
NORTH DAKOTA

CHAPTER 211

S. B. No. 175—(Bond, Gronvold, Stucke and Watt)

NORTH DAKOTA BLUE BOOK

An Act to amend and re-enact Sections 92 and 93 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, relating to the printing and distribution of the Legislative Manual or North Dakota Blue Book.

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

§ 1. AMENDMENT.] That Section 92 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, be amended and re-enacted to read as follows:

§ 92. Blue Book to be Printed for Distribution.] The Secretary of State shall cause to be printed a sufficient number of Blue Books for distribution to the members of the legislative assembly, state institutions, elective and appointive state officers, the county auditor of each county, public libraries and state high schools.

§ 2. AMENDMENT.] That Section 93 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913 be amended and re-enacted to read as follows:

§ 93. Procedure for Distribution of Blue Book.] The Secretary of State shall furnish and distribute, transportation collect, the Legislative Manual or Blue Book as follows: one copy to each member of the legislative assembly; two copies to the State Historical Society; two copies to the State Law Library; two copies to the State Agricultural College; two copies to the State University; one copy to each public institution maintained by the state; one copy to each elective and appointive state officer; one copy to each of the county auditors; one copy to each state high school; one copy to each public library in the state; one copy to each Supreme Court Justice; and one copy to each District Court Judge. Provided that such Legislative Manual or Blue Book shall not contain more than three hundred pages, and the number to be printed not to exceed two thousand copies. The Secretary of State shall be authorized to sell the remaining copies of said Legislative Manual or Blue Book to individuals at cost, plus a handling charge not to exceed twenty-five per cent of said cost, the proceeds from which shall be covered into the General Fund of the State. The printing and binding of the Legislative Manual known as the North Dakota Blue Book shall be let as are other classes of state printing upon competitive bidding to the lowest bidder.

Approved March 22, 1941.

CHAPTER 212**H. B. No. 12—(Gackle, By Request)**

BRICK PLANT STATE PENITENTIARY

An Act to Authorize the Board of Administration to Dismantle the Brick Plant at the State Penitentiary and to Dispose of or Use the Materials and Equipment thereof in the Penitentiary, and Repealing Certain Sections;

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

§ 1. The Board of Administration is hereby authorized and empowered to direct the Warden of the Penitentiary to tear down and dismantle the Brick Plant at the Penitentiary and to use the materials thereof in the Penitentiary and also to use or dispose of the equipment thereof.

§ 2. REPEAL.] That Sections 11270, 11271, and 11273 of the Supplement to the 1913 Compiled Laws of North Dakota, as amended by Chapter 190 of the Laws of North Dakota for the year 1915, be and the same are hereby repealed.

Approved February 4, 1941.

CHAPTER 213**H. B. No. 142—(State Affairs Committee)**

CAPITOL TELEPHONE EXCHANGE

An Act to Empower the Board of Administration to Establish, Maintain and Operate a Central Telephone Exchange in the State Capitol Building, to Prescribe Rules and Regulations for the Operation and Maintenance of the Same, and Making an Appropriation Therefor.

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

§ 1. The Board of Administration is hereby authorized and directed to establish, maintain and operate a central telephone exchange in the State Capitol building.

§ 2. All state offices and all of the departments and agencies of state government housed in the Capitol Building shall use such central telephone exchange for all telephone service when such exchange is established by said Board. All offices, departments and agencies of state government and state institutions not housed in the Capitol Building but located in the counties of Burleigh or Morton may be included in such Capitol telephone exchange if the head of

such office, department or institution and the Board of Administration shall jointly determine such service to be advantageous to such office, department, agency or institution.

§ 3. The Board of Administration shall have power to make and prescribe all necessary rules and regulations for the use, management, control and operation of said telephone exchange, consistent with the provisions of this act.

§ 4. The Board of Administration shall not be responsible for the collection or payment of tolls for long distance telephone calls, but each office, department, agency or institution, shall pay said tolls directly to the telephone company furnishing such service out of its appropriation for said purpose.

§ 5. That all monies appropriated to the Board of Administration for the establishment, operation and maintenance of such central telephone exchange shall be used, audited and disbursed in the same manner as other appropriations are expended for the maintenance and operation of other services now furnished in the Capitol building.

§ 6. APPROPRIATION.] There is hereby appropriated out of any monies in the State Treasury, not otherwise appropriated, the sum of \$19,360.40, or so much thereof as may be necessary, for the purpose of carrying out the provisions of this act, for the biennium beginning July 1, 1941, and ending June 30, 1943, to-wit:

1. For its establishment -----	\$ 150.00
2. For its operation and maintenance -----	16,210.40
3. For salaries -----	3,000.00

Total -----	\$19,360.40

§ 7. Whereas the appropriations for the various officers, departments and agencies have been passed or recommended for passage for the ensuing biennium and said appropriations have provided for the payment of local telephone service and departmental switchboard operating expense for the several departments; and

Whereas this act makes an appropriation to the Board of Administration for the operation and maintenance of telephone service in the State Capitol building; and

Whereas this would result in a double appropriation for said purpose;

It is therefore hereby provided that during the first biennial period after the taking effect of this act, the Board of Administration shall make a monthly charge to each officer, department or agency for telephone service during the preceding month, and said charge shall be paid by said officer, department or agency in the same manner and out of the same fund or funds as local telephone service and departmental switchboard expenses have heretofore been paid and said payments shall be credited to the State General Fund.

Approved March 12, 1941.

CHAPTER 214

H. B. No. 137—(Bolmeier, Fuglestad and Sharpe)

CENTRAL MAILING BUREAU

An Act to Empower the Board of Administration to Establish, maintain and operate a Central Mailing Bureau in the Capitol Building, for the use of State Officers, Departments or Agencies, and to Prescribe Rules and Regulations for the General Use and Management of the Same; and Establishing a Board of Administration Postage Revolving Fund; and Making an Appropriation for the Establishment, Maintenance and Operation of the Same.

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

§ 1. The Board of Administration is hereby empowered and directed to establish, maintain and operate a Central Mailing Bureau in the State Capitol Building. Said Board shall have authority to prescribe such reasonable rules and regulations as may be necessary for the prompt and efficient dispatch of all mail.

§ 2. All State Officers, Departments or Agencies housed in the Capitol Building shall deliver all official mail originating in the Capitol Building, unstamped, to said Central Mailing Bureau and shall comply with the regulations prescribed for the delivery of outgoing mail to said Mailing Bureau.

§ 3. The foregoing section shall not apply to such Officers, Departments or Agencies which are prohibited by State or Federal Law from disclosing mailing lists which are by law made confidential.

§ 4. The Board of Administration may, in its discretion, exempt those departments where it is determined that it would not be practical or economical for said department to use said central mailing bureau, because of the unusual weight, kind or volume of mail dispatched by said department.

§ 5. Said Board shall provide a suitable room and employ a mailing clerk and an assistant mailing clerk, if necessary. It shall also purchase Postage Meter Machines and such other equipment, materials and supplies as are necessary for the purpose of carrying out the provisions of this Act.

§ 6. All mail dispatched through said bureau shall have stamped or printed thereon by the meter machine the following words, "Official Mail State of North Dakota."

§ 7. To provide funds for the advance payment of postage there is hereby created in the office of the State Treasurer a fund to be known and designated as "Board of Administration Postage Revolving Fund" in the sum of Ten Thousand (10,000) Dollars. The Board of Administration may draw upon said fund for the

advance payment of postage for the use of said Central Mailing Bureau, and all collections from the several offices, departments and agencies, for postage used by the same, shall be paid into said fund.

It is further provided that the total amount of said fund shall be available July 1, 1941, and that the provisions of Chapter 12 of the Session Laws of 1937 shall not apply to said fund.

§ 8. The Mailing Clerk, or such other person as may be designated by the Board of Administration, shall under the direction of said Board, keep an accurate and complete records of all postage used by each officer, department or agency for mail dispatched through said Central Mailing Bureau, and shall present monthly or oftener to each such Officer, Department or Agency a bill or voucher in the form now prescribed by law, for the amount of postage used and after same has been approved by the Auditing Board the same shall be credited to the Postal Revolving Fund of the Board of Administration out of the postage appropriation of said Officer, Department or Agency.

§ 9. APPROPRIATION.] There is hereby appropriated out of any monies in the State Treasury, not otherwise appropriated, the sum of \$17,361.60 or so much thereof as may be necessary for the biennium beginning July 1, 1941, and ending June 30, 1943, to-wit:

Salaries for Clerks -----	\$ 4,000.00
Equipment, material and supplies -----	2,800.00
Meter Rent -----	561.60
For Postage Revolving Fund -----	10,000.00

Total -----	\$17,361.60

Approved March 14, 1941.

CHAPTER 215

S. B. No. 55—(Committee on Appropriations)

CONTINGENT FUND, STATE INSTITUTIONS

An Act to amend and re-enact Section 276 of the Compiled Laws of North Dakota for the year 1913 as amended by Chapter 97 of the Laws of North Dakota for the year 1919 relating to the Contingent Fund at state institutions.

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

§ 1. AMENDMENT.] Section 276 of the Compiled Laws of North Dakota for the year 1913 as amended by Chapter 97 of the Laws of North Dakota for the year 1919 is hereby amended and re-enacted to read as follows:

§ 276. CONTINGENT FUND.] The Board of Administration may permit a contingent fund, not to exceed, in any institution under its control, ten thousand (\$10,000) Dollars to remain in the hands of the managing officer of such institution, from which expenditures may be made in case of actual emergency requiring immediate action to prevent loss or danger to the institution or the inmates thereof. A full, minute and itemized statement of every expenditure made during the month from such fund, shall be submitted by the proper officer of said institution of the board, under such rules and regulations as may be by said board established. If necessary, the board shall make proper requisition upon the State Auditor for a warrant on the State Treasurer to secure the said Contingent Fund for each institution.

Approved March 17, 1941.

CHAPTER 216

S. B. No. 184—(Solberg, Blank and Young)

CREATION OF GOVERNMENTAL SURVEY COMMISSION

An Act to create a Governmental Survey Commission; providing for the number of its members; their appointment and qualifications; the term of office and filling of vacancies; providing for its organization; prescribing its powers and duties; providing for an appropriation; and

Whereas, Since Statehood and the creation of County and local governments many changes have occurred in economic, political and social conditions that have not been properly recognized and reflected in and by statutory enactments and amendments; and

Whereas, It is recognized that a considerable amount of departmental and institutional duplication of functions and services exists that is not consistent with economical administration of the business of the State or its sub-divisions; and that wasteful and extravagant practices in government are exacting amounts of revenue to the extent that a tax burden of the citizens is becoming excessive; and

Whereas, It is desirable and necessary that a complete, comprehensive survey be made of each and every State office, department, institution, commission and agency to ascertain ways and means of eliminating duplication in activities of departments and institutions and to ascertain possibility of consolidation and elimination of offices, departments, institutions, commissions and agencies without jeopardizing or curtailing any of the necessary functions or desirable services performed by the State or its subdivisions, and generally to invoke greater economy and efficiency in the conduct of our governmental affairs; and

Whereas, the accounting practices of the State and its subdivisions are in many respects obsolete, conflicting and inadequate, and there is the need of revision of the same, and the installation of modern bookkeeping systems; and

Whereas, It is found desirable and necessary that a complete, comprehensive and definite plan be prepared and proposals for governmental reform be submitted for action thereupon by the Legislative Assembly of the State of North Dakota,

Therefore,

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

§ 1. There is hereby established a Governmental Survey Commission consisting of the Governor, one member of the House of Representatives, and one member of the Senate, of the Twenty-seventh Legislative Assembly; said legislative members shall be selected by a roll call vote of the members of the branch of the Legislative Assembly from which they are chosen, prior to the adjournment of the present session of said Twenty-seventh Legislative Assembly. The Governor shall be Chairman of the Commission.

§ 2. The members of the Commission shall hold their offices until the next regular Session of the Legislature and until their successors are appointed. In the event of a vacancy, from any cause whatsoever, such vacancy shall be filled by appointment by the Governor of a citizen and elector of the State.

§ 3. Upon the written call of the Governor and within thirty days after the effective date of this Act, the Governmental Survey Commission shall meet in the office of the Governor and shall thereupon adopt rules and regulations governing the call and conduct of its meetings; compensation to be paid to its employees; and such other matters as may be proper and necessary to effectuate the organization and conduct of the affairs and business of the Commission. A majority of the members present in person shall constitute a quorum for the transaction of business at any meeting of the Commission.

§ 4. Within thirty days after the organization meeting of the Commission, the Commission shall appoint an Executive Secretary of the Governmental Survey Commission. He shall be a citizen and elector of the State of North Dakota. The Executive Secretary shall receive such monthly compensation as the Commission shall set and determine at its organization meeting.

§ 5. The Commission shall appoint and employ an accountant and such other clerical and other assistants as may be necessary for the transaction of its official business and discharge of the duties imposed upon it.

§ 6. All meetings of the Commission shall be public and shall be held in the office of the Governor in the State Capitol. Permanent minutes of all meetings shall be kept and the same shall show the substance of important official business transacted.

§ 7. Legislative members of the Commission shall be entitled to their actual traveling and other expenses and, in addition, compensation of five dollars per day while actually engaged in the work of the Commission.

§ 8. It shall be among the duties of the Governmental Survey Commission

(a) To investigate and examine the functions, duties, activities and services of the various State offices, departments, institutions, commissions, industries, boards and bureaus and of the Counties and subdivisions of the State; and to make a comprehensive and constructive study and review of the organization, structure and operations of the entire State government and of every department, institution, commission and other agency of the State government, for the purpose of developing and recommending a program of improvement and economy to include such changes as will serve to simplify and modernize the organization and procedures of the State Government and will aid in the securing of the maximum return in public services for each dollar of state expenditure.

(a1) To study reports prepared from investigations for governmental reorganization in other states and consider reform measures advocated in such reports.

(b) To cooperate with the Code Commission of the State of North Dakota and any and all other survey and fact finding commissions or boards for the purpose of examining statutes and constitutional provisions and recommending repeal, modification or extension thereof;

(c) To prepare and submit to the Legislative Assembly, with recommendations and reports, definite proposals by means of prepared Bills and Constitutional amendments for the purpose of:

(1) Eliminating unnecessary offices, departments, institutions, commissions, boards and bureaus of the State, counties and subdivisions;

(2) Consolidating the activities and functions of inter-related offices, departments, boards, institutions, commissions, boards and bureaus of the State, counties and subdivisions so as to eliminate duplication of services and expense;

(3) Correlating the working, service and functions of the various divisions of the State Government;

(4) Simplifying the structures of the governments of the State, counties and subdivisions;

(5) Installing efficient and economical methods of operation and administration of the affairs of the State and local governments;

(6) Discarding outmoded methods, overly expensive services, unnecessary appendages and enlarged functions of the State and local governments;

(7) Formulating public policy on questions of importance to the citizens of the State.

§ 9. The Governmental Survey Commission shall have full power and authority:

(1) To hire and employ such persons as the Commission shall determine necessary to discharge its duties. It shall fix and pay the compensation of all persons employed by it; provided, however, that the amount of money disbursed for compensation of its agents and employees and for other expenses, including travel, office supplies, postage, telephone, and other expenses, shall not exceed the amount herein appropriated. All claims for compensation and actual expenses must be itemized and approved by the Chairman and must be duly presented to the State Auditing Board for audit and payment in the manner provided by law.

(2) To examine the affairs, operations, offices, plant, equipment, records and files of any agency or officer of the State Government and, to the extent deemed necessary for the purposes of this Act, of any County, municipality or other local government; and it shall be the duty of the officers and employees of the State and of the local governments to afford the Governmental Survey Commission, and its authorized representatives, access to all premises under their jurisdiction and full opportunity to examine their records and files, and to furnish them with such information and reports as they possess or which may be required relating to any matter subject to inquiry under this Act. The Governmental Survey Commission may hold hearings at such places as it may deem desirable and may administer oaths and take testimony under oath.

(3) To accept funds or services from any individual or group, public, private or governmental, which will aid the Commission in its work.

§ 10. POWERS AND DUTIES OF COMMISSION IN REGARD TO ACCOUNTING.] In addition to the foregoing powers and duties, the following powers and duties are hereby imposed in connection with the accounting practices of the State and its subdivisions:

(a) To make a survey of the books and records of each and all funds administered by State officials under the laws of this State, and of the methods of accounting employed in connection therewith, such survey to be independent and not in conjunction with any other examination required by law or otherwise.

(b) To present to the advisory board consisting of the Governor, State Examiner, Attorney General, three others to be chosen by the Governor, who shall be a representative of the School of Accounting of the University of North Dakota and two finance officers of political subdivisions, prior to December 1, 1942, a complete and detailed report of the condition of each department of the State government, of each institution, and of each fund administered

by State officials under the laws of the State; said report shall contain a list of the state securities and their appraised value, in the possession of each department, each institution and each fund administered by State officials under the laws of the State; said report shall include also an inventory on a date certain of all public property of the State of North Dakota including the State house at Bismarck, all penal, charitable and educational institutions of the State and all personal property belonging to the State, with a detailed appraisal of the value of such public property.

