

gency measure and shall be in full force and effect from and after its passage and approval.

Approved March 15, 1939.

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## NORTH DAKOTA

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### CHAPTER 179

S. B. No. 259—(Committee on Education)

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#### FIRE AND TORNADO FUND—INVESTMENT

An act authorizing the State Treasurer to invest and re-invest funds of the State Fire and Tornado Fund, and appropriating such funds for that purpose.

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

§ 1. On and after July 1, 1939, the State Treasurer may upon recommendation of the Commissioner of Insurance, invest, and from time to time, re-invest, any funds in the State Fire and Tornado Fund in the manner and subject to the restrictions in Chapter 149 of the Session Laws of North Dakota for 1937, and for that purpose, the funds of the State Fire and Tornado Fund shall be deemed appropriated.

§ 2. It is the intention of the Legislature, in adopting this act, to comply with the provisions of Section 186 of the Constitution of North Dakota, as amended by the initiated amendment adopted June 28, 1938, should such amendment be construed to require specific legislative appropriation in order to make the funds of the State Fire and Tornado Fund legally eligible for investment and re-investment by the State Treasurer.

Approved February 28, 1939.

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**CHAPTER 180****S. B. No. 203—(Thorson)**

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**AUTHORIZING LEASE OF HETTINGER  
EXPERIMENTAL SUBSTATION**

**An act authorizing and directing the president of the North Dakota Agricultural College to enter into a leasing agreement in behalf of the North Dakota Agricultural College, with Hettinger Special School District No. 13, leasing the Hettinger Experimental Substation property located adjacent to the Village of Hettinger in the County of Adams, State of North Dakota; and repealing Chapter 185 of the Session Laws of North Dakota for the year 1937.**

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

§ 1.] WHEREAS, Hettinger Special School District Number 13 desires to lease the Hettinger Experimental Substation buildings and grounds for vocational agricultural instruction purposes, in return for diligent and faithful care of said Substation buildings and experimental plots; the president of the North Dakota Agricultural College is hereby authorized and directed to enter into such an agreement with Hettinger Special School District No. 13.

§ 2. REPEAL.] Chapter 185 of the Laws of 1937 and all acts and parts of acts in conflict herewith are hereby repealed.

Approved March 15, 1939.

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**CHAPTER 181****H. B. No. 103—(Holthusen)**

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**CONCESSIONS IN PUBLIC BUILDINGS AND GROUNDS**

**An act providing for the granting of concessions in State, county, and municipal public buildings and the grounds adjacent thereto, for cafes, restaurants, and confectionaries; and, providing for the leasing, renting, and licensing of such public concessions, and making it unlawful for any State official, county official, municipal official, and any commission or board thereof, to let anyone have the use and benefits of any such concessions without having complied with the provisions of this act, and providing a penalty therefor.**

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

§ I. GRANTING OF CONCESSIONS FOR CAFES, RESTAURANTS AND CONFECTIONARIES.] Any State official and any State board or commission thereof, any county official and any county board or commission thereof, and any municipal official and any municipal board or commission thereof, who or which have by law the supervision

and control and management of and over any State public building and adjacent grounds thereof, or county public building and adjacent ground thereof, or municipal building and adjacent grounds thereof, may, when they deem it for the public benefit and good, grant concessions therein or thereon for cafes, restaurants, or confectionaries, by renting, leasing, and licensing any such public concessions to the highest bidder, at a reasonable rental thereof per month, for a period not exceeding two years, may reject any or all bids when same are not reasonable or satisfactory for any reason; and, that when the concession granted herein is worth more than the sum of \$100.00 a year, the same shall be let to the highest bidder after the concession has been advertised once in each week for three consecutive week in some legal newspaper published in the city or village where the same are located at or near. The successful bidder shall be required to put up a good and sufficient bond, as may be required, within ten days after notification of the acceptance of his bid, and if not so furnished, the concession may be let to some other party or next highest bidder, as provided for herein; and that said bond, as required by the terms of this act, shall be in a sum and amount guaranteeing the recovery of the total amount of the rent covering the whole leasing and licensing period, together with a reasonable amount fixed for the damage, injury, or destruction to the property so rented leased from the state, county or other municipality, made in favor of the State, county or other municipality, as the case may be, and which bond must be approved and accepted before any renting, leasing or licensing of any such public property shall become effective. Vending, service and merchandising machines shall only be permitted in public buildings upon payment of an adequate compensation for such privileges. All moneys received under the terms of this act shall be turned into the General Fund of the State Treasury, the county treasurer, or any municipal treasurer, as the case may be.

