

INITIATED MEASURES

CHAPTER 257

OLD AGE ASSISTANCE ACT AMENDMENT

An act amending and re-enacting Section 3 of Chapter 211 of the Session Laws of North Dakota for 1937, and providing that the amount of assistance which any person shall receive shall be sufficient when added to all other income of recipient to provide such person with a reasonable subsistence compatible with decency and health but shall not be less than a minimum of forty dollars per month except that it shall not be less than a minimum of thirty dollars per month for each recipient where there is more than one recipient in a family and each county shall reimburse the State agency for fifteen per cent of the amount expended for such assistance in such county in excess of the amount provided by the Federal government and repealing all acts and parts of acts in conflict herewith.

Be It Enacted by the People of the State of North Dakota:

Section 3 of Chapter 211 of the Session Laws of North Dakota for 1937, is hereby amended and re-enacted to read as follows:

§ 3. THE AMOUNT OF ASSISTANCE.] The amount of assistance which any person shall receive shall be determined with due regard to the resources and necessary expenditures of the individual and the conditions existing in each case and in accordance with such rules, regulations and directions as the State agency may find it necessary to prescribe. The amount of assistance shall be sufficient when added to all other income of the recipient to provide such person with a reasonable subsistence compatible with decency and health but shall not be less than a minimum of forty dollars per month except that it shall not be less than a minimum of thirty dollars per month for each recipient where there is more than one recipient in a family, and each county shall reimburse the State agency for fifteen per cent of the amount expended for such assistance in such county in excess of the amount provided by the Federal Government. Provided, that if at any time the amount received or to be received by this State from the United States for old age assistance shall be more than fifteen dollars per month for each person entitled to the full monthly compensation of forty dollars per month under this act, then the State agency shall have authority to increase such minimum amount of old age assistance in an amount corresponding to the increase, that such increase in the amount received from the Federal Government will permit and repealing all acts or parts of acts in conflict herewith.

Approved Nov. 8, 1938.

154,367 to 78,427.

CHAPTER 258

ABOLITION OF THE NORTH DAKOTA REGULATORY DEPARTMENT AND THE TRANSFER OF ITS FUNCTIONS AND DUTIES.

An act to repeal Chapter 199, Session Laws of 1933, as amended by Chapter 223 of the Session Laws of 1935, establishing and creating the North Dakota Regulatory Department; providing for the creation of the State Laboratories Department and the transfer to it of the management and enforcement of the Pure Food and Beverage Laws, Beverage Inspection Act, Food and Drugs Act, Egg Law, Registration and Labeling of Concentrated Commercial Feeding Stuffs Law, Insecticide and Fungicide Law, Fertilizer Law, Adulteration of Paints Law, Varnish Law, North Dakota Petroleum Products Inspection Act, and Hotel Inspection Law; providing for the transfer of the management and enforcement of the Weights and Measures Acts to the State Laboratories Department; providing for the transfer of the enforcement of the Cigarette, Cigarette Paper and Snuff Law to the State Tax Commissioner; providing for the transfer of the enforcement of the Licensing Law to the Attorney General; providing for the transfer of the management and enforcement of the North Dakota Beer Act to the State Tax Commissioner; and repealing all laws in conflict therewith.

Be It Enacted by the People of the State of North Dakota:

§ 1. STATE LABORATORIES DEPARTMENT. CREATION.] There is hereby created and established a State laboratories department, to be known as the "State Laboratories Department," under whose charge and management the enforcement of the following regulatory laws of this State is placed, to-wit:

Article 40A of Chapter 38 of the Political Code of the 1925 Supplement to the Compiled Laws of North Dakota, 1913, (Sections 2889a1 to 2889a17, inclusive), known as the "Pure Food and Beverages Law."

Chapter 85A of the Penal Code of the 1925 Supplement to the Compiled Laws of North Dakota, 1913, (Sections 10169a1 to 10169a12, inclusive), known as the "Beverage Inspection Act."

Article 40B of Chapter 38 of the Political Code of the 1925 Supplement to the Compiled Laws of North Dakota, 1913, (Sections 2889b1 to 2889b28, inclusive), as amended by Chapter 132, Session Laws of 1937, known as the "Food and Drugs Act."