(c) To make careful research into the business methods, systems of records and accounts, bookkeeping and making of reports of the various State officers, and all penal, charitable, industrial and educational institutions of the State and custodians of funds administered by State officials.

(d) To investigate into the business methods, systems of records and accounts, bookkeeping and making of reports of the officials of all political subdivisions; such investigations of the methods and practices of the State and its local subdivisions to be exercised to the end that economy and efficiency shall be exercised, and that full, complete, accurate and uniform reports and statistics be obtained, and the interests of the public fully protected.

(e) When such researches and examination shall have been made, the commissioners appointed under this Act shall make a report in detail to the Advisory Board of their work; formulate systems of uniform bookkeeping and accounting for the charitable and penal institutions of the State; formulate a system of uniform bookkeeping and accounting for the institutions of higher education of the State; and to recommend a system of reporting for the political subdivisions of the State, which shall be uniform for each type of political subdivision.

(e1) In formulating systems of uniform bookkeeping and accounting the commission is prohibited from recommending the use of copyrighted forms or systems except such forms or systems as may be copyrighted by the State of North Dakota.

(f) In connection with the said report said commission shall present blank books and forms to be used in connection with the bookkeeping and accounting of the different departments of the State, its institutions, charitable, penal, industrial, and educational; and present illustrative forms of records for the various types of political sub-divisions, which will enable the officials to prepare efficiently and economically the reports referred to in the preceding sub-section.

§ II. ESTABLISHMENT OF UNIFORM ACCOUNTING SYSTEMS.]

The governor shall submit such report and proposed bookkeeping and accounting systems and forms to the Advisory Board. After due consideration and recommendations from said Advisory Board, the said Commission is hereby authorized and empowered to require systems of accounting, bookkeeping and reports installed in all de-

partments and institutions of the State and to require uniform reports from political sub-divisions. The form of such systems shall be as near uniform for the departments, uniform for the institutions of higher education, uniform for the other institutions, and uniform for each type of political sub-division, as may be practicable. The use of each uniform system of accounting, bookkeeping and reporting shall begin at a certain future date to be fixed by the order of the Governor, but not later than July 1, 1943. All officers whose duty it is to purchase blanks, account books and records under the present system of accounts and laws governing the same are hereby empowered and directed to procure blanks, books and records which shall have become necessary to the uniform systems which shall have been adopted; provided, however, that those political sub-divisions whose accounting systems are substantially in accordance with the systems provided under this Act shall be exempted from having to install a new accounting system.

§ 12. INVESTIGATION OF AUDITS.] Said Commission, appointed under this Act, shall be empowered and directed to investigate the laws and their application to audits made or required of State Officers, departments, institutions, and of the fiscal officers of local sub-divisions. On or before December 1, 1942, said commission shall make a report of such investigation to the Governor, with recommendations, to the end that each and every officer, department, board, bureau, institution or commission of the State and every fiscal officer of its local sub-divisions, who receives, collects, or disburses any public money, shall have his or its affairs properly audited at least annually by the State Examiner or by some competent and disinterested person or persons approved by the Commission created by Section 3 of this act; and to the end that the results of such audits shall be readily available to the people of the State of North Dakota.

§ 13. This Act being necessary to insure scientific research, planning and direction in the preparation and presentation of a constructive and definite governmental reform, uniform accounting and utilization of physical resources, program shall be liberally construed to effect the purposes hereof.

§ 14. There is hereby appropriated for the Governmental Survey Commission out of any monies in the State treasury not otherwise appropriated the sum of Twenty-six Thousand (\$26,000.00) Dollars, or so much thereof as may be necessary to carry out the provisions of this Act. For said purpose there is hereby created a special Fund to be known as the "Governmental Survey Commission Fund" and that all monies appropriated by the Legislature for the Governmental Survey Commission shall from time to time be credited to said special Fund and shall be disbursed only for the payment of the administrative expenses of said Commission in the manner prescribed by this Act.

Approved March 17, 1941.

CHAPTER 217

H. B. No. 179—(Committee on Military Affairs)

HOUSING AUTHORITY ACT, 1941

An Act to authorize housing authorities to undertake the development or administration of projects to assure the availability of safe and sanitary dwellings for persons engaged in national-defense activities who would not otherwise be able to secure such dwellings within the vicinity thereof; to limit the initiation of the development of such projects until December 31, 1943; to authorize housing authorities to cooperate with or act as agent of the Federal Government in the development and administration of such projects of the Federal Government, to acquire or lease such projects and to sell certain projects to the Federal Government; to authorize public bodies to assist such projects of housing authorities and of the Federal Government; and to declare an emergency.

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

§ 1.] It is hereby found and declared that the national-defense program involves large increases in the military forces and personnel in this State, a great increase in the number of workers in the vicinity of already established industries and the bringing of a large number of workers and their families to the vicinity of new defense industries in the State; that there is an acute shortage of safe and sanitary dwellings available to such persons and their families in this State which impedes the national-defense program; that it is imperative that action be taken immediately to assure the availability of safe and sanitary dwellings for such persons to enable the rapid expansion of national-defense activities in this State and to avoid a large labor turnover in defense industries which would seriously hamper their production; that the provisions hereinafter enacted are necessary to assure the availability of safe and sanitary dwellings for persons engaged in national-defense activities which otherwise would not be provided at this time; and that such provisions are for the public use and purpose of facilitating the national-defense program in this State. It is further declared to be the purpose of this Act to authorize housing authorities to do any and all things necessary or desirable to secure the financial aid of the Federal Government, or to cooperate with or act as agent of the Federal Government, in the expeditious development and the administration of projects to assure the availability when needed of safe and sanitary dwellings for persons engaged in national-defense activities.

§ 2.] Any housing authority may undertake the development and administration of projects to assure the availability of safe and sanitary dwellings for persons engaged in national-defense activities whom the housing authority determines would not otherwise be able to secure safe and sanitary dwellings within the vicinity thereof, but

no housing authority shall initiate the development of any such project pursuant to this Act after December 31, 1943.

In the ownership, development or administration of such projects, a housing authority shall have all the rights, powers, privileges and immunities that such authority has under any provision of law relating to the ownership, development or administration of slum clearance and housing projects for persons of low income, in the same manner as though all the provisions of law applicable to slum clearance and housing projects for persons of low income were applicable to projects developed or administered to assure the availability of safe and sanitary dwellings for persons engaged in national-defense activities as provided in this Act, and housing projects developed or administered hereunder shall constitute "housing projects" under the Housing Authorities Law, as that term is used therein; provided, that during the period (herein called the "National-Defense Period") that a housing authority finds (which finding shall be conclusive in any suit, action or proceeding) that within its area of operation (as defined in the Housing Authorities Law), or any part thereof, there is an acute shortage of safe and sanitary dwellings which impedes the national-defense program in this State and that the necessary safe and sanitary dwellings would not otherwise be provided when needed for persons engaged in national-defense activities, any project developed or administered by such housing authority (or by any housing authority cooperating with it) in such area pursuant to this Act, with the financial aid of the Federal Government (or as agent for the Federal Government as hereinafter provided), shall not be subject to the limitations provided in Section 10 and the second sentence of Section 9 of the Housing Authorities Law; and provided further, that, during the National-Defense Period, a housing authority may make payments in such amounts as it finds necessary or desirable for any services, facilities, works, privileges or improvements furnished for or in connection with any such projects. After the National-Defense Period, any such projects owned and administered by a housing authority shall be administered for the purposes and in accordance with the provisions of the Housing Authorities Law.

§ 3.] A housing authority may exercise any or all of its powers for the purpose of cooperating with, or acting as agent for, the Federal Government in the development or administration of projects by the Federal Government to assure the availability of safe and sanitary dwellings for persons engaged in national-defense activities and may undertake the development or administration of any such project for the Federal Government. In order to assure the availability of safe and sanitary housing for persons engaged in national-defense activities, a housing authority may sell (in whole or in part) to the Federal Government any housing project developed for persons of low income but not yet occupied by such persons; such sale shall be at such price and upon such terms as the housing

authority shall prescribe and shall include provision for the satisfaction of all debts and liabilities of the authority relating to such project.

§ 4.] Any city, county or other public body shall have the same rights and powers to cooperate with housing authorities, or with the Federal Government, with respect to the development or administration of projects to assure the availability of safe and sanitary dwellings for persons engaged in national-defense activities that such city, county or other public body has for the purpose of assisting the development or administration of slum clearance or housing projects for persons of low income.

§ 5. This act shall constitute an independent authorization for a housing authority to undertake the development or administration of projects to assure the availability of safe and sanitary dwellings for persons engaged in national-defense activities as provided in this Act and for a housing authority to cooperate with, or act as agent for, the Federal Government in the development or administration of similar projects by the Federal Government. In acting under this authorization, a housing authority shall not be subject to any limitations, restrictions or requirements of other laws (except those relating to land acquisition) prescribing the procedure or action to be taken in the development or administration of any public works, including slum clearance and housing projects for persons of low income or undertakings or projects of municipal or public corporations or political subdivisions or agencies of the State. A housing authority may do any and all things necessary or desirable to cooperate with, or act as agent for, the Federal Government, or to secure financial aid, in the expeditious development or in the administration of projects to assure the availability of safe and sanitary dwellings for persons engaged in national-defense activities and to effectuate the purposes of this Act.

§ 6. (a) "Persons engaged in national-defense activities", as used in this Act, shall include: enlisted men in the military and naval services of the United States and employees of the War and Navy Departments assigned to duty at military or naval reservations, posts or bases; and workers engaged or to be engaged in industries connected with and essential to the national-defense program; and shall include the families of the aforesaid persons who are living with them.

(b) "Persons of low income", as used in this Act, shall mean persons or families who lack the amount of income which is necessary (as determined by the housing authority undertaking the housing project), to enable them, without financial assistance, to live in decent, safe and sanitary dwellings, without overcrowding.

(c) "Development" as used in this Act, shall mean any and all undertakings necessary for the planning, land acquisition, demolition,

financing, construction or equipment in connection with a project (including the negotiation or award of contracts therefor), and shall include the acquisition of any project (in whole or in part) from the Federal Government.

(d) "Administration", as used in this Act, shall mean any and all undertakings necessary for management, operation or maintenance, in connection with any project, and shall include the leasing of any project (in whole or in part) from the Federal Government.

(e) "Federal Government", as used in this Act, shall mean the United States of America or any agency or instrumentality, corporate or otherwise, of the United States of America.

(f) The development of a project shall be deemed to be "initiated", within the meaning of this Act, if a housing authority has issued any bonds, notes or other obligations with respect to financing the development of such project of the authority, or has contracted with the Federal Government with respect to the exercise of powers hereunder in the development of such project of the Federal Government for which an allocation of funds has been made prior to December 31, 1943.

(g) "Housing Authority", as used in this Act, shall mean any housing authority established or hereafter established pursuant to the Housing Authorities Law (Chapter 102, Laws of 1937, and any amendment thereto).

§ 7.] The powers conferred by this Act shall be in addition and supplemental to the powers conferred by any other law, and nothing contained herein shall be construed as limiting any other powers of a housing authority.

§ 8.] Notwithstanding any other evidence of legislative intent it is hereby declared to be the controlling legislative intent that if any provision of this Act, or the application thereof to any persons or circumstances, is held invalid, the remainder of the Act and the application of such provisions to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

§ 9.] This Act is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval.

Approved March 8, 1941.

CHAPTER 218

S. B. No. 63—(Stucke, Braun and Brant)

LEGISLATIVE LOBBYING

An Act to regulate the practice of lobbying requiring certain information to be filed relative to lobbyists and providing penalty for the violation thereof.

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

§ 1. CORRUPT MEANS TO INFLUENCE LEGISLATION: DISCLOSURE OF INTEREST.] Any person who shall, directly or indirectly, give or agree or offer to give any money or property or valuable thing or any security therefor to any person, for the service of such person or of any other person in procuring the passage or defeat of any measure before the legislature or before either house or any committee thereof, upon the contingency or condition of the passage or defeat of such measure, or who shall receive, directly or indirectly, or agree to receive any such money, property, thing of value or security therefor for such service, upon any such contingency or condition, or who, having a pecuniary or other interest, or acting as the agent or attorney of any person in procuring or attempting to procure the passage or defeat of any measure before the legislature or before either house or any committee thereof, shall attempt in any manner to influence any member of such legislature for or against such measure, without first making known to such member the real and true interest he has in such measure, either personally or as such agent or attorney, shall be punished by imprisonment in the county jail not more than one year or by fine not exceeding two hundred dollars.

§ 2. LOBBY REGISTRY.] Every person, corporation or association which employs, for any valuable consideration, any person to act as counsel or agent to promote or oppose in any manner, the passage by the legislature of any legislation affecting the pecuniary interest of any individual, association or corporation as distinct from those of the whole people of the state, or to act in any manner as a legislative counsel or agent in connection with any such legislation, shall, within one week after the date of such employment, cause the name of the person so employed or agreed to be employed, to be entered upon a legislative docket as hereinafter provided. It shall also be the duty of the person so employed to enter or cause to be entered his name upon such docket. Upon the termination of such employment such fact may be entered opposite the name of any person so employed either by the employer or employee.

§ 3. LEGISLATIVE DOCKET.] The secretary of state shall prepare and keep a legislative docket in conformity with the provisions of this act. In such docket shall be entered the names of all counsel

or agents employed for a consideration for any of the purposes set forth in Section 2 hereof. In such docket shall be entered the names and business address of the employer or employers, the name, residence and occupation of persons employed, the date of employment or agreement therefor, the length of time the employment is to continue, if such time can be determined, and the special subject or subjects of legislation, if any, to which the employment relates. Such docket shall be a public record and open to the inspection of any citizen upon demand, at any time during the regular business hours of the office of the secretary of state. A copy of all information herein required to be furnished to the secretary of state, shall also be given to the clerk of the house of representatives and another copy thereof, to the clerk of the senate if the legislature is in session at the time of furnishing such information to the secretary of state.

§ 4. ADDITIONAL ENTRIES.] Any person, corporation or association employing any legislative counsel or agent shall, whenever further subjects of legislation are introduced or arise which such counsel or agent is to promote or oppose, make or cause to be made additional entries opposite his or its name in the appropriate docket, stating such special employment and specifically referring to the petitions, orders, bills or other subjects of legislation to which the same relates, and such entries shall also be made opposite the names of such counsel or agents, in such manner that such entries shall show all the subjects of legislation in relation to which any counsel or agent is employed. No person shall appear as counsel before any committee of the legislature or of either branch thereof, or act as agent in respect to any legislation coming within the terms of section 2, unless his name appears upon the docket of legislative counsel or agent as employed in respect to such matter as above provided. No person, private or public corporation or association shall, directly or indirectly, employ any person as legislative counsel or agent in respect to any legislation coming within the terms of section 2, unless the name of such person is duly entered on the legislative docket as provided by sections 2 to 7. No person shall be employed as a legislative counsel or agent for a compensation dependent in any manner upon the passage or defeat of any proposed legislation or upon any other contingency connected with the action of the legislature, or of either branch thereof, or of any committee thereof. No person whose name is entered on the docket of the legislative counsel shall render any service as legislative counsel or agent otherwise than by appearing before a committee, as aforesaid, and by doing work properly incident thereto, or by giving legal advice in the case of regular legal counsel of corporations or associations, unless his name is also entered on the docket of legislative agents.

§ 5. FILING AUTHORITY.] Legislative counsel and agents required to have their names entered upon the legislative docket shall file with the secretary of state within ten days after the date of

making such entry a written authorization to act as such, signed by the person or corporation employing them.

§ 6. PENALTY.] Any person, corporation or association violating any provision of sections 2 to 7, shall for such offense be fined not less than two hundred dollars nor more than five thousand dollars. Any person employed as legislative counsel or agent who shall fail to comply with any provision of sections 2 to 7, or who shall act as legislative counsel or agent contrary to the provisions of sections 2 to 7, shall be fined not less than one hundred dollars nor more than one thousand dollars, and shall be disbarred from acting in the capacity of a legislative counsel or agent for the period of three years from the date of such conviction. It shall be the duty of the attorney general, upon information, to bring prosecutions for the violation of the provisions of sections 2 to 7.

§ 7. MUNICIPALITIES EXEMPT.] Sections 2 to 6 shall not apply to any municipality or other public corporation.

Approved March 7, 1941.

CHAPTER 219

H. B. No. 334—(Johnson of Richland, Bolmeier)

PRINTING OF BILLS, LEGISLATIVE SEALS

An Act to Amend and Re-enact Chapter 186 of the Session Laws of North Dakota for 1937, relating to the Introduction and Printing of Bills and Providing for an Official Seal for Each Branch of the Legislative Assembly.

