

in the State shall be registered with the State Registrar of Vital Statistics at the State Capitol as hereinafter provided.

§ 2. That the Judge of the County Court as soon as he has recorded a marriage license by him issued and the certificate of the person performing the marriage ceremony thereunder, shall transmit such license together with such certificate to the Registrar of Vital Statistics at the State Capitol.

§ 3. As soon as received by him the State Registrar shall record all marriage licenses together with the certificate of the person performing the marriage ceremony thereunder in a book of record in his office kept for that purpose, and as soon as the same has been recorded he shall return said license and certificate to the said County Judge. He shall index all records by him kept and when applied to shall issue a certified copy of the same which shall be prima facie evidence in all Courts and places of the facts stated therein, and for which he shall receive a fee of one dollar. He shall keep an accurate account of all fees received, and turn the same over to the State Treasurer not later than the 15th day of each month; the fees thus collected and turned over to the State Treasurer shall be credited to the State Department of Health to be used by the said Department in addition to all appropriations made by the Legislature for any and all purposes of such Department.

Approved March 10, 1925.

MILL AND ELEVATOR ASSOCIATION

CHAPTER 163

(H. B. No. 94. Hoople and Thatcher)

NORTH DAKOTA MILL AND ELEVATOR ASSOCIATION

An Act Re-establishing the North Dakota Mill and Elevator Association Defining Its Powers and Duties, Providing for Funds for the Conduct of Its Business, Providing for the Control, Management, and Operation of State Owned Grain Warehouses, Elevators and Flour Mills and the Conduct of All Business Relating Thereto, Especially as Relates to the State Owned Mill and Elevator at Grand Forks, North Dakota, and Repealing Chapter 295, Laws of North Dakota of 1923, and other Statutes in Conflict Herewith.

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

§ 1. ESTABLISHING NORTH DAKOTA MILL AND ELEVATOR ASSOCIATION.] For the purpose of encouraging and promoting agri-

culture, the State of North Dakota shall engage in the handling of grain and in the manufacture and sale of flour and its by-products, and for that purpose shall operate and conduct the system of state owned elevators and flour mills now established and heretofore created by law under the name of "North Dakota Mill and Elevator Association," hereinafter for convenience called the Association.

§. 2. CONTRACTS RECOGNIZED.] All valid contracts entered into by the North Dakota Mill and Elevator Association, as provided for in Chapter 152 of the Session Laws of North Dakota for the year 1919, and Chapter 295 of the Session Laws of North Dakota for the year 1923, known as the North Dakota Mill and Elevator Association Act, are hereby expressly recognized, and any rights or liabilities accrued in favor of, or against, said North Dakota Mill and Elevator Association, as provided for in Chapter 152 of the Laws of 1919; and Chapter 295 of the Laws of 1923, aforesaid, shall be deemed the acts of the North Dakota Mill and Elevator Association, as created by this act, and the title to all property acquired in the name of the State of North Dakota, doing business as the North Dakota Mill and Elevator Association as provided for in Chapter 152 of the Laws of 1919, and Chapter 295 of the Laws of 1923, aforesaid, shall remain vested in the State of North Dakota, doing business as the North Dakota Mill and Elevator Association under this act.

§ 3. POWERS AND DUTIES.] Except as otherwise provided by law, the Association, acting by and through the Governor, as hereinafter provided, shall have the power to make contracts, to sue and be sued, to purchase, sell and convey real and personal property as may be necessary to carry out the purpose of this Act; to locate and maintain the places of business of the Association; and to make and enforce orders, rules and regulations and by-laws, for the transaction of its business. The business of the Association, in addition to other matters herein specified, may include anything that any private individual or corporation may lawfully do in conducting a similar business, except as herein restricted.

The Association may by purchase, lease or the exercise of the right of eminent domain, as provided by Chapter 36 of the Code of Civil Procedure, Compiled Laws of 1913, acquire all necessary property and property rights, and may purchase, lease or repair all necessary buildings or other structures and may purchase, lease, construct or otherwise acquire offices, machinery, equipment and all things necessary, convenient or incidental to the manufacture of flour, and its by-products, and for the storage, sale, and disposal of grains, flour and its by-products, and may dispose of the same; Provided, that, until otherwise provided by law, the Association shall

not lease, sell or convey to any person or persons the Mill and Elevator now located near the City of Grand Forks, North Dakota.

The Association shall have power to purchase grain and to resell such part thereof as may not be needed in the operation of the mill, and to act as agent for any party who buys or sells grain or farm products; Provided, it shall purchase grain from outside the state only when such grain can be purchased, milled and marketed at a cost less than grain of like quality available within the state may be purchased, milled and marketed; and Provided, further, that the Association shall not import grain from any foreign country, in bond for milling purposes, or mill any grain so imported, in bond, or any grain from any foreign country for the purpose of milling and exporting the products thereof under the drawback provision of the United States Tariff Act, except when necessary, in the opinion of the Governor, to insure the efficient operation of its mill.

