

§ 1. Any city or village having valid outstanding special improvement warrants issued under Article 18, 20 or 21, of Chapter 44 Political Code Compiled Laws of 1913, or acts amendatory thereof or supplementary thereto, may issue refunding special improvement warrants for the purpose of extending the maturity thereof, or for the purpose of reducing the rate of interest, or for more nearly equalizing the general taxes which the city or village may be or become obligated to levy for discharging deficiencies in the funds on which such warrants are drawn, whenever any of said warrants are past due or are redeemable, either at the option of the city or village or with the consent of the holders thereof, and there is not sufficient money in the improvement funds on which the warrants are respectively drawn for their payment.

§ 2: All proceedings heretofore taken by the governing body and officers of any city or village relating to the issuance of refunding warrants, which would have been valid if said Chapter 207 as hereby reamended had been then in force, are hereby validated, and any and all warrants heretofore or hereafter issued pursuant to such proceedings are hereby validated.

§ 3. 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, 1943.

NORTH DAKOTA

CHAPTER 188

H. B. No. 84—(Johnson of Cass)

COAL MINE INSPECTOR, SALARY & CLERKHIRE

An Act amending and re-enacting section 4 of chapter 168 of the laws of 1919 and acts amendatory thereof, pertaining to salary of Coal Mine Inspector and compensation for clerical help.

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

§ 1. AMENDMENT.] That section 4 of chapter 168 of the laws of 1919 and acts amendatory thereof be amended and re-enacted to read as follows:

§ 4. The salary of the Coal Mine Inspector shall be Twenty-

two hundred Dollars per annum and all necessary and traveling expenses. The said State Coal Mine Inspector shall file with the State Treasurer a bond, approved by the Governor of the State in the sum of Five Thousand Dollars for the faithful performance of his duties, provided; further, that the State Coal Mine Inspector shall be provided with a suitable office in the State Capitol Building at Bismarck. He shall have power and authority to employ all necessary clerical help for the purpose of carrying out the provisions of this Act and to fix the compensation of such help, providing the same shall not exceed the sum of Thirteen Hundred and Eighty Dollars (\$1,380.00) per annum.

Approved March 9, 1943.

CHAPTER 189

S. B. No. 209.—(Interim Committee—Streibel and Kehoe)
By Permission of Delayed Bills Committee

CODE, PUBLICATION AND SALE

An Act authorizing the code revision commission to incorporate the Session Laws adopted by the Twenty-Eighth Legislative Assembly in the North Dakota Revised Code of 1943; to rearrange, renumber, and correct typographical errors in such code; and to prepare the same for publication and providing for the sale of said code, and declaring an emergency.

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

§ 1. There shall be included in the printed volumes of the North Dakota Revised Code of 1943 the following:

Magna Charta;

The Declaration of Independence;

The Constitution of the United States with the annotations thereto prepared by the code revision commission;

The Organic Act creating the Territory of Dakota;

The Enabling Act;

The Constitution of North Dakota;

The Act adopted by the Twenty-Eighth Legislative Assembly known as the North Dakota Revised Code of 1943;

The Session Laws adopted by the Twenty-Eighth Legislative Assembly which are of a permanent and general nature to be selected and arranged by the code revision commission;

A parallel table showing the relation of the various sections of

said code with corresponding sections of the Compiled Laws of 1913 and the Session Laws subsequent thereto;

A complete index to the code;

Annotations showing wherein the various sections of the code have been construed by the supreme court of North Dakota or by the federal courts, and

Such additional data as may be authorized by the code revision commission.

§ 2. The code revision commission is directed to prepare the laws adopted by the Twenty-Eighth Legislative Assembly, and the documents and other material referred to in Section 1 hereof, for publication, and to deliver the same to the printer. Said commission shall have authority to rearrange the act known as the North Dakota Revised Code of 1943, and the other permanent acts of the Twenty-Eighth Legislative Assembly, so as to make a complete code of the Laws. Such commission also shall renumber the sections of the code as may be necessary, make corresponding corrections in the section numbers referred to in the various sections of the code, correct errors in spelling and punctuation, and correct other typographical errors. In preparing said code, the code revision commission shall preface each title and chapter with syllabic references showing briefly the contents thereof, supply headnotes or catchwords for each section, and insert appropriate cross references. Following each section shall be inserted a source note showing the origin and history of each section. The commission shall prepare an accurate and comprehensive index of the code, and also shall prepare annotations to the constitution of the state of North Dakota and to the sections of said code.

§ 3. Upon the completion of the printing of said code the volumes thereof shall be delivered to the secretary of state, and upon notice to the governor from the lieutenant governor and the speaker of the house of representatives that the printing has been completed and approved by them and the volumes filed with the secretary of state, the governor shall issue a proclamation attesting these facts, and thirty days after the date of such proclamation said revised code shall take effect and thereafter shall be in force and shall be received as evidence of the laws of this state in all courts thereof.

§ 4. The secretary of state shall furnish copies of the said code free to the members of the 28th legislative assembly and as he is by law directed to furnish the Session Laws of the state, and in addition thereto he shall furnish fifty-five copies to the law library of the supreme court for exchange with other states, and ten copies to the law library school of the law school of the University of North Dakota.

§ 5. The act known as the North Dakota Revised Code of 1943 shall not be published in the Session Laws of the Twenty-Eighth Legislative Assembly.

§ 6. The secretary of state shall sell the published volumes of said code at the price of forty dollars per set to the residents of the state of North Dakota and fifty dollars per set to the non-residents, and the proceeds thereof shall be paid into the general fund of the state.

§ 7. 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 11 1943.

