
STATE GOVERNMENT

CHAPTER 310

House Bill No. 139
(Braun and Sticka)

**LAND EXCHANGE BY STATE HISTORICAL SOCIETY, GAME
AND FISH DEPARTMENT, AND BOARD OF UNIVERSITY
AND SCHOOL LANDS, FOR LANDS HELD BY U. S. A.**

AN ACT

Authorizing the state of North Dakota to transfer and convey to the United States state school lands and other lands held by the state, for the use and benefit of the State Historical Society or for the use and benefit of the State Game and Fish department and any other lands owned by the State of North Dakota all of which lands are within the Theodore Roosevelt National Memorial Park, in exchange for lands lying outside of said Roosevelt Park, of not less than equal value; providing for appraisal of lands to be sold and conveyed; and declaring an emergency.

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

SECTION 1.) The state of North Dakota is hereby authorized to transfer and convey to the United States of America any lands situated within the Theodore Roosevelt National Memorial Park in the County of Billings, State of North Dakota, including state school lands and lands held by the State Historical Society or for the use and benefit of the State Game and Fish Department, such transfer and conveyance to be made in exchange for federal lands of not less than equal value situated outside of the Roosevelt National Memorial Park.

SECTION 2.) The lands to be conveyed to the United State of America and also the lands to be taken in exchange therefor, under this Act, shall be appraised by the County Superintendent of Schools, the County Auditor, and the Chairman of the Board of County Commissioners in the county where the land is situated, at its fair market value, but no state school lands shall be appraised and valued at less than \$10.00 per acre.

SECTION 3.) Conveyances made under this Act to the United States of America of state school lands shall be executed in the same form and manner as now provided by law for the sale and conveyance of state school lands, and conveyance by the state of

other lands under the provisions of this Act shall be executed on behalf of the State of North Dakota by the Governor and attested by the Secretary of State.

SECTION 4. 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 9, 1949.

CHAPTER 311

Senate Bill No. 86
(Rue, Nordhougen and Duffy)

OIL, GAS, MINERAL AND ARCHEOLOGICAL RESERVATIONS BY THE STATE OF NORTH DAKOTA, ETC., AND RELEASE TO U. S. A., ITS AGENCIES OR AGENTS

AN ACT

Relating to oil, gas, mineral and archeological reservations by the state of North Dakota and its agencies and political subdivisions and authorizing the release of such reservations to the United States of America or any of its agencies or agents and declaring an emergency.

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

SECTION 1.) Whenever the United States of America or any of its agencies or agents shall desire or be required to acquire or approve title to lands owned by the state of North Dakota, or any of its agencies, the officers, boards, or commissions having power to convey such lands shall have power to convey the same free from any reservation of oil, gas and minerals and rights thereto, and free of reservations of archeological materials.

SECTION 2.) Whenever the state of North Dakota, or any of its agencies, shall have conveyed lands to any person and shall have reserved oil, gas or minerals or rights therein or archeological materials and the United States of America, or any of its agencies, or agents shall desire or be required to acquire or approve title to such lands, the officers, boards, or commissions which shall have originally conveyed such lands, or the successors in power to such officers, boards, or commissions shall be authorized to release to the United States of America or its agency or agent everything so reserved. The officer, board, or commission having power so to release shall have full power to fix and deter-

mine the consideration, if any, and terms upon which such release shall be given and any moneys or other consideration received for such releases shall be covered into the fund for the benefit of which such reservations were made.

SECTION 3.) Whenever the United States of America or any of its agencies or agents shall desire or be required to acquire or approve title to lands owned by any county, the board of county commissioners shall have power to convey the same free from any reservation of oil, gas and minerals and rights thereto, and free of reservations of archeological materials.

SECTION 4.) Whenever any county shall have conveyed lands to any person and shall have reserved oil, gas or minerals or rights therein or archeological materials and the United States of America or any of its agencies or agents shall desire or be required to acquire or approve title to such lands, the board of county commissioners shall be authorized to release to the United States of America or its agency or agent, everything so reserved. Such board of county commissioners shall have full power to fix and determine the consideration, if any, and terms upon which such release shall be given and any moneys or other consideration received for such release shall be covered into the fund for the benefit of which such reservations were made.

SECTION 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 February 26, 1949.

CHAPTER 312

Senate Bill No. 83

(Reinke, Olson of Barnes, Sandness, Leno, Axel Olson and Tuff)

LIVING EXPENSES MEMBERS LEGISLATIVE ASSEMBLY

AN ACT

To amend and reenact Section 1 of Chapter 72 of the Session Laws of 1945, numbered in the 1947 Supplement as Section 54-0320, providing for allowance to members of the Legislative Assembly, making an appropriation; and declaring an emergency.

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

SECTION 1. AMENDMENT.) Section 1 of Chapter 72 of the Session Laws of 1945, numbered in the 1947 Supplement as Section 54-0320, is hereby amended and reenacted to read as follows:

SECTION 1. ALLOWANCE FOR LIVING EXPENSES OF MEMBERS OF LEGISLATIVE ASSEMBLY.) Each member of the legislative assembly of the State of North Dakota shall be entitled to, and shall receive the sum of Six Hundred Dollars (\$600.00) as reimbursement for his living expenses for each legislative session including the present session, the sum of Six Hundred Dollars (\$600.00) payable as follows: One half of said sum payable at the end of the thirtieth day of the session and the remaining one half thereof to be paid at the close of the legislative session. Said sum shall be paid in the same manner as the regular per diem of the members of the legislative assembly is paid.

