

WORKMEN'S COMPENSATION

CHAPTER 219

(H. B. No. 152—Jacobson.)

HOURS OF LABOR FOR FEMALES

An Act To Enact and Re-enact Chapter 170 of the Session Laws of North Dakota for the Year 1919, as Amended by Chapter 346 of the Session Laws of North Dakota for the Year 1923, Being an Act Regulating and Fixing the Hours of Labor of Females and Providing Penalties for the Violation Thereof.

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

§ 1. AMENDMENT.] Chapter 170 of the Session Laws of North Dakota for the year 1919, as amended by Chapter 346 of the Session Laws of 1923, is hereby amended and re-enacted to read as follows:

§ 1. No female shall be employed in any manufacturing, mechanical or mercantile establishment, laundry, hotel or restaurant, or telephone or telegraph establishment, or an office, or in any express or transportation company, in the State of North Dakota more than eight and one-half ($8\frac{1}{2}$) hours in any one day, or more than six (6) days or more than forty-eight (48) hours in any one week; provided, however, that this Act shall not apply to females working in rural telephone exchanges or in villages or towns of less than five hundred (500) population, nor to cases of employees in small telephone exchanges where the Workmen's Compensation Bureau after a hearing has determined that the condition of work is so light that it does not justify the application of this Act. In such case the Workmen's Compensation Bureau shall make reasonable rules and regulations under which females may be employed in such small exchanges. Provided, further, that the above law shall not apply in case of emergency, that at such time female help may be employed ten hours in one day and seven days in one week, but not to exceed forty-eight hours in any one week. An emergency, as herein referred to, is defined to exist in the case of sickness of more than one female employee, in which case a doctor's certificate must be furnished, for the protection of human life, in the case of the holding of banquets, conventions, celebrations, session of the legislature in any city wherein such session is held and during the time such body is in session, or where a female is employed as reporter in any of the courts of the state of North Dakota. In case such an emergency exists the Workmen's Compensation Bureau must be at once notified in writing or by telegraph, such notice to

state the full particulars thereof and the probable duration of such emergency and permission must be obtained from such Bureau as soon as practical, who shall determine the duration of such emergency.

§ 2. Any person violating any provisions of this act, shall upon conviction thereof, be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars.

Approved March 7, 1925.

CHAPTER 220

(S. B. No. 120—Committee on Insurance.)

WORKMEN'S COMPENSATION BUREAU

An Act To Amend and Re-enact Section 4 of Chapter 162 of the Laws of North Dakota for the year 1919, as Amended by Chapter 145 of the Session Laws of 1921.

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

§ 1. AMENDMENT.] That Section 4 of Chapter 162 of the Session Laws of North Dakota for the year 1919, as amended by chapter 145 of the Session Laws of North Dakota for the year 1921, be and the same is hereby amended and re-enacted to read as follows, to-wit:

§ 4. PARAGRAPH A.] A Workmen's Compensation Bureau is hereby created in the Department of Agriculture and Labor, consisting of the State Commissioner of Agriculture and Labor, the State Insurance Commissioner and three (3) Workmen's Compensation Commissioners to be appointed by the Governor, and the three commissioners so appointed shall devote their entire time to the duties of the Bureau. At the expiration of each of the terms of the members of the bureau as legally constituted, their successors shall be appointed for a term of 5 years. One of the appointees of the said Bureau shall be a representative of labor, and one of the appointees of the said Bureau shall be a representative of the public; and one of the appointees of the said Bureau shall be a representative of the employers; provided, that the Governor may remove for cause, any or all commissioners so appointed by him.

PARAGRAPH B] The Commissioner of Agriculture and Labor shall be ex-officio chairman of the Bureau, the Commissioner of Insurance shall be ex-officio member of the Bureau, and the other members of the Bureau shall receive a salary of Two Thousand Five Hundred Dollars (\$2,500.00) a year.

