

original obligation so renewed unless at the time of such renewal the party to whom the same is given causes to be marked across the face of the renewed instrument in legible writing, in ink, or to be typewritten thereon, the word "*Renewed*" or words of like import and effect. Any individual, firm, or corporation taking any such renewal of note or contract without complying with the provisions of this section shall become liable to any person or concern for any and all loss or damage suffered by reason of such negligence, and any person or concern intentionally violating the provisions hereof shall in addition to such liability be deemed guilty of a misdemeanor.

Approved March 11, 1931.

NORTH DAKOTA

CHAPTER 205

(H. B. No. 79—State Affairs Committee.)

CAPITOL BUILDING COMMISSION

An Act providing for the construction of a Capitol Building for the State of North Dakota and for that purpose creating a Board of Capitol Commissioners, defining its powers and duties, making appropriations for such purposes, providing and appropriating tax levies and the proceeds of sale of the Capitol lands thereto, and authorizing the issuance of interest bearing certificates against the Capitol Building Fund.

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

§ 1. BOARD OF STATE CAPITOL COMMISSIONERS.] (a) For the purpose of erecting and completing a State Capitol Building for legislative, executive and judicial purposes for the State of North Dakota on the site now owned by it at the City of Bismarck, in the County of Burleigh and State of North Dakota, there is hereby created a Board to be known as the "Board of State Capitol Commissioners," hereinafter called "The Board." Said Board shall consist of three (3) members who shall be appointed, in writing filed with the Secretary of State, by the Governor, within thirty (30) days after the enactment and approval hereof, not more than two of whom shall be residents of the same Congressional District, and who, with their successors, shall serve until the completion and acceptance of said Capitol Building. Such appointees shall be electors of the State, and shall have been in good faith residents of the Congressional District from which they are appointed for at least five (5) years prior thereto.

(b) Such members shall qualify within ten (10) days after receiving notice of their appointment, by making and filing with the Secretary of State an oath in substance as follows: "I, A. B., do solemnly swear that I will support the Constitution of the United

States and of the State of North Dakota and that I will well and faithfully discharge the duties of State Capitol Commissioner; that I will not, directly or indirectly, be interested or concerned in any manner whatever in any transactions connected with the construction of the Capitol Building or with any contractor or any person whatsoever in the construction thereof or any work connected therewith or in the proceeds or profits growing out of the same or in any work or labor done or material furnished in the construction of the same. So help me God."

(c) Each member shall be bonded in the State Bonding Fund in the sum of twenty-five thousand dollars, conditioned for the faithful performance of his duties as such Commissioner; for a violation thereof an action may be maintained by the State in the District Court of Burleigh County.

(d) Any member may be removed by the Governor for cause, upon hearing, with ten (10) days notice thereof; vacancies from any cause shall be filled by the Governor by appointment in writing filed with the Secretary of State.

(e) Members shall be reimbursed for actual expenses incurred by them and shall receive no other compensation.

§ 2. SECRETARY — COMPENSATION — BOND — DUTIES.] Said Board is authorized to appoint a secretary, not of their number, and remove him at pleasure; his compensation shall be fixed by the Board, not to exceed four thousand dollars per year; he shall be bonded in the State Bonding Fund in the sum of twenty-five thousand dollars conditioned for the faithful performance of his duties and prompt and full accounting for any and all money or property coming into his hands and shall take the same oath prescribed for the Commissioners, adapted to his office.

(a) He shall keep a true and complete record of all contracts and obligations entered into, by and with the board, and of all the transactions of the Board and minutes of its proceedings.

(b) He shall keep a set of books showing:

1. All expenditures on account of said Board.
2. All expenditures on account of the Capitol Building, and
3. At all times the financial condition of the Board and of the funds appropriated for and applicable to the purposes of this act, and all matters relating thereto.

(c) He shall attest all certificates ordered by the Board, as well as all contracts.

(d) He shall, as of the first day of January of each year, prepare a financial report for the preceding year containing an exhibit of all contracts entered into and an itemized and classified statement of all expenditures, and a list of all vouchers issued showing to whom and for what purpose they were issued, which reports shall be filed in the office of the Governor and of the State Auditor

and published within thirty (30) days after the first day of January of each year in two newspapers to be selected by the Board, and a copy transmitted by the Board to the Legislature at its next regular session.