§ 2. RULES AND REGULATIONS, CANCELLED, WHEN. UNLAWFUL USE.] The renting, leasing, or licensing of any public property under the terms of this act shall at all times be subject to the rules and regulations made and prescribed by the official or officials, board or commission having by law the control and management of same; and, that the terms of any renting, or leasing contract to the contrary shall be void. That the renting and leasing term of any contract entered into in relation thereto may be cancelled upon thirty days written notice at any time after a breach of the terms thereof, or a violation of any of the provisions of this act. It is hereby declared to be unlawful to let anyone have the use and benefits of any public property covered by the terms of this act without complying herewith.

§ 3. PENALTY. MISDEMEANOR, HOW PUNISHED.] Anyone violating any of the provisions of this act, and upon conviction for same,

shall be punished by a fine of not less than \$25.00 nor more than \$100.00, or sentenced to not more than 30 days in jail, or both, at the discretion of the court.

Approved March 3, 1939.

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## CHAPTER 182

S. B. No. 60—(Committee on Military and Indian Affairs)

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### AUTHORIZING LEAVE OF ABSENCE AND PAY FOR PUBLIC OFFICIALS AND EMPLOYEES IN MILITARY SERVICE

An act to amend and re-enact Section 9 of Chapter 213 of the 1935 Session Laws, providing that State and municipal officers and employees, shall not lose pay while on duty, and including therein members of the Officers Reserve Corps of the United States and repealing all acts or parts of acts in conflict therewith, and declaring an emergency.

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

§ 1. AMENDMENT.] That Section 9 of Chapter 213 of the 1935 Session Laws of the State of North Dakota be and the same is hereby amended and re-enacted to read as follows:

§ 9. STATE AND MUNICIPAL OFFICERS AND EMPLOYEES NOT TO LOSE PAY WHILE ON DUTY.] All officers and employees of the State, or a subdivision thereof, or a municipality therein, who are members of the National Guard, or members of the Officers Reserve Corps of the United States of America, shall, when ordered by proper authority to active service, be entitled to a leave of absence from such civil employment for the period of such active service, without loss of status or efficiency rating, and without loss of pay during the first thirty days of such leave of absence.

§ 2. REPEAL.] All acts or parts of acts in conflict herewith are hereby repealed.

§ 3. EMERGENCY.] 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 February 14, 1939.

## CHAPTER 183

S. B. No. 171—(Senators Skarvold and Braun)

## INVESTIGATIONAL WORK SHEYENNE RIVER PROJECT

An act authorizing and directing the North Dakota Agricultural College to enter into: a cooperative and license agreement with the United States of America for agricultural investigational work on land located in the Sheyenne River project in Richland and Ransom counties, State of North Dakota.

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

§ 1. Whereas, a tract of land located in Richland and Ransom counties, State of North Dakota, acquired by the United States in connection with the Sheyenne River Project including all of Section Seventeen (17), Township One Hundred Thirty-five (135), North of Range Fifty-two (52), West of the Fifth Principal Meridian and part of Section Thirteen (13) Township One Hundred Thirty-four (134), North of Range Fifty-three (53), West of the Fifth Principal Meridian, said premises containing 650 acres, more or less, according to the United States Government survey thereof, is well adapted to use by the North Dakota Agricultural College for investigations as to the rehabilitation of lands in this area including studies to determine native and cultivated species of pasture and forage plants suitable to this region; and the United States of America is agreeable that such land be made available for the above uses to the North Dakota Agricultural College on the basis that the North Dakota Agricultural College maintain the property; the North Dakota Agricultural College is hereby authorized and directed to enter into a cooperative and license agreement with the United States of America for the operation of such property in investigational work in connection with the Agricultural Experiment Station established at Fargo, North Dakota.