Article 36C of Chapter 38 of the Political Code of the 1925 Supplement to the Compiled Laws of North Dakota, 1913, (Sections 2863C1 to 2863C9, inclusive), known as the "Egg Law."

Chapter 141 of the 1927 Session Laws as amended by Chapter 11 of the Session Laws of 1937, known as the "Registration and Labeling of Concentrated Commercial Feeding Stuffs Law."

Chapter 97 of the Penal Code of the Compiled Laws of North Dakota, 1913, (Sections 10210 to 10224 inclusive), known as the "Insecticide and Fungicide Law."

Article 41 of Chapter 38 of the Political Code of the Compiled Laws of North Dakota, 1913, (Sections 2890 to 2897 inclusive), known as the "Fertilizer Law."

Article 45 of Chapter 38 of the Political Code of the Compiled Laws of North Dakota, 1913, (Sections 2923 to 2925 inclusive), known as the "Adulteration of Paints Law."

Article 45.A of Chapter 38 of the Political Code of the 1925 Supplement to the Compiled Laws of North Dakota, 1913, (Sections 2925a1 to 2925a6 inclusive), known as the "Varnish Law."

Article 69 of Chapter 38 of the Political Code of the 1925 Supplement to the Compiled Laws of North Dakota, 1913, (Sections 3080a1 to 3080a16), as amended by Chapter 147, Session Laws of 1935, known as the "North Dakota Petroleum Products Inspection Act."

Article 57 of Chapter 38 of the Political Code of the 1925 Supplement to the Compiled Laws of North Dakota, 1913, (Section 2984), as amended by Chapter 144 of the 1929 Session Laws, known as the "Hotel Inspection Law."

And wherever in the laws of this State, or in any of the laws hereinbefore generally or specifically mentioned, the officers therein designated as Food Commissioner, State Food Commissioner, director of the North Dakota Government Agricultural Experiment Station, director of the Regulatory Division of the North Dakota Agricultural College, director of the Experiment Station, Food Commissioner and State Chemist, Inspector of Hotels, Inspector of Oils, Chief Sanitary Inspector, or any of them, shall be granted any power or charged with the performance of any duty in connection with the enforcement of any of the laws hereinbefore specified or any acts amendatory thereto, said power so vested in said officers or boards shall be vested in the State Laboratories Department, the director, assistant director, and assistants, who shall perform all of the duties required by said laws to be performed by any of said officers.

§ 2. STATE LABORATORIES COMMISSION.] The management, control, and supervision of the said State Laboratories Department shall be placed in a commission, to be known and designated as the "State Laboratories Commission" composed of the following State officers: The Governor of the State, who shall be chairman of said commission; the State Treasurer and the Attorney General. The said State Laboratories Commission shall have full control, management, and supervision of all the acts of the State Laboratories Department. A majority of said commission shall constitute a quorum for the transaction of business. The State Laboratories Commission shall meet within ten days after this law becomes effective and shall organize and take full charge and management of the State Laboratories Department. They shall adopt such rules and regulations as may be necessary and proper for the full and complete enforce-

ment of the laws of the State under their jurisdiction. They shall meet as often as necessary and at least once a month in the office of the State Laboratories Department.

§ 3. DIRECTOR OF STATE LABORATORIES DEPARTMENT. SALARY.] The State Laboratories Commission shall appoint a director of the State Laboratories Department, who shall serve at the will of the commission.

The director shall act as secretary of the commission and shall keep such minutes and books as shall be determined by the commission. The director shall, subject to the supervision of the commission, have general charge of the State Laboratories Department. Before assuming the duties of his office, the said director of the State Laboratories Department shall be required to furnish a bond for the faithful performance of his duties and the proper accounting of all moneys collected in his office, in the sum of twenty-five thousand dollars (\$25,000.00); the premium to be paid as an expense of said department. He shall take the oath of office and file the same in the manner now required from other State officers. The annual salary of said director shall not exceed three thousand dollars (\$3,000.00), payable monthly as hereinafter provided.