(e) All Contracts made with said Board and all bonds required by said Board shall be regularly passed upon by the Board in session and if adopted and approved by a majority of said Board shall be recorded in a book kept for that purpose; and a duplicate of each of such contracts shall be made out and certified by the Secretary and indorsed "Approved" with the date of approval, and delivered to the other party thereto. Until such delivery no contract shall be valid or binding on either party.

(f) No party required by said Board to give bond shall receive any money from the public treasury, or warrant or certificate therefor, until said bond shall have been recorded as herein required. All such bonds and contracts upon being recorded shall be filed in the office of the State Auditor, by whom they shall be indexed and preserved. All other vouchers, statements, files, and papers relating to the erection of said building shall be kept and preserved by said secretary until the completion and acceptance thereof, when the same shall be turned over to the Secretary of State.

(g) He shall perform such other duties as may be required of him by said Board.

§ 3. POWERS AND DUTIES OF BOARD.] Two of the members shall constitute a quorum and shall have power to transact business and may adjourn meetings from time to time. The Board may hold regular monthly meetings and may hold special meetings at any time or place upon such notice as it sees fit; the Board shall meet at Bismarck, North Dakota, and organize within ten (10) days after the members receive notice of their appointment, by the election of a President, Vice-President, and Secretary; the President shall preside at all meetings and, with the Secretary, shall sign all contracts, vouchers, and official papers; the Vice-President shall preside and act in the absence and/or incapacity of the President; the Board shall have power and authority and it shall be its duty:

(a) To locate said capitol building at the place in the present capitol grounds, most sightly and suitable therefor;

(b) To secure the submission of plans and designs appropriate to a capitol building for the State of North Dakota, the reasonable cost of which building shall be two million (\$2,000,000.00) dollars, and no more; and from such plans and designs as may be worthy and adequate to secure the selection of the most desirable plan and design and to obtain proper architectural designs, plans, specifications and details in conformity with such plan and design.

(c) To secure the erection and completion of said capitol building conforming faithfully to such plan and design.

(d) To employ and enter into a contract with an architect to prepare such plans, designs, specifications, and details; if such architect is a non-resident he shall associate with him an architect who is a bona fide resident of the State of North Dakota and duly licensed as such architect under the laws of North Dakota; the Board may also employ and engage such associate and/or assistant or consulting architects as it deems necessary.

(e) To pay from the Capitol Building Fund such reasonable legal fees and expenses as may be necessary under the provisions of Section 16 of this act, and to engage and employ such supervisor or supervisors, inspector or inspectors and such other assistants, employees, and aids as may be convenient and necessary to carry out the duties and authority hereby conferred upon the Board, and to fix the salaries thereof, and to remove and discharge the same at its pleasure.

(f) To make and enter into any and all contracts for the construction of said buildings as may be necessary, including contracts for work, labor, material, supplies, and all other purposes, and to buy and purchase or otherwise acquire any and all materials and supplies which may be necessary, and to sell and dispose of any thereof which may be found unnecessary or unfitted or which for any reason should be sold.

(g) To tear down, wreck, clear, and salvage the ruins of the present capitol building, and to sell, either at public or private sale upon such notice as it deems proper, any and all material which may be saved or recovered therefrom or to make use thereof in the construction of the new capitol, and to make and enter into any contract therefor; or the Board shall have authority to perform such work by day labor.

(h) To make any and all necessary contracts of insurance and to require that all workmen shall be within the Workmen's Compensation Fund.

(i) The Board shall have power and authority to do and perform any part of the work by day labor if deemed necessary.

(j) To adopt and promulgate rules and regulations for the transaction of its business and to carry out and fulfill the purposes hereof.

(k) The State hereby waives its exemption from suit and authorizes said Board to sue and be sued in the name of the "Board of Capitol Commissioners of the State of North Dakota" on account of, or in connection with, any and all contracts and all other transactions authorized herein, excluding, however, causes of action arising in tort.