All grain, flour, feed, millstuffs and produce belonging to the Association, or for which the Association is responsible to the owners, and all buildings, and machinery belonging to the Association, shall be fully insured against loss by fire in the Fire and Tornado Fund of the State of North Dakota, or in Fire Insurance companies authorized to do business in this state.

Except as hereinafter provided, the business of the Association shall be limited to the operation and management of the Mill and Elevator now owned by said Association and located at the City of Grand Forks, North Dakota, but it shall have power to establish and maintain purchasing and selling agencies in this and other states, and in Canada and in foreign countries.

§ 4. SALE OF DRAKE MILL AND OTHER PROPERTY.] It shall be the duty of the Industrial Commission to take steps upon taking office to obtain bids in response to ninety days public notice of intention to sell the Drake Mill and Elevator. Such property shall be sold as soon thereafter as is consistent with proper prices and terms. No sale of any such property shall be made without the written approval of the Governor. Power is hereby expressly granted to the Industrial Commission to execute and deliver any conveyances necessary to carry out the purposes of this section. Such conveyances shall be made in the name of the North Dakota Mill and Elevator Association by the Industrial Commission, and must bear the signature of the Governor, signifying his approval. All funds derived from such sales shall be paid forthwith to the State Treasurer, to be credited by him to the Sinking Fund for the payment of interest upon and the retirement of outstanding bonds of the North Dakota Mill and Elevator Series, or shall

be retained for use as working capital as may be determined by the Governor. Until said Mill and Elevator located at Drake, is disposed of, the Industrial Commission shall exercise its discretion with reference to operating the same.

§ 5. MANNER OF CONDUCTING BUSINESS.] All business of the Association shall be conducted under the name of the North Dakota Mill and Elevator Association. Title to property pertaining to the operation of the Association shall be obtained and conveyed in the name of the State of North Dakota, doing business as the North Dakota Mill and Elevator Association. Deeds and other instruments conveying or affecting real property shall be executed under the authority of the Industrial Commission and shall be signed by two members of the Industrial Commission, of whom the Governor shall be one, and the seal of the Association shall be affixed thereto. The Governor may delegate to any managing agent he shall see fit, the authority to execute all other classes of instruments.

§ 6. ACTIVE MANAGEMENT, EMPLOYEES, DUTIES, COMPENSATION, BONDS.] From and after the taking effect of this act, the Industrial Commission, as established and existing under the laws of the State, and the Board of Managers of the North Dakota Mill and Elevator Association, as created and provided for in Chapter 295 of the Laws of 1923, shall be dispossessed of all power and authority to manage or control the mill and elevator of the Association, at Grand Forks, and of all authority over the management and operation of the Association's business affairs in connection therewith, and of all authority over the management and operation thereof. Such authority heretofore possessed by the said Industrial Commission and the said Board of Managers, or both, is hereby divested and the same and all thereof is hereby transferred to and vested in the Governor of the State of North Dakota. The Governor shall have the sole authority to manage and operate the said Mill and Elevator and to manage, direct and control its business affairs. He shall have authority to make and enforce orders, rules and regulations for the transaction of the business of such Association, and to employ or appoint, at his sole discretion, such person or persons as he shall see fit, to assist him in exercising the power and authority hereby vested in him, and shall have full authority to fix the compensation of, and discharge or dismiss any and all agents, managers or employees now or hereafter engaged, with or without cause, and shall have full authority to delegate such power or any part thereof to any agent or employee he shall see fit.

A. It is hereby declared to be the purpose and intention of this Act, to make and constitute the Governor of the State of North Dakota, the absolute and sole manager and director of the business affairs of the said Mill and Elevator Association, as far as relates

to the management, operation and conduct of the business of the mill and elevator at Grand Forks, with all the power and authority of both the Board of Directors and the general managing officer of a business corporation, and this act shall be liberally construed to effectuate that purpose.

B. Provided, however, notwithstanding the foregoing grant of authority to the Governor, the Industrial Commission shall have, and it is hereby expressly given authority, and it is made its duty, to direct the Bank of North Dakota to loan to the Association from time to time moneys sufficient for the efficient conduct of its business upon the security of warehouse receipts, bills of lading and other usual forms of security, but the total amount of such moneys so loaned the Association shall at no time exceed the sum of \$500,000.00 over and above the amount due the Bank of North Dakota from the said Association at the time of the passage and approval of this Act. It shall also be the duty of the Industrial Commission to employ an Auditor for such Mill and Elevator Association, who shall, at all times, keep himself possessed of and be ready to give to the Governor, the Legislature or its Committees, or the Industrial Commission or its Members, any data pertaining to the affairs of the Association, and it shall be his duty, whenever called upon by any such authorities, to furnish an audit of such affairs, disclosing the true financial and business condition of such Association. And without demand, it shall be the duty of such Auditor, immediately following the last day of each month, to furnish to the Governor, and to the Industrial Commission, a summary of the business condition of the affairs of such Association.