CHAPTER 190

S. B. No. 70—(Rue, Streibel, Young, Raschko and O'Brien)

COMMISSIONER OF UNIVERSITY & SCHOOL LANDS, SALARY

An Act Fixing the Maximum Salary Payable to the Commissioner of University and School Lands, and Declaring an Emergency.

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

§ 1. The annual salary for services rendered in his official capacity by the Commissioner of University and School Lands shall be Thirty-six hundred (\$3,600.00) Dollars.

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

§ 3. 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 10, 1943.

CHAPTER 191

S. B. No. 203—(Committee on Delayed Bills)

DEFENSE AGENCIES, STATE AND LOCAL

An Act Relating to National and State Defense, Authorizing the Creation of State and Local Defense Agencies, Granting Emergency War Powers to said agencies and the Political Subdivisions of the State, and Making an Appropriation Therefor.

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

§ 1. PURPOSE—POLICY.] It is hereby found and declared that it is necessary, because of the war in which the United States of America is engaged, to provide for the creation of State and local defense agencies, and to confer upon said defense agencies and upon the political subdivisions of the State the emergency war powers and the incidents thereof enumerated herein. It is further declared to be the purpose of this Act and the policy of the State thereby to assist the President of the United States of America, as Commander-in-Chief of the Army and Navy, in the successful prosecution of the war; to cooperate with the Federal Government and other States in matters relating to the war effort; to meet the extraordinary conditions and problems resulting in this State from the war establishing such organizations and taking such steps as are necessary and appropriate to carry out the provisions of this Act; and, generally, to defend the State, protect the public peace, health, and safety, and preserve the lives and property of the people of the State.

§ 2. ORGANIZATION OF COUNCIL.] There is hereby created the North Dakota State Defense Council, hereinafter designated as the "Council," to consist of the Governor, the Attorney General, the Commissioner of Agriculture and Labor, and twelve other members, to be appointed by the Governor. The Governor shall be chairman of the Council. The members of the Council shall serve without compensation, but may be reimbursed for their actual and necessary travelling and other expenses incurred in connection with attendance upon meetings of the Council. The Council shall be provided with appropriate office space, furniture, equipment, supplies, stationery and printing in the same manner as other State agencies.

§ 3. POWERS—FUNCTIONS AND DUTIES OF THE COUNCIL.] The Council shall have the following powers, functions and duties:

a. To co-operate with any and all Federal departments, agencies and independent establishments and the officers and employees thereof charged with responsibilities relating to the war effort or the defense of the Nation; the officers and agencies of other States in

matters pertaining to the war and the common defense of the State and Nation; the political subdivisions and local defense councils and agencies of this State; and private agencies engaged in activities essential to the war effort or to civilian defense.

b. To appoint an Executive Director and fix his salary. He shall hold office during the pleasure of the Council, and shall exercise such powers, functions and duties as the Council may prescribe.

c. To employ such technical, clerical, stenographic and other personnel, and fix their compensation as are necessary to carry out the purpose of this Act.

d. To establish and appoint in cooperation with local officials, councils in each county which shall act as a coordinating agency under the supervision and direction of the Council and in cooperation with the local governmental agencies.

e. To provide for the recruitment, qualifications, training, equipment, powers and duties of all persons engaged in civilian defense activities.

f. To require and direct the cooperation and assistance of State and local governmental agencies and officials.

g. To provide for the appointment of such committees and subcommittees to be composed of members of the council or other persons as the council may determine, and prescribe their duties and functions, and to make, amend and rescind such orders, rules and regulations, not inconsistent with laws, as the Council may deem necessary and proper to carry out the purposes of this Act.

h. To perform all duties authorized by the Governor, under the laws, Constitution and war powers.

§ 4. CIVILIAN DEFENSE POWERS OF POLITICAL SUBDIVISIONS.]
Cities and incorporated villages are hereby authorized to enact such ordinances, as may be necessary and proper to effectually carry out the provisions of this Act.

§ 5. POWERS AND DUTIES OF LOCAL DEFENSE COUNCIL.]

a. A local defense council may appoint and remove, or provide for the appointment and removal of, air raid wardens, auxiliary fire and police personnel, and such other civilian defense workers as may be found necessary for conducting the activities of any agency created pursuant to this Act. The persons appointed shall not be entitled to pension or retirement rights or privileges.

b. Local defense councils, if and when established, shall cooperate with and assist the Council, and shall perform such services as may be requested by the Council. Local councils may act jointly with other such councils. Except as limited by the State Council,

local councils shall have such powers, functions and duties as may be conferred by the governing body which established them.

§ 6. RECIPROCAL AGREEMENTS BETWEEN POLITICAL SUBDIVISIONS.] In order to achieve the most effective use of the services and equipment of all political subdivisions of the State, throughout the State, each political subdivision is hereby authorized and empowered to negotiate reciprocal aid agreements with other political subdivisions of the State with respect to the furnishing of services, equipment, supplies and facilities for the purpose of rendering aid in cases of disaster, including any occasioned by air raid or other form of enemy attack.

§ 7. POWERS HEREIN CONFERRED TO BE EXERCISED IN CONFORMITY WITH FEDERAL ACTION.] In order to attain uniformity so far as practicable throughout the country in measures taken to aid the prosecution of the war and civilian defense, all action taken under this Act, and all orders, rules and regulations made pursuant thereto, shall be taken or made with due consideration to the orders, rules, regulations, recommendations and requests of Federal authorities relevant thereto, and, to the extent permitted by law, shall be consistent with such orders, rules, regulations, recommendations and requests.

§ 8. COORDINATION WITH ARMED FORCES OF THE UNITED STATES.] Anything in this Act to the contrary notwithstanding no action shall be taken under this Act, and no order, rule or regulation shall be made under this Act, which is inconsistent with any relevant order, rule or regulation of the armed forces of the United States.

§ 9. IMMUNITY.] a. The officers, agents or representatives of the State or any political subdivision thereof, shall not be liable for personal injury or property damage sustained by any person appointed or acting as a civilian defense worker, or member of any agency engaged in civilian defense activity. The foregoing shall not affect the right of any person to receive benefits or compensation to which he might otherwise be entitled under the Workmen's Compensation Law or any pension law or any Act of Congress of the United States.

b. Neither any officer or employee of the State Defense Council or of a local council or any civilian defense worker or member of any agency engaged in any civilian defense activity, complying with or attempting to comply with this Act, or any order, rule or regulation promulgated pursuant to the provisions of this Act, or pursuant to any ordinance relating to blackout or other precautionary measures enacted by any political subdivision of the State, shall be liable for the death of or injury to persons, or for damage to property as a result of any such activity.

§ 10. APPROPRIATION.] For the purpose of carrying out and making effective the provisions of this Act, there is hereby appropriated out of the General Funds in the treasury of the State of North Dakota, not otherwise appropriated, the sum of Twenty Thousand (\$20,000.00) Dollars, or so much thereof as may be necessary.

§ 11. SEVERABILITY.] If any provision of this Act or the application thereof to any person or circumstance is held invalid such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

§ 12. TERMINATION.] This Act shall expire and become inoperative by action of the State Defense Council which termination shall not be later than six months after the cessation of hostilities in the War in which the United States is now engaged.

Approved March 17, 1943.

CHAPTER 192

H. B. No. 250—(Olson of Barnes and Hovey)

DISPOSITION OF UNUSED BALANCES IN CERTAIN PUBLIC FUNDS

An Act to amend and re-enact Section 3684a13 of the 1925 Supplement to the Compiled Laws relative to the disposition of balances at the end of the fiscal year in city appropriations.

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

§ 1. AMENDMENT.] That Section 3684a13 of the 1925 Supplement to the Compiled Laws be amended and re-enacted to read as follows:

§ 3684a13. UNUSED BALANCE AT END OF YEAR.] At the end of the fiscal year on June 30th, the balance to the credit of each annual appropriation shall become a part of the general unappropriated balance in the municipal treasury, except appropriations made during the war for post war construction purposes, but no special appropriation shall lapse until the work for which it was made has been completed, and bills paid, and the accounts closed.

Approved March 9, 1943.

CHAPTER 193

S. B. No. 168—(Committee on Appropriations)

EMERGENCY FUNDS, REGULATING EXPENDITURE OF

An Act regulating the expenditure of monies appropriated by the Legislative Assembly of the State of North Dakota for Emergency purposes, fixing the methods for obtaining approval for such expenditures, providing penalties for violation hereof, 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.] From and after the passage and approval of this act, no monies appropriated by this or any subsequent legislative assembly to be used for emergency purposes by any state department, state officer, or employee, board, commission, bureau or institution, including the Bank of North Dakota, Mill and Elevator Association, State Hail, Fire, Tornado and Bonding Departments and the Workmen's Compensation Bureau, shall be expended until such monies so appropriated, or so much thereof as may be necessary for such appropriation, shall have been transferred to the subdivision of the regular appropriation in which the emergency exists. No such transfer of emergency funds, hereinbefore referred to, shall be made until an itemized, verified petition, setting forth the facts by virtue of which such emergency exists and the necessity for such expenditure shall have been presented to the State Emergency Commission, by the department, state officer, board, commission, bureau or institution desiring such transfer, and shall have been approved in writing by a majority of such commission.

§ 2.] It shall be the duty of the State Emergency Commission, upon presentation of such verified petition, as in Section 1 provided for, as soon thereafter as possible, to meet and determine the question of the existence of the emergency and the necessity for the transfer of such emergency funds, and to either promptly approve or reject such applications.

§ 3.] Any person violating any of the terms of Section 1 of this Act shall be guilty of a misdemeanor.

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

Approved March 17, 1943.

CHAPTER 194

S. B. No. 142—(Senators Stucke, Olson of Mountrail, and Semerad)

EXCHANGE OF STATE LANDS AUTHORIZED,
FORT BERTHOLD RESERVATION

An Act authorizing the State of North Dakota to exchange tracts of State land located within the diminished borders of Fort Berthold Reservation for lands owned by the United States government outside of the diminished borders of said Fort Berthold Reservation; providing for appraisals, and execution of conveyance.

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

§ 1.] The State of North Dakota, through its several departments and agencies, is hereby authorized and empowered to exchange tracts, section and parcels of land located within the diminished borders of Fort Berthold Reservation, belonging to the State of North Dakota and not a part of the original grant of lands to the State provided for in the Enabling Act, which lands shall be appraised as now provided by law in the case of sale of real property owned by the State, or lands of like character and value belonging to the United States Government located outside of the diminished borders of said Fort Berthold Reservation, and subject to the approval of the proper department of the Federal government, and to execute and deliver proper conveyances thereof in the manner and form provided by law, without the necessity of complying with any statute requiring the giving of notice of exchange or competitive bidding, and to accept in return therefor a proper instrument of conveyance to the State of North Dakota of the land for which such lands are exchanged.

Approved March 17, 1943.

CHAPTER 195

H. B. No. 159—(Sandness, Falconer, Schnell and Twichell)

FOOD AND DRUG ACT AMENDMENT

An Act to permit the State Food Commissioner and Chemist, with the approval of the Governor, to suspend by regulation the requirements of the Food and Drug Act, being Article 40, Sections 2889b1 to 2889b25, inclusive of the 1925 Supplement, as amended by Chapter 132 of the Session Laws of North Dakota for the year 1937, for the duration of the present war, and declaring an emergency.

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

§ 1. The State Food Commissioner and Chemist, with the written approval of the Governor, is hereby authorized by written regulation to suspend the requirement provisions of Article 40, Sections 2889b1 to 2889b25, of the 1925 Supplement, as amended by Chapter 132 of the Session Laws of North Dakota for the year 1937, for the duration of the present war.

§ 2. If the State Food Commissioner and Chemist shall determine it to be to the best interests of the State to suspend such requirements he shall issue a written regulation setting forth such suspension and such new regulations as he may determine upon, including a reduction below the present statutory or industrial standards of the butterfat content of all dairy products. Such written regulations shall then be submitted to the Governor and shall not be in force and effect until the Governor approves in writing such regulations. Upon the issuance of such regulations he shall promptly make public, notice of such new regulations. In the event the State Food Commissioner and Chemist shall determine that a regulation previously issued is no longer necessary, he shall have the power, with the approval of the Governor, to issue a new regulation modifying or entirely suspending the effect of such previous regulation.

§ 3. The duration of the war is hereby defined to extend until such time as the President or the Congress shall, by proclamation or by enactment, declare the period of the war to be terminated.

§ 4. After the termination of the war it shall be unlawful to ship food into the State of North Dakota that does not comply with the provisions of Article 40, Sections 2889b1 to 2889b25 of the 1925 Supplement, as amended by Chapter 132 of the Session Laws of North Dakota for 1937, but any goods already in the state at the termination of the war and in the hands of wholesalers or retailers within the state may be sold until such stock is exhausted.

§ 5. EMERGENCY.] Whereas, because of the war the armed forces of the United States have vast requirements for high grade foods; and, whereas, the specifications provided by law in North Dakota for foods is so high that it may be impossible to obtain such foods within the state because of such foods being furnished to the armed forces; and, whereas, it is to the best interest of the State of North Dakota to obtain the best foods possible during the period of the war emergency; therefore, 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 11, 1943.

CHAPTER 196

H. B. 147—(Committee on Military Affairs)

HOUSING AUTHORITY, ACT AMENDMENT

An Act to amend and re-enact Sections 2 and 6 of Chapter 217 of the Session Laws of North Dakota for the year 1941 to extend the time in which the development of projects may be initiated thereunder.

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

§ 1. AMENDMENT.] That Section 2 of Chapter 217 of the Session Laws of North Dakota for the year 1941, be and the same is hereby amended and re-enacted to read as follows:

§ 2.] Any housing authority may undertake the development and administration of projects to assure the availability of safe and sanitary dwellings for persons engaged in national-defense activities whom the housing authority determines would not otherwise be able to secure safe and sanitary dwellings within the vicinity thereof, but no housing authority shall initiate the development of any such project pursuant to this Act after *the termination of the present war*.

In the ownership, development or administration of such projects, a housing authority shall have all the rights, powers, privileges and immunities that such authority has under any provision of law relating to the ownership, development or administration of slum clearance and housing projects for persons of low income, in the same manner as though all the provisions of law applicable to slum clearance and housing projects for persons of low income were applicable to projects developed or administered to assure the avail-

ability of safe and sanitary dwellings for persons engaged in national-defense activities as provided in this Act, and housing projects developed or administered hereunder shall constitute "housing projects" under the Housing Authorities Law, as that term is used therein; provided, that during the period (herein called the "National-Defense Period") that a housing authority finds (which finding shall be conclusive in any suit, action or proceeding) that within its area of operation (as defined in the Housing Authorities Law), or any part thereof, there is an acute shortage of safe and sanitary dwellings which impedes the national-defense program in this State and that the necessary safe and sanitary dwellings would not otherwise be provided when needed for persons engaged in national-defense activities, any project developed or administered by such housing authority (or by any housing authority cooperating with it) in such area pursuant to this Act, with the financial aid of the Federal Government (or as agent for the Federal Government as hereinafter provided), shall not be subject to the limitations provided in Section 10 and the second sentence of Section 9 of the Housing Authorities Law; and provided further, that, during the National-Defense Period, a housing authority may make payments in such amounts as it finds necessary or desirable for any services, facilities, works, privileges or improvements furnished for or in connection with any such projects. After the National-Defense Period any such projects owned and administered by a housing authority shall be administered for the purposes and in accordance with the provisions of the Housing Authorities Law.

§ 2. AMENDMENT.] That Section 6 of Chapter 217 of the Session Laws of North Dakota for the year 1941, be and the same is hereby amended and re-enacted to read as follows:

§ 6.] (a) "Persons engaged in national-defense activities," as used in this Act, shall include: enlisted men in the military and naval services of the United States and employees of the War and Navy Departments assigned to duty at military or naval reservations, posts or bases; and workers engaged or to be engaged in industries connected with and essential to the national-defense program; and shall include the families of the aforesaid persons who are living with them.

(b) "Persons in low income", as used in this Act, shall mean persons or families who lack the amount of income which is necessary (as determined by the housing authority undertaking the housing project) to enable them, without financial assistance, to live in decent, safe and sanitary dwellings, without overcrowding.

(c) "Development" as used in this Act, shall mean any and all undertakings necessary for the planning, land acquisition, demolition, financing, construction or equipment in connection with a project (including the negotiation or award of contracts there-

for), and shall include the acquisition of any project (in whole or in part) from the Federal Government.