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

§ 1. AMENDMENT.] That Chapter 186 of the Session Laws of North Dakota for 1937, be and the same is hereby amended and re-enacted to read as follows:

§ 1. SEAL. INTRODUCTION OF BILLS.] The Secretary of State is hereby directed to present to the Secretary of the Senate and the Clerk of the House of Representatives an official seal at the opening of each legislative session. Four copies of all bills introduced shall be presented to the desk at the time of introduction and every page of each bill introduced shall be impressed with said seal. The lines of the typewritten copies of bills introduced shall be numbered and such lines shall not exceed 65 spaces in length.

§ 2. BILLS TO BE PRINTED; HOW.] Five hundred copies of each bill or concurrent resolution shall be printed unless otherwise ordered by motion or resolution of either branch of the Legislative

Assembly. Bills and concurrent resolutions to amend the Constitution shall be numbered consecutively and be printed on first class white print paper of the basis of 24 x 36 inches, weighing 35 pounds to the ream in ten point Roman type with a single ten point space between each line, the printed pages to be 30 picas wide and 50 picas long. The numbering and the lines in the printed bill shall correspond to the numbering and the lines of the typewritten copy. A calendar of bills and resolutions introduced and referred shall be printed daily for the use of the members of the Legislative Assembly and for distribution. Such calendar shall be printed on 20 pound white sulphite paper, set solid in eight point type, two or three columns twelve ems wide, in pages of sufficient length to contain a brief synopsis of each bill or resolution introduced and referred on that day, the number of each bill or resolution, the name of the person introducing the same, the name of the committee to whom referred, the number of each bill that day passing either branch of the Legislative Assembly and messaged to the other, and the statement of the final disposition of any bill or resolution on that day made. The synopsis of bills and resolutions to be so printed in such calendar, and such other matter to be printed therein as hereinbefore provided, shall be edited by a clerk to be employed for such purpose by the branch of the Legislative Assembly in which such bill or resolution is introduced or in which the action respecting such measure is had. Such synopsis or statement of any bill or resolution, as published in such calendar, shall not exceed ten printed lines in length. Such daily calendar shall be distributed and mailed in such number and manner as by resolution of either branch of the Legislative Assembly determined. Copies of every bill or resolution shall be furnished for the files of each member of the Legislative Assembly, and may be procured by any person by applying either in person or in writing to the bill clerk of the branch of the Legislative Assembly in which such bill or resolution originated.

Approved March 14, 1941.

CHAPTER 220

H. B. No. 337—(Johnson of Richland and Bolmeier—Delayed Bills Committee)

PRINTING OF JOURNALS

An Act to Amend and Re-enact Section 53, Chapter 3, Article 4, Political Code, Compiled Laws of 1913, Relating to the Printing of Journals of Each Branch of the Legislative Assembly.

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

§ 1. AMENDMENT.] That Section 53, Chapter 3, Article 4, Political Code, Compiled Laws of 1913, be and the same is hereby amended and re-enacted to read as follows:

§ 53. JOURNALS TO BE PRINTED HOW.] The Journals of the Legislative Assembly shall be printed on first class print paper of the basis of 24 x 36, weighing 35 pounds to the ream, eight point type set solid, in lines twenty-one ems pica long, and there shall be no rules or slugs set between sub-headings or paragraphs. The printed page shall be forty-three ems pica in length. The Journals shall be delivered daily for the use of the members of the Legislative Assembly, and nothing shall be charged for composition or correction, or reimposition of the same matter for the bound journals, nor shall extra charge for composition be made when extra or additional copies are ordered printed. Copies of the journals of any day may be procured by application made personally or in writing to the bill clerk of either branch of the Legislative Assembly. One thousand copies only of the Journal of each Branch of the Legislative Assembly shall be printed, unless otherwise ordered by Resolution of either branch of such Legislative Assembly.

Approved March 17, 1941.

CHAPTER 221

H. B. No. 289—(Committee on Military Affairs)

MILITARY CODE

An Act to enact a new military code for the State of North Dakota to conform to the National Defense Act of June 3, 1916 as amended by later Acts of Congress, and Repealing Chapter 35 of the Political Code, Compiled Laws, State of North Dakota, being Sections 2347 to 2442, both inclusive, and Repealing Chapter 187, Session Laws of 1915; Chapters 3 and 159, Special Session Laws of 1919; Chapter 241, Session Laws of 1923; Chapter 42, Session Laws of 1925; and Chapter 213, Session Laws of 1935, Chapter 182, Session Laws of 1939; Emergency.

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

THE MILITARY CODE

TITLE I. COMPOSITION, ORGANIZATION AND CONTROL GENERALLY.

§ 1. PERSONS SUBJECT TO MILITARY DUTY, EXCEPTIONS.] All able-bodied male citizens and able-bodied males of foreign birth who have declared their intention to become citizens, who are more than eighteen or less than forty-five years of age, and who are residents of this State, shall constitute the militia, subject to the following exemptions:

- a. Persons exempted by the Laws of the United States.
- b. Persons exempted by the Laws of this State.

§ 2. COMPOSITION OF THE NATIONAL GUARD OF NORTH DAKOTA.] The North Dakota National Guard shall consist of the regularly enlisted and enrolled militia between the ages of eighteen and forty-five years, organized, armed and equipped as hereinafter provided, and of commissioned officers between the ages of twenty-one and sixty-four years, and shall be comprised of such units, with the approval of the Governor of North Dakota, as the War Department of the United States may allocate and designate.

§ 3. ARTICLES OF WAR.] The Articles of War governing the Army of the United States, as are now or hereafter in effect, are hereby adopted as a part of this code, so far as the same are applicable and not modified by this code. Offenses committed while on duty may be tried and punished by a courtmartial lawfully appointed, after such duty has terminated, and if found guilty the accused shall be punished according to the Articles of War and the rules and regulations governing the United States Army, and within the limits prescribed by Federal law for courtmartial in the National Guard, and within the limits prescribed by this code. In any case in which the offense charges is also made an offense by the civil law of this State, the officer whose duty it is to approve such charge may,

in his discretion, order the person charged to be turned over to the civil authorities for trial. Whenever reference is made to the Articles of War, to the military service or to the Army of the United States, such reference shall be deemed to include the military service of this State. The intent of this code and all acts of this State affecting the military forces is to conform to all acts and regulations of the United States affecting the same subjects, and all acts of this State shall be construed to effect this purpose.

§ 4. MILITARY FORCES—GENERAL DEFINITIONS.] The military forces of this State shall consist of those persons subject to military duty in the militia as defined in the Constitution of the State, and those persons subject to duty in the National Guard as defined in the National Defense Act of the United States.

When used in this Act, the following words, terms, and phrases shall have the following meanings:

The word "militia" shall mean the forces provided for in the Constitution of North Dakota.

The militia of the State shall be divided into two classes: the active and the reserve militia. The active militia shall consist of the organized and uniformed military forces of the State, which shall be known as the North Dakota National Guard; the reserve militia shall consist of all those liable to service in the militia, but not serving in the National Guard of the State.

The term "National Guard" shall mean that part of the military force of the State that is organized, equipped and federally recognized under the provisions of the National Defense Act of the United States as the "National Guard of the United States and the State of North Dakota." It shall also include the term "National Guard of the State of North Dakota."

The word "company" as used in this Act shall be understood and construed to include a company of infantry, engineers, signal corps, a flight of the air service, a battery of field artillery, a troop of cavalry, or any similar organization in any branch of the military service authorized by federal law for this State, including a permanent detachment.

The word "battalion" applies in like manner to "squadron" of cavalry, and of the air service.

The term "active service" shall be understood and construed to be service on behalf of the State, in case of public disaster, riot, tumult, breach of the peace, resistance of process, or whenever the same is threatened, whenever called upon in aid of civil authorities, or under martial law, or at encampments, whether ordered by State or Federal authority, or upon any other duty requiring the entire time of the organization or person, except when called or drafted into the Federal service by the President of the United States.

The term "on duty" shall include periods of drill and such other

training and service as may be required under State or Federal law, regulations, or orders.

The terms "in service of the United States" and "not in the service of the United States," used herein, shall be understood to mean and be the same as such terms are used in the National Defense Act of Congress, approved June third, nineteen hundred sixteen (June 3, 1916), and amendments thereto.

§ 5. COMMANDER IN CHIEF.] The Governor of the State, by virtue of his office, shall be commander in chief of the militia of the State, except of such portion as may at times be in the service of the United States. Whenever the Governor is unable to perform the duties of commander in chief, the senior officer of the line of the National Guard present for duty in the State shall command the militia of the State. No armed military force from another state, territory or district shall be permitted to enter the State for the purpose of doing military duty therein, without the permission of the Governor, unless such force is part of the United States Army or is acting under the authority of the United States.

§ 6. STAFF OF THE GOVERNOR—HOW SELECTED.] The staff of the Governor shall consist of the Adjutant General, who shall be the chief of staff, with rank of Brigadier General; the Assistant Adjutant General, who shall be assistant chief of staff, and nine aides, with the rank of Lieutenant Colonel. The aides shall be detailed at the pleasure of the Governor, from the active, reserve, or retired commissioned personnel of the National Guard, Officers' Reserve Corps, or the regular army on duty in the State, with the rank then held by them or last held by them; or from the public at large. Such appointments of aides are to be made, held, and exercised in accordance with the customs of the service.

§ 7. POWER OF THE GOVERNOR IN CASE OF INVASION, ETC.] The Governor shall have power, in case of insurrection, invasion, tumult, riot or breach of the peace, or imminent danger thereof, to order into the active service of the State any part of the National Guard that he may deem proper. When the National Guard of this State or a part thereof is called forth under the constitution and laws of the United States, the Governor shall order out for service the remaining troops or such part thereof as may be necessary, and if the number available be insufficient, he shall order out such part of the reserve militia as he may deem necessary. During the absence of organizations of the National Guard in the service of the United States their state designations shall not be given to new organizations.

§ 8. SEIZURE OF PROPERTY BY GOVERNOR AUTHORIZED.] The Governor as commander-in-chief of the military forces of this State is hereby authorized and empowered to take any measure necessary to prevent or avert any impending disaster or calamity which threat-

ens to destroy life or property in this State, or which may entail loss of life or property or result in great suffering or hardship among the people of this State; and in the event of any strike or threatened strike or lockout or threatened lockout of the employees of any coal mine or public utility threatening to endanger the life and property of the people of this State, in any such event he shall have the power and authority to commandeer and take for use during any such emergency any coal mine or public utility, together with the machinery, equipment and appurtenances of any such coal mine or public utility which may be necessary to save life or property; and he shall have power and authority to employ all help necessary for operating any such coal mine or public utility; with power and authority to make and enter into all contracts for the operation of any such coal mine or public utility, and to purchase any and all material necessary for operating any such coal mine or public utility, and with power to sell and distribute the products or services of any such mine or public utility.

§ 9. USE OF STATE FACILITIES OR OFFICES.] The Governor is further authorized to use any of the facilities or offices of the State when required to take over and use any such coal mine or public utility; and may command the services of the state militia or the state constabulary.

§ 10. PROCLAMATION OF STATE OF INSURRECTION.] Whenever any portion of the militia is employed in aid of the civil authority, the Governor, if in his judgment the maintenance of law and order will thereby be promoted, may by proclamation declare the county or city in which the troops are serving, or any specified portion thereof, to be in a state of insurrection.

§ 11. RELIEF FROM CIVIL OR CRIMINAL LIABILITY. SECURITY FOR COSTS.] Members of the National Guard or militia ordered into active service of the state by any proper authority shall not be liable, civilly or criminally, for any act or acts done by them while on duty. When a suit or proceeding shall be commenced in any court by any person against any officer of the militia, for any act done by such officer in his official capacity in the discharge of any duty under this act, or against any person acting under the authority or order of any such officer, or by virtue of any warrant issued by him pursuant to law, the defendant may require the person prosecuting or instituting the suit or proceeding to file security for the payment of the costs that may be awarded to the defendant therein, and the defendant in all cases may make a general denial and give the special matter in evidence. In case the plaintiff shall be nonsuited, or have a verdict or judgment rendered against him, the defendant shall recover treble cost. Active service under this Act shall be deemed to be service in case of or to prevent insurrection, riot or invasion, under order of the commander-in-chief, communicated through the proper military channels.

§ 12. THE ADJUTANT GENERAL, DUTIES, SALARIES, EXPENSES.] The Adjutant General, who shall have been a federally recognized commissioned officer of the National Guard for a period of at least three years immediately preceding his appointment by the Governor, shall have his office at the State Capital, and he shall be in control of the military department of the State. He will perform such duties as pertain to the Adjutant General and other chiefs of staff departments, under the regulations and customs of the United States Army. He will superintend the preparation of all returns and reports required by the United States from the State, and will perform all of the duties prescribed for him in this military code.

a. He shall keep a register of all of the officers of the militia and National Guard of the State, and keep in his office all records and papers required to be kept and filed therein, and make a report on or before the thirty-first day of December in each year to the Governor, including a detailed statement of all of the expenditures for military purposes during that year.

b. He shall, at the expense of the State, when necessary, cause the military law, the general regulations of the State, and Articles of War of the United States, to be printed, indexed and bound in proper and compact form and distributed to each unit or separate headquarters and to each commissioned officer of this State at the rate of one copy to each, and to each commissioned officer and headquarters he shall issue one copy of the necessary text books and of such annual reports concerning the militia as the Governor may direct.

c. He shall cause to be prepared and issued all necessary blank books, blanks, forms and notices required to carry into full effect the provisions of this chapter. All such books and blanks shall be and remain the property of the State.

d. The seal now used in the office of the Adjutant General shall be the seal of his office, and shall be delivered by him to his successor.

e. The Adjutant General may have the necessary clerks, instructors, and caretakers, and employees, and as many laborers as may be required from time to time.

f. In order that the National Guard of the State may receive the benefit of the funds provided by Congress, it shall be the duty of the Adjutant General of the State to submit a plan of proposed field or camp service of instruction prepared by the commanding officer of the National Guard for the ensuing year, with an estimate of funds required for payment, subsistence and transportation of the portion of the National Guard participating therein, said estimate to furnish the details and to be made out in the form required by instructions from the Secretary of War.

g. He shall make such regulations relating to the preparation of reports and returns, and to the care and preservation of property

for military purposes, whether belonging to the State or to the United States, as in his opinion the conditions demand, such regulations to be operative and in force when promulgated in the form of general orders, circulars or letters of instruction.

h. All military property of the State which, after proper inspection, shall be found unsuitable for the use of the State, shall, under the direction of the Governor, be disposed of by the Adjutant General at public auction after suitable advertisement of the sale, daily for ten days, in at least one newspaper published in the English language in the city or county where the sale is to take place; or the same may be sold at private sale when so ordered by the Governor. He shall bid in the property or suspend the sale whenever, in his opinion, better prices may or should be obtained. He shall, from time to time, render to the Governor a just and true account of the sales made by him, and shall expend the proceeds of the same in the purchase of other military property, as the Governor may direct. He shall be responsible for all arms, ordnance, accoutrements, equipments, and other military property which may be issued to the State by the Secretary of War in compliance with law; and it shall thereafter be his duty to prepare return of said arms and other property of the United States at the times and in the manner requested by the Secretary of War. He shall, upon the order of the Governor, turn into the ordnance department of the United States Army the rifles, carbines, bayonets, bayonet scabbards, gun slings, belts and such other necessary accoutrements and equipments, the property of the United States and now in possession of the State, which may be replaced from time to time, by new arms, equipments, etc. sent by the United States in substitution therefor, and cause the same to be shipped under the instructions from the Secretary of War, to the designated arsenal or depot at the expense of the United States, and when the National Guard of the State shall be fully armed and equipped with standard service magazine arms, and the standard equipment and accoutrement of the United States Army, he shall cause all the remaining arms, equipments, etc., the property of the United States and in possession of the State, to be transferred and shipped as above directed.

i. He shall issue and cause to be issued all military property and make purchase for that purpose. No military property shall be issued to persons or organizations other than those belonging to the National Guard of the State of North Dakota, except to such portions of the reserve militia as may be called out by the Governor. Purchases of property not exceeding one hundred dollars in value shall be made in such manner as the Adjutant General shall direct. If such purchase requires an expenditure exceeding one hundred dollars, and not exceeding five hundred dollars, he shall procure written proposals to furnish such property from at least two parties, and shall purchase such property from the lowest responsible bidder. If such purchase shall require the expenditure of a sum exceeding

five hundred dollars he shall publicly advertise, for not less than ten days, for sealed proposals for the furnishing of such property. Such proposals shall be publicly opened by the Adjutant General at the place, day and hour designated in such advertisement. The Adjutant General shall, if the Governor approve, make contract with the lowest responsible bidder to furnish such property. All proposals and contracts made under the authority hereby conferred shall be filed in the office of the Adjutant General. The Adjutant General is authorized and directed whenever, in his opinion, it shall be to the interest of the State to require a party who shall agree or contract to furnish such property, to give bond to the people of the State in such sums and with such surety as he shall direct, conditioned for the faithful performance of such agreement or contract. In case default is made, such bond shall be prosecuted by the attorney general and all moneys recovered shall be applied by the Adjutant General to the benefit of the National Guard. All property purchased under the authority hereby granted shall be inspected by an inspector or an officer detailed for that purpose by the commanding officers of the National Guard, and no payment shall be made therefor until it shall appear by the certificate of such officer that such property is of the kind and quality specified in such agreement or contract. In case of insurrection, invasion, tumult, riot, breaches of the peace or imminent danger, or other exigency, the Governor may, upon the certificate of the commanding officer of the National Guard, temporarily suspend the operation of this paragraph and direct the Adjutant General to purchase such military property as may be required in open market. He shall report such action, with the reason therefor, and a statement of the property purchased and the prices paid therefor, to the legislature at its next session.

j. He shall render annually to the Governor a statement in detail, showing the acquisition and disposition of all clothing, ordnance, arms, ammunition and other military property on hand or issued.

k. He shall keep in his office a list of the retired officers of the organized militia, showing their age, military experience and training. He shall annually request the commandant of cadets of the agricultural college and state university to furnish him with the names of two graduates qualified to act as officer, and shall request from any other state educational institution that maintains an efficient military department, the name of one graduate similarly qualified. The names of the persons so reported to him, together with any others designated by the War Department of the United States, shall be added to the list of persons eligible for appointment as officers.

l. The salary of the Adjutant General shall be \$2,400 per annum, which, with the necessary expenses incurred in conducting his office and clerk hire, furniture, light, fuel, postage and other office expenses, shall be paid from the general fund by warrants

drawn by the State Auditor on the State Treasurer, on the order of the Governor.

m. The term of office of the Adjutant General shall be six years, commencing July 1, 1941. He may be removed from office in accordance with the provisions of this act.

