxing districts monthly, at the time of making the monthly apportionment of funds the amount of cash collections apportioned for that month to such taxing district, and the amount derived from levies of each tax year.

§ 2079b3. MAXIMUM AMOUNT OF WARRANTS; VIOLATION OF

PROVISIONS; LIABILITY FOR.] No warrants, purporting to be drawn upon the funds in the hands of the treasurer of any taxing district, shall be issued in excess of the amount of cash in the hands of the treasurer, exclusive of sinking funds and funds for the payment of interest upon bond issues, and no indebtedness shall be incurred, and no undertakings or expenditures authorized in excess of unencumbered uncollected taxes which have been levied during the current year. Any warrant issued, contract entered into, or purported indebtedness incurred in contravention of this Section shall be utterly null and void, this provision not being intended to detract from the provisions of Section 2079b1 of this Act with reference to the incontestability of certificates of indebtedness. Any officer knowingly and wilfully executing or participating in the execution of any warrant or contract, or attempting to incur any indebtedness of any such taxing district in contravention of this Act, shall be deemed guilty of a misdemeanor. Any officer executing or participating in the execution of any warrant in contravention of this Act, shall be personally liable for the payment thereof to the holder in due course thereof. Any county auditor wilfully signing a false certificate upon any certificate of indebtedness issued pursuant to the provisions of this Act, shall be deemed guilty of a misdemeanor. Any member of a governing board or any officer of such taxing district who shall wilfully issue or participate in the issuance of, or the purported authorization of any certificate of indebtedness contrary to the provisions of this Act, or in excess of the maximum amount permitted under this Act, shall be personally liable for the payment thereof to the holder in due course thereof.

§ 2079b4. REGISTRATION.] The county auditor shall at the time of attaching his certificate to such certificates of indebtedness, register such certificates of indebtedness in his bond register in space set aside for the registration of certificates of indebtedness. Such registration shall show the name and address of the purchaser. In the event such certificate is negotiated, the holder thereof shall present same to the county auditor who shall thereupon note in his register the name and address of the purchaser.

§ 2079b5. COLLECTION, PAYMENT AND CANCELLATION OF CERTIFICATES.] When any taxing district has issued certificates of indebtedness pursuant to the terms of this act it shall be the duty of the county auditor to set aside all taxes collected from levies for the respective years against which certificates of indebtedness have been issued, except those for sinking and interest funds, thereafter accruing to the credit of such district, and the same shall be held by the county treasurer in a special fund to be used only for the purpose of retiring such certificates of indebtedness and paying interest thereon until such funds shall have been accumulated from the collection of levies of any year or years against which certificates of indebtedness have been issued to retire the certificates of that year. In the

event sufficient taxes are not collected from such levies to retire such certificates, both principal and interest, within two months after their due date, then there shall be set aside from current tax collections not less than ten per cent nor more than thirty per cent of the amount of such collections until such past due certificates have been paid. That within one month after the due date of a certificate of indebtedness the governing board of the issuing taxing district shall transmit to the county auditor its duly authenticated resolution directing the percentage of collection of taxes to be retained by the county treasurer each year to retire such certificate within the foregoing limitations. In the event such resolution is not received within two months after the due date of such certificate, then the county auditor shall retain thirty per cent of such collections. Certificates of indebtedness shall be paid in the order of their issuance, the certificate first issued being first paid from such collection of taxes. Upon accumulation of funds sufficient to retire a certificate, whether same is due or otherwise, the holder thereof shall be notified by the county auditor and shall be required promptly to present the certificate for payment and cancellation and thereafter interest thereon shall cease. Upon presentment of such certificate to the county auditor, he shall certify the amount due thereon to the county treasurer, who shall pay to the holder the amount thereof; the certificate shall be cancelled and so noted on the bond register and the cancelled certificate returned to the treasurer of the issuing taxing district.

§ 2079b13. WARRANTS FOR CURRENT EXPENSES.] In case any taxing district is unable to sell its certificates of indebtedness, it may issue warrants in payment of current expense, in excess of cash on hand, but not in excess of taxes levied but uncollected, and not otherwise encumbered, and the funds derived from the collection thereof shall constitute a special fund and the exclusive source of revenue for the payment of such warrants. If warrants be issued in excess of taxes levied, such warrants shall possess no validity as against the taxing district but the officials knowingly and wilfully issuing the same shall be personally liable for the payment thereof. Provided, however, that the governing board of any political subdivision may, in the event that there has not been sufficient funds in the treasury of such subdivision, to pay the salaries and wages of officials and employees of such subdivisions in full for a period of six months, by resolution authorize the issuance of warrants to such officials and employees for salary and wages, whereby one-half of such salary or wages shall be paid in cash by the treasurer of such political subdivision to such officials or employees, and a warrant issued for the balance thereof, which shall be registered and paid as other warrants are registered and paid; provided, further, that this act shall be construed to relieve the treasurer of such political subdivisions of liability to other warrant holders because of the payment of salaries and wages as provided in this act.

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

EMERGENCY.] This Act is hereby declared an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 9, 1933.

CHAPTER 248

H. B. No. 342—(Flannigan.)

TAX LEVY CAPITOL BUILDING

An Act to amend and re-enact Chapter 278 of the Session Laws of the State of North Dakota for 1931, being an Act providing for the levying of a tax to create a fund for the purpose of erecting a new Capitol Building and equipping the same at the City of Bismarck, North Dakota.

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

§ 1. AMENDMENT.] Section 1 of Chapter 278 of the Session Laws of the State of North Dakota for 1931 is hereby amended and re-enacted to read as follows:

§ 1. There shall be levied upon each dollar of assessed valuation of all taxable property within this state for the years 1931, 1932, 1933, 1934, 1935, 1936, 1937, 1938, 1939, and 1940, to be paid during each of said years; one-tenth of one mill for 1931 and 1932 and one-fifth of one mill for 1933, 1934, 1935, 1936, 1937, 1938, 1939, and 1940 on every dollar of taxable property, and all such revenue as may be collected under such levy including all interest collected, shall be paid into a special fund to be known as the "State Capitol Building Fund." Such fund shall be used only for the purpose of erecting and equipping a new capitol building in the City of Bismarck, North Dakota, and for supplying electric current therefor as the Legislature has heretofore or may hereafter direct.

§ 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 249**H. B. No. 271—(Solberg.)****TAX LEVY INTEREST, ETC. N. D. REAL ESTATE BONDS**

An Act levying a tax of one-half of one mill upon each dollar of assessed valuation of all taxable property within the State for the year 1933, for the purpose of paying the interest and creating a sinking fund for the payment of the principal of the North Dakota Real Estate Bonds now outstanding.

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

§ 1. There shall be levied upon each dollar of assessed valuation of all taxable property within this state for the year 1933, to be paid during said year, one-half of one mill and all such revenues that may be collected thereby, shall be paid into the state treasury and there kept in a special fund to be known as the North Dakota Real Estate Bond Fund, which shall be used for the following and no other purposes: To pay the interest on North Dakota Real Estate Bonds outstanding and the balance if any, to make up the deficiency in the sinking fund provided for by law for North Dakota Real Estate Bonds. Provided that whenever there is sufficient money in said fund or otherwise to fully pay said sums as hereinbefore provided then the said levy shall cease and any monies remaining therein shall be turned over to the general fund.

§ 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 6, 1933.

CHAPTER 250**H. B. No. 124—(Ettestad and Niewoehner.)****TAX LEVY LIMITATIONS**

An Act to amend and re-enact Section 9, Chapter 235, Session Laws of North Dakota for 1929.

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

§ 1. AMENDMENT.] That Section 9, Chapter 235, Session Laws of North Dakota for 1929, is hereby amended and re-enacted to read as follows:

§ 9. The Board of County Commissioners shall have the same jurisdiction in unorganized townships as the township supervisors have in organized townships and shall have power to levy taxes in unorganized townships for general purposes to the same extent as such supervisors have in organized townships.

The total tax for road and bridge purposes, levied by the board of county commissioners in such unorganized townships for road and bridge purposes, shall not exceed two (2) mills on the dollar of the net taxable assessed valuation of such unorganized townships. Such limitations, however, shall not be construed as limiting the power of the board of county commissioners to levy general county taxes for road and bridge purposes in such unorganized territory as may be provided by law.

In addition to such two (2) mill levy hereby authorized to be made by the Board of County Commissioners in such unorganized territory, a further levy of two (2) mills may be made for township general and township poor purposes.

Approved March 3, 1933.

CHAPTER 251

S. B. No. 107—(Committee on Tax and Tax Laws.)

ESTATE TAX

An Act to amend and re-enact Sections 2, 3, 8, and 11 of Chapter 267 of the Session Laws of 1927, as amended by Chapter 282 of the Session Laws of 1931, pertaining to the estate tax.

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

§ 1. AMENDMENT.] Section 2 of Chapter 267 of the Laws of 1927, as amended and re-enacted by Section 2 of Chapter 282 of the Session Laws of 1931, is hereby amended and re-enacted to read as follows:

§ 2. (1) TAX ON TRANSFER OF ESTATES.] A tax shall be and is hereby imposed upon the transfer of the net estate of every decedent, whether in trust or otherwise, under the conditions and subject to the exemptions and limitations hereinafter prescribed.

(2) GROSS ESTATE.] The value of the gross estate of the decedent shall be determined by including the following property:

- (A) When a resident of the State.
 - 1. All real property within the State.
 - 2. All tangible personal property except that which has an actual situs without the State.
 - 3. All intangible personal property wherever located.
- (B) When a non-resident of this State.
 - 1. All real property located within this State.
 - 2. All tangible personal property having an actual situs within the State.
 - 3. Sheriff's certificates of sale of real estate.
 - 4. Decedent's equitable interest in real estate within the State.

5. The full value of shares of stock in domestic corporations ; provided, that transfers of such shares of stock shall not be taxed if, by the law of the State of decedent's residence at the date of his death, either (a) no inheritance tax or other death tax is imposed upon any form of intangible personalty of non-resident decedents, or (b) a like exemption is made in favor of residents of this State.

(C) All property transferred prior to and in contemplation of death. Any transfer of any part of the estate made by the decedent within two years prior to death without an equivalent monetary consideration shall, unless shown to the contrary, be deemed to have been made in contemplation of death within the meaning of this Section.

(D) All property transferred by the decedent prior to death by grant or gift without an equivalent monetary consideration, either intended to take effect at or after the death of the decedent.

(3) **CONTRACTS IN CONTEMPLATION OF DEATH.]** The gross value of the estate shall not be diminished by reason of any transfers due to the claim or any creditor against the estate arising from a contract made after the passage of this Act payable by the term of such contract at or after death, of the decedent, except in so far as it may be affirmatively shown by competent evidence, that such claim was legally due and payable in the lifetime of the decedent or was supported by a consideration of equivalent monetary value. This shall not, however, bring within the meaning of the statute any antenuptial agreements which shall for the purpose of this Act be considered as contracts creating a debt against the estate.

(4) **JOINT INTEREST.]** The gross estate of the decedent shall include the value of interests in property held as joint tenant or deposited in banks or other institutions in the joint names of the decedent and any other person and payable to either or the survivor. In all such cases the value of the decedent's interest shall be determined by dividing the value of the entire property by the number of joint tenants, joint depositors, or persons interested therein.

(5) **POWER OF APPOINTMENT.]** Transfers of property subject to the power of appointment, whether the power be exercised or not exercised, shall be taxable under this Act to the estate of the donor and shall not be taxable to the estate of the donee.

(6) **REVOCABLE AND IRREVOCABLE TRUSTS.]** Whenever a decedent has reserved unrestricted power of revocation of any trust created during his lifetime, such trusts shall be considered as a part of his estate and taxed accordingly. Where, however, the trust provided that only a portion of such property could be revested, only that portion shall be taxable as a part of the estate and the irrevocable portion of such trust shall only be taxable when the transfer was made in contemplation of death or the possession or enjoyment thereof was intended to take effect at or after death. When-

ever a donor of such trust reserved a life income therefrom, it shall be considered as a part of the estate and taxed accordingly.

(7) PROPERTY PREVIOUSLY TAXED.] A transfer of property which has paid a transfer tax to this State within five years shall be subject to a tax as though it had not been transferred, but wherever the property can be identified as having been received by the decedent by gifts, bequest, devise, or inheritance within five years or can be identified as having been acquired in exchange for property so received, a credit for the transfer taxes paid within five years upon his property shall be allowed upon the transfer tax, provided, however, that this credit shall not exceed the tax due under the present appraisalment of such property for transfer tax purposes.

(8) PROCEEDS FROM LIFE INSURANCE POLICIES.] All proceeds from life insurance policies not in excess of \$20,000.00 shall be exempt from taxation.

§ 2. AMENDMENT.] Section 3 of Chapter 267 of the Session Laws of 1927, as amended and re-enacted by Section 2 of Chapter 282, Laws of 1931, is hereby amended and re-enacted, to read as follows:

§ 3. RATE OF TAX.] The tax upon the net estate shall be at the following rates:

2 per centum of the amount of the net estate not in excess of \$25,000.00;

4 per centum of the amount by which the net estate exceeds \$25,000. and does not exceed \$50,000;

6 per centum of the amount by which the net estate exceeds \$50,000 and does not exceed \$100,000;

8 per centum of the amount by which the net estate exceeds \$100,000 and does not exceed \$200,000;

10 per centum of the amount by which the net estate exceeds \$200,000 and does not exceed \$400,000;

12 per centum of the amount by which the net estate exceeds \$400,000 and does not exceed \$600,000;

14 per centum of the amount by which the net estate exceeds \$600,000 and does not exceed \$800,000;

17 per centum of the amount by which the net estate exceeds \$800,000 and does not exceed \$1,000,000;

20 per centum of the amount by which the net estate exceeds \$1,000,000 and does not exceed \$1,500,000;

23 per centum of the amount by which the net estate exceeds \$1,500,000.

(2) DETERMINATION OF NET ESTATE.] For the purpose of this Act the value of the net estate shall be determined by deducting from the value of the gross estate;

(a) An exemption, not exceeding the amount specified in

each case, of the value of property passing to each of the following beneficiaries:

1. Wife, not exceeding \$20,000.
2. Husband, not exceeding \$20,000.
3. Lineal ancestor or descendant, adopted child, step child, or lineal descendant of an adopted child or step child, not exceeding \$2,000 and if a minor, not exceeding \$5,000.

(B) The amount of all bequests, legacies, devises, or transfers, except bona fide sales for an equivalent monetary consideration in contemplation of or intended to take effect in possession or enjoyment at or after the decedent's death, to or for the use of any public institution, for exclusively public purposes, or for any charitable, educational or religious purposes, or to or for the use of any corporation, institution, society, or association, whose sole object and purpose is to carry on charitable, educational or religious work, but no deduction shall be made if any officer, member, shareholder or employee of such corporation, institution, society or association shall receive or may be lawfully entitled to receive, any pecuniary profit from the operations thereof, except reasonable compensation, for services in effecting one or more of such purposes or as proper beneficiaries of a strictly charitable purpose; or if the organization thereof, for any such avowed purpose, be a guise or pretense for directly or indirectly making any other pecuniary profit for such corporation, institution, society or association, or for any of its members or employees, or if it be not in good faith organized or conducted exclusively for one or more of such purposes.

(C) All debts of the decedent.

(D) Taxes.

1. On real property within this State which were a lien at the date of decedent's death.

2. On the decedent's personal property, which was the personal obligation of the decedent during his lifetime, or a lien upon such personal property at the date of death.

3. State and Federal income taxes on the income of the decedent to the date of his death.

(E) Death duties paid to foreign countries on intangible personal property.

(F) Inheritance taxes paid or payable to other States on intangible personal property.

(G) Federal estate taxes paid and not refunded.

(H) Special assessments which are due and which are a lien on taxable property located within the State.

(I) Funeral expenses, and all amounts actually expended not exceeding the sum of five hundred (\$500.00) dollars for monuments.

(J) Commissions of executors and administrators actually allowed and paid.

(K) Cost of administration including reasonable attorney's fees.

The family allowance shall not be deductible in an amount exceeding two thousand dollars for the widow plus three hundred dollars for each minor child and shall not be deductible except to the extent that it exceeds the income of the estate.

In case decedent was a non-resident and the situs of a part of the property of the estate is outside this State, no part of the debts of decedent, nor of taxes other than real estate taxes, nor funeral and monument expense shall be deductible from the gross estate; provided, that if the aggregate amount of debts, taxes other than real estate taxes and funeral and monument expense shall exceed the value of the personalty not taxable in this State there shall be deducted from the gross estate in this State such percentage thereof as the value of the property in this State above liens is of the value of all the property of the estate above liens.

If decedent was a resident of this State and the situs of part of the property of the estate is outside this State, debts, taxes other than real estate taxes and funeral and monument expense shall be deductible from the gross estate in this State unless the aggregate thereof exceeds the value of the personalty taxable in this State, in which case only such percentage thereof may be deducted as the value of the property in this State above liens is of the value of all the property of the estate above the liens.

If only a part of the property of an estate is taxable in this State only such commissions, attorneys fees and costs of administration may be deducted as are occasioned by administration within this State.

If only a part of the property of the estate is taxable within this State, deduction as exemptions shall be allowed of only such percentage of the amounts of exemptions herein specified as the property taxable within this State, above liens is of all the property of the estate, above liens.

Only such past due real estate taxes and past due special assessments may be deducted, in any circumstances, as are liens upon real estate within this State.

§ 3. AMENDMENT.] Section 8 of Chapter 267 of the Session Laws of 1927, as amended and re-enacted by Section 5 of Chapter 282 of the Session Laws of 1931, is hereby amended and re-enacted to read as follows:

§ 8. LIEN FOR TAXES.] All taxes imposed by this Act shall be and remain a lien upon the property transferred, and upon all property acquired by the executor, administrator, or trustee in substitution therefor until the taxes are paid or a bond given, but said lien shall not affect any tangible or intangible personal property after it has passed to a bona fide purchaser for value; provided, however, that nothing herein contained shall give the owner of any securities

the right to have the same transferred to him by the corporation, association, company or trust issuing the same, until a permit required by this Act shall have been filed as herein provided. The lien charged as aforesaid upon any real estate or separate parcel thereof may be discharged by the payment of all taxes due and to become due on said real estate or separate parcel, or by the filing and acceptance of a bond as provided in this Act, or by an order of the County Court transferring such lien to other real estate owned by the person to whom said real estate or separate parcel thereof passes. The beneficiary shall be personally liable for the tax on such real estate, as well as the executor, administrator, or trustee; and if the executor, administrator, or trustee pays such tax, he shall, unless the same is made an expense of administration by the will or other instrument, have the right to recover such tax or any other tax from the beneficiary acquiring such real estate. In case of a resident decedent, beneficiaries shall share the burden of the tax in proportion to benefits received unless otherwise provided by will. If a resident decedent leaves property outside of the State, beneficiaries shall share the aggregate burden of the estate tax payable in this State and transfer taxes payable in other states in proportion to aggregate benefits received here and elsewhere unless otherwise provided by will. If a non-resident decedent leaves property in this State, the entire tax imposed by this State shall be enforceable against any property of the estate but the court may, in its discretion, make such order or orders as may be best calculated to distribute the aggregate burden equitably in proportion to benefits received.

§ 4. AMENDMENT.] Section II of Chapter 267 of the Session Laws of 1927, as amended and re-enacted by Section 4 of Chapter 282 of the Session Laws of 1931, is hereby amended and re-enacted to read as follows:

§ II. FORMS AND RECORDS.] The State Tax Commissioner shall have power to prescribe such forms, application blanks and printed matter as may be necessary for the carrying out and enforcement of this Act. He shall also keep such records as are indicated by good accounting practice in such manner as to furnish to the State Legislature intelligent information upon which to base further legislation in regard to these taxes. The approval by the Tax Commissioner of the determination of the amount of estate tax shall be required except in case of insolvent estates or estates of which nothing remains after payment of debts except what is disposed of under the provisions of Section 8723 and 8725 of the Compiled Laws of 1913.

§ 5. EMERGENCY.] WHEREAS, it appears that in the enactment of Chapter 282, Laws of 1931, Subdivision (3) of Subdivision (A) of Subsection 2 of Section 2, above set forth, was included in the bill as passed by the House of Representatives but was inad-

vertently omitted in its passage by the Senate, and, whereas, there is doubt as to the validity and effectiveness of Chapter 282, Laws of 1931, by reason thereof; Now, therefore, this Act is declared to be an emergency measure and shall be in full force and effect immediately upon its passage and approval.

Approved March 9, 1933.

CHAPTER 252

S. B. No. 131—(Bonzer.)

GROSS EARNINGS TAX POWER COMPANIES

An Act to provide and impose a gross tax on the gross operating receipts of power companies; defining the same; providing for furnishing information relative to such property; outlining the duties of the tax commissioner; state board of equalization; county auditors; and county treasurers; and fixing penalty for failure or neglect to report; providing that such tax shall be a lien (lieu) tax 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. DEFINITION.] For the purpose of this Act, the following definitions are made:

(a) Company defined: The term "company" used in this Act, shall mean and include any individual, firm, co-partnership, business trust, corporation, joint stock company or association.

(b) Power company defined: Any Company owning, or holding under lease, or otherwise, any property in the state, and operating the same, for the purpose of furnishing electricity, electric power, or steam heat, or distributing the same, for public use or owning under lease or otherwise, any property located wholly within one taxing district, and furnishing and distributing artificial gas for public use shall for the purpose of this Act be held to be a power company.

(c) Gross receipts defined: The words: "gross receipts" shall be understood to mean, the total amount charged for furnishing electricity or steam services before any deductions for expense of operation or otherwise are made.

§ 2. ANNUAL TAX.] For the privilege of exercising its franchise in this state, every domestic power company doing business in this state, every foreign power company, shall annually pay a tax to the state upon its gross receipts, as herein defined; from the operation of its business within the state, of twelve per cent of its total gross receipts within this state.

§ 3. Each power company shall, on or before the first day of March in each year, make and return to the State Tax Commis-

sioner, on such blanks as he may prescribe, a sworn statement of its gross receipts, in the State of North Dakota during the preceding calendar year, together with such other and further information as the Tax Commissioner may require. If, by the first day of April any power company, has failed to file such report, the State Tax Commissioner is hereby empowered to make a report for such company, showing its gross receipts in such sum as may appear to be reasonable, which report shall be treated in all respects as the official report of such delinquent company.

§ 4. Each power company, shall in its report, made to the State Tax Commissioner, report its gross receipts by county in or through which it operates, and shall further show the gross receipts from each municipality or distributing system which such company operates within such county. Such report shall further show the miles of pole line or pipe line within such county and the taxing districts through which such pole lines or pipe lines extends.

§ 5. POWERS AND DUTIES OF STATE TAX COMMISSIONER.] It shall be the duty of the State Tax Commissioner to satisfy himself of the accuracy of the reports made by each power company, as provided in this Act, and to correct any error or inaccuracies which he may discover therein; and the records, books and accounts of the power companies, shall be subject to inspection by the State Tax Commissioner, or the duly authorized representative. The State Tax Commissioner may in his discretion, grant extension of time, within which reports of power companies prescribed in this Act, shall be filed. If the return required to be made by such power companies, showing the gross receipts as provided herein is not made by April 1st, unless an extension of time is granted by the State Tax Commissioner, the Company failing or refusing to make such return shall be liable to a penalty of one hundred dollars for each and every day thereafter, during which said report shall be delayed. Such a penalty shall be assessed against the power companies by the State Board of Equalization and shall be certified by them, to the Attorney General, who shall institute action for the collection of the same.

§ 6. ASSESSMENTS AND COLLECTIONS.] A total tax due from each power company, shall be computed and determined by the Tax Commissioner from the annual return herein required or from any other information. The State Board of Equalization shall meet at the office of the State Tax Commissioner, on or before the fourth Monday in April and assess and levy the tax as herein provided. The tax to be determined and assessed shall be certified to the county auditor of each county, which certificate shall show the total tax to be collected in such county from each power company operating in such county as determined by the State Board of Equalization. This certificate shall be accompanied by such information as will

enable the county auditor to prescribe to the distribution of power companies taxes in accordance with the provisions of this Act.

§ 7. DUTIES OF COUNTY AUDITOR.] Upon receipt from the State Tax Commissioner of the certificate provided for in Section 6 of this Act, the County Auditor shall prepare a statement of power companies, taxes to accrue to the state, to the county, to the various cities, incorporated villages, school districts, and taxing districts in the county, in accordance with the method of distributing power companies' taxes prescribed in Section 10 of this Act. On or before the 20th day of May in each year the County Auditor shall deliver to the County Treasurer a statement showing the amount of taxes to be collected from each such company operating in the county; together with a copy of the statement hereinbefore in this section provided.

§ 8. DUTIES OF COUNTY TREASURER.] Upon receipt from the County Auditor of the statement of the power companies' taxes, described in Section 7 of this Act, and not later than the first day of June of each year, the County Treasurer shall mail to each such company named in such statement, a notice of the total amount of taxes due from such company. Such notice shall contain information as to the date such taxes will become delinquent, and the penalty for non-payment prior to delinquency, as in this Act provided. Money received by the County Treasurer in payment of power companies' taxes shall be distributed by him in accordance with the statement of distribution furnished him by the County Auditor as in this Act provided and in the manner prescribed in Section 2181 and Section 2182 of the Compiled Laws for the year 1913.

§ 9. COLLECTION OF TAXES.] Power companies' taxes, computed as prescribed in this Act, shall become due and payable to the County Treasurer on the first day of July following assessment and shall become delinquent if not paid by the first day of August following. Delinquent taxes shall bear interest at the rate of one per cent per month from the date of delinquency until paid, and a penalty of five per cent of the original amount of the tax shall likewise be added. Section 2166 of the Compiled Laws of 1913, as amended shall govern the collection of delinquent taxes.

§ 10. DISTRIBUTION OF POWER COMPANY TAXES.] The State Tax Commissioner shall apportion the tax of each power company to the counties in the proportion that the book value of the operating property within each county bears to the entire book value of the company within the state. The county auditor in each county shall re-distribute the amount certified to him in the manner as follows:

Twenty per cent thereof to the state equalization fund for common schools. Ten per cent thereof to the county. Seventy per cent thereof to the taxing districts within the county in the proportion

that the book value of the operating property within each taxing district bears to the book value of the operating property within the county. In cases where taxing districts overlap or coincide, the taxes creditable to such districts shall be apportioned between such districts in the ratio of their respective mill levies.

§ 11. LIEU TAX.] The taxes imposed by this tax is in lieu of any and all state, county, municipal, road or school taxes, licenses or fees upon power companies and their franchises and upon all property of such companies, tangible or intangible, used or useful in power operation, except motor vehicle license and fuel taxes, and except that the real estate of such companies shall be subject to special assessments for local improvements.

§ 12. REPEAL.] All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Approved March 9, 1933.

CHAPTER 253

S. B. No. 270—(Brostuen, Greene & Tinnes.)

INCOME TAX

An act to amend and re-enact Section 2346a10 of the Supplement to the Compiled Laws of 1913, Section 2346a11 of the Supplement to the Compiled Laws of 1913, Section 2346a16 of the Supplement to the Compiled Laws of 1913, Section 2346a20 of the Supplement to the Compiled Laws of 1913, Section 2346a21 of the Supplement to the Compiled Laws of 1913, as amended by Chapter 283 of the Session Laws of 1931, Section 2346a22 of the Supplement to the Compiled Laws of 1913.

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

§ 1. AMENDMENT.] That Section 2346a10 of the Supplement to the Compiled Laws of 1913 is hereby amended and re-enacted to read as follows:

§ 2346a10. FISCAL YEAR WITH DIFFERENT RATES.] If a taxpayer makes a return for a fiscal year beginning in 1932 and ending in 1933, his tax under this act shall be computed by using:

(a) The 1932 rates on that proportion of his total net income which the portion of such fiscal year ending within the calendar year 1932 bears to the full fiscal year.

(b) The 1933 rates shall apply to the remainder.

§ 2. AMENDMENT.] That Section 2346a11 of the Supplement to the Compiled Laws of 1913 is hereby amended and re-enacted to read as follows:

§ 2346a11. GRADUATED RATES.] A tax is hereby imposed upon every resident of North Dakota, which tax shall be levied, col-

lected, and paid annually with respect to this entire net income as herein defined, computed at the following rates after deducting the exemptions provided in this act:

- On all new incomes, above exemptions, and not in excess of \$2,000.00, a tax of 1%.
- On all net incomes in excess of \$2,000.00, above exemptions and not in excess of \$4,000.00, a tax of 2%.
- On all net income in excess of \$4,000.00, above exemptions, and not in excess of \$5,000.00, a tax of 3%.
- On all net income in excess of \$5,000.00, above exemptions, and not in excess of \$6,000.00, a tax of 5%.
- On all net incomes in excess of \$6,000.00, above exemptions, and not in excess of \$8,000.00, a tax of 7½%.
- On all net incomes in excess of \$8,000.00, above exemptions, and not in excess of \$10,000.00, a tax of 10%.
- On all net incomes in excess of \$10,000.00, above exemptions, and not in excess of \$15,000.00, a tax of 12½%.
- On all net incomes in excess of \$15,000.00, above exemptions, 15%.

§ 3. AMENDMENT.] That Section 2346a16 of the Supplement to the Compiled Laws of 1913, is hereby amended and reenacted to read as follows:

§ 2346a16. GROSS INCOME DEFINED.] (1) The words "gross income" include gains, profits, and income derived from salaries, wages or compensation for personal services of whatever kind and in whatever form paid, or from professions, vocations, trades, business, commerce, or sales or dealings in property, whether real or personal, growing out of the ownership or use of, or interest in such property, rent, dividends, securities or the transaction of any business carried on for gain profit, or gains or profits, and income derived from any source whatever, including all salaries, wages and commissions of whatever kind received from the State of North Dakota or any of its political subdivisions. The amount of all such items shall be included in gross income of the taxable year in which received by the taxpayer unless under methods of accounting permitted under this act any such amounts are to be properly accounted for as of a different period.

(2) The term "gross income" does not include the following items, which shall be exempt from taxation under this act:

(a) Proceeds of life insurance policies and contracts paid upon the death of the insured to individual beneficiaries or to the estate of the insured.

(b) The amount received by the insured as a return of premium or premiums paid by him under life insurance, endowment or annuity contracts, either during the term or at maturity of the term mentioned in the contract, or upon surrender of the contract.

(c) The value of property acquired by gift, bequest, devise or

descent (but the income from such property shall be included in gross income).

(d) Interest upon obligations of the United States or its possessions, or upon obligations of the state of North Dakota, or any political subdivision of the state of North Dakota.

(e) Any amount received through accident or health insurance or under workmen's compensation acts as compensation for personal injuries or sickness plus the amount of damages received, whether by suit or agreement on account of such injuries or sickness.

(f) Salaries, wages and other compensation received from the United States by officials or employees thereof, including persons in the military or naval forces of the United States.

(g) Income from deposits in North Dakota banks and from loans on North Dakota real estate when payable to foreign corporations.

§ 4. AMENDMENT.] That Section 2346a20 of the Supplement to the Compiled Laws of 1913 is hereby amended and re-enacted to read as follows:

§ 2346a20. EXEMPTIONS.] (a) For the purpose of the tax on individuals, there shall be deducted from the net income the following exemptions:

(1) In the case of a single individual, an exemption of \$500.00.

(2) In the case of a head of a family or married individual living with husband and wife, a personal exemption of \$1,500. A husband and wife living together shall receive but one personal exemption of \$1,500. against their aggregate net income; and in case they make separate returns, the personal exemption of \$1,500 may be taken by either or divided between them.

(3) Two hundred dollars for each individual (other than husband or wife) dependent upon and receiving his chief support from the taxpayer, if such dependent individual is under eighteen years of age or is incapable of self support because mentally or physically defective or incapacitated, provided that exemptions may be claimed for children over the age of eighte (eighteen) years and under the age of twenty-one years that are dependent upon the taxpayer for support and are attending educational institutions.

(b) For the purpose of the tax on fiduciaries, there shall be deducted:

(1) If taxable under Article III, Section 14 (a) (Sec. 2346a13a, ante), a personal exemption of \$500.

(2) If taxable under Article III, Section 14 (b) (Sec. 2346a13b, ante), same exemption as would be allowed the deceased if living.

(3) If taxable under Article III, Section 14 (c) (Sec. 2346a13c, ante), the same exemption to which the beneficiary would be entitled.

(c) The status on the last day of the income year shall determine the right to exemptions provided in this section; provided, a taxpayer shall be entitled to such exemptions for husband, wife or dependent who has died during the income year.

§ 5. AMENDMENT.] That Section 2346a21 of the Supplement of the Compiled Laws of 1913 as Amended by Chapter 283 of the Session Laws of 1931 is hereby amended and re-enacted to read as follows:

§ 2346a21. RETURN; DUTY TO MAKE.] (a) Every individual subject to taxation under the provisions of this act, having a net income during the income year of \$500. or over, if single, or if married and not living with husband or wife, or having a net income for the fiscal year of \$1,500 or over, if married and living with husband or wife, and every individual having a gross income during the income year of \$5,000. or more, regardless of the amount of his net income, shall make a return, under oath, stating specifically the items of his gross income and the deductions and exemptions allowed by this act.

(b) If a husband or wife living together have an aggregate net income of \$1,500 or over, each shall make such a return, unless the income of each is included in a single joint return.