§ 4. UNLAWFUL TO BE INTERESTED IN CONTRACT—PENALTY.] It shall be unlawful for either of the said Commissioners or for the Secretary or Superintendent or any other employees of said

Board, to be interested, either directly or indirectly, in any manner whatsoever in any contract for the construction of said Capitol Building or for any work connected therewith or for the furnishing of any supplies or material therefor so as to receive any benefit therefrom, or the promise of any benefit therefrom of any kind whatsoever, and any of said persons who shall violate this section shall be guilty of a misdemeanor and upon conviction thereof shall be subject to imprisonment not exceeding one (1) year or to a fine not exceeding ten thousand dollars, or both, and in addition thereto excluded from holding any office of trust or profit in this State.

It shall be unlawful for said Board to employ or continue in its employment in the supervision or superintendence of the building of said Capitol or of any work connected therewith, any person who is in any manner connected with or interested in, directly or indirectly, any contract for the erection of said Capitol Building or for the furnishing of any supplies or material therefor; and the said commissioners are hereby charged with the rigid enforcement of the provisions of this act.

§ 5. PLANS AND SPECIFICATIONS.] The Board, as soon as practicable after the passage and approval of this act, shall proceed, in such manner as it deems best, to procure and select plans and specifications for the construction of the Capitol Building of the State of North Dakota and to receive bids for the performance of the work thereunder. No plan and specification shall be adopted nor bid accepted or contract entered into, unless a majority of all of the members of the Board shall vote in favor thereof.

No plans and/or specifications shall be adopted until careful estimate has been made of the cost of supervision, labor, material and other expenditures necessary to complete the same, it being the object of this act to restrict the aggregate and entire cost of all expenditures to be made under this act to the sum of two million dollars; and all contracts awarded and plans adopted shall be awarded and adopted only after the Board shall be satisfied that the cost of carrying out the provisions of this act shall not exceed said sum.

§ 6. BIDS FOR CONSTRUCTION AND MATERIAL.] Save as herein otherwise provided, all labor, material, transportation (except by rail) or construction, required by this act, as well as all job printing, advertising or other work shall be done or furnished by contract.

The Board is authorized to contract for the performance of the entire work by a contractor who may undertake the whole work, or it may divide the work into appropriate classes and make separate contracts as to either of them as may seem to it to be for the best interests of the State.

No construction or material shall be furnished except pursuant to bids advertised for as herein provided. The Board shall not ask for bids for any article of a specified or copyrighted brand or

name, or the product of any one manufacturer, or any patented apparatus or appliance, when such requirements will prevent proper competition, unless bids shall also be asked on other similar articles of equal value, utility and merit. All lettings on construction or material exceeding in amount the sum of one thousand dollars shall be advertised once each week in four daily newspapers of general circulation for not less than twenty-one days. The bid of the lowest responsible bidder shall be accepted; saving that the Board shall have the right to reject any and all bids; and whether accepted or rejected, all bids shall be retained by the Secretary of the Board. The performance of every contract shall be secured by a bond to the State of North Dakota in a sum not less than one-half of the contract price, in a Surety Company organized in and/or duly authorized to transact business in the State of North Dakota, and approved by the Board, said bond to be conditioned for the full, faithful and complete performance of said contract and to be for the use of the State and any one who may perform any work or furnish any material under said contract who may bring an action thereon. No sub-letting of such contract or any part thereof, and no modification of the structure or work covered thereby, and no payments to the contractor prior to the time specified in the contract and no extension of time in the performance of the work shall operate to release the surety or sureties on said bond. Each bid shall be accompanied by a bidder's bond and a certified check in an amount equal to three per cent of such bid, conditioned for the execution and faithful performance of a contract in accordance with said bid if the same shall be accepted by the Board. All contracts shall reserve the right of the Board, for good cause shown, to annul the contract without allowance for damages, and allowing only expenses incurred and labor performed, not exceeding the contract price or the proportion that the work done or material furnished thereunder bears to the total amount contracted for. Ten per centum of the amount allowed shall be reserved from payments on monthly estimates of work done, until such work shall have been completed, inspected and accepted. All material contracted for shall be of the best quality and to the satisfaction of the Board; and the directions, plans and specifications of the work shall be executed and carried out by skilled and reputable architects, contractors, artists, mechanics and laborers, likewise to the satisfaction of the Board.