SECTION 2. APPROPRIATION.) There is hereby appropriated out of any monies in the State Treasury, not otherwise appropriated, the sum of Fifty Thousand Dollars (\$50,000) or so much thereof as may be necessary to carry out the provisions of this act.

SECTION 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 3, 1949.

CHAPTER 313

House Bill No. 28

(Legislative Research Committee)
(at the request of the State Auditing Board)

MILEAGE AND TRAVEL EXPENSE, STATE OFFICERS
AND EMPLOYEES

AN ACT

To amend and reenact section 54-0609 of the North Dakota Revised Code of 1943, relating to mileage and travel expenses of state officers and employees and declaring an emergency.

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

SECTION 1. AMENDMENT.) Section 54-0609 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

54-0609. MILEAGE AND TRAVEL EXPENSE OF STATE OFFICERS AND EMPLOYEES.) State officials, whether elective or appointive, and their deputies, assistants, and clerks, or other state employees, entitled by law to be reimbursed for mileage or travel expense shall be allowed and paid for mileage and travel expense the following amounts:

1. The sum of seven and one-half cents per mile for each mile actually and necessarily traveled within this state in the performance of official duty when such travel is by motor vehicle, private airplane, or by team, but when any such motor vehicle, airplane, 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;
2. When travel is by rail or other common carrier, including regularly scheduled flights by airlines, the amount actually and necessarily expended therefor in the performance of official duties.

Before any allowance for any such mileage or travel expense shall be made, the official, deputy, assistant, clerk, or other employee shall file with the state auditor an itemized statement showing the mileage traveled, the days when and how traveled and the purpose thereof, verified by his affidavit. The statement shall be submitted to the state auditing board for approval and shall be paid only when approved by said board.

SECTION 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 February 9, 1949.

CHAPTER 314

House Bill No. 166
(Seibel, Callahan, Schuler and Holand)

SALARIES APPOINTIVE STATE OFFICERS AND EMPLOYEES

AN ACT

To amend and reenact sections 6-0111, 12-4708, 15-0203, of the North Dakota Revised Code of 1943 and sections 5-1707, 6-0116, 18-0101, 19-0103, 20-0203, 20-0207, 20-0209, 20-0212, 24-0206, 25-0205, 27-0303, 38-0304, 39-0202, 54-2104, 54-2106, 65-0202 of the 1947 Supplement to the North Dakota Revised Code of 1943, relating to salaries of state officers and employees.

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

SECTION 1. AMENDMENT.) Section 4-1707 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

4-1707. SALARIES OF DAIRY COMMISSIONER AND ASSISTANTS.) The dairy commissioner and the assistant dairy commissioners shall receive the salaries fixed by the commissioner of agriculture and labor within the limits of the legislative appropriation.

SECTION 2. AMENDMENT.) Section 6-0111 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows

6-0111. SALARY OF STATE EXAMINER.) The salary of the state examiner shall be, for each biennium, the amount appropriated therefor by the legislative assembly. He shall be allowed in addition thereto his necessary and actual expenses incurred in the discharge of his official duties. His salary and expenses shall be audited and paid in the manner in which the salary and expenses of state officers are paid.

SECTION 3. AMENDMENT.) Section 6-0116 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

6-0116. SALARIES OF STATE EXAMINER'S DEPUTIES.) The salary of the chief deputy examiner and the salary of each other deputy shall be fixed by the state examiner within the limits of the legislative appropriation for such salaries. In addition to the amounts herein specified, each deputy shall be allowed his actual and necessary traveling expenses when engaged in the discharge of his duties. The salaries of all clerks, stenographers, and other assistants shall be fixed by the state examiner within the limits of the legislative appropriation therefor.

SECTION 4. AMENDMENT.) Section 15-0203 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-0203. COMMISSIONER, SALARY.) The annual salary for services rendered in his official capacity by the commissioner of university and school lands shall be the amount appropriated therefor by the legislative assembly.

SECTION 5. AMENDMENT.) Section 18-0101 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

18-0101. COMMISSIONER OF INSURANCE IS EX-OFFICIO FIRE MARSHAL: APPOINTMENT AND SALARY OF DEPUTIES: EMPLOYMENT OF ASSISTANTS.) The commissioner of insurance shall be ex-officio state fire marshal, shall have the management, control, and supervision of the fire marshal department, and shall perform the duties imposed on the state fire marshal by the provisions of this chapter. He shall appoint one or more deputies whose salaries shall be within the limits of legislative appropriations made from time to time therefor. Before entering upon his duties, each

deputy appointed under this section shall give a bond to the state of North Dakota in the penal sum of five thousand dollars conditioned for the faithful discharge of his duties and shall take and subscribe the constitutional oath of office and file the same in the office of the secretary of state. With the approval of the commissioner of insurance and within the limits of the legislative appropriations, such deputies may employ any help necessary to maintain the fire marshal department.

