

obtained a license from the Board of Railroad Commissioners as hereinbefore provided shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not less than Fifty Dollars, nor more than Five Hundred Dollars for each year or fractional part of a year that such person shall have operated such ferry.

§ 7. Section 2062 of the Compiled Laws of North Dakota for the year 1913, as amended by Chapter 129 of the Laws passed at the Sixteenth Session of the Legislative Assembly, being the Session Laws of 1919, Sections 2063, 2067, 2068, and 9777 of the Compiled Laws of North Dakota for the year 1913 and all other Acts or parts of Acts in conflict with the provisions hereof are hereby repealed.

Approved 8:40 A. M. December 12, 1919.

## HAIL INSURANCE

### CHAPTER 38.

[S. B. No. 51—Ingerson.]

#### HAIL INSURANCE.

An Act to Amend and Re-enact Sections 3, 5, 9, 11, 12, 13, 16, 17, 23 and 24 of Chapter 160, Session Laws of 1919, Regular Session, Establishing a System of Hail Insurance, and Hail Insurance Department in the Office of the Commissioner of Insurance.

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

§ 1. AMENDMENT.] That Sections 3, 5, 9, 11, 12, 13, 16, 17, 23 and 24 as amended by Chapter 160, Session Laws for the Year 1919, be amended and re-enacted to read as follows:

§ 2. AMENDMENT.] That Section 3, Commissioner to Employ Help, be amended to read as follows:

§ 3. COMMISSIONER TO EMPLOY HELP.] The Commissioner of Insurance shall have authority to employ all necessary assistants, to provide for and furnish all necessary supplies, to appoint a manager, subject to the approval of the Governor, and a chief inspector and such other deputy inspectors as may be necessary to carry out the provisions of this Act; to appoint a chief clerk and as many adjusters and assistants as may be necessary to adjust all claims for losses from hail. The Commissioner of Insurance shall designate the duties and fix the compensation of all such employees, and may remove any or all of them with or without cause. Such compensation together with all other expenditures for the operation and maintenance of the Hail Insurance Department shall remain within the appropriation and surplus available in each year for such purposes, and shall not exceed the sum of One Hundred Thousand Dollars

per annum. The Commissioner of Insurance shall pay all salaries and expenses of the Department after March 1st, 1920, and reimburse the general fund of the state out of the Hail Insurance Fund for all money appropriated, expended or disbursed on behalf of such Department.

§ 3. AMENDMENT.] That Section 5, Crops Insured, be amended to read as follows:

§ 5. CROPS INSURED.] The crops insured under this Act shall consist of all crops grown on cultivated land actually cropped, subject to and paying the taxes herein specified, provided that no loss shall be allowed or paid for damage to crops after they have been harvested or that occur after the 15th day of September of any year, nor shall damages be paid on any crops (except fall or winter grains), prior to June 10th of each year.

§ 4. AMENDMENT.] That Section 9, Duty of Assessors, be amended to read as follows:

§ 9. DUTY OF ASSESSORS.] It shall be the duty of every county and township assessor in his respective district at the time of listing property for assessment, to return the number of tillable acres in every tract, parcel or sub-division of land subject to taxation, together with the name of the person in whose name the land is taxed, and also the number of acres of such land, if any, in crop or to be sowed or planted to crop during such year, and shall return and file the same with the County Auditor of such county on or before the first day of June of each year. Such assessor in addition to the compensation allowed by law shall receive the sum of Fifteen Dollars (\$15.00) for each full township of thirty-six (36) sections, or at the rate of Seven Cents (7c) per hundred acres or fraction thereof listed, whether tillable or not. Such compensation shall be paid out of the Hail Insurance Fund on vouchers issued by the Commissioner of Insurance and approved by the State Auditor.

§ 5. AMENDMENT.] That Section 11, Crop Affidavit, be amended to read as follows:

§ 11. CROP AFFIDAVIT.] Any owner or his agent or the occupant or other tenant of any land insured by the provisions of this Act shall make an affidavit that the land so insured is actually cultivated and in crop or intended to be cultivated and to be put into crop. Such affidavit shall contain a legal description of the land together with the number of acres claimed as cropped land and in case of any loss by hail, such owner shall be bound by said affidavit as to the number of acres cropped. Such affidavit shall be made in duplicate and may be sworn to before the Assessor or any person authorized to administer oaths. The Assessor shall file the original of such affidavit with the County Auditor on or before the first day of June of each year, and a copy of such affidavit shall be left with the maker and shall constitute his policy of insurance. If the owner be absent or refuses or neglects to furnish such affidavit the Assessor shall certify the number of acres cropped, the description of the said land and the name of the owner, and file the same with the County

Auditor, and such owner shall be bound by such certificate as to the facts so certified.

§ 6. AMENDMENT.] That Section 12, Withdrawal, be amended to read as follows:

§ 12. WITHDRAWAL.] Any owner of land liable to the indemnity tax herein provided for, may at any time prior to the 15th day of June in each year, withdraw any portion or all land owned by such person for the levy of said indemnity tax upon the making of an affidavit in duplicate, giving the legal description of the land, the number of acres withdrawn and stating that he desires to withdraw therefrom, and filing such affidavit with the Commissioner of Insurance and a copy thereof with the County Auditor and the County Auditor shall note upon his crop listing affidavit the number of acres and legal description of land so withdrawn. Should such owner wish to withdraw all his land subject to indemnity tax, then he shall surrender also the crop listing affidavit and file same together with application for withdrawal with the County Auditor. Provided that in case said land or any portion thereof is rented, such owner shall first procure the written consent of such tenant for such withdrawal, such consent to be filed with the County Auditor together with owner's application for withdrawal; provided that the owner shall have a first lien upon all crops belonging to the tenant grown upon the land as security for the payment of said tax or the part of such tax properly chargeable against the tenant's share of such crop, such lien to be self-executing and be chargeable against tenant's hail indemnity as well as against the grain, in case of loss.