(c) If the taxpayer is unable to make his own return, the return shall be made by a duly authorized agent or by a guardian or other person charged with the care of the person or property of the taxpayer.

(d) Every fiduciary subject to taxation under the provisions of this Article as provided in Section 2346a13 of the Supplement to the Compiled Laws of 1913, hereof shall make a return under oath for the individual estate or trust for whom or for which he acts, if the net income thereof amounts to \$500. or over.

(e) The return made by a fiduciary shall state specifically the items of gross income and the deductions and exemptions allowed by this act, and such other facts as the Tax Commissioner may prescribe. Under such regulations as the Tax Commissioner may prescribe, a return may be made by one or more joint fiduciaries.

(f) Fiduciaries required to make return under this act shall be subject to all of the provisions of this act which apply to individuals.

§ 6. AMENDMENT.] That Section 2346a22 of the Supplement to the Compiled Laws of 1913 is hereby amended and re-enacted to read as follows:

§ 2346a22. INFORMATION AT THE SOURCE.] (1) Every individual, partnership, corporation, joint stock company or association or insurance company, being a resident of or having a place of business in this state in whatever capacity acting, including lessees

and mortgagors or real or personal property, fiduciaries, employers and all officers and employees of the state or of any state institution, or of any political subdivision within the state, having control, receipt, custody, disposal or payment of interest (other than interest coupons payable to bearer), rent, salaries, wages, premiums, annuities, compensations, remunerations, emoluments, or other fixed or determinable annual or periodical gains, profits and income, amounting to \$500 or over in salaries or wages and \$500 or over of other payments mentioned herein, whether paid or payable during any year to any taxpayer, shall make a complete return thereof under oath to the tax commissioner, under such regulations and in such form and manner and to such extent as may be prescribed by the said tax commissioner.

(2) Every partnership, having a place of business in the State, shall make a return, stating specifically the terms of its gross income and the deductions allowed by this act, and shall include in the return the names and addresses of the individuals who would be entitled to share in the net income if distributed, and the amount of the distributive share of each individual. The return shall be sworn to by any one of the partners.

(3) All returns required under this Section shall be made on or before the fifteenth day of the third month following the close of the fiscal year of the person required to make such return, or if the return is made on the basis of a calendar year, then the return shall be made on or before the fifteenth day of March.

§ 7. REPEAL.] All acts and parts of acts in conflict with this act are hereby repealed.

§ 8. SAVING CLAUSE.] If any clause, sentence or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such payment shall not impair nor invalidate the remainder of the act, but shall be confined in its operation to that part adjudged invalid.

§ 9. DATE OF EFFECT.] This act shall be effective on all income received during the year ending December 31, 1933, as provided in this act.

Approved March 7, 1933.

CHAPTER 254

H. B. No. 242—(Sundby and Endres.)

OLD AGE PENSIONS

An Act to provide for old age pensions, creating an Old Age Pension Fund, providing for the levy of an annual tax therefor, prescribing persons to be pensioned thereunder, and penalties for the violation thereof.

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

§ 1. There shall be levied and collected in each year, beginning with the year 1933, an annual tax of one tenth of one mill for each taxable dollar of the total equalized assessed valuation, of all taxable property in the State of North Dakota, for the purpose of creating a fund to be known as the Old Age Pension Fund, the proceeds of which levy shall be set apart as a fund for the payment of relief and in assistance of aged persons, as hereinafter provided, such tax shall be collected in the same manner as is now provided for the collection of other taxes and when collected shall be paid into the state treasury to the credit of the Old Age Pension Fund. The fund shall be cumulative and any surplus for any one year shall be available for disbursement according to law for any succeeding year. If the funds provided for herein are not sufficient to pay all pensions to become payable in any year, the Board of Administration shall scale all such pensions so that the pension fund may be distributed uniformly among those granted pensions hereunder and that each person granted such pension may receive the same percentage of the pension granted.

§ 2. An allowance from said fund of not to exceed the sum of one hundred and fifty dollars (\$150.00) per annum, shall be granted to any person of the age of sixty-eight years and over, regardless of age, who

a. Is without adequate means of support and who,

b. Is a citizen of the United States and has resided in this state for at least twenty years (20) immediately preceding the date of application, provided, continuous residence in the state shall not be deemed to have been interrupted on account of absence therefrom if the total period does not exceed one (1) year; and also provided that temporary absence from the state or absence from the state while in the service of the state or nation shall not be deemed to interrupt residence in the state, if a domicile be not acquired outside the state. The total old age pension paid to residents of any county in any year, shall not exceed 125% of the amount of taxes levied and collected for such county, and paid into such fund, in such year.

§ 3. None of the following named persons shall be entitled to receive benefits under this Act:

a. Those who have, previous to filing an application for a pension, habitually failed to work according to his or her ability, opportunity and need, for the maintenance or benefit of himself or herself and those legally dependent upon him or her.

b. Those who have been professional tramps, beggars or vagrants during any period of their life.

c. Those who have children of sufficient ability and who are liable and responsible, under the law, for their support.

d. Those who divested themselves of property or assets at any time before or after making application for benefits under this act, for the purpose of qualifying as a beneficiary hereunder.

e. Those who have a yearly income of more than one hundred and fifty (\$150.00) dollars.

f. Those who are inmates of any municipal, state, or national institution during the period of their stay in such institution.

§ 4. The rental value of any real estate owned and occupied solely as a home or residence of such claimant shall not be included in determining the income of such claimant, and any other property real or personal that has no certain definite or fixed income shall be appraised and valued by the Board of Administration and the amount of income per year from said property received by said owner shall be reckoned and estimated, for the purpose of determining the amount of pension to be allowed, as being five (5) per cent of the said appraised value.

§ 5. Every person claiming to be entitled to a pension under this act shall, in the manner and form prescribed by the State Board of Administration, deliver a claim therefor to the Board of County Commissioners of the county wherein the claimant resides; which claim shall be verified by oath or affirmation of the claimant that the contents of his or her pension claim are true and correct in every material point. The County Commissioners shall thereupon number and docket the claim in the manner prescribed by the Commissioner of Agriculture and Labor, and shall forthwith transmit a true and correct copy of the claim to said Board. At the same time said County Commissioners shall ascertain on what date the claim may be investigated, and shall notify the claimant of a date on which he or she may attend to support the claim on the date so fixed, or on the first convenient day thereafter, the County Commissioners shall proceed to fully investigate the claim for the purpose of ascertaining whether the claimant is entitled to a pension, and if so, for what amount the first year, and for this purpose the said County Commissioners shall be empowered to swear witnesses and take evidence in a summary manner in said proceedings.

§ 6. In investigating any claim for a pension the County Commissioners shall not be bound by the strict rules of evidence but shall investigate and determine the matter by such means and in such

manner as they think fit. The County Commissioners may admit the pension claims as originally made, or as modified as the result of their investigations, or may postpone it for further evidence, or reject it as they deem equitable; and their findings and decisions shall be forwarded to the State Board of Administration for its approval or rejection.

§ 7. If the Board of County Commissioners decide that the pension claim is not established and cannot be amended by postponement for a reasonable time, they shall reject it; and when doing so they shall specify in writing all the material points which they find to be respectively proved, disproved or insufficiently proved.

§ 8. If the Board of County Commissioners shall be of the opinion that fraudulent misrepresentation has been made by the applicant with the intention of obtaining a pension to which he or she is not by law entitled, or with the intention of obtaining a higher rate of pension than that to which he or she is by law entitled, then in addition to any penalty incurred under this act by the applicant the County Commissioners shall refuse the application and may by order declare that the applicant shall not be entitled to make a second application for such period, not exceeding twelve (12) months, as they shall see fit.

§ 9. If the Board of County Commissioners find that any real or person property has been transferred to any other person by the applicant, or by the wife or husband of the applicant, they may inquire into such transfer, and refuse the applicant a pension or grant a reduced pension.

§ 10. As soon as the pension claim is established, and the rate of the first year's pension is fixed, the Board of County Commissioners shall, in the prescribed manner, certify the same to the Secretary of Agriculture and Labor, who shall, in the prescribed manner and form, issue to the claimant a certificate (elsewhere throughout this act called a "pension certificate") in respect of the first year's pension.

§ 11. Except as herein provided, the amount of the pension shall not exceed one hundred fifty dollars (\$150.00) per year.

§ 12. In the order allowing the pension, the Secretary of Agriculture and Labor shall determine the amount to which said pension shall be reduced by reason of an income less than one hundred and fifty dollars (\$150.00) per year which a claimant is receiving, and shall issue to such pensioner a certificate showing the amount of such pension. The pension shall be payable on or before the fifteenth day of each and every month of its continuance for the preceding month's pension, and shall continue during the life of such pensioner, so long as he or she shall remain out of any home or institution officially maintained by any county or by this state or by

the United States, subject to cancellation, modification and change of amount, according to the changing income of such pensioner. Any such cancellation, modification, or change to be made only upon notice to the pensioner and upon hearing before the Board of County Commissioners.

§ 13. All persons possessing such pension certificate and drawing a pension under the provisions of this act, shall annually and not later than February 1st, of each year, make and file with the Secretary of Agriculture and Labor a statement showing the income of such pensioner for the preceding calendar year. The Secretary of Agriculture and Labor shall have the right to investigate or cause to be investigated the truth of any and all statements contained in such annual report of income, and shall have the power and authority to grade and rate succeeding pension payments to cause them to accord with the facts found and determined upon such investigation.

§ 14. No pension, claim or allowance of a pension by the Secretary of Agriculture and Labor shall be assignable or subject to lien, attachment, execution or garnishment, or be held liable in any way for any lien, debt, penalty or damages.

§ 15. If at any time the Board of County Commissioners have reason to believe that any pension certificate has been improperly obtained, it shall cause special inquiry to be made before them, and shall suspend payment of any and all installments pending such inquiry. If on inquiry it appears that the pension certificate was improperly obtained, it shall be cancelled by the Board of County Commissioners, and the Secretary of Agriculture and Labor; but if it appears that the certificate was properly obtained, the suspended installments shall be payable in due course.

§ 16. If on the death of any pensioner, or of the wife or husband of a pensioner, it is found that he, or either of them, was possessed of property and assets which were not assigned and conveyed to the Secretary of Agriculture and Labor as required by this act, including insurance policies, double the amount of the pension at any time paid may be recovered as a debt due to the state from the estate so found; provided, that, where the husband and wife were at the time of such death living apart pursuant to decree, or order, of separation, this section shall apply only in the case of the pensioner.

§ 17. On the death of a person pensioned under this act, or the survivor of a married couple, both of whom are so pensioned, the total amount paid as pension together with simple interest at 3% annually, shall be allowed and deducted from the estate of such person or persons by the Board of County Commissioners or by the court having jurisdiction to settle the estate. The amount so recovered shall be paid into the Treasury of the State of North Dakota

to the credit of the Old Age Pension Fund and disbursed as provided for in this act.

§ 18. If the County Commissioners deem it necessary they may require as a condition to the grant of a pension certificate that all or any part of the property including insurance policies and the proceeds therefrom or any other income, of an applicant for a pension excepting pensions, compensations or annuities allowed for military or naval service rendered the United States of America be transferred to the Board of County Commissioners where such applicant resides. Such property and income shall be managed by the said Board, which shall pay the net income to the person or persons entitled thereto. The Board shall have power to sell, lease, or transfer such property or defend and prosecute all suits concerning it and to pay all just claims against it and to invest such funds in municipal bonds or real estate and to do all other things necessary for the protection, preservation and management of the property.

§ 19. If in the event that the pension is discontinued during the lifetime of the pensioner, the property thus transferred to the Board of County Commissioners exceeds the total amount paid as pensions with simple interest at 3% annually, the remainder of such property shall be returned to the pensioner, and in the event of his death, such remainder shall be considered as the property of the pensioner for proper administration proceedings. The Board of County Commissioners shall execute and deliver all necessary instruments to give effect to this subdivision.

§ 20. If the pensioner is found by the Board of County Commissioners incapable of taking care of himself or his money, it may direct the payment of the installment of the pension to any responsible person or corporation for his benefit or may suspend payment for such period as said Board shall deem advisable.

§ 21. The Secretary of Agriculture and Labor by virtue of his office and under the name and style of the State of North Dakota shall have power and it shall be his duty, in addition to his other duties as the Secretary of Agriculture and Labor with the aid of the respective Board of County Commissioners to administer said fund, to hear and decide all questions appealed from or suggested by such Board of County Commissioners to make payments and disbursements from said fund in accordance with the provisions of this act; to make reasonable provisions for secretarial and clerical assistance required by their Board for the proper performance of their respective duties; and from time to time to make and establish such rules and regulations for the administration of said fund as they deem best.

§ 22. The County Commissioners of each and every county of this state shall be and is hereby constituted a County Pension

Agent, in carrying out the provisions of this act. They shall have charge of the administration of this act, and shall perform such duties imposed by this act.

§ 23. The Secretary of Agriculture and Labor may from time to time make regulations under this act relating to any of the following purposes or matters in addition to those specifically granted herein.

- a. The procedure in all hearings (other than judicial proceedings) under this act.
- b. The recording or registration of pension claims, pension certificates and all other matters and proceedings in relation to pensions under this act.

§ 24. The Secretary of Agriculture and Labor shall, within thirty days after the close of each calendar year, make a report to the Governor and showing for such year:

- a. The total amount paid under this act.
- b. The total amount paid under this act in respect of other than pensions.
- c. The total number of pensioners.
- d. The total amount of forfeited installments; and
- e. Such other particulars as they may deem advisable.

§ 25. The Secretary of Agriculture and Labor shall have authority to make such rules and regulations as he deems proper and necessary, for the proper and efficient operation of this act.

Approved March 9, 1933.

CHAPTER 255

S. B. No. 60—(Patten.)

PAYMENT AND CANCELLATION PERSONAL PROPERTY TAX 1931 AND PRIOR

An Act providing for the payment and cancellation of the personal property taxes assessed and levied for the year 1931 and all prior years; fixing the amount to be paid and the manner of payment; providing for a partial cancellation of the original amount and interest and penalties; and declaring an emergency.

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

§ 1. That all unpaid personal property taxes in the various counties of the State of North Dakota, assessed and levied for the year 1931 and all prior years, may be cancelled upon the payment of the following amounts and in the following manner, to-wit:

- (a) If paid on or before July 1, 1933, upon payment of ninety per cent (90%) of the original amount of said tax.
- (b) If paid after July 1, 1933, and before December 31, 1933,

upon payment of ninety-five per cent (95%) of the original amount of said tax.

(c) If paid after December 31, 1933, and before December 31, 1934, upon payment of the original amount of said tax.

(d) If paid after December 31, 1934, and prior to December 31, 1935, upon payment of the original amount of the tax, plus interest thereon at the rate of six per cent (6%) per annum from December 31, 1934, to the date of payment.

§ 2. All interest, penalties, and costs in connection with said delinquent personal property taxes, except as hereinbefore provided, shall be and the same are hereby abated and cancelled, if payment is made in the manner and within the time provided in this Act.

§ 3. EMERGENCY.] This Act is hereby declared to be an emergency measure and the same shall be in full force and effect from and after its passage and approval.

Approved February 17, 1933.

CHAPTER 256

S. B. No. 6—(Tinnex.)

TAX EXEMPTION PERSONAL PROPERTY OF NEEDY PERSONS
An Act to exempt the personal property of certain needy persons from taxation.

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

§ 1. EXEMPTION.] The assessor shall show upon his listing blanks the name of every head of a family. For the purpose of this Act any person who has one or more others dependent upon him for support shall be regarded as the head of a family. The personal property of each and every such head of a family shall be exempt from taxation, provided the total value of his personal property at the time of assessment does not exceed \$100.00, and his total income during the preceding 12 months has been less than \$600.00.

After the assessors valuation of such property shall have been equalized, as now provided by law, the county auditor shall cause the names of such heads of families to be removed from the tax roll as exempt from personal property taxation.

Approved February 17, 1933.

CHAPTER 257

S. B. No. 1—(Introduced by the Committee on Tax and Tax Laws.)

**REDEMPTION REAL ESTATE SOLD TO COUNTY-INTEREST AND
PENALTIES REAL ESTATE TAXES AND TAX SALE
CERTIFICATES**

An Act providing for the redemption of real estate sold or forfeited to the County for taxes for the year 1931 or any prior year and still held by the County and fixing the rate of interest and penalties upon real estate taxes and tax sale certificates upon taxes levied and assessed for the year 1932 and subsequent years; providing for the time when taxes become due and delinquent, providing for installment payments, penalties and interest, and providing for redemption from tax sales thereof 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. Real estate sold or forfeited to the county for taxes of 1931, or any prior year, including hail insurance taxes and special assessment taxes, and still held by the County at the time this Act takes effect may be redeemed upon payment of the original amount of the tax levied and assessed together with interest thereon at six per cent per annum from the 13th day of December, 1932.

Such redemption must be made not later than December 31st, 1935. The right of redemption given herein shall apply to all real estate purchased by or forfeited to the County and still held by it at the time this Act takes effect, including cases in which the County may have sold and assigned its tax lien subsequent to the taking effect of this Act.

§ 2. Real estate taxes including hail insurance and yearly installments of special assessment taxes, levied and assessed for the year 1932 and subsequent years, shall be subject to the payment of penalty and interest as hereinafter provided.

§ 3. REAL ESTATE TAXES, DUE AND DELINQUENT: WHEN, PENALTY AND INTEREST.] All real estate taxes, including hail insurance taxes, both indemnity and yearly installments of special assessment taxes on real estate, shall become due on the 31st day of December of the year for which the taxes are levied, and the first installment on real estate taxes, including hail insurance and yearly installment of special assessment taxes, shall become delinquent on March First following, and if not paid on or before the date of delinquency, they shall be subject to a penalty of three per cent (3%), and on October 15th, following, to an additional penalty of two per cent (2%), and the second installment of real estate taxes shall become delinquent on October 15th, and if not paid on or before that date, shall become subject to a penalty of two per cent (2%).

§ 4. Real estate sold (including that sold or forfeited to the

County) for taxes for the year 1932, or any subsequent year, may be redeemed upon payment of the original amount of the tax levied and assessed, the penalties and costs of sale, together with interest at the rate specified in the tax sale certificate, but in no case shall such interest exceed six per cent (6%) per annum.

§ 5. Provided, however, that this Act, or any part thereof shall not apply to real estate heretofore acquired by a county through tax title.

§ 6. All Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed.

§ 7. 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 February 27, 1933.

CHAPTER 258

H. B. No. 275—(Twete.)

EXTENSION REDEMPTION TAX SALE CERTIFICATE NOT HELD BY COUNTY

An Act temporarily extending the time in which redemption may be made from tax sales where the tax certificate is held by others than the County.

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

§ 1. That whereas a public emergency and crisis exists throughout this state endangering the public health, welfare and morals, in that agricultural crops and products have been sold on an average below the cost of production since 1922, and all agricultural land values have virtually disappeared, due to the nation wide depression, which caused under-consumption and produced starving millions throughout the nation; and whereas taxes have been steadily increasing in spite of the deplorable condition of agriculture, and whereas agriculture is the principal industry in this state and all other industries are solely dependent for their existence upon agriculture; and whereas there is at present no bank or other institution thru which one can borrow money with which to pay the taxes and such tax debtors are at the absolute mercy of the tax certificate holders; and whereas hundreds and thousands of families have already lost their homes thru tax sales and tax deeds or other judicial proceedings; and whereas hundreds and thousands more will also lose their homes unless some relief is given, therefore in order to prevent the utter ruin and destruction of the people of this state and the collapse of civil government, and in order to maintain the integrity of the family and the home and the public health, welfare and morals of the people of this state, the period within which the

holder of a tax certificate can ask for a tax deed and within which the owner may redeem from tax sales is hereby extended for two years from the date of the passage and approval of this act. Provided, however, that this Act shall not be operative except in favor and on behalf of any owner of such land who shall, within ninety days after the date of the notice of expiration of period of redemption, file with the County Auditor a notice that he desires to take advantage of this Act and the County Auditor, in addition to the notice of expiration of period of redemption usually required by law and as part thereof, shall notify such owner of his rights under this act.

§ 2. That the Legislature does hereby declare that this Act is passed under the police power of the state for the reasons and purposes herein stated, and requests that the courts construe all of its provisions liberally, with a view of carrying out the purposes herein stated.

§ 3. This Act is hereby declared to be an emergency measure and shall take effect and be in force for a period of two years only from and after its passage and approval, and the period within which a mortgage or execution debtor may redeem real estate from a sale thereafter made shall be governed by the laws now in effect.

Approved March 3, 1933.

CHAPTER 259

S. B. No. 329—(Delayed Bills Committee.)

INSTALLMENT PAYMENTS REAL ESTATE TAX

An Act providing that real estate taxes may be paid in installments.

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

§ 1. From and after the passage of this Act, the real estate taxes, either current or delinquent may, at the option of the taxpayer be paid in installments of not less than 10 per cent of the amount of the tax, penalty and interest, if any, due and payable, but each such installment in no event to be less than \$10.00. Credit shall be given on the tax records for the installment payments so made, and penalty and interest shall only be computed upon the balance of the tax remaining unpaid.

Approved March 3, 1933.

CHAPTER 260

S. B. No. 63—(Tinnes and Brostuen.)

VALUATION REAL PROPERTY EXEMPT FROM TAXATION

An Act to provide for valuation in odd numbered years of certain real property which is exempt from taxation.

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

§ 1. That at the time of taking the assessment of real property in every odd numbered year, the assessor shall enter in a separate list each description of property exempt by law, except property of the United States, or the State of North Dakota, or of any county or municipal corporation, and value it in the same manner as other property; designating in each case to whom such property belongs and for what purpose used.

Approved February 17, 1933.

CHAPTER 261

S. B. No. 315—(O. E. Erickson.)

SALES TAX

An Act to provide revenue by means of an Emergency Replacement Revenue Act for state purposes by imposing a tax upon sales of tangible personal property and upon sales of personal and professional services by vendors as herein defined; for the inclusion therewith of additional business or service in operation now or hereafter analagous to those defined in the Act or listed in the schedule; authorizing the State Tax Commissioner to prescribe rules and regulations for the collection thereof; prescribing the method of collecting the tax and payment thereof to the state treasurer; and providing schedules explanatory of the application of such tax; and providing penalties; emergency; time limitation of the Act.

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

§ 1. SHORT TITLE.] This act shall be known and may be cited as the "Emergency Replacement Revenue Act."

§ 2. DEFINITIONS.] The following terms, words and phrases used in this Act shall have meanings ascribed to them in this section, except where the context clearly indicates a different meaning, to-wit:

"Association",—Any partnership, limited partnership, or other form of unincorporated enterprise owned by two or more persons;

"Commissioner",—The Tax Commissioner of the State of North Dakota;

"Gross Income",—The value proceeding or accruing from the sale of tangible personal property and the value proceeding or accruing from the sale of professional services, including all receipts,

cash and credits, without any deduction on account of the cost of the property sold, the cost of materials used, labor or service cost, interest or discount paid, or any other expense whatsoever; sale of stocks and bonds or other choses in action are exempt from the operation of this Act.

“Sale”,—Any transfer, exchange or barter, in any manner or by any means whatsoever, for a consideration.

“Vendor”,—Every person, association, or corporation, private or municipal, who or which sells tangible personal property or professional services to a consumer or to any person for any purpose other than for resale; but the term “vendor” shall not include farmers who sell their own farm products. Whenever used in any clause prescribing a fine or imprisonment, or both, the term “vendor” as applied to associations shall mean the partners or members thereof, and as applied to corporations, shall mean the officers thereof.

“Wholesaler”, or “Manufacturer”,—shall designate a person, association or corporation who manufactures and/or sells at wholesale, tangible personal property for resale and which sales of tangible personal property so sold for resale shall be subject to a wholesaler’s or manufacturer’s tax distinct from the vendor’s tax.

The singular shall include the plural, and the masculine shall include the feminine and the neuter. Section headings shall not be deemed or construed to limit the text of the sections of this Act.

§ 3. IMPOSITION. RATE OF TAX.] A state tax is hereby imposed and assessed upon sales of tangible personal property and upon sales of professional services at the rate of two per cent of the gross income derived from the sales of such property or services during the period beginning at the taking effect of this act, and ending June thirtieth, one thousand nine hundred thirty-five, or any part of such period, except such sales of tangible personal property as are made to the United States Government under the Commerce Clause of the Constitution of the United States, and such sales as are made to the State of North Dakota including its departments, institutions and industries. Deviations from the two per cent tax on sales for use are: Contractors, one per cent; Light and Power for industrial use, one per cent; Pottery, drain tile, brick and concrete manufactured, one per cent; Lignite mining, one per cent. Manufacturers or wholesalers who sell for resale shall pay a tax upon such sales at the rate of one-fourth of one per cent of the gross income derived from the sale of such property. Deviations from the one-fourth of one per cent tax on sales for resale are: Wholesale bakeries; Wholesale meat distributing plants; wholesale gasoline dealers; wholesale dealers of soft drinks and wholesale tire dealers, each of whom shall pay a tax on (of) one-eighth of one per cent. All sales that are not made for resale are deemed to be made for use. Articles or materials sold to enter into the manufacture of other articles or products

are deemed to be sold for use even though the resulting product may be sold for resale.

All taxes shall be paid at the time and in the manner hereinafter provided. Manufacturers and wholesalers shall be subject to law as hereinafter set forth the same as vendors at retail in all respects as to filing return, assessment and payment of tax, additional assessment, estimated assessment and such other provisions of law as refer to vendors.

§ 4. VENDORS TO FILE RETURN.] For the purpose of ascertaining the amount of tax payable under this act, it shall be the duty of every vendor within fifteen days after the end of each month, beginning with the first full month after the taking effect of this act, to transmit to the Commissioners, upon a form prescribed, prepared and furnished by the Commissioner, upon application, a return, under oath or affirmation, of the gross income arising from sales of tangible personal property or from the sales of professional services during the preceding month, such return shall show such further information as the Commissioner may prescribe. The Commissioner may grant extensions to quarterly returns, on application, where monthly tax is less than one dollar.

§ 5. ASSESSMENT AND PAYMENT OF TAX.] Every vendor, at the time of making the return required under Section 4, shall compute and pay to the Commissioner the tax due to the state by such vendor for the preceding month. The amount of all taxes imposed under the provisions of this act shall be due and payable monthly at the time the return for each month is required by this act to be filed with the Commissioner.

§ 6. RETENTION OF RECORDS BY VENDORS.] Every vendor shall maintain and keep for a period of two years such record or records of tangible personal property or professional services, sold within the state of North Dakota by such vendor, together with invoices, bills of lading and other pertinent papers, as may be required by the Commissioner.

§ 7. ADDITIONAL ASSESSMENT.] If the Commissioner is not satisfied with the return and payment of tax made by any vendor under the provisions of this act, he is hereby authorized and empowered to make an additional assessment of the tax due by such taxpayer, based upon the facts contained in the return or upon any information within his possession or that shall come into his possession. Promptly after the date of such additional assessment, the Commissioner shall give or send, by mail or otherwise, a notice thereof to the vendor, together with written notice of the time when and the place where the vendor may be heard on a petition for reassessment as hereinafter provided.

§ 8. ESTIMATED ASSESSMENT UPON FAILURE TO FILE RE-

TURN.] If a vendor shall neglect or refuse to make any return and payment of tax required under this act, (if the Commissioner deems it more conducive to the public interest, because of the supposed smallness of the debt or for any other reason, not to compel the exhibition of the vendor's account) the Commissioner shall make an estimated assessment of the probable amount of the account of the delinquent, together with a penalty of ten per cent of the amount so assessed. The Commissioner shall promptly thereafter, give or send, by mail or otherwise, notice of such estimated assessment and penalty to the vendor against whom the same was made. There shall be no right to petition for re-assessment or to appeal from any such estimated assessment made on account of the neglect or refusal of such vendor to make any return and payment of tax within a time prescribed by this act, but the Commissioner may permit the required return to be filed and permit a tax to be paid on the basis of such return, subject to investigation as in other cases. There shall be no right to appeal from the refusal of the Commissioner to permit the filing of a return in such a case.

§ 9. ESTIMATED ADDITIONAL ASSESSMENTS UPON REFUSAL TO PERMIT EXAMINATION OF BOOKS.] The Commissioner shall have the power to make an estimated additional assessment, to which shall be added a penalty of ten per cent of the assessment, against any vendor who has filed any return as required by this act but who refuses to permit the Commissioner, or any duly authorized agent thereof, to examine his books of account and papers pertaining to the business for which the return was made. The Commissioner shall promptly thereafter give or send, by mail or otherwise, notice of such estimated additional assessment and penalty to the vendor, together with written notice of the time when and the place where the vendor may be heard on a petition for reassessment, as hereinafter provided.

§ 10. PAYMENT AND DUE DATE OF TAXES ASSESSED BY THE COMMISSIONER.] All taxes and penalties resulting from any assessment made by the Commissioners shall be due and payable ten days after notice thereof is given or sent, by mail or otherwise, to the vendor against whom such assessment was made.

§ 11. PETITION FOR REASSESSMENT OF CERTAIN ASSESSMENTS; NOTICE.] Any vendor against whom an additional assessment or estimated additional assessment shall be made by the Commissioner may petition for a reassessment. Notice of an intention to file such a petition or to appear and be heard shall be given to the Commissioner prior to the time the amount becomes due and payable, to-wit: within ten days after notice of such assessment is given to the vendor as provided in this act. Petitions for reassessment may be filed with the Commissioner on or before the date designated in the notice of such assessment when hearings on such petitions will be held. The Commissioner shall hold such hearings in each county as may be

necessary to hear and determine petitions for reassessment. Such hearings shall be held at the time and place indicated in the notice of such assessment given to the vendor. All petitions filed with the Commissioner shall set forth specifically and in detail the grounds upon which it is claimed such assessment is erroneous and unlawful, and any false statement in such petition, signed by the petitioner, shall be subject to the same penalty as though the petition were accompanied by an affidavit, certifying to the correctness of the facts stated therein. If no petition for reassessment is filed with the Commissioner, the vendor may, in lieu thereof, appear at the hearing and present his petition orally, in which event all testimony or statements of facts shall be made under oath or affirmation.

If the vendor is still dissatisfied with the finding of the Commissioner, he shall have the right to appeal to the District Court of the judicial district in which he resides, within twenty days after notice of the determination of the petition is given to him by the Commissioner. If any vendor shall fail to give due notice of an intention to petition for reassessment or to file a petition for reassessment after due notice of his intention to do so, or to appeal to the District Court herein designated, within the time and in the manner herein set forth, the right to do so shall be forever barred, and any such vendor so failing shall not thereafter be permitted, in a suit for the recovery of such tax, to set up any ground of defense which might have been determined either by the Commissioner or by the District Court as aforesaid. Nothing contained in this section shall be construed to grant to any such vendor the right to petition for reassessment or to appeal from estimated assessments made by the Commissioner for neglect or refusal to make a return within the time prescribed by this act. Every appeal to the District Court under this section shall specify all the objections to the assessment, and any objection not specified in the appeal shall not be considered by the court. In all cases of petitions for reassessment and appeals, the burden of proof shall be on the petitioner or appellant, as the case may be.

§ 12. ENFORCEMENT. RULES AND REGULATIONS.] The Commissioner is hereby charged with the enforcement of the provisions of this act, and is hereby authorized and empowered to prescribe, adopt, promulgate, and enforce rules and regulations relating to any matter or thing pertaining to the administration and enforcement of the provisions of this act, and the collection of taxes, penalties and interest imposed by this act. In any case where any establishment, industry, agency, service, profession or occupation selling tangible personal property and professional services, either at wholesale or retail, not previously listed in the schedules relating to this act, shall be discovered by the Commissioner, the Commissioners shall add such discovery to said schedule and establish the rate of tax thereon which shall be the same as that assessed against analogous occupations or sales.

§ 13. INVESTIGATING POWERS OF COMMISSIONER.] The Commissioner, or any agent authorized in writing by him, is hereby authorized to examine the books, papers, records and equipment, and to investigate the character of the business of any vendor, in order to verify the accuracy of any return made, or, if no return was made by such vendor, to ascertain and assess the tax imposed by this act. Every such vendor is hereby directed and required to give to the Commissioner, or his duly authorized agent, the means, facilities and opportunity for such examinations and investigations as are hereby provided and required. Any information gained by the Commissioner, as a result of any returns, investigations or verifications required to be made by this act, shall be confidential except for official purposes, and any person divulging such information shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine of not less than one hundred dollars nor more than five hundred dollars, and costs of prosecution, or to undergo imprisonment for not more than six months, or both, in the discretion of the court.

§ 14. COMMISSIONER TO PREPARE AND FURNISH RETURNS.] The Commissioner is authorized to prepare and have printed proper forms for returns to be distributed upon request to vendors.

§ 15. COLLECTION OF DELINQUENT TAXES.] The Commissioner shall call upon the Attorney General, and it is hereby made the duty of the Attorney General, to collect any taxes or penalties imposed under the provisions of this act which are not paid within thirty days from:

(1) The date the taxes are due and payable, if a return was filed;

(2) Ten days after notice of an additional or estimated additional assessment is given or sent to the vendor, as heretofore provided if no notice of an intention to petition for reassessment or if no petition for reassessment is filed with the Commissioner;

(3) Ten days after notice of an estimated assessment is given or sent to the vendor, as herein provided;

(4) The date of the determination of a petition for reassessment by the Commissioner, if an appeal is not taken to the District Court;

(5) In accordance with the award of a court of competent jurisdiction.