SECTION 6. AMENDMENT.) Section 19-0103 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

19-0103. DIRECTOR OF DEPARTMENT; APPOINTMENT; BOND; OATH; SALARY.) The commission shall appoint a director of the department who shall serve at the will of the commission. He shall act as secretary of the commission and shall keep such minutes and books as the commission shall determine. Subject to the supervision of the commission, he shall have general charge of the department. Before assuming the duties of his office, he shall furnish a bond in the sum of twenty-five thousand dollars for the faithful performance of his duties and the proper accounting for all moneys collected in his office. The premium for such bond shall be paid as an expense of the department. The director shall take the oath of office and file the same in the manner required of other state officers. He shall receive an annual salary of such amount as appropriated therefor by the legislative assembly.

SECTION 7. AMENDMENT.) Section 20-0203 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

20-0203. COMPENSATION AND EXPENSES OF COMMISSIONER; AUDIT AND PAYMENT.) The salary of the commissioner for all services performed in any capacity whatever shall be, for each biennium the amount appropriated therefor by the legislative assembly together with the actual and necessary expenses incurred by him in the performance of the duties of his office. His salary and expenses shall be paid out of the game and fish fund and shall be audited and paid in the same manner as the salary and expenses of other state officers.

SECTION 8. AMENDMENT.) Section 20-0207 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

20-0207. COMPENSATION AND EXPENSES OF DEPUTY COMMISSIONER; AUDIT AND PAYMENT.) The salary of the deputy commissioner for all services performed in any capacity whatever shall be, for each biennium, the amount appropriated therefor by the legislative assembly together with the actual and necessary expenses incurred by him in the performance of the duties of his

office. His salary and expenses shall be audited and paid in the same manner as the salary and expenses of state officers.

SECTION 9. AMENDMENT.) Section 20-0209 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

20-0209. COMPENSATION AND EXPENSES OF CHIEF GAME WARDEN.) The salary of the chief game warden for all services performed in any capacity whatever shall be, for each biennium, the amount appropriated therefor by the legislative assembly together with the actual and necessary expenses incurred by him in the performance of the duties of his office.

SECTION 10. AMENDMENT.) Section 20-0212 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

20-0212. COMPENSATION AND EXPENSES OF DISTRICT DEPUTY GAME WARDENS.) The salary of each regular district deputy game warden for all services performed in any capacity whatever shall be, for each biennium, the amount appropriated therefor by the legislative assembly together with the actual traveling expenses incurred by each in the performance of his duties.

SECTION 11. AMENDMENT.) Section 24-0206 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

24-0206. SALARY OF HIGHWAY COMMISSIONER.) The commissioner shall receive a salary in such sum as shall be appropriated from time to time by the legislative assembly. He also shall receive his expenses actually and necessarily incurred in the performance of the duties of his office.

SECTION 12. AMENDMENT.) Section 25-0205 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

25-0205. SUPERINTENDENT TO POSSESS CERTAIN QUALIFICATIONS; ASSISTANT SUPERINTENDENT AND ASSISTANT PHYSICIAN; SALARIES.) The superintendent of the state hospital must be a graduate of a reputable medical college and a physician of acknowledged skill and ability. He shall appoint an assistant superintendent and one or more assistant physicians each of whom must possess the qualifications required of the superintendent. The superintendent, assistant superintendent, and assistant physician or physicians shall be styled the resident officers of the state hospital, shall reside therein, and shall be governed by the laws and by-laws of the institution. The salaries of such resident officers shall be fixed by the board, within the limits of the legislative appropriation made for such purpose.

SECTION 13. AMENDMENT.) Section 27-0303 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

27-0303. SALARY OF CLERK OF SUPREME COURT.) The salary of the clerk of the supreme court, for each biennium, shall be the amount appropriated therefor by the legislative assembly.

SECTION 14. AMENDMENT.) Section 38-0304 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

38-0304. SALARY OF INSPECTOR.) The salary of the coal mine inspector for each biennium shall be the amount appropriated therefor by the legislative assembly. He shall be allowed in addition thereto his necessary mileage and traveling expense incurred in the performance of official duties as provided by section 54-0609 of the North Dakota Revised Code of 1943 and actual living expenses when absent from his office in the performance of official duties as provided by section 44-0804 of the North Dakota Revised Code of 1943, upon claims properly certified and supported by sub-vouchers or receipts as provided by section 54-1404 of the North Dakota Revised Code of 1943.

SECTION 15. AMENDMENT.) Section 39-0202 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-0202. SALARY AND EXPENSES OF REGISTRAR.) The salary of the registrar for all services rendered in any capacity whatever shall be, for each biennium, the amount appropriated therefor by the legislative assembly. He shall be allowed in addition thereto his necessary and actual expenses incurred in the discharge of his official duties.

SECTION 16. AMENDMENT.) Section 54-2104 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

54-2104. SALARY, MILEAGE, AND TRAVEL EXPENSE OF MEMBERS OF THE BOARD OF ADMINISTRATION.) The salary of each appointive member of the board shall be in such amount as is appropriated therefor, from time to time by the legislative assembly. Each appointive member and each officer and employee of the board in the performance of official duties shall receive the same mileage and expenses as are allowed to other state officers. No travel expense shall be allowed for travel outside of the state unless authority therefor first has been granted by a resolution of the board stating the reasons and purposes of such trip. The resolution shall have endorsed on it the approval of the governor.