C. For the purpose of enabling such Auditor to perform his duties, he shall have free access to and the use of any and every record and file of the Association. He shall have an office in the accounting Department of the Association, and devote his entire time to the duties of his office, and shall be paid a salary of \$3000.00 per year, payable monthly.

D. Until the employment of the present Auditor of the Mill and Elevator Association shall cease, under the terms of his present contract, or his office shall, for any cause, become vacant, he shall continue in such employment, and hold the position of Auditor, under this Act. Such Auditor shall have no authority with reference to the conduct or management of the affairs of the Association, or the business conducted by or for the Mill and Elevator, but shall be an auditing officer only. It shall be his duty, at any time he may be called upon, to render to the Governor or the Members of the Industrial Commission, friendly advice and counsel with regard to the affairs of the Association.

E. All officers and employees of the Association, charged with the performance of any duties in connection with its financial affairs, shall, before entering upon the performance of their duties, each respectively, furnish a sufficient bond to the State, in such amount and upon such conditions as the Governor may require and approve, such bonds to be approved, as to form, by the Attorney General, and when so approved, to be filed with the Secretary of State. Provided, however, the bond of the general managing officer or agent in connection with the financial affairs of the Mill and Elevator shall be not less than \$50,000.00 in amount.

§ 7. BOOKS, RECORDS, STATEMENTS.] All books, records, files, receipts, contracts, bills payable, bills receivable, papers and property of every kind and description belonging to the said Association, and in possession of the Board of Managers or members thereof, appointed under the Provisions of Chapter 295 of the Laws of 1923, or in the possession of any other person, shall be immediately delivered by such parties to the Governor, or such employee or agent as he shall direct.

The Governor, as Manager of the affairs of the Association, shall cause a complete record to be kept of all its transactions, and such records shall show, at all times, all the liabilities and assets of such Association, and the current value, of all land and other property owned. It shall also show purchases made for the plant account, or money received from the sale of plant equipment and property, all disbursements for expenses and for the purchase of supplies of every kind, and all receipts from sales. An inventory, showing current costs and values shall be taken during June and December of each year, and on the first day of July and January of each year, a statement shall be prepared, under the direction of the Governor, and filed with the Industrial Commission, showing in a detailed and itemized manner, the condition of the business and the results of operation during the preceding six months period, and in the making and procuring of such statements, the Governor may demand the services of the Auditor, or may entirely disregard him, and cause such statement to be otherwise made. The governor, as Manager of the Association, shall also make a detailed report of its transactions, with inventories as of December 31st of each year, and shall file the same with the Industrial Commission not later than the first day of the following February, which report shall be printed and copies thereof be delivered to the State Board of Audit and all Members of the Legislature.

§ 8. ACTIONS MAY BE BROUGHT.] Civil Actions may be brought against the State of North Dakota, on account of any cause of action claimed to have arisen out of transactions connected with the operation of the Association, upon condition that the provisions

of this section are complied with. In such actions, the State, as Plaintiff, shall be designated as "The State of North Dakota doing business as the North Dakota Mill and Elevator Association" and the service of Process therein shall be made upon the Governor or the Attorney General, or in case of their absence from the State, upon the managing agent in charge of the operation of the Mill and Elevator. Such actions may be brought in the same manner and shall be subject to the same provisions of law as other civil actions brought pursuant to the Code of Civil Procedure. Such actions shall be brought, however, in the county where the Association shall have its principal place of business, except as provided in Sections 7415, 7416 and 7418, Compiled Laws of North Dakota of 1913. The provisions of Sections 375 and 657, of the Compiled Laws of 1913 shall not apply to claims against the state affected by the Provisions of this Act.

§ 9. DEPOSIT OF FUNDS.] All funds of the Association shall be deposited in the Bank of North Dakota.

§ 10. REPEAL.] Chapter 295 of the Session Laws of the State of North Dakota for the year 1923, and all other acts and parts of acts in conflict herewith, are hereby repealed.

§ 11. 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 24, 1925.

MINES

CHAPTER 164

(H. B. No. 266—Committee on Delayed Bills.)

SURVEY OF MINES

An Act To Amend and Re-enact Section 31, Chapter 168, Session Laws of 1919 Relating to the Survey of Mines.

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

§ 1. AMENDMENT.] That Section 31, Chapter 168, Session Laws of 1919, is hereby amended and re-enacted so as to read as follows: