

Sec. 2. PENALTY.) Any person violating the provisions of Section 1 of this act shall be punishable by a fine of not less than \$25.00 nor more than \$500.00, or by imprisonment in a county jail for a period not exceeding one year, or by both such fine and imprisonment. Provided, that the Court in sentencing any person for a violation of this Act, may suspend any sentence of imprisonment or any part thereof, and make its order that the person so sentenced shall be precluded from driving any automobile within this State for a period of not to exceed two years. Upon proof to the satisfaction of the Court that such order has been disobeyed such suspension shall be by the Court revoked.

Approved February 24th, 1923.

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## MUNICIPAL OWNERSHIP

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### CHAPTER 255.

(S. B. No. 28—Ployhar.)

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#### TRANSMISSION LINES.

An Act to Empower Cities, Villages, and Towns to Purchase, Sell, Construct, Rent, Lease, Extend, Connect, or Erect, High Tension Electric Transmission Lines and Electrical Equipment, Within and Without the Corporate Limits, and Necessary Secondary Transmission Lines and Distribution Systems within the Corporate Limits, for the Purpose of Securing Light, Power and Electrical Energy for Municipal and Commercial use; and to Assess the Property Within the Corporate Limits, and to Provide for the Method of Such Assessment and the Collection Thereof, and to Provide for the Issuance of Bonds.

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

Sec. 1. Any city, town, or village is authorized and empowered through its proper municipal officers to purchase, sell, construct, rent, lease, extend, connect, or erect, high tension electric transmission lines and necessary electrical equipment, within and without the corporate limits of such city, village or town, and necessary secondary transmission lines and distribution systems within the corporate limits, for the purpose of securing and distributing light, power and electric energy for municipal and commercial use.

Sec. 2. Whenever the City Council, or Commissioners in Cities which have adopted the Commission System of government, or Board of Trustees of any Village or Town, shall deem it necessary to purchase, sell, construct, rent, lease, extend, connect,

or erect, high tension electric transmission lines and electrical equipment within or without the corporate limits of such city, village or town, or necessary secondary transmission lines and distribution systems within the corporate limits, for the purpose of securing and distributing light, power and electric energy for municipal and commercial use, such council, commission or board may direct the official engineer or such other competent engineer, as shall, upon motion or resolution be designated, to render a detailed appraisal of the value of any already constructed equipment, or to prepare plans and specifications for such work and make an estimate of the probable cost, and in general terms describe the property which in the opinion of the engineer is liable to be specially assessed for such proposed improvement, which appraised valuation, plans, specifications and estimates shall be approved by resolution of the council, commission or board and filed in the office of the City Auditor or Village or Town Clerk. Thereupon the council, commission or board shall by resolution declare such work or improvement necessary to be done, such resolution shall refer intelligently to the plans, specifications, estimates therefor, and describe the property liable to be specially assessed as hereinbefore provided, and shall be published twice, once in each week for two consecutive weeks, in the official newspaper of such city, village, or town. If a majority of the resident owners of property liable to be especially assessed for such proposed improvement shall within fifteen days after the first publication of said resolution file with the City Auditor, or Village or Town Clerk a written protest against such improvement then the proposed work or improvement shall be abandoned, but if less than a majority of the resident property owners liable to be specially assessed therefor as hereinbefore provided, so protest, the council, commission or board shall at the next regular or special meeting of such council, commission or board after the expiration of the time for filing protests against such improvement, determine the sufficiency and validity of such protests and if two-thirds of the council, commission or board shall decide that such protests are insufficient or not well taken, then the council, commission or board shall have power to cause such improvement to be made, and to contract therefor, and to levy and collect assessments therefor, in the same manner and with the same notice and according to the same forms and procedure as now provided by statute for the construction and assessments of water works in cities. Provided that the total cost of the improvements outside the corporate limits may be apportioned among the property owners within the corporate limits and assessments levied in accordance therewith. Provided further that any city, village or town may provide for the payment of not exceeding one-fifth of the cost of any such improvement by general taxation as provided for by section 3723

Compiled Laws of North Dakota for 1913. Provided further that any city, village or town may incur a bonded indebtedness for such improvement in the same manner and according to the same forms and procedure as now provided by statute for water works in cities.

Sec. 3. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Approved February 26th, 1923.

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## CHAPTER 256.

(S. B. No. 160—Ployhar.)

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### PUBLIC UTILITIES.

An Act to Amend and Re-enact Chapter 82, Session Laws of North Dakota for 1919, and to empower cities to purchase or construct plants, including gas works, for the manufacture and distribution of light, heat and power for municipal and commercial purposes, and to assess abutting property in accordance with the benefits thereto by reason of such system of distribution, and providing for the method of such assessment and the collection thereof.

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

Sec. 1. AMENDMENT.) That Chapter 82 of the Session Laws of North Dakota for 1919, empowering cities to purchase and construct light, heat and power plants is hereby amended and re-enacted to read as follows, to-wit:

Sec. 1. PROCEDURE TO PURCHASE OR INSTALL.) Whenever the City Council or Commissioners in Cities which have adopted the Commission System of government, shall deem it necessary to either purchase or install, construct, alter or extend, upon any of the streets or public places of the city a municipally owned lighting, heating and power system or gas works, for the purpose of lighting the streets and public places of the city and furnishing lights, heat and power to the inhabitants thereof, such council or commission may direct the City Engineer or such other person, as shall, upon motion or resolution be designated, to render a detailed appraisal of the value of an already constructed system, or to prepare plans and specifications for such work and make an estimate of the probable cost, which appraised valuation, plans, specifications and estimates shall be approved by resolution of the city council or city commission and filed in the office of the city auditor. The city auditor shall thereupon publish three times, once each week, in the official newspaper of the city, a notice stating that such appraised valuation, or the plans and specifications and estimates have been approved and filed

in his office and are open to public inspection. If the owners of a majority of the property abutting on any street or streets where said lighting, heating and power system or gas works is constructed or is to be installed, shall not within ten days after the last publication of said notice protest against such lighting, heating and power system or gas works, or improvements, then the majority of such owners shall be deemed to have consented thereto, and such city may proceed to provide for the purchase or construction of such improvement through its proper officials and assess so much of the cost of such improvement as relates and refers to the placing, erection and construction of poles, cables, electrical conductions, street lamps, mains and conduits and all other instrumentalities and appurtenances thereto belonging, necessary to conduct and connect the means of lighting, heating, by electricity or gas as the case may be, and to transmit power to the street and premises benefitted thereby, including the necessary engineer's expenses thereof, against the abutting property in the same manner and with the same notice and according to the same forms and procedure as now provided by statute for the construction and assessment of street paving; and upon such proceedings being taken and completed, the cost of such construction, purchase price, or such part thereof as the council or commission shall deem proper, shall be assessed against the abutting property in the same manner and according to the same form and procedure as now provided by law for the assessment of the cost of street paving.

Sec. 2. EMERGENCY.) This act is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval.

Approved February 24th, 1923.

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## NARCOTICS

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### CHAPTER 257.

(S. B. No. 115—Ployhar.)

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#### PEYOTE AND MESCAL.

An Act Entitled, An Act Relating to *Lophophora Williamsii* or Peyote (Pellote) and *Agave Americana* (Commonly known as Mescal); Prohibiting the Use or Possession Thereof, Traffic Therein, and Providing Penalties for the Violation of This Act.

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

Sec. 1. That it shall be unlawful for any person, firm, corporation, or association to sell, furnish, or give away, or offer to