SECTION 17. AMENDMENT.) Section 54-2106 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

54-2106. SECRETARY AND EMPLOYEES OF BOARD; COMPENSATION REMOVAL.) The board may employ a secretary. His salary shall be in such amount as is appropriated therefor from time to time by the legislative assembly. It may employ such other administrative assistants, officers, business managers, accountants, and employees as may be necessary, and to fix the compensation of the same within the appropriation made for such purpose. The board may remove any such employee when, in its judgment, the public service demands it.

SECTION 18. AMENDMENT.) Section 65-0202 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

65-0202. OATH OF OFFICE; SALARY.) Before commencing to perform his duties, each commissioner shall file an oath of office in the usual form and shall be bonded by the state bonding department in the sum of five thousand dollars for the faithful discharge of his duties as such commissioner and the proper accounting for all moneys received by him as such officer. Each commissioner shall receive as salary such amount as shall be appropriated therefor by the legislative assembly.

SECTION 19. AMENDMENT.) Section 12-4708 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

12-4708. SALARY OF WARDEN AND OTHER OFFICERS.) The warden shall receive a salary to be fixed by the board of administration within the limits of the legislative appropriation. All other officers and employees of the penitentiary shall receive such amounts as the board of administration from time to time may determine and establish.

Approved February 25, 1949.

CHAPTER 315

House Bill No. 269

(Graham, Stormon of Ramsey, Gumeringer, Leet)

CANCELLATION STATE HEALTH DEPARTMENT CHECKS
OVER SIX YEARS OLD

AN ACT

Providing for the cancellation of checks issued by the State Department of Health, which are more than six years old and deposit to general fund and subsequent payment.

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

SECTION 1. CHECKS OF THE STATE DEPARTMENT OF HEALTH ; CANCELLATION ; DEPOSIT TO GENERAL FUND.) The state health officer, at the beginning of each fiscal year, shall prepare a list of the checks of the state department of health drawn on various depositories, which are more than six years old and remain outstanding and unpaid, and shall show the number, date, payee, with address of payee if available, amount, bank on which drawn and fund against which said check was drawn. A copy of such list with a check for the total amount thereof drawn on the bank on which the listed checks were drawn shall be delivered to the state treasurer and the amount thereof shall be credited to the general fund.

SECTION 2. SUBSEQUENT PAYMENT.) In the event such check or checks is at any subsequent time presented for payment, the holder thereof shall execute a voucher for the amount, to which shall be attached the original check or other satisfactory evidence of ownership of such check. The voucher when approved by the state auditing board shall be paid by a state auditor's warrant drawn on the general fund.

Approved February 28, 1949.

CHAPTER 316

House Bill No. 29

(Legislative Research Committee)

(at the request of the State Auditing Board)

CLAIMS AGAINST STATE; FILING; VERIFICATION

AN ACT

To amend and reenact section 54-1404 of the North Dakota Revised Code of 1943, relating to claims against state filed with state auditing board and declaring an emergency.

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

SECTION 1. AMENDMENT.) Section 54-1404 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

54-1404. CLAIM AGAINST STATE FILED WITH STATE AUDITING BOARD: VERIFICATION OF CLAIM: RECEIPT FOR EXPENDITURES.) No bill, claim, account, or demand against the state shall be audited, allowed, or paid until a full itemized statement in writing has been filed with the state auditing board, unless such bill, claim, account, or demand is:

1. For a salary fixed by law;
2. Against a state owned utility, enterprise, or business project; or
3. Specifically exempt by law.

Where charges are made for money expended in the performance of official duties, all items of one dollar or more so expended and charged for, shall be covered by a sub-voucher or receipt, which shall be signed by the person to whom the money was paid; provided, however, that where charges are made for money expended outside the state of North Dakota in the performance of official duties in any amount, such sub-voucher or receipt shall not be required. The sub-voucher or receipt shall show at what place, on what date, and for what, the money expended was paid. The sub-vouchers or receipts shall be forwarded with the bill, claim, account, or demand against the state. The bill, claim, account, or demand shall be verified further by the certificate of the party presenting it in substantially the following form:

CERTIFICATE

I do hereby certify that the within bill, claim, account, or demand, is just and true; that the money therein charged was actually paid for the purpose therein stated; that the services therein charged were actually rendered and are of the value therein charged; that no part of such bill, claim, account, or demand, has been paid; and that the goods therein charged were actually delivered and were of the value charged.

Sign here :

.....
If signed for a firm or company
show authority on this line.

SECTION 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 February 8, 1949.

CHAPTER 317

Senate Bill No. 99
(Committee on Appropriations)

EMERGENCY COMMISSION; ADDITIONAL MEMBERS; DUTIES
AN ACT

To amend and reenact section 54-1601 of the North Dakota Revised Code of 1943, relating to Emergency Commission: members; organization; meetings; duties.