(d) "Administration", as used in this Act, shall mean any and all undertakings necessary for management, operation or maintenance, in connection with any project, and shall include the leasing of any project (in whole or in part) from the Federal Government.

(e) "Federal Government", as used in this Act, shall mean the United States of America or any agency or instrumentality, corporate or otherwise, of the United States of America.

(f) The development of a project shall be deemed to be "initiated", within the meaning of this Act, if a housing authority has issued any bonds, notes or other obligations with respect to financing the development of such project of the authority, or has contracted with the Federal Government with respect to the exercise of powers hereunder in the development of such project of the Federal Government for which an allocation of funds has been made prior to *the termination of the present war*.

(g) "Housing authority", as used in this Act, shall mean any housing authority established or hereafter established pursuant to the Housing Authorities Law (Chapter 102, Laws of 1937, and any amendments thereto).

Approved March 12, 1943.

CHAPTER 197

S. B. No. 154—(Committee on State Affairs)

NORTH DAKOTA RESEARCH FOUNDATION, ESTABLISHMENT OF

An Act to Create and Establish under the Industrial Commission of the State of North Dakota a Research Agency to be known as the North Dakota Research Foundation; fixing the membership of the Foundation providing for their appointment and compensation; prescribing the duties of the Industrial Commission and the Foundation, and providing that all patents and benefits inure to the benefit of the State of North Dakota, and making an appropriation therefor, and declaring an Emergency.

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

§ 1. ESTABLISHMENT OF NORTH DAKOTA RESEARCH FOUNDATION.] For the purpose of executing a program of research de-

signed to develop the natural resources of the state, both mineral and agricultural, there is hereby created under the Industrial Commission, the North Dakota Research Foundation, hereinafter for convenience called the "Foundation".

§ 2. MEMBERSHIP.] In addition to the Members of the Industrial Commission, the Dean of the School of Engineering of the State University, and the Dean of the School of Agriculture of the State College, shall be ex-officio members, and the Industrial Commission shall appoint (appoint) one citizen of the State primarily interested in agriculture and one of the State primarily interested in the State's natural resources as members of the Foundation. Before entering upon the discharge of their official duties, each appointive member shall take, subscribe, and file with the Secretary of State his oath prescribed by the Constitution. All members of the foundation shall receive their actual expenses in going to, and returning from meetings and the appointive members shall receive a per diem of \$6.00 for each day, not to exceed a total of \$300.00 in any one year actually spent in the performance of his duties.

§ 3. MEETINGS OF THE FOUNDATION.] The Governor, as chairman, shall preside at all meetings of the Foundation, and in case of his absence or disability one of the other members of the Industrial Commission shall preside as vice-chairman. All meetings of the Foundation shall be held at such times and places and upon such notice as the Industrial Commission shall by resolution provide.

§ 4. DUTIES.] 1. It shall be the duty of the Foundation to plan, execute and direct a program of research designed to develop the natural resources, both mineral and agricultural, in the state.

2. The Foundation shall appoint a Director of Research and such other staff members or employees as are necessary, and shall fix their compensation.

3. The Foundation shall have authority to receive and accept appropriations and contributions from any source of either money or property or other things of value, to be held, used and applied for the purposes in this act provided.

4. The Foundation shall from time to time outline projects for research which will tend to bring about a greater economic stability in the State of North Dakota.

§ 5. PATENTS AND PROFITS.] Any and all patents for equipment, processes, methods, designs or developments based upon research conducted under this Act shall inure and be taken out or assigned to the State of North Dakota, and any and all profits from such patents, developments or research made under this Act shall inure to the benefit of the North Dakota Research Foundation.

§ 6. APPROPRIATION.] There is hereby appropriated out of any monies in the General Fund of the State Treasury, the sum of \$50,000.00 or so much thereof as may be necessary, for the purpose of carrying out the provisions of this act for the biennium beginning July 1st, 1943, and ending June 30th, 1945.

§ 7. 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 18, 1943.

CHAPTER 198

S. B. No. 132—(Morgan of Walsh and Feton)

PREFERENCE NORTH DAKOTA BIDDERS AND SELLERS

An Act to amend and re-enact Chapter 218 of the Session Laws of 1935 giving preference to North Dakota bidders and sellers; defining such North Dakota bidders and sellers, and prescribing the nature of preference to be given.

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

§ 1. AMENDMENT.] That Chapter 218 of the Session Laws of 1935 be amended and re-enacted to read as follows:

§ 1. PREFERENCE TO NORTH DAKOTA BIDDERS AND SELLERS.] The Board of Administration and all boards and commissions, city councils and city commissioners, boards of education, park boards, school boards, boards of village trustees, and any and all governing bodies of any political subdivision of the state, or of any state institution; in purchasing any goods, merchandise, supplies or equipment of any kind or character, shall give preference to bidders, or sellers resident in North Dakota; and in specifying or purchasing goods, merchandise, supplies, or equipment to be purchased, shall not specify any trademarked or copyrighted brand or name or the product of any one manufacturer or any patented product, apparatus, device or equipment, where the same will prevent proper competition, unless they shall also ask for, or specify for, bids or offers upon other similar articles of like nature, utility and merit. Utility, fitness and quality being equal, the bid or offer of a resident North Dakota bidder or seller shall be accepted, when such bid or offer is not more than five (5) per cent higher than that of a low bidder or seller, a non-resident of the State of North Dakota.

A resident North Dakota bidder or seller is hereby defined and declared to be such bidder or seller who shall have maintained a bona fide place of business within the State of North Dakota for at least one year prior to the date such purchase is made.

§ 2. REPEAL.] All acts or parts of acts in conflict herewith are hereby repealed.

