

service shall be paid by the county in which such state road, state park, or state school land is situated.

Approved March 7, 1927.

WOLF and COYOTE BOUNTY

CHAPTER 283
(S. B. No. 83—Van Camp)

FIXING WOLF AND COYOTE BOUNTY

An Act to Amend and Re-enact Section 2645 of the Supplement to the Compiled Laws of 1913, Relating to Wolf Bounty.

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

§ 1. AMENDMENT.] That Section 2645 of the Supplement to the Compiled Laws of 1913 shall be amended and re-enacted to read as follows:

§ 2645. STATE BOUNTY FOR WOLVES AND COYOTES.] For the purpose of encouraging the destruction of wolves and coyotes, a bounty shall be paid by the State of North Dakota for each wolf and coyote killed as follows:

Three dollars (\$3.00) for each mature wolf or coyote killed, and one dollar and fifty cents (\$1.50) for each wolf or coyote pup killed prior to September 1st of the year of the whelping of such wolf or coyote pup. Provided, further, that no bounty shall be paid on wolves or coyotes killed by the Extension Division of the North Dakota Agricultural College, through the directors thereof co-operating with the Bureau of the Biological Survey of the United States Department of Agriculture.

Approved February 19, 1927.

WORKMEN'S COMPENSATION

CHAPTER 284
(H. B. No. 92—Sperry, by Request)

INVESTMENT OF WORKMEN'S COMPENSATION BUREAU FUNDS
An Act Providing for the Investment of Moneys in the Workmen's Compensation Fund.

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

§ 1. The Workmen's Compensation Bureau is hereby authorized, at its discretion, to invest the moneys in the Workmen's Compensation Fund in Bonds or certificates of indebtedness of the State of North Dakota, or of any political subdivision thereof.

§ 2. Such investment shall not be made except upon resolution duly entered upon the minutes of the Bureau by a majority vote of all the members of said Bureau directing the same, and such securities shall have the approval of the Attorney General as to the form and legality thereof; provided that the Treasurer of the State of North Dakota, shall be and he is hereby made the custodian of all such bonds and certificates of indebtedness, purchased or acquired by the Workmen's Compensation Bureau hereunder, and it shall be the duty of such bureau to deliver the same to the said State Treasurer, as such custodian thereof.

Approved March 1, 1927.

CHAPTER 285
(H. B. No. 93—Sperry, by Request)

POWERS AND DUTIES WORKMEN'S COMPENSATION BUREAU

An Act to Amend and Re-enact Section 4 of Chapter 162 of the Session Laws for the Year 1919, as Amended by Chapter 145 of the Session Laws of 1921, as Amended by Chapter 220 of the Session Laws of 1925.

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

§ 1. AMENDMENT.] Section 4 of Chapter 162 of the Session Laws for the year 1919, as amended by Chapter 145 of the Session Laws of 1921, as amended by Chapter 220 of the Session Laws of 1925, is hereby amended and re-enacted to read as follows:

§ 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 five 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 members of the Bureau shall receive a salary of Two Thousand Eight Hundred Dollars (\$2,800.00) 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 furnished by him, shall be paid out of the Workmen's Compensation Fund; there is hereby appropriated for such purposes out of the Workmen's Compensation Fund the sum of One Hundred Twenty Thousand Dollars (\$120,000.00) for the biennium ending June 30th, 1929.

Not later than August 1st of each year next preceding the session of the Legislative Assembly, the State Auditor shall send to the secretary of the Workmen's Compensation Bureau a suitable blank form to be filled out by the secretary, with an itemized statement of the amount of money which said Bureau considers necessary for the proper maintenance and operation of such Bureau, during the two fiscal years next ensuing. The said secretary shall return said blanks, properly filled out, on or before the first day of October of each year next preceding the session of the Legis-

lative Assembly to the State Auditor, together with such data and statements as may be necessary to fully and clearly explain the purposes and need of any appropriation which is requested by the said Workmen's Compensation Bureau for the purposes covered by this sub-section.