PARAGRAPH C.] The Bureau shall be provided with offices in the capitol, or in some other suitable building in the City of Bismarck, at the expense of the Bureau, in which its records shall be kept, and it shall also be provided with necessary office furniture stationery and other supplies. The Bureau shall have a seal for the authentication of its orders, awards and proceedings, upon which shall be inscribed the words, "Workmen's Compensation Bureau, North Dakota, Seal." It shall employ such assistants and clerical help as it may deem necessary, and fix the compensation of all persons so employed; provided, that all such clerical assistants shall be subject to existing laws regulating the selection, grading and compensation of department clerks. The members of the Bureau and its assistants shall be entitled to receive from the fund their actual and necessary expenses while traveling on the business of the Bureau, but such expenses shall be sworn to by the persons who incurred the same, and shall be approved by the Chairman of the Bureau before payment is made.

PARAGRAPH D.] The Bureau may make necessary expenditures to obtain statistical and other information required for the enforcement of this act. The salaries and compensation of the members of the Bureau, of the Secretary and all actuaries, accountants, inspectors, examiners, experts, clerks, physicians, stenographers and other assistants, and all other expenses of the Bureau herein authorized, including rent for offices of the Bureau, and the premium to be paid by the State Treasurer for the bond to be furnished by him, shall be audited and paid out of the Workmen's Compensation Fund and the appropriation herein made in the manner prescribed for similar expenditures in other departments or branches of the state service, provided, however, the same shall not exceed in any one year the sum of Fifty-Five Thousand Dollars (\$55,000.00).

PARAGRAPH E.] The Bureau may make rules not inconsistent with this act for carrying out the provisions of this act. Process and procedure under this act shall be as summary and simple as reasonably may be. The Bureau shall not be bound by the usual common law or statutory rules of evidence or by any technical or formal rules of procedure other than as herein provided; but may make investigation in such manner as in its own judgment is best calculated to ascertain the substantial rights of the parties and to carry out justly the spirit of this act. The Bureau, or any member thereof, shall have the power to subpoena witnesses, administer oaths and to examine such of the books and records of the parties to a proceeding as relate to the questions in dispute, and shall file a report of the same in their office. The Bureau shall cause to be printed and furnished free of charge to any employer or employee such blank forms as it shall deem requisite to facilitate or promote the efficient administration of this Act.

PARAGRAPH F.] A majority of the Bureau shall constitute a quorum for the transaction of business, and a vacancy created by the death, resignation or removal of any of the commissioners shall not impair the right of the remaining members to exercise all the powers of the full Bureau so long as a majority remains; provided, however, that neither the employers nor the employees shall remain without a representative upon the Bureau for a period of more than thirty days by reason of the death, resignation or removal of their representative. Any investigation, inquiry or hearing which the Bureau is authorized to hold, or undertake, may be held or undertaken by or before any one member of the Bureau; and all investigations, inquiries, hearings and decisions of the Bureau, and every order made by a member thereof, when approved and confirmed by a majority of the members, and so shown on the record of proceedings, shall be deemed to be the order of the Bureau.

PARAGRAPH G.] The Bureau is hereby vested with full power and jurisdiction over, and shall have such supervision of, every employment and place of employment subject to this act, as may be necessary adequately to enforce and administer all laws and regulations requiring such employment and place of employment to be safe, and shall issue safety regulations whenever necessary.

PARAGRAPH H.] It is hereby declared to be the intent of this act to restore to industry those injured in the course of employment. The Bureau shall accordingly assist industrial cripples to obtain appropriate training, education and employment, and may cooperate with the Federal Board of Vocational Education for this purpose.

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

Approved March 4, 1925.

CHAPTER 221

(S. B. No. 123—Committee on Insurance.)

CLASSIFICATION OF RISKS WORKMEN'S COMPENSATION

An Act To Amend and Re-enact Section 7 of Chapter 162 of the Session Laws of North Dakota for the Year 1919, Known as the Workmen's Compensation Law, as Amended by the Session Laws of North Dakota for the Years 1921 and 1923.