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

SECTION 1. AMENDMENT.) Section 54-1601 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

54-1601. EMERGENCY COMMISSION: MEMBERS; ORGANIZATION; MEETINGS; DUTIES.) The emergency commission shall consist of the governor, the commissioner of agriculture and labor, and the secretary of state. Whenever an allocation or allocations out of the state contingency fund in excess of \$10,000, during the biennium, is to be made to any institution or department of government, the chairman of the senate appropriations committee and the chairman of the house of representatives appropriations committee shall be members of the emergency commission. The

governor shall be chairman of the commission, and the secretary of state, the secretary. The emergency commission shall meet upon the call of the chairman. The commission shall exercise the powers and perform the duties imposed upon it by law.

Approved March 7, 1949.

CHAPTER 318

Senate Bill No. 183
(Streibel)

CONVEYANCE CAPITOL GROUNDS TRACT TO BAPTIST
OLD PEOPLE'S HOME

AN ACT

Authorizing the Board of Administration to convey and release to the Baptist Old People's Home, a North Dakota Corporation, a certain tract in the southeast corner of the Capitol grounds.

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

SECTION 1.) The board of administration of the state of North Dakota is hereby authorized to convey to the Baptist Old Peoples' Home, a North Dakota corporation, the following described real property, to-wit:

All of block thirty-six, of Capitol Park Addition to the town-site of Bismarck, North Dakota, except lots one and two and thirty-one and thirty-two and the north fifteen feet of lots three and thirty of said block thirty-six,

for the consideration of ten dollars, such conveyance to be free of all reservations, restrictions or right of reversion.

Approved March 8, 1949.

CHAPTER 319

House Bill No. 337

(Stormon of Rolette through Delayed Bills Committee)

SALE ETC. ROLETTE COUNTY LOT BY BOARD OF
ADMINISTRATION

AN ACT

Authorizing the board of administration to sell and convey to Northwest Inner Mission Society, a religious and charitable corporation, not to exceed five acres at ten dollars per acre, a part of lot 3 of section 19, township 162, north of range 72 west, in Rolette County, North Dakota, to be used as an Indian children's playground in connection with such institution.

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

SECTION 1.) The board of administration of the state of North Dakota is hereby authorized to sell and convey to the Northwest Inner Mission Society, a religious and charitable corporation, in the county of Rolette and state of North Dakota, not to exceed five acres situated in the northwest corner of lot 3 of section 19, township 162, north of range 72 west in Rolette county, North Dakota, at the purchase price of ten dollars per acre.

SECTION 2.) The deed of conveyance by which such tract of land is conveyed to said Northwest Inner Mission Society shall be in form approved by the attorney general and shall be executed by the state board of administration by its president and attested by its executive secretary.

Approved March 10, 1949.

CHAPTER 320

Senate Bill No. 236
(Delayed Bills Committee)

STATE LIBRARY COMMISSION, ACCEPTANCE, ETC
FEDERAL FUNDS

AN ACT

Authorizing the State Library Commission to accept and disburse grants of federal funds.

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

SECTION 1.) The state library commission is hereby authorized to accept and to expend in accordance with the terms thereof any grant of federal funds which may become available to the state for library purposes. For the purpose of qualifying to receive such grants, the state library commission is authorized to make such applications and reports as may be required by the federal government as a condition thereto.

Approved March 8, 1949.

CHAPTER 321

Senate Bill No. 170
(Appropriations Committee)

APPROPRIATIONS STATE CHARITABLE, PENAL AND
EDUCATIONAL INSTITUTIONS

AN ACT

To amend and reenact section 54-27092 of the 1947 Supplement to the North Dakota Revised Code of 1943, relating to appropriations for buildings, additions to buildings and permanent improvements for state charitable, penal and educational institutions.

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

SECTION 1. AMENDMENT.) Section 54-27092 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

54-27092. APPROPRIATIONS FOR CERTAIN BUILDINGS AND IMPROVEMENTS NOT TO REVERT IF UNUSED.) The appropriations made by the thirtieth and any subsequent legislative assembly of the state

of North Dakota for buildings, additions to buildings, and permanent improvements for all charitable, penal, and educational institutions of the state of North Dakota, shall constitute permanent funds for such purposes, and any balance that may remain in any such appropriation at the end of the biennium for which it was appropriated shall not revert to the general fund, but shall constitute a permanent fund available for use for the designated purpose until expended, any provision in such appropriation measures to the contrary notwithstanding.

Approved March 8, 1949.

CHAPTER 322

(SEE SECTION 7 — PARTIAL VETO)

Senate Bill No. 1
(Legislative Research Committee)

VETERANS ADJUSTED COMPENSATION BONDS
PARTIAL VETO

AN ACT

To provide for the issuance, sale and delivery of general obligation bonds of the state of North Dakota in the principal amount not exceeding twenty-seven million dollars for payment of adjusted compensation to North Dakota veterans of World War II; to provide tax levies and transfers of moneys to pay such bonds, making appropriations, and declaring an emergency.

March 16, 1949

The Honorable Thomas Hall
Secretary of State
Bismarck, North Dakota
Dear Mr. Hall:

Transmitted herewith with my approval is Senate Bill No. 1 subject, however, to a veto of two distinct items making appropriations.