§ 16. INTEREST.] The tax imposed by this act shall bear interest at the rate of twelve per cent per annum from the date such tax is due and payable, except that any tax found due as the result of an appeal to the District Court, or to any appellate court, shall bear interest at the rate of six per cent per annum from the date the tax was originally due and payable. In cases of petitions to the Commissioner for reassessment, any balance finally found due by the

Commissioner shall bear interest at the rate of twelve per cent per annum from ten days after notice of the additional or estimated additional assessment was given to the vendor by the Commissioner.

§ 17. PENALTIES.] (a) Any vendor who shall intentionally neglect or refuse to make the return to the Commissioner, as required by this Act, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine of not less than one hundred dollars nor more than five hundred dollars, and costs of prosecution, or to undergo imprisonment for not more than six months, or both, in the discretion of the court.

(b) Any vendor who shall refuse to permit the Commissioner, or any agent appointed in writing by him, to examine his books, papers, invoices and other records, in and upon any premises where the same are kept, to the extent necessary to verify any return made or to ascertain and assess the tax imposed by this Act if no return was made, or who shall fail or refuse to maintain and keep for two years such records, invoices, bills of lading and other papers pertaining to the sale of tangible personal property or of professional services as may be required by the Commissioner, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine of not less than one hundred dollars, nor more than five hundred dollars, or to undergo imprisonment of not more than six months, or both, in the discretion of the court.

§ 18. DISPOSITION OF TAX, FINES AND PENALTIES.] All taxes, fees, interest, fines and penalties imposed by this Act shall be paid to the State Treasurer, through the Commissioner, and credited to the General Fund.

§ 19. CONTINUANCE OF EXISTING POWERS.] The powers conferred by this Act upon the Commissioner relating to the administration or enforcement of this Act shall be in addition to, but not exclusive of, any other powers heretofore or hereafter conferred by law upon the Commissioner.

§ 20. VENDORS MAY ADD PRICE OF TAX TO RETAIL PRICE OF PROPERTY SOLD.] Vendors may add to the retail price of any tangible personal property, or professional services, the sale of which is subject to a tax hereunder, two per cent of the retail price (or one per cent where said one per cent applies, or one-fourth of one per cent or one-eighth of one per cent in the case of manufacturers and wholesalers), providing the retail price and the two per cent, representing the tax imposed by this act, be separately stated on price display signs, tickets and tags, and bills rendered in connection with the sale of such property or service.

§ 21. TAX COMMISSIONER TO DELIVER COLLECTIONS TO STATE TREASURER; REPLACEMENT.] The Tax Commissioner shall deliver to the State Treasurer all moneys collected under the provisions of

this Act. 75 per cent of such moneys shall be credited by the State Treasurer to the Real Estate Bond Interest Payment Fund and the remaining 25 per cent of such moneys shall be credited to the State Equalization Fund. The provisions of Section 2290c12 of the Supplement to the 1913 Compiled Laws of North Dakota, as amended by Chapter 182 of the Session Laws of 1929, in so far as the same relates to a tax levied by the Board of Equalization during the years 1933 and 1934 for the Real Estate Bond Interest Payment Fund shall be held in abeyance during the operation of this Act and no levy shall be made by the Board of Equalization under the provisions of the said Section 2290c12 of the Supplement to the 1913 Compiled Laws of North Dakota as amended by Chapter 182 of the Session Laws of 1929, until the expiration of this Act. The State Board of Equalization is hereby directed and empowered, at any regular or special meeting, from time to time, to revise the rates of levy established hereby by reducing or increasing such rates whenever it appears that such rates are excessive or insufficient provided such rates shall be reduced or increased pro rata and shall not exceed 2% except the rate upon malt and cereal beverages which shall be 3%.

§ 22. THE EMERGENCY TAX IN ADDITION TO EXISTING TAXES.] The tax imposed by this Act shall be in addition to any tax now imposed by laws upon vendors.

§ 23. The Tax Commissioner shall have authority to employ all necessary assistants and to provide for and furnish all necessary supplies as may be necessary to carry out the provisions of this Act. The State Auditing Board shall approve all vouchers for salaries and expenses as submitted by the Tax Commissioner, and the State Treasurer shall, upon the approval of the Auditing Board, issue warrants for the payment thereof out of the general fund of the State. The State Treasurer shall reimburse the general fund of the State for all moneys so expended for the enforcement of this Act before such moneys collected under this Act are credited to the Real Estate Bond Interest Payment Fund, as provided in Section 21 herein.

§ 24. EMERGENCY APPROPRIATION.] There is hereby appropriated out of the general fund of the State the sum of \$25,000 for the purpose of carrying out the provisions of this Act until such time as sufficient funds may be collected as provided in Section 25 herein.

§ 25. CONSTITUTIONALITY.] It is the intention of the Legislative Assembly of North Dakota, that, if this Act cannot take effect in its entirety because of the judgment of any court of competent jurisdiction holding unconstitutional any part or parts thereof, the remaining provisions of the Act shall be given full force and effect as completely as if the part or parts held unconstitutional had not been included herein.

§ 26. SCHEDULE.] Schedule I is annexed to this Act as a part thereof and has the same binding force and effect as though it were incorporated in the Act, and where there is a conflict between the rates fixed by the Act and those fixed by the schedule, those in the schedule shall govern.

§ 27. TERMINATION.] This Act shall terminate as to taxes incurred or to be incurred hereunder at the close of business June 30th, 1935, but shall not terminate as to the levying or collection of any taxes incurred hereunder prior thereto.

SCHEDULE I.

EMERGENCY REPLACEMENT REVENUE ACT OF 1933.

BUSINESS TAXED	RATE
Abstractors	2%
Accountants, Public	2%
Adding Machines, sales, leases, etc.....	2%
Administrators; Banks, etc., acting as.....	2%
Admissions to Dances, Theatres, Circuses, Carnivals and Other Amusements	2%
Advertising Agencies	2%
Advertising Billboards	2%
Advertising, Commercial	2%
Alleys, bowling, ten-pins	2%
Architects	2%
Attorneys-at-Law	2%
Auctioneers	2%
Automobile Accessories, Tires, etc.	2%
Automobile Dealers	2%
Bakery Products, distributors.....	2%
Bakeries, wholesale	1/8%
Banks, not chartered in North Dakota acting as Admin- istrators, etc.	2%
Barber Shops	2%
Battery Stations, retail	2%
Bazaars	2%
Beauty Parlors	2%
Bicycle, Motorcycle, renting.....	2%
Billboard Advertising	2%
Billiard Halls	2%
Billiard Tables	2%
Billiard Tables, miniature	2%
Blacksmith Shop	2%
Blind, manufacturers	1/4%
Blue Print Shops	2%
Boarding Houses	2%
Bookkeeping Machines, sale, lease	2%
Bootblack Stands	2%
Bowling Alleys	2%

BUSINESS TAXED	RATE
Brick Yards, kilns	1%
Bridges, toll	2%
Brokers, Financial	2%
Brokers, merchandise	2%
Brokers, pawn	2%
Brokers, real estate loan or real estate	2%
Broom Factories	¼%
Burglar Alarms	2%
Cafes	2%
Cafeterias	2%
Candy Factories	¼%
Cash Registers, sale, lease	2%
Calculating Machines, sale, leases	2%
Casket, Coffin Factories	¼%
Cattle Buyers	2%
Check Rooms	2%
Cheese Factories	¼%
Chiropodists	2%
Chiropractors	2%
Cider, imitation dealers	2%
Cleaning, etc., Shops, steam	2%
Cleaning, etc., Shops, hand	2%
Clocks, including transient vendors	2%
Clothing Dealers, new or second hand	2%
Coal Dealers	2%
Coffee Roasting Plants	¼%
Coffin Dealers	2%
Cold Storage Plants	2%
Collection Agencies	2%
Commercial Agencies	2%
Commercial Credit Companies	2%
Confectioneries	2%
Contractors	1%
Copyright Agents	2%
Creameries—Retail	2%
Creosoting Plants	¼%
Cross-tie Buyers	2%
Culverts, cement manufacturers	1%
Culverts, Metal Manufacturers	1%
Dairy Products—Manufacturers of	¼%
Dealers, tires and accessories	2%
Dentists	2%
Detectives	2%
Dictaphones, dealers	2%
Distributors bakery products, retail	2%
Distributors bakery products, wholesale	⅛%
Doctors	2%

BUSINESS TAXED	RATE
Dog Trainers	2%
Domino Parlors	2%
Doors, factory	$\frac{1}{4}$ %
Drain Tile Manufacturers	1%
Earthenware Manufacturers	1%
Electric Light and Power	1%
Electric Light and Power, Industrial	1%
Employment Agents	2%
Engines, Combustion, repairs	2%
Engineers	2%
Express Companies	2%
Farm Machinery Agency	2%
Factories, brick	1%
Factories, broom	$\frac{1}{4}$ %
Factories, candy	$\frac{1}{4}$ %
Factories, casket	$\frac{1}{4}$ %
Factories, coffin	$\frac{1}{4}$ %
Farm Machinery	2%
Feed Mills	$\frac{1}{4}$ %
Ferries	2%
Films, Photographic	2%
Fireworks, dealers	2%
Fish Dealers	2%
Fish Market or Wagon	2%
Florists	2%
Foundries	$\frac{1}{4}$ %
Fortune Tellers	2%
Frigidaires	2%
Funeral Parlors	2%
Fur Dealers	2%
Furniture Dealers, new or second hand	2%
Furniture Factories	$\frac{1}{4}$ %
Furniture Repair Shops	2%
Futures, dealers	2%
Garages, Auto	2%
Gas Companies, distributors, etc.	1%
Gas Companies, industrial	1%
Gasoline Dealers, retail	2%
Gasoline Dealers, wholesale	$\frac{1}{8}$ %
Gas Leases, Sales, etc.	2%
Gravel Pits	2%
Graphophone Dealers	2%
Gypsies	2%
Hair Dressers	2%
Hamburger Stands	2%
Hardwood Products, factories	$\frac{1}{4}$ %
Hat Cleaners	2%

BUSINESS TAXED	RATE
Horse Auctioneers .....	.2%
Horse Dealers .....	.2%
Horse-shoeing Shops .....	.2%
Hotels .....	.2%
Hotel Dining Room .....	.2%
House Movers .....	.2%
Ice Cars .....	.2%
Ice Cream Carts, etc. ....	.2%
Ice Cream Factories	1/4%
Industrial Banks .....	.2%
Installment Banks .....	.2%
Insurance Agents, life .....	.2%
Insurance Agencies .....	.2%
Insurance Adjusters .....	.2%
Insurance Adjusters, fire .....	.2%
Insurance Agents, fire .....	.2%
Insurance Agents, life .....	.2%
Insurance, Guaranty, agents .....	.2%
Insurance, Industrial .....	.2%
Insurance, Title .....	.2%
Jewelry, retail or transient .....	.2%
Job Printing Plants	1/4%
Junk Dealers .....	.2%
Kelvinators, dealers .....	.2%
Knives, deadly, dealers .....	.2%
Knucks, deadly, dealers .....	.2%
Labor Agents .....	.2%
Laboratories .....	.2%
Landscape Gardners .....	.2%
Laundries, hand .....	.2%
Laundries, steam .....	.2%
Lawyers .....	.2%
Leather Goods Manufacturers	1/4%
Light and Power Companies, commercial, including municipal plants .....	.1%
Light and Power Companies, industrial, including municipal plants .....	.1%
Lightning Rod Agents .....	.2%
Lighting System, agents or dealers .....	.2%
Linens, etc., renting .....	.2%
Lumber Dealers, retail .....	.2%
Lumber Dealers, wholesale	1/8%
Lumber Yards .....	.2%
Machine Shops .....	.2%
Malt and Malt Cereal Beverages .....	.3%
Manufacturers, brick .....	.1%
Manufacturers, broom	1/4%

BUSINESS TAXED	RATE
Manufacturers, candy	1/4 %
Manufacturers, coffin	1/4 %
Manufacturers, caskets	1/4 %
Manufacturers, concrete	1 %
Manufacturers, drain pipe, etc.	1 %
Manufacturers, feed	1/4 %
Manufacturers, furniture	1/4 %
Manufacturers, ice cream	1/4 %
Manufacturers, knitting	1/4 %
Manufacturers, mattress	1/4 %
Manufacturers, rubber stamps	1/4 %
Manufacturers, seals	1/4 %
Manufacturers, wall paper board	1/4 %
Marble Dealers	2 %
Mattress Factories	1/4 %
Mattress Renovators	2 %
Mattress Dealers	2 %
Mercantile Adjusters	2 %
Meat Distributing Plants, wholesale	1/8 %
Meat Markets	2 %
Manufacturers, mattress	1/4 %
Merchandise Brokers	2 %
Merchandise, tobacco in any form, except cigarettes and snuff	2 %
Merchandise taking security	2 %
Messenger Service	2 %
Milk Condensing or Evaporating Factory	1/4 %
Milk, drying or casein plants	1/4 %
Mimeograph, sale, lease, etc.	2 %
Money lenders on Personal Security or Otherwise	2 %
Motorcycle Dealers	2 %
Motorcycle renting	2 %
Motorcycles, repair shop	2 %
Naturopaths	2 %
Newspapers	2 %
Note Brokers	2 %
Oculists	2 %
Oil Dealers	2 %
Oil Depots	2 %
Oil Leases, etc.	2 %
Oleomargarine Dealers	2 %
Opticians	2 %
Optometrists	2 %
Organ Agents	2 %
Oriental Wares and Merchandise Dealers	2 %
Osteopaths	2 %
Oyster Dealers	2 %

BUSINESS TAXED	RATE
Paper Mills	1/4 %
Parking, Auto	2 %
Pawn Brokers	2 %
Peddlers	2 %
Phonograph Dealers	2 %
Photographers	2 %
Photograph Films	2 %
Photostat Shop	2 %
Physicians	2 %
Piano Agents	2 %
Pickle Factory	1/4 %
Pipe Line Companies	2 %
Pistol Cartridges	2 %
Pistols, Dealers	2 %
Planing Mills	1/4 %
Plumbers	2 %
Pediatrists	2 %
Pool Halls	2 %
Pool Tables	2 %
Pool Tables, miniature	2 %
Pottery, manufacturers	1 %
Printing Plants	1/4 %
Public Accountants	2 %
Public Utilities, see various kinds.	
Pulp Mills	1/4 %
Radio Dealers	2 %
Railroad Companies	2 %
Railroad Ticket Scalpers	2 %
Ranges	2 %
Real Estate, agents	2 %
Real Estate, dealers	2 %
Real Estate, loan brokers	2 %
Real Estate, rental agents	2 %
Refrigerators, dealers	2 %
Repair Shops, shoes	2 %
Repair Shops, fenders and bodies	2 %
Repair Shops, auto engines, etc.	2 %
Restaurants	2 %
Rifle Cartridges, dealers	2 %
Road Machinery, dealers	2 %
Rooms, check	2 %
Rooms, pool	2 %
Royalties and Copyright Agents	1/4 %
Rubber Stamp Manufacturers	1/4 %
Sand Pits	2 %
Sash Factories	1/4 %
Saw Mills	1/4 %

BUSINESS TAXED	RATE
Scales, dealers	2%
Seals, manufacturers	1/4%
Security Dealers	2%
Sewing Machine Agents	2%
Sheet Metal Shops	2%
Shoe Shops	2%
Shop, barber	2%
Shop, blacksmith	2%
Shop, blue print	2%
Shop, furniture repair	2%
Shops, horse-shoeing	2%
Shops, Pressing, etc., hand	2%
Shops, Pressing, etc., steam	2%
Shooting Galleries	2%
Shops, repair	2%
Sign Painters	2%
Sleeping Car Companies	2%
Slot Machines	2%
Soda Fountains	2%
Soft Drinks, bottlers	1%
Soft Drinks, producers	1%
Soft Drinks, retailers	2%
Soft Drinks, wholesalers	1/8%
Spectacles, regular or transient	2%
Spice, plants	1/4%
Sprinklers, dealers	2%
Storage, cold	2%
Stores	2%
Store Fixtures, manufacturers	1/4%
Stoves, transient vendors	2%
Supply Cars	2%
Syrup, manufacturers	1/4%
Talking Machine Dealers	2%
Telegraph Companies	2%
Telephone Companies, except mutual or co-operative	2%
Ten-pin Alleys	2%
Tents and Awnings, dealers	2%
Tents and Awnings, manufacturers	1/8%
Ticket Scalpers	2%
Tin Metal Shops	2%
Tire Dealers, wholesale	1/8%
Title Guaranty Companies	2%
Toilets, pay	2%
Tombstone Dealers	2%
Tourist Camps	2%
Tractors	1%
Trading Cars	2%

BUSINESS TAXED	RATE
Trading Stamps, issuing, selling.....	2%
Transient Merchants	2%
Transient Peddlers	2%
Utilities, public, see various kinds.	
Undertaker	2%
Veneer Factory	1/4%
Veterinary Surgeon	2%
Vulcanizing Auto Tires, etc.	2%
Wagon Factory	1/4%
Wall Paper, board, plants	1/4%
Warehouse, storage	2%
Washing Machines	2%
Water Works	2%
Water Works, systems	2%
Water, Mineral, dealers	2%
Weapons, Deadly, dealers in	2%
Welding Shops	2%
Wood Turning Machinery, factory	1/4%
Wood Yards	2%

Approved March 7, 1933.

CHAPTER 262

H. B. No. 101—(Wright.)

RIGHTS TAX CERTIFICATE PURCHASERS WHEN LANDS NOT REDEEMED

An Act amending and re-enacting Section 1, Chapter 257 Session Laws 1915 (Supp. Compiled Laws 1913, Section 2199) limiting the time within which the holder of a tax certificate shall produce to the County Auditor, by whom such certificate was issued, and demand of such auditor the giving of notice of the expiration of the period of redemption to ten years, and declaring an emergency.

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

§ I. AMENDMENT.] That Section 1, Chapter 257, Session Laws 1915, (Supp. Compiled Laws 1913, Section 2199) be amended and re-enacted to read as follows:

§ 2199. RIGHTS OF PURCHASERS WHEN LANDS NOT REDEEMED.] The purchaser of any piece or parcel of land, shall, if there be no redemption, be entitled to the possession, rents and profits at the expiration of 5 years from the date of the certificate, and if on demand of such purchaser to the party or parties in possession, such party or parties refuse or neglect to render such possession, such party or parties may be proceeded against as parties holding over after the determination of his or their estate, which proceedings may be instituted and prosecuted pursuant to the pro-

visions of the law in such case made and provided; provided, however, that all rights of the purchaser and his assigns to the possession, title, or lien of any kind, of, to, or upon such piece or parcel of land, shall cease absolutely and be deemed forfeited and extinguished, and the auditor of the county wherein such premises are situated is hereby directed and required to cancel such lien from his records, unless the holder of such tax certificate shall produce to the county auditor of such county such certificate and demand of such auditor the giving of notice of expiration of period of redemption prior to the expiration of 10 years from and after the date of such certificate, or in case of sales heretofore made and where five or more years have already elapsed since the date of such certificate, then prior to the expiration of one year after the taking effect of this section.

§ 2. EMERGENCY.] An emergency is hereby declared to exist, and this Act shall take effect and be in full force from and after its passage and approval.

Approved March 3, 1933.

CHAPTER 263

H. B. No. 265—(Lemke, Svingen, Fedje and Crockett.)

SELF-LIQUIDATING TAX CERTIFICATES

An Act to raise revenue by issuing self-liquidating tax certificates, prescribing limitations and providing method of redemption.

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

(PREAMBLE)

Whereas, due to the financial condition of our people, the revenues of the state and political subdivisions have been seriously impaired, because of the inability of the people to pay their taxes, and a large amount of taxes are now delinquent with little or no ability on the part of the tax payers to pay, and it being imperative that provisions be made for the liquidating of said delinquent taxes and obtaining temporary relief from the present situation, the Legislature of the State of North Dakota deems it advisable to ask the people of the State of North Dakota to accept and use in lieu of money self-liquidating tax certificates as provided herein.

§ 1. The State Treasurer and each County Treasurer is hereby authorized and empowered to issue self-liquidating tax certificates, and revenue stamps therefor, subject to the limitations herein provided.

§ 2. Rules and regulations for the purpose of administering under, and carrying out the provisions of this Act shall be prepared and published by a committee consisting of the State Auditor,

the State Treasurer, and the Manager of the Bank of North Dakota. It shall be the duty of this committee to have prepared and printed the necessary certificates, and stamps of the proper denominations, as required by the state and the counties to carry out the intent of the provisions herein set forth. Said certificates and stamps to be so engraved or lithographed as to prevent counterfeiting.

§ 3. The amount of certificates issued, shall at no time exceed the total amount of unpaid taxes and special assessments delinquent in the various counties and taxing subdivisions less the amount of other outstanding warrants and certificates of indebtedness, issued against such delinquent taxes.

§ 4. Not less than fifteen per cent of the salaries, compensation, or wages of all state, county, municipal, educational or other public employees, excepting elective officers, may be paid by self-liquidating tax certificates. And it shall be the patriotic duty of all elective officers in the state to accept at least fifteen per cent of their salaries, wages, or compensation in self-liquidating tax certificates. And not less than fifteen per cent of all state, county, municipal, educational or other political subdivision expenditures may be paid in self-liquidating tax certificates, subject, however, to the limitations set forth in Section three of this Act.

§ 5. Any county, or township, may give for poor relief self-liquidating tax certificates in lieu of cash, subject to the limitations of Section three of this Act.

§ 6. The certificates to be issued herein shall be issued in denominations of One Dollar and Five Dollars and the stamp to be placed thereon for two cents and ten cents respectively.

§ 7. The form and general makeup of these self-liquidating tax certificates shall be prepared by the committee provided for in Section two. Each of such certificates to bear the facsimile signature of the State Treasurer and the State Auditor and in the case of such certificates issued by any county, the signatures of the County Treasurer and the County Auditor thereof.

§ 8. All certificates shall be dated January 1st, April 1st, July 1st, or October 1st of the year in which they are issued.

§ 9. The State Treasurer, the various County Treasurers, and the Bank of North Dakota shall keep for sale said stamps and shall sell them at par or face value to any merchant, person, or corporation desiring to purchase same, and at such other points as the committee may designate.

§ 10. Said certificates shall be negotiable without endorsement, but in order to make the same negotiable the holder, in the presence of the receiver, shall before transferring the same place on the back thereof one State Revenue Stamp of the proper amount in

accordance with the face value of said certificate, and cancel the same and place his or her initials plainly in ink on the stamp so attached and the receiver shall also place his or her initials in the space adjoining such stamp so that there will always be on the back of said certificate the initials of the last person transferring the same, and the initials of the receiver.

§ 11. Said certificate shall be payable on demand when it shall contain stamps on the back thereof equal in value to the face thereof, except as provided in Sections 12, 13, and 15; that is to say, there must be One Dollar in stamps on the back of the One Dollar certificates and Five Dollars in stamps on the back of a Five Dollar certificate.

§ 12. Self-liquidating tax certificates to be used for the payment of municipal, educational, or other public employees, or public expenditures as provided in this Act, shall be secured from the county treasurer in the case of jurisdictions within the county and from the state treasurer in the case of jurisdictions under the state. These certificates may be procured in an amount not to exceed the portion of delinquent taxes due to the subdivision. Certificates issued within the county shall be redeemed by said county treasurer at any time in cash when the requisite number of stamps have been attached, or shall be accepted by him after one year from date of issuance, with or without stamps attached, at par in payment of taxes, or shall be redeemed by him in cash two years after the date of issuance.

§ 13. Certificates issued by the state shall be redeemed by the State Treasurer at any time in cash when the requisite number of stamps have been attached, or shall be accepted by him after one year after date of issuance, with or without stamps attached, at par in payment of state taxes, or shall be redeemed by him in cash two years after the date of issuance.

§ 14. All moneys received from sale of stamps shall be deposited in the Bank of North Dakota and shall be held as a redemption fund for such self-liquidating tax certificates to the credit of the proper county of the state, in proportion to the amount of certificates issued and the stamps placed thereon. Accounting shall be made monthly of the money in the redemption fund by the Bank of North Dakota to the respective county auditors and such money apportioned to each county and to the state in amounts equal to the stamps placed upon certificates issued by the state or respective counties. Money in the redemption fund shall be disbursed to the various subdivisions of the counties, in accordance with regulations prescribed under the provisions of Section two hereof.

§ 15. In addition to the redemption fund above required it shall be the duty of the county auditor to establish a special redemp-

tion fund for each respective subdivision from receipts of delinquent taxes collected which are not covered by certificates or warrants for the purpose of redeeming such self-liquidating tax certificates which shall be unredeemed at the end of two years from date of issuance by reason of there not having been sufficient stamps attached thereto. All certificates issued by a county shall be an obligation of said county for the face thereof until paid or redeemed as herein provided.

§ 16. The cost of printing and distribution of certificates and stamps shall be paid by the various counties for certificates and stamps required by them, and for those required by the state, the cost thereof shall be paid from the redemption fund set up from the sale of stamps for state certificates.

§ 17. It shall be unlawful for any person, corporation, or association of whatsoever nature to discount these self-liquidating tax certificates. Such certificates, if accepted in exchange of goods or services or in payment of indebtedness of any nature, must be accepted at face value.

§ 18. Basic restrictions and fundamental principles for operation under this Act are alone provided herein. The committee set up in Section two shall be responsible for the provision of satisfactory and workable rules and regulations.

§ 19. No further certificates shall be issued under the provisions of this Act after February 1, 1935. Revenue stamps may be sold up to February 1, 1937, to be used on outstanding certificates.

§ 20. PENALTY.] Any person violating any of the provisions of this Act shall be guilty of a felony and upon conviction thereof shall be sentenced to the State Penitentiary for one year, and any person counterfeiting any such certificates or stamps shall be guilty of a felony and upon conviction thereof shall be sentenced to the State Penitentiary for not less than five years.

Approved March 7, 1933.

CHAPTER 264

S. B. No. 31—(Fine, Bangert, Burkhart, and Brostuen, By Request.)

SUSPENSION TAX DEEDS

An Act to suspend the operation of Section 2202 of the Compiled Laws of the State of North Dakota for the year 1913, as amended by Chapter 199 of the Session Laws of 1925 (Section 2202 of the 1925 Supplement to the Compiled Laws of 1913) and as amended by Chapter 266 of the Session Laws of 1927, relating to tax deeds to be issued to the County upon the expiration of the period of redemption, upon due notice; tax deeds to the County and sale of property so acquired, until December 31, 1935; and suspending the operation of 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. That the operation of Section 2202 of the Compiled Laws of North Dakota for the year 1913, as amended by Chapter 199 of the Session Laws of 1925 (Section 2202 of the 1925 Supplement to the Compiled Laws of 1913) and as amended by Chapter 266 of the Session Laws of 1927, relating to tax deeds to be issued to the County upon the expiration of the period of redemption, upon due notice; tax deeds to the County and sale of real property so acquired, and the whole of the provisions of said laws as so amended, be, and the same are hereby suspended until the thirty-first day of December, A. D. 1935, and the various duly elected, qualified, and acting County Auditors of the State of North Dakota, with their several deputies, be, and they are hereby prohibited from proceeding in any manner or taking any action whatsoever under the provisions of said Act as amended until December 31, 1935.

§ 2. SAVING CLAUSE.] Providing, however, that this Act shall not prohibit appraisals or sales of any of the property heretofore acquired under the provisions of the foregoing Acts to which the County has acquired title at or before the time of taking effect hereof.

§ 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 January 20, 1933.

CHAPTER 265**S. B. No. 288—(Fowler and Matthaei.)****WHO MAY PURCHASE AT TAX SALES—EFFECT**

An Act to amend and re-enact Section 2196 of the Compiled Laws of North Dakota for the year 1913, relating to persons who may purchase property at tax sales and the effect of purchase by an owner.

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

§ 1. AMENDMENT.] That Section 2196 of the Compiled Laws of North Dakota for the year 1913 be amended and re-enacted to read as follows:

§ 2196. WHO MAY NOT PURCHASE. EFFECT OF PURCHASE BY OWNER.] Any person except county auditors, county treasurers, and each of their deputies or clerks, may become the purchaser at such sale. If the owner purchase, the sale shall have the effect to pass to him (subject to redemption as herein provided) every right, title and interest of any and every person, company or corporation, free from any claim, lien or encumbrance, (except such right, title, interest, lien or encumbrance) as the owner so purchasing may be legally or equitably bound to protect against such sale, or the taxes for which such sale was made; and no such sale of real estate for taxes shall be considered invalid on account of the same having been charged in any other name than that of the rightful owner; provided, that nothing herein contained shall be so construed as to prevent any officer or his deputy or clerk from becoming the purchaser at such sale of any lands of which he may be the owner, or upon which he may have a lien. Provided, further, that no county auditor, county treasurer, their deputies or clerks, shall act as agent or attorney for the purchasers at such sale.

Approved March 3, 1933.

CHAPTER 266**S. B. No. 264—(Hamilton.)****UNPAID DRAIN TAXES OR ASSESSMENTS**

An Act requiring a county that has acquired, or hereafter acquires, tax title to a tract of land subject to drain taxes to charge against such tract the amount required to redeem when tax title was acquired, and the amounts for which general taxes would have been levied if such tract had been subject to taxation; and to credit against such charges any income received from the land, while the county was owner; and upon sale of such land to pay into the drain fund any excess received over the amount of such charges, after deduction of such income.

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

§ 1. In all cases where a county has heretofore acquired, or does hereafter acquire, tax title to a tract of land against which

there were or are unpaid drain taxes or assessments, the county auditor shall make a charge against such tract of land for the amount which would have been required to redeem at the time the county became entitled to a tax deed; and he shall, also, make a charge against such land each year the land has been, or continues to be, the property of the county of an amount equal to the general taxes that probably would have been levied against such land if title had not passed to the county but remained in a private owner; no penalty or interest shall be added to such charges. If, during the time of ownership, the county receives any income from such land, such income shall be deducted from the charges so made as aforesaid. And, if and when, the county makes a sale of such tract of land it receives therefor a sum in excess of the amounts so charged against such land (after deduction of said income therefrom), such excess shall be paid into the drain fund, and used in payment of the indebtedness for the payment of which the drain taxes and assessments were levied.

§ 2. EMERGENCY.] An emergency is hereby declared to exist and this Act shall become effective immediately upon its passage and approval.

Approved March 6, 1933.

CHAPTER 267

S. B. No. 255—(Cain.)

COUNTY WARRANTS RECEIVABLE FOR TAXES

An Act relating to the duty and authority of the county treasurer to receive county warrants in payment of certain taxes.

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

§ 1. COUNTY WARRANTS RECEIVABLE FOR TAXES.] The county treasurer shall receive in payment of taxes, county warrants on the several funds for which taxes may be levied, to the amount of the tax for such fund, without regard to priority of the numbers of the same, except when otherwise provided by law; and he shall write or stamp across the face of all such warrants the date of their receipt and the name of the person from whom received.

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

§ 3. 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 1, 1933.

TREES

CHAPTER 268

H. B. No. 180—(Sprenger.)

TREE BOUNTY REPEAL

An Act to repeal Article 32, being Sections 2813, 2814, 2815 and 2816, Compiled Laws of North Dakota; and Section 2813, Supplement to the 1913 Compiled Laws of North Dakota, relating to bounty for tree planting.

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

§ 1. That Article 32, being Sections 2813, 2814, 2815 and 2816, Compiled Laws of North Dakota; and Section 2813, Supplement to the 1913 Compiled Laws of North Dakota, relating to bounty for tree planting, be and the same is hereby repealed.

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

Approved March 8, 1933.

WEIGHTS AND MEASURES

CHAPTER 269

H. B. No. 244—(Anfinson.)

TRANSFER DEPARTMENT OF WEIGHTS AND MEASURES

An Act transferring from the jurisdiction and supervision of the State Food Commissioner to the jurisdiction and supervision of the Board of Railroad Commissioners of the State of North Dakota, the Department of Weights and Measures as created by Chapter 311 of the 1931 Session Laws, providing for mileage and expenses of employees of the Department, and amending Sections 9 and 10 of Chapter 311 of the 1931 Session Laws relating to fees and licenses to be charged, 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. The Department of Weights and Measures as created by Chapter 311 of the 1931 Session Laws and its administration is hereby placed in the Board of Railroad Commissioners of the State of North Dakota, and wherever in said Chapter 311 of the 1931 Session Laws the names "State Food Commissioner" or "Commissioner" are used, the same shall hereafter refer to the Board of Railroad Commissioners of the State of North Dakota.