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

§ I. AMENDMENT.] That Section 7 of Chapter 162 of the Session Laws of North Dakota for the year 1919, known as the

Workmen's Compensation Law, as amended by the Session Laws of North Dakota for the years 1921 and 1923, be and the same is hereby amended and re-enacted to read as follows:

§ 7. The Workmen's Compensation Bureau shall classify employments with respect to their degrees of hazard, and shall determine the risks of different classifications, and shall fix the rates of premium for each of said classifications sufficiently high to provide for the payment of the expenditures of the Bureau, the payment of compensation according to the schedules established by this act, and for the maintenance of adequate reserves and surplus by the North Dakota Workmen's Compensation Fund, to the end that such Fund may be kept at all times in an entirely solvent condition.

The Bureau may establish a system of merit rating within any class which will tend to equitable treatment of individual employers.

It shall be the duty of the Workmen's Compensation Bureau, in the exercise of the powers and discretion conferred upon it, ultimately to fix and maintain, for each class of occupation, the lowest possible rates of premium consistent with the payment of compensation according to schedule, the payment of expenditures of the Bureau, the maintenance of a solvent Compensation Fund, and the creation and maintenance of a reasonable surplus after the payment of legitimate claims for injury and death that it may authorize to be paid from the Workmen's Compensation Fund for the benefit of the injured and the dependents of deceased employees, and in order that said object may be accomplished, the Bureau shall observe the following requirements in classifying occupations and fixing the rates of premium for the risks of the same.

It shall keep an accurate account of the moneys paid in premiums by each of the several classes of occupations or industries and the disbursements on account of injuries and death of employees thereof, and it shall also keep an account of the moneys received from each individual employer and the amount disbursed from the Workmen's Compensation Fund on account of injuries and death of the employees of each employer.

Ten (10) per cent of the money that is paid into the Workmen's Compensation Fund shall be set aside for the creation of a surplus until such surplus shall amount to the sum of Fifty Thousand Dollars (\$50,000.00), after which time the sum of five (5) per cent of all the moneys paid into such Workmen's Compensation Fund shall be credited to such surplus fund, until such time as, in the judgment of the Bureau, such surplus shall be sufficiently large to guarantee the Workmen's Compensation Fund from year to year.

Every employer subject to this act shall pay, annually, into the Workmen's Compensation Fund the amount of premium determin-

ed and fixed by the Bureau for the employment or occupation of such employer, the amount of which premium to be so paid by such employer to be determined by the classification, rules and rates made and published by the Bureau; and a receipt or certificate specifying that such payment has been made shall immediately be mailed to such employer by the Bureau, which receipt or certificate, attested by the seal of the Bureau, shall be prima facie evidence of the payment of such premium. The Bureau may make provision so that premiums fall due on different dates to the end that the business of the Bureau may be distributed as evenly as possible throughout the year.

In the event that the amount of premium collected from any employer at the beginning of any premium period is ascertained and calculated by using the estimated expenditures for wages for the period of time covered by such premium payments, as a basis, an adjustment of the amount of such premiums shall be made at the end of said period, the actual amount of such premium to be determined from the actual expenditure of wages for said period.

Whenever a subsequent injury occurs to an employee who has been injured previously in a different employment, the risk of the employer for whom such injured person was working at the time of such subsequent injury shall be charged only with the amount of the awards resulting from such subsequent injury; and whenever such subsequent injury, in connection with a previous injury, results in a permanent total disability, the compensation which is in excess of the amount to which the injured employee would have been entitled solely by the subsequent injury shall be charged to the surplus fund and not to the classification or the risk to which the subsequent injury is charged.

§ 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 3, 1925.

CHAPTER 222
(S. B. No. 133—Fleckten.)

DEFINED WORDS AND PHRASES, WORKMEN'S
COMPENSATION ACT

An Act To Amend and Re-enact Section 2 of Chapter 162 of the Laws of North Dakota for the year 1919, as Amended by Chapter 142 of the Session Laws of 1921, Defining Certain Words and Phrases Contained in Said Chapter.

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

§ 1. AMENDMENT.] That Section 2 of Chapter 162 of the Laws of North Dakota for the year 1919, as amended by Chapter

142 of the Session Laws of 1921, defining certain words and phrases contained in said chapter, is hereby amended and re-enacted to read as follows:

§ 2. Whenever used in this act: "Employment" includes employment by the state and all political subdivisions thereof, and all public and quasi-public corporations therein, and all private employments.