First, near the end of the first paragraph of Section seven I veto the appropriation of income tax revenue, to wit, "There is hereby appropriated and the state treasurer is authorized in like manner to transfer from the general fund the proceeds of the veterans' adjusted compensation income tax provided for by Senate Bill No. 214 of the 31st Legislative Assembly of 1949 to the sinking fund established under the provisions of this Act for payment of such bonds."

Second, I veto the last paragraph of Section seven making an appropriation out of the general fund, to wit, "In addition to the appropriations herein made, there is hereby appropriated out of any moneys in the state treasury not otherwise appropriated the sum of two and one-half million dollars (\$2,500,000.00) for the sinking fund established under the provisions of this act for the payment of bonds as provided for herein, and the state treasurer is hereby authorized and directed to transfer said sum of two and one-half million dollars (\$2,500,000.00) into said fund."

Yesterday I vetoed Senate Bill No. 214, thereby leaving no income tax revenue to be appropriated in this bill.

Appropriations out of the general fund already approved will use the estimated income for the next two years plus most of the present balance. It would therefore be unwise to make this appropriation.

Present estimates indicate that the minimum taxes still provided for in this bill and companion bills will produce enough revenue in six and one-half years together with the approved cash transfers of \$7,000,000.00 to give a sufficient sinking fund to fully retire the entire bond issue.

Respectfully submitted,
FRED G. AANDAHL
Governor

FGA :ah

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

SECTION 1. DESIGNATION OF BONDS.) Bonds to be issued under the provisions of this act shall be known as state of North Dakota general obligation bonds, veterans of World War II adjusted compensation series.

SECTION 2. AUTHORITY FOR ISSUING BONDS OF NORTH DAKOTA VETERANS ADJUSTED COMPENSATION SERIES; PURPOSE OF ISSUE.) An issue of not to exceed twenty-seven million dollars general obligation bonds of the state of North Dakota is hereby authorized and directed under the conditions, in the manner and for the purpose stated in the amendment to the constitution of North Dakota, adopted by the thirtieth legislative assembly of the state of North Dakota as house concurrent resolution X and approved by the people at the primary election held on June 29, 1948. in this act and in the generally applicable provisions of the constitution and statutes of the state of North Dakota. The preparation, handling, issuance, sale and delivery of such issue of bonds shall be under the supervision and control of the industrial commission

of North Dakota, which commission is hereby authorized and directed to negotiate a satisfactory sale of such issue of bonds as soon after the effective date of this act as reasonably may be. Such issue of bonds is authorized for the sole purpose of providing funds to be used in payment of adjusted compensation to North Dakota veterans of World War II on the basis of term of service. The governor shall have no veto power on the industrial commission for the purposes of this act, a majority thereof shall govern.

SECTION 3. PREPARATION OF BONDS.) Bonds issued under this Act shall be executed by the governor and by the state treasurer under the great seal of the state of North Dakota and shall be attested by the secretary of state. The state auditor and secretary of state shall endorse and sign, on each bond issued, a certificate showing that such bond is issued pursuant to law and is within the state debt limit. The manner and form of execution shall be determined by the industrial commission. The issue of bonds under this act shall be of serial maturities, and the industrial commission shall fix the maximum rate of interest they shall bear. The first installment of principal of the bonds sold at any one time shall fall due not more than two years from the date of the bonds and the last installment shall fall due not more than fifteen years after date of first issue. Annual installments of principal shall be such that the increase thereof from year to year approximately shall equal the decrease from year to year of the amount of interest on unpaid bonds, so that the aggregate of principal and interest shall be approximately equal year by year. All bonds issued under this act shall be in denominations of one thousand dollars each and shall be fully negotiable with semiannual interest coupons attached. Bonds issued under this act shall not be callable prior to maturity. All bonds issued under this act 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. The principal and interest of bonds issued under this act shall be payable at the office of the state treasurer in Bismarek, North Dakota, or at the Bank of North Dakota, or at a bank or trust company in the city of Chicago or in the city of New York, as the industrial commission may determine.

SECTION 4. SALE AND DELIVERY OF BONDS BY INDUSTRIAL COMMISSION; DEPOSIT OF PROCEEDS.) The industrial commission shall act as agent of the state for the negotiation, sale and delivery of all bonds issued under this act. Such bonds shall be sold in whole or in part from time to time for cash at not less than par and accrued interest to the best advantage of the state. In offering such bonds for sale, the industrial commission shall reserve the right to reject any or all bids therefor. Purchasers and holders of such bonds may have ownership registered in the office

of the state treasurer. All of the proceeds of such bonds shall be received by the industrial commission and by it placed in a separate fund in the state treasury in the custody of the state treasurer to be used only for the purpose for which such bonds are issued.

SECTION 5. BONDS TAX EXEMPT.) All bonds issued under the provisions of this act and interest thereon shall be exempt from all state, county and municipal taxes.

SECTION 6. BONDS A GENERAL OBLIGATION OF THE STATE OF NORTH DAKOTA.) Upon receipt of payment therefor, the industrial commission shall deliver to each purchaser of bonds issued under this act, the bonds by him purchased, and upon the delivery of such bonds the full faith and credit and unlimited taxing resources of the state of North Dakota shall stand pledged for the punctual payment of each and all of such bonds and the interest thereon to the lawful holder and owner thereof as the same become due and are presented for payment.