§ 2. That Section 9 of Chapter 311 of the 1931 Session Laws be, and the same is hereby amended and re-enacted to read as follows:

§ 9. The Chief Inspector or other employee of the Department of Weights and Measures shall charge and collect fees annually in accordance with the following schedule:

For inspection and sealing of railroad and track scales of capacity of 20 tons and upwards	\$4.00
For inspection and sealing dormant or hopper scales each	\$2.00
For inspecting and sealing movable platform scales (other than coin weighing machines or scales .....	.50
For inspecting and sealing counter or computing scales each..	.25
For inspecting and sealing any scale of fifty pound capacity or less .....	.25
For inspecting and sealing every patent balance, beam, steel yard or other instrument used for weighing other than the above enumerated, each .....	.25
For inspecting and sealing any two bushel or one bushel measure .....	.25
For inspecting and sealing any other dry measure, each .....	.10
For inspecting and sealing liquid measures of any capacity, each .....	.25
For inspecting and sealing any board or cloth measure, each...	.10

When the Inspector or other employees of the Department of Weights and Measures shall find any of the instruments or articles used in weighing or measuring to be wrongly adjusted, misconstructed, out of repair or in any other condition which can be remedied by him, it shall be his duty to correct such scale or measure and he shall receive for such service seventy-five (75) cents per hour for the actual time consumed in making such corrections and shall receive just compensation for any material used in such corrections.

§ 3. That Section 10 of Chapter 311 of the 1931 Session Laws be, and the same is hereby amended and re-enacted to read as follows:

§ 10. For all travelling expenses in the performance of the duties of their office the said Inspector and other employees of the Department of Weights and Measures shall receive, when travelling is done by auto or team the sum of Six (\$.06) cents for each mile actually and necessarily travelled, and when travelling is done by railroad or other means of public conveyance they shall receive the amount necessarily and actually expended therefor.

All revenues derived and fees and charges charged and collected under authority of this act by the inspector or other employees of the Department of Weights and Measures shall be properly accounted for daily by the said employees to the Board of Railroad Commissioners and by them recorded and monthly forwarded to the Treas-

urer 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 "Scale Inspection Department of Railroad Commission Fund" out of which all salaries, bills and expenses of whatever nature incurred in the performance of this act shall be by said Treasurer paid.

Vouchers for all salaries and expenses of whatever nature incurred by the Chief Inspector and other employees of the said Department in carrying out and enforcing the provisions of this act, when approved by the Board of Railroad Commissioners, 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 Scale Inspection Department of Railroad Commission Fund.

Annually, after the salaries and expenses of said Chief Inspector and other employees and other necessary expenses of said 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 Department of Weights and Measures.

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

Approved March 9, 1933.

WORKMEN'S COMPENSATION

CHAPTER 270

H. B. No. 146—(E. A. Hill.)

WORKMEN'S COMPENSATION BUREAU

An Act to amend and re-enact Section 4, Subsection A, Chapter 314, Session Laws of the State of North Dakota for the year 1931.

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

§ 1. AMENDMENT.] That Section 4, Sub-section A of Chapter 314, Session Laws of the State of North Dakota for the year 1931, be and the same is hereby amended and re-enacted to read as follows:

§ 4. (A) A Workmen's Compensation Bureau is hereby created, consisting of 3 Workmen's Compensation Commissioners, to be appointed by the Governor. The Commissioners shall devote their entire time to the duties of the Bureau. One of the Commis-

sioners shall be a representative of Labor, one a representative of the public, and one shall be a representative of the employers. Any or all of the present commissioners, or those hereafter appointed, may be removed at any time by the governor, with or without cause, if in his discretion the best interests of the public are served by such removal. Such newly re-organized bureau shall at its first meeting or at its first meeting after a vacancy exists, select from its membership a chairman for such bureau, who shall act in such capacity until a successor is selected by a majority of the board and has qualified.

Approved March 3, 1933.

CHAPTER 271

H. B. No. 304—(Nelson of Ward.)

COAL MINE OPERATORS TO CARRY WORKMEN'S INSURANCE

An Act prohibiting any person, firm, corporation, or association, from operating any mine in this state, where laborers are employed without first paying to the Compensation Bureau of the State Compensation, as provided by law, and repealing all acts or parts of acts in conflict herewith, and providing a penalty.

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

§ 1. COMPENSATION INSURANCE REQUIRED.] No person, firm, corporation, or association operating any coal mine in this state where laborers are employed, shall be permitted to operate such mine unless the full compensation insurance premiums have been paid to the Compensation Bureau of the State, covering liability for injury to such employees.

§ 2. PENALTY.] Any person violating the provisions of this Act shall be guilty of a felony and upon conviction thereof shall be punished by imprisonment in the State Penitentiary for a period of one year.

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

Approved March 6, 1933.

RESOLUTIONS

House Concurrent Resolution No. 5—(H. W. McInnes.)

APPOINTMENT HON. JOHN A. SIMPSON AS SECRETARY OF AGRICULTURE

For Memorial to his excellency, Franklin D. Roosevelt, President-elect of the United States of America, petitioning the President to appoint as a member of his cabinet, Hon. John A. Simpson.

Be It Resolved by the House of Representatives, of the State of North Dakota, the Senate Concurring therein, That:

WHEREAS: American agriculture is at its lowest ebb in the history of this nation, and the nations prosperity can only return with the return of the prosperity of agriculture, and whereas, in the Cabinets of the Presidents of the United States, Secretaries of Agriculture have seemingly forgotten their duties to that portion of the population of this nation they should represent, together with the interest of the balance of the people; and it is necessary to have as Secretary a man who knows and appreciates and will fight for the needs of the farmer, and WHEREAS, the Honorable John A. Simpson, President of the Farmers Educational & Co-operative Union of America, a national organization, and as such has for many years fought the battles of agriculture, and is intimately acquainted with the farmers needs and demands, and is in truth a real dirt farmer; and consequently will be a great aid to the executive officers of this government in bringing back our lost prosperity and returning this nation and its people to peace and contentment, faith in the principles of our republic, and foster confidence in thirty millions of farmers in the wisdom of the leaders of this nation.

THEREFORE: The Legislative Assembly of the State of North Dakota respectfully pray that you appoint Honorable John A. Simpson Secretary of Agriculture of the United States and take him into your family of advisors.

AND BE IT FURTHER RESOLVED, that certified copies of this Joint resolution be forwarded to Franklin D. Roosevelt, President-elect of the United States of America.

Filed January 27, 1933.

Joint Resolution No. 2—(Fine.)

URGING CONGRESS TO EXERCISE FUNCTIONS OF BANKING SYSTEM

A Joint Resolution of the Senate and House of Representatives of the State of North Dakota:

WHEREAS, the banking system of the United States through total inadequacy and inefficiency to exercise its legitimate functions and to serve the needs of government and to meet the existing demands

has broken down and all usual means for the distribution of currency and the transaction of the ordinary business of banking have failed

BE IT THEREFORE RESOLVED that in this most deplorable emergency in the affairs of government thus occasioned, we, the Senate and the House of Representatives of the State of North Dakota

Do petition and memorialize the Congress of the United States that it, by constitutional action, as warranted by the present emergency, take over the exercise of the functions usually performed by the banking system of the United States, and immediately, by proper legislation, provide for and exercise these functions in such manner as to protect the rights and serve the interests of the people of the United States

BE IT FURTHER RESOLVED that a copy of this resolution be wired to the President of the United States, the Vice-president of the United States and the Speaker of the House of Representatives.

Filed March 6, 1933.

Joint Resolution.

EXPRESSION OF SYMPATHY TO MRS. CALVIN COOLIDGE

WHEREAS, Calvin Coolidge, former President of the United States, has passed to the great beyond, and

WHEREAS, We the members of the Twenty-Third Legislative Assembly of the State of North Dakota, are deeply appreciative of the worth of this splendid citizen of America, and of the great loss which his passing means to our country, now therefore

BE IT RESOLVED that the President of the Senate and the Speaker of the House be authorized to send the following message to Mrs. Coolidge:

Mrs. Calvin Coolidge,
Northampton, Mass.

The North Dakota Legislative Assembly desires to express to you its deepest sympathy in the loss of your illustrious husband. In common with all America we appreciate his contribution to our civilization, and we mourn his loss.

May Divine Providence sustain you and grant you fortitude in this trying hour.

BE IT FURTHER RESOLVED, that the Secretary of the Senate be instructed to prepare a suitably engrossed copy of this Resolution and forward the same to Mrs. Coolidge.

Filed January 19, 1933.

Concurrent Resolution D—(Matthaei and Fine.)

INVESTIGATION CAPITOL BUILDING COMMISSION

For a complete investigation of the Capitol Building Commission, its activities and actions in connection with the letting of contracts, preparation and acceptance of plans and specifications, erection and construction of the new Capitol Building, and including alterations made, materials used, and all other acts of said commission in connection with said building and, if possible, provide for a reduction of the cost of said building.

Be It Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring, That:

WHEREAS, it is rumored, and generally believed, that the Capitol Building Commission awarded contracts for the erection and completion of said building in violation of the spirit and intent of Chapter 205, Session Laws of 1931 of this state, and,

WHEREAS, it was the intention of the State Legislature, as expressed in Chapter 205 aforesaid, that said Capitol Building should, if possible, be erected by North Dakota contractors and that North Dakota labor and material should be used as far as possible in the construction of said building, and, yet, it is rumored and generally believed that the Capitol Commission awarded most of the contracts for the erection and construction, as well as for material furnished and labor used, to parties outside of the state, without due regard for the spirit and intent of said Chapter 205; and,

WHEREAS, it is rumored, and generally believed that the contracts awarded for the erection of said building have, since their execution and delivery, been divided into three sections without properly safeguarding the interests of the state; and

WHEREAS, it is rumored, and generally believed, that the manner in which the contracts were awarded and are now being carried into effect indicate that the resident architects are architects in name only and that practically all matters pertaining to the work are handled and directed by the associate architects in Chicago; and

WHEREAS, it is rumored and generally conceded, that the building, if completed, will, in its accommodations, exceed by far the necessary requirements, and that the ultimate cost of said building is an unknown quantity; and

WHEREAS, there is a general demand on the part of the people of the State of North Dakota that in this depression and economic and financial stress action should be taken to save public funds; and,

WHEREAS, it is generally believed that a substantial saving can be made if the spirit and intent of Chapter 205, Session Laws of 1931, are followed, and the best interests of the state and its people considered in the erection and construction of said Capitol Building.

NOW, THEREFORE: BE IT RESOLVED by the 23rd Legislative Assembly of the State of North Dakota, assembled in its regular biennial session, that a committee of seven, consisting of three Sena-

tors and four members of the House of Representatives shall be chosen by the presiding officers of the Senate and House of Representatives, respectively, which committee shall be known as the Capitol Building Investigating Committee. The Chairman of this committee shall be designated and named by the President of the Senate.

It shall be the duty of the Capitol Building Investigating Committee, immediately upon its selection, to meet upon the call of its Chairman and make a complete, thorough and impartial investigation of the Capitol Building Commission, its activities, actions and doings in connection with the letting of contracts, the erection and construction of the new State Capitol Building, including the opening of bids, preparation of plans and specifications, alterations, materials used, awarding of contracts, and all other acts, things and matters of said commission in connection with the construction of said building; likewise to investigate the manner of construction, the labor and materials used and such other matters as shall to said committee seem advisable, desirable or necessary in order to make a thorough and complete investigation and report.

Said committee hereby created shall have full and complete power, by subpoena, or by use of such other method as it may determine upon, to compel the attendance of witnesses before said committee, within or without the State of North Dakota, and to swear such witnesses; this to include any or all members of the Capitol Building Commission, architects, associate architects, contractors and sub-contractors, and all of their agents and employees, and all other persons, firms or corporations, furnishing any material or doing any work, or having any connection or information whatsoever, with reference to the erection, construction or completion of said Capitol Building, and shall have full and complete power and authority to compel the production, within or without the State of North Dakota, of any and/ or all books, papers, records, contracts, documents or other writings or memoranda of any and all kinds in the possession of any of the aforesaid persons, firms, co-partnerships or corporations, in any way relating to or connected with the erection, construction or completion of said building, or in any manner connected with work done or pretended to have been done by virtue of the provisions of Chapter 205 of the Laws of 1931; and it shall have full power and authority to do all things necessary in carrying out the intent and purpose of this resolution.

Said committee shall cause to be made and kept a complete stenographic record of all its proceedings, cause the same to be transcribed, including any and all testimony taken before it; shall keep a complete record of all the books, documents, papers and writings produced, whether filed as exhibits or not, and wherever deemed necessary shall cause copies to be made before the originals are returned.

It shall be the duty of the commission to make preliminary

reports to the Legislature when called upon by signed request by the President of the Senate and Speaker of the House of Representatives, and shall make a final report at the conclusion of its investigation, such final report to set forth in concise form its findings and conclusions and shall make recommendations to the Legislative Assembly with reference to any action which in the opinion of the committee should be taken by the Legislature.

Such committee shall have full power and authority to employ such assistance as it deems necessary in making such investigation, and to make such expenditures as it may deem necessary in carrying out the provisions of this resolution, and it shall be the duty of the Attorney General and all other officers and employees of the state to assist said committee in its work when called upon by the committee.

Said committee shall have full power and authority to promulgate and adopt all rules of procedure in the conduct of its procedure.

The sum of \$7500.00, or so much thereof as may be necessary to carry out the provisions of this resolution, is hereby appropriated out of the moneys in the State Treasury not otherwise appropriated, to be paid by the State Treasurer upon warrants drawn upon the Treasurer by the State Auditor, upon the presentation to him of approved vouchers of the Committee, signed by its chairman.

Filed January 24, 1933.

House Concurrent Resolution No. 14—(Flannigan.)

CAPITOL CORNER STONE

Concurrent Resolution declaring that the laying of the cornerstone of the new Capitol Building now being constructed at Bismarck was brought about by deception; and resolving that it is the sense of the Legislature that the Governor and Capitol Commission shall hereafter cause to be arranged a fitting ceremony for the placing of such corner stone of the Capitol Building at the proper time.

WHEREAS, the building now being constructed at Bismarck to serve as the Capitol of the state will soon have reached the stage of construction where the facing will be placed; and

WHEREAS, in the placing of this facing there will be incorporated a stone in common parlance called a corner-stone; and

WHEREAS, in the placing of corner stones in all public buildings, it is usual practice to incorporate in said stone a repository for state and historical documents that may serve a purpose in the future history of the country; and

WHEREAS, at some date already past there has been a purported laying of the corner-stone for this building and at a cost of several thousand dollars to the taxpayers, and which laying was only a deceiving show in that a cement block was built up outside of the actual area to be occupied by the building and great display was

made thereof and this block and stone have now been removed to the chagrin and disgust of the general public; and

WHEREAS, there is due to the people of the state a more fitting ceremony in the proper laying of a corner stone in a place where it will forever rest;

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the House of Representatives, the Senate concurring, that it is the sense of this Legislature, and it is hereby directed, that the Governor and the Capitol Commission or other body responsible to the people for the erection of this building, shall cause to be arranged a fitting ceremony, for the placing of the corner-stone of the Capitol Building, at the proper time, in the place where the plans of the architects call for it to be placed. Provided further, that the corner-stone shall be cut from North Dakota Granite.

Filed in this office this 7th day of March, 1933.

Senate Concurrent Resolution H—(Stucke.)

RATIFICATION CHILD LABOR AMENDMENT

Be It Resolved by the Senate of the State of North Dakota: the House of Representatives Concurring.

WHEREAS, the 68th Congress of the United States of America, at the first session begun and held at the City of Washington, on Monday, the 3rd day of December, A. D. 1923, by a Constitutional majority of two-thirds thereof, made and passed a proposal to amend the Constitution of the United States of America in the following words, which joint resolution was duly ratified by Congress and approved by the President of the United States on or about the 6th day of June, A. D. 1924.

“JOINT RESOLUTION

Proposing an amendment to the Constitution of the United States Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), that the following article is proposed as an amendment to the Constitution of the United States, which when ratified by the legislatures of three-fourths of the several states, shall be valid to all intents and purposes as a part of the Constitution:

“ARTICLE.....

“Section 1. The Congress shall have power to limit, regulate, and prohibit the labor of persons under eighteen years of age.

“Section 2. The power of the several states is unimpaired by this article except that the operation of State Laws shall be suspended to the extent necessary to give effect to legislation enacted by the Congress.”

THEREFORE, BE IT RESOLVED, by the Legislative Assembly of the State of North Dakota, duly convened, that the said foregoing pro-

posed amendment to the Constitution of the United States of America be, and the same is hereby ratified by the Legislative Assembly of the State of North Dakota.

AND BE IT FURTHER RESOLVED, that certified copies of this Joint Resolution be forwarded by the Governor of this State to the Secretary of State for the United States of America at Washington, D. C., and to the President of the Senate and the Speaker of the House of Representatives of the National Congress.

Filed in this office this 4th day of March, 1933.

Senate Concurrent Resolution A—(Indergaard.)

**RATIFICATION PROPOSED AMENDMENT TO THE
CONSTITUTION OF THE UNITED STATES**

WHEREAS, the 72nd Congress of the United States of America, at the first session begun and held at the City of Washington, on Monday, the 7th day of December, 1931, by a constitutional majority of two-thirds thereof, made and passed a proposal to amend the Constitution of the United States of America in the following words, which joint resolution was duly ratified by Congress on March 3rd, 1932, and approved by the President of the United States, to-wit:

“JOINT RESOLUTION”

“Proposing an amendment to the Constitution of the United States, fixing the commencement of the terms of President, Vice President and members of Congress, and fixing the time of the assembly of Congress.

‘Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled (Two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution, which shall be valid to all intents and purposes as part of the Constitution when ratified by the Legislatures of three-fourths of the several States.

‘ARTICLE

‘§ 1. The terms of the President and Vice President shall end at noon on the 20th day of January and the terms of Senators and Representatives at noon on the 3rd day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

‘§ 2. The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3rd day of January, unless they shall by law appoint a different day.

‘§ 3. If, at the time fixed for the beginning of the term of President, the President-elect shall have died, the Vice President-elect shall become President. If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President-elect shall have failed to qualify, then the Vice President-

elect shall act as President until a President shall have qualified; and the Congress may by law provide for the case wherein neither a President-elect nor a Vice President-elect shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such persons shall act accordingly until a President or Vice President shall have qualified.

'§ 4. The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice shall have devolved upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice President whenever the right of choice shall have devolved upon them.

'§ 5. Sections 1 and 2 shall take effect on the 15th day of October following the ratification of this article.

'§ 6. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the Legislatures of three-fourths of the several states within seven years from the date of its submission.'"

THEREFORE, BE IT RESOLVED, by the Legislative Assembly of the State of North Dakota, duly convened, that the said foregoing proposed amendment to the Constitution of the United States of America be, and the same is, hereby ratified by the Legislative Assembly of the State of North Dakota.

AND BE IT FURTHER RESOLVED, that certified copies of this Joint resolution be forwarded by the Governor of this State to the Secretary of State for the United States of America at Washington, D. C., and to the President of the Senate and the Speaker of the House of Representatives of the National Congress.

Approved January 20th, 1933.

Filed January 20, 1933.

Concurrent Resolution No. 15—
(Lillehaugen, Carlson, Treffry and Owings.)

STATEWIDE COUNTY OFFICERS CONVENTIONS

Protesting against state-wide conventions held by certain county officers held at the expense of the county, and vacation with pay.

Be It Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring:

WHEREAS, it has come to our knowledge, that there is a practice of certain county officials to hold state-wide conventions of their respective office at the expense of their counties; and

WHEREAS, it has further come to our knowledge that it is the practice of certain counties to allow its county officials vacation with pay; and

WHEREAS, there is no provision in our law for state-wide con-

ventions of county officers other than that of County Superintendent of Schools when called by the State Superintendent of Public Instruction, nor any provisions for vacation with pay; and that,

THEREFORE, such expenditure of county funds is unlawful; and

WHEREAS, the Twenty-Third Legislative Assembly is doing all in its power to reduce the expense of government to meet the present depressing economic condition; and

THEREFORE, BE IT RESOLVED; That the House of Representatives, the Senate concurring, protest against such unlawful expenditure of county funds;

AND BE IT FURTHER RESOLVED that the chief clerk of the House mail copies of this resolution to the Chairman of the Board of County Commissioners and the County Auditor of every county in the state.

Filed March 6, 1933.

Senate Concurrent Resolution AA—(Whelan.)

MANUFACTURE ETHYL ALCOHOL

Requesting Congress to enact legislation providing for the use of farm products in the manufacture of ethyl alcohol.

WHEREAS, it has been successfully demonstrated in fourteen countries of the World today that the mixing of ethyl alcohol with gasoline in the operation of motor vehicles and power machinery is not only practical but economically profitable to the user, and

WHEREAS, ethyl alcohol can be manufactured from any or all agricultural products, including corn, wheat, oats, rye, barley, potatoes, beets, and many other farm products, and

WHEREAS, the use of such farm products in the manufacture of ethyl alcohol would remove from the markets of the United States the surplus of such products for which there now appears to be no profitable market demand, necessitating the producers thereof accepting for the same an amount far below the cost of production, and

WHEREAS, Legislation requiring the use of ethyl alcohol made from domestic agricultural products in an amount of from ten to twenty per cent in all motor fuel placed upon the market, would in no way further tend to depress the motor fuel industry, but would, on the other hand, by increasing the income to agriculture tend to stimulate an increase in the use of motor fuel, and

WHEREAS, the development of any industry that would create a market for surplus agricultural products throughout the United States, and the Northwest in particular, would be more beneficial than any plan proposed to date for price stabilization, decreased production or price fixing for agricultural products,

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE

STATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING:

That the Congress of the United States be and the same is hereby respectfully urged to give to the above plan immediate consideration, with the end in mind of enacting at the earliest possible moment, legislation for the purpose of carrying out and putting into effect some law which has for its object the utilization of surplus farm products in the manner above outlined.

Filed March 6, 1933.

House Concurrent Resolution No. 12—(Endres.)

FEDERAL GAME RESERVES

Providing for the establishment of Federal Game Reserves on or near the Fort Berthold Indian Reservation, and on the Standing Rock Indian Reservation near Fort Yates.

Be It Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring:

WHEREAS, there are at the present time thousands of acres of land in North Dakota which are not adapted to agricultural purposes, and which have little or no commercial value; and

WHEREAS, deer, antelope and other game animals are steadily decreasing in numbers due to the fact that they are not given sufficient protection; and

WHEREAS, the people of North Dakota are interested in the preservation and perpetuation of these forms of native wild life,

NOW THEREFORE, BE IT RESOLVED by the House of Representatives of the Twenty-third Legislative Assembly of the State of North Dakota, the Senate concurring, that we hereby request the present Congress to pass the legislation necessary for the acquisition of land for Federal Game Reserves in North Dakota, and for the maintenance of such reserves on or near the Fort Berthold Indian Reservation, and on the Standing Rock Indian Reservation near Fort Yates.

Filed March 6, 1933.

Senate Concurrent Resolution K—(Stucke and Regeth.)

FOUR BEARS MEMORIAL BRIDGE

Be It Resolved by the Senate of the State of North Dakota, the House Concurring Therein, that

WHEREAS, representatives of the Gros Ventres, Mandan, and Arikara tribes of the Fort Berthold Reservation have indicated by petition their desire to have the bridge now in the process of construction at Elbow Woods named the "FOUR BEARS MEMORIAL BRIDGE"; we therefore direct the State Highway Commission to have two suitable plaques or tablets prepared and displayed in public

and prominent places, one at each end, upon this bridge on which shall be engraved inscriptions in the following words :

(North Side Plate)
 FOUR BEARS MEMORIAL BRIDGE
Gros Ventres Chiefs *Arikara Chiefs*
 Poor Wolf Bear Chief
 Crow Paunch White Shield
 Big Brave Son of Star
 Porcupine Head Peter Beauchamp, Sr.
 Crow Flies High Bobtail Bull
 Black Hawk
 Old Dog

(South Side Plate)
 FOUR BEARS MEMORIAL BRIDGE
Mandan Chiefs
 Charging Eagle
 Red Buffalo Cow
 Flying Eagle
 Black Eagle
 Water Chief

Filed February 28, 1933.

House Concurrent Resolution No. 8—(Morgan.)

URGING PASSAGE OF FRAZIER BILL

Memorial to our next President and the next Congress

Be It Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring, That

WHEREAS, there are a number of so-called farm relief bills pending in the present Congress, most of which bills are just make-believe farm relief, and mere gestures, and intended to deceive and mislead the farmers of this nation and

WHEREAS, there is now pending and has been pending, before the present Congress a real farm relief bill known as the Frazier bill, which provides that the United States government shall refinance the existing farm indebtedness at 1½% interest and 1½% principal on the amortization plan, not by issuing bonds, but by issuing Federal Reserve notes, secured by first mortgages on farms—the best security on earth—better than foreign bonds, and far better than the security put up for Federal Reserve notes by the Federal Reserve Board, and

WHEREAS, two to three billion dollars used as a revolving fund will be sufficient to refinance the nine and one-half billion dollars of farm indebtedness and the government will make six billion, three

hundred forty-five million dollars, gross profit at 1½ per cent interest, in forty-seven years and

WHEREAS, if this bill is passed, it will put from two to three billion dollars, new money, in circulation among the people—it will loosen the frozen assets of the nation—the unemployed will again be able to get work and eat—the price of agricultural products will go up—the starving of millions will end and business will again be general and

WHEREAS, there is also pending before the present Congress a real Cost of Production bill, agreed to a year ago by three great farm organizations: The Farmers Union, the Farm Bureau and the Grange, which bill is known as the McNary bill, in the Senate, and which provides for the cost of production of that part of American agriculture consumed or used within the United States, and

WHEREAS, this bill is far superior to the so-called Jones bill in that it is not loaded down with cumbersome and expensive machinery and limited to only part of the agricultural products

NOW THEREFORE, the legislature of North Dakota respectfully petitions the Honorable Franklin D. Roosevelt, our next president, in whose ability and wisdom we have unbounded faith to carefully consider the Frazier bill and the McNary bill above referred to, which we believe are far superior to any measures so far introduced in Congress or discussed in public and which we believe will put an end to this depression that has all but wrecked this nation and

BE IT FURTHER RESOLVED that we respectfully request the next Congress to give careful consideration to these two bills and to pass them without further delay. This, we believe, was the mandate of the people of this nation in the last election.

The Frazier bill has the endorsement of seven state legislatures, Montana, North Dakota, South Dakota, Minnesota, Wisconsin, Illinois and Nevada and if passed, together with the McNary bill, will give sure and certain relief immediately to agriculture and the wheels of industry will start again, the depression will end and the confidence of the people of this nation will again be restored.

Filed March 6, 1933.

Senate Concurrent Resolution No. A-1—(Fine and Greene.)

URGING CONGRESS TO PASS FRAZIER BILL

Memorial to the members of State Legislatures urging State Legislatures to memorialize Congress to pass Senate Bill 1197, known as the Frazier Bill.

Be It Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring, That:

WHEREAS, a crisis exists and hundreds of thousands of once prosperous farmers in this nation have already lost their homes and their all by mortgage foreclosures because of the fact that the price

of agricultural products has for years been below the cost of production, a condition that affects all of the people of this nation and is largely responsible for the continuance of the depression; and

WHEREAS, there is no adequate way of refinancing existing agricultural indebtedness and the farmers are at the mercy of their mortgagees and creditors; and

WHEREAS, unless immediate relief is given thousands and hundreds of thousands of additional farmers will lose their farms and their homes and millions more will be forced into our cities and villages and the army of unemployed will necessarily increase to alarming proportions, precipitating a condition that threatens the very life of this nation; and

WHEREAS, the State Legislatures of Montana, North Dakota, Minnesota, Wisconsin and Illinois have each and all memorialized Congress to pass Senate Bill No. 1197, known as the Frazier Bill, without delay, which bill provides that existing farm indebtedness shall be refinanced by the Government of the United States at $1\frac{1}{2}\%$ interest and $1\frac{1}{2}\%$ principal on the amortization plan, not by issuing bonds and plunging the nation further into debt, but by issuing Federal Reserve notes the same as the Government now does for the banks through the Federal Reserve Bank.

NOW, THEREFORE, the Legislative Assembly of the State of North Dakota respectfully requests and petitions the legislatures of the other states that have not already done so to memorialize Congress to pass Senate Bill 1197 without delay, in order that the agricultural indebtedness of this nation be speedily liquidated and refinanced and agriculture saved from utter ruin and destruction and this depression brought to an intelligent and speedy end, and respectfully requests that the state legislatures cause copies of such memorial, after same has been passed, to be sent to the President of the United States, to the President of the Senate and the Speaker of the House, to Senator Frazier at Washington, D. C., and to William Lemke, congressman-elect, at Fargo, North Dakota.

BE IT FURTHER RESOLVED, that the Secretary of State cause sufficient copies of this resolution to be printed and that he cause to be mailed a copy to the President of the Senate and the Speaker of the House of each of the forty-three states that have not as yet memorialized Congress to pass Senate Bill 1197, requesting that said resolution be read before each of said bodies.

Approved January 25th, 1933.

Filed January 25th, 1933.

Senate Concurrent Resolution B—(Whelan.)

Be It Resolved by the Senate of the State of North Dakota, the House Concurring, That

WHEREAS, there is now before the Senate of the United States

a treaty between this nation and Canada providing the terms under which may be constructed the long sought and much needed Seaway uniting the Great Lakes with the Atlantic ocean, and

WHEREAS, such maritime benefits extended to the nearby ports on the Great Lakes would be of inestimable value both to the agricultural and industrial life of North Dakota,

NOW THEREFORE, we urgently request of our Senators in the Congress of the United States that they not merely support immediate and unconditional ratification of said treaty, but that they use every legitimate effort to impress upon the Senate the dire need of this state for relief from an overwhelming burden of transportation costs—a relief obtainable in very large measure through the ratification of this treaty and through the immediate construction thereafter of the navigation works required to extend the Atlantic ocean westward to within less than 300 miles of the boundaries of this State.

Ordered that copies of this resolution be sent to each member of the Senate and House of Representatives of the Congress of the United States.

Filed January 24, 1933.

Senate Concurrent Resolution U—(Fine and Drew.)

CARE, RELIEF AND EDUCATION OF THE INDIAN

WHEREAS, the Indian situation, on and off the various reservations in the State of North Dakota, is becoming a serious problem to the taxpayers in the counties where such reservations are situated and communities adjacent to such reservations by reason of the economic stress through which agriculture is passing, and

WHEREAS, the policy of the Department of Indian Affairs appears to be to rid themselves of the care, support and education of the Indian and attempting to force the burden of relief and education on the local communities of this state, and

WHEREAS, the care, relief and education of the Indian peoples has been and should remain a National problem by reason of Treaties made by the Federal Government with said Indians at the time they were placed upon the various reservations, and

WHEREAS, it has come to the attention of the Legislature of this state that there are hundreds of Indian children on and off the various reservations who are entirely without any school opportunities whatsoever and others who by reason of the fact that they are not properly clothed or nourished are unable to attend school, and

WHEREAS, it has come to the attention of this Legislative body that it is the policy of the present Commissioner of Indian Affairs to make changes in the educational system by eliminating certain Indian boarding schools, by reducing the appropriation therefor, and

WHEREAS, we believe that during these times when relief is necessary to a greater extent among the Indians than any other people, the boarding school serves a distinct agency, not only for education but for relief as well by taking care of the comforts of those Indian children attending by keeping them in that certain physical condition for mental development, and

WHEREAS, we believe that providing means of education to those Indian children now denied that opportunity is a sufficiently large program to engage the efforts of the Indian Department of the Federal Government for a number of years, and

WHEREAS, we do not believe it would be expedient to have the Indian children mingle with the white children in our educational institutions by reason of the vastly different temperament and mode of living and other differences and difficulties of the two races, and

WHEREAS, we believe it is impossible and impracticable for the local communities to bear the expense or any portion of the expense of educating said Indian children; the local communities already being over-burdened with taxes trying to maintain institutions for the education of children of their own race, and

WHEREAS, the problem of relief and education are so closely interwoven and the relief problem has reached such large proportions as to go beyond the ability of local communities to handle,

NOW, THEREFORE, BE IT RESOLVED By the Senate of the State of North Dakota, the House of Representatives concurring, that we urge the Congress of the United States to recognize the responsibility of the Federal Government for the care and education of the Indian by making adequate provision for taking care of these Indian problems, and that before adopting a policy of eliminating the boarding school, steps be first taken to establish supervised colonies through the purchase of land whereon the Indian can be assisted in building and maintaining his home and by such contact and follow-up work, including school facilities, whereby the Indians may be taught to farm and become self-supporting.

Filed March 7, 1933.

Senate Concurrent Resolution V—
(Dubay, Atkins, Magnuson, and Gronvold.)

INTERNATIONAL PEACE GARDEN

WHEREAS, the peace, health, safety, morals and general welfare of the public of this State are promoted by the establishment of public parks, and that the term "public parks" includes all enterprises devoted exclusively to the use of the public, whether the title to the property is held by the State of North Dakota, the International Peace Garden, Inc., or by some other park corporation authorized by this State to own and maintain land for public park purposes, and it is within the legislative power to declare that the International

Peace Garden established in the County of Rolette in this State under control of and held by the International Peace Garden, Inc., and all gardens and parks similarly dedicated to the public are public parks; and

WHEREAS, all public parks devoted exclusively to public use are conducive to the general welfare of the people, and, as their use becomes more general, requires the acquisition of adjoining lands and properties through the power of eminent domain and it is desirable that such power be by the legislative assembly of this State granted to and extended to all enterprises and corporations owning and controlling such public parks as may hereafter be defined by law;

BE IT THEREFORE RESOLVED BY THE SENATE THE HOUSE OF REPRESENTATIVES CONCURRING that we recommend that International Peace Garden, Inc., maintaining a public park on the International boundary line between Canada and the United States in Rolette County, this State, commemorating and perpetuating the amicable and peaceful relations long existing between our country and Canada, be by the next legislative assembly granted the power of eminent domain to condemn private property for the public use of the public parks or gardens it may maintain for the purpose aforesaid, and that the said corporation through its Board of Directors or of Administration be vested with the power to make all necessary rules and regulations to control and prevent within reasonable territorial limits on adjoining property all unsightly advertising, all commercial enterprises, all forms of amusement and other objectionable features which may be necessary to promote the health, safety, happiness and general welfare of the general public, and promote international amity and good will.