§ 4. APPOINTMENT OF CHEMIST.] The State Laboratories Commission shall also appoint a competent chemist who shall be assistant director of said department and in charge thereof in case of the absence or inability to act of said director, and he shall be designated as "State Food Commissioner and Chemist." He shall serve at the will of the commission and shall furnish a bond for the faithful performance of his duties and the proper accounting of all moneys collected in his office in the sum of ten thousand dollars (\$10,000.00), and qualify in the same manner that the director of said department is hereby required to qualify. The annual salary of said assistant director shall be fixed by the Laboratories Commission. The said assistant director shall have charge and supervision of all laboratory work and the laboratory equipment, and shall have his office in the State Laboratories Department.

§ 5. LOCAL INSPECTORS.] The director of the State Laboratories Department shall designate and appoint the sheriff of each county to be and act as the local inspector for his county. Such sheriff shall, under the direction and supervision of the State Laboratories Department, perform such duties and make such inspections as shall be assigned to him by the State Laboratories Department. He shall be responsible for the enforcement within his county of such of the State Laboratories Department's directions as may be assigned to him by the State Laboratories Department. The sheriff shall collect such fees and charges, charged and collected under authority of this act, and shall account to the State Laboratories Department as often as may be required by the department and at least on or before the first of each month. He shall have the

authority to call upon the State's attorney of his county to assist him in the enforcement of this act.

The sheriff shall also have the power and authority to call upon any other law enforcement officer of his county, cities or villages within his county to assist him in the proper enforcement and administration of the provisions of this act. The sheriff or those assisting him, shall receive no additional compensation for such services and work, but shall be allowed the usual traveling expenses as for other duties of his office, and which expenses shall be paid out of the appropriations made for the State Laboratories Department.

§ 6. FEES. DISPOSITION OF. EXPENSES. HOW PAID.] All revenues derived and fees and charges charged and collected under the authority of this act by the director, assistant director, and employees of the State Laboratories Department, shall be properly accounted for daily by said assistant director and employees to the director of the State Laboratories Department and by him recorded and entered upon his books by counties from which said fees and charges are paid. The director shall monthly forward to the Treasurer of the State of North Dakota, the moneys so collected. The State Treasurer shall upon the receipt thereof place said moneys in the State General Fund.

Vouchers for all salaries and expenses of whatever nature incurred by the director, assistant director, and employees of the State Laboratories Department in carrying out and enforcing the provisions of this act, when approved by the State Laboratories Commission, shall be forwarded monthly to the State Auditing Board for audit and approval, and when audited and approved by said board, shall be certified to the State Auditor, who shall draw warrants upon the State Treasurer for said salaries and expenses, specifying that said warrants are to be paid from the General Fund out of appropriations made for such purpose by the Legislative Assembly. The State Treasurer shall thereupon pay said expenses in accordance with such direction.

§ 7. FEES TO BE COLLECTED. FORM OF LICENSES TO BE ISSUED.] All fees or other charges provided by law to be collected and charged for inspection or other duties performed by the Regulatory Department hereby placed under the management and supervision of the State Laboratories Department, shall from and after the taking effect of this act, be the same as provided under the provisions of Chapter 199, Session Laws of 1933.

All licenses and permits that are now required to be issued under the provisions of any of the laws hereinbefore enumerated, and which shall hereafter be issued by the State Laboratories Department, shall be, insofar as practicable, uniform on a suitable blank provided and prescribed by the State Laboratories Commission, and if two or more licenses or permits are applied for by the

same person or corporation, all licenses or permits issued to such person or corporation shall be contained in one and the same blank, when possible and practicable.

§ 8. DUTIES AS TO WEIGHTS AND MEASURES.] When requested so to do by the Board of Railroad Commissioners of the State of North Dakota, the Director of the Laboratories Department shall direct, when possible and practicable to do so, one or more of the employees of his department to perform such duties as may be required relating to the inspection and licensing of weights and measures, and when engaged in the performance of such duties each employee of the State Laboratories Department shall have the same power of weights and measures and shall charge and collect the same fees for the services he may perform that are provided by Chapter 311 of the 1931 Session Laws or any act amendatory thereto and in force when such services are performed; provided, however, that all fees, licenses and other charges collected by the State Laboratories Department in performing such additional duties for the Board of Railroad Commissioners shall for all purposes remain and be considered as collections made by the State Laboratories Department, to be accounted for and disposed of as in this act hereinbefore provided.