"Hazardous employment" means any employment in which one or more employees are regularly employed in the same business, or in or about the same establishment, except agriculture and domestic service, and except also any employment of a common carrier by steam railroad.

"Employee" means every person engaged in a hazardous employment under any appointment, or contract of hire, or apprenticeship express or implied, oral or written, including aliens, and also including minors, whether lawfully or unlawfully employed, but excluding any person whose employment is both casual and not in the course of the trade, business, profession or occupation of his employer, and excluding also any executive officer of a business concern who receives a salary of more than twenty-four hundred dollars (\$2,400.00) per year.

"Employer" means the state and all political subdivisions thereof, all public and quasi-public corporations therein, and every person, partnership, association, and private corporation, including any public service corporations, and the legal representative of any deceased employer, or the receiver or trustee of a person, partnership, association or corporation, carrying on a hazardous employment.

"Injury" means only an injury arising in the course of employment, including an injury caused by the wilful act of a third person directed against an employee because of his employment, but shall not include injuries caused by the employee's wilful intention to injure himself or to injure another. The term "injury" includes in addition to an injury by accident, any disease proximately caused by the employment. If the employer claims an exemption or forfeiture under this section, the burden of proof shall be upon him.

"Partial Disability" includes disfigurement resulting from an injury such as to diminish ability to obtain employment.

"Wages" shall include the market value of board, lodging, fuel, and other advantages which can be estimated in money which the employee receives from the employer as a part of his remuneration.

"Weekly Wages" shall be computed in such a manner as is best calculated to give the average weekly earnings of the workman

during the twelve months preceding his injury; provided that where, by reason of the shortness of the time during which the workman has been in the employment or the terms of the employment, it is impracticable to compute the rate of remuneration, regard may be had to the average weekly earnings which, during the twelve months previous to the injury, were being earned by a person in the same grade of employment at the same work by the employer of the injured workman, or if there is no person so employed, by a person in the same grade employed in the same class of employment and in the same district. If a workman at the time of the injury is regularly employed in a higher grade of work than formerly during the year and with a large regular wage, only such larger wages shall be taken in consideration in computing his average weekly wages.

"Child" includes step-children, adopted children, posthumous children, and acknowledged illegitimate children but does not include married children unless dependent. "Brother" and "Sister" include step-brothers and step-sisters, half-brothers and half-sisters, and brothers and sisters by adoption, but do not include married brothers nor married sisters unless dependent. All of the above terms and the term "grandchild" include only persons who at the time of the death of the deceased employee are under eighteen years of age or over that age and incapable of self-support. "Parent" includes step-parents and parents by adoption. "Widow" includes only decedent's wife living with or dependent for support upon him at the time of his injury. "Widower" includes only the decedent's husband dependent for support upon her at the time of her injury. "Adopted" and "adoption" includes only legal adoption prior to the time of the injury.

Any term shall include the singular and plural and both sexes where the context so requires.

§ 2. All Acts and parts of Acts insofar as they are in conflict with the provisions of this Act are hereby repealed.

Approved March 4, 1925.

CHAPTER 223

(S. B. No. 122—Committee on Insurance.)

WORKMEN'S COMPENSATION

An Act To Amend and Re-enact Section 3 of Chapter 162 of the Session Laws of North Dakota for the year 1919, Known as the Workmen's Compensation Law, as Amended by Chapter 141 of the Session Laws of North Dakota for the Year 1921.

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

§ 1. AMENDMENT.] That Section 3 of Chapter 162 of the Session Laws of North Dakota for the year 1919, known as the

Workmen's Compensation Law, as amended by Chapter 141 of the Session Laws of North Dakota for the year 1921, be and the same is hereby amended and re-enacted to read as follows :

§ 3. On and after July 1, 1919, it shall be the duty of the Workmen's Compensation Bureau hereinafter created to disburse compensation from the North Dakota Workmen's Compensation Fund to any employee subject to this act for injury arising in the course of employment in accordance with the following provisions.