Approved March 6, 1943.

CHAPTER 199

H. B. No. 228—(Wolf of Morton and Starck)

PUBLIC BUILDINGS, LEASE OF

An Act permitting counties, cities, villages and townships to lease and permit the use of public buildings for other than public purposes, and declaring an emergency.

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

§ 1.] The governing bodies of counties, cities, villages and townships shall have the power to permit the use of or lease any public buildings or parts of public buildings under their charge for any legal purpose, giving equal opportunities to all persons, and without religious or political distinctions, and make such reasonable rules and restrictions on the use of such buildings as may seem necessary, and shall fix proper rentals and fees for such use, and may in their discretion require a bond from the lessee or user of such building, conditioned upon the payment of charges made for such lease or use and indemnifying such county, city, village or township against damage or destruction of or to such building or any part thereof.

§ 2.] No lease of any such building or part of any building shall be longer than a term of one year, except as may be otherwise provided by city ordinance, and shall be leased to a responsible party offering the most returns to the municipality and the use or occupation of the building shall not interfere with the use of such building for public purposes. The governing body may reserve the right to reject any and all bids.

§ 3.] Whereas there is a doubt as to the present power of municipalities to permit the use of or lease public buildings, 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 10, 1943.

CHAPTER 200

H. B. No. 106—(Crockett)

PUBLIC OFFICERS, EXPENSE ACCOUNTS

An Act to amend and re-enact Section 1 of Chapter 220 of the Session Laws of North Dakota for the year 1935, relating to expense accounts of public officers, specifying the amount to be allowed for personal sustenance of officers, agents and employees, exempting the Governor, of the State of North Dakota, or of any of its subdivisions, while upon public expense account, 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. AMENDMENT.] That Section 1, Chapter 220 of the Session Laws of North Dakota for the year 1935, be and the same is hereby amended and re-enacted to read as follows:

§ 1. EXPENSE ACCOUNT. UNLAWFUL WHEN.] That it shall be unlawful for any elective officer other than the Governor, or for any 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 any sum in excess of Five Dollars (\$5.00) for any one 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 Seven Dollars (\$7.00) for any one 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. 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 the date of its passage and approval.

Approved March 10, 1943.

CHAPTER 201

H. B. No. 49—(Judiciary Committee)

AN ACT FOR THE ADOPTION OF THE REVISED CODE
OF NORTH DAKOTA

An Act for the adoption of the Revised Code of North Dakota for 1943, consisting of sixty-five titles, as a complete body of laws, and repealing all laws not specifically excepted.

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

* The body of this measure consists of 25 volumes of code which are not included in these session laws.

Approved March 4, 1943.

CHAPTER 202

H. B. No. 110—(Fitch and Schnell)

SALARIES ELECTED STATE OFFICIALS

An Act 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 the Public Service Commission to be elected after the effective date of this Act and all subsequent elections and amending and re-enacting the Initiated Act known as, Reduction Salaries of State Officials, approved by the people of the State of North Dakota November 8, 1932.

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

§ 1. That the Initiated Act, approved by the people of the State of North Dakota on November 8, 1932, known as the Reduction of Salaries of State Officials Act, is hereby amended and re-enacted to read as follows:

§ 2. The Governor shall receive an annual salary of \$6,000.00; the Lieutenant Governor shall receive an annual salary of \$1,000.00; the Attorney General shall receive an annual salary of \$4,200.00; 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 \$3,300.00; and each Commissioner of the Public Service Commission shall receive an annual salary of \$3,300.00.

§ 3. The salaries and compensation of all elected state officers shall apply to all elected officers at the general election to be held in November, 1944, and all subsequent elections.

§ 4. 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 official act or service rendered shall be accounted for and paid over by them monthly to the State Treasurer and to be credited to the general fund of the State.

§ 5. All acts and parts of acts in so far as they conflict with this Act are hereby repealed.

Approved March 18, 1943.

CHAPTER 203

H. B. No. 188—(Fitch)

SALARIES JUDGES, DISTRICT COURT

An Act amending and re-enacting the Initiated Act approved by the electors of North Dakota on November 8, 1932, which Act amended and re-enacted Section 769a9 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, relating to the salaries of the Judges of the Districts of the State of North Dakota, and providing for an increase of salaries of said District Judges from \$3,500.00 a year to \$4,000.00 a year, and providing for the payment of his actual travelling expenses and subsistence while holding Court inside of their districts but outside the counties in which they reside.

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

§ 1. That Section 769a9 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, as amended by the Initiated Act approved by the electors of the State of North Dakota on the 8th day of November, 1932, fixing the salaries of the District Judges of this State is hereby amended and re-enacted to read as follows:

§ 769a9. Each District Judge of this State shall receive an annual salary of \$4,000.00 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 Judges' salaries.

Approved March 9, 1943.

CHAPTER 204

H. B. No. 245—(Delayed Bill Committee)

SALARY LIMITATION INCREASE

An Act suspending the operation of Section 1 of Chapter 196 of the Session Laws of North Dakota for 1933 during the biennium beginning July 1, 1943 and ending June 30, 1945, and limiting salary increases to 25% of the existing limitations, and removing the salary limitation provided for in Sub-section 4b of Section 3 of Chapter 286 of the Session Laws of North Dakota for 1935.

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

§ 1. Between the first day of July, 1943 and the 30th day of June, 1945, the limitations imposed by Section 1 of Chapter 196 of the Session Laws of 1933 on the salaries of the officers and employees named therein, shall not be operative or effective, and salaries in excess of such limitations shall be paid, not exceeding, however, an increase of twenty-five per cent above the limitations contained in Section 1 of Chapter 196 of the Session Laws for 1933, or the amount appropriated by the legislature. Provided, that the salary limit provided for in Sub-section 4b of Section 3 of Chapter 286 of the Session Laws of North Dakota for the year 1935 is likewise removed.