SECTION 7. APPROPRIATION FROM FIRST MONEYS IN GENERAL FUND.) Upon the sale and delivery of the bonds issued under this act there is appropriated and the state treasurer is authorized to transfer the sum of one hundred thirty thousand dollars monthly, on the first day of each month, from the general fund in the state treasury to the sinking fund established under the provisions of this act for the payment of such bonds. The money so appropriated shall be a first charge upon any moneys in the general fund and such appropriation and transfer shall continue until such bonds and interest thereon have been paid or until the cash balance accumulated in the sinking fund is sufficient to pay all bonds then outstanding and interest thereon, and at such time the appropriation and transfer from the fund shall terminate.

VETO

There is hereby appropriated and the state treasurer is authorized in like manner to transfer from the general fund the proceeds of the veterans adjusted compensation income tax provided for by Senate Bill No. 214 of the 31st Legislative Assembly of 1949 to the sinking fund established under the provisions of this Act for payment of such bonds.

In addition to the appropriations herein made, there is hereby appropriated out of any moneys in the state treasury not otherwise appropriated the sum of two and one-half million dollars (\$2,500,000.00) for the sinking fund established under the provisions of this act for the payment of bonds as provided for herein, and the state treasurer is hereby authorized and directed to transfer

said sum of two and one-half million dollars (\$2,500,000.00) into said fund. These two distinct items making appropriations are vetoed. 8:10 a. m. March 16, 1949. Fred G. Aandahl, Governor.

SECTION 8. TAX LEVY.) In each year commencing with the year this act takes effect and ending after all of the bonds issued under this act have been paid or funds have been collected for their payment, the industrial commission shall prepare a statement of the condition of the sinking fund for bonds issued under this act and shall determine the annual tax necessary to pay the interest and principal of such bonds becoming due and maturing year by year. The annual tax so determined shall be certified by the industrial commission to the state board of equalization in ample time to permit the levy thereof for such year, which board shall make a sufficient annual levy of property taxes against all of the taxable property in the state of North Dakota, which tax shall not be less than \$1,560,000.00 per year, and such tax shall be levied in an amount not less than that certified by the industrial commission year by year. The amount of tax certified each year by the industrial commission and the amount of tax levied each year by the board of equalization, shall be sufficient to maintain in the sinking fund balances adequate to pay all bonds maturing during at least two years next following and all interest charges coming due within such time, exclusive of the special reserve portion of such sinking fund, provided the initial two years levies may be used to accumulate such adequate balances.

SECTION 9. SINKING FUND; SPECIAL RESERVE ELEMENT.) The sinking fund for the payment of bonds issued under this act and interest thereon shall be established and maintained in the office of the state treasurer who shall be custodian of such fund and shall at all times maintain adequate records thereof. The state treasurer shall make reports of the condition of such sinking fund to the industrial commission on request. All taxes levied and all sums appropriated and transferred for the payment of bonds issued under this act shall be deposited in the sinking fund therefor and shall be disbursed by the state treasurer in payment of such bonds and interest thereon directly or through a paying agent to be designated by the industrial commission. In addition to taxes, there shall be placed in such sinking fund any amounts which are lawfully transferred thereto, and there is hereby appropriated and the state treasurer is hereby authorized and directed upon sale and delivery of such bonds to transfer to the sinking fund therefor the sum of five million dollars from the veterans' post-war rehabilitation reserve fund. The said sum of five million dollars shall be maintained in such sinking fund

as a reserve element to assure punctual payment of such bonds and the interest thereon. Should the servicing and payment of such bonds at any time result in impairment of said five million dollar reserve, the industrial commission shall certify additional annual property taxes, authorize the issuance of certificates of indebtedness against uncollected property taxes or otherwise make provision promptly to restore the integrity of said five million dollar reserve. The said five million dollars of veterans post war rehabilitation fund is hereby appropriated for the retirement of the final maturities of such bonds together with the interest thereon. On request of the industrial commission, the state treasurer shall supply any deficiency of such sinking fund out of any available moneys of the state in his custody, provided that all moneys so used shall be returned at the earliest practicable opportunity.

SECTION 10. TRANSFER OF BALANCE.) Upon the retirement of all bonds provided for in this act together with the interest thereon any balance remaining in the sinking fund shall be transferred by the treasurer to the veterans' aid fund.

SECTION 11. CERTIFICATES OF INDEBTEDNESS AGAINST UNCOLLECTED TAXES.) If at any time the balance in the sinking fund for bonds issued under this act is not sufficient to pay maturing bonds or interest when due, the state treasurer may borrow sufficient funds upon certificates of indebtedness of the state of North Dakota to cover payment of such portion of principal or interest as may be necessary. Such certificates may be issued in anticipation of collection of taxes, shall be signed by the governor and the state treasurer, shall mature not more than three years from date of issue, and shall bear interest at a rate to be determined by the industrial commission. Such certificates shall be retired from the collection of taxes and shall be eligible for purchase by the state of North Dakota and its several agencies and departments and the trust funds in their custody, except school trust funds.