§ 13. ASSISTANT ADJUTANT GENERAL.] There shall be an Assistant Adjutant General of the State who shall be appointed by the Governor, upon the recommendation of the Adjutant General. He shall have such rank as is consistent with Federal Law and regulations, and at the time of his appointment shall be a commissioned officer of the National Guard of North Dakota with not less than five years' military service in the armed forces of this State or of the United States, at least three of which shall have been commissioned service, and he shall have reached the grade of captain. He shall serve in the office of the Adjutant General and aid him by performing such duties as the Adjutant General may assign him. In the absence or disability of the Adjutant General, he shall perform the duties of that office as acting Adjutant General.

§ 14. U. S. PROPERTY AND DISBURSING OFFICER.] The Governor of the State shall appoint, designate or detail, subject to the approval of the Secretary of War, an officer of the National Guard of the State, who shall be regarded as the accountable property and disbursing officer of the United States, in addition to any other duties he may be required to perform. He shall receipt for and be accountable for all funds and property belonging to the United States in possession of this State and shall make such returns and reports concerning the same as may be required by the Secretary of War. Upon requisition by the Governor of the State, the Secretary of War may pay to the property and disbursing officer so much of its allotment out of the annual appropriation for the support of the National Guard of this State as in the judgment of the Secretary of War may be necessary. Before entering upon the performance of his duties as property and disbursing officer, he shall give good and sufficient bond to the United States in such amount as the Secretary of War may require, for the faithful performance of his duties, and for the safekeeping and proper disposition of the federal property and funds intrusted to his care. He shall render through the War Department such accounts of Federal Funds intrusted to him for disbursement as may be required by the Treasury Department. He shall, after having qualified as property and disbursing officer, receive pay for his services at a rate to be fixed by the Secretary of War. Under such regulations as may be prescribed by the Secretary of War, the property and disbursing officer accountable for public moneys may intrust money to other officers of the National Guard for the purpose of having them make disbursements as this agent, and the officers to whom money is intrusted, as well as the officer intrusting the same to him, shall be held pecuniarily responsible there-

for to the United States, and the agent officer shall be subject for his official misconduct to all the liabilities and penalties prescribed by law in like cases for the officer for whom he acts as agent.

§ 15. PAYMASTER GENERAL.] The Governor of the State, upon the recommendation and advice of the Adjutant General, shall appoint, designate or detail from among the officers of the National Guard of this State a paymaster general, who before entering upon the discharge of his duties shall file in the office of the Adjutant General a good and sufficient bond, payable to the State of North Dakota, in a penal sum of not less than ten thousand dollars, approved by the Governor, for the faithful performance and for the safekeeping and proper disposition of all state funds intrusted to his care.

1. The paymaster general shall from time to time file with the State Auditor a written requisition, approved by the Adjutant General, for such amount of money standing to the credit of the National Guard on the books of the State Auditor or State Treasurer as may be deemed necessary to draw in order to pay indebtedness incurred or about to be incurred.

2. Immediately upon the filing in his office of said requisition, the State Auditor shall draw a warrant on the State Treasurer for the amount named in said requisition and forward the same to the paymaster general.

3. The paymaster general from funds available to him shall make such payments for and on behalf of the National Guard of this State as the law and regulations pursuant thereto permit and authorize, upon such payrolls, vouchers or other statements of account as the transaction requires.

4. He shall keep a full and complete record of all transactions involving the payment of state funds, sufficient to show clearly the amount paid, the payee, the services or supplies involved, the allotments made and balances remaining to his credits. Such record shall be open for inspection at all times by the Adjutant General or his duly designated assistant or a duly appointed representative of the Governor, as commander in chief. It is hereby made the duty of the public examiner to examine the books and accounts of the paymaster general at least once each year, and upon said examination to deliver to the paymaster general a certificate as to the correctness of the same. The examiner shall at the same time forward a copy of said certificate to the Adjutant General.

5. The paymaster general under the general direction of the Adjutant General shall act as purchasing agent for the National Guard of the State of North Dakota for the purchase, rental, acquisition and payment for such services, stores and supplies as may be required and authorized.

6. No funds appropriated by the legislature for the mainten-

ance of the National Guard of this State shall be drawn except upon the requisition of the paymaster general. He shall file at least quarterly with the State Auditor receipts for all state funds paid out by him, signed by the parties receiving payment, and shall file with the Adjutant General an annual financial report, showing all receipts and disbursements.

7. The paymaster general shall receive such pay as may be prescribed by the tables of organization of the office of the Adjutant General of North Dakota.

§ 16. STATE STAFF.] The number and grade of officers and enlisted men in the State Staff corps and detachment shall be as prescribed by Federal law and regulations, but in case of war, invasions, insurrection, riot or imminent danger thereof, the Governor may temporarily increase such force to meet such emergency. All officers of state staff corps and detachment appointed shall have had previous military experience and shall hold their positions until they shall have reached the age of sixty-four years, unless retired prior to that time by reason of resignation, disability, or for cause to be determined by an efficiency board or a court martial, as the exigencies of the case may warrant, legally convened for that purpose, and vacancies among said officers shall be filled by appointment from the officers of the National Guard, or from other classes eligible by Federal law or regulations.

§ 17. LEGAL ADVISER OF THE COMMANDER IN CHIEF, ETC.] The attorney general of the State shall be the legal adviser of the Governor, of the Adjutant General and of the armory commission.

§ 18. AUDIT AND PAYMENT OF ACCOUNTS.] No officer of the militia shall incur any expense whatsoever to be paid by the State, except such as are authorized in this chapter, without first obtaining the authority of the Governor. In extreme emergencies, however, the commanding officer of any organization or detachment of the National Guard may make purchases of such necessities as are absolutely required for the immediate use and care of his command. A report of such action, containing a statement of the articles purchased and the price thereof, must be made forthwith through the channel of the Adjutant General. The commander in chief of the State shall be the auditor of all accounts for property purchased by the Adjutant General, and the copies of the orders or contracts under which such purchases are made shall be filed in the office of the paymaster general. All other military accounts payable by the State shall be audited by the Adjutant General. Military accounts thus audited shall be paid by the paymaster general of the State from the proper appropriation made by the legislature, upon the warrant of the auditor.

§ 19. ORGANIZATION.] The strength and organization of units of the National Guard shall be as prescribed by such regulations

and orders of the War Department of the United States as are now in force or shall be promulgated by proper authority from time to time.

TITLE 2. COMMISSIONED OFFICERS

§ 20. QUALIFICATIONS OF OFFICERS.] Officers of the National Guard shall not be commissioned as such unless they shall have been selected from the classes of persons having the qualifications prescribed by Federal law, and shall have taken and subscribed to the oath of office prescribed by Congress.

§ 21. EXAMINATIONS.] Any person hereafter appointed and commissioned an officer of the National Guard shall successfully pass such tests as to his physical, moral, and professional fitness as shall be prescribed by Federal law. The examination to determine such qualifications for commissions shall be as prescribed by Federal law.

Officers shall be commissioned by the Governor, and the commission shall designate the arm or branch of service in which commissioned. Officers will be assigned or reassigned to duty in the various regiments or lesser separate organizations by the immediate commander thereof.

§ 22. OFFICERS MAY RESIGN.] Commissioned officers may resign in such manner and under such circumstances as may be prescribed by Federal regulations.

§ 23. COMMISSIONS MAY BE VACATED.] At any time the moral character, capacity, and general fitness for the service of any National Guard officer may be determined by an efficiency board as provided by Federal law, or by resignation, absence without leave for three months, upon the recommendation of an efficiency board, or pursuant to sentence of a court martial. Officers of the said Guard rendered surplus by the disbandment of their organization shall be disposed of as provided by Federal law. Officers may, upon their own application, be placed in the reserve as may be authorized by Federal law.

§ 24. RETIREMENT AND DISCHARGE.] Any officer of the National Guard who has reached the age of sixty-four years shall be placed upon the retired list by the Governor. Any commissioned officer who shall have served for the continuous period of eight years in the military service of the State as a commissioned officer, may, at his own request, be placed upon the retired list with an advance in grade, and withdrawn from active service and command by the Governor. Any commissioned officer who has become or shall hereafter become disabled, and incapable of performing the duties of his office, shall be withdrawn from active service and command and placed upon the retired list. Any commissioned officer who has become or who shall hereafter become unfit or incompetent, and thereby incapable of performing the duties of his office, shall be placed upon the retired list upon the recommendation of his commanding

officer or the recommendation of an inspecting officer. Such retirement shall be by the order of the Governor, and shall be subject to the provisions of this chapter. Before making such order, a board of not less than five commissioned officers, one of whom shall be a surgeon, shall be appointed, whose duty it shall be to determine the facts as to the nature and cause of the incapacity of such officer as appears disabled, or unfit, or incompetent from any cause to perform military service, and whose case shall be referred to it. No officer whose grade or promotion would be affected by the decision of such board, in any case that may come before it, shall participate in the examination or decision of the board in such case. Such board is hereby invested with the powers of courts of inquiry and courts-martial, and whenever it finds an officer incapacitated for actual service shall report such fact to the Governor, stating cause of incapacity, whether from disability, unfitness or incompetency, and, if he approves such find, such officer shall be placed upon the retired list as provided in this article. The members of the board shall, before entering upon the discharge of their duties, be sworn to an honest and impartial performance of their duties as member of such board. No officer shall be placed upon the retired list by the action of such board without having had a full and fair hearing before the board if, upon due notice, he shall demand it. It shall not be necessary to refer any case for the action of the board arising under this section, unless the officer designated to be placed upon the retired list shall, within twenty days after being notified that he will be so retired, serve on the Adjutant General a notice in writing that he demands a hearing and examination before such board. Boards for the National Guard shall be appointed by the Governor. Vacancies created by the operation of this section shall be filled in the same manner as other vacancies.

§ 25. DISCIPLINE.] The discipline (which includes training) of the National Guard shall conform to the system which is now or may hereafter be prescribed by the Congress of the United States.

§ 26. FEDERAL OATH FOR OFFICERS.] Commissioned officers of the National Guard of the State of North Dakota shall take and subscribe to the following oath of office: "I, _____, do solemnly swear that I will support and defend the Constitution of the United States and the Constitution of the State of North Dakota, against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I will obey the orders of the President of the United States and of the Governor of the State of North Dakota; that I make this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office of _____ in the National Guard of the United States and of the State of North Dakota upon which I am about to enter, so help me God."

§ 27. RETIRED OFFICER SUBJECT TO ORDERS OF COMMANDER IN CHIEF ONLY.] The officers on the retired list shall only be subject to detail for duty by orders from the commander in chief, and he shall cause to be issued such orders as he may deem necessary detailing them for duty upon boards of officers for military purposes, courts-martial, and courts of inquiry, and for such other military duties as in his judgment may be advisable. When, however, officers on the retired list are detailed for active duty, other than upon boards of officers, courts-martial, and courts of inquiry, they shall only be entitled to the rank which properly belongs to the office the duties of which they are detailed to perform. When the duty ends, or the detail is canceled, the officer shall again return to the retired list, with his former retired rank. A roster of all officers on the retired list shall be kept in the Adjutant General's office.

TITLE 3. ENLISTED FORCE

§ 28. ENLISTMENTS.] Any man who is a citizen of the United States or has declared his intention to become a citizen, if more than eighteen and less than forty-five years of age, able-bodied, free from disease, of good character and temperate habits, may be originally enlisted in the National Guard of this State, under the restrictions of this article for a term of not less than three years and as provided by National Guard regulations promulgated by the Secretary of War.

§ 29. PERIODS OF ENLISTMENT AND REENLISTMENT.] Original enlistments in the National Guard shall be for a period of three years, and subsequent enlistments for periods of one year or three years each.

§ 30. CONTRACT AND OATH OF ENLISTMENT.] Men enlisting in the National Guard of the State of North Dakota shall sign an enlistment contract and subscribe to the following oath of enlistment: "I do hereby acknowledge to have voluntarily enlisted this _____ day of _____, 19____, as a soldier in the National Guard of the United States and of the State of North Dakota, for the period of three (or one) year____, under the conditions prescribed by law, unless sooner discharged by proper authority. And I do solemnly swear that I will bear true faith and allegiance to the United States of America and to the State of North Dakota, and that I will serve them honestly and faithfully against all their enemies whomsoever, and that I will obey the orders of the President of the United States and of the Governor of the State of North Dakota, and of the officers appointed over me according to law and the rules and Articles of War."

§ 31. TRANSFERS.] Enlisted members of the National Guard removing from one location to another in the State may be transferred from one unit to another within the same regiment upon recommendations of the respective unit commanders concerned and

approval of the commanding officer of the regiment. Transfers between regiments will be made only upon approval of the Adjutant General.

§ 32. DISCHARGE OF ENLISTED MEN.] An enlisted man discharged from service in the National Guard, except when drafted into the military service of the United States shall receive a discharge in writing in such form and with such classification as is or shall be prescribed for the regular army, and in time of peace discharges may be given prior to the expiration of terms of enlistment under such regulations as the President may prescribe.

TITLE 4. NATIONAL GUARD RESERVE

§ 33. ESTABLISHMENT AND ORGANIZATION.] Subject to such rules and regulations as the President may prescribe, a National Guard Reserve shall be organized in this State, and shall consist of such organizations, officers, and enlisted men as the President may prescribe, or members thereof may be assigned as reserves to an active organization of the National Guard.

§ 34. ENLISTMENTS.] Men duly qualified for enlistment in the active National Guard may enlist in the National Guard Reserve for a period of one or three years, under such regulations as the Secretary of War shall prescribe, and on so enlisting they shall subscribe to the following enlistment contract and take the oath therein specified: "I do hereby acknowledge to have voluntarily enlisted this ----day of -----, 19---, as a soldier in the National Guard of the United States and of the State of North Dakota, to serve in the Reserve thereof, or in the active National Guard of the United States and said State if transferred thereto, for a period of one (or three) year--, unless sooner discharged by proper authority, and I do solemnly swear that I will bear true faith and allegiance to the United States of America and to the State of North Dakota, and that I will serve them honestly and faithfully against all their enemies whomsoever and that I will obey the orders of the President of the United States and the Governor of the State of North Dakota, and of the officers appointed over me according to law and the rules and Articles of War."

§ 35. TRANSFER FROM RESERVE TO ACTIVE LIST AND VICE VERSA.] Under such regulations as the Secretary of War may prescribe, enlisted men of the active National Guard may be transferred to the National Guard Reserve; likewise, enlisted men hereafter enlisted in or transferred to the National Guard Reserve may be transferred to the active National Guard, provided that no enlisted men shall be required to serve under any enlistment for a longer time than the period for which he enlisted in the active National Guard or National Guard Reserve, as the case may be.

§ 36. METHOD OF DRAFTING RESERVES FOR SERVICE.] When-

ever it shall be necessary to call out any portion of the reserve militia for active duty, the Governor shall direct his order to the Adjutant General, who, upon receipt of same, shall forthwith cause to be drafted by lot, by mustering officers detailed for that duty from the National Guard, as many of the reserve militia, or accept as many volunteers as are required by the Governor, and the Adjutant General shall forthwith forward to the Governor a list of persons so drafted or accepted as volunteers.