§ 7. COMPENSATION AND DUTIES OF ARCHITECT.] The Board shall fix the compensation and duties of all architects and of any supervising architect employed by it. No architect nor any of his subordinates or assistants shall be in any way connected with any work done or material furnished for said building, or any contract therefor, or shall have any interest therein, directly or indirectly. The architect shall furnish a bond to the State of North Dakota in the sum of Fifty Thousand Dollars in a Surety Company organized in or authorized to transact business in the State of North Dakota

and approved by the Board, conditioned for the full, faithful and complete performance of said architect, his assistants and subordinates of his and their duties as herein prescribed.

§ 8. SUPERINTENDENT OF CAPITOL BUILDING.] The Board may appoint a specially qualified person to act as Superintendent of the construction of said Capitol building. It shall be his duty to see that all contracts made with the Board are faithfully performed, that all material furnished and work done shall be as required by law or the contract therefor, that all duties imposed upon the architect are faithfully performed by him and his subordinates and that no provisions of this law are violated, to report to the Board any violation of this law or of any contract or of duty by any architect, contractor, or employee of said Board, and to do such other duties as may be required of him by the Board. Said superintendent shall receive as his compensation such sum as the Board shall deem reasonable; and he shall be removable at the pleasure of the Board. He shall give a surety bond in the sum of Ten Thousand Dollars by a Surety Company organized in or authorized to transact business in the State, to be approved by the Board and filed with the Secretary of the Board, and shall take the same oath as members, adapted to his position.

§ 9. MATERIALS FROM NORTH DAKOTA.] The Board shall have and is hereby given power and authority where the kind of material to be used in the construction of the Capitol building is not specifically fixed by this Act, to use such material as it may deem best for said building; the said building shall be built of stone, brick, iron, steel, concrete and/or other fire proof material as far as practicable. All material shall be procured in the State of North Dakota, provided the same are products of said State and can be procured and delivered at the site at a cost not exceeding five per cent more than the lowest amount for which material equally good can be procured elsewhere. Said Capitol building shall contain all chambers, rooms, corridors, halls, safes, vaults and other features and appurtenances appropriate to a Capitol building, and shall be fire proof. It shall be equipped with the most improved methods of lighting, heating, drainage and ventilation.

§ 10. PREFERENCE TO NORTH DAKOTA CONTRACTORS AND LABOR.] Preference shall be given to all bona fide contractors who have been continually in business in the State of North Dakota for the period of at least one year prior to the taking effect of this Act, to the extent of three per cent, and wherever practicable preference shall be given to bona fide residents of the State of North Dakota in all work, labor, employment and positions in and about and connected with said work.

§ 11. MANNER OF MAKING DISBURSEMENTS.] All disbursements on account of the construction of the Capitol building shall be made pursuant to certificates issued by the Board. All architects'

estimates, claims, bills and demands for labor performed, work done, or material furnished shall be presented to the Board in the form of an original and a duplicate, and shall be passed upon by said Board only and after a careful examination of every item named. If found correct, the Board shall audit the same, preserving the duplicate and transmitting the original as audited and allowed to the State Auditor, and shall issue a certificate to the effect that such services have been rendered or material furnished, and the person therein named is entitled to a warrant on the treasury to the amount therein named which shall take into account the reservation fixed in the contract. Upon the presentation of said certificate and the original of the vouchers therefor, as audited and approved by the Board as herein provided, to the State Auditor, he shall draw his warrant on the State Treasury on the "State Capitol Building Fund" for the amount stated and to the order of the person named in said certificate. All certificates issued shall be recorded in a book kept for that purpose. The Board shall meet at least once in each calendar month for the foregoing purposes.

§ 12. STATE CAPITOL BUILDING FUND.] To the end that funds may be provided to carry out the provisions and requirements of this law there is hereby assigned, allocated and appropriated to the "State Capitol Building Fund" all moneys, investments, securities, real and personal property, together with any and all interest upon, increment to and improvements thereof as follows:

(a) All moneys heretofore or hereafter realized from the tax levy for the purpose of erecting a new Capitol building and equipping the same under Chapter 236, Session Laws 1929 and all Acts amendatory thereof, with interest thereon and increment thereto.