Filed March 7, 1933.

Senate Concurrent Resolution X—(McDonald and Fowler.)

DISTRIBUTION LEGISLATURE DESKS TO SCHOOLS

A JOINT RESOLUTION of the Senate of the State of North Dakota, the House of Representatives concurring therein, that

WHEREAS, owing to the destruction by fire of the State Capitol in December 1930, it became necessary for the state to rent and furnish certain rooms within the city of Bismarck for the use of the Houses of the Legislature, and

WHEREAS, in furnishing such chambers to be used, it was necessary for the state to furnish and supply 162 desks, and, that upon the construction and furnishing of the new State Capitol these desks will be of no further use to the state in any of its departments and will become almost wholly useless and valueless,

THEREFORE, BE IT RESOLVED that upon the completion of the construction of the new state Capitol and when proper provision has

been made therein for permanent desks in the Legislative Houses that the 162 desks purchased and used as aforesaid, be set over and distributed among the rural public schools of the state, and we do recommend that such distribution be supervised by the Governor and Board of Administration of the State and that such distribution be made by the State Superintendent of Public Instruction in such manner as, in his judgment, accords with the needs of such schools of the State.

Filed March 6, 1933.

House Concurrent Resolution No. 22—(Twichell and Swett.)

EXTRA PAY FOR EMPLOYEES

Be It Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring That:

WHEREAS: The House and Senate have been employed two extra days during this Session:

THEREFORE IT IS HEREBY DIRECTED that each of said employees be paid for two extra days at the rate at which they were employed, such moneys to be paid from the appropriation for legislative expense of the 1933 legislative assembly of the State of North Dakota.

Filed March 7, 1933.

Joint Resolution No. 7—(Swett and Twichell.)

APPRECIATION TO CITIZENS AND CITY OF BISMARCK

WHEREAS the City of Bismarck was so generous in furnishing accommodations for the Twenty-third Assembly, be it resolved that a vote of appreciation be extended the citizens and the City of Bismarck.

Be It Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring:

WHEREAS, the State Capitol of North Dakota and the Legislative Chambers therein contained were totally destroyed by fire in December, 1930, and

WHEREAS, in this emergency depriving the Legislature of a meeting place for its Twenty-third Assembly, the City of Bismarck most generously and liberally tendered and contributed to the Legislative Assembly the use of the Memorial Building and the City Auditorium as a meeting place for the Twenty-third Legislative Assembly, and

WHEREAS, the City of Bismarck, by greatly discommoding itself, supplied for the Twenty-third Legislative Assembly a commodious and comfortable meeting place which could not have been supplied within the Capital by other means

NOW, THEREFORE, BE IT RESOLVED: Jointly by the Senate and

the House of Representatives of North Dakota, that it is the sense of this Legislative body that we tender to the City of Bismarck and especially to Myron H. Atkinson, City Auditor of the City of Bismarck, and E. M. Davis, Superintendent of the building of the City of Bismarck, and to the Citizens of Bismarck, our thanks and high appreciation for the courtesies and liberalities shown us by them throughout the Twenty-third Legislative Session, and

BE IT FURTHER RESOLVED that an engrossed copy of this resolution, signed by the Speaker and Chief Clerk of the House of Representatives, and the President and Secretary of the Senate, be forwarded to the Mayor and City Commission of the City of Bismarck, to be received by them as a small token of our appreciation.

Filed in this office this 7th day of March 1933.

**TWENTY-THIRD LEGISLATIVE ASSEMBLY OF THE STATE OF
NORTH DAKOTA**

House Concurrent Resolution No. 19—(Swett and Twichell.)

HEAT, LIGHT, WATER AND POWER LEGISLATIVE ASSEMBLY

WHEREAS, the Twenty-third Legislative Session Assembly was held in the World War Memorial Building and the City Auditorium, both owned by the city of Bismarck, and

WHEREAS, The City of Bismarck is entitled to expenses for heat, light, water and power and other things rendered the aforesaid Legislative Assembly in the amount of \$4,410.00,

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING THEREIN, there is hereby appropriated out of any moneys in the legislative expense fund not otherwise appropriated the sum of \$4,410.00 to the Board of Administration to be used in paying the City of Bismarck such sums as may be necessary to pay for heat, light, water and power or other expenses incurred by the City of Bismarck for the Twenty-third Legislative Assembly.

EMERGENCY. This resolution is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval by the Governor.

Filed March 9, 1933.

**Senate Concurrent Resolution BB—
(Joint Committee on Employment.)**

**COMPILING AND INDEXING LEGISLATIVE ASSEMBLY
JOURNALS**

Be It Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring:

That Sidney A. Papke, Secretary of the Senate, James P. Curran, Chief Clerk of the House and Howard Thomas, first Assistant

Chief Clerk, are hereby authorized, empowered and employed to compare and index the Journal of the Twenty-third Legislative Assembly, and to complete the Senate and House Journals and mail out to the members the temporary Journals of the last days of the session, which have not been delivered to members before the close thereof; and the said Sidney A. Papke and James P. Curran are hereby directed and required at their own cost and expense to arrange for and procure sufficient assistance to insure that the said work shall be completed within thirty days after the adjournment of the session.

BE IT FURTHER RESOLVED, that for the services of Sidney A. Papke, as above set forth, that he be paid the sum of Four Hundred Dollars (\$400.00), and the said James P. Curran, as Chief Clerk of the House and Howard Thomas, first Assistant Chief Clerk, (\$400.00), which shall include compensation for an assistant to be selected by each, all to be paid as other legislative expenses, and paid when the respective claims are verified by the affidavits of Sidney A. Papke and James P. Curran showing the completion of such work.

BE IT FURTHER RESOLVED, that the necessary postage for mailing out the copies of temporary Journals as aforesaid be furnished to the said Sidney A. Papke and James P. Curran as part of the legislative expense of this session.

Filed March 7, 1933.

Senate Concurrent Resolution CC—
(Joint Committee on Employment.)

RETENTION MAILING CLERKS, ETC.

Be It Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring:

That V. C. Hamilton and Valentine Keller, mailing clerks of the Senate, and P. H. Miller and Joe LePire, mailing clerks of the House of the Twenty-third Legislative Session, be retained for five days after the close of this session to complete sending Senate and House Journals of the last days of the session; and that R. T. Wood, proof reader in the House, and H. R. Long, proof reader in the Senate, be retained for two days after the close of the session to finish proof-reading the Journals of the House and Senate for the last day of this Twenty-third Legislative Assembly; and that G. Sundfor, messenger, and Minard Jacobson, Roswell Kamrath, and Merle Langeberg, pages, in the Senate, and Fred Fleck, E. D. Cantwell, J. E. Pfeiffer, and Alva Wambheim, as pages of the House, be retained for two days after the close of the session for the purpose of wrapping and either mailing or expressing to the members of the Senate and House bill books, journals, reports, and files.

AND WHEREAS, Geo. D. Laird, the Governor's Messenger, has

expended for taxi hire between the office of the Governor and the Legislative Assembly some \$14.75.

BE IT FURTHER RESOLVED, that each of the above named employees, to-wit: V. C. Hamilton, Valentine Keller, P. H. Miller, Joe LaPire, as mailing clerks, be paid for said additional five days the sum of \$4.50 per day; and that R. T. Wood and H. R. Long, proof readers, be paid the sum of \$4.50 per day for two days; and that G. Sundfor, Minard Jacobson, Roswell Kamrath, Merle Langeberg, Fred Fleck, E. D. Cantwell, J. E. Pfeiffer, and Alva Wambheim, as messengers and clerks, be paid the sum of \$4.50 additional for two days, and that Geo. D. Laird be paid the sum of \$14.75 for expenditures incurred for taxi hire.

All of the above to be paid as other legislative expenses and paid when the respective claims are verified by the affidavits of said parties herein named at the completion of such work.

Filed March 7, 1933.

House Concurrent Resolution No. 7—(Flannigan.)

HATFIELD-KELLER RAILROAD RETIREMENT PENSION BILL

Memorial to the members of the United States Congress urging Congress to pass the bill known as the Hatfield-Keller Railroad Retirement Pension Bill.

Be It Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring, That:

WHEREAS, there is a bill known as the Hatfield-Keller Railroad Retirement Pension Bill providing for the establishment of a National Pension Plan for all employees of the railroads in the United States now before the Congress of the United States, and

WHEREAS, we believe that upon the united support of all railroad employees and the public depends the passage of a just and satisfactory pension bill, and

WHEREAS, it is adequate in its provisions for retirement; tends to relieve unemployment because it retires older men on pension annuities and keeps younger men at work,

WHEREAS, a full application of its principles to all persons will help solve the unemployment problem confronting the nation,

NOW THEREFORE, the Twenty-Third Legislative Assembly of the State of North Dakota respectfully requests and petitions the Congress of the United States to give favorable consideration of this bill,

BE IT FURTHER RESOLVED, that the Secretary of State cause sufficient copies of this resolution to be printed and that he cause to be mailed a copy to both the President of the Senate and Speaker of the House of Representatives of the Congress of the United

States, requesting that said resolution be read before each of said bodies.

Filed March 6, 1933.

Concurrent Resolution No. 11—(Olson of Bowman.)

URGING PASSAGE BY CONGRESS OF VARIOUS PROTECTIVE MEASURES

Be It Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring:

WHEREAS, the financial debacle which has swept down farm prices to a point now where the price received will barely pay the freight and where every sale is a complete surrender of the resources of our entire people and therefore the State, and

WHEREAS, we believe that the financial interests of the country are unwilling even now to recede from their position and be patriotic enough to absorb their equal share of the losses incident to the depression, and that as a result of said attitude, farm prices will be further lowered to a point of no value whatever, and

WHEREAS, this State is rich in resources of all that goes to support in food production not only our own people but millions in other states, and still find themselves bankrupt because of no medium of exchange and because of the unwarranted premium on hoarded money deliberately accumulated in the hands of the financial interests, and

WHEREAS, the present Government is now under the power and subservient to those interests, and no relief can be expected from the Government agencies distributing Government funds and that such agencies are not committed to the direction of the people but lodged with the bankers, and

WHEREAS, we believe we are about to the end of human endurance, that the people of this state, through its legislature, questioning the ability of the Democratic party, when in power, to remedy the abuses that have grown up under twelve years of Republican misrule, must assume that the people of this state will be compelled to suffer further losses of property, opportunity and credit, uncertainty of security, of their homes and food, and that the unfed will constantly increase, therefore

BE IT RESOLVED, that we recommend the immediate passage by this legislature of the following drastic measure for the protection of the people of this state:

First: The passage of a one year moratorium that will prevent foreclosures and collections, that will drive our people from their homes, and force more into a position of abject want.

Second: The passage of the Peterson bond currency bill, which will provide a medium of exchange for the use of our own people,

and enable them to exchange commodities upon a basis that will set a fair exchange value, regardless of market prices, and will enable our schools and institutions to function, and supply employment for those who can not now obtain employment because of a shortage of money.

Third: The passage of a bill that shall authorize the Governor to declare an Embargo on the shipment of farm products out of this State, except for the purpose of exchange, with such other states as will be willing to exchange commodities on a cost of production basis, and thus prevent the entire resources of our state from being sacrificed upon a market created and manipulated by the financial interests of the country, and empowering the Governor to use the Military forces of the state to enforce such an Embargo, and for the purpose of inviting other states to join us in like purposes and like Embargoes.

Fourth: A bill to authorize the Industrial Commission to use our Mill and Elevator for the purpose of grinding wheat and rye and distributing the same to our people on an exchange value that shall disregard the present market price and the present financial mediums.

Fifth: A bill empowering the Industrial Commission to install manufacturing plants for the purpose of manufacturing our own wool and such cotton products, as we shall be able to secure from other states by exchanging commodities and thus furnish clothing for the use of our people.

Sixth: A bill authorizing the Industrial Commission to establish a plant for the manufacture of leather and shoes utilizing the enormous supply of raw hides that is being given away on the present markets.

Seventh: Said Commission shall be authorized to exchange such products, or any products named herein, with other states upon an exchange value that will insure cost of production for both parties.

Eighth: The Industrial Commission shall be empowered to negotiate with producers of other states for the exchange of commodities not produced here.

Ninth: The Industrial Commission shall be authorized in emergency cases to take over and operate coal mines within the state for the benefit of the people.

Tenth: That in carrying out any of the additional projects by the Industrial Commission, as set forth herein, no further bonds of the state shall be issued therefor, but the same shall be financed by the use of bond currency, as described in the Peterson bill.

Filed March 6, 1933.

House Concurrent Resolution No. 10—(Ettestad.)

CANCELLATION STATE LAND CONTRACTS

Urging the Board of University and School Lands of the State of North Dakota to refrain from cancelling State Land Contracts and that in the collection of rentals for cultivated lands, it be as lenient as public policy will permit.

Be It Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring:

WHEREAS, under the Constitution and Laws of this State, the Board of University and School Lands has the full control of the selecting, appraisalment, rental, sale, disposal and management of all school and public lands of the State of North Dakota; and,

WHEREAS, because of the low price of farm products and adverse conditions, there are numerous reliable and bona fide farmers who are unable to pay the rental on the cultivated lands which they have leased from the State, or are unable to pay the interest or installment on their State Land Contracts;

NOW, THEREFORE, BE IT RESOLVED: That the House of Representatives of the State of North Dakota, the Senate concurring, urges the Board of University and School Lands to refrain from cancelling any state land contracts, except in cases where absolutely necessary, or where the contract holder has abandoned the premises, and that in the collection of rentals for cultivated lands, it be as lenient as public policy will permit.

AND BE IT FURTHER RESOLVED that the Secretary of State of the State of North Dakota be and is hereby instructed to forward a duly authenticated copy of this resolution to the Secretary of the Board of University and School Lands of the State of North Dakota.

Filed March 7, 1933.

TWENTY-THIRD LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA

Concurrent Resolution No. 4—(Patterson.)

VETERANS MEETING PLACES

Requesting Boards of County Commissioners of counties having World War Memorial Buildings to furnish meeting places for all veterans' organizations without charge.

Be It Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring:

WHEREAS, some veterans' organizations are unable to properly function on account of inability to pay rent for meeting places; and,

WHEREAS, numerous counties within the state have erected World War Memorial Buildings under the provisions of Section

2071C1 of the Supplement to the 1913 Compiled Laws of North Dakota, and amendments thereto; and,

WHEREAS, said World War Memorials were erected in commemoration of the people of the county who rendered services, or who lost their lives in the service of their country during the great World War;

NOW, THEREFORE, BE IT RESOLVED: That the House of Representatives of the State of North Dakota, the Senate concurring, most respectfully urge the boards of county commissioners of counties within the state having World War Memorial Buildings to furnish meeting places for all veterans' organizations without charge.

AND BE IT FURTHER RESOLVED that the Secretary of State of the State of North Dakota be and is hereby instructed to forward a duly authenticated copy of this resolution to all boards of county commissioners within the state of North Dakota.

Filed March 6, 1933.

House Concurrent Resolution No. 6—(Lillehaugen.)

FUTURE WARS

Memorializing Franklin D. Roosevelt, President, and the Congress of the United States pertaining to future wars.

Be It Resolved by the House of Representatives and the Senate of the State of North Dakota Concurring:

That we, the members of the State Legislature in regular session assembled, representing the people of the commonwealth of North Dakota, hereby renew our pledge of loyalty to our God, our Nation and our Flag, and to the Commander in Chief of the Army and Navy to whom we pledge our lives and property, and the lives and property of our posterity UPON INSTANT CALL to defend them against any nation which shall attempt to attack our shores or invade our land.

And we further pledge that should such attack or invasion provoke a declaration of war against such nation, that this commonwealth will furnish her full quota of the man-power to do the fighting and the dying to make the defense of this nation adequate though the filling of such quota may require submission to conscription or selective draft.

Realizing that "war is hell" that human life is sacred and that bonds mean bondage, we demand in the name of this commonwealth that the power to declare war other than to resist attack or invasion of our own shores, be vested in the voice by referendum vote of the people governed, and in the event of conscription, draft or other compulsory service of the man-power in future wars, we demand that you provide for the conscription of all productive resources and accumulated fortunes in excess of \$500,000.00 before further bonds

against the nation in defense of which our volunteer and conscripted men and boys offered up their lives to the end that our returned soldiers, their posterity and those who furnish the food and clothing to sustain them may not be placed in perpetual bondage to pay interest on those bonds and further swell such fortune.

Be it further resolved that copies of this resolution be forwarded to the President of the United States, and to the Senate and the House of Representatives of the United States.

And your memorialists will ever pray.

Filed March 7, 1933.

VETOES

H. B. No. 32—(Swendseid.)

DISMISSAL CIVIL ACTIONS. HOW AND WHEN

An Act to amend and re-enact Section 7597, Chapter 10, of the Code of Civil procedure of the Compiled Laws of North Dakota for the year 1913 providing for and relating to when and how civil actions may be dismissed.

V E T O

March 9, 1933.

TO THE HONORABLE THE SECRETARY OF STATE:

I herewith return House Bill No. 32, being an Act to amend and re-enact Section 7597, Chapter 10, of the Code of Civil Procedure of the Compiled Laws of North Dakota for the year 1913, without my approval, for the reason that the present law on this matter, in my judgment, is sufficient and of greater value to litigants than the proposed measure.

Very respectfully,

WILLIAM LANGER,
Governor.

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

§ 1. AMENDMENT.] That Section 7597, Chapter 10, of the Code of Civil Procedure of the Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

§ 7597. DISMISSAL OF CIVIL ACTIONS. HOW AND WHEN.] Civil action may be dismissed without a final determination of its merits in the following cases:

1. By the plaintiff, at any time before trial, if a provisional remedy has not been allowed, or counterclaim made, or affirmative relief demanded in the answer; provided, that an action on the same cause of action against any defendant shall not be dismissed more

than once without the written consent of the defendant or an order of the court on notice and cause shown.

2. By either party, with the written consent of the other; or by the court, upon the application of either party, after notice to the other, and sufficient cause shown, at any time before the trial.

3. By the court, when upon the trial and before the final submission of the case, the plaintiff abandons it, or fails to substantiate or establish his claim, or cause of action, or right to recover; and, provided, however, that when at the close of the plaintiff's testimony, or at the close of the trial any party to the action moves the court to dismiss the action, and the adverse party objects thereto such motion shall be denied and the court shall submit to the jury such issue or issues, as provided for by Section 7643 to the 1913 Compiled Laws of North Dakota of the 1925 Supplement, relating to directed verdicts and denial thereof when a party objects thereto, and the party shall have all the rights provided by said Section 7643 of the Supplement to the Compiled Laws of North Dakota.

4. By the court, when the plaintiff fails to appear on the trial, and the defendant appears and asks for the dismissal.

5. By the court, on the application of some of the defendants, when there are others whom the plaintiff fails to prosecute with diligence.

6. The dismissal mentioned in the first and second subdivisions of this section may be made by an entry in the Clerk's register, by the plaintiff or his attorney, and a written notice of such dismissal and entry served on the adverse party, and judgment may thereupon be entered accordingly; provided, that in the cases mentioned in the said first subdivision, and in cases in which the parties to the action consent in writing to the dismissal of such action, the judgment of dismissal may be entered by the Clerk on motion of either party without any notice to the opposite party, and without an order from the court or judge.

7. In every case, other than those mentioned in this section the judgment in the action shall be rendered on the merits.

8. All other modes of dismissing an action, except as provided in this chapter, by nonsuit or otherwise, are hereby abolished.

S. B. No. 163—(Committee on Appropriations.)

**EXPENSE OF AUDITS, ETC.—N. D. MILL AND ELEVATOR
ASSOCIATION; BANK OF NORTH DAKOTA; STATE HAIL
INSURANCE FUND AND WORKMEN'S COMPENSATION
BUREAU**

An Act to provide for the apportionment of the expense of auditing and examining the affairs of the North Dakota Mill and Elevator Association for the State Mill and Elevator at Grand Forks, Bank of North Dakota, including the farm loan department, the State Hail Insurance Fund, and the Workmen's Compensation Bureau of the State of North Dakota by the State Board of Auditors pursuant to the initiated measure approved November 2, 1920, and Chapter 143 of the Session Laws of 1923, and providing a fund for the payment of such expense.

V E T O

March 10, 1933.

TO THE HONORABLE THE SECRETARY OF STATE:

I herewith return Senate Bill No. 163, being an act to provide for the apportionment of the expense of auditing and examining the affairs of the North Dakota Mill and Elevator Association for the State Mill and Elevator at Grand Forks, Bank of North Dakota, including farm loan department, the State Hail Insurance Fund, and the Workmen's Compensation Bureau of the State of North Dakota by the State Board of Auditors pursuant to the initiated measure approved November 2, 1920, and Chapter 143 of the Session Laws of 1923, and providing a fund for the payment of such expense, without my approval, for the reason that the present method of providing for the cost of auditing of the various industries mentioned in this Act is provided for under present statutes.

Very respectfully,

WILLIAM LANGER,
Governor.

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

§ 1. To provide funds for meeting the expense of the audits and examinations of industrial and business institutions of the State of North Dakota by the State Board of Auditors, as provided by the initiated measure approved November 2, 1920, and Chapter 143 of Session Laws 1923, the following named institutions shall, on or before July 15, 1933, pay to the State Treasurer of the State of North Dakota an auditing fee for services heretofore rendered for the auditing of their respective affairs, to be credited to the account of the State Board of Auditors in the following amounts respectively:

North Dakota Mill and Elevator Association for the	
State Mill and Elevator at Grand Forks	\$4,000.00
Bank of North Dakota, including Farm Loan Depart-	
ment	6,000.00

State Hail Insurance Fund 2,000.00

Workmen's Compensation Bureau 1,500.00

And such funds shall be used by the State Board of Auditors as a revolving fund from which to pay the expense of auditing such departments hereafter.

§ 2. Provided further that on or before July 15, 1934, and on or before July 15th of each year thereafter, each of the aforesaid departments shall pay to the State Treasurer, to be credited to the account of the State Board of Auditors as aforesaid, an annual auditing fee not exceeding for any department the amount heretofore specified therefor, such annual fee to be determined by the State Board of Auditors, which shall equal as nearly as possible the amount of the actual expense for the auditing of the said department for the previous fiscal year.

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

§ 4. If any part hereof shall be unconstitutional, the determination thereof shall not affect the remainder thereof.

S. B. No. 124—(Committee on Banks and Banking.)

REMOVAL DIRECTOR BUILDING AND LOAN ASSOCIATION

An Act to amend and re-enact Section 17, of Chapter 94, of the Session Laws of 1931, relating to building and loan associations of the State of North Dakota.

V E T O

March 10, 1933.

TO THE HONORABLE THE SECRETARY OF STATE:

I herewith return Senate Bill No. 124, being an Act to amend and re-enact Section 17, of Chapter 94, of the Session Laws of 1931, relating to building and loan associations of the State of North Dakota, without my approval, for the reason that this measure, if enacted into law, would, in my judgment, be against the best interests of the State of North Dakota. Certainly what this State needs is more fearless, independent, acting directors rather than a law to enable three-fourths of a board of directors to remove a director who did not happen to concur in their opinions.

Very respectfully,

WILLIAM LANGER,
Governor.

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

§ 1. AMENDMENT.] That Section 17, of Chapter 94 of the Session Laws of 1931, be and it is hereby amended and re-enacted to read as follows:

§ 17. REMOVAL FROM OFFICE.] No director shall be removed from office except by a vote of three-fourths of the board of directors, or by a vote of the shareholders holding two-thirds of the outstanding capital shares, at a general meeting held after previous notice given in the manner provided in this Act. Meetings of the shareholders for this purpose may be called by a majority vote of the directors, or by shareholders holding not less than twenty-five per cent of the outstanding capital shares.

H. B. No. 139—(Carlson.)

CIGARETTE AND SNUFF TAX

An Act to amend and re-enact Section 5 of Chapter 105, Session Laws of 1931, relating to the sale of cigarettes, cigarette papers and wrappers and papers used and prepared for the making of cigarettes, and snuff, providing for a stamp tax thereon, regulating the manner of sale thereof, and providing penalties for violation hereof, and declaring an emergency.

V E T O

March 9, 1933.

TO THE HONORABLE THE SECRETARY OF STATE:

I herewith return House Bill No. 139, being an Act to amend and re-enact Section 5 of Chapter 105, Session Laws of 1931, relating to the sale of snuff, without my approval, for the reason that the tax on this article is already provided for in Senate Bill No. 315.

Very respectfully,

WILLIAM LANGER,
Governor.

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

§ 1. AMENDMENT.] Section 5 of Chapter 105, Session Laws of 1931, is hereby amended and re-enacted to read as follows:

§ 5. From and after the taking effect of this Act, there is hereby levied and assessed and shall be collected and paid to the State Treasurer upon all cigarettes, cigarette papers or wrappers and tubes, and snuff sold in North Dakota to consumers, the following taxes to be paid prior to the time of sale and delivery thereof to the consumer:

Class A. On cigarettes weighing not more than three pounds per thousand, one and one-half mills on each such cigarette.

Class B. On cigarettes weighing more than three pounds per thousand, two mills on each such cigarette.

Class C. On cigarette papers or wrappers or any papers made or prepared for the purpose of making cigarettes made up in packages, books, or sets; on each such package, book or set containing not more than fifty papers, one-half cent; containing more than fifty

papers but not more than one hundred papers, one cent; containing more than one hundred papers, one cent for each fifty papers or major fractional part thereof.

Class D. On tubes, one cent for each fifty tubes or major fractional part thereof.

Class E. On snuff, two cents on each one and one-fourth ounces or major fraction thereof.

All cigarettes sold in this State under the provisions of this Act shall be put up in packages containing 5, 8, 10, 12, 15, 16, 20, 24, 40, 50, 80, or 100 cigarettes each. All snuff sold in this state under the provisions of this Act shall be put up in packages containing not more than twelve ounces thereof each. Immediately upon receipt by the licensee, each package of cigarettes or snuff and each package, book or set of papers or of tubes, shall have securely affixed thereto, in such manner as to seal the opening of the package, and be destroyed by the opening thereof, a suitable stamp denoting the tax thereon, and said stamp shall be properly cancelled prior to sale or removal for consumption, under such regulations as the State Treasurer shall prescribe. Provided that cigarettes or snuff sold to a consumer in cartons, rolls or other containers having more than one package or box therein, shall have affixed thereto in the manner herein provided, stamps in the amount by this Act required to be placed upon the several packages, boxes or receptacles, therein contained. Each package of snuff or cigarettes and each package, or book or set of papers or of tubes displayed, exhibited, stored or possessed in original cartons or containers or otherwise, within or upon the premises from which sale thereof may be made to the consumers shall be conclusively presumed to be intended for sale to consumers and to be displayed, exhibited, stored or possessed for such purpose; and each such package of snuff or cigarettes and each such package, book or set of papers or of tubes, at the time the same is so displayed, exhibited, stored or possessed upon such premises, shall have securely affixed thereto a suitable stamp, or stamps, denoting the tax thereon, which stamps shall be cancelled at the time and in the manner hereinbefore required; and the possession of any such package of snuff, cigarettes, package, book or set of cigarette papers or of tubes, within or upon any such premises, except cigarettes in unbroken containers of at least 2,000 cigarettes, shall be prima facie evidence of a sale made in violation of this Act; provided, however, that such presumption and the requirements as to stamps shall not apply to wholesale dealers selling to retail dealers for re-sale by the latter to consumers. The premises from which such sale to consumers may be made shall be deemed to include basements, rooms and store rooms within and upon or adjacent and contiguous to the premises described in the permit of the person, firm or corporation owning or operating the premises described in the permit, when such

basement rooms or store rooms are in the possession of or used by such person, firm or corporation.

For any violation of any of the foregoing provisions of this section, the offender, upon conviction thereof, shall be fined not less than \$100.00 nor more than \$300.00 and costs of prosecution, and shall be committed to the county jail until such fine and cost are paid, but not for a period exceeding six months, and all cigarettes, cigarette papers or wrappers, and papers made or prepared for the purpose of making cigarettes, and snuff in his possession or in his place of business shall be confiscated and forfeited to the State.

It shall be unlawful for any person not authorized hereby with intent to defraud the state, to make, alter, forge or counterfeit any license or stamp provided for in this Act or to have in his possession any forged, counterfeited, spurious or altered license or stamp, knowing the same to be forged, counterfeited, spurious or altered, and any person found guilty of any violation of this provision shall be fined not more than \$1,000.00 and shall be imprisoned in the State Penitentiary for a period of not more than three years.

§ 2. EMERGENCY.] Whereas, in the passage of Chapter 105, Session Laws of 1931, the provisions of Class E, as above set forth were inadvertently omitted from the Bill as finally enrolled and engrossed, and whereas, some dispute has arisen as to whether or not snuff is properly taxable under said Act, this measure is hereby declared to be an emergency measure, to be in full force and effect immediately upon its passage and approval.

S. B. No. 267—(Fine and Burkhart.)

SALE OF CIGARS, CHERROOTS OR TOBACCO

An Act regulating the sale of cigars, cheroots or tobacco in all forms used for smoking or chewing, except cigarettes or snuff; requiring dealers in such commodities to obtain license before making sale thereof; providing for the levy, assessment, collection and payment of a tax thereon; providing for the regulation of the sale thereof; and penalty for violation of this Act; and defining the duties of the Attorney General, State Auditor, and State Treasurer imposed under the provisions of this Act; and providing that any persons violating this Act shall be enjoined and that any building or premises made use of for purposes in violation of this Act shall be deemed a nuisance and abated by injunction.

V E T O

March 9, 1933.

TO THE HONORABLE THE SECRETARY OF STATE:

I herewith return Senate Bill No. 267, being an Act to regulate the sale of cigars and tobacco, without my approval, for the reason

that the taxing of these articles is prescribed in Senate Bill No. 315, and if I approved this measure it would make it a double tax.

Very respectfully,

WILLIAM LANGER,

Governor.

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

§ 1. No person, firm or corporation shall sell cigars, cheroots or tobacco in any form for smoking or chewing within the State of North Dakota without first obtaining a license therefor. Every such license shall be granted and issued by the Attorney General, and shall expire on the 30th day of June following the date of issue unless sooner revoked; provided that licenses granted pursuant to the provisions of Chapter 106 of the Session Laws of 1927, for the sale of cigarettes and snuff shall be deemed sufficient to cover the sale of the cigars, cheroots, and tobacco upon which this Act places a tax; and provided further, that all the provisions of said Chapter 106 of the Session Laws of 1927, regarding licenses, the issuing and revocation of the same, and regulation of the Attorney General relative thereto, shall apply with equal force to all licenses issued for the sale of cigars, cheroots or tobacco in any form for smoking or chewing; it being the intent of this Act that one license shall be sufficient to cover the sales of cigarettes, snuff, cigars, cheroots and tobacco in any form upon which this Act and Chapter 106 of the Session Laws of 1927 places a tax.

§ 2. No license shall be issued until the applicant shall have paid to the Attorney General a license tax, which tax shall be the same as provided in Section 3 of Chapter 106 of the Session Laws of 1927 or Acts amendatory thereof, and all licenses issued pursuant to said Chapter or amendatory Acts shall be deemed sufficient under this Act. The Attorney General shall prescribe the form of such license to include cigarettes, cigars, cheroots, snuff and tobacco in any form for smoking or chewing as well as cigarette papers and tubes. Said license tax shall be payable at the time of making application therefor and on or before the first day of July annually thereafter.

§ 3. Any person, firm or corporation that shall sell cigars, cheroots or tobacco in any form for smoking or chewing, without first having paid the license tax and obtained a license so to do as required in Section 1 and 2 of this Act, or who shall sell to consumers or keep in his possession for sale to consumers any cigars, cheroots or tobacco, except cigarettes or snuff in any form for smoking or chewing, after having received written notice from the Attorney General of the revocation of his license, or who shall violate any regulations authorized by this Act shall be guilty of a misdemeanor, and upon conviction of such offense shall be fined not

less than fifty (\$50.00) dollars nor more than five hundred (\$500.00) dollars, or be confined in the county jail not more than ninety days.

§ 4. From and after the taking effect of this Act there is levied and assessed and there shall be collected and paid to the State treasurer upon all cigars or substitutes therefor (excepting cigarettes) and upon tobacco in any form for smoking, sold in North Dakota to consumers, a tax amounting to three (3) per cent of the wholesale price of such cigars, cheroots or substitutes therefor and upon tobacco in any form for smoking to be paid as follows:

If cigars are sold and delivered to the consumer in the package, box or container in which same are received from the jobber or manufacturer, each such package, box or container shall have securely affixed thereto a suitable stamp denoting the tax thereon.

If such cigars are not sold in the package, box or container in which they are received from the jobber or manufacturer before any portion of any such package, box or container is sold, same shall have securely attached thereto a suitable stamp denoting the tax thereon; and in each case, said stamp shall be properly cancelled prior to such sale of any such package, box or container, or any portion thereof, under such regulations as the State Treasurer may prescribe.