A. Immediately after an injury sustained by an employee and during the resulting period of disability, the North Dakota Workmen's Compensation Fund shall furnish to such employee such medical, surgical and hospital service and supplies as the nature of the injury may require.

B. During the first seven days of disability the employee shall not be entitled to compensation except as provided in the preceding paragraph; provided, that if the period of disability exceeds seven days, compensation shall be paid from the date of the injury

C. If the injury cause total disability, the North Dakota Workmen's Compensation Fund shall pay to the disabled employee during such disability a weekly compensation equal to sixty-six and two-thirds per cent of his weekly wages.

D. If the injury cause temporary partial disability, the North Dakota Workmen's Compensation Fund shall pay to the disabled employee during such disability a weekly compensation equal to sixty-six and two-thirds per cent of his loss in earning capacity.

E. If the injury cause permanent partial disability, the percentage which such disability bears to total disability, taking into consideration the employee's age and occupation, shall be determined, and the North Dakota Workmen's Compensation Fund shall pay to the disabled employee a weekly compensation equal to sixty-six and two-thirds per cent of his weekly wages for the following periods :

For a one per cent disability.....	5.2 weeks
For a ten per cent disability.....	52. weeks
For a twenty per cent disability.....	104. weeks
For a thirty per cent disability.....	156. weeks
For a forty per cent disability.....	208. weeks
For a fifty per cent disability.....	260. weeks
For a sixty per cent disability.....	312. weeks
For a seventy per cent disability.....	364. weeks
For a eighty per cent disability.....	416. weeks
For a ninety per cent disability.....	468. weeks

and the Bureau shall immediately fix and file its schedule of specific benefits to be allowed for specific injuries; but such schedule shall not be changed more than once in each year. The Bureau shall not decrease, but may, in any case, and for cause shown, increase such specific benefits.

F. The weekly compensation for total disability shall not be more than Twenty Dollars (\$20.00) nor less than Six Dollars (\$6.00), unless the employee's weekly wages are less than Six Dollars (\$6.00), in which case his weekly compensation shall be the actual amount of his weekly wages. The weekly compensation for partial disability shall not be more than Twenty Dollars (\$20.00). If the injured person was, at the time of the injury, a minor or employed in a learner's capacity, and was not physically or mentally defective, the Bureau shall, from time to time, determine the probable increase in weekly earning capacity of such person if such injury had not occurred, and shall base its award for compensation upon such probable weekly wage-earning capacity.

G. If death results from an injury within six years, the North Dakota Workmen's Compensation Fund shall pay to the following persons for the periods specified a weekly compensation equal to the following percentages of the deceased employee's weekly wages; provided, however, that no compensation shall be paid where death takes place more than one year after the cessation of disability resulting from the injury, or, if there has been no disability preceding death, if death takes place more than one year after the injury.

(a) To the widow, if there is no child, thirty-five per cent. Such compensation shall be paid until her death or marriage. In case of marriage, there shall be paid to her a lump sum equal to 156 weeks' compensation.

(b) To the widower, if there is no child, thirty-five per cent if wholly dependent for support upon the deceased employee at the time of her death. Such compensation shall be paid until his death or marriage.

(c) To the widow or widower, if there is a child, or children, the compensation payable under clause (a) or (b), and in addition thereto ten per cent for each child, not exceeding however, a total of sixty-six and two-thirds per cent for the widow or widower and the children. The compensation payable on account of any child shall cease when such child dies, marries or reaches the age of eighteen, or, if over eighteen and incapable of self-support, becomes capable of self-support.

(d) To the children, if there is no widow or widower, twenty-five per cent for one child and ten per cent additional for each additional child, not exceeding, however, a total of sixty-six and

two-thirds per cent, the compensation hereunder not to be for specific children but to be divided share and share alike. Compensation for each child shall be paid until such child dies, marries, or reaches the age of eighteen, or, if over eighteen and incapable of self-support becomes capable of self-support. Compensation for a child under legal age shall be paid to its guardian.