Approved March 15, 1939.

**CHAPTER 184**  
**S. B. No. 275—(Watt)**

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**PROHIBITS USE OF STATE-OWNED AUTOMOBILES  
FOR POLITICAL ACTIVITY**

An act prohibiting the use of motor vehicles owned by the State, or any department, board, bureau, commission, institution, or other agency of the State, including the State Mill and Elevator and the Bank of North Dakota by any State officer or other public employee, and prohibiting the collection and receipt of any mileage or other traveling expenses for the operation of a privately owned motor vehicle by such State officer or other public employee while engaged in any political activity, and prescribing penalties therefor.

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

§ 1. It shall be unlawful for any person, officer or employee of the State, or of any department, board, bureau, commission, institution, or other agency of the State, including the State Mill and Elevator and the Bank of North Dakota, to use or drive any automobile, truck, or other motor vehicle belonging to the State, or to any department, board, bureau, commission, institution, or other agency of the State, including the State Mill and Elevator and the Bank of North Dakota, while engaged in any political activity whatsoever.

The term "political activity" as used herein shall include any form of campaigning or electioneering, such as attending or arranging for political meetings, transporting candidates, or workers engaged in campaigning or electioneering, distributing campaign literature, political guide cards and placards, soliciting or canvassing for campaign funds, transporting electors to the polls on election day, and any other form of political work usually and ordinarily engaged in by State officers and employees during primary and general election campaigns.

§ 2. It shall be unlawful for any State officer, or employee of the State, or any department, board, bureau, commission, institution, or other agency of the State, including the State Mill and Elevator and the Bank of North Dakota, who uses or drives any privately owned automobile, truck, or other motor vehicle while engaged in political activity, as defined in Section 1 hereof, to collect or receive, directly or indirectly, from the State, or any department, board, bureau, commission, institution, or other agency of the State, including the State Mill and Elevator and the Bank of North Dakota, any expense monies whatsoever for the use or operation of any such motor vehicle on any day on which such political work was done, and it shall be unlawful for any such State officer or public employee to collect or receive any traveling expense whatsoever from the State, or any department, board, bureau, commis-

sion, institution, or other agency of the State, including the State Mill and Elevator and the Bank of North Dakota for any day on which said officer or employee has engaged in any political activity, as hereinbefore defined. It is the intention of this act to prohibit the use by State officers and other employees of motor vehicles owned by the State, or any department or institution thereof while engaged in political activity; and to prohibit the payment by the State or any department or institution thereof of any traveling expense to any State officer or other public employee incurred for any day on which such officer or employee has engaged in political activity, even though such officer or employee may have, on the same day performed, or pretended to perform some duty incident to his office or employment.

§ 3. Any person violating the provisions of this act shall be guilty of a misdemeanor; and any officer or employee who collects or receives any expense monies in violation hereof, shall be subject to suit for the recovery of the funds wrongfully collected or received by him, and if his office or position is bonded by the State Bonding Fund, such fund shall also be liable therefor.

Approved March 15, 1939.

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## CHAPTER 185

H. B. No. 57—(Page)

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### STATE SECURITIES COMMISSION

An act to amend and re-enact Section 5235a1 of the 1925 Supplement to the Compiled Laws of North Dakota for the year 1913.

