

in making such investigation and reports, he shall, whenever practicable, call to his assistance, and consult with the Dean of School of Mines (College of Mining Engineering) and the professor of Geology at the Agricultural College.

§ 2. AMENDMENT.] That Section 8240 of the Compiled Laws of North Dakota of the year 1913, is hereby amended and re-enacted to read as follows:

§ 8240. ASSISTANT STATE ENGINEER AND EXPENSES OF STATE ENGINEER'S OFFICE.] The state engineer shall have power to appoint from time to time, during the season of the year when field work is practicable, one or more assistant engineers, one of whom shall be a graduate from one of the leading technical universities of the county, who shall receive such salary as may be fixed by the state engineer, to be paid out of funds appropriated by the legislature for that purpose. He shall also receive actual and necessary traveling expenses while away from the office in the discharge of his official duties. The state engineer may employ other and additional assistants, and purchase materials and supplies for the proper conduct and maintenance of his office and department, in pursuance of appropriations as made from time to time for such purpose. The salaries and expenses of the office of the state engineer, shall be paid at the same time and in the same manner as those of other officers of this state. The office of the state engineer shall be located at the seat of government.

Approved March 9, 1929.

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## STATE INSTITUTIONS

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### CHAPTER 225

(S. B. No. 117—Ployhar.)

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#### STATE INSTITUTIONAL APPROPRIATION EXCESS EXPENDITURES UNLAWFUL

An Act declaring it unlawful for the board of administration or any member thereof or the president, superintendent, or managing officer of any state institution to exceed, or connive and conspire to exceed, the amount of any appropriation made by the legislative assembly for any designated purpose, and providing penalties therefor.

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

§ 1. It is hereby declared unlawful for the board of administration or any member thereof in the transacting of the business of

any state institution under its direction or control, to knowingly make or authorize any expenditure in the matter of the erection or improvement of any public building, or structure, or the purchase of any real property, in excess of any appropriation made by the legislature for such purpose; and it is further declared unlawful for the president, superintendent, or managing officer of any state institution conducted under the direction or control of the board of administration, to knowingly connive or conspire with said board of administration, or with any member thereof, to procure to be expended in the matter of the erection or improvement of any public building or structure or the purchase of any real property at the state institution of which he is such president, superintendent or managing officer, any sum in excess of the appropriation thereof as made by the legislature.

§ 2. PENALTY.] Any member of the board of administration and any president, superintendent or managing officer of any such state institution, violating the provisions of the foregoing section, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$500.00 or by imprisonment in the county jail not to exceed 60 days, or by both such fine and imprisonment, and shall be subject to summarily being removed from office by the governor.

§ 3. EMERGENCY.] Whereas, it has been the custom in the past for the board of administration to use their own judgment in the expenditure of moneys appropriated by the legislature, and as a vast amount of money will be appropriated at this session, and to avoid a repetition of that violation, this act is hereby declared to be an emergency measure, and shall be in full force and effect immediately upon its passage and approval.

Approved March 4, 1929.