§ 5. From and after the taking effect of this Act, there is also levied and assessed and shall be collected and paid to the State Treasurer upon all tobacco in any form for chewing sold in North Dakota to consumers, a tax amounting to three (3) per cent of the wholesale price of such tobacco to be paid as follows:

Before being delivered to the consumer each package, box or container of tobacco for smoking or chewing, taxed under the provisions of this Act, shall have securely affixed thereto, a suitable stamp denoting the tax imposed thereon if sold in the package, box or container in which same is received from the manufacturer or jobber. If sold in lesser quantities the package, box or container shall have such stamp affixed before any portion thereof shall be sold, and such stamp shall be affixed and cancelled under such regulations as the State Treasurer may prescribe.

§ 6. Before being delivered to the retail purchaser or consumer, or offered, or exposed, or kept for sale either in, or outside of, opened cartons, box or other container holding more than one unit of cigars or tobacco in any form for smoking or chewing, there shall be securely affixed to each unit or container of each of such commodities, tax stamps of the property value as required by the provisions of Sections 4 and 5 of this Act. Said stamps shall be properly affixed and cancelled prior to such display or removal for sale or consumption under such regulations as the State Treasurer may prescribe.

§ 7. Whoever violates any of the provisions of the preceding Sections 4, 5, and 6 of this Act, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than fifty dollars \$(50.00) and more than five hundred dollars (\$500.00), and be committed to the county jail until such fine is paid, but not exceeding ninety days; and all cigars, or substitutes therefor, or tobacco in any form for smoking or chewing, in his possession or in his place of business shall be confiscated and forfeited to the State, and the Attorney General shall sell such confiscated property to a licensed dealer to the best advantage for the State. The proceeds from such sale shall be forthwith remitted to the State Treasurer as part of the income from the enforcement of this law.

§ 8. Any person, firm or corporation violating any of the provisions of this Act, or maintaining a place where cigars, cheroots, or tobacco in any form for smoking or chewing are sold or kept with the intent to sell the same in violation of this Act, shall be deemed guilty of keeping and maintaining a nuisance, and the buildings or place so used for the sale or keeping for sale of cigars, cheroots, or tobacco in any form for smoking or chewing in violation of the provisions of this Act, shall be deemed to be a nuisance and such person, firm or corporation shall be enjoined and such building or place abated as a nuisance, and the procedure for the actions to enjoin and abate such nuisance, or for contempt in violating an order of injunction, shall be, so far as applicable, the same as those now provided by the laws of this State for enjoining and abating intoxicating liquors.

§ 9. It shall be unlawful for any person, with intent to defraud the state, to make, alter, forge, or counterfeit any license or stamp provided for in this Act or have in possession any forged, counterfeited, spurious or altered license or stamp, knowing the same to be forged, counterfeited, spurious or altered, or to knowingly or willfully cheat, defraud or deprive the state of any tax or revenue imposed by this Act, and whoever is found guilty of any violation of the provisions of this Act, shall be fined not more than one thousand dollars (\$1,000.00) and be imprisoned in the state penitentiary not more than three (3) years.

§ 10. The State Auditor shall prepare and have suitable stamps for use on each kind of package described in Sections 4, 5, and 6 of this Act. Upon requisition from the State Treasurer, the State Auditor shall deliver to his order the stamps designated in such requisition, and shall charge the Treasurer of the State with the stamps thus delivered, and shall keep an accurate record of all stamps coming into and leaving his hands. The State Treasurer shall sell the stamps herein provided for only to dealers holding permits issued as provided in this Act.

The money received by the State Treasurer from the stamp

taxes herein imposed shall be credited by the State Treasurer to the State Equalization Fund of the school fund of the State, provided the State Treasurer may deduct one half per cent of such proceeds for the purpose of paying the costs of printing and distribution of stamps.

§ 11. In the enforcement of this Act, the Attorney General may call to his assistance any State's Attorney, or any peace officer. The Attorney General is hereby authorized to appoint such additional assistants as may be needed to carry out the provisions of this Act and the duties imposed herein.

§ 12. All persons, firms, corporations or associations of persons who shall sell, or otherwise dispose of cigars, cheroots or any substitutes therefor, or tobacco in any form for smoking or chewing to consumers thereof, shall preserve for one (1) year all invoices of cigars, cheroots or any substitutes therefor and all invoices of tobacco for smoking or chewing, in any form, bought by them, and shall permit the Attorney General or his authorized agents or representative to inspect and examine all such taxable merchandise, invoices, books, papers and memoranda as may be deemed necessary by the Attorney General or his duly authorized agent or representative, in ascertaining whether the tax herein required has been paid, or to determine the amount of such tax as may be due.

Within thirty (30) days after the taking of effect of this Act, and on the first day of each month thereafter, all persons, firms or corporations selling, or otherwise disposing of, cigars, cheroots or any substitute therefor, or of tobacco in any form for smoking or chewing, to consumers thereof, shall on such form as the Attorney General shall prescribe, report all purchases made within or without this state during the preceding month, showing the name of the vendor, or seller, the date of sale and the name and address of such vendor and the quantity of cigars, cheroots, and tobacco in any form for smoking or chewing purchased during the preceding month. Any person, firm or corporation violating the provisions of this Section shall be guilty of a misdemeanor and shall be punished by a fine of not less than fifty dollars (\$50.00) and not more than five hundred dollars (\$500.00) or by imprisonment in the county jail not more than ninety (90) days.

§ 13. This Act is designated as a replacement tax measure and the object and purpose of this Act and the imposition of the tax herein provided for is hereby declared to be the raising of revenues for the purpose of defraying the expenses of the public schools of the State heretofore raised through the taxation of real estate and tangible personal property; the intent of the Legislature being to provide a means of relieving the burden of taxation heretofore imposed upon the taxable real estate and tangible personal property

of the State by a more general distribution of the burdens of taxation among the people of the State.

The income and receipts accruing through the taxation imposed by the provision of this Act are hereby directed to be deposited in the General Fund in the State Treasury to the credit of the State Equalization Fund for the common schools, and the State Treasurer is hereby authorized and directed to distribute such receipts in accordance with the provisions of law.

S. B. No. 44—(Committee on Appropriations.)

STATE CONTINGENCY FUND

An Act making an appropriation to provide a State Contingency Fund to be placed at the disposal of the State Emergency Commission to be used as provided by Chapters 26 and 152, Session Laws of 1915, the same being Sections 283C1 to 283C6, inclusive, and Section 283C10 of the Supplement to the 1913 Compiled Laws of North Dakota.

V E T O

March 17, 1933.

TO THE HONORABLE THE SECRETARY OF STATE:

I herewith return Senate Bill No. 44, being an Act making an appropriation to provide a State Contingency Fund to be placed at the disposal of the State Emergency Commission to be used as provided by Chapters 26 and 152, Session Laws of 1915, the same being Sections 283C1 to 283C6, inclusive, and Section 283C10 of the Supplement to the 1913 Compiled Laws of North Dakota, without my approval, for the reason that the appropriation for each Department has been very carefully considered, and that owing to the financial condition of the State, heads of each Department should stay within the appropriation for its Department, and therefore it is not necessary to appropriate \$40,000.00 for any contingency fund.

Very respectfully,

WILLIAM LANGER,
Governor.

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

§ I. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$40,000.00 or so much thereof, as may be necessary for the biennium beginning July 1st, 1933, and ending June 30th, 1935, to provide funds for the State Emergency Commission and which fund shall be known as the State Contingency Fund and be for the purpose authorized under Chapters 26 and 152, Session Laws of 1915, the same being Sections 283C1 to 283C6, inclusive, and Section 283C10 of the Supplement to the 1913 Compiled Laws of North Dakota.

S. B. No. 242—(Greene, by Request.)

DISTRICT COURT DECISION COMPULSORY WITHIN THIRTY
DAYS

An Act to amend and re-enact Section 7638 Compiled Laws 1913 to provide that all motions or applications in any action, special proceeding or other matter in the district courts of the state must be decided and the decision therein reduced to writing and filed with the Clerk of the District Court within thirty days after the same shall have been submitted to the court for decision; and upon the trial of any question or issue of fact by the court, except in actions for the foreclosure of mortgages upon property real or personal or contracts in any manner affecting the title to such property. The decision of the court thereon must be given in writing and filed within sixty days after the cause has been submitted for decision.

V E T O

March 9, 1933.

TO THE HONORABLE THE SECRETARY OF STATE :

I herewith return Senate Bill No. 242, being an Act providing that all motions or applications in any action, special proceeding or other matter in the District Courts must be decided within thirty days, without my approval, for the reason that at the present Session of the Legislature a great deal of additional work has been placed upon the District Court Judges of this State, and it would be a serious inconvenience to them, and in my judgment would be against good, sound public policy to compel them to render decisions within the thirty days specified in this measure.

Very respectfully,

WILLIAM LANGER,
Governor.

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

§ 1. That Section 7638 Compiled Laws 1913, be amended and re-enacted to read as follows :

§ 7638. DECISION COMPULSORY WITHIN THIRTY DAYS.] All motions or applications in any action, special proceeding or other matter in the district court must be decided and such decision be reduced to writing and filed with the clerk within thirty days after the same shall have been submitted to the court for decision, unless prevented by the sickness of the judge whose duty it is to decide the same or by other unavoidable casualty, and upon the trial of any question or issue of fact by the court, except in cases brought for the foreclosure of mortgages upon property real or personal or contracts involving title to such properties, its decision thereon and conclusions of law upon such decision, and direction for entry of judgment in accordance with such conclusions must be given in writing and filed with the clerk within sixty days after the cause has been

submitted for decision, unless such decision is prevented for the reason hereinbefore stated, and judgment shall be entered by the clerk in accordance with such direction upon the application of the party entitled thereto and the filing of such decision and conclusions of law. Each judge of the district court shall not less than five nor more than fifteen days before each quarterly installment of his salary becomes due file in the office of the auditor of the state a certificate under his hand stating in effect that no motion, application or question or issue of fact submitted to him remains undecided contrary to the provisions of this section. And in case any such decision has been prevented by any of the causes enumerated in this section, or it appears that the case or cases in which decisions are not filed are brought for the foreclosure of mortgages upon real or personal property or contracts affecting title to such property, such certificate shall state the facts constituting the cause of such prevention, and the state auditor is hereby directed not to sign or issue any warrant for the payment of any quarterly installment of salary to any judge of the district court until after such judge shall have filed such certificate as herein provided.

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

H. B. No. 52—Crockett.)

ABSOLUTE EXEMPTIONS

An Act to amend and re-enact Section 7730 of the Compiled Laws of North Dakota for 1913, defining absolute exemptions.

V E T O

March 17, 1933.

TO THE HONORABLE THE SECRETARY OF STATE:

I herewith return House Bill No. 52, being an Act to amend and re-enact Section 7730 of the Compiled Laws of North Dakota for 1913, defining absolute exemptions, without my approval, for the reason that in my judgment it is against good, sound public policy.

Very respectfully,

WILLIAM LANGER,
Governor.

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

§ 1. AMENDMENT.] That Section 7730 of the Compiled Laws of North Dakota for 1913, be and the same is hereby amended and re-enacted to read as follows:

§ 7730. ABSOLUTE EXEMPTIONS.] The property mentioned in this section is absolutely exempt from all such process, levy or sale:

1. All family pictures.
2. A pew or other sitting in any house of worship.
3. A lot or lots in any burial ground.
4. The family bible and all school books used by the family and all other books used as a part of the family library not exceeding in value one hundred dollars.
5. All wearing apparel and clothing of the debtor and his family.
6. The provisions for the debtor and his family necessary for one year's supply, either provided or growing, or both, and fuel necessary for one year.
7. The homestead as created, defined and limited by law.
8. All crops and grain both threshed and unthreshed raised by the debtor on not to exceed 160 acres in one tract occupied by the debtor, either as owner or tenant, as his homestead as defined by law; provided, however, that the provisions of this law will in no way affect seed, farm labor, thresher, or landlord liens. Provided, however, that if the debtor takes advantage of subdivision 8 of this Act, he shall not avail himself of any additional or alternate exemptions.

H. B. No. 235—(Lillehaugen and Loftus.)

DEFINING GAMING MACHINES FOR AMUSEMENT, TAX, ETC.
An Act defining gaming machines for amusement, providing a tax therefor, obligating the owners or operators thereof, to file reports under oath, and remit for such tax, providing for the enforcement thereof, and providing a penalty for the violation thereof.

V E T O

March 9, 1933.

TO THE HONORABLE THE SECRETARY OF STATE:

I herewith return House Bill No. 235, being an Act defining gaming machines for amusement and providing a tax therefor, without my approval, for the reason that the collection of this proposed tax would be very difficult, and the cost of collection would exceed the amount which would be collected, and for the additional reason that it would simply be another nuisance tax with which the State has already been overburdened.

Very respectfully,
 WILLIAM LANGER,
 Governor.

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

§ 1. GAMING MACHINES FOR AMUSEMENT DEFINED.] Any

machine or contrivance kept and maintained in any public place, and the operation of which machine is not contrary to the laws of this state, where the public is solicited or permitted to operate the same by the use of coins, or tokens inserted in said machine or contrivance, for the purpose of determining the skill of the operator, either in the score obtained, or for other purposes, shall be termed a gaming machine for amusement.

§ 2. AMOUNT OF TAX. HOW PAID.] Every person, firm, corporation or association who permits any such machine as described in Section 1 of this Act, to be operated in a public place, or who keeps and maintains the same in a public place, shall pay to the county treasurer of the county wherein said machine is operated, for the benefit of the common school fund of the State of North Dakota, a tax equal to 25 per cent of the value of the coins or tokens deposited therein.

§ 3. REPORTS. WHEN AND HOW MADE.] To make effective the provisions of this Act, the person, firm, corporation or association who either owns or maintains any such machine in any public place for the use of the public shall, before operating such machine or machines register the same with the county treasurer in the county in which the machine is to be operated, and on the last day of each and every month during which said machine is so maintained, file with the treasurer of the said county, duplicate statements under oath, showing the amount of the value of the coins or tokens, so deposited during said month, and said statements shall be accompanied by a remittance of said tax for said machine.

§ 4. DUTY OF SHERIFF.] It is hereby made the special duty of the sheriff of any county where said machines are operated, to enforce the provisions of this Act.

§ 5. PENALTY.] Any person, for himself, or for any firm, corporation, or association violating the provisions of this Act shall be guilty of a misdemeanor.

§ 6. EMERGENCY.] WHEREAS, there are now countless numbers of said gaming machines for amusement, being operated within the state upon which no tax is paid, aside from their intrinsic value, therefore an emergency exists and this Act shall be in full force and effect from and after the date of its passage and approval.

H. B. No. 326—(Aljets, Sundby and Gilbertson.)

PURCHASE GASOLINE USED SOLELY FOR AGRICULTURAL PURPOSES

An Act providing for and permitting the purchase of gasoline to be used solely for agricultural purposes without payment of gasoline tax on purchase thereof; licensing purchasers and sellers thereof; providing penalties; Repeal.

V E T O

March 10, 1933.

TO THE HONORABLE THE SECRETARY OF STATE:

I herewith return House Bill No. 326, being an Act "providing for and permitting the purchase of gasoline to be used solely for agricultural purposes without payment of gasoline tax on purchase thereof; licensing purchasers and sellers thereof; providing penalties; Repeal," without my approval, for the reason that under this Act purchasers of gasoline for non-agricultural use would be able to buy same tax exempt. The present system of making refunds has now been in force for two years and is proving satisfactory. Further, under the terms of this Act, it would be necessary for every farmer in the State of North Dakota desiring to purchase gasoline exempt from gas tax to be come licensed. I am unalterably opposed to any further licensing of any individual for any purpose.

Very respectfully,

WILLIAM LANGER,
Governor.

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

§ 1. GASOLINE USED SOLELY FOR AGRICULTURAL PURPOSES PURCHASED WITHOUT PAYMENT OF TAX.] Any person, co-partnership, association or corporation may purchase gasoline for use solely for agricultural purposes, exempt from the tax thereon fixed by law, from any person, co-partnership, association or corporation from any dealer licensed hereunder to sell tax exempt gasoline for use solely for agricultural purposes only; upon complying with the provisions of this Act; gasoline used in any motor vehicle operated or intended to be operated, wholly or in part upon any highway in the state, shall not be deemed used for agricultural purposes.

§ 2. LICENSE SECURED BY PURCHASER.] Such user of gasoline solely for agricultural purposes, shall be permitted to purchase such gasoline for use for such agricultural purposes, only upon being licensed so to do by the state auditor. The state auditor upon application duly made by such user of gasoline for agricultural purposes, shall issue to such application (applicant) upon the payment of a license fee of one (\$1.00) dollar, an annual license permitting such user to purchase gasoline for use for agricultural purposes only,

for the term of one year following date of issuance thereof. Such license shall be so issued only upon the filing of an application therefor with the state auditor, which application shall set forth the number of acres actually farmed with gasoline power by such applicant, the number and description of each piece of farm machinery operated by gasoline power, the horse power of each gasoline engine operated by the applicant, the make and year of manufacture and rated horse power of each automobile or gasoline truck owned or operated by said applicant, with a statement of the mileage each such automobile or truck shall have been operated to the date of such application, as shown by the speedometer thereon or other evidence of such mileage; the gallonage of gasoline estimated by the applicant as necessary for his use solely for such agricultural purposes, with a separate statement of such gallonage estimated as necessary to the operation of automobiles and trucks owned by him; all covering the period of one year following the date of such application.

§ 3. LICENSE. HOW PROCURED.] The state auditor shall issue to the applicant such license to purchase gasoline for agricultural purposes solely, only if satisfied that the same is to be used solely for such purposes, and such license shall set forth the amount which such licensee shall be permitted to purchase for such purposes free from gasoline tax, which amount shall not be more than that set forth in the application as required solely for agricultural purposes, and shall not be in excess of the amount deemed by the state auditor to be so required. Every such license issued shall contain the name and place of residence of the licensee and each such license shall state the total number of gallons of gasoline permitted to be purchased thereunder, and be given a serial number by the state auditor. Every such licensee, shall prior to being granted any further such annual license, file with the state auditor, a duplicate of each and every receipt, as hereinafter provided for, received by him from any dealer licensed hereunder from whom such gasoline has been purchased and covering all gasoline so purchased under such former license; together with a statement upon a form to be provided by the state auditor, of all gasoline purchased for other than solely agricultural purposes, and upon which such tax was paid by such licensee during the period covered by such former license held by him; which statement shall also show the date, amount of each such purchase upon which tax was paid by him and from whom such purchase was made giving the place of such purchase.

§ 4. DEALERS LICENSE. RECEIPTS FOR SALES. CLAIMS TO BE MADE AUDITOR.] Any person, co-partnership, association, or corporation selling gasoline in the State of North Dakota may, upon application to the state auditor for license, sell gasoline, tax exempt, for agricultural purposes solely, and upon the payment of a fee of five dollars \$(5.00) be issued an annual license therefor. Each such dealer in gasoline used solely for agricultural purposes, and sold as

tax exempt, shall secure a separate dealer's permit for each gasoline station or place of sale of such tax exempt gasoline, from which such tax exempt gasoline is sold by him; and each tank wagon or vehicle, selling such tax exempt gasoline shall be considered a separate place of sale. Provided, however, that no such tax free gasoline shall be sold or delivered by such licensed dealer therein, from any truck or vehicle, except the same have painted upon it in figures not less than four inches high and in contrasting color to the background thereof, the words, "Licensed to Deliver Tax Exempt Gasoline," and showing the number assigned such truck or vehicle by the state auditor, which number shall be assigned such dealer upon application therefor. Upon every sale or purchase of gasoline for solely agricultural use, and as tax exempt, receipts in triplicate shall be made out upon a form to be determined by the state auditor, which said receipts must show the name of the seller, the location of his place of business, the number of his license, the number of gallons sold, the date of sale, the postoffice address of the purchaser, the number of his license and shall be signed by such licensed purchaser. Two of such triplicate copies shall be retained by the licensed seller and one shall be delivered the licensed purchaser; the copy delivered the purchaser shall be printed upon pink tinted paper, one of the copies retained by the dealer upon blue tinted paper and the original upon white paper; the copy printed upon white paper properly made out and signed by the licensee to purchase such gas, tax free hereunder, may be delivered by such licensed dealer in such tax exempt gasoline, to any dealer importing gasoline into the state of North Dakota and originally liable for the payment of the gasoline tax thereon; and such original receipt, shall be acceptable by the state auditor in lieu of payment by such dealer importing gasoline into the State of North Dakota and liable for the tax thereon, of the tax upon the number of gallons of gasoline by such receipt shown to have been sold for agricultural purposes solely, to such licensed purchaser.

§ 5. THE STATE AUDITOR MAY CANCEL OR REFUSE LICENSE.] The use by any holder of a license issued hereunder, for any purpose other than solely agricultural use, shall forfeit such license, and the state auditor may in his discretion refuse to issue a further license to any applicant, either for a purchasers or sellers license hereunder, where proof has been made to the state auditor's satisfaction, that said applicant has knowingly failed to comply with the provisions hereof.

§ 6. FORM OF APPLICATIONS AND CLAIMS.] The applications and statements herein provided for, and the claims accompanying receipts transmitted by a dealer to the state auditor for credit upon gasoline tax, shall be upon forms to be prescribed or furnished by the state auditor, and shall be sworn to before a notary public or other official authorized to administer an oath. The license fees thus collected by the state auditor shall be remitted by the state auditor to

the state treasurer, who shall credit the same to the Gasoline License Fund. The money in his fund shall be available for the payment of clerkhire, supplies and all other expenses entailed by the state auditor in the administration and enforcement of this Act. The unexpended balance remaining in the said Gasoline License Fund shall be transferred by the state auditor as of June 30 of each year to the credit of the General Fund.

§ 7. CONSTRUCTION.] Nothing in this Act shall be construed as exempting any gasoline used as motor vehicle fuel in propelling any gasoline truck or engine to be operated, in whole or in part upon any public highway in the state, or gasoline used for purposes not solely agricultural, from payment of the tax upon gasoline provided by law. Upon gasoline used for purposes other than solely agricultural, and for which under existing laws a rebate of gas tax as provided, such rebate may be obtained in the manner as by law provided.

§ 8. ENFORCEMENT OF ACT: AUDITOR TO MAKE RULES AND REGULATIONS.] The state auditor shall have the power to formulate rules and regulations for the administration of this Act, and it is hereby made the duty of all states attorneys, justices and peace officers to enforce the provisions hereof.

§ 9. PENALTY.] Any person, co-partnership, association or corporation violating any of the provisions of this Act, shall upon conviction thereof be punished by imprisonment in the county jail not less than thirty days or more than one year, or by imprisonment in the penitentiary for one year, or by a fine of not less than one hundred (\$100.00) dollars or more than one thousand (\$1,000.00) dollars, or by both such fine and such jail or penitentiary imprisonment.

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

S. B. No. 249—(Fredrickson and Greene.)

**EXEMPTION GRAIN WAREHOUSEMEN FROM SUIT FOR
CONVERSION**

An Act to exempt grain warehousemen from suit for conversion of grain bought, unless the instrument creating said interests or liens is on file or of record, or written notice of the existence thereof is given to the warehousemen.

V E T O

March 10, 1933.

TO THE HONORABLE THE SECRETARY OF STATE:

I herewith return Senate Bill No. 249, being an Act to exempt grain warehousemen from suit for conversion of grain bought, unless the instrument creating said interests or liens is on file or of rec-

ord, or written notice of the existence thereof is given to the warehousemen, without my approval, for the reason that I believe it is against good, sound public policy.

Very respectfully,
 WILLIAM LANGER,
 Governor.

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

§ 1. No grain warehouseman shall be liable in any action for the conversion of grain bought, unless the instrument under which an interest or lien is claimed, is on file or of record in the office of the register of deeds of the county where the grain was grown prior to the alleged act of conversion or in case of an unfiled and unrecorded interest or lien, unless the owner or holder thereof prior to the alleged act of conversion, shall have notified the grain warehouseman in writing of the existence, nature and amount of such lien or interest, the name and address of the person against whom such lien is claimed and the description of the land or lands upon which said crops were grown, provided, however, this shall not apply to thrasher nor labor liens.

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

S. B. No. 113—(Brostuen.)

SUSPENSION HIGHWAY CONSTRUCTION

An Act suspending and deferring the construction, building and improvement of all highways and highway projects in this state, except for necessary maintenance and repair and the completion of projects already begun and partially completed.

V E T O

March 9, 1933.

TO THE HONORABLE THE SECRETARY OF STATE:

I herewith return Senate Bill No. 113 without my approval for the following reasons:

While conservative action should be maintained with respect to highway construction, I deem it advisable to leave this matter in the hands of the Highway Commissioner to determine just what highway construction shall be indulged in, recognizing the passage of the bill as a recommendation from the Legislature to act in a conservative manner and as an injunction upon the Highway Commissioner to proceed with care.

Should funds be available with which to enter into contracts for highway construction within the period of time mentioned in the bill, the hands of the Highway Commissioner should not be tied if it is

possible to aid the unemployed of the State through highway construction.

The State is now spending thousands of dollars in relief work and in aid to the unemployed of the State, and if the State could match Federal Aid by furnishing forty-six per cent of the money to the Federal Fifty-four per cent, much good could be accomplished through money furnished by the United States Government. It is certain that for more than a year to come much additional money will necessarily be expended in aid to the unemployed, and employment should be given as far as possible and to the utmost financial ability of the State in highway construction that such unemployments may be greatly diminished.

I deem the action of the Legislature largely in the nature of a recommendation and injunction to the Highway Commissioner, respecting contracts, and that recommendation shall be consistently followed to the extent that absolute necessity demands.

Future unemployment conditions may absolutely demand highway construction in an emergency.

While I do not believe in favoring any particular class of our citizens, yet it is manifest that highway contractors in this State have in anticipation of future highway construction invested large sums of money in equipment, and a sudden cessation of highway construction would no doubt cause great injury to large numbers of our people.

Very respectfully,

WILLIAM LANGER,
Governor.

L/F

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

§ 1. That all construction, building and improvement of roads, highways and highway projects in this state are hereby suspended and deferred for a period of eighteen months from and after the passage and approval of this Act, except for necessary maintenance and repair and for the completion of roads and highway projects that have been started and partially completed and which in the discretion of the Highway Commissioner should be completed in order to prevent damage or the deterioration or ruin of the part that has already been partially completed.

§ 2. All contracts let for the construction, building or improvement of any road, highway or highway project, except for necessary maintenance and repair are hereby suspended and deferred for a period of eighteen months from and after the passage and approval of this Act, in accordance with the provisions of Section 1 hereof, provided however, where the contractor has his equipment and material on the grounds and where such suspension of work would cause great hardship, the Highway Commissioner, in his dis-

cretion, may authorize the completion or partial completion of such road, highway or highway project.

§ 3. To the extent of federal funds now available or in case the federal government should pass legislation giving one hundred per cent aid to the states for road construction, then the State Highway Commissioner, in his discretion, may resume or partially resume the work of building, constructing and improving state highways and state highway projects; or in case any county has voted bonds or has available funds, then the State Highway Commissioner, in his discretion, may permit the construction of roads, state highways or state highway projects, within said county to the extent of such available funds.

H. B. No. 91—(Young, Spengler, Nelson of Dickey, and Holthusen.)

REGULATION PURCHASE, ETC., HOG CHOLERA VIRUS
An Act regulating the purchase, use, administering and handling of hog Cholera Virus, and providing penalties therefor.

V E T O

March 9, 1933.

TO THE HONORABLE THE SECRETARY OF STATE:

I herewith return House Bill No. 91, being an Act regulating the purchase, use, administration and handling of hog Cholera Virus, and providing penalties therefor, without my approval, for the reason that North Dakota now leads every other State in the United States in being hog cholera free, and further that experience has proven that the promiscuous use of hog Cholera Virus results in the increase rather than in the decrease of hog cholera.

Very respectfully,

WILLIAM LANGER,
 Governor.

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

§ 1. The purchase for use, or possession for use, of hog cholera virus, by any person not a licensed veterinarian or farmer, who is an owner or breeder of hogs, is hereby prohibited and made unlawful. Provided that such farmer, owner, or breeder of hogs, shall not administer such hog cholera virus except to hogs owned by him; provided further, that it shall be unlawful for any person to leave exposed, or scatter or place any hog cholera virus, or bottle or container thereof, in such manner as may result in the spread of hog cholera, or as may infect any animal not treated for such disease, or may contaminate any well, stream, or body of water, or any land, or premises, with such virus or disease germs.

§ 2. Any person violating any of the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not to exceed two hundred (\$200.00) dollars or imprisonment in the county jail not to exceed thirty days, or by both such fine and imprisonment.

S. B. No. 175—(Lynch and Magnuson.)

**INSURANCE MEMBERS MUTUAL CYCLONE AND TORNADO
INSURANCE COMPANIES**

An Act to permit mutual cyclone and tornado insurance companies to insure its members against fire or lightning.

V E T O

March 9, 1933.

TO THE HONORABLE THE SECRETARY OF STATE:

I herewith return Senate Bill No. 175, being an Act to permit mutual cyclone and tornado insurance companies to insure its members against fire or lightning, without my approval for the reason that the law as proposed in said Act does not appear to be a wise and proper one in the interest of good public policy, for the reason that we now have a great many solvent fire and lightning County Mutual Insurance Companies in North Dakota which have been developed with a great deal of time and trouble and these are entitled to be protected from the larger companies.

Very respectfully,

WILLIAM LANGER,
Governor.

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

§ 1. Any mutual insurance company organized under the provisions of Section 4950a1 of the 1925 Supplement to the Compiled Laws of North Dakota for the purpose of insuring its members against loss or damage by tornadoes, windstorms and cyclones only, which has insurance in effect amounting to five million dollars or over, may by amending its articles of incorporation and by-laws to conform to the provisions of law applicable to county mutual companies, insure its members against loss or damage by fire or lightning and issue combined policies for that purpose in any county in the state in which there is no county mutual operating.

§ 2. EMERGENCY.] This Act is hereby declared to be an emergency measure and shall be in full force and effect on and after its passage and approval.

H. B. No. 220—(Twichell, Swett, Homnes and Swendseid.)

CONVICTION, JUDGMENT JUSTICE COURT

An Act to amend and re-enact Section 9157 Compiled Laws of North Dakota, 1913, having to do with sentences in Justice Court.

V E T O

March 9, 1933.

TO THE HONORABLE THE SECRETARY OF STATE:

I herewith return House Bill No. 220, being an Act to amend and re-enact Section 9157 Compiled Laws of North Dakota, 1913, having to do with sentences in Justice Court, without my approval, for the reason that I believe it is against good, sound public policy.

Very respectfully,

WILLIAM LANGER,
Governor.

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

§ I. AMENDMENT.]. That Section 9157 Compiled Laws of North Dakota, 1913, be and the same is hereby amended and re-enacted to read as follows:

§ 9157. CONVICTION OF DEFENDANT. JUDGMENT.] When the defendant is convicted by the court or by a verdict of "guilty" or a verdict "for the state" which does not also find the defendant not guilty, the court shall render judgment that he be punished by a fine or by imprisonment in the county jail or by both fine and imprisonment, specifying the amount of the fine or time of imprisonment. A judgment of fine or of fine and imprisonment may also direct that the defendant be imprisoned until the same is fully satisfied. In a case in which the court has a discretion as to the extent of the punishment, it may, upon the suggestion of either party before rendering judgment, hear testimony as to circumstances proper to be considered in aggravation or mitigation of punishment.

H. B. No. 282—(Hanson of Benson and Cunningham.)

WEIGHING, ETC., LIVESTOCK AT PACKING PLANTS

An Act to provide for weighing, grading, feeding, docking and watering of livestock at packing plants, slaughtering houses and concentration points.

V E T O

March 17, 1933.

TO THE HONORABLE THE SECRETARY OF STATE:

I herewith return House Bill No. 282, being an Act to provide for weighing, grading, feeding, docking and watering of livestock

at packing plants, slaughtering houses and concentration points, without my approval, for the following reasons:

First, that it is not necessary under existing conditions to add this governmental expense, and in my judgment we should build up the packing plants in the State of North Dakota and employ North Dakota labor in the preparing of our livestock for the consumer.

Second, there is a home-owned packing plant at Grand Forks, owned by approximately one thousand North Dakota citizens, and in my opinion the enactment of this measure into a law would seriously injure this packing plant if it ever got in shape to expand. It is only a few years ago that the farmers in this State lost the Equity Packing Plant in Fargo, and I believe I would be untrue to the farmers of this State if I signed this measure, which will add an additional burden to this institution in Grand Forks, which the Bank of North Dakota has been aiding for the last eight years.

Third, I have approved House Bill No. 195, which, in my opinion, gives the necessary protection demanded for livestock producers.

Very respectfully,

WILLIAM LANGER,
Governor.