§ 37. PUNISHMENT FOR FAILURE TO APPEAR.] Every member of the militia ordered out, or who volunteers, or is drafted under the provisions of this Act, who does not appear at the time and place designated by his commanding officer, the Adjutant General or mustering officer, within twenty-four hours of such time, or who does not produce a sworn certificate of physical disability from a physician in good standing, showing his disability to appear, shall be taken as a deserter and dealt with as prescribed in the Articles of War of the United States.

TITLE 5. PAY AND ALLOWANCES

§ 38. PAY AND ALLOWANCES OF RESERVISTS ON ACTIVE DUTY.] Members of the National Guard Reserve, officers and enlisted men, when engaged in field or coast defense training with the active National Guard, shall receive the same Federal pay and allowances as those occupying like grades on the active list of said Guard when likewise engaged; provided further, that, except as otherwise specifically provided in this title, no commissioned or enlisted reservist shall receive any pay or allowance out of any appropriation made by Congress for National Guard Purposes.

§ 39. PAY, ALLOWANCES AND DUTIES OF OFFICERS.] Every commissioned officer of the National Guard not salaried as such shall receive from the State while engaged in any service ordered by the Governor, pay and allowances, at the rate allowed by law to officers of similar rank and length of service in the United States Army.

Where the officers of the National Guard are convened by the Governor at an annual meeting of instruction, other than camp or active service, or where they are detailed under orders from Regimental Headquarters for the purpose of holding a quarterly inspection outside of their own station, they shall be allowed, for traveling and incidental expenses, the sum of four dollars per day, while traveling within the State, and six dollars per day for travel outside of the State.

§ 40. PAY AND ALLOWANCES OF ENLISTED MEN.] When called into active service by the Governor, each enlisted man of the National Guard shall receive pay at the rate now or hereafter provided for enlisted men of similar grades, rating and term or enlist-

ment in the National Guard of the United States, and in addition thereto the sum of one dollar and fifty cents (\$1.50) per day, besides transportation, shelter and subsistence. The value of articles issued to any member of a company or battery and not returned in good order on demand, and legal fines or forfeitures may be deducted from the members' pay, provided, that pay at annual encampment shall be such as is allowed by Federal law.

§ 41. ALLOWANCES FOR OFFICERS.] Commissioned officers shall receive annually the sum of twenty dollars to assist in uniforming and equipping themselves. Each commissioned officer shall receive an initial allowance of twenty dollars, payable immediately upon his receipt of Federal recognition.

§ 42. EXEMPT FROM POLL TAX.] Each member of the North Dakota National Guard shall be exempt from the payment of poll tax, and any person who has served at least ten years as a member of the National Guard and who has an honorable discharge shall be forever exempt from the payment of poll tax.

§ 43. PAY OF OFFICERS SERVING ON BOARDS, COMMISSIONS AND COURTS.] All officers detailed to serve on any board or commission ordered by the Governor, or under his authority by the commanding officer of the National Guard, or on any court of inquiry, or court martial, ordered by proper authority in pursuance of any provision of this chapter, shall be paid a sum equal to one day's duty pay for each day actually employed on such board or court, or engaged in the business thereof, or in traveling to and from same. The sum shall in no case exceed ten days pay and actual traveling expenses and subsistence, unless, upon application of the President of the court-martial, or the presiding officer of the board, the officer appointing the court or board has authorized such court or board to sit for a longer period, or in case of such court martial, the Governor or the officer ordering such court has authorized such court to sit for a longer period than ten days. An officer detailed to serve on a court martial shall be paid for each day actually employed therein, engaged in the business thereof, or in traveling to and from the same, and traveling expenses and subsistence when such court shall be held at a place other than the city or town of his residence.

§ 44. PAY OF OFFICERS AND ENLISTED MEN ASSIGNED TO SPECIAL DUTY.] Any commissioned officer assigned to special duty by the Governor or under his authority shall be paid duty pay for the time actually employed, and his necessary traveling expenses and subsistence, when such payment is authorized by the Governor. Judge advocates shall be paid for services in bringing any suits provided for in this chapter, and for services in actions or proceedings by habeas corpus, certiorari or otherwise, such compensation as shall be approved by the Governor. All staff officers shall be paid duty pay for special service ordered by competent authority with the approval

of the Governor. Enlisted men, on duty under orders of the Governor, but not at the time serving with troops, shall receive the same rate of pay as is herein provided for the National Guard when called into active service by the Governor, and their actual traveling expenses and subsistence.

§ 45. PAY AND ALLOWANCES FOR DUTY WITH REGULAR ARMY.] National Guard officers assigned to duty with the regular army shall, while so assigned, receive the pay and allowances authorized by Federal law.

§ 46. ADMINISTRATIVE FUNCTION PAY OF OFFICERS.] In addition to pay provided in this title, officers commanding organizations less than a brigade and having administrative functions connected therewith shall, whether or not such officers belong to such organizations, receive such pay as the Federal law provides for the faithful performances of such administrative functions, under such regulations as the Secretary of War may prescribe.

TITLE 6.

PENALTIES, PROHIBITIONS AND PRIVILEGES

§ 47. RESPONSIBILITY FOR EFFICIENCY.] The officer commanding the National Guard may cause those under his command to perform any military duty and shall be responsible to the Governor for the general efficiency of the National Guard and for the drill, instruction, small arms and artillery practice, movements, operations and care of the troops. Commanding officers of organizations shall be responsible to their immediate commanders for the equipment, drill, instruction, movements and efficiency of their respective commands. All commissioned officers and enlisted men shall be responsible to their immediate commanding officers for prompt and unhesitating obedience, proper drill and the preservation and proper use of the property of the State or organization in their possession.

§ 48. BONDS OF OFFICERS.] Each officer to whom there shall be issued, or who shall be accountable for arms, equipment, uniforms, and any other State or United States property for military uses, or who shall have the control, custody or disbursement of state or military funds, shall, before the delivery to him of such arms, equipment, and other State or United States property, and the receipt of such funds, execute and deliver to the Adjutant General a bond therefor, with sureties to be approved by the Governor, and payable to the State, in such amount as may be fixed by the Governor, conditioned for the proper care, use and return in good order, wear, use and unavoidable loss and damage excepted, of all such state and United States property, and the proper care and faithful disbursement and accounting of all funds coming into the hands of such officer. Upon the violation of any of the conditions of such bond, action thereon shall be brought by the Adjutant General on behalf of the State,

and any recovery thereon shall be credited to the National Guard funds of the State. It shall be the duty of the Attorney General of the State to prosecute all actions upon such bonds.

§ 49. FALSE CERTIFICATE OR RETURN.] Any officer or soldier of the National Guard who knowingly makes any false certificate of muster or false return of Federal or State property or funds in his possession shall be guilty of a misdemeanor.

§ 50. MISUSE OF FUNDS OR PROPERTY.] Any officer or soldier of the National Guard who wilfully neglects or refuses to apply all money, in his possession drawn from the paymaster general, to the purpose for which such money was appropriated or who fails or refuses to account for or return any State or Federal property or funds in his possession, shall be guilty of the crime of embezzlement by bailee and punished accordingly.

§ 51. 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, or who shall be subject to call or induction into the Federal service by the President of the United States, or who shall volunteer for such service, shall, when ordered by proper authority to active non-civilian 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.

§ 52. JURISDICTION OUTSIDE OF OCCUPIED TERRITORY.] Troops occupying a military district established under martial law, may, if necessary, pursue, arrest and subpoena persons wanted in said military district, anywhere within the State of North Dakota.

§ 53. SERVICE OF PROCESS.] All peace officers of the State shall serve process and execute the orders of a military court in the same way and to the same extent as corresponding instruments of civil courts.

TITLE 7. MILITARY COURTS

§ 54. KINDS OF MILITARY COURTS.] The military courts of this State for the National Guard shall be:

- (a) Courts of Inquiry
- (b) General Courts-Martial
- (c) Special Courts-Martial
- (d) Summary Courts-Martial

§ 55. POWERS.] The military courts of this State shall be constituted like, have cognizances of the same subjects, and possess like powers, except as to punishment, as similar courts provided for by the laws and regulations governing the Army of the United

States, and the proceedings of courts of inquiry and courts-martial of the National Guard shall follow the forms and modes of procedure prescribed for said similar courts.

§ 56. COURTS OF INQUIRY.] Courts of inquiry shall consist of not less than three officers of at least equal grade with the officer in regard to whom the court is ordered. Courts of inquiry may be ordered by the Governor or by the Commanding General to examine into the nature of any transaction of or accusation or imputation against any officer or enlisted man. The courts shall, without delay, report to the officer ordering it the adduced, a statement of the facts, and, when required, an opinion thereon.

§ 57. GENERAL COURTS-MARTIAL.] General courts-martial may be convened by order of the Governor. Such courts shall have power to impose fines not exceeding two hundred dollars; to sentence to forfeiture of pay and allowances; to a reprimand; to dismissal or dishonorable discharge from the service; to reduction of non-commissioned officers to the ranks; or any two or more of such punishments may be combined in any sentence imposed by such courts.

§ 58. SPECIAL COURTS-MARTIAL.] The commanding officer of each garrison, fort, post, camp or other place, brigade, regiment, detached battalion, or other detached command may appoint special courts-martial for his command; but such special courts-martial may in any case be appointed by superior authority when by the latter deemed desirable. Special courts-martial shall have power to try any person subject to the military law, except a commissioned officer, for any crime or offense made punishable by the military laws of the United States, and such special courts-martial shall have the same powers of punishment as to general courts-martial except that fines imposed by such courts shall not exceed one hundred dollars.

§ 59. SUMMARY COURTS-MARTIAL.] The commanding officer of each garrison, fort, post or other place, regiment or corps, detached battalion, company or other detachment may appoint for such place or command a summary court to consist of one officer, who shall have power to administer oaths and to try the enlisted men of such place or command for breaches of discipline and violations of laws governing such organizations; and said court when satisfied of the guilt of such soldier may impose fines not exceeding twenty-five dollars for any single offense; may sentence non-commissioned officers to reduction to the ranks; may sentence to forfeiture of pay and allowances. The proceedings of such courts shall be informal and the minutes thereof shall be the same as prescribed for summary courts of the Army of the United States.

§ 60. SENTENCE TO CONFINEMENT.] All courts-martial, including summary courts, shall have power to sentence to confinement in lieu of fines authorized to be imposed; provided, that such sent-

ences of confinement shall not exceed one day for each dollar of fine authorized.

§ 61. SENTENCES TO BE APPROVED.] No sentence of any court-martial shall become effective until approved by the convening authority; no sentence of dismissal from the service or dishonorable discharge imposed by a court-martial shall be executed until approved by the Governor.

§ 62. WARRANTS, SUBPOENAS, ATTACHMENT.]

(a) Presidents of courts-martial and summary court officers shall have power to issue warrants to arrest accused persons and to bring them before the court for trial whenever such person shall have disobeyed an order in writing from the convening authority to appear before such court, a copy of the charge or charges having been delivered to the accused with such order and to issue warrants for the arrest and confinement for conviction (convicted) persons, and any other warrant, writ or process which may be necessary to enable any such court to carry into full effect the powers vested in such court by the laws of the United States and of this State.

(b) Presidents of courts of inquiry, courts-marital, and summary court officers shall have power to issue subpoenas duces tecum and to enforce the attendance of witnesses and the production of books and papers, and to sentence for a refusal to be sworn or to answer as provided in civil courts.

§ 63. COMMITMENT PENDING TRIAL.] Whenever an accused person shall have been arrested for failure to appear before a court-martial for trial as herein provided for, the president of the court-martial or summary court officer to whom the charges have been referred for trial may issue a warrant to the civil officer making the arrest for the commitment of such person to prison or jail pending trial. In all such cases, the accused shall be admitted to bail, the amount of bail fixed, and the surety or sureties thereon approved, by the President of the court martial or the summary court officer issuing the warrant. In default of bail, such person shall be confined pending trial; provided, that no person shall be kept in prison or jail pending trial for more than five days.

§ 64. EXECUTION OF PROCESS BY CIVIL OFFICERS.]

(a) All processes and sentences of said courts shall be executed by such civil officers of the State as are herein prescribed.

(b) All processes, writs, and warrants of said court shall be directed to and executed by any sheriff, member of the State police or any other officer or member of the police department of any municipality, or any other ministerial officer of any county or municipality, and shall be similar in form to like processes, writs, or warrants issued by civil courts, or in such form as may from time to time be prescribed by the Governor in regulations issued by him. It shall

be the duty of all officers to whom such process, writ or warrant may be directed to execute the same and make return thereof to the officer issuing the same.

(c) The keepers and wardens of all city or county jails shall receive the persons committed to them by a military court, and shall confine them in accordance with the direction of said court.

§ 65. FINES.] All fines imposed by sentence of the aforementioned courts shall be collected by the presiding officer and remitted without delay to the Adjutant General, who will remit them immediately to the State Auditor with a statement of the source from which collected. All sums thus collected as fines shall be credited to the general fund for maintenance of the National Guard and expended as authorized therefor; provided, further, that such portion of the sentence imposed by the aforementioned courts as prescribes confinement shall be executed in such county jails as the reviewing authority may direct, and the expenses of such confinement shall be borne by the State of North Dakota. A commitment in writing shall be executed by the presiding officer of the court to the sheriff or jailer where temporary restraint is deemed necessary, but where the confinement is the result of the confirmed action of the reviewing authority an official copy of the order publishing the sentence of the court shall be furnished the sheriff or jailer. The presiding officer is empowered to accept a bond for the delivery of the accused upon demand after the final action of the court, and pending the action of the reviewing authority, when his jurisdiction terminates. This bond will not be accepted in capital cases, nor for a less sum than twice the amount involved; provided, further, that the sentence of any court-martial shall not, in time of peace, exceed that prescribed by the president for like offenses, and that these substitutes obtain; one day's confinement for one dollar forfeiture or the reverse.

§ 66. INDEMNITY FOR ACTION OF MILITARY COURT.] No action or proceedings for damages shall be prosecuted or maintained against a member of a military court, or persons acting under its authority or reviewing its proceedings on account of the approval, or imposition or collection of any fine or other penalty, or the execution of any warrant, writ or other process of a military court.

§ 67. REPORTER AND WITNESS FEES.] (a) Any witness subpoenaed to appear before any military court shall receive the same fees as are provided by law for witnesses appearing in a civil court.

(b) The reporter of any court shall be paid for stenographic services the same fees as are provided by law for similar services in civil courts.

§ 68. PAYMENT OF FEES.] (a) Fees for services of civil officers shall be the same as provided by law for services in civil courts. Costs will be levied and disbursed by the court. Records of

all levies and disbursements being kept in the headquarters of the organization concerned.

§ 69. CHARGES TO BE PAID BY THE STATE.] All witness fees, court costs, and pension awards incident to or the result of the operation of a military tribunal or board shall be paid by the State Treasurer from the general funds available upon appropriate voucher submitted thru the channels of the Adjutant General's office, after approval by the Adjutant General and the Governor.

TITLE 8. ARMORIES

§ 70. BOARD OF ARMORY SUPERVISORS.] The Governor shall appoint a board of Armory Supervisors which shall consist of the Adjutant General, and four other officers from the active, inactive, or retired commissioned personnel of the National Guard. The board shall meet at such times and places as are ordered by the Governor. The four officers so appointed shall serve at the pleasure of the Governor. The board shall, for each unit of the National Guard, fix the maintenance and rent allowance to be paid by the State for other than state-owned armories and shall acquire, contract, erect, purchase, sell, maintain, repair and alter state-owned armories subject to the laws made and provided therefor. Such board may lease property to be used for armory purposes, said lease to extend for any period but not to exceed fifteen years.

§ 71. DUTY OF COMMANDING OFFICER.] The commanding officer of each company, troop, or battery, shall provide suitable rooms at a convenient place in the city where each organization is located or stationed, with the necessary furniture, fuel, lights, drawers, lockers, closets and gun racks for an armory, assembly and drill room for such organization, and such room shall be under the exclusive control of the commanding officer.

§ 72. USE OF ARMORIES.] The use of armories for the regular meetings or functions of those patriotic societies or recognized Military Service Men's Organizations holding charters from Congress or incorporated in this State shall be granted by the Armory Board or officer in charge of any armory at such times and under such circumstances as not to interfere with the use of the armory for military purposes by the company or companies quartered therein, subject to the armory rules and regulations as are in force governing the use of such armories.

TITLE 9. PENSIONS FOR DISABILITY, HOSPITAL TREATMENT FOR INJURIES, ETC.

§ 73. PENSIONS.] Every member of the militia or National Guard who shall be wounded or disabled while in the service of the State in case of riot, tumult, breach of the peace, resistance to process, invasion, insurrection or imminent danger thereof, or whenever called upon in aid of the civil authorities, shall be taken care of

and provided for at the expense of the State, and every such member who shall be wounded or disabled or has been so disabled in the performance of any actual service of this State within ten years preceding the application for a pension under this act (chapter) in cases of riots, tumults, breach of the peace, resistance to process, invasion, insurrection or imminent danger thereof, or whenever called upon in aid of the civil authorities, or while engaged in any lawfully ordered parade, drill, encampment or inspection, shall upon proof of the fact, as hereinafter provided, be placed on the roll of invalid pensioners of the State, and shall receive out of any moneys in the treasury of the State not otherwise appropriated, upon the audit of the Adjutant General and approval of the Governor, the like pension or reward that persons under similar circumstances receive from the United States; and in case of any wound, injury or disease causing death, then the widow or minor children of such member of the militia shall receive such pension and reward from the time of receiving the injuries on account of which such pension or reward is allowed.

§ 74. PROOF REQUIRED, STRIKING FROM ROLL.] Before the name of any person is placed upon the roll under this article proof shall be made, under such regulations as the Adjutant General may from time to time prescribe, that the applicant is entitled to such pension. The Adjutant General, with the approval of the Governor, shall cause to be stricken from the pension roll the name of any person whenever it appears by satisfactory proof that such name was put upon such roll through false or fraudulent (fraudulent) representations. The Adjutant General, with the approval of the Governor, may increase or reduce or withdraw any pension, according to right and justice and the practice in the United States Veterans Administration.

§ 75. PENSION EXAMINERS AND EXAMINING BOARDS.] The Adjutant General is authorized to appoint pension examiners, whose duty it shall be to inquire into the merits of any claim for pay and care and pension, whether pending or adjudicated, and any person so appointed shall have power to administer oaths, to orally examine witnesses, to issue subpoenas and to take affidavits and depositions in the course of such examinations. The Adjutant General shall further appoint examining boards, consisting of not more than three medical officers of the National Guard, who shall under his direction make such examination of claimant as he shall require, and certify the result in such form as he shall prescribe, and any person adversely affected by the report of one medical officer shall be entitled to an examination upon his request before a board consisting of three medical officers.

§ 76. PAY AND CARE WHEN INJURED OR DISABLED IN SERVICE.] A member of the National Guard who shall, when on duty or assembled therefor, in case of riot, tumult, breach of the peace, in-

surrection or invasion, or whenever ordered by the Governor, commanding officer of the National Guard, or called in aid of the civil authorities, receive an injury or incur or contract any disability or disease by reason of such duty or assembly therefor, or who shall without fault or neglect on his part be wounded or disabled while performing any lawfully ordered duty which shall temporarily incapacitate him from pursuing his usual business or occupation shall, during the period of such incapacity, receive the pay provided by this chapter and actual necessary expenses for care and medical attendance. All claims arising under this section shall be inquired into by a board of three officers, at least one being a medical officer, to be appointed upon the application of the member claiming to be so incapacitated by the commanding officer of the highest unit in the State to which such member is attached. Such board shall have the same power to take evidence, administer oaths, issue subpoenas and compel witnesses to attend and testify and produce books and papers and punish their failure to do so, as is possessed by a general court-martial. The findings of the board shall be subject to the approval of the officer convening it when the claim is payable by a county, and in all other cases to the approval of the commanding officer of the National Guard. The reviewing officer may return the proceeding of the board for revision and for taking further testimony. The amount found due such member by said board to the extent that its findings are approved by the reviewing officer thereof, shall be a charge against and be paid in the manner provided in this chapter, by the county in which such duty was rendered, in every case where a county is by this chapter made liable to pay for the performance of military duty. In all other cases such sums shall be paid by this State, in like manner as other military accounts are paid.

TITLE 10. MISCELLANEOUS PROVISIONS.

§ 77. MEDAL OF MERIT. LONGEVITY MEDALS.] The Governor is hereby authorized to present in the name of the legislative assembly of the State of North Dakota a military medal, to be known as the Medal of Merit, bearing a suitable inscription and ribbon, all of which shall be of suitable military design to any member or former member of the North Dakota National Guard who in the discharge of his military duties distinguishes himself by extraordinary heroism or devotion to duty. The award of a Medal of Merit shall be made by a Board of Awards, consisting of the Adjutant General and senior officers of regiments or separate organizations of the National Guard of the State of North Dakota to be instituted by General Order of the Adjutant General's Office, prescribing rules and regulations for its meetings and method of procedure.

Not more than one Medal of Merit shall be awarded to any one person; nor shall any medal be awarded or presented to any person whose service subsequent to the recommendations for award shall not have been honorable. For each succeeding citation a person

to whom a Medal of Merit shall have been previously awarded or presented shall be entitled to wear, as the Adjutant General of the State may direct, a metal device attached to the ribbon of such Medal of Merit. In the event of the death of a person to whom a Medal of Merit has been awarded, presentation shall be made to the nearest next of kin.

The commander-in-chief of the National Guard of the State of North Dakota may issue an order providing suitable mark of distinction for all officers and enlisted men who have served in the National Guard for an aggregate period of five, ten, fifteen and twenty years, respectively, and for a like service hereafter.

§ 78. EXEMPTION FROM CIVIL PROCESS.] No person belonging to the active militia of the State shall be arrested on any civil process while going to, remaining at, or returning from any place at which he may be required to attend for military duty.

§ 79. RIGHT OF WAY. FREEDOM FROM INTERFERENCE.] Commanding officers of any portion of the National Guard parading or performing any military duty in any street or highway to yield the right of way; provided, the carriage of the United States mail, the legitimate functions of the police and the progress and operations of hospital ambulances and fire departments and apparatus of the insurance patrol shall not be interfered with thereby. All others who shall hinder, delay or obstruct any portion of the National Guard wherever parading or performing any military duty, or who shall attempt so to do, shall be guilty of a misdemeanor.

§ 80. FREE PASSAGE THROUGH TOLL GATES, ETC.] Any person belonging to the military forces of the State, going to or returning from any parade, encampment, drill or meeting which he may be required by law to attend, shall together with his conveyance and military property of the State in his charge be allowed to pass free through all toll gates and over all toll bridges and ferries, if he is in uniform or presents an order for duty or certificate of membership in the National Guard.

§ 81. EXEMPTION FROM JURY DUTY.] Every member of the National Guard shall be exempt from all jury duty, provided, he shall furnish the certificate of his immediate commanding officer that he has performed the duties required of him for the year immediately preceding a summons to act as a jurymen, and every such member who shall have received a full and honorable discharge shall be exempt forever after from all jury duty.

§ 82. UNLAWFUL CONVERSION OF MILITARY PROPERTY.] Unlawful wearing of uniforms and devices indicating rank. Any person who shall secretly sell, dispose of, offer for sale, purchase, retain after demand made by a commissioned officer of the National Guard, or in any manner pawn or pledge any arms, uniforms, equipments, or other

military property issued under the provisions of this chapter, and any person who shall wear any uniform or any device, strap, knot or insignia of any design or character used as a designation of grade, rank or office, such as are by law or by general regulation duly promulgated, prescribed for the use of the National Guard or similar thereto, except members of the Army and Navy of the United States and the National Guard of this or any other State, members of Associations wholly composed of soldiers honorably discharged from the service of the United States and members of the order of Sons of Veterans shall be guilty of a misdemeanor, and in addition thereto shall forfeit to the people of this State one hundred dollars for each offense, to be sued for in the name of the people by a judge-advocate. All moneys recovered by an action or proceeding under this section shall be paid to the Adjutant General, who shall apply the same to the use of the National Guard.

§ 83. TRESPASSERS AND DISTURBERS TO BE PLACED IN ARREST.] The commanding officer upon any occasion of duty may place in arrest during continuance thereof any person who shall trespass upon the camp ground, parade ground, armory or other place devoted to such duty, or shall in any way or manner interrupt or molest the orderly discharge of duty by those under arms, or shall disturb or prevent the passage of troops going to or returning from any duty.

§ 84. MILITARY PARADES BY UNAUTHORIZED BODIES PROHIBITED.] No body of men other than the regularly organized units of the National Guard and militia and the troops of the United States, shall associate themselves together as a military company or organization, or parade in public with firearms in any city or town of this State. No city or town shall raise or appropriate any money toward arming or equipping, uniforming or in any other way supporting, sustaining or providing drill rooms or armories for any such body of men; but associations wholly composed of soldiers honorably discharged from the service of the United States or members of the order of Sons of Veterans may parade in public with firearms on Decoration Day or upon the reception of any regiments or companies of soldiers returning from such service, and for the purpose of escort duty at the burial of deceased soldiers; and students in educational institutions where military science is a prescribed part of the course of instruction, may, with the consent of the Governor, drill and parade with firearms in public under the superintendence of their teachers. This section shall not be construed to prevent any organization authorized to do so by law from parading with firearms, nor to prevent parades by the National Guard of other states. Any person violating any provision of this section shall be deemed guilty of a misdemeanor.

§ 85. DUTIES BY TITLE OF OFFICE.] The duties assigned to an officer by title in this chapter shall devolve, in case of absence on

disability by command of the officer named, upon the line officer next in rank, except as otherwise provided in this chapter.

§ 86. RULES AND REGULATIONS.] The Governor is hereby authorized to make such rules and regulations as he may deem expedient, but such rules and regulations shall conform to this chapter, and, as nearly as practicable, to those governing the United States Army, and when promulgated shall have the same force and effect as the provisions of this chapter. Such rules and regulations shall not be repealed, altered, amended or added to, except by the commanding officer of the National Guard, with the approval of the Governor. The rules and regulations in force at the time of the passage of this chapter shall remain in force until new rules and regulations are approved and promulgated.

§ 87. CUSTOM AND USAGE OF THE UNITED STATES ARMY.] All matters relating to the organization, discipline and government of the National Guard, not otherwise provided for in this act, or in the general regulations, shall be decided by the custom and usage of the United States Army or Navy, respectively.

§ 88. SAVINGS OF RIGHTS ACCRUED.] All contracts, pensions, commissions, leases, agreements and similar actions taken, made or entered into under the previous statutes on this subject, which by their nature, custom or usage were continuing in effect are hereby ratified and confirmed.

§ 89. EFFECT OF PARTIAL INVALIDITY.] If any provision of this Act or the application thereof to any person or circumstance is held unconstitutional or otherwise invalid, the remaining provisions of the Act and the application of such provisions to other persons or circumstances shall not be affected thereby.

§ 90. REPEAL.] Sections 2347 and 2448, both inclusive, being Chapter 35 of the Political Code Compiled Laws, State of North Dakota for the year 1913, and Chapter 187, Session Laws of 1915; Chapters 3 and 159, Session Laws of 1917; Chapter 5, Session Laws of 1919; Chapter 43, Special Session Laws of 1919; Chapter 241, Session Laws of 1923; Chapter 42, Session Laws of 1925; and Chapter 213, Session Laws of 1935, together with all acts amendatory thereof and all other acts or parts of acts repugnant to and inconsistent herewith are hereby repealed.

§ 91. EMERGENCY.] An emergency is hereby declared to exist, and this act shall be in full force and effect from and after its passage and approval.

Approved March 12, 1941.

CHAPTER 222

S. B. No. 98—(Committee on Appropriations)

MILL AND ELEVATOR AUDITS

An Act to provide for an annual audit of the affairs of the North Dakota Mill and Elevator Association as of the 30th day of June in each year, and such other audits as may be deemed necessary by the Industrial Commission, and repealing conflicting portions of prior acts.

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

§ 1. The books, records, accounts, inventories, stocks of merchandise, supplies, equipment and all affairs of the North Dakota Mill and Elevator Association shall be audited and examined once in each year by the State Board of Auditors and State Examiner in co-operation, said audit to be made as soon as possible after the 30th day of June in each year. Said audit and the report thereof shall fairly and accurately disclose the actual condition of said Mill and Elevator Association as of the 30th day of June of that year. Profits and losses shall be computed only on such contracts and commitments, or parts thereof, as shall have been completed on said date, and no estimates or forecasts shall be made as to the probable loss or gain on transactions to be fulfilled after said date. Inventories of grains, supplies and stocks on hand shall be computed at the market price of said date. The foregoing shall not be construed to prohibit said report from disclosing the actual obligations and commitments of said Association on existing unfilled contracts, and the consideration and prices fixed in said contracts, if, in the judgment of said auditors, the same shall be necessary to a complete audit; but it is the intention hereof that said report shall constitute a factual report of existing conditions, and, to the fullest extent possible, all estimates, forecasts and probabilities shall be eliminated therefrom. Copies of such audit report upon completion shall be filed with The Industrial Commission, The Manager of the Mill and Elevator, with the State Board of Auditors, and the State Examiner, and a Consolidated Balance Sheet and Operating Statement made public.

§ 2. The Industrial Commission shall have authority to direct such other unexpected or unscheduled audits at such times and by such auditor as it shall deem proper to protect the interests of the State.

§ 3. REPEAL.] All provisions of law providing for audits of the North Dakota Mill and Elevator Association by the State Board of Auditors, the State Examiner, or other auditors, are hereby repealed insofar as audits of the said Association are concerned.

Approved February 20, 1941.

CHAPTER 223**H. B. No. 231—(Wolf of Morton and Johnson of Cass)****CONSTRUCTION PUBLIC BUILDINGS**

An Act to amend and re-enact Section 4 of Chapter 195 of the Session Laws of 1929 relating to the opening of bids, award of contract, and bond required for public buildings.

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

§ 1. AMENDMENT.] That Section 4 of Chapter 195 of the Session Laws for the year 1929 be and is hereby amended and re-enacted to read as follows:

§ 4. OPENING BIDS. AWARD OF CONTRACT AND BOND REQUIRED.] At the time and place specified in said notice, the board of administration, county commissioners, city commission, city council, board of park commissioners, school district officials or village trustees, as the case may be, shall publicly open and read aloud all bids received, and may reject all bids or award the contract to the lowest and best bidder; provided that if the low bidder has not been a resident of the State of North Dakota for at least one year preceding the date of the filing of his bid, the contract shall be awarded to the lowest qualified bidder who has been a resident of the State of North Dakota for at least one year preceding the date of the filing of his bid providing such bid does not exceed the bid of the low bidder by more than five (5) per cent. The particular board or body concerned, shall require of the contractor to whom the contract is awarded, a bond complying with Chapter 92 of the Civil Code of North Dakota for the year 1913 as amended.

The particular board or body concerned shall have the power to reject any and all bids and may advertise anew in accordance herewith, until a satisfactory bid is received.

Approved March 20, 1941.

CHAPTER 224

H. B. No. 76—(Sellens and Bergesen)

VACANCIES IN PUBLIC OFFICES

An Act to Amend and Re-enact Section 683 of the Compiled Laws of the State of North Dakota for 1913, Relating to Creation of Vacancies in Public Offices; Repealing Acts in Conflict Herewith, and Declaring and Emergency.

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

§ 1. AMENDMENT.] That Section 683 of the Compiled Laws of the State of North Dakota for 1913 be amended and re-enacted to read as follows:

§ 683. Vacancies, how caused. Every office shall become vacant on the happening of either of the following events:

1. Death of the incumbent.
2. His insanity judicially determined.
3. His resignation.
4. His removal from office.
5. His failure to discharge the duties of his office, when such failure has continued for sixty consecutive days, except when prevented from discharging such duties by reason of his service in the Army, Navy, or Marine Corps of the United States, by sickness or by other unavoidable cause, provided, however, no remuneration on account of such office shall be paid to the absentee during such absence, and such office shall in all cases become vacant upon the termination of the term for which he was elected or appointed.
6. His failure to qualify as provided by law.
7. His ceasing to be a resident of the state, district, county, or township in which the duties of his office are to be discharged, or for which he may have been elected.
8. His conviction of a felony or of any offense involving moral turpitude or a violation of his official oath.
9. His ceasing to possess any of the qualifications of office prescribed by law.
10. The decision of a competent tribunal declaring void his election or appointment.

§ 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 March 4, 1941.

CHAPTER 225

H. B. No. 119—(Joint Committee on Refunding State Indebtedness)

STATE CAPITOL BUILDING REFUNDING CERTIFICATES

An Act Authorizing the Industrial Commission to issue State Capitol Building refunding certificates for the purpose of securing funds with which to pay outstanding State Capitol Building certificates, prescribing the conditions thereof, manner of sale and the payment thereof.

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

§ 1. The Industrial Commission is hereby authorized and empowered to issue certificates of indebtedness bearing interest at the rate of Two (2) per cent per annum, payable annually or semi-annually, to be known as "State Capitol Building Refunding Certificates", for the purpose of providing funds with which to pay outstanding State Capitol Building Certificates issued under Section 14, Chapter 205, Session Laws of 1931, and Acts amendatory thereof, and accrued interest thereon, and such refunding certificates shall be exempt from taxation.

§ 2. The aggregate amount of such refunding certificates shall not exceed \$200,000.00. They shall mature at such time or times as the Industrial Commission shall determine; but none shall mature in more than ten years from the date of issue. Such refunding certificates shall be in such denominations and form as the Industrial Commission shall determine but shall show on their face the purpose for which they are issued, the time of maturity, shall contain a reference to this Act, and shall be made payable at the office of the State Treasurer.

§ 3. Such certificates shall be signed by the Governor 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 Industrial Commission.

§ 4. The Industrial Commission shall sell such refunding certificates to the highest bidder, but for not less than par. Such refunding certificates shall be delivered by the State Treasurer to the purchaser only on payment to the State Treasurer for the amount for which they are sold. The proceeds derived from the sale of such refunding certificates shall be placed in the State Capitol Building Fund and shall be used only for the payment of outstanding State Capitol Building Certificates and accrued interest thereon.

§ 5. The principal and interest of such refunding certificates, when due, shall be paid by the State Treasurer on warrant of the State Auditor from the funds of the State Capitol Building Fund; and sufficient of such funds shall be set aside to meet the maturing

refunding certificates each year and interest thereon when such refunding certificates and interest shall mature. Such refunding certificates shall constitute a first charge upon the funds in the 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.

Approved February 24, 1941.

CHAPTER 226

H. B. No. 215—(Smart)

TRANSFER LANDS IN ROLETTE COUNTY TO THE UNITED STATES OF AMERICA

An Act Authorizing the Governor and the Secretary of State, Acting in the Name of, and on Behalf of, the State of North Dakota, to Transfer and Convey, Without Consideration, Certain Lands in Rolette County, Now Held by and in the Name of the State of North Dakota in Trust for the Use and Benefit of the International Peace Garden, Inc., a New York Corporation, to the United States of America for Use as a Customs Port of Entry to the United States from the Dominion of Canada, and Declaring an Emergency.

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

Whereas, By Chapter 211 of the Session Laws of North Dakota for the year 1935, the Governor of the state of North Dakota was authorized, empowered and directed, for and on behalf of the State of North Dakota, to accept from International Peace Garden, Inc., a New York corporation, a deed of conveyance in trust upon certain trust conditions therein contained; and whereas, certain lands in Rolette County were conveyed by said International Peace Garden, Inc., a New York corporation, pursuant to the provisions of said Chapter 211, and said lands are now held by the State of North Dakota in trust as in said chapter provided; and

Whereas, the United States of America is now desirous of obtaining a portion of said lands so held as and for a United States Customs Port of Entry; and

Whereas, said International Peace Garden, Inc. is willing that a portion of said lands be conveyed to the United States of America for the purpose aforesaid; and

Whereas, it is deemed to be for the best interests of said International Peace Garden, Inc., and of all concerned that such a Customs Port of Entry be established on said lands and that such purpose would be in furtherance of such trust;

Now, Therefore, Be it hereby Enacted:

§ 1. CONVEYANCE AUTHORIZED.] The Governor of the State of North Dakota, and the Secretary of State of said State hereby are authorized, empowered and directed to convey to the United States of America without consideration, by deed of conveyance, without warranty, duly executed in the name of the State of North Dakota by the Governor, such execution to be attested by the Secretary of State, under the Great Seal of the State of North Dakota, such conveyance to be confirmed by proper corporate action of said International Peace Garden, Inc., a New York corporation, the following lands, being a portion of said lands, to-wit:

All that tract or parcel of land lying and being in Lot One of Section 25, Township 164 North, Range 73 West of the Fifth Principal Meridian of North Dakota, described by metes and bounds as follows: Commencing at a point 40 feet due west of the intersection of the International Boundary Line and section line bounding the east side of said Lot One, being 40 feet due West of the Northeast corner of said Lot One; thence due West along the International Boundary Line a distance of 150 feet; thence at right angles due South a distance of 801.8 feet; thence at right angles due east a distance of 150 feet; thence at right angles due North along a line 40 feet due West of the center of the section line along the east side of said Lot One, a distance of 800 feet, to the point or place of beginning; together with the improvements thereon, lying and being in Rolette County, North Dakota.

§ 2. EMERGENCY.] Whereas the erection of suitable buildings for said Port of Entry cannot be undertaken by the United States until good title to the site therefor can be obtained, an emergency is hereby declared to exist, and this act shall be in full force and effect from and after the passage and approval thereof.

Approved March 17, 1941.

CHAPTER 227

H. B. No. 141—(Sharpe, Fleck, Benno and Nelson of Morton)

STATE BOARD OF ELECTRICIANS

An Act to Amend and re-enact Section 578b1 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913; Section 578b2 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, as amended by Chapter 139 of the Session Laws of 1927; Sections 578b3, 578b4, 578b5, 578b6, 578b7 and 578b8; and declaring an emergency.

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

§ 1. AMENDMENT SECTION 578b1; BOARD CREATED.] The State Board of Electricians is hereby created which shall consist of three members appointed by the Governor for periods of 2, 4, and 6 years respectively, and the State Insurance Commissioner who shall be ex-officio member and Secretary of said Board. The three members appointed shall consist of one Master Electrician, one Journeyman Electrician and one Moving Picture machine operator. The Master Electrician appointed shall have been a resident of the State of North Dakota for the last past three years and shall have been actively engaged as a Master Electrician for the said period of time. The Journeyman so appointed shall have been engaged as a Journeyman in the State of North Dakota and shall have resided therein for a period not less than three consecutive years last past, and the Moving Picture Operator so appointed shall be a projectionist who has resided in, and been engaged in his profession within the State of North Dakota for the last past three consecutive years. Vacancies on said Board shall be filled in the same manner and from the same classification as the retiring member.

The Board shall select from its membership a President and Treasurer, prescribe rules for the management of its affairs; shall adopt a seal and may make reasonable rules and regulations. Each member shall receive \$5.00 per day for actual services rendered and in addition thereto, his necessary and actual expenses incurred in the discharge of his duties.

The Board shall meet at the Capitol for its annual meeting during the month of January of each year and at any other times or places within the State upon ten days notice given by the President for the purpose of conducting examinations and performing such other duties as may be brought before them.

§ 2. SECTION 578b2, AMENDMENT. CLASSIFYING ELECTRICIANS.] That Section 578b2 of the Supplement to the Compiled Laws of North Dakota for 1913 be amended and re-enacted to read as follows:

There shall be three classes of licenses, Master, Journeyman,

and Moving Picture Machine Operator. For the purpose of this Act, the term Master Electrician shall be construed to mean a person having the necessary qualifications, training, experience and technical knowledge to properly plan, lay out and supervise the installation and repair of electrical wiring, apparatus and equipment for electric light, heat and power in accordance with the standard rules and regulations governing such work. The term Journeyman Electrician for the purpose of this Act shall be construed to mean a person having the necessary qualifications, training, and technical knowledge to wire and install and repair electrical apparatus and equipment in accordance with the standard rules and regulations governing such work. The term Moving Picture Machine Operator for the purpose of this Act shall be construed to mean a person having the necessary qualifications, training and experience to operate Moving Picture Machines and switchboards in buildings, parts of buildings or enclosures used for public assemblages.

Every person, partnership, company, corporation or association, that undertakes or offers to undertake with another to plan, lay out, supervise, install or make additions, alterations or repairs in the installation of wiring, apparatus or equipment for electric light, heat or power for a fixed sum, price, fee, percentage or other consideration shall apply to the Board for License. The Board shall examine the applicant and if he be found upon technical and practical examinations to be possessed of the required knowledge and skill and to be versed in the laws of electricity, shall issue a license to the applicant in the class for which he has been examined; such license shall be signed by the President and Secretary of the Board, attested by the seal and shall be valid for one year. License may be renewed without examination upon the payment of the proper fee. If the licensee fails to renew his license for a period of five consecutive years or more, he may be required to appear for re-examination. The Board may upon the recommendation of one Master Electrician and two Journeyman electricians, issue a permit for a Journeyman electrician to engage in his trade until the next meeting of the Board for the examination of applicants and such permit shall not be renewable.

Employees of Public Utilities engaged in the manufacture and distribution of electrical energy shall not be required to hold a license to engage in such work as directly pertains to the manufacture and distribution of electrical energy, provided, however, for the purposes of this Act, such exemption shall terminate at the first point of service attachment except for the installing or testing of electric meters and measuring devices and the maintenance of their service. Employees of telephone, telegraph and radio communication services shall not be required to hold licenses to engage in such work as directly pertains to such services. Every license or permit holder shall report his licensing and renewals thereof to the electrical inspector, if any there be, in the city or village in which he operates,

and any license or permit issued hereunder may be revoked after hearing and for cause.

§ 3. SECTION 578b3, AMENDMENT. EXPENSES OF THE BOARD.] That Section 578b3 of the Supplement to the Compiled Laws of North Dakota for 1913 be amended and re-enacted to read as follows:

All reasonable and necessary expenses incurred in conducting of the business of the Board shall be allowed and paid for by the Board.

§ 4. SECTION 578b4, AMENDMENT, LICENSES.] That Section 578b4 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913 be amended and re-enacted to read as follows:

Licenses shall be issued for a period of one year. Every applicant for examination for a Master's license shall pay an application fee of \$15.00 and an annual license fee of \$7.00. He shall take oath and submit written evidence that he has had three years experience in his trade before taking the examination. If a partnership, company or corporation applies for a license, an officer or manager thereof shall make the application, take the oath, and submit evidence as to experience before taking the examination. An applicant for a Journeyman's license shall pay an examination fee of \$7.00 and annual license fee thereafter of \$3.00 per year. He shall take oath and submit written evidence that he has had three years experience in installing and repairing electrical wiring, apparatus and equipment. Applicants for Moving Picture Machine Operator License shall pay an examination fee of \$5.00 and an annual license fee of \$3.00 thereafter. He shall take oath and submit written evidence that he has had two years experience in the line of work for which he requests a license.

No contract, agreement or undertaking with another for the installation of electrical wiring or the installation of electrical parts of other apparatus or equipment, shall be entered into by anyone not a Master Electrician.

Before receiving a license as Master Electrician the applicant shall execute and deposit with the Board a surety bond in the sum of \$1,000.00 conditioned upon the faithful performance of all electrical work undertaken by him and for the strict compliance with all the provisions of this Act and the requirements of the Board, and in the cities requiring bond by virtue of city ordinances, such bonds shall not supercede the bond herein provided for.

Every person doing electrical work as provided for herein shall report the same to the Secretary of the State Board upon blanks furnished by this Board for such purpose, except in cities maintaining inspection service.

§ 5. SECTION 578b5, AMENDMENT. EXCEPTIONS.] That Section 578b5 of the 1925 Supplement to the Compiled Laws for North Dakota for 1913, shall be amended and re-enacted to read as follows:

Nothing in this Act shall prevent a person from serving as an apprentice under a licensed Master Electrician, and no Master Electrician shall allow an apprentice to work on any installation without personal supervision of a licensed electrician.

§ 6. SECTION 578b6. AMENDMENT. PROVIDING FOR INSPECTION.] That Section 578b6 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913 be amended and re-enacted to read as follows:

The Board shall have jurisdiction over and provide inspection for all electrical installations now in use or to be made hereafter. All electrical wiring, apparatus or equipment shall comply with the rules and regulations of this Board, the Public Service Commission, the Insurance Commission and the State Fire Marshal under authority of the State statutes and in conformity of the approved methods of construction for safety to life and property. The regulations laid down in the National Electrical Code and the National Electrical Safety Code as approved by the American Engineering Standards Committee shall be prima-facie evidence of such approved methods provided, however, that nothing herein contained shall prohibit any municipality from making more stringent requirements. No electrical installation shall be connected for use until proof has been furnished to the person, firm or corporation supplying electrical energy that the regulations above cited have been complied with. Inspectors authorized by the Board may condemn installations hazardous to life and property and may order service thereto discontinued, provided, however, that such action may not be taken except after notice to the owner and subject to the right of appeal to the Board by the owner. No condemned installation shall be reconnected for service until proof has been furnished that the installation has been brought up to the required standard.

Cities may make provisions for inspection of all electrical work done within their corporate limits. City inspectors shall register their names with the Board within ten days after their appointment. Fees may be charged by the Board to cover the cost of inspection, such fees to be paid to the Board by the Master Electrician responsible for the installation. All fees from any source shall be used solely for conducting the duties of the Board and for furthering the improvement of electric work within the State. The Board shall file an annual report with the Governor as provided by law.

§ 7. SECTION 578b7. AMENDMENT. PENALTY.] That Section 578b7 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913 be amended and re-enacted to read as follows:

Any person who shall undertake or offer to undertake for a valuable consideration installation or repair of electrical wiring, apparatus, or equipment without having complied with the terms of this Act or who shall violate any of the provisions hereof, shall be

guilty of a misdemeanor and shall be punished by a fine not less than \$25.00 or more than \$100.00 or by a jail sentence of 30 days or both. It shall be the duty of the Board to prosecute any violation of the provisions of this Act reported or found by it or its inspectors.

§ 8. SECTION 578b8, AMENDMENT. PROVISIONS OF THIS ACT SEVERABLE.] That Section 578b8 of the 1925 Supplement to the Compiled Laws of 1913 for North Dakota, be amended and re-enacted to read as follows:

The sections and provisions of this Act are severable and it is the intention to confer the whole or any part of the powers herein, and if any section or provision or part thereof is for any reason held to be unconstitutional, void or inoperative, it is the intention hereof that the remaining sections or parts thereof shall remain in full force and effect.

§ 9. EMERGENCY.] This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after the date of its passage and approval.

Approved March 8, 1941.

CHAPTER 228

S. B. No. 102—(Raschko and Blank)

STATE ENGINEER, APPOINTMENT AND DUTIES

An Act Relating to the appointment, powers and duties of the State Engineer, to amend and re-enact Section 8239 of the Compiled Laws of North Dakota for the year 1913 as amended and re-enacted by Section 1 of Chapter 224 of the Session Laws of 1929 and to repeal Section 8240 of the Compiled Laws of 1913 as amended and re-enacted by Section 2 of Chapter 224 of the Session Laws of 1929.

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

§ 1. AMENDMENT.] That Section 8239 of the Compiled Laws of 1913 as amended and re-enacted by Section 1 of Chapter 224 of the Session Laws of North Dakota for the year 1929, is hereby amended and re-enacted so as to read as follows:

§ 8239. STATE ENGINEER, APPOINTMENT, DUTIES, POWERS, QUALIFICATIONS, SALARY.] There shall be a State Engineer, who shall be a technically qualified and experienced hydraulic engineer and who shall also be an experienced irrigation engineer, to be appointed by the State Water Conservation Commission. He shall serve as Secretary and Chief Engineer of the Commission. The Commission shall fix his salary and shall allow him actual and necessary traveling expenses while away from his office in the discharge of his

official duties. He shall hold office for such term as the Commission may determine. He shall not engage in private practice but shall devote all of his time to the duties and requirements of his office.

Whenever the Board of University and School Lands shall request the State Engineer to investigate any particular tract of land granted to the state under the Enabling Act for the purpose of determining whether or not it is coal-bearing land within the meaning of the Constitution, it shall be his duty to do so and report his conclusions and finding to the board, but in making such investigations and reports, he shall whenever practicable call to his assistance, and consult with, the Dean of the School of Mines (College of Mining and Engineering) of the State University and the Professor of Geology at the Agricultural College.

§ 2. That all the powers now conferred and all duties now imposed by law upon the State Engineer shall be assumed, exercised and discharged by the State Engineer appointed by the State Water Conservation Commission and that any petitions, applications, surveys, reports, orders or other documents shall be filed in the office of the State Engineer, all such instruments shall hereafter be filed in the principal office of the State Water Conservation Commission in the City of Bismarck, where they shall be kept on file under the control and supervision of the State Engineer appointed by the State Water Conservation Commission.

§ 3. REPEAL.] That Section 8240 of the Compiled Laws of 1913 as amended and re-enacted by Section 2 of Chapter 224 of the Session Laws of North Dakota for 1929 be, and the same is hereby, repealed.

Approved March 13, 1941.

CHAPTER 229

H. B. No. 202—(Bergesen, Beede and Haugland)

NORTH DAKOTA STATE FARM

An Act Providing for the Establishment and Government of a Correctional Institution, to be Known as the North Dakota State Farm, Providing for the Commitment and Transfer of Prisoners Thereto, and Their Care and Supervision Therein; Making an Appropriation for the Establishment and Maintenance of said Institution; Repealing All Acts or parts of Acts in Conflict herewith.

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

§ 1. There is hereby established, under the provisions of this Act, a correctional institution for male violators of the law, to be known as the North Dakota State Farm.

§ 2. Upon the taking effect of this Act, the Board of this State which now has, or may hereafter have, the control and supervision of the penal institutions of this State, shall take over the buildings and equipment of the Camp for Transients which was established by the Federal Emergency Relief Administration near the City of Bismarck, and which has been transferred by said Administration to the State of North Dakota as contemplated by Senate Concurrent Resolution A-1, passed by the 25th Legislative Assembly.