(b) All moneys either heretofore or hereafter realized out of and from the sale of lands donated and granted to the State of North Dakota under and by the provisions of Sections 12 and 17 of the "Enabling Act" approved February 22, 1889, for the purpose of erecting public buildings at the Capitol of the State for legislative, executive, and judicial purposes, with the interest thereon and increment thereto or any improvements thereof, and any and all investments, bonds, mortgages or other security in which the same may be invested.

(c) Any and all other moneys rightfully belonging to or heretofore appropriated for the purpose of constructing a Capitol building.

§ 13. APPROPRIATIONS.] In order to carry out the provisions of this Act there is hereby appropriated out of any money in the State Treasury not otherwise appropriated, the sum of Four Hundred and Thirty Thousand Dollars; and there is hereby appropriated out of the "State Capitol Building Fund" the sum of One Million Five Hundred and Seventy Thousand Dollars.

§ 14. BOARD OF COMMISSIONERS AUTHORIZED TO ISSUE ANTICIPATION CERTIFICATES OF INDEBTEDNESS.] The Board of Capitol Commissioners is hereby authorized for the purpose of anticipating the receipt of the proceeds of the sales of lands referred to in Section 12 hereof, and of moneys to be collected from the tax levy mentioned in Section 12 hereof, under Chapter 236, Session Laws 1929, and all Acts amendatory thereof, to issue certificates of indebtedness bearing interest at a rate not to exceed five per cent per annum, payable annually or semi-annually, which shall be known as "State Capitol Building Fund Certificates" and which shall be exempt from taxation, conditioned as follows:

(a) The aggregate amount of par value of such certificates issued shall not exceed One Million Dollars; such certificates shall mature at such time or times as the Board of Capitol Commissioners and State Auditor shall determine but care shall be used that no more of the principal and interest shall fall due in any year than can be paid when due, out of the capitol building fund; and every such certificate shall mature in not to exceed ten years from the date of its issue.

(b) The said certificates shall be in such denominations and form as the Board and State Auditor shall determine, but shall plainly show upon their face the purpose for which they are issued, the time of maturity and shall contain a proper reference to this section of this Act and shall be made payable at the office of the State Treasurer.

(c) The said certificates shall be issued from time to time as the work of construction of the Capitol progresses, and only in such sums as the Board may deem necessary to provide the necessary funds to pay for material and labor and to carry out the provisions of this Act; the said certificates shall be signed by the president or vice-president of said Board and the State Auditor, who shall keep a proper register thereof and who shall deliver them to the State Treasurer. They shall be attested by the Secretary of the Board.

(d) The Board shall sell the certificates to the highest bidder, but no bid for less than par shall be accepted; and the certificates shall be delivered by the Treasurer to purchasers only on payment into the State Treasury of the amount for which they are sold. The proceeds of the sales of such certificates shall be placed in the "State Capitol Building Fund" and shall be used for carrying out the provisions of this Act.

(e) In lieu of selling all or any part of the certificates as above provided, the said Board may, if it deems best, at the time of employing any person, or making or letting any contract, or at any time thereafter, offer all or any part of such certificates to the person, firm, or corporation employed or contracted with, in payment of the work, labor, skill or material performed or furnished by such person,

firm, or corporation. But in such case the certificates shall not be offered or received in payment for less than the par value thereof, and shall only be delivered by the State Treasurer to such person, firm or corporation upon full and complete statements, of accounts, certified and audited as provided in Section 11 hereof. Nothing herein contained shall be construed to compel any person, firm, or corporation to receive such certificates in payment for work, labor, skill, or material unless it is so provided in the contract under which such work, labor, skill, or material is performed or furnished.

(f) The principal and interest of said certificates when due shall be paid by the State Treasurer, on the warrant of the State Auditor, out of the funds in the State Capitol Building Fund; and sufficient of such funds shall be set apart to meet the maturing certificates in each and every year that such certificates shall mature. Said certificates shall constitute a first charge upon the funds in said State Capitol Building Fund; and the liability of the State shall be limited to the faithful and ratable application to the payment thereof, of such funds.