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

§ 1. As used herein, the terms "packing plants" and "slaughtering houses" shall mean plants, houses, and places of business where livestock purchased or acquired at places within the State of North Dakota other than a public stockyards as the same is defined by Chapter 192, Laws 1919, are slaughtered. The term "livestock" shall mean cattle, hogs, and sheep. This Act shall apply only to packing plants and slaughtering houses handling livestock purchased and acquired as aforesaid, and paid for upon weights ascertained either at the packing plant or slaughtering house concentration point, or at a public place other than that at which the same were acquired. "Concentration point" shall mean any stockyards at which livestock are assembled by rail, or by rail and/ or other means of transportation, and at which livestock are bought and sold or are assembled for re-shipment to a packing plant or a public stockyards, or graded or weighed for the purpose of establishing a basis for sale or re-shipment.

§ 2. The Board of Railroad Commissioners shall appoint at packing plants, slaughtering houses, and concentration points, such weighers and graders as may be necessary for weighing and grading of livestock. Every such weigher and every such grader shall give to the state a bond in the sum of five thousand dollars, conditioned for the faithful discharge of his duties. No weighers or graders shall be maintained at any packing plant, slaughtering house, or concen-

tration point where the average daily number of livestock handled is less than 250 head. The Board of Railroad Commissioners shall prescribe and follow such reasonable regulations as it deems necessary for determining such daily average.

The shipper or his representative shall have the right to give his livestock such feed as they will consume during a two-hour period prior to weighing, feed to be furnished by the owner, proprietor, or operator of the packing plant, slaughtering house, or concentration point, at the expense of the shipper, and after such feeding the animals shall be given by such owner, proprietor, or operator, free access to water until their thirst is fully quenched. If, however, feeding is omitted, the actual scale weights shall apply as the sole basis for settlement with the shipper.

The weighers and graders shall weigh, dock and grade all livestock and shall keep a record thereof and of the time of arrival of livestock at such packing plants, slaughtering houses, and concentration points. Upon request the weigher and/ or grader shall furnish the interested parties a certificate setting forth the number of animals weighed or graded, or both, for whose account weighed or graded, the actual weight and grade of such animal or animals, and the dockage if any. Such certificate shall be prima facie evidence of the facts therein certified.

The Board of Railroad Commissioners shall establish such rules and regulations as it deems necessary for the weighing, docking, and grading of animals and for carrying out the provisions of this Act. In so far as this is applicable, the Board of Railroad Commissioners shall use the same standards as are used by the United States Bureau of Marketing.

§ 3. The Commission shall prescribe the fee necessary to cover the cost of such weighing, docking, and grading, to be assessed and collected in such manner as the Commission may prescribe. All moneys so collected shall be deposited in the state treasury and known as the "Livestock Weight and Grading Fund," and shall be paid out only on the order of the Commission and the State Auditor's warrant.

§ 4. No weigher, docker, or grader shall during his term of service be in any manner interested in the handling, shipping, producing, or sale of livestock, nor in the employment of any person or corporation engaged therein.

§ 5. All bonds required by this Act shall be filed with the Secretary of State. Suit may be brought thereon by any person injured by the misconduct of the principal.

§ 6. Any person not duly appointed and qualified who shall assume to act as such weigher, docker, or grader shall be guilty of a misdemeanor and punished by a fine of not less than fifty nor more than one hundred dollars.

§ 7. Any weigher, docker, or grader who shall knowingly or carelessly weigh, dock or grade any livestock improperly, or give any false certificate of weight or grade, or accept money or other consideration directly or indirectly for any neglect or improper performance of duty, or who shall be guilty of any neglect of duty, and any person who shall improperly influence or attempt to influence any such officer in the performance of his duties, shall be guilty of a gross misdemeanor and shall be punished by a fine of not less than one hundred nor more than one thousand dollars, or by imprisonment in the county jail for not less than thirty days nor more than one year, or by both such fine and imprisonment.

§ 8. Any person or corporation who shall obstruct any state weigher, docker, or grader in the performance of his official duties by preventing his proper access to the scales, publicly or privately owned, used in the weighing of livestock or otherwise, shall forfeit to the state one hundred dollars for each such offence.

§ 9. This Act shall take effect and be in force from and after July 1, 1933.

S. B. No. 132—(Porter.)

MOTOR FUEL TAX

An Act to amend and re-enact Sections 2, 3, 4 and 5 of Chapter 166 of the Session Laws of the State of North Dakota for the year 1929 relating to taxes on motor fuel, its collection, report of sales, and distribution of revenue, the licensing and bonding of dealers, regulation of sales, revocation of licenses and providing a penalty.

V E T O

March 10, 1933.

TO THE HONORABLE THE SECRETARY OF STATE:

I herewith return Senate Bill No. 132, being an Act to amend and re-enact Sections 2, 3, 4 and 5 of Chapter 166 of the Session Laws of the State of North Dakota for the year 1929 relating to taxes on motor fuel, its collection, report of sales, and distribution of revenue, the licensing and bonding of dealers, regulation of sales, revocation of licenses and providing a penalty, without my approval, for the reason that practically every state in the Union has either a collection fee or shrinkage fee allowable to oil dealers, and that this law has for the last four years proven very satisfactory, practically making 100% return for gas tax in this state, and I see no reason why it should be changed at this time.

Very respectfully,

WILLIAM LANGER,
Governor.

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

§ 1. AMENDMENT.] That Sections 2, 3, 4 and 5 of Chapter 166 of the Session Laws of the State of North Dakota for the year 1929 be and the same hereby are amended and re-enacted to read as follows:

§ 2. That each and every dealer in motor vehicle fuel, as defined in this Act, who is now engaged, or who may hereafter engage in his own name, in the name of others, or in the name of his representative or agents, in this state, in the sale or use of motor vehicle fuel as herein defined, shall, not later than the 15th day of each calendar month render to the State Auditor, on forms described, prepared and furnished by the State Auditor, a sworn statement of the number of gallons of motor vehicle fuel sold or used by him or them during the preceding calendar month, which statement shall be sworn to by one of the principal officers, in case of domestic corporation, or by the resident general agent, or agents, or attorney-in-fact, or by a chief accountant or officer in case of a foreign corporation; by the managing agent or owner in case of a firm, association or individual; and shall contain a statement of the quantities of motor vehicle fuel sold or used within the state of North Dakota from his or their respective places of business, and if any of such motor vehicle fuel has been sold and delivered by said dealer to customers in the original package, whether in tank cars, barrels or other packages and in the same form and condition in which the same was imported, said statement shall show the amount of motor vehicle fuel so sold and the names and addresses of the persons, firm or corporations to whom the same was sold.

Said dealer shall pay a license of three cents per gallon on all motor vehicle fuel used and sold by him, other than such fuel sold by him or them, in the original packages as above specified, and shall have the option of paying said tax of three cents per gallon on all motor vehicle fuel sold by him or them, in the state, in the original packages in which the same was imported as above specified.

Whenever any sale is made by a dealer of motor vehicle fuel in the original packages in which the same was imported as above specified, such dealer shall deliver to the purchaser thereof an invoice of such motor vehicle fuel, stating the name and address of the purchaser, the quantity and kind of fuel sold, and whether or not said dealer assumes and agrees to pay the license tax on said fuel above specified, and such dealer shall transmit to the state auditor, at the same time he shall render the statement above specified, duplicate copies of all such invoices issued and delivered by him during the period covered by such statement.

§ 3. Every dealer paying such license tax or being liable for the payment therefor, shall be entitled to charge and collect the sum

of three cents per gallon, on such motor fuel sold by him, as a part of the selling price thereof.

§ 4. (a) It shall be unlawful for any dealer, as herein defined, to engage in business in this state as a dealer, unless such dealer is the holder of an unrevoked license issued by the State Auditor to engage in such business. To procure such license such dealer shall file with the state auditor a sworn application upon a form prescribed and to be furnished by the state auditor. Such application shall contain the name under which the applicant intends to transact business; the names and addresses of the several persons constituting the firm or partnership; and if a corporation, the corporate name, the state where and time when incorporated, the name of its officers and directors; and if a foreign corporation, the name of its resident agent, the location of its place or places of business, the date such business was established; and any other information the state auditor may require. Such application shall be signed and sworn to by the owner or owners of such business, if an individual, partnership or unincorporated association, and if a corporation, by the president and secretary thereof. At the time of applying for such license every applicant shall pay to the state auditor as a license fee, the sum of two dollars; which fee shall be transferred to the state treasury and there be credited to the general fund. Provided, however, that the State Auditor may require such applicant to file a suitable bond conditioned for the prompt filing of reports and payment of the tax designated herein.

(b) Upon the filing of such application and the payment of such fee, the state auditor shall issue to such applicant a license which shall authorize the holder thereof to engage in business in this state as a dealer, as defined herein, until the 30th day of June of each odd numbered year following the date of its issuance, unless such license shall be revoked within that period by the state auditor, as provided by law.

(c) If the holder of such license shall at any time, refuse or neglect, to file his or its monthly report and pay the full amount of the tax at the times, in the manner, and at the place such report is required to be filed and the tax required to be paid under the provisions hereof, the state auditor shall forthwith revoke such license and shall promptly notify the holder thereof, by notice sent by registered mail to the address of such holder, appearing in his records; provided, that his said report is filed and the tax paid within ten days after the same become due, and it be established under oath that such delay was due to accident or justifiable oversight, then the state auditor may continue in full force and effect such license.

(d) Before any dealer, whose license has been revoked, shall be entitled to apply for or obtain a license as provided in paragraph (a) hereof, such dealer shall pay to the state auditor any and all delinquent license tax, penalties and costs that remain unpaid by such

dealer, and shall file with the state auditor a surety bond, upon which said dealer shall be obligor, conditioned to secure the prompt filing of true reports and the full payment of any and all license tax that may thereafter accrue and become payable under the provisions of this Act. Such bond shall be in such amount as the state auditor shall determine, but not to exceed three times the amount of the state license tax on all gasoline sold by such dealer during the preceding month, and not less than \$500.00. Such bond shall run to the people of the state of North Dakota and shall be conditioned upon the prompt filing of true reports and payment of the full amount of the tax at the times, in the manner and at the place required under the provisions of this Act; provided, further, that in the event any such dealer shall fail to promptly file his or its monthly reports and pay the full amount of the tax thereon, as provided by law, after having filed a surety bond with the state auditor as herein provided, the state auditor may require said dealer to furnish such other and further bond as he shall deem necessary, conditioned at all times to secure the payment of any and all license tax due to the State of North Dakota under the provisions of this Act. Upon the failure to file such new and further bond, the state auditor shall forthwith revoke the license of such dealer, in manner provided by law.

(e) When any sale of motor vehicle fuel is made upon which a refund or repayment of the tax thereon, as hereinafter provided, may be made or claimed, the person, persons, firm or corporation making such sale shall deliver to purchaser thereof an invoice or ticket, which shall show thereon, among other things, the name of such person, persons, firm or corporation, the place of business, the date of sale, the place of delivery of such motor vehicle fuel, the name and address of the purchaser, the number of gallons of motor vehicle fuel sold, the price thereof, the amount of license tax charged. Such invoice or ticket shall be numbered and show thereon that it is the purchaser's invoice, and shall be signed by such person, persons, firm or corporation or its duly authorized agent. Such invoice or ticket shall also be signed by the purchaser of such motor vehicle fuel.

§ 5. That said license tax in respect to motor vehicle fuel sold or used in any calendar month, shall be paid at the same time the statement provided for in Section 2 hereof is rendered, to the state auditor, who shall receipt to the dealer therefor, and shall forthwith pay over all the money thus received to the state treasurer, except such money as shall have been expended by said state auditor for the purpose of making refunds as herein provided. The state treasurer shall promptly credit to the state highway commission two-thirds ($\frac{2}{3}$) of said license tax. The money so credited, being two-thirds of said license tax, is hereby appropriated to be used by such commission for the construction, reconstruction, maintenance or repairs of highways or roads under the jurisdiction of said commission.

One-third of said license tax so received by the state treasurer, shall be deposited by him to a "County Highway Aid Fund." During the months of January, April, July and October of each year, the state treasurer, upon the warrant of the state auditor, shall apportion and disburse all of the moneys in such "County Highway Aid Fund" not previously disbursed, including interest received thereon, to the various counties in the State in the same proportion and the ratio as the motor vehicle registration fund collected in each county shall bear to the total motor vehicle registration fund collected in all the counties of the state during the entire preceding calendar year as shown by the certificate of the registrar of motor vehicles. Such moneys so received by the respective counties shall be set aside in a separate fund, under the jurisdiction and control of the board of county commissioners, and appropriated and employed solely by such counties in the construction, reconstruction, maintenance and repair of county highways, bridges and culverts thereon leading up to and connecting with federal aid and state aid highways. Provided, that in order to reimburse the state on account of the expenses of carrying the provisions of this Act into effect, the state auditor is hereby authorized and directed to credit to the general fund of the state, on the first day of July of each year, the sum of twenty-five thousand dollars out of the moneys collected as a license tax under the provisions of this Act.

§ 6. The provisions of this Act are severable, and if any of its provisions shall be held unconstitutional, the decisions of the Court shall not affect or impair any of the remaining provisions of this Act. It is hereby declared, as of legislative intent, that this Act would have been adopted had such unconstitutional provisions not been included therein. Provided however that gasoline used solely for agricultural purposes by the consumer thereof without the payment of the tax therein by law provided.

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

H. B. No. 331—(Flannigan and Lynch.)

EXPENSES N. D. AMERICAN LEGION BAND

An Act making an appropriation of funds accumulated thru the administration of the provisions of Chapter 244 of the Session Laws of 1923, for the purpose of assisting in defraying the expenses of the North Dakota American Legion Band in attending the Chicago International Exposition and the National Convention of the American Legion to be held at Chicago in the year 1933; and the American Legion National Convention for 1934; and repealing acts in conflict herewith.

V E T O

March 17, 1933.

TO THE HONORABLE THE SECRETARY OF STATE:

I herewith return House Bill No. 331, being an Act making an

appropriation of funds accumulated thru the administration of the Provisions of Chapter 244 of the Session Laws of 1923, for the purpose of assisting in defraying the expenses of the North Dakota American Legion Band in attending the Chicago International Exposition and the National Convention of the American Legion to be held at Chicago in the year 1933; and the American Legion National Convention for 1934; and repealing acts in conflict herewith, without my approval, for the reason that in my opinion it is not right to appropriate money for the purpose of sending a Band to Chicago in these stringent financial times.

I fully realize that the desire to send the Legion Band to Chicago is prompted by a laudable and commendable public spirit. I believe our public spirited citizens will respond to a call for support for the enterprise and I am willing to donate to this end and to ask others to do likewise.

The returned Soldiers' Fund was raised by general taxation and whatever balance remains after fulfilling the purposes for which it was raised should be covered into the general fund.

Very respectfully,

WILLIAM LANGER,
Governor.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any funds remaining in the hands of the Industrial Commission of the State of North Dakota and accumulated thru the administration of the provisions of Chapter 244 of the Session Laws of 1923, in the purchasing of soldier bonus claims at a discount and financing their payment thru loans made at a lesser sale of interest thru such discount taken; the sum of thirty-five hundred (\$3500.00) dollars, or so much thereof as is required, as aid in the payment of the expenses of the North Dakota American Legion Band in attending the Chicago International Exposition in connection with the exhibit of the State of North Dakota thereat: and at the same time attending the 1933 National Convention of the American Legion to be held in Chicago: and in attending the 1934 National Convention of the American Legion. This appropriation is made from the balance of such fund accumulated under the provisions of said Chapter 244 of the Session Laws of 1923, remaining after the publication and distribution of the history and record of the citizens of the State of North Dakota who rendered Military service on behalf of the State and assisted in the administration of the selective service act during the World War, as provided for by Chapter 287 of the Session Laws of 1927, which such publication and distribution is now completed.

§ 2. REPEAL.] All acts or parts of acts in conflict herewith are hereby repealed.

S. B. No. 167—(Committee on Appropriations.)

APPROPRIATION FOR NORTH DAKOTA SOLDIERS' HOME
An Act making an appropriation for the North Dakota Soldiers' Home at Lisbon, North Dakota; providing for reports and deductions.

V E T O

March 17, 1933.

TO THE HONORABLE THE SECRETARY OF STATE:

I herewith return Senate Bill No. 167, being an Act making an appropriation for the North Dakota Soldiers' Home at Lisbon, North Dakota; providing for reports and deductions, without my approval, for the reason that the present income of this institution is sufficient to take care of its needs for the next two years, and because practically all the inmates receive pensions ranging from \$25.00 to \$75.00 per month from the Government.

Very respectfully,

WILLIAM LANGER,
Governor.

WHEREAS, owing to the financial depression it seems that it will be impossible for the North Dakota Soldiers' Home to continue to take care of and provide for those members now in said home without some assistance, and

WHEREAS, The members of this Legislative Assembly deem it necessary that some provision should be made to assure the members of said home that they will not be without support and care during the next two years,

THEREFORE,

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated the sum of \$12,500.00 for the biennium beginning July 1, 1933, and ending June 30, 1935, or so much thereof as may be necessary, for the maintenance and support of the North Dakota Soldiers' Home located at Lisbon, North Dakota, said sum to be paid as follows: The sum of \$3,125.00 on July 1, 1933, and each succeeding six months thereafter the remainder in three equal payments.

§ 2. REPORTS AND CERTIFICATES. PAYMENTS.] The Superintendent in charge of said home shall make semi-annual reports to the State Auditor of the State of North Dakota, duly certified under oath, showing the amount of money remaining unexpended and estimating the amount of money which shall be required for the succeeding six months, and, if it shall appear from said report and estimate that the full amount appropriated for the succeeding six months

exceeds the amount of the estimate, then the amount to be paid shall be reduced to the amount of said estimate.

S. B. No. 319—(Bangert, by request.)

ALLOWANCE SUSTENANCE OFFICERS ON PUBLIC EXPENSE
ACCOUNT

An Act specifying the amount to be allowed for personal sustenance of officers, agents, and employees of the State of North Dakota, or of any of its subdivisions, while upon public expense account; providing a penalty for violation thereof, and declaring an emergency.

V E T O

March 9, 1933.

TO THE HONORABLE THE SECRETARY OF STATE:

I herewith return Senate Bill No. 319, being an Act specifying the amount to be allowed for personal sustenance of officers, agents, and employees of the State of North Dakota, or of any of its subdivisions, while upon public expense account; providing a penalty for violation thereof, and declaring an emergency, without my approval, for the reason that the maximum amount provided for travel outside the State in the bill is not ample.

Very respectfully,

WILLIAM LANGER,
Governor.

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

§ 1. EXPENSE ACCOUNT. UNLAWFUL WHEN.] That 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 fund whatsoever for the sum in excess of \$4.00 per day for personal sustenance while engaged in the discharge of a public duty and while upon a public expense account within the state, or in excess of \$6.00 per day for personal sustenance while so engaged without the state of North Dakota; provided, however, that in no event shall any such elective or appointive officer, employee, representative, or agent make claim for an amount in excess of that actually paid for expenses while engaged in the public service upon such public expense account.

§ 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 or more than \$1,000.00, or by imprisonment in a county jail for not less than ninety days or more than one year, or by imprisonment in the state penitentiary for not more than five years, or by both such fine and imprisonment, in the discretion of the trial court.

§ 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.

S. B. No. 245—(Miklethun, Patten, Tinnes, Olson and Wog.)

ENLARGEMENT PENITENTIARY POWER PLANT

An Act authorizing the State Board of Administration to rebuild and enlarge the power plant at the State penitentiary; providing for the extension of the service of such plant and making an appropriation therefor.

V E T O

March 9, 1933.

TO THE HONORABLE THE SECRETARY OF STATE:

I herewith return Senate Bill No. 245, being an Act authorizing the State Board of Administration to rebuild and enlarge the power plant at the State Penitentiary, and providing for the extension of the service of such plant and making an appropriation therefor, without my approval, for the reason that the present law is adequate.

Very respectfully,

WILLIAM LANGER,
Governor.

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

§ 1. REBUILDING POWER PLANT.] The State Board of Administration is hereby authorized and empowered to rebuild and enlarge the power plant at the state penitentiary so as to provide sufficient and adequate electric current to operate the manufacturing industries that are now or hereafter may be established at the said penitentiary and for supplying electric current for the Bank of North Dakota building, Memorial Building and the State Capitol.

§ 2. DISTRIBUTION OF ELECTRIC CURRENT.] The State Board of Administration is hereby authorized and empowered to distribute electric current for light and power to the Bank of North Dakota building, the Memorial Building, and to the State Capitol.

§ 3. APPROPRIATION.] For the purpose of carrying out the provisions of this Act there is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, the sum of \$60,000 and the further sum of \$275,000 out of the "Twine Plant Operating" fund or such part thereof as may be necessary. Provided, however, that the State Board of Administration shall not carry out or put into effect any of the provisions of this Act if any power and light company now manufacturing and distributing electric current in this state offers within 30 days after the passage and approval of this Act, to enter into a contract with the Board of Administration

to furnish electric current, power and light for the purposes set forth herein at a price not exceeding two cents per kilowatt for a period of two years or more.

S. B. No. 169—(Jones of Ward and Burkhart.)

HOSPITAL, ETC. LIENS PERSONS INJURED IN ACCIDENTS

An Act to provide for liens in favor of hospitals and other charitable institutions furnishing care, treatment and maintenance of persons injured in accidents, not subject to the provisions of the Workmen's Compensation Act of North Dakota, for the reasonable value of the service so rendered, upon the rights of action, claims or demands of such injured persons, or judgments recovered thereon, against other persons or corporations, liable in tort for damages, on account of negligence causing the injuries, and upon the proceeds of the settlements of any such claims or demands; and upon and against the insurer of such tort feisor or tort feisors; and upon insurance held by the injured person, and providing for constructive notice upon such insurers, tort feisors and their insurers, if any, by a filing of a lien statement with the Clerk of the District Court of the county in which such services are rendered.

V E T O

March 9, 1933.

TO THE HONORABLE THE SECRETARY OF STATE:

I herewith return Senate Bill No. 169, being an Act to provide for liens in favor of hospitals and other charitable institutions furnishing care, treatment and maintenance of persons injured in accidents, not subject to the provisions of the Workmen's Compensation Act of North Dakota, for the reasonable value of the service so rendered, upon the rights of action, claims or demands of such injured persons, or judgments recovered thereon, against other persons or corporations, liable in tort for damages, on account of negligence causing the injuries, and upon the proceeds of the settlements of any such claims or demands; and upon and against the insurer of such tort feisor or tort feisors; and upon insurance held by the injured person, and providing for constructive notice upon such insurers, tort feisors and their insurers, if any, by a filing of a lien statement with the Clerk of the District Court of the county in which such services are rendered, without my approval, for the reason that I believe it is against good, sound public policy.

Very respectfully,

WILLIAM LANGER,
Governor.

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

§ 1. Every charitable association, corporation or other institution, maintaining a hospital in the State of North Dakota, supported in whole or in part by private charities, shall, for hospitaliza-

tion services rendered, be entitled to a lien upon any and all rights of action, claims or demands of such injured persons, or judgments recovered thereon against other persons or corporations, liable in tort for damages, on account of negligence causing the injuries, and upon the proceeds of the settlements of any such claims or demands and upon the insurer of such tort feisor or tort feisors, for the reasonable value of the services so rendered to such injured person, and by serving notice of intention to file such lien upon the person or corporation liable for such damages, such notice to be served by registered mail or by personal service in the manner now provided for service of a summons, and upon filing at any time after the rendering of such services has commenced, or from time to time, as to services already rendered, as such institution may deem best, and at least within thirty days after such services have been rendered and completed, in the office of the Clerk of the District Court of the County in which such services were rendered, a lien statement, containing the name of the injured person to whom such services were rendered, and his address as shown upon the hospital records, the date of his admission, and if released at the time of the filing of such lien, the date of his release from the hospital, the name of the person or persons, corporation or corporations alleged or claimed to have been guilty of the negligence causing such injuries, and their addresses if known, or ascertainable from the hospital records, the name of any person or corporation and their address if known or ascertainable from the hospital records, insuring such tort feisor or tort feisors against liability on account of negligence, the name of any insurer covering the injured person, if known; an itemized statement of the hospital's charges, and the total sum claimed to be due, which said lien statement shall be signed in the name of the hospital or institution claiming such lien and verified on behalf of such institution by some person authorized so to do and possessing knowledge of the facts above required, such affidavit showing that the facts therein set forth are true to the best of the knowledge, information and belief of the person making such verification, and that the charges for services made are the reasonable and usual charges of such hospital or institution for such services, and that the sum claimed therein is due and unpaid, together with proof of service of the notice of intention to file a lien.

§ 2. The Clerk of the District Court wherein such lien with proof of service is filed, shall endorse thereon the date and hour of filing, and make an abstract thereof in a book kept for that purpose, to be known as "The Hospital Lien Book," which book shall be properly indexed and shall contain the name of the hospital or institution filing such lien, the date and hour filed, the amount claimed, and the name of the person or persons, corporation or corporations against whom it is filed, and the name of the person to whom such services are rendered, and of any insurer of such injured person, and the num-

ber of the file or files where said original lien is kept. The hospital filing such lien shall pay to the Clerk of the District Court in which the lien claim is filed, the sum of fifty cents as the fee for filing and indexing each lien.

§ 3. Filing of such lien from the time thereof shall be constructive notice to all persons of the claim of said hospital and of its right to a lien upon any claim or demand or cause of action against such tort feasons and the insurer or insurers of such tort feasons, or an insurer of the injured person, and no release of any judgment, claim or demand by such injured person, shall be valid or effective as against such lien, and the person or persons, firm or corporation making any payment to such injured person, or his legal representative, as compensation for injuries sustained, as in settlement of a cause of action claimed to exist for negligence causing such injuries, or out of insurance carried by such tort feasons by the person or corporation furnishing such insurance, shall remain liable to such hospital for the amount of the reasonable charges due at the time of such payment to the extent of the full and true consideration paid or given to the injured person, and any such hospital or institution may enforce its lien by an action at law, against such person or persons, firm or corporation, tort feason or its insurer, by a civil action, provided that judgment obtained against such tort feason or insurer shall not prevent such hospital or institution from collecting the amount of its account against the person for whom said services were rendered, or his insurer, unless payment shall have been made by the tort feason, or the insurer, to such hospital, and then only to the extent that such payment shall have been made.

§ 4. Upon the trial of any action for damages for personal injuries wherein it appears at the trial that services were rendered in hospitalization of the injured person, the court before whom such action is tried, shall require the Clerk of the District Court to search the records, for information as to whether a lien has been filed, and if such lien has been filed, mention of that fact shall be made in the judgment together with the amount claimed and in the event of the collection of such judgment under execution, upon the return of such execution, a sum equal to the amount claimed in said lien, shall be deposited with the Clerk of the District Court for payment of said lien, if the parties involved admit the facts set forth in said lien, provided that if such lien is contested, then such sum to abide the final event of an action to enforce the same which action must be brought by such hospital or institution upon demand, following such deposit, of any of the parties interested, within sixty days after such demand.

§ 5. In the event that such injured person receiving hospitalization shall have a contract providing for indemnity or compensation for the sum incurred for hospitalization received by such injured

person, such hospital shall have a lien upon the amount payable under said contract and the party obligated to make reimbursement for such hospitalization under such contract may pay the sum due thereunder directly to such hospital and such payment shall constitute a full release of the party making such payment under such contract to the amount of such payment; provided, however, that if the amount of the claim is contested, payment shall be made to the Clerk of the District Court and shall be subject to all of the terms and conditions stated in Section 4 hereof.

§ 6. Any person or persons, firm or corporation legally liable under this Act and against whom a claim shall be asserted for compensation for such injuries, shall be permitted to examine the records of any such hospital which has filed such a claim, in reference to such treatment, care and maintenance of such injured person.

§ 7. The provisions of this Act shall not apply to any money becoming due under the Workmen's Compensation Act of the State of North Dakota.

§ 8. Action to enforce said lien shall be commenced within two years after the filing of such lien; except that in cases where the cause of action against tort feisor or insurers shall not have become barred, or actions shall pend, involving the question of liability, then such lien shall continue effective until the final termination of such action or actions, and for a period of two years thereafter.

H. B. No. 330—(State Affairs Committee.)

ABATEMENT REAL AND PERSONAL PROPERTY ASSESSMENT
An Act to amend and re-enact Section 1 and to repeal Section 5 of Chapter 276 of the Session Laws of North Dakota for 1931, relating to the abatement of real and personal property assessments and prescribing the procedure therefor.

V E T O

March 10, 1933.

TO THE HONORABLE THE SECRETARY OF STATE:

I herewith return House Bill No. 330, being an Act to amend and re-enact Section 1 and to repeal Section 5 of Chapter 276 of the Session Laws of North Dakota for 1931, relating to the abatement of real and personal property assessments and prescribing the procedure therefor, without my approval, for the reason that the present law gives the Board of County Commissioners adequate power to abate taxes.

Very respectfully,
WILLIAM LANGER,
Governor.

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

§ 1. AMENDMENT.] That Section 1 of Chapter 276 of the Session Laws of North Dakota for 1931 is hereby amended and re-enacted to read as follows:

§ 1. Unless otherwise expressly provided, if any person (including any firm or corporation) against whom an assessment has been made or a tax levied, claims such assessment, or tax or any part thereof to be invalid for any reason herein stated, the same may be abated, or the tax refunded if paid, and the board of county commissioners is authorized and empowered, subject to the approval of the State Tax Commissioner, to abate or refund, in whole or in part, such invalid assessments or taxes in the manner hereinafter prescribed and in the following cases only:

1. When an error has been made in any identifying entry or description of the property, in entering the valuation thereof or in the extension of the tax, to the injury of the complainant.

2. When improvements on any real property were considered or included in the valuation thereof, which did not exist thereon at the time fixed by law for making the assessment.

3. When the complainant or the property is exempt from the tax.

4. When the complainant had no taxable interest in the property assessed against him at the time fixed by law for making the assessment.

5. When taxes have been erroneously paid or error made in noting payment or issuing receipt therefor.

6. When the same property has been assessed against the complainant more than once in the same year, and the complainant produces satisfactory evidence that the tax thereon for such year has been paid; provided, that no tax shall be abated on any real property which has been sold for taxes, while a tax certificate is outstanding except when a contract for the sale of state lands has been cancelled as provided by Chapter 245 of the Session Laws of 1927.

7. When the board of County Commissioners is satisfied beyond a doubt that the assessment of the real or personal property described in the application for abatement is invalid, or excessive as compared with other property of the same class and value in the same assessment district, the board may, if such application is filed on or before the first day of November in the year in which such taxes become delinquent, abate any part thereof in excess of a fair assessment.

§ 2. REPEAL.] That Section 5 of Chapter 276 of the Session Laws of North Dakota for 1931 is hereby repealed.

S. B. No. 197—(Marshall.)

APPOINTMENT EXAMINERS BOARD OF RAILROAD
COMMISSIONERS

An Act to amend and re-enact Section 1 of Chapter 231, Session Laws of North Dakota for the year 1927, authorizing and empowering the Board of Railroad Commissioners to appoint examiners for the purpose of holding hearings, and prescribing the powers and duties of such examiners.

V E T O

March 10, 1933.

TO THE HONORABLE THE SECRETARY OF STATE:

I herewith return Senate Bill No. 197, being an Act to amend and re-enact Section 1 of Chapter 231, Session Laws of North Dakota for the year 1927, authorizing and empowering the Board of Railroad Commissioners to appoint examiners for the purpose of holding hearings, and prescribing the powers and duties of such examiners, without my approval, for the reason that the measure, if enacted into law, would be against the best interests of the State of North Dakota. The people of this State have elected three members of the Board of Railroad Commissioners, and at hearings they are entitled to have one of these members present to conduct the hearing rather than some clerk or employee, who may not even be a taxpayer, appointed by said Board.

Very respectfully,

WILLIAM LANGER,
Governor.

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

§ 1. AMENDMENT.] That Section 1 of Chapter 231 of the Session Laws of North Dakota for the year 1927 be amended and re-enacted to read as follows:

§ 1. The Board of Railroad Commissioners of North Dakota is hereby authorized and empowered to designate the special assistant attorney general appointed by the Attorney General as commerce counsel of said board, the chief statistician of said board, the chief engineer of said Board, the traffic expert of said board, and the director of motor transportation of said board, or either or any of said parties, as an examiner or examiners for the purpose of holding any hearing or hearings which the said board, or any member thereof has power and authority to hold. Such examiner or examiners, when so appointed, shall have the power to administer oaths and affirmations, issue subpoenas, compel attendance and testimony of witnesses, the production of papers, books, accounts and documents, examine witnesses, and to act in and about such hearing or hearings with the same power and authority that has been or will be invested by law

in said board or any member thereof. The proceedings at such hearings shall be taken in shorthand by a stenographer, reduced to writing, and, together with the exhibits introduced, certified to the board by such examiners as a true, correct and complete record of such hearing. All such hearings shall be taken and deemed to be hearings before said Board of Railroad Commissioners, and the decision of the board in such matters shall be based upon the record as made before any such examiner and certified to by him; provided, that further testimony may be taken if the board deems it advisable and so orders.

S. B. No. 135—(Cain.)

USE RAILROAD TRACKS FOR HIGHWAY PURPOSES

An Act to amend Section 10046 of the Compiled Laws of North Dakota for 1913 relating to the use of railroad tracks for highway purposes.

V E T O

March 9, 1933.

TO THE HONORABLE THE SECRETARY OF STATE:

I herewith return Senate Bill No. 135, being an Act to amend Section 10046 of the Compiled Laws of North Dakota for 1913, relating to the use of railroad tracks for highway purposes, without my approval, for the reason that it is sometimes necessary for the farmers to use railroad tracks for highway purposes.