§ 7. AMENDMENT.] That Section 13, Filing Affidavits by County Auditor, be amended to read as follows:

§ 13. FILING AFFIDAVITS BY COUNTY AUDITOR.] Each County Auditor shall file and keep the affidavits presented to him by assessors, and shall forward the duplicates thereof on or before the 15th day of July of each year, to the Commissioner of Insurance at Bismarck, together with a tabulated statement showing the total number of acres classified as tillable land and crop land in his county. Any County Auditor who shall fail or neglect to make returns, statements and reports to the Commissioner of Insurance at the time specified in this section shall forfeit the sum of Ten Dollars per day during the time he neglects to make such returns, statements or reports and it shall be the duty of the Attorney General to proceed to collect the amount of such penalty from any delinquent Auditor.

§ 8. AMENDMENT.] That Section 16, Notice of Loss, be amended to read as follows:

§ 16. NOTICE OF LOSS.] Any person claiming a loss by hail under this Act shall notify the Commissioner of Insurance by registered mail or telegram within three days thereafter. Such notice shall give the legal description of the land; the interest in such crop which he claims; the name and postoffice address of the person liable for the tax on the land; the name and postoffice address of any

other person claiming any interest in the crop or indemnity; the date of the loss and the per cent of the damage claimed. The Commissioner shall, as soon as possible after receiving such notice of loss, direct an official adjuster to visit the place of loss and proceed to estimate and adjust such loss.

§ 9. AMENDMENT.] That Section 17, Adjustment of Claims, be amended to read as follows:

§ 17. ADJUSTMENT OF CLAIMS.] In making adjustments of claims it shall be the duty of the Adjuster to inspect the crops on which damage is claimed and he shall have the authority, if deemed necessary, to call witnesses to testify as to the condition of the crop before and after the loss. It shall be the duty of the adjuster, wherever possible, to secure the written concurrence of the claimant or his legal representative in the award made by the Adjuster of the claim, and to immediately forward same to the Commissioner of Insurance. In case the claimant does not concur in the findings and award of the Adjuster, the Adjuster shall immediately notify the Commissioner of Insurance of such fact, and upon request of claimant duly made upon blanks furnished by the Department for that purpose, or by notice in writing, the Department through its authorized adjuster or adjusters, shall re-inspect the crops claimed to have been damaged, and if upon such re-inspection the insured still refuses to concur in the adjustments as found by the Inspector, then the Inspector shall, upon like request of claimant in writing, appoint one disinterested person and the claimant shall appoint one disinterested person, and these two shall appoint a third person, and a finding of the majority of the three so appointed shall be final and binding upon the State Hail Insurance Department and the claimant. If the finding be more than the amount allowed by the inspector the expenses of such adjustment shall be paid by the Commissioner of Insurance as other expenses of this Department are paid, otherwise the expenses of such adjustment, including witness fees, if necessary, shall be borne by the claimant. The fee to be paid witnesses and arbitrators under this section shall be the same as those allowed to witnesses in civil actions.

§ 10. AMENDMENT.] That Section 23, Hail Insurance Fund, be amended so as to read as follows:

§ 23. HAIL INSURANCE FUND.] All moneys collected under the provisions of this Act shall be deposited with the State Treasurer and shall be kept in a separate fund to be designated "State Hail Insurance Fund," and all expenses of conducting the department and all losses provided for under the provisions of this Act shall be paid out of said Fund, as hereinbefore provided; and all of said moneys so collected are hereby appropriated for the purpose of carrying out the provisions of this Act. Provided, that the Commissioner of Insurance, with the assistance of the Industrial Commission, shall have the power to negotiate or float a loan, if found to be advisable, whereby the State Hail Insurance Fund could pay its obligations in cash upon certification of the Commissioner of

Insurance to the State Auditor and approval of the Governor, as provided in Section 21 of this Act.

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

Approved 10:30 P. M. Dec. 11, 1919.

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## HOME BUILDING ASSOCIATION

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### CHAPTER 39.

[S. B. No. 34—Benson.]

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#### HOME BUILDING ASSOCIATION.

An Act to Amend and Re-enact Section 12 of Chapter 150 of the Laws of North Dakota for the Year 1919, Being an Act Declaring the Purpose of the State of North Dakota to Engage in the Enterprise of Providing Homes for Residents of This State and to That End to Establish a Business System Operated by the State Under the Name of the Home Building Association of North Dakota; Defining the Scope and Manner of Its Operations and the Powers and Duties of the Persons Charged With Its Management; Making an Appropriation Therefor; and Providing That the Association May Retain the Title to Property When More Than Twenty Per Cent Has Been Paid Thereon and Give the Buyer a Contract for a Deed Therefor; and Declaring This Act to Be an Emergency Measure.

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

§ 1. That Section 12 of Chapter 150, of the Laws of North Dakota for the year 1919, be and the same is hereby amended, and re-enacted, as follows:

§ 12. Whenever a member of a Home Buyers' League shall have deposited with the Association a sum equal to twenty per cent of the total selling price of a home or farm home, the Association shall, upon his application, purchase or build such home or farm home and convey it to him upon a cash payment of twenty per cent, the balance to be secured by a purchase money mortgage on the property, or the Association may retain the title to the property and give the buyer a contract for deed therefor. Every such contract may be recorded in each county in which the lands therein described are situated. In either case the balance due is to be paid on an amortization plan by means of a fixed number of monthly installments sufficient to cover, first, a charge on the loan, at a rate to be determined by the Industrial Commission, second, a charge for administration and surplus at a rate not exceeding one per cent