Approved March 17, 1943.

CHAPTER 205

H. B. No. 169—(Haugen, Hofstrand and Stair)

SALE OF LANDS, BANK OF NORTH DAKOTA

An Act authorizing the Bank of North Dakota as agent for the State Treasurer of North Dakota as trustee for the State of North Dakota to sell lands belonging to the State Treasurer of North Dakota as trustee for the State of North Dakota to bona fide farmers; fixing the manner and terms of sale, interest rate on deferred and delinquent payments, publication of notice of sale, method of cancellation of contract, taxation of land sold, redemption rights of tax certificate holders, and providing for rules and regulations of the Industrial Commission 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 Bank of North Dakota, as agent for the State Treasurer of North Dakota, as trustee for the State of North Dakota,

is hereby authorized and directed to sell any of the lands within the control of and held by the State Treasurer of North Dakota, as trustee for the State of North Dakota, in the manner and upon the terms herein provided:

(1) **MANNER OF SALE:** All such lands shall be appraised by the Bank of North Dakota. Such appraisal shall be submitted to the Industrial Commission for their approval or rejection, and all land not purchased by the present tenant, the former owner, his widow, or lineal descendants of the first degree as herein provided, shall be sold for not less than the appraised value to the highest bidder at public sale conducted at the front door of the Court House in the county seat of the county wherein the lands to be sold lie, between the hours of nine (9) o'clock in the forenoon and four (4) o'clock in the afternoon.

(2) **NOTICE OF SALE:** The Bank of North Dakota shall cause to be published once each week for a period of two successive weeks, in a legal newspaper published within the county in which said land is situated, a notice of such sale, properly describing said land, together with the appraised value thereof, and the terms and conditions of sale. The last publication of said notice shall be at least ten days prior to the date of sale. In case there is no legal newspaper published within said county, such notice shall be published in the legal newspaper which is published closest to the county seat at which such sale is to be made. The tenant or any lineal descendant of the first degree, of such former owner, of the land to be sold, providing such person is the tenant at the time of passage of this Act, shall be notified by the Bank of North Dakota of such sale ten days previous to the day of such sale, and shall be permitted to purchase the land or lands to be sold at the appraised value on the same terms of sale as stated in subdivision (4) of this section. Provided, however, that if the fair market value of such lands as shown by appraisal made in accordance with the provisions of subsection 1, of this section is less than the sum of state funds invested therein, such lands may be sold to the former owner, his widow, or lineal descendants of the first degree, who are tenants on such land at the time of the passage of this Act, for the fair market value as determined by said appraisal on the same terms of sale as stated in subdivision 4, of this Section. If such person as herein described does not avail himself of such opportunity prior to date of sale, he shall be permitted to be a bidder at the public sale as set forth in subdivision (3) hereof.

(3) **WHEN LANDS TO BE SOLD.]** The Bank of North Dakota as agent may, of its own motion, or upon the application of a bona fide bidder, offer any or all of the said lands within any county for sale. Any person including those in subdivision (2), desiring to purchase any tract or tracts of said lands, may make application to said Bank of North Dakota to have such tract or tracts advertised

for sale. Such person shall, with such application, deposit with the Bank of North Dakota his bona fide bid for such lands as he desires to have offered for sale, together with cash in the amount of four (4) per cent of the amount of his said bid. In case such person is the highest bidder at said sale, the amount so deposited shall be held and applied upon the cash payment required by the terms of sale hereinafter provided; otherwise, such amount shall be returned to him. But if no sale is made pursuant to such application the amount of the expenses incident to appraisal, advertising and holding of the sale shall be deducted from the four per centum (4%) deposit and used by the Bank to defray the actual expenses incurred. Such person shall also deposit with his said application, such amount as said Bank of North Dakota shall determine to be the probable actual cost of giving notice of, and of holding, such sale. In case such person is not the successful bidder at said sale, said amount so deposited to cover cost of notice of and of holding said sale, shall be refunded to him. In case such person is the successful bidder, an excess of the amount so deposited to cover costs of notice and of holding such sale over the actual cost thereof shall be refunded to him upon his executing a contract for purchase of said lands and if he is not the successful bidder, the successful bidder shall pay the expense notice and of the sale in addition to the amount of his said bid.

(4) **TERMS OF SALE:** The terms of sale of lands so sold shall be as follows:

Twenty (20) per cent of the purchase price shall be paid before the contract is executed; the annual payments shall be six (6) per cent of the original purchase price. An amount equal to three (3) per cent of the unpaid principal shall be credited to interest and the balance shall be applied as payment on principal as credit on purchase price. The purchaser may pay all or any installment or installments not yet due to any interest paying date. If the purchaser so desires, he may pay the entire balance due on his contract with interest to date of payment at any time and he will then be entitled to proper conveyance.

(5) **CONTRACT OF SALE.]** The successful bidder for each tract so sold shall enter into a contract for the purchase of such tract with the State Treasurer, as trustee for the State of North Dakota within thirty (30) days after the day of such sale, such contract to be in form prescribed by the Bank of North Dakota. Such contract shall not be assigned without the consent of the Bank of North Dakota as agent.

(6) **CONVEYANCE.]** When the purchase price together with interest earned on unpaid balance thereof, has been paid in full the lands purchased shall be conveyed to the purchaser, his heirs or assigns, by good and sufficient deed executed by the State Treasurer,

as trustee for the State of North Dakota and approved by the Industrial Commission.