§ 15. TIME OF COMPLETION OF BUILDING.] The entire construction of the Capitol Building shall be completed by the first day of January, 1936.

§ 16. LEGAL ADVISER.] The Attorney General shall be the legal adviser of the Board and the Board is authorized to call upon him at all times for legal counsel and advice, and the Attorney General is authorized to appoint such Special Assistant Attorney General as may be necessary to carry out the provisions of this Act, such Assistant Attorney General to be paid as provided for in Section 3e.

§ 17. EFFECT OF PARTIAL INVALIDITY.] The object sought to be accomplished by this enactment is to provide for the construction by the State of North Dakota, of a Capitol Building at the City of Bismarck, in the manner and for the purposes provided in this Act; and the provisions relating to the manner in which these objects are to be accomplished do not form an inducement for the enactment. And it is hereby declared that if any of the provisions of the act in any manner contravene the provisions of the Constitution, the remaining provisions would have been enacted by this legislative assembly even though such provisions had been eliminated from the act. Hence, if any of the provisions are found to be violative of the Constitution, the remaining provisions shall not be affected by such invalidity but shall remain in full force and effect.

§ 18. REPEAL.] All Acts or parts of Acts in conflict herewith are hereby repealed.

§ 19. EMERGENCY CLAUSE.] This Act is declared to be an emergency measure and shall take effect from and after its passage and approval.

Approved February 23, 1931.

CHAPTER 206

(H. B. No. 220—Steenson and Lamb.)

CHICAGO INTERNATIONAL EXPOSITION COMMISSION

An Act to provide for the collection, arrangement and display of the products and resources of the State of North Dakota at the Chicago International Exposition to be held at the City of Chicago in the State of Illinois, in the year A. D. 1933, and providing for a Board of Commissioners therefor, and making an appropriation for such purpose.

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

§ 1. COMMISSION CREATED. MEMBERS OF.] For the purpose of exhibiting the resources, products and advantages of the State of North Dakota at the Chicago International Exposition to be held in the City of Chicago in the year A. D. 1933, a Commission is hereby created to be known as the Chicago International Exposition Commission, which Commission shall be composed of the Governor, the Secretary of State, the Commissioner of Agriculture and Labor, and the Commissioner of Immigration, and three citizens of the State to be appointed by the Governor. The Governor shall be the President of the Commission and the Commissioner of Agriculture and Labor shall be its Secretary.

§ 2. MEETINGS. MANAGER.] The Commissioners shall meet at the call of the Governor at such time and place as he shall designate. The Commissioner of Immigration shall be the Manager, and is hereby authorized and required to assume and exercise, subject to the supervision of the Commission, all such functions as may be necessary to secure a complete and creditable exhibit of the industries of the state at said International Exposition, and shall have personal charge of the solicitation, collection, transportation, arrangement, and exhibition of the products and resources of the state. Such manager shall, with the approval of the Commission, employ all help and assistance necessary to carry out the purpose of this Act.

§ 3. COMPENSATION OF COMMISSION MEMBERS.] Members of the Commission as herein named shall not receive any compensation for their service as such Commissioners, except their actual necessary expenses for transportation, and Six Dollars per day for subsistence for each day they are necessarily absent from their homes on the business of said Commission.

§ 4. EXPENSES. HOW PAID.] Expenses incurred under this Act shall be audited and paid in the manner provided by law for the payment of expenses of state officers; provided that no bill shall be audited or paid unless "approved" in writing by the Commission.

§ 5. APPROPRIATIONS.] There is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, the

sum of Eighteen Thousand Dollars, or so much thereof as may be necessary, for the purpose of carrying out the provisions of this Act.

§ 6. COMMISSION SHALL REPORT, WHEN.] Said Commission shall make an itemized statement of all its expenses and disbursements to the Twenty-fourth Legislative Assembly of the State of North Dakota.

Approved March 11, 1931.

CHAPTER 207

(H. B. No. 22—Committee on Game and Fish.)