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 the act. The Bureau, or any member thereof, shall have the power to subpoena witnesses, administer oath 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 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 the laws and regulations requiring such employment to be safe, and shall issue reasonable safety regulations whenever the same shall become necessary, and the Workmen's Compensation Bureau may designate some suitable person to inspect the premises of any employer to determine if such regulations have been complied with.

Every employer as defined by the terms of this act who shall fail to comply with any reasonable safety regulations made in ac-

cordance herewith, within ten days after notice from the Workmen's Compensation Bureau, or its authorized agents, shall be guilty of a misdemeanor and upon conviction thereof in a court of competent jurisdiction shall be subject to a fine of not less than Ten Dollars or more than One Hundred Dollars; provided, that upon a showing being made by said employer that further time is necessary to enable the employer to comply with such regulation after the notice hereinbefore provided for has been received, the Workmen's Compensation Bureau may extend the time for such compliance on the part of said employer as the facts in each case may warrant.

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.

Approved March 7, 1927.

CHAPTER 286
(S. B. No. 65—Bakken)

SCHEDULE OF COMPENSATION—WORKMEN'S COMPENSATION
FUND

An Act to Amend and Re-enact Section 3 of Chapter 162, of the Session Laws of the State of North Dakota for the Year 1919, and Acts Amendatory Thereof, Relating to the Workmen's Compensation Act.

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

AMENDMENT.] That Section 3 of Chapter 162 of the Session Laws of the State of North Dakota for the year 1919, and acts amendatory thereof, 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 TEMPORARY or PERMANENT 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 wage, PROVIDED, HOWEVER, THAT IF THE DISABILITY BE PERMANENT TOTAL DISABILITY, THE TOTAL AMOUNT PAYABLE SHALL NOT EXCEED FIFTEEN THOUSAND DOLLARS (\$15,000).

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..... Five (5) Weeks
- For a ten per cent disability Fifty
- For a twenty per cent disability..... One Hundred
- For a thirty per cent disability..... One Hundred Fifty
- For a forty per cent disability Two Hundred
- For a fifty per cent disability..... Two Hundred Fifty
- For a sixty per cent disability Three Hundred
- For a seventy per cent disability..... Three Hundred Fifty
- For an eighty per cent disability..... Four Hundred
- For a ninety per cent disability..... Four Hundred Fifty

And the following shall be the schedule of specific benefits to be allowed for specific injuries:

| | Min. | Max. |
|---|-----------|-----------|
| 1. For loss of arm at shoulder, 234 weeks..... | \$1404.00 | \$4680.00 |
| 2. For loss of arm at or above elbow, 213.5 weeks | 1281.00 | 4270.00 |
| 3. For loss of hand at or above wrist, 195 weeks | 990.00 | 3900.00 |

| | | |
|---|---------|---------|
| 4. For loss of thumb, 45 weeks..... | 270.00 | 900.00 |
| 5. For loss of second or distal phalange of thumb, 22.5 weeks | 125.00 | 450.00 |
| 6. For loss of first finger, 29.25 weeks..... | 175.50 | 585.00 |
| 7. For loss of middle or second phalange of first finger, 19.5 weeks..... | 117.00 | 390.00 |
| 8. For loss of third or distal phalange of first finger, 9.75 weeks | 58.50 | 195.00 |
| 9. For loss of second finger, 24.75 weeks..... | 148.50 | 495.00 |
| 10. For loss of middle or second phalange of second finger, 16.5 weeks..... | 99.00 | 330.00 |
| 11. For loss of third or distal phalange of second finger, 8.25 weeks..... | 49.50 | 165.00 |
| 12. For loss of third finger, 15.75 weeks..... | 94.50 | 315.00 |
| 13. For loss of middle or second phalange of third finger, 10.5 weeks..... | 63.00 | 210.00 |
| 14. For loss of third or distal phalange of third finger, 5.25 weeks..... | 31.50 | 105.00 |
| 15. For loss of fourth finger, 13.5 weeks..... | 81.00 | 270.00 |
| 16. For loss of middle or second phalange of fourth finger, 9.0 weeks..... | 54.00 | 180.00 |
| 17. For loss of third or distal phalange of fourth finger, 4.5 weeks..... | 27.00 | 90.00 |
| 18. For loss of leg at the hip, 234.0 weeks..... | 1404.00 | 4680.00 |
| 19. For loss of leg at or above the knee, 195.0 weeks | 990.00 | 3900.00 |
| 20. For loss of foot at or above the ankle, 136.5 weeks | 819.00 | 2730.00 |
| 21. For loss of great toe, 19.5 weeks..... | 117.00 | 390.00 |
| 22. For loss of any other toe, 7.5 weeks..... | 45.00 | 150.00 |
| 23. For loss of sight of an eye, 9.75 or 100 weeks | 585.00 | 1950.00 |
| 24. For loss of hearing in one ear, 29.25 weeks | 175.50 | 585.00 |
| 25. For loss of hearing in both ears, 156.00 weeks | 936.00 | 3120.00 |