(e) To the parents, if one is wholly dependent for support upon the deceased employee at the time of his death and the other is not dependent to any extent, twenty-five per cent; if both are wholly dependent, twenty per cent to each; if one or both are partly dependent, a proportionate amount in the discretion of the Bureau. The foregoing percentages shall be paid only if there is no widow, widower or child. If there is a widow, widower or child, there shall be paid only so much of the foregoing percentages as, when added to the total of the percentages payable to the widow, widower and children, shall not exceed the total of sixty-six and two-thirds per cent.

(f) To the brothers, sisters, grandparents and grandchildren, if one is wholly dependent upon the deceased employee for support at the time of his death, twenty per cent to such dependent; if more than one are wholly dependent, thirty per cent, divided among such dependents share and share alike; if none of them are wholly dependent, but one or more are partly dependent, ten per cent divided among such dependents share and share alike. The foregoing percentages shall be paid only if there is no widow, widower, child or dependent parent. If there is a widow, widower, child or dependent parent, there shall be paid only so much of the foregoing percentages as, when added to the total percentages payable to the widow, widower, children and dependent parents, shall not exceed a total of sixty-six and two-thirds per cent.

(g) The compensation of each beneficiary under clause (e) may continue until such dependent parent dies, marries or ceases to be dependent, and the compensation of each beneficiary under clause (f) shall be paid for a period of eight years from the time of the death of the employee, unless before that time, he, if a grandparent, dies, marries or ceases to be dependent, or, if a brother, sister, or grandchild, dies, marries or reaches the age of eighteen, or, if over eighteen and incapable of self-support, becomes capable of self-support. The compensation of a brother, sister or grandchild under legal age shall be paid to his or her guardian.

(h) Upon the cessation of compensation under this section to or on account of any person, the compensation of the remaining persons entitled to compensation for the unexpired part of the period during which their compensation is payable, shall be that which such persons would have received if they had been the only per-

sons entitled to compensation at the time of the decedent's death; provided, however, that nothing herein contained shall be construed to increase the compensation of the children of a widow or widower upon his or her remarriage.

(i) In case there are two or more classes of persons entitled to compensation under this section, and the apportionment of such compensation, hereinbefore provided, would result in injustice, the Bureau may, in its discretion, modify the apportionment to meet the requirements of the case.

(j) If any person entitled to compensation under this section, whose compensation by the terms of this section ceases upon his marriage, accepts any payments of compensation after his marriage, he or she shall be guilty of a misdemeanor.

(k) In computing compensation in case of death, the weekly wages of the deceased shall be considered to have been not more than Thirty Dollars (\$30.00) nor less than Eighteen Dollars (\$18.00), but the total weekly compensation shall not exceed the weekly wages of the deceased.

H. In case of death or of permanent total or if permanent partial disability, and if the Bureau determines that it is for the best interest of the beneficiary, the liability for compensation to such beneficiary may be discharged by the payment of a lump sum equal to the present value of all future payments of compensation computed at four per cent discount compounded annually. The probability of the beneficiary's death before the expiration of the period during which he is entitled to compensation shall be determined according to the American Experience Table of Mortality; but in case of compensation to the widow or widower of the deceased employee, such lump sum shall not exceed 416 week's compensation. The probability of the happening of any other contingency affecting the amount or duration of the compensation shall be disregarded.

I. If death results from the injury within six years, the North Dakota Workmen's Compensation Fund shall pay to the personal representative of the deceased employee burial expenses not to exceed One Hundred Fifty Dollars (\$150.00).

§ 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 3, 1925.

CHAPTER 224

(S. B. No. 127—Committee on Insurance.)

REPORTS OF NAMES OF SCHOOL DISTRICT CLERKS TO WORKMEN'S COMPENSATION BUREAU

An Act To Amend and Re-enact Chapter 353 of the Session Laws of North Dakota for Year 1923, Requiring Reporting of Names of School District Clerks to the Workmen's Compensation Bureau.