Very respectfully,

WILLIAM LANGER,
Governor.

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

§ 1. AMENDMENT.] That Section 10046 of the Compiled Laws of North Dakota for 1913 be amended and re-enacted to read as follows:

§ 10046. UNLAWFUL. EXCEPTION.] It is hereby made unlawful for any person when riding or driving or leading any animal or animals, whether the same be or be not attached to any vehicle or sleigh, or while driving a motor vehicle of any kind, to drive upon or use any railroad track in this state as a highway. Provided, however, that this Act shall not apply to highway crossings over any line of railway in the state, nor to depot grounds, station grounds, nor switches or side tracks intended for the use of shippers or the consignee of freight; provided further, that the provisions of this Act shall not apply to the use of railroad bridges also used as toll bridges for persons or vehicles.

§ 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

S. B. No. 111—(Matthaei.)

PROHIBITING SMOKING IN SPECIFIED PLACES. REPEAL.
An Act to repeal Section 10185b of the Supplement to the 1913 Compiled Laws of North Dakota relating to prohibiting smoking in specified places, and the penalties.

V E T O

March 9, 1933.

TO THE HONORABLE THE SECRETARY OF STATE:

I herewith return Senate Bill No. 111, being an Act to repeal Section 10185b of the Supplement to the 1913 Compiled Laws of North Dakota, relating to prohibiting smoking in specified places, and the penalties, without my approval, for the reason that I believe it is against good, sound public policy.

Very respectfully,
WILLIAM LANGER,
Governor.

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

§ 1. REPEAL.] That Section 10185b of the Supplement to the 1913 Compiled Laws of North Dakota be and the same is hereby repealed.

H. B. No. 176—(Godwin.)

SEWERAGE SYSTEM STATE TRAINING SCHOOL
An Act authorizing the Board of Administration to construct a sewerage system to extend from the present sewerage system of the State Training School to connect with the syndicate sewer of the City of Mandan; making an appropriation therefor; and declaring an emergency.

V E T O

March 9, 1933.

TO THE HONORABLE THE SECRETARY OF STATE:

I herewith return House Bill No. 176, being an Act authorizing the Board of Administration to construct a sewerage system to extend from the present sewerage system of the State Training School to connect with the syndicate sewer of the City of Mandan; making an appropriation therefor; and declaring an emergency, without my approval, for the reason that the revenue coming into the State is insufficient to take care of this improvement at this time.

Very respectfully,
WILLIAM LANGER,
Governor.

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

§ 1. The Board of Administration is hereby authorized and directed to immediately construct a sewerage system to extend from the present sewerage system of the State Training School to the west end of the syndicate sewer of the city of Mandan, provided such city will permit connection without present or future expense to the State of North Dakota, and for such purpose is hereby directed to purchase all materials and supplies necessary therefor, and employ all labor requisite to such work and the supervision thereof.

§ 2. There is hereby appropriated out of any funds in the state treasury, not otherwise appropriated, the sum of five thousand dollars, or so much thereof as may be necessary to carry out the provisions of this act.

§ 3. An emergency is hereby declared to exist, inasmuch as the present sewerage system of the State Training School creates a public nuisance and a menace to the public health, and this act shall be in full force and effect from and after its passage and approval.

CONSTITUTIONAL AMENDMENTS

ARTICLE 47

REPEAL OF PROHIBITION CLAUSE IN STATE CONSTITUTION (Submitted by initiative petition)

That Section 217, Article 20, of the Constitution of the State of North Dakota, be and the same is hereby repealed.

Approved, Nov. 8, 1932. 134742 to 99316.

CAPITAL REMOVAL FROM BISMARCK TO JAMESTOWN (Submitted by initiative petition)

A measure for the amendment and re-enactment of Section 215 of Article 19 of the Constitution of the State of North Dakota, locating and establishing the seat of government of this state at the City of Jamestown in the County of Stutsman, and locating other state institutions therein named at the places therein referred to, as heretofore designated by the original section, and providing for the apportionment of certain land grants to institutions therein named, as heretofore apportioned by the original sections of the Constitution as it is now written.

Disapproved, March 15, 1932. 170000 to 24368.

FUTURE AMENDMENTS TO CONSTITUTION
(Submitted by the legislature)
Chapter 106—Session Laws 1931

A Concurrent Resolution providing for the amendment of Section 202 of Article 15 of the Constitution of the State of North Dakota, relating to future amendments.

Disapproved, March 15, 1932. 104953 to 51459.

LEGISLATIVE POWER, INITIATIVE AND REFERENDUM
(Submitted by the legislature)
Chapter 107—Session Laws 1931

A Concurrent Resolution providing for the amendment of Section 25 of Article 2 of the Constitution of the State of North Dakota, relating to the legislative power of the state, and the initiative and referendum.

Disapproved, March 15, 1932. 106770 to 50967.

INITIATED MEASURES

REDUCTION OF ASSESSED VALUATION

An Act to amend and re-enact Chapter 59 of the Laws of North Dakota for the year 1917 as amended by Chapter 220 of the Laws of North Dakota, enacted by the regular session of the legislature, for the year 1919 as amended by Chapter 298 of the Laws of North Dakota for the year 1923, the same being Section 2122a of the 1925 Supplement to the 1913 Compiled Laws of North Dakota, relating to the basis of assessment of property for taxation purposes, and to reduce such basis from seventy-five (75) per cent of the full and true value thereof to fifty (50) per cent of the full and true value thereof, and repealing all Acts or parts of Acts in conflict herewith.

Be It Enacted by the People of the State of North Dakota:

Chapter 59 of the Laws of the State of North Dakota for 1917 as amended by Chapter 220 of the Laws of North Dakota enacted by the regular session of the Legislature of 1919 and as amended by Chapter 298 of the Laws of North Dakota for 1923, being Section 2122a of the 1925 Supplement to the Compiled Laws of North Dakota, 1913, is hereby amended and re-enacted to read as follows:

§ 1. All property, real, personal and mixed, subject to a general property tax, not exempted by law or subject to any gross sales or other lieu tax shall be valued and assessed at fifty (50) per cent of the full and true value thereof, except farm buildings and improvements, which are hereby exempted from all taxes. Assessors and Boards of Review shall assess and return all taxable property

at its full and true value, and it shall be the duty of the County Auditor after equalization by the State Board of Equalization to make the computations necessary to reduce such assessed value to said fifty (50) per cent.

§ 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved, June 29, 1932. 111308 to 97733.

1674(2).523

PROHIBITING CORPORATION FARMING

An Act prohibiting corporation farming and relating to corporations acquiring and holding real estate not necessary in the operation of their business.

Be It Enacted by the People of the State of North Dakota:

§ 1. That all corporations, both domestic and foreign, except as otherwise provided in this act, are hereby prohibited from engaging in the business of farming or agriculture, and are prohibited from acquiring or holding real estate in excess of that necessary for the conduct of their business, unless the same is acquired in the course of their business by judicial process or operation of law.

§ 2. That all corporations, both domestic and foreign, who now own or hold real estate, except such as is reasonably necessary in the conduct of their business, shall dispose of the same within ten years from the date that this act takes effect, provided that during said ten year period said corporations may farm and use said real estate for agricultural purposes.

§ 3. That any corporation, either domestic or foreign, that acquires real estate by judicial process or operation of law hereafter, except such as is reasonably necessary in the conduct of its business, shall dispose of such real estate within ten years from the date that it is so acquired, provided that during said ten year period it may farm and use same for agricultural purposes.

§ 4. That nothing in this act shall be construed to prohibit cooperative corporations, seventy-five per cent of whose members or stockholders are actual farmers, residing in (on) farms or depending principally on farming for their livelihood, from acquiring real estate and engaging in cooperative farming or agriculture.

§ 5. That in case any corporation, either domestic or foreign, violates any provisions of this act and fails within the time fixed by this act to dispose of any real estate after it has acquired title to same, which is not reasonably necessary for the conduct of its business, then title to such real estate shall escheat to the county in which such real estate is situated upon an action instituted by the States Attorney of such county, and such county shall within one year

dispose of same at public auction to the highest bidder, and the proceeds of such sale, after all expenses of such procedure shall have been paid, shall be paid to the corporation that formerly owned same.

§ 6. That all acts or parts of acts in conflict herewith are hereby repealed.

Approved, June 29, 1932. 114496 to 85932.

COUNTY OFFICERS MILEAGE REDUCTION

An Act reducing and fixing allowances for mileage and travel expense of county officials and their deputies, and repealing all acts and parts of acts in so far as they conflict herewith, and taking effect July 30th, 1932, excepting as to elective officials as to whom it shall take effect and be in force upon their election and qualification to office hereafter.

Be It Enacted by the People of the State of North Dakota:

§ 1. Sheriffs and their deputies, for each mile actually and necessarily travelled within this state in the performance of official duties, shall be allowed and paid only the sum of ten cents per mile when such travel is by motor vehicle or team, and the sum of five cents per mile when such travel is by rail or other common carrier within this state, and when such travel is outside this state in performance of official duties, whether by motor vehicle, rail or other common carrier, they shall be allowed and paid their actual, necessary, travel expenses.

§ 2. Hereafter, other county officials, whether elective or appointive, or any deputy of such officials, entitled by law to mileage or travel expense, shall be allowed or paid only the sum of seven cents per mile for each mile actually and necessarily travelled within the county in the performance of official duties when such travel is by motor vehicle or team, and when such travel is by rail or other common carrier, they shall be allowed and paid therefor only the amount actually and necessarily expended therefor in the performance of their official duties, and in no case when such travel is by rail or other common carrier shall any such official or deputy be allowed or paid any amount exceeding the sum of five cents per mile for each mile actually and necessarily travelled in the performance of official duties.

§ 3. Before any allowance for such mileage or travel expense may be paid by any county, such county official or his deputy, as the case may be, for whose travel the same is claimed, shall file with the county auditor an itemized statement verified by his affidavit, showing the mileage travelled, in what manner travelled, the days travelled and the purpose or purposes thereof, which statement and affidavit shall be submitted to the Board of County Commissioners

and such claim shall be approved by such Board before the same shall be allowed or paid.

§ 4. All Acts and parts of Acts, in so far as the same conflict with the provisions of this Act, are hereby repealed.

§ 5. This Act shall take effect and be in force on July 30th, 1932; excepting as to elective officials, as to whom it shall take effect and be in force upon their election and qualification to office hereafter.

Approved, June 29, 1932. 159434 to 50603.

STATE OFFICERS MILEAGE REDUCTION

An Act reducing, equalizing and fixing allowances for mileage and travel expense of state officials, elective and appointive, their deputies, assistants, clerks and other state employees, and repealing all acts and parts of acts in so far as they are in conflict herewith, and taking effect as to all except elective officials on the 30th day of July, 1932, and as to elective officials upon their election and qualification hereafter.

Be It Enacted by the People of the State of North Dakota:

§ 1. Hereafter, state officials, whether elective or appointive, and deputies, assistants, clerks of such officials, or other state employees, entitled by law to be reimbursed for mileage or travel expense, shall be allowed and paid for mileage and travel expenses only the sum of seven cents per mile for each mile actually and necessarily travelled within this state in the performance of official duty when such travel is by motor vehicle or by team, and when any such motor vehicle or team is owned by the state or by any department or political subdivision thereof, no allowance shall be made or paid for such mileage. When travel is by rail or other common carrier the allowance for mileage and travel expense is hereby fixed at the amount actually and necessarily expended therefor in the performance of official duties, but in no case exceeding the sum of five cents per mile for each mile actually and necessarily travelled in the performance of such duties. Provided that before any allowance for any such mileage or travel expense shall be made, such official, deputy, assistant, clerk or other employee shall file with the State Auditor an itemized statement showing the mileage travelled, the days when and how travelled and the purpose thereof, verified by this affidavit, which statement shall be submitted to the State Auditing Board for approval and shall only be paid when approved by said Board.

§ 2. All Acts and parts of Acts in so far as in conflict herewith, are hereby repealed.

§ 3. This Act shall take effect and be in force as to all except elective officials on the 30th day of July, 1932, and as to elective officials upon their election and qualification hereafter.

Approved, June 29, 1932. 153878 to 54027.

OUTLAWING CROP MORTGAGES

An Act declaring mortgages on growing and unharvested crops to be against the public policy of this state, and abolishing the same.

Be It Enacted by the People of the State of North Dakota:

§ 1. That the people of this state hereby declare that mortgages on growing and unharvested crops have become and are a public nuisance and are a menace to the public health, welfare and well-being of the people of this state, and therefore against the public policy of this state.

§ 2. That all mortgages on growing and unharvested crops are abolished, and that any and all mortgages on growing and unharvested crops hereafter taken shall be held null and void and of no effect.

§ 3. That all acts or parts of acts in conflict herewith are hereby repealed.

Approved, June 29, 1932. 102149 to 98135.

COUNTY OFFICERS SALARY REDUCTION

An Act reducing and fixing the salaries of the following county officials hereafter elected: Auditor, Treasurer, Sheriff, Superintendent of Schools, Register of Deeds, County Judge, State's Attorney, and Clerk of District Court, and providing for the appointment of certain deputies, clerks and assistants to such officials and fixing their salaries, and for payment of all fees to the county, and fixing the per diem and mileage of County Commissioners and repealing Section 3551a2, 1925 Supplement to the Compiled Laws of 1913, Chapters 114 and 115 of the Laws of 1927, Chapter 108 of the Laws of 1929, Chapter 117 of the Laws of 1931, and all Acts and parts of Acts so far as in conflict herewith.

Be It Enacted by the People of the State of North Dakota:

§ 1. The salary of the County Auditor, County Treasurer, Sheriff, County Superintendent of Schools, Register of Deeds, County Judge, States Attorney and Clerk of District Court shall be regulated by the population in the respective counties according to the last preceding official state or federal census from and after the date when the official report of such census shall have been published by the director of the census or such other official as may be charged with the duty of making such official publication.

§ 2. County Auditors, County Treasurers, Sheriffs and County Superintendents of Schools shall receive the following annual salaries, payable monthly, and no more, for the official services rendered by them: Twelve Hundred Dollars (\$1200.00) in counties having a population not exceeding five thousand (5,000); Thirteen Hundred Dollars (\$1300.00) in counties having a population exceeding five thousand (5,000) and not exceeding seven thousand

(7,000); Fourteen Hundred Dollars (\$1400.00) in counties having a population of seven thousand (7,000) and not exceeding eight thousand (8,000); provided, further, that in counties having a population in excess of eight thousand (8,000), there shall be an additional compensation of Thirty Dollars (\$30.00) for each one thousand (1,000) additional population, or major fraction thereof, and, provided, further, that in no case shall the maximum salary and compensation of said County officials exceed the sum of Twenty-four Hundred Dollars (\$2400.00) per annum.

§ 3. Registers of Deeds, County Judges and Clerks of District Courts shall receive the following annual salary, payable monthly, and no more, for all official services rendered by them: Twelve Hundred Dollars (\$1200.00) in all counties having a population of five thousand (5,000) or less; Thirteen Hundred Dollars (\$1300.00) in all counties having a population of not to exceed seven thousand (7,000); in counties having a population in excess of seven thousand (7,000), an additional compensation of Thirty Dollars (\$30.00) for each additional thousand in population or major fraction thereof; provided, however, that in no case shall such salary and compensation exceed the sum of Two Thousand Dollars (\$2,000.00) per annum; and provided further, that the aforesaid salary of County Judges shall not apply in counties having increased jurisdiction; provided further, that in counties having a population of over seventeen thousand (17,000) the County Commissioners shall appoint an assistant States Attorney or Clerk with a salary of not less than Six Hundred Dollars (\$600.00) per annum, and in counties having a population of less than seventeen thousand (17,000), the County Commissioners may appoint an assistant States Attorney or Clerk, whose salary shall be fixed by the County Commissioners.

§ 4. The States Attorney in each county shall receive the same salary as is herein, or as may hereafter be fixed by law, as the salary of the County Auditor of such county.

§ 5. County Commissioners shall be allowed the sum of Five Dollars (\$5.00) per day and the actual amount necessarily expended by them for expense of travel in the performance of official duty, not exceeding the sum of Seven Cents (7c) per mile actually and necessarily travelled by motor vehicle or team, when such motor vehicle or team is not owned by the county or other political subdivision, and not exceeding the sum of Five Cents (5c) for each mile actually and necessarily travelled in the performance of official duty, when such travel is by rail or other common carrier, provided, however, that in counties having a population of nine thousand (9,000) or less, the total compensation and expenses received by any member of the board of County Commissioners shall not exceed the sum of Six Hundred Fifty Dollars (\$650.00) per annum.

§ 6. In counties where the County Court has increased juris-

diction and where the county has a population exceeding forty thousand (40,000), the salary of the County Auditor, County Treasurer, Sheriff, County Judge, Superintendent of Schools and States Attorney shall be Twenty-four Hundred Dollars (\$2400.00) per year, and the salary of the Register of Deeds and Clerk of the District Court shall be Two Thousand Dollars (\$2,000.00) per year.

§ 7. In counties where the County Court has increased jurisdiction and where the county has a population exceeding forty thousand (40,000), the number of deputies, clerks and assistants of all county officials named in this Act and the salaries of such deputies, clerks and assistants, shall be fixed from time to time, and according to the volume of business of such offices, by resolution of the Board of County Commissioners.

§ 8. The salaries fixed by this act shall be full compensation for all said officials, deputies, clerks and assistants respectively, and all fees and compensation received for any act or service rendered in official capacity, shall be accounted for and paid over by them monthly to the County Treasurer and be credited to the general fund of said county.

§ 9. As to the salaries of elective County officials this Act shall take effect and be in force upon their election and qualification hereafter. As to all other salaries this Act shall take effect and be in force on and after August 1st, 1932.

§ 10. Section 3551a2, 1925 Supplement to the Compiled Laws 1913, Chapters 114 and 115 Laws of 1927, Chapter 108 Laws of 1929, Chapter 117 Laws of 1931, and all Acts and parts of Acts so far as in conflict herewith, are hereby repealed.

Approved, June 29, 1932. 144715 to 55459.

REDUCTION LEGAL NOTICE FEES

An Act to amend and re-enact Section 3540 of the 1925 Supplement to the North Dakota Compiled Laws of 1913, relating to the fees to be paid to newspapers for the publication of all legal notices and publications.

Be It Enacted by the People of the State of North Dakota:

§ 1. That Section 3540 of the 1925 Supplement to the Compiled Laws of 1913, is hereby amended and re-enacted to read as follows:

§ 2. The fees to be paid to newspapers for the publication of all notices and publications that are now required or hereafter may be required by law to be published by the County Commissioners or any county officer; all summons, citations, notices, orders and other documents, proceedings or processes in actions or proceedings

in the Supreme, District, County or Justice Courts of the state, which are or hereafter may be required by law to be published; all publications of every nature that are now or hereafter may be required to be published by state officers, elective or appointive; all notices of foreclosure of real estate and chattel mortgages or other liens on real estate or personal property foreclosed by advertisement; all notices and publications required to be published by cities, villages, townships, school districts and other political subdivisions of the state or by any officer thereof; and all legal notices and legal publications of whatever kind or character required by law to be published shall be as follows: Seven Cents (7c) per counted line of nonpareil or six point type for the first insertion and four cents (4c) per line of non-pareil or six point type for each subsequent insertion; or five cents (5c) per counted line of brevier or eight point type for the first insertion and three cents (3c) per line of brevier or eight point type for each subsequent insertion. All tabulated matter, leader work or work containing one column of figures shall be figured at one and one-half times the rate for straight matter on first publication, and all tabulated matter with two or more columns of figures shall be computed at double the rate for straight matter on first publication. A line shall be construed to mean twelve to thirteen ems pica, or twelve point type, in length. Wherever possible, all such legal notices and publications shall be set in single column.

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

Approved, Nov. 8, 1932. 160399 to 66776.

SHORTENING DELINQUENT REAL ESTATE TAX SALE NOTICE

An Act prescribing the manner and method of giving notice of sales of lands for delinquent taxes and for filing and posting lists of the names of owners and descriptions of such lands in the office of the County Auditor and posting such lists in other public places in the County and making it a misdemeanor to destroy or remove such lists and fixing the time for holding such sales, and repealing Chapter 322 Laws of 1923, being Section 2189 of 1925 Supplement to Compiled Laws of North Dakota 1913, and other Laws insofar as in conflict herewith.

Be It Enacted by the People of the State of North Dakota:

§ 1. At least twenty days before the second Tuesday in December of each year the County Auditor of each County shall prepare a list of all delinquent real estate taxes and shall post or cause to be posted one copy thereof in a conspicuous place in his office and one copy thereof in each of at least four conspicuous public places, such as banks, public halls or postoffices, in different parts of his County, and shall retain a copy of such list which shall at all times be on file and open to public inspection in his office. All such

lists shall be signed and certified to by the County Auditor. Such lists shall contain the name of the owner of each lot or tract, as by the records appear, the description of such lot or tract, and the total amount of tax and penalty due, in which amount as so given shall be included by the County Auditor the sum of 15c as the cost and expense of advertising each such lot or tract. It shall be the duty of the County Treasurer between the first day of November and the 15th day of November prior to the date of the sale in this Act provided for, to mail to each owner of any lot or tract of land subject to sale at the delinquent tax sale herein provided for, a notice giving the legal description of such lot or tract to be offered for sale and stating that such lot or tract will be sold for delinquent taxes unless such delinquent tax with penalty, interest and cost of advertising be paid prior to said sale. Such delinquent tax list as posted and filed shall be typewritten and whenever practical the description as to township, range, addition, subdivision and block shall be set as a subheading preceding the description of tracts and lots in such township, range, addition, subdivision or block so as to preclude the necessity of the township, range, addition, subdivision or block being typed or written separately as a part of each description. Tracts and lots shall be, as far as practical, described in such list, as to township, range, section, parts of section, subdivision, addition, block and lot, by the use of the abbreviations, initial letters, figures, etc., declared to be legal in the matter of the sale of land for taxes by Section 2215 of the Compiled Laws of North Dakota for 1913 as amended by Chapter 1 of the Laws of North Dakota for the year 1915, it being Section 2215, 1925 Supplement to the Compiled Laws of North Dakota 1913. A statement of the abbreviations, initial letters and numbers so used with the meaning thereof in such list shall precede the posted lists of lands upon which taxes are delinquent, as shall a statement that the figures given under the heading "TOTAL AMOUNT," represent the amount of all taxes and special assessments delinquent for such year, together with interest, penalty and cost of advertising the same. Only such total amount as so due upon each of the several descriptions shall be included in such list.

§ 2. The County Auditor shall give notice of the delinquent real estate tax sale in the official newspaper of the County. Such delinquent tax sale notice shall be published in such paper once a week for two successive weeks, the first publication of such notice to be made at least fourteen days prior to the date of such sale, and such notice as published shall be signed by the County Auditor. It shall contain the information that all lands upon which taxes for the preceding year remain unpaid will be sold, and shall state the time and place of such sale, which sale shall be held on the second Tuesday in December of each year. Such notice shall not contain the name of the owner of any lot or tract nor the description thereof, but it shall state that a list of all lands subject to such sale is on file

and may be examined at the office of the County Auditor of the County and that a copy of such list with names of the owners and descriptions of the lands or tracts involved and the total amount of taxes and penalty due on each such tract (in which shall be included the sum of 15c as the cost and expense of advertising each such lot or tract) has been posted in the office of the County Auditor and in four or more public places in the County and shall give the name and location of each such place. The land and lots shall be offered for sale by the County Auditor or his deputy in the order in which they appear in such list.

§ 3. It shall be the duty of the County Auditor to maintain such list as so posted in his office from the date of such posting until the conclusion of the sale of lands for the year; and any person who destroys or removes any list from the place where posted between the date of posting and the conclusion of the sale referred to, shall be guilty of a misdemeanor.

§ 4. The removal or destruction of any list posted as herein provided, shall not render any sale of lands therein described invalid.

§ 5. The lists herein referred to may be posted by the County Auditor or his deputy or any employee of his office or by the Sheriff or any Deputy Sheriff of the County, and proof of such posting shall be made and preserved by affidavit showing the fact, time and the places of posting such lists made by the party or parties posting the same and filed in the office of the County Auditor before the date of the tax sale referred to, and proof of the publication of the notice of tax sale shall be made by affidavit filed with the County Auditor before the date of sale to which it relates.

§ 6. Chapter 322 of the laws of North Dakota for the year 1923 being Section 2189 of the 1925 Supplement to the Compiled Laws of North Dakota 1913, and all other Acts and parts of Acts insofar as in conflict herewith are hereby repealed.

§ 7. This act shall take effect and be in force from and after the 8th day of November A. D. 1932 and shall apply to all delinquent tax sales for the year A. D. 1932 and subsequent years.

Approved, Nov. 8, 1932. 127095 to 89195.

REDUCTION SALARIES JUDGES DISTRICT COURT

An Act amending and re-enacting Section 9 of Chapter 167 of the Laws of North Dakota for 1919 being Section 769a9 of the 1925 Supplement to Compiled Laws of North Dakota 1913, and reducing the annual salary of each District Judge, hereafter appointed or whose term of office commences after this Act takes effect, from \$4,000.00 to \$3,500.00 per year and providing for the payment of his actual traveling expenses and subsistence while holding Court inside his own district but outside the county in which he resides and the time when such payments shall be made.

Be It Enacted by the People of the State of North Dakota:

Section 9 of Chapter 167 of the Laws of North Dakota for 1919 being Section 769a9 of 1925 Supplement to the Compiled Laws of North Dakota 1913 is hereby amended and re-enacted to read as follows:

§ 769a9. Each District Judge of this State hereafter appointed or whose term of office commences after this Act takes effect shall receive an annual salary of Three Thousand Five Hundred Dollars (\$3,500.00) and his actual travelling expenses which shall include subsistence while holding Court inside his own District but outside the County in which he resides, which salary and expenses shall be payable monthly in the manner now provided by law for the payment of Judge's salaries.

Approved, Nov. 8, 1932. 176044 to 54451.

REDUCTION SALARIES JUDGES SUPREME COURT

An Act amending and re-enacting Section I, Chapter 224 Laws of 1917 it being Section 719, 1925 Supplement to Compiled Laws of North Dakota 1913 and reducing the annual salary of each Judge of the Supreme Court hereafter appointed or whose term of office commences after this Act takes effect from Five Thousand Five Hundred Dollars (\$5500.00) to Five Thousand Dollars (\$5000.00) per year.

Be It Enacted by the People of the State of North Dakota:

Section I of Chapter 224 of the Laws of 1917 it being Section 719 of the 1925 Supplement to the Compiled Laws of North Dakota 1913 is hereby amended and re-enacted to read as follows:

§ 719. Each Judge of the Supreme Court hereafter appointed or whose term of office commences after this Act takes effect, shall receive an annual salary of Five Thousand Dollars (\$5000.00).

Approved, Nov. 8, 1932. 179662 to 52521.

REDUCTION SALARIES STATE OFFICIALS, ETC.

An Act reducing and fixing the salaries or compensation of the Governor, Lieutenant-Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Superintendent of Public Instruction, Commissioner of Insurance, Commissioner of Agriculture and Labor and each Commissioner of Railroads, to be elected at the general election to be held November 8, 1932, and all subsequent elections, and reducing and fixing the salaries or compensation of all appointive state officials and members of all appointive state boards, bureaus and commissions provided for by law, and reducing and fixing the salaries or compensation of all deputies, assistants, secretaries, clerks and employees of all state officials, state boards, bureaus and commissions, defining the persons and classes of persons whose salaries are reduced or fixed, specifying the time when this act shall take effect, and repealing all acts or parts of acts insofar as they conflict herewith.

Be It Enacted by the People of the State of North Dakota:

§ 1. The Governor shall receive an annual salary of Four Thousand Dollars (\$4,000.00); the Lieutenant Governor shall receive an annual salary of Eight Hundred Dollars (\$800.00); the Attorney General shall receive an annual salary of Three Thousand Dollars (\$3,000.00); the Secretary of State, State Auditor, State Treasurer, Superintendent of Public Instruction, Commissioner of Agriculture and Labor, and the Commissioner of Insurance shall each receive an annual salary of Two Thousand Four Hundred Dollars (\$2,400.00); and each Commissioner of Railroads shall receive an annual salary of Two Thousand Four Hundred Dollars (\$2,400.00).

§ 2. The salaries or compensation of all appointive state officials, including members of all appointive state boards, bureaus and commissions, now provided for by law, and the salaries or compensation of all deputies, assistants, secretaries, clerks and employees of all state officials, state boards, bureaus and commissions are hereby reduced and fixed as follows: The salaries or compensation of all persons mentioned in this section, which are now fixed by law, are hereby reduced and fixed at an amount equaling eighty per cent of the amount at which the salaries of such persons were paid or fixed as of the month of January, 1932, whether such salaries or compensation are fixed or computed on an annual, monthly or per diem basis; the salaries or compensation of all persons mentioned in this section which are not fixed by law shall in no event hereafter exceed an amount equaling eighty per cent of the amount at which such salaries not fixed by law were paid or computed as of the month of January, 1932, whether such salaries or compensation are fixed or computed on an annual, monthly or per diem basis, and until otherwise changed by the proper authority such salaries are hereby fixed at eighty per cent of the amount computed or paid as of the month of January, 1932; provided, that the salary or compensation of no deputy, assistant, secretary, clerk or employee shall exceed the salary or compensation of the state officer or member

of the state board, bureau or commission by or under whom such deputy, assistant, secretary, clerk or employee is employed or acts; and provided further that nothing in this Act contained shall be construed as prohibiting or preventing the legislature from abolishing or consolidating any or all Offices, Boards, Bureaus or Commissions now provided for by law or from eliminating the provision of any law fixing the amount of salary or compensation of any official, member of any Board, Bureau or Commission, or any deputy, assistant, secretary, clerk or employee, or from reducing below the amounts provided by this Act the salary or compensation of any person or persons.

§ 3. The terms elected and elective state officials shall include all state officials specified in Section 1 hereof. The terms appointed or appointive state officials and members of appointive state boards, bureaus and commissions and the terms deputies, assistants, secretaries, clerks and employees shall include all such persons whose office or employment is held by virtue of any appointment or employment however made, other than an election by the voters of the state, whether or not such office or employment is created by an act of the Legislature.

§ 4. In the event any section or portion of this act should be held invalid or inapplicable to any person or class of persons, such invalidity shall not affect the remaining sections or portions or the application of the provisions of this act to any other persons or classes of persons.

§ 5. As to the salaries and compensation of elective state officials, this act shall apply to all elected at the general election to be held in November, 1932, and at all subsequent elections. As to the salaries and compensation of all other persons than elective state officials, this act shall take effect and be in force on and after December 1, 1932.

§ 6. All salaries provided in this act shall be full compensation for all official services, and all fees received or charged by any such official or person for any act or service rendered in any 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.

§ 7. All acts and parts of acts insofar as they are in conflict herewith are hereby repealed.

Approved, Nov. 8, 1932. 166871 to 60269.

ABOLISHING STATE TAX SUPERVISOR

An Act to repeal Chapter 69 of the Laws passed by the special session of the 16th Legislative Assembly of the State of North Dakota begun the 25th day of November, A. D. 1919 and concluding the 11th day of December, 1919, the same being Sections 2092d1 to 2092d5 both inclusive, of the 1925 Supplement to the Compiled Laws of North Dakota, 1913, and abolishing the office of Tax Supervisor.

Be It Enacted by the People of the State of North Dakota:

§ 1. Chapter 69 of the Laws passed by the special session of the 16th Legislative Assembly of the State of North Dakota begun and held at Bismarck the 25th day of November A. D. 1919 and concluding the 11th day of December 1919, the same being Section 2092d1 to 2092d5, both inclusive, of the 1925 Supplement to the Compiled Laws of North Dakota, 1913, is hereby repealed and the office of Tax Supervisor is hereby abolished.

§ 2. Within five days after this act takes effect each Tax Supervisor of this State shall deposit with the State Tax Commissioner all records, files and data belonging to or pertaining to his office as such Tax Supervisor.

§ 3. This Act shall take effect and be in force from and after the 1st day of December A. D. 1932.

Approved, Nov. 8, 1932. 154662 to 60096.

ABSENT VOTERS BALLOT

An Act to amend Chapter 136 of the 1931 Session Laws of the State of North Dakota.

Disapproved, March 15, 1932. 76135 to 65707.

FIVE YEAR MORATORIUM

A Measure providing for a five year partial moratorium.

Disapproved, June 29, 1932. 111745 to 92266.

THREE YEAR MORATORIUM

A measure providing for a three year partial moratorium.

Disapproved, Nov. 8, 1932. 142562 to 103156.

PERMITTING CROP MORTGAGES

An Act permitting the mortgaging of crops, providing certain restrictions with reference thereto, and repealing all acts or parts of acts in conflict herewith.

Disapproved, Nov. 8, 1932. 123566 to 111198.

REFERRED MEASURES

FOUR CENT GASOLINE TAX (Chapter 185—S. B. 100—Session Laws 1931)

An Act to amend and re-enact Sections 2, 3 and 5 of Chapter 166, Session Laws of North Dakota for the year 1929, and providing for a tax of four cents per gallon upon motor vehicle fuels, and further providing for the distribution of the revenues derived from said tax.

Disapproved, March 15, 1932. 106770 to 69181.

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