SECTION 12. INVESTMENT OF SINKING FUND.) Moneys in the sinking fund for bonds issued under this act shall be deposited in the Bank of North Dakota and the Bank of North Dakota shall pay interest thereon as directed by the industrial commission. The earnings of investments of the five million dollar special reserve element of such sinking fund shall be paid into the veterans' aid fund heretofore established by law.

SECTION 13. PROTECTION OF PURCHASER.) The purchaser of any bonds issued under this act shall not be obliged to see to the application of the purchase price thereof but shall be protected

fully in paying for such bonds by the receipt of the industrial commission or of its agent delivering such bonds as herein provided.

SECTION 14. LIMITATION OF ACTION.) No action shall be brought or maintained in any court in this state questioning the validity of any bonds issued under this act, or of any tax levied for such bonds unless such action shall have been commenced within sixty days after the adoption of the resolution of the industrial commission awarding the sale of such bonds.

SECTION 15. TAXES IRREPEALABLE.) All taxes levied to pay bonds issued under the provisions of this act and interest thereon shall not be repealed until such bonds and interest are fully paid.

SECTION 16. APPROPRIATION FOR BONDS.) There is hereby appropriated the funds required for the payment of interest and principal of all bonds issued and sold under this act.

SECTION 17. 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 16, 1949.

CHAPTER 323

House Bill No. 289
(Langley and Stair)

COMPENSATION OF LEGISLATIVE RESEARCH COMMITTEE MEMBERS

AN ACT

To amend and reenact section 54-3510 of the 1947 Supplement to the North Dakota Revised Code of 1943, relating to compensation of members of the legislative research committee.

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

SECTION 1. AMENDMENT.) Section 54-3510 of the 1947 Supplement of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

54-3510. COMPENSATION OF MEMBERS.) The members of the committee and the members of any subcommittee, shall be the committee and the members of any subcommittee of the committee, shall be compensated for the time spent in attendance at sessions of the committee and of its subcommittees at the rate of ten dollars per day and shall also be paid their actual expenses incurred in attending said meetings and in the performance of their official duties.

Approved February 21, 1949.

CHAPTER 324

Senate Bill No. 186
(Bridston, Duffy, Coghlan and Nordhougen)

NORTH DAKOTA INDIAN AFFAIRS COMMISSION

AN ACT

Creating the North Dakota Indian Affairs Commission, prescribing duties, making an appropriation and declaring an emergency.

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

SECTION 1.) There is hereby created a North Dakota Indian affairs commission which shall consist of the governor, commissioner of agriculture and labor, superintendent of public instruction, executive director of the public welfare board of North Dakota, state health officer, and the chairman of the boards of county commissioners of Sioux, Mercer, McLean, McKenzie, Dunn, Rollette, Benson and Eddy counties. The governor shall act as chairman of the commission and the commission shall select one of its members as secretary. The chairmen of the board of county commissioners who are members of the commission shall receive the mileage and expenses allowed state officers which shall be paid from the appropriation made to such commission.

SECTION 2.) The commission may employ an executive director who shall not be a member of the commission and such other clerical, professional and technical personnel, as it deems necessary, and shall prescribe their duties and fix their compensation.

SECTION 3.) In order that the state may be prepared and have the factual information needed to deal effectively with Indian affairs, provide aid and protection for Indians as needed, prevent undue hardships, assist in the integration of Indian citizens into modern economy, and coordinate state, local and federal programs relating to Indian affairs, the commission shall have the power and it shall be its duty,

1. To study, consider, accumulate, compile and assemble information on any phase of Indian affairs;
2. To formulate and develop proposals for the benefit of Indians who may be in need of assistance in securing employment in agriculture, business or other usual occupations, on a self-supporting basis;

3. To cooperate with and secure the assistance of the federal government or any agencies thereof, in formulating any such program, and coordinate such program, as nearly as may be possible, with any program regarding Indian affairs adopted or planned by the federal government to the end that the state may secure the full benefit of such federal program;
4. To investigate relief needs of Indians in North Dakota and to prepare plans for the alleviation of such needs;
5. To confer with officials and agencies of other governmental units and congressional committees with regard to Indian needs and the coordination of state, local and federal programs in regard thereto.

SECTION 4.) All public officers, both state and local, shall, upon request furnish the commission such available information as it may require for its purposes.

SECTION 5.) The commission or any subcommittee it may appoint may meet at such times and places as it may deem advisable. Meetings may be called by the chairman or by a call signed by a majority of the members of the commission. At any meeting of the commission a majority of the members shall constitute a quorum and a majority of such quorum shall have authority to act in any matter falling within the jurisdiction of the commission.

SECTION 6.) The commission, as soon as practicable, and not later than the first day of December, 1950, shall prepare and make public a report to the thirty-second legislative assembly setting forth the results of its study and its findings, conclusions and recommendations. It may submit recommendations in the form of proposed legislation or resolutions and may publish such additional reports from time to time as it may deem necessary.

SECTION 7.) There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of twenty thousand dollars or so much thereof as may be necessary for the purpose of carrying out the provisions of this Act. Expenditures shall be made upon voucher signed by the secretary of the commission.

SECTION 8. 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 19, 1949.