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

§ I. AMENDMENT.] That Chapter 353 of the Session Laws of North Dakota for the year 1923 be and the same is hereby amended and re-enacted to read as follows:

§ 1. Between the dates of September 1st and September 15th of each and every year the County Superintendent of Schools shall report to the Workmen's Compensation Bureau of North Dakota the name and address of the clerk of each school district within said county, together with the name and number of the school district of which such person is the clerk.

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

Approved March 3, 1925.

CHAPTER 225

(S. B. No. 132—Committee on Insurance.)

LIABILITY UNINSURED EMPLOYERS

An Act To Amend and Re-enact Section 11 of Chapter 162 of the Session Laws of North Dakota for the year 1919, known as the Workmen's Compensation Law.

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

§ I. AMENDMENT.] That Section 11 of Chapter 162 of the Session Laws of North Dakota for the year 1919, known as the Workman's Compensation Law, be and the same is hereby amended and re-enacted to read as follows:

§ 11. Employers subject to this act who shall fail to comply with the provisions of Sections Six (6) and Seven (7) hereof, shall not be entitled to the benefits of this act during the period of such

noncompliance, but shall be liable to their employees for damages suffered by reason of injuries sustained in the course of employment, and also to the personal representatives of such employees where death results from such injuries, and in such action the employer shall not avail himself or itself of the following common law defenses: The defense of the fellow-servant rule, the defense of the assumption of risk, and the defense of contributory negligence.

Such employer shall also be subject to the provisions of Section Eight (8).

Any employee, whose employer has failed to comply with the provisions of Sections Six (6) and Seven (7) hereof, who has been injured in the course of his employment, wheresoever such injury has occurred, or his dependents, in case death has ensued, may, in lieu of proceeding against his employer by civil action in Court, file his application with the Workmen's Compensation Bureau for an award of compensation in accordance with the terms of this act, and the Bureau shall hear and determine such application for compensation in like manner as in other claims before the Bureau; but the amount of the compensation which said Bureau may ascertain and determine to be due to such injured employee, or to his dependents in case death has ensued, together with reasonable costs and attorneys fees allowed by the Bureau, shall be paid by such employer to the person or persons entitled thereto within thirty days after receiving notice of the amount thereof as fixed and determined by the Bureau. In the event of the neglect, failure or refusal of the employer to pay such award within said thirty days, the same shall constitute a liquidated claim for damages against such employer in the amount so ascertained and fixed, which, together with such further costs and attorney fees as may be allowed by the Court, may be recovered in an action in the name of the State for the benefit of the person or persons entitled thereto; and no exemptions except absolute exemptions shall be allowed against any levy under execution pursuant to judgment recovered in such action.

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

Approved March 3, 1925.

CHAPTER 226

(S. B. No. 124—Committee on Insurance.)

PAYMENT WORKMEN'S COMPENSATION PREMIUM AND COLLECTION ON DEFAULT

An Act To Amend and Re-enact Section 8 of Chapter 162 of the Session Laws of North Dakota for the Year 1919, Known as the Workmen's Compensation Law, as Amended by Chapter 144 of the Session Laws of North Dakota for the Year 1921, and as Further Amended by the Session Laws of North Dakota for the Year 1923.

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

§ I. AMENDMENT.] That Section 8 of Chapter 162 of the Session Laws of North Dakota for the year 1919, known as the Workmen's Compensation Law, as amended by Chapter 144 of the Session Laws of North Dakota for the year 1921, and as further amended by the Session Laws of North Dakota for the year 1923, be and the same is hereby amended and re-enacted to read as follows:

§ 8. The Bureau shall determine the amount of premium due from every employer subject to the provisions of this act for the twelve months next succeeding the date of expiration of a previous period of insurance or next succeeding the date at which the Bureau receives information that an employer is subject to the act. The Bureau shall then order such premium to be paid into the fund, and shall mail a copy of such order to the employer. Such mailing shall constitute notice to the employer of the amount due.

If the total amount of premium specified in such order amounts to more than One Hundred Dollars (\$100.00), the employer may have the option of paying the same in two or four installments. If he elects to pay in semi-annual installments, no payment shall be less than Fifty Per Cent (50%) nor less than Fifty Dollars (\$50.00); if he elects to pay in quarterly installments, no payment shall be less than Twenty-five per cent (25%) nor less than Fifty Dollars (\$50.00); and interest shall be added to all deferred payments at the rate of Five (5) per cent per annum.