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

§ 1. AMENDMENT.] That Section 5235a1 of the 1925 Supplement to the Compiled Laws of North Dakota for the year 1913 be and the same is hereby amended and re-enacted to read as follows:

§ 5235a1. There is hereby created a commission to be known as the "State Securities Commission," hereafter referred to as the "commission" whose duty it shall be to administer and provide for the enforcement of all provisions of this act, which shall consist of the Governor, Attorney General and Secretary of State. The State Examiner shall be ex-officio secretary, and the executive officer of said commission. In the absence or disability of the secretary or any of the members of the commission, the duly appointed deputy or designated assistant of such office shall act in his stead upon such commission. The commission shall have power to employ such as-

sistance examiners, accountants, or investigators as may be necessary to carry out the provisions of this act.

Approved February 17, 1939.

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## CHAPTER 186

S. B. No. 262—(Guthrie)

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### TRUST FUNDS INVESTMENT

**An act authorizing investment of all trust funds by legal custodian; providing appropriations of trust funds for investment purposes and repealing all acts in conflict herewith.**

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

§ 1. The Workmen's Compensation Bureau, the State Commissioner of Insurance, the board of trustees of the Teachers' Insurance and Retirement Fund, and any other official, agency or institution, which may now be or may become the legal custodian of any trust funds, are hereby authorized, at the discretion of the official, agency or institution making such investment, to invest all of such trust moneys in the respective funds administered by them, in bonds of the United States of America, bonds of the State of North Dakota or any other State, and certificates of indebtedness of the State of North Dakota, or any political subdivision thereof which constitute the general obligations of the issuing tax authority; subject, however, to the provisions of Chapter 189 of the 1937 Session Laws of the State of North Dakota.

§ 2. In addition to the investments hereinbefore provided for, moneys in the State Fire and Tornado Insurance Fund may be, by the State Commissioner of Insurance, invested in legally issued and registered warrants of any school district in this State issued in payment of salaries. Such warrants shall be bought at par value and only from the payee named in such warrant.

§ 3. Before any investment of any trust fund shall be made, such investment shall be duly authorized by the official, agency or institution making the same, and such security shall be first approved by the Attorney General as to form and legality thereof; provided, that the Treasurer of the State of North Dakota shall be, and is hereby made, the custodian of all such bonds and certificates of indebtedness purchased or acquired by any official, agency or institution through the investment of trust funds, and it shall be the duty of such purchasing official, agency or institution to deliver such securities to the State Treasurer as custodian thereof.

§ 4. There is hereby appropriated out of any moneys in the State Treasury in any of such trust funds at this time or which may hereafter be deposited with the State Treasurer to the credit of such trust funds, not otherwise appropriated, for the biennium beginning July 1, 1939, and for each biennium thereafter, all such moneys that may be necessary for the making of the investments authorized by this act.

§ 5. All acts or parts of acts in conflict herewith are hereby repealed.

Approved March 15, 1939.

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## NURSES

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### CHAPTER 187

S. B. No. 98—(Committee on Public Welfare)

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#### NURSES PRACTICE ACT, AMENDMENT

An act to amend and re-enact Sections 506a2, 506a3, 506a4, 506a5, 506a6 as amended by Chapter 208 of the Session Laws of 1927, 506a7, 506a9 as amended by Chapter 208 of the Session Laws of 1927, 506a11, 506a12, 506a18, and 506a19 of the 1925 Supplement to the 1913 Compiled Laws of North Dakota, relating to creating a board of nurse examiners, providing for the appointment of an inspector of schools of nursing, and for the examination, registration, re-registration, and regulation of graduated nurses, and exempting practical nurses from registration, and empowering the board to prescribe the minimum course of study and standards for schools of nursing, and prescribing a penalty for the violation thereof. Also, defining terms as used in this act; repealing all acts or parts of acts in conflict herewith; and declaring an emergency.

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

§ 1. AMENDMENT.] That Section 506a2 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, be and the same is hereby amended and re-enacted so as to read as follows:

§ 506a2. TERM OF OFFICE; VACANCIES.] Each member of said board shall serve a term of five years and until her successor is appointed and qualified, except in the case of the first board, whose members shall hold office as follows: one member for a period of one year; one member for a period of two years; one member for a period of three years; one member for a period of four years; one member for a period of five years; the members and their respective terms to be designated by the Governor, provided that the