CONSENT TO U. S. ACQUISITION MIGRATORY BIRD RESERVATIONS

An Act Consenting to the acquisition by the United States of land, water, or land and water, within the State of North Dakota for migratory bird reservations, authorized by Act of Congress of February 18, 1929.

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

§ 1. Consent of the State of North Dakota is given to the acquisition by the United States by purchase, gift, devise, or lease of such areas of land or water, or of land and water, in the State of North Dakota, as the United States may deem necessary for the establishment of migratory bird reservations in accordance with the Act of Congress approved February 18, 1929, entitled "An Act to more effectively meet the obligations of the United States under the Migratory Bird Treaty with Great Britain by lessening the dangers threatening migratory game birds from drainage and other causes by the acquisition of areas of land and of water to furnish in perpetuity reservations for the adequate protection of such birds; and authorizing appropriations for the establishment of such areas, their maintenance and improvement and for other purposes", reserving, however, to the State of North Dakota full and complete jurisdiction and authority over all such areas not incompatible with the administration, maintenance, protection, and control thereof by the United States under the terms of said Act of Congress.

Approved March 2, 1931.

CHAPTER 208

(S. B. No. 96—Brunsdale, Cain, Sathre and Stucke.)

INDUSTRIAL SURVEY COMMISSION

An Act creating an Industrial Survey Commission for the State of North Dakota, defining its duties and making an appropriation therefor.

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

§ 1. There is hereby created an Industrial Survey Commission for the State of North Dakota which shall consist of the Governor, the Secretary of State and the Attorney General.

§ 2. It shall be the duty of said Commission to institute and carry on a state-wide industrial survey, including a study of the state's natural resources and agricultural production trends promising industrial development, and an analysis of traffic problems, services available to industry from departments of the state government and state institutions, and all other factors which may be involved in any way in further industrial development of the State of North Dakota.

§ 3. The said Commission may assign such parts of its research, studies and analyses, as it may decide, to departments, commissions or bureaus of the state government or to state institutions, special committees or qualified individuals or organizations; provided, however, that all findings, conclusions, and recommendations must be approved by said Commission before they may become a part of the Commission's final report.

§ 4. The said Commission, as soon as it is practicable, and prior to the convening of the next session of the legislative assembly, shall cause to be published in pamphlet form a report of its findings, conclusions and recommendations, said report to be known as the Industrial Survey of North Dakota.

§ 5. There is hereby appropriated out of any funds in the State Treasury not otherwise appropriated, the sum of Ten Thousand Dollars (\$10,000) to be used for the payment of the necessary expenses of said Commission, to be expended upon vouchers drawn by the Commission against said fund in the State Treasury.

§ 6. 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 March 11, 1931.

CHAPTER 209

(S. B. No. 200—Hyland, Fredrickson and Putnam.)

MISSOURI RIVER COMMISSION OF NORTH DAKOTA

An Act creating the Missouri River Commission of North Dakota, defining its powers and duties, making an appropriation therefor, and repealing Chapter 161 of the Session Laws of North Dakota for 1929.

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

§ 1. There is hereby created The Missouri River Commission of North Dakota which shall be composed of five members and shall consist of the Governor, the Adjutant General and three residents of the State, to be appointed by the Governor and to hold office for a period of two years. The State Engineer shall be Ex-officio Secretary of said Commission. The members of said Commission shall receive no compensation, but shall be reimbursed for their actual and necessary traveling expenses.

§ 2. It shall be the duty of such Commission to formulate a state waterway development program which shall contemplate the improvement of the Missouri River and its tributaries for navigation and flood control purposes, and the conservation of the waters of the principal lakes, rivers and streams of the state; to cooperate with other Missouri River Valley and Mississippi Valley States in securing the adoption of such waterway development program by the United States Government as a part of the national waterway improvement program; to act in conjunction with similar commissions, bureaus and officers of other states in promoting the improvement of the Mississippi Valley and the Missouri Valley Rivers for navigation, flood control and water conservation purposes; and to arrange for proper representation in behalf of the State of North Dakota at any waterway conferences, conventions, Congressional or legislative hearings dealing with such waterway problems as in the judgment of the Commission may be deemed advisable. In carrying out these duties the Commission may call upon and receive the assistance of any state department, state officer or state institution.