Whether paid in full, or in installments, the first payment shall be in default one (1) month from the date of the Pay-in-order. Subsequent installment payments shall be in default, respectively; in semi-annual payments, six months from the date of the Pay-in-order, and in quarterly payments, three months, six months and nine months from the date of the Pay-in-order.

In all cases of installment payment the employer shall file, within Thirty (30) days after the date of the Pay-in-order, a satisfac-

tory bond, guaranteeing the payment of all deferred installments prior to the date of default, and guaranteeing, further, the payment of penalties and court costs in the event that such installments are not paid prior to date of default.

In case any employer defaults in the payment of any premium, or any installment thereof, or in the filing of any bond, as herein required, penalties shall attach as follows: One (1) per cent for the first Fifteen (15) days of default, but not less than Three Dollars (\$3.00); Two (2) per cent for the next Fifteen (15) days of default, but not less than Five Dollars (\$5.00); and Three (3) per cent for the next Thirty (30) days of default not less than \$10.00 and 3% for each 30 days of default thereafter.

Within ten (10) days after any such default the Bureau shall cause to be certified to the Attorney General of North Dakota the name and place of business of the employer so in default, together with the amount of premium and penalties accrued, and it shall be the duty of the Attorney General forthwith to bring, or cause to be brought, suit for the collection of said premium and penalties, together with further accruing penalties, in the Courts of Burleigh County, North Dakota, or in the Courts of any County in which such employer is engaged in business; and, in such suits, it shall be unnecessary to comply with the provisions of Chapter 38 of the Session Laws of North Dakota for the year 1921, and acts amendatory thereof, known as the Conciliation Law.

The payment of any judgment rendered in any such action, or the voluntary payment of the amount of premium, penalties and costs prior to judgment, shall entitle the employer, and the employees of such employer, to the benefits of the act from the date of such Pay-in-order. If the judgment cannot be paid in full, the Bureau shall determine the date upon which the right of the employees to participate in the fund shall cease.

Any judgment obtained in any action under this act shall be a prior lien over all other judgments and liens, except those now in existence and cases arising under this Section shall have precedence over all other civil actions.

This act shall not operate retrospectively, and all rights and liabilities and causes of action that have accrued to the date on which this law becomes effective shall be governed by the law in force at the time the rights or obligations in controversy arose.

If the defendant is a non-resident of North Dakota, or a foreign corporation doing business in this State, service of summons may be made upon any agent, representative or foreman of said defendant within the state, or service may be made in any other manner designated by statute.

In any action the remedies of garnishment or attachment, or both, shall be available, and no exemptions except absolute exemptions shall be allowed against any levy under execution pursuant to judgment recovered in such action.

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

Approved March 6, 1925.

CONCURRENT AND JOINT RESOLUTIONS

JOINT RESOLUTION

(Joint Committee on Agriculture.)

CONGRESSIONAL AID FOR PROTECTION OF AMERICAN FARMER

Be It Resolved by the House of Representatives, the Senate Concurring:

WHEREAS, Congress, has through special legislation, in the form of protective tariff, protected the product of labor and industry from the competition of foreign peoples and has so saved the American market for the products of American labor and American industry, and made possible the American standard of prices, which is far in excess of the standard of world markets, and

WHEREAS, Congress has, through special legislation, known as restricted immigration, protected the American laborer from the disastrous competition of foreign peoples and has so saved the American job for the American laborer, and made possible the maintenance of the American Standard of wages, and

WHEREAS, the said special classes of legislation have afforded such ample and effective protection to the American Laborer and the American manufacturer as to, quoting our President in his message to Congress, "enable them to live according to a better standard and receive a better rate of compensation than any people, any time, anywhere on earth have ever enjoyed,"

WHEREAS, the protection so afforded to American labor and American manufacturers, supporting for them an American standard of prices for their products, has forced upon the American