§ 9. OFFICES OF DEPARTMENT. HELP. EQUIPMENT.] The office of the State Laboratories Department shall be maintained in the City of Bismarck, North Dakota. The director of the State Laboratories Department may, with the consent and approval first obtained from the State Laboratories Commission, employ such additional help and purchase such equipment and office supplies as may be necessary for the proper performance of the duties of the said department, and all salaries for said help and other expenses shall be paid out of the appropriation made by the Legislative Assembly for such purpose, in the same manner that the salaries of the director and assistant director, as hereinbefore provided, are to be paid.

§ 10. TRANSFER OF DUTIES UNDER CIGARETTE, CIGARETTE PAPER, AND SNUFF LAW TO TAX COMMISSIONER.]. All the rights, powers, and duties formerly possessed by the Regulatory Department under Chapter 199 of the 1933 Session Laws, in the administration of Chapter 107 of the 1925 Session Laws, as amended by Chapter 106 of the 1927 Session Laws, and by Chapter 105 of the 1931 Session Laws, and by Chapter 253 of the 1927 Session Laws, are hereby transferred to the State Tax Commissioner, who from the effective date of this enactment, shall assume the administration of such laws relative to cigarettes, cigarette paper and snuff.

Wherever the officer therein designated as Attorney General or State Auditor, or either of them, shall be granted any power, or charged with the performance of any duty in connection with the enforcement of any laws hereinbefore specified, or any acts amenda-

tory thereto, said power so vested in said officers, shall be vested in the State Tax Commissioner, and said State Tax Commissioner and his assistants shall perform all the duties required by said laws to be performed by either or any of said officers.

§ 11. TRANSFER OF DUTIES UNDER LICENSING LAW TO ATTORNEY GENERAL.] The powers and duties granted to the Regulatory Department under the provisions of Chapter 199 of the 1933 Session Laws in regard to the administration of Article 20A of Chapter 5 of the Political Code of the 1925 Supplement to the Compiled Laws of 1913, (Sections 548a1 to 548a12 inclusive), as amended by Chapter 226 of the Session Laws of 1929, known as the Licensing Department Law, are hereby transferred to the Attorney General as originally provided in said Licensing Department Law.

The Attorney General and other officials charged with the enforcement and administration of said Licensing Department Law, shall have all the powers and duties as provided by said Licensing Department Law prior to the enactment of Chapter 199 of the Session Laws of 1933.

§ 12. NORTH DAKOTA BEER ACT. TRANSFER OF DUTIES TO TAX COMMISSIONER.] The powers and duties imposed upon the State Regulatory Department under the provisions of that initiated measure adopted at the special election held on September 22, 1933, known as the North Dakota Beer Act, as amended by Chapters 97 and 98 of the 1935 Session Laws, and Chapter 98 of the 1937 Session Laws, are hereby transferred to and imposed upon the State Tax Commissioner.

Wherever in said laws the officer designated as State Beer Commissioner, Governor, State Regulatory Officer, or any of them, shall be granted any power or charged with the performance of any duty in connection with the enforcement or administration of the laws hereinbefore specified in this section, or any acts amendatory thereto, said powers so vested in said officers shall be vested in the State Tax Commissioner, who shall perform all the duties required by said laws to be performed by any of said officers.

§ 13. REPEAL.] That Chapter 199 of the Session Laws of 1933, as amended by Chapter 223 of the Session Laws of 1935, and all other acts or parts of acts in conflict with this enactment, are hereby repealed.

§ 14. SEVERABILITY.] It is hereby declared to be the controlling intent of this act that if any provision of this act, or the application to any persons or circumstances is held invalid, illegal or ineffective in any respect, the remainder of the act and the application of such provision to persons or circumstances other than those to be held invalid, illegal or ineffective, shall not be affected thereby.

§ 15. EFFECTIVE DATE.] This act shall be and become operative on the first day of July, 1939.