§ 3. Said buildings shall be utilized for shelter and the administrative purposes of said State Work Farm, and the said board is hereby authorized to lease the premises upon which said buildings are situated, and lands in that vicinity to be used in connection with the work of said farm.

§ 4. The said board shall have full charge and control of said work farm and the buildings and equipment incident thereto; it shall appoint and employ a superintendent and other necessary help, and prescribe their duties and fix their compensation. The said board may assign to said farm, in any capacity, persons employed in connection with the operation of any other institution under the control and supervision of said board. Such person or persons may be so assigned either for full time or part time work, and, in the judgment of said board, the compensation of said persons may be continued to be paid and charged as it was before they were so assigned to work at said work farm.

§ 5. The laws relating to the government and management of the North Dakota state penitentiary, so far as the same may be applicable and not by this Act otherwise provided and not inconsistent with the purposes of this Act, shall in all respects apply to the government and management of the State Farm as to the duties and authority of the Board and its employes (employees) used at said State Farm. The said board in charge of such work farm may establish and adopt and enforce proper rules and regulations for the control and administration of said work farm and the prisoners committed thereto.

§ 6. It is recognized by all, that idleness is a curse and that the confinement of persons in idleness in jails or other penal institutions, has a deleterious effect, whereby both the individual and society are the losers, and as a result, many cities, counties, and states have established work farms for the purpose of giving to the persons confined, healthful, useful employment, under circumstances tending to rebuild and make them into useful citizens. It shall be the purpose of the state work farm to employ the prisoners committed or transferred thereto, in manual labor, and said farm shall be administered along the lines of a work farm for the purpose of assisting in the rehabilitation of the prisoners committed thereto, and with the purpose of furnishing to them labor, instruction, and super-

vision that will accomplish the purpose sought in this Act. The said board is hereby authorized to provide for such labor, instruction, and supervision for the persons committed to said farm.

§ 7. The cost of transportation of persons committed to the state farm for the commission of a felony, shall be paid by the State of North Dakota out of the fund appropriated for the payment of transportation for persons committed to the State Penitentiary, and the cost of transportation of persons committed to said farm for misdemeanors, shall be paid by the County from which the person is committed, and the sheriff or said county shall receive, mileage and fees, not to exceed the sum of five cents (\$.05) per mile for the miles actually and necessarily traveled in such transportation. The cost of care and keep of persons committed to the state farm for the commission of a felony shall be paid by the State of North Dakota out of the fund appropriated for such purpose for persons committed to the State Penitentiary and the cost of care and keep of persons committed to said farm for misdemeanors, shall be paid by the county from which the person is committed at the rate of seventy-five cents (\$.75) per day per person.

§ 8. When such state farm shall be equipped with facilities sufficient, in the opinion of the board having charge thereof, to receive prisoners, such board shall notify the Governor, and upon such notification, the Governor shall, by proclamation, declare the state farm ready to receive prisoners; and thereafter all judges of District Courts, and County Courts of increased jurisdiction, may commit thereto, so far as the capacity of the institution will permit, all male persons who otherwise would be committed to the County jail or to the State Penitentiary for violation of any criminal law of this State, and where the sentence is not less than thirty (30) days nor more than one year.

§ 9. The board shall have full power and authority, in the case of any prisoner committed to said State Farm for the commission of a felony, to transfer such prisoner to the State Penitentiary, and vice versa, if in the judgment of the board, such transfer is advisable. The laws relating to compensation, the merit system, good time and extra good time, and the imposition of penalties for misconduct provided by law for persons imprisoned in the State Penitentiary, shall be applicable to persons committed to the State Work Farm, except in so far as they may be inconsistent with the provisions of this Act.

§ 10. For the purpose of establishing and operating said work farm and maintaining persons committed thereto and providing necessary facilities for affording them work, and carrying out the other provisions of this Act, there is hereby appropriated for the use of said board in charge of said work farm, out of the fund of the State Treasury, the sum of Ten (\$10,000.00) thousand dollars

for the two (2) fiscal years commencing on July 1st, 1941 and ending June 30, 1943.

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

Approved March 22, 1941.

CHAPTER 230

H. B. No. 143—(Committee on Military Affairs)

NORTH DAKOTA STATE GUARD

An Act to Provide for the Organization, Equipping, Maintenance, and Use of the North Dakota State Guard, and Providing Rules and Regulations governing the same; Emergency.

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

§ 1. AUTHORITY AND NAME.] Whenever fifty per centum of the National Guard of this State is in active Federal service, the Governor by proclamation is hereby authorized to organize, equip, and maintain within the State, during such period, under such rules, regulations and limitations as may be prescribed by the Secretary of War, or by this Act, such military force as he may deem necessary for the proper defense of the State. Such force shall be composed of commissioned officers and such able-bodied male citizens as shall volunteer for service therein, and shall be known as the North Dakota State Guard. Such force shall have a distinctive uniform.

§ 2. ORGANIZATION, EQUIPMENT, AND MAINTENANCE.] The Governor is hereby authorized to prescribe rules and regulations not inconsistent with this Act and in conformity with regulations prescribed by the Secretary of War, governing the enlistment, organization, equipment, administration, pay, training, and disciplining of such force, all of which, so far as practicable, shall conform to the regulations governing the National Guard of the State. Units of such force shall be organized only at places to which National Guard units are allocated. The total strength of such force shall not exceed one half the allotted strength of the National Guard of the State on June 1, 1940.

The acceptance of any gift, donation, gratuity, or any thing of value by such force or any member thereof, from any individual, firm, association or corporation by reason of such membership is hereby prohibited, unless expressly authorized by the Legislature.

§ 3. REQUISITIONS, ARMORIES, AND QUARTERS.] The Governor is hereby authorized to requisition from the Secretary of War

such arms, ammunition, equipment and funds, as may be made available for such force. The Governor may allot to such force or designated units or detachments thereof, the facilities of such State armories, school buildings, or other State premises, equipment and property as may be available.

§ 4. USE WITHOUT THE STATE.] Such force shall not be required to serve outside the boundaries of this State, except:

(a) Upon the request of the Governor of another state, the Governor of this State may, in his discretion, order any portion or all of such force to assist the military or police forces of such other states who are actively engaged in defending such state; such force may be recalled by the Governor at his discretion.

(b) Any organization, unit, or detachment of such force upon order of the officer in command may continue in fresh pursuit of insurrectionists, saboteurs, enemy or enemy force, beyond the border of this State into any other state, until they are apprehended or captured, provided such other state shall have given authority by law for such pursuit by such force of this State. Any such person who shall be apprehended or captured in such other state by organization, unit or detachment by the force of this State shall without unnecessary delay be surrendered to the military or police force of the state in which he was taken or to the United States, but such surrender shall not constitute a waiver by this State of its right to extradite or prosecute such person for any crime committed in this State.

§ 5. PERMISSION TO FORCES OF OTHER STATES.] Any military force or organization, unit or detachment thereof, of another state which is in fresh pursuit of insurrectionists, saboteurs (saboteurs), enemy or enemy force, may continue such pursuit into this State until the military or police force of this State or the force of the United States have had a reasonable opportunity to take up the pursuit, or to apprehend or capture such persons; any such person who shall be captured or arrested by the military force of such other state while in this State shall, without unnecessary delay, be surrendered to the military or police force of this State, to be dealt with according to civil law. This Section shall not be construed so as to make unlawful any arrest in this state which would otherwise be lawful, and nothing in this Section shall be deemed to repeal any of the provisions regarding the fresh pursuit of criminals.

§ 6. FEDERAL SERVICE.] Nothing in this Act shall be construed as authorizing the North Dakota Guard or any part thereof to be called, ordered, or in any manner drafted, as such, into the military service of the United States, but no person shall, by reason of his enlistment or commission in such force, be exempt from military service under any law of the United States.

§ 7. CIVIL GROUPS.] No civil organization, society, club, post,

order, fraternity, association, brotherhood, body, union, league, or other combination of persons or civil group shall be enlisted in such force as an organization or unit.

§ 8. OATH OF OFFICE.] Commissioned officers of the North Dakota State Guard shall take and subscribe to an oath of office which shall be substantially the same as that prescribed for commissioned officers of the National Guard.

§ 9. ENLISTMENTS.] Any man who is a citizen of the United States or has declared his intention to become a citizen, if more than eighteen and less than fifty years of age, able-bodied, free from disease, of good character and temperate habits, may be enlisted in the North Dakota State Guard for a period not exceeding one year. No person shall be enlisted who has been expelled or dishonorably discharged from any military or naval organization of this State or of the United States. Nothing herein contained shall preclude re-enlistments.

§ 10. CONTRACT AND OATH OF ENLISTMENT.] Men enlisting in the North Dakota State Guard shall sign an enlistment contract and subscribe to an oath, both of which shall be substantially the same as that prescribed for enlisted men of the National Guard.

§ 11. ARTICLES OF WAR; FREEDOM FROM ARREST; JURY DUTY.]

(a) Whenever such force or any part thereof shall be ordered out for active service, the Articles of War of the United States applicable to the members of the National Guard of this State in relation to courts martial, their jurisdiction, and the limitation of punishment, and rules and regulations prescribed thereunder shall be in full force and effect with respect to the North Dakota State Guard.

(b) No officer or enlisted man of such force shall be arrested on any warrant, except for treason or felony while going to, remaining at, or returning from the place where he is ordered to attend for military duty. Every officer or enlisted man of such force shall, during his service therein be exempt from service upon any jury.

§ 12. SEVERABILITY.] If any provision of this Act is held invalid or unconstitutional, such holding shall not affect other provisions of this Act, which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

§ 13. EMERGENCY.] This Act is hereby declared to be an emergency measure, and shall be in full force and effect from and after the date of its passage and approval.

Approved March 4, 1941.

CHAPTER 231**H. B. No. 102—(Levin)****ESTABLISHMENT OF STATE INDUSTRIAL ALCOHOL PLANT**
An Act to Establish a State Industrial Alcohol Plant; Providing for the
Management Thereof, and Making an Appropriation Therefor;
Constitutionality.

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

§ 1. PURPOSES AND FUNCTIONS.] For the purpose of encouraging and promoting the welfare of agriculture, and to avoid the great losses resulting from the waste of certain farm products, the Industrial Commission is authorized and empowered to establish and equip, at a point to be determined upon by the said Commission, a suitable plant to be known as the State Industrial Alcohol Plant, for the manufacture, production and sale of industrial alcohol for commercial uses, by the use, processing and disposition of surplus and/or unmarketable agricultural products, including grains, tubers, vegetables, and particularly potatoes, wheat, corn, barley and rye.

§ 2. MANAGEMENT.] The Industrial Commission shall have full authority to employ a manager and such other employees as may be necessary for the operation of said plant, and fix their compensation.

§ 3. APPROPRIATION.] There is hereby appropriated for the establishment, operation and maintenance of the said State Industrial Alcohol Plant out of the general funds of the State the sum of \$25,000.00, or as much thereof as may be needed, to be used and expended, for the purposes aforesaid under the direction of the Industrial Commission.

§ 4. CONSTITUTIONALITY.] If any section, subsection, clause sentence or phrase of this Act is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portions of this Act. The legislature hereby declares that it would have passed this Act and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more of the sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Approved March 22, 1941.

CHAPTER 232

H. B. No. 307—(Myers, Schwartz, Lillehaugen, Ohnestad, Halvorson)

STATE PUBLIC PRINTING

An Act to Amend and Re-enact Section 3176 of the Compiled Laws of North Dakota for 1913, Relating to State Public Printing, Voucher for Printing and What to Contain.

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

§ 1. AMENDMENT.] That Section 3176 of the Compiled Laws of North Dakota for 1913, be amended and re-enacted to read as follows:

§ 3176. PUBLIC PRINTING TO BE DONE IN THE STATE. VOUCHER FOR PRINTING, WHAT TO CONTAIN.] All state, county and other public printing, binding and blank book manufacturing, blanks and other printed stationery shall be done only by established and qualified printing and publishing houses that shall have been established and in continuous business in this state not less than one year, except as in this section otherwise provided, and where practicable shall be awarded to established institutions in the county for which such printing is required; provided, that the rates charged for such printing, binding, blanks and other supplies shall not exceed (by) more than ten per cent the sum or sums the same class and quality of work can be secured for from publishing houses outside the state. In case any board or official empowered to secure public printing and binding as provided herein, shall ascertain that there exists any combination, agreement or understanding by and between two or more publishers or publishing houses in this state, directly or indirectly fixing the prices to be charged for the printing mentioned in this section, or where prices in excess of the maximum rates prescribed herein are charged, then and in that event the provisions of this section shall not apply and officers and boards empowered to secure public printing in relation to which any such combination, agreement or understanding as mentioned herein exists, (from publishing houses outside the state.) Every voucher for public printing and binding mentioned in this section shall have thereon or attached thereto a duly verified affidavit setting forth that the prices charged are reasonable and just and in accordance with law; that no agreement, combination or understanding exists with any other person, firm or corporation in the printing and publishing business, fixing the charges therein for such printing and binding, and that no agreement or understanding exists by which a division of any portion of the amounts charged has been or is to be made, either directly or indirectly, with any board or member thereof, or any person or official authorized or empowered to secure public printing mentioned in this section. Any person, firm or corporation violating the provisions of this section shall be guilty of a misdemeanor.

Approved March 14, 1941.

CHAPTER 233

H. B. No. 75—(Bergesen and Swanson)

UNIFORM ACT FOR OUT-OF-STATE PAROLEE SUPERVISION
An Act Providing that the State of North Dakota May Enter Into a Compact with any of the United States for Mutual Helpfulness in Relation to Persons Convicted of Crime or Offenses Who May be on Probation or Parole; Providing Certain Terms Thereof; Saving Clause.

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

§ 1. The Governor of This State is hereby authorized and directed to execute a compact on behalf of the State of North Dakota with any of the United States legally joining therein in the form substantially as follows:

A COMPACT.] Entered into by and among the contracting states, signatories hereto, with the consent of the Congress of the United States of America, granted by an Act entitled "An Act Granting the Consent of Congress to any two or more States to enter into Agreements or Compacts for Cooperative effort and Mutual Assistance in the Prevention of Crime and for other purposes."

The contracting states solemnly agree:

(1) That it shall be competent for the duly constituted judicial and administrative authorities of a state party to this compact, (herein called "sending state"), to permit any person convicted of an offense within such state and placed on probation or released on parole to reside in any other state party to this compact, (herein called "receiving state"), while on probation or parole, if

(a) Such person is in fact a resident of or has his family residing within the receiving state and can obtain employment there;

(b) Though not a resident of the receiving state and not having his family residing there, the receiving state consents to such person being sent there.

Before granting such permission, opportunity shall be granted to the receiving state to investigate the home and prospective employment of such person.

A resident of the receiving state, within the meaning of this section, is one who has been an actual inhabitant of such state continuously for more than one year prior to his coming to the sending state and has not resided within the sending state more than six continuous months immediately preceding the commission of the offense for which he has been convicted.

(2) That each receiving state will assume the duties of visitation of and supervision over probationers or parolees of any sending

state and in the exercise of those duties will be governed by the same standards that prevail for its own probationers and parolees.

(3) That duly accredited officers of a sending state may at all times enter a receiving state and there apprehend and retake any person on probation or parole. For that purpose no formalities will be required other than establishing the authority of the officer and the identify of the person to be retaken. All legal requirements to obtain extradition of fugitives from justice are hereby expressly waived on the part of state party hereto, as to such persons. The decision of the sending state to retake a person on probation or parole shall be conclusive upon and not reviewable within the receiving state: Provided, however, that if at the time when a state seeks to retake a probationer or parolee there should be pending against him within the receiving state any criminal charge, or he should be suspected of having committed within such state a criminal offense, he shall not be retaken without the consent of the receiving state until discharged from prosecution or from imprisonment for such offense.

(4) That the duly accredited officers of the sending state will be permitted to transport prisoners being retaken through any and all states parties to this compact, without interference.

(5) That the Governor of each state may designate an officer who, acting jointly with like officers of other contracting states, if and when appointed, shall promulgate such rules and regulations as may be deemed necessary to more effectively carry out the terms of this contract.

(6) That this compact shall become operative immediately upon its execution by any state as between it and any other state or states executing. When executed it shall have the full force and effect of law within such state, the form of execution to be in accordance with the laws of the executing state.

(7) That this compact shall continue in force and remain binding upon each executing state until renounced by it. The duties and obligations hereunder of a renouncing state shall continue as to parolees or probationers residing therein at the time of withdrawal until retaken or finally discharged by the sending state. Renunciation of this compact shall be by the same authority which executed it, by sending six months' notice in writing of its intention to withdraw from the compact to the other states party hereto.

§ 2. If any section, sentence, subdivision or clause of this act is for any reason held invalid or to be unconstitutional, such decision shall not effect the validity of the remaining portion of this act.

§ 3. This act may be cited as the Uniform Act for Out-of-State Parolee Supervision.

Approved February 21, 1941.