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 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, AND PROVIDED, FURTHER, THAT THE TOTAL AMOUNT PAYABLE SHALL NOT EXCEED THE SUM OF \$15,000, IN ADDITION TO THE AMOUNTS PAID FOR COMPENSATION AND MEDICAL AND HOSPITAL EXPENSE DURING TEMPORARY DISABILITY.

(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 the

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, 25 per cent; if both are wholly dependent, twenty per cent to each; if one or both are partially 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 widower, widow 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; PROVIDED, THAT ANY COMPENSATION SO PAYABLE TO THE PARENTS, IF THERE IS A WIDOW, WIDOWER OR CHILD, SHALL NOT BE INCLUDED IN THE LIMITATION OF \$15,000 REFERRED TO IN PARAGRAPH G.

(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, 10 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 percent; PROVIDED, THAT ANY COMPENSATION PAYABLE TO ANY DEPENDENTS UNDER THIS PARAGRAPH, IF THERE IS A WIDOW, WIDOWER, CHILD OR DEPENDENT PARENT, SHALL NOT BE INCLUDED IN THE LIMITATION OF \$15,000 REFERRED TO IN PARAGRAPH G.

(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 grand child, 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 grand child 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 persons 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 or 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.

(l) In case of death or of permanent, total, or of 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 weeks' compensation. The probability of the happening of any other contingency affecting the amount or duration of the compensation shall be disregarded.

(m) 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).

Approved March 9, 1927.

WORLD WAR

CHAPTER 287
(S. B. No. 115—Baird)

RECORD OF NORTH DAKOTA CITIZENS SERVING AND ACTIVE IN WORLD WAR

An Act to Provide for the Compilation, Publication and Distribution of the Record of the Citizens of North Dakota Who Rendered Military Service on Behalf of the State and Assisted in the Administration of the Selective Service Act During the World War.

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

§ 1. The Adjutant General of the State of North Dakota is hereby authorized and directed to compile, publish and distribute, in accordance with such rules and regulations as he may adopt, a record of the citizens of the State of North Dakota who rendered Military Service on behalf of the State and assisted in the administration of the Selective Service Act during the World War.

§ 2. The Industrial Commission of the State of North Dakota shall defray all expenses incident to carrying out the provisions of this act out of any moneys in its hands which have accumulated through the administration of the provisions of Chapter 244 of the Laws of 1923, provided, however, that all expenditures hereunder by the Industrial Commission shall be limited to such accumulations.

§ 3. The Adjutant General and Industrial Commission shall have full power and authority to do and perform any and all acts and things which may to them seem necessary and proper for the purposes of carrying out the terms and conditions and spirit of this act.

Approved, March 3, 1927.

CONCURRENT RESOLUTION 'M' (Benson and Schlosser)

REPEAL OF FEDERAL ESTATE TAX

WHEREAS, the Federal Estate (Inheritance) Tax Law, as amended February 26, 1926, provides that the estate liable there-