On or before said date the North Dakota Regulatory Department shall transmit all its records and files in regard to the administration of the cigarette, cigarette paper, and snuff law, being Chapter 107 of the 1925 Session Laws, as amended by Chapters 106 and 253 of the 1927 Session Laws and by Chapter 105 of the 1931 Session Laws, and all its books and records in regard to the administration of the North Dakota Beer Law, being that initiated measure adopted at the special election held on September 22, 1933, as amended by Chapters 97 and 98 of the 1935 Session Laws and Chapter 98 of the 1937 Session Laws, to the State Tax Commissioner.

That on or before said date, the North Dakota Regulatory Department shall deliver to the Attorney General all its books and records in regard to the administration of the Licensing Department Law, being Article 20A of Chapter 5 of the Political Code of the 1925 Supplement to the 1913 Compiled Laws, as amended by Chapter 266 of the 1929 Session Laws.

That all the balance of the books and records of the North Dakota Regulatory Department shall be delivered to the State Laboratories Department, created under this act, and thereupon the said North Dakota Regulatory Department shall cease to operate.

On or before July 1, 1939 all funds on hand in the State Regulatory Fund shall be transferred to the General Fund of the State by the State Treasurer.

Approved June 28, 1938. 77,683 to 76,672.

AN ACT CREATING A DEPARTMENT OF CIVIL SERVICE FOR THE STATE OF NORTH DAKOTA; PRESCRIBING THE POWERS, DUTIES AND PROCEDURE OF THE CIVIL SERVICE COMMISSION AND THE DIRECTOR OF THE STATE CIVIL SERVICE IN SAID STATE, AND PROVIDING FOR AND REGULATING THE CIVIL SERVICE IN SAID STATE, AND MAKING AN APPROPRIATION FOR THE SUPPORT OF SAID DEPARTMENT.

An act creating a Department of Civil Service for the State of North Dakota; prescribing the powers, duties and procedure of the Civil Service Commission and the director of the State civil service in said department; providing for and regulating the civil service in said State; prescribing penalties for the violation of the provisions of this act; repealing certain acts and parts of acts inconsistent with the provisions of this act; and making appropriation for the support of the said department.

Disapproved June 28, 1938. 116,632 to 39,710.

AN ACT REGULATING SALE, PURCHASE AND EXCHANGE OF COUNTY BONDS AND OTHER INDEBTEDNESS.

An act making it unlawful for any officer or head of any board, bureau or commission of any county to buy, sell, exchange or in any manner acquire or dispose of any stocks, bonds, certificates of indebtedness, mortgages, notes or other evidence of debt in which any public funds of the county have been or may be invested without permission of a commission consisting of the county treasurer, county judge and the county register of deeds and providing penalty for violation.

Disapproved June 28, 1938. 115,785 to 41,301.

PROVISION FOR A LEGAL RATE OF INTEREST AND PROVIDING FOR THE RATE OF INTEREST THAT SHALL BE PAID IN NORTH DAKOTA.

Provision for a legal rate of interest and providing for the rate of interest that shall be paid in North Dakota.

Disapproved June 28, 1938. 121,205 to 45,808.

AN ACT PROVIDING FOR A COMMISSION TO APPOINT THE OFFICIALS IN ALL TOWNS, CITIES AND VILLAGES IN NORTH DAKOTA AND PROVIDING THAT ALL ACTS OR PARTS OF ACTS IN CONFLICT HEREWITH ARE HEREBY REPEALED.

An act providing for a commission to appoint the officials in all towns, cities and villages in North Dakota and providing that all acts or parts of acts in conflict herewith are hereby repealed.

Disapproved June 28, 1938. 138,940 to 24,222.

REPEAL OF LIQUOR CONTROL ACT—AN ACT TO ABOLISH THE INITIATED LIQUOR CONTROL ACT AND REPEAL CHAPTER 259 OF THE SESSION LAWS OF 1937.

An act abolishing the initiated Liquor Control Act and repealing Chapter 259 of the Session Laws of 1937 for the State of North Dakota.

Disapproved November 8, 1938. 160,365 to 98,478.