§ 3. There is hereby appropriated out of any funds in the State Treasury, not otherwise appropriated, the sum of \$5,000.00, or so much thereof as may be necessary, to carry out the provisions of this Act.

§ 4. REPEAL.] Chapter 161, Session Laws of North Dakota for 1929 is hereby repealed.

Approved March 11, 1931.

CHAPTER 210

(H. B. No. 184—Traynor.)

N. D. GOVERNMENTAL SURVEY COMMISSION

An Act to provide for the creation of a North Dakota Governmental Survey Commission, defining its powers and duties and making an appropriation therefor.

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

§ 1. CREATING COMMISSION, TERM, APPOINTMENT, VACANCIES.] There is hereby established a North Dakota Governmental Survey Commission to consist of five (5) members to be appointed by the Governor, all of whom shall be electors of the State of North Dakota. The term of office of the members of such Commission shall expire on December 31, 1932. Any vacancy occurring on the Commission from any cause shall be filled by the Governor.

§ 2. ORGANIZATION, EMPLOYEES, ETC.] Within thirty days after the taking effect of this Act, the Commission shall meet at the State Capitol upon the call of the Governor, and shall organize by electing one of its members as chairman and adopting rules to govern its procedure. The Commission may employ a secretary and such other employes as it may deem necessary for the proper performance of its duties.

§ 3. COMPENSATION, EXPENSES.] Each member of said Commission shall be entitled to his actual traveling and other necessary expenses, and in addition, compensation of \$8.00 per day while actually engaged in work assigned to him by the Commission, including attendance upon Commission meetings.

§ 4. POWERS, DUTIES, OBJECTS AND PURPOSES.] It shall be the duty of the Commission to make a comprehensive survey and investigation of the structure, functions and processes of the entire government of North Dakota, including the executive departments of the State Government, and all Municipalities and political subdivisions, including towns, villages and cities, townships, school districts and counties; provided that such survey and investigation shall not extend to either the judicial or legislative branches of the state. The Commission is hereby authorized and empowered to appoint, either from its membership or otherwise, sub-committees for the purpose of making a special survey of any particular department, bureau, commission or function of the State, or any political subdivision. It shall be the object and purpose of such survey and investigation to discover ways and means whereby the cost of local and state government may be substantially reduced and greater administrative efficiency introduced into the governmental systems of the state. To this end, the Commission shall carefully consider means to accomplish the following objects:

- (1) The elimination of waste and unnecessary public expenditures.
- (2) The elimination of such governmental functions and activities as are not required to promote or protect the public welfare.
- (3) The consolidation of departments, functions and offices in state and local governments.
- (4) The consolidation and re-organization of local and municipal taxing districts with the view of eliminating duplication of efforts, overlapping powers and duties, and the concentration of official responsibilities.
- (5) The elimination of obsolete and cumbersome administrative methods and the improvement of governmental machinery in keeping with modern standards of business efficiency.
- (6) The general reconstruction and readjustment of administrative and executive functions in the whole system of state and local governments with the view of simplifying its methods, strengthening its processes, increasing its efficiency and lessening the burden of taxation.

§ 5. PUBLIC HEARINGS.] To facilitate the work of the Commission, it shall have free access to all public records, files and official reports relating to the matter under investigation, and it may hold public hearings at such places within the state as it may deem necessary for the proper performance of its duties and it may require any public official or employee of any state department, municipality or political subdivision to appear before it and furnish to the Commission any information, data or other matter within his possession or knowledge pertaining to the subject matter under investigation by the Commission.

§ 6. REPORTS AND RECOMMENDATIONS.] The Commission shall on or before December 1st, 1932, file with the Governor, a full and complete report of its findings and recommendations, who shall thereafter transmit a copy of such report to the Legislature. In such report the Commission shall make such recommendations as in its judgment would accomplish one or more of the objects and purposes specified in Section 4 hereof.

§ 7. APPROPRIATION.] There is hereby appropriated from the General Funds in the State Treasury, not otherwise appropriated, the sum of \$10,000, or so much thereof as may be necessary for the purpose of carrying out the provisions of this Act.

Approved March 9, 1931.