(7) NOTICE TO AUDITOR.] The Bank of North Dakota, as agent for the State Treasurer of North Dakota, as trustee for the State of North Dakota, shall immediately notify the County Auditor of the county wherein any land sold on contract lies, of such contract and such lands shall be placed upon the tax rolls of the said county and shall be assessed in the name of such contract purchaser on the first day of April next succeeding, and shall be taxable in the name of such contract purchaser, his heirs or assigns.

(8) CANCELLATION OF CONTRACTS.] In case the purchaser fails to pay either the principal, interest insurance premiums or taxes in accordance with the provisions of said contract the Industrial Commission, may in its discretion by resolution declare such contract null and void and cancelled and of no further force or effect; and in case of such declaration shall notify the holder thereof, of such declaration, by written notice mailed to his post-office address as it appears upon said contract. A certified copy of said resolution shall be forwarded by mail to the County Auditor and to the Register of Deeds of the county in which such land is situated. The Register of Deeds shall record such certified copy of said resolution in the proper records of his office, and said resolution, when so recorded, shall operate as a complete and final cancellation of said contract without any order or decree of the Court. When such contract has been cancelled, such land shall not hereafter be listed for taxation and taxes not due shall be abated. The provisions of this paragraph shall be deemed procedural, and shall not apply with equal force to contracts for the sale of lands heretofore issued by the State Treasurer, as Trustee, and to contracts hereinafter issued by him.

(9) REDEMPTION AFTER CANCELLATION.] In all cases where a contract entered into as herein provided is cancelled as above provided, the purchaser, his heirs and assigns may before the sale at public auction of the land described in such contract, redeem the land described in such contract by paying all past due, deferred and interest payments, and all costs which may have been incurred in the cancellation of such contract, together with interest on such sums from their due date at the rate of four (4) per cent per annum. Such redemption shall operate to reinstate the original contract and to restore all rights and obligations of both the State and the purchaser thereunder.

§ 2. The Bank of North Dakota is hereby authorized to make such rules and regulations as shall be by it deemed necessary for the manner, place and time of payment of principal, deferred and interest payments, and for such other conduct of the business of sell-

ing and disposing of said lands, not in conflict herewith or with other provisions of law.

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

Approved March 26, 1943.

CHAPTER 206

H. B. No. 220—(Bolmeier)

STANDARD WAR TIME

An Act to provide a standard war time for the State of North Dakota, providing for its institution and continuance; repealing all acts in conflict therewith; and declaring an emergency.

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

§ 1.] Beginning at one o'clock a.m., United States Mountain War Time, of the first day of April, 1943, or as soon thereafter as this law goes into effect, the standard war time of this state shall coincide with that known and described as United States Mountain War Time, until the present War Time Proclamation of the President of the United States is no longer in effect.

§ 2.] On and after one o'clock a.m., United States Mountain War Time of the first day of April, 1943, or as soon thereafter as this law goes into effect, in all laws, statutes, orders, decrees, rules or regulations relating to the time of performance of any act by any officer or department of the state or of any county, city, township or district thereof; or relating to the time in which any rights shall accrue or terminate; or within which any act shall or shall not be performed by any person or corporation subject to the jurisdiction of this state, and in all public schools and institutions of the state, or any county, city, township or district thereof, and in all contracts made or to be performed within this state and in all decrees, orders and judgments of the courts of this state it shall be understood that the time intended, referred to or used shall be the Mountain War Time as provided in Section 1 of this act. When time in the United States returns to standard time as before this war, then this act shall no longer be in force or effect.

§ 3. REPEAL.] That 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 17, 1943.

CHAPTER 207

S. B. No. 52—(Morgan of Walsh, Foss and Stucke)

STATE HEALTH OFFICER SALARY, DUTIES & QUALIFICATION

An Act amending and re-enacting Section 396d3 of the 1925 Supplement as amended and re-enacted by Chapter 189, Session Laws of 1933 relating to the qualifications, salary and duties of the State Health Officer.

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

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 \$5,000.00 a year, payable in monthly installments, and necessary travelling expenses incurred in the performance of official business. He shall receive a salary to be fixed by the Public Health Advisory Council at their annual January or June meeting and shall also receive all necessary travelling expenses incurred in the performance of official business. He shall not engage in any other occupation or business and shall hold office for four years beginning July 1, 1943. 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.

Approved February 27, 1943.

CHAPTER 208

S. B. No. 190—(Young, Solberg and Blank)

GOVERNMENTAL SURVEY COMMISSION, AMENDMENT

An Act to amend and Re-enact Section 2 of Chapter 216 of the Session Laws of 1941, so as to Extend the Term of Office of Members of the Governmental Survey Commission until January 1, 1945, appropriating for the use of the Commission the Balance Remaining Unexpended in the Governmental Survey Commission Fund created pursuant to Section 14 of said Chapter 216 of the Session Laws of 1941.

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

§ 1. [AMENDMENT.] That Section 2 of Chapter 216 of the Session Laws of 1941, be, and the same is hereby, amended and re-enacted so as to read as follows:

§ 2. The members of the commission shall hold their office until January 1, 1945, and until their successors are appointed. In the event of a vacancy, from any cause whatsoever, such vacancy shall be filled by appointment by the Governor of a citizen and elector of the State.

§ 2. APPROPRIATION. There is hereby appropriated for the Governmental Survey Commission any unexpended balance remaining in the Governmental Survey Commission Fund created under and by virtue of Section 14 of Chapter 216 of the Session Laws of 1941.

Approved March 12, 1943.