

OFFICES AND OFFICERS

CHAPTER 262

S. B. No. 211

Introduced by Committee on Judiciary

COURT OF IMPEACHMENT, COMPENSATION

An Act Amending and re-enacting Section 44-0926 of the North Dakota Revised Code of 1943, providing for compensation of members of the Senate, the House of Representatives, officers and employees and the method of payment in impeachment proceedings, repealing all acts or parts of acts in conflict herewith, and declaring an emergency.

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

§ 1. AMENDMENT.] That Section 44-0926 of the North Dakota Revised Code of 1943 be amended and re-enacted to read as follows:

44-0926. COURT OF IMPEACHMENT; COMPENSATION; MEMBERS; COUNSEL; PAYMENT.] The presiding officer, except the Chief Justice when presiding, and members of the Senate, while sitting as a court of impeachment, and members of the House of Representatives, each shall receive his regular per diem and mileage, plus five dollars (\$5.00) per day as reimbursement for expenses, while attending the court of impeachment. The compensation of the Secretary of the Senate, Sergeant at Arms, and all subordinate officers, clerks, stenographers, and reporters of the court and counsel employed to assist the managers and counsel selected and employed by accused with respect to his defense in his impeachment trial, shall be such amount as shall be determined upon by a vote of the members of such court, provided, however, that the amount paid to the counsel employed to assist the managers and the amount paid to the counsel employed to assist the accused shall be equal. The State Auditor, upon presentation of a certificate signed by the presiding officer and Secretary of the Senate, shall draw his warrants upon the State Treasurer to pay the expense of the Senate, and the compensation of the officers, clerks, stenographers, and reporters and counsel under the provisions of this chapter.

§ 2. 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.

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 All acts or parts of acts in conflict are hereby repealed.

Approved March 13, 1945.

CHAPTER 263

S. B. No. 213

Introduced by Committee on Judiciary

IMPEACHMENT PROCEEDINGS WITNESSES, DEPOSITIONS
PENALTIES FOR REFUSAL

An Act To Provide for the taking of Depositions of witnesses in Impeachment Proceedings; to compel the attendance of witnesses and the production of records before the officer before whom such depositions may be taken; to fix penalties for refusal; and declaring an emergency.

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

§ 1. In any impeachment trial conducted before the Senate of the State of North Dakota the testimony of any witness not a resident of the State of North Dakota and not amenable to subpoena within the State of North Dakota at the time of such trial may be taken by deposition upon the same notice, in the same manner and before any officer authorized to take depositions in civil cases in the courts of the state, upon subpoena issued by the Clerk of the Supreme Court or the Secretary of the Senate, such subpoena shall be issued upon the request of the prosecution or defense or the attorneys for either of them. Any such deposition when transcribed and certified by the officer taking the same shall be by him filed with the Secretary of State of the State of North Dakota, and shall be held by the Secretary of State, subject to examination by the Board of Managers, their attorneys, the impeached officer and his attorneys until the time of trial when it shall, upon the request of the Board of Managers be delivered to the Secretary of the Senate. Any such deposition shall be in such manner as the Senate may prescribe.

§ 2. All corporations and all officers, agents and employees of all corporations licensed or authorized to do business within this state by any licensing or supervisory authority of this state shall be required to obey all subpoenas and orders to produce issued by the authority of the Board of Managers at any place within the county where they may have their principal office or any other office which may have evidence, records and documents desired by the Board of Managers, whether within or without this state, and in case of the failure or refusal of any such corporation or any of its officers, agents, or servants to obey any such subpoena or order to produce, or to appear and testify under oath or affirmation concerning the matters requested, the Board of Managers shall forthwith make report of the facts of such failure or refusal to the supervising or licensing authority of this state, and it shall thereupon be the mandatory duty of such supervisory or licensing authority or officer to give said corporation ten days notice in writing by regis-

tered mail of his or its intention to cancel the license or authority of said corporation to do business within this state, and at the expiration of said ten day period said licensing or supervisory authority shall hear evidence only upon the question of the failure or refusal to obey such subpoena or order to produce, and if the evidence shall show such refusal or failure, the license and authority of said corporation to do business in this state shall be forthwith canceled and revoked.

§ 3. Whereas an impeachment is now pending in which it is or may be necessary to take the testimony of witnesses not resident nor amenable to subpoena within this state, this measure is declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 13, 1945.

CHAPTER 264

H. B. No. 234

Introduced by Committee on Appropriations

SALARIES AND QUALIFICATIONS CERTAIN APPOINTIVE STATE OFFICERS

An Act Amending and re-enacting section 4-1707 of the North Dakota Revised Code of 1943, fixing the annual salaries of the dairy commissioner and the assistant dairy commissioneers; section 6-0116 of the North Dakota Revised Code of 1943, fixing the salaries of the state examiner's deputies; section 12-5502 of the North Dakota Revised Code of 1943, fixing the compensation of members of board of pardons; section 15-1110 of the North Dakota Revised Code of 1943, fixing the compensation of the state geologist and deputy state geologist; section 18-0101 of the North Dakota Revised Code of 1943, fixing the salary of the deputy fire marshal; section 20-0203 of the North Dakota Revised Code of 1943, fixing the salary of the state game and fish commissioner; section 20-0207 of the North Dakota Revised Code of 1943, fixing the salary of the deputy state game and fish commissioner; section 20-0209 of the North Dakota Revised Code of 1943, fixing the salary of the chief game warden; section 20-0212 of the North Dakota Revised Code of 1943, fixing the salary of the district deputy game wardens; section 24-0206 of the North Dakota Revised Code of 1943, fixing the salary of the state highway commissioner; section 25-0205 of the North Dakota Revised Code of 1943, fixing the salaries of the superintendent and assistant superintendent of the state hospital for the insane; section 27-0303 of the North Dakota Revised Code of 1943, fixing the salary of the clerk of the supreme court; section 36-0104 of the North Dakota Revised Code of 1943, fixing the compensation of the members of state livestock sanitary board; section 36-0203 of the North Dakota Revised Code of 1943, fixing the compensation of the members of the state board of veterinary medical examiners; section 38-0304 of the

North Dakota Revised Code of 1943, fixing the salary of the state coal mine inspector; section 39-0202 of the North Dakota Revised Code of 1943, fixing the salary of the registrar of motor vehicles; section 54-1503 of the North Dakota Revised Code of 1943, fixing the compensation of the members of the state budget board; section 54-2104 of the North Dakota Revised Code of 1943, fixing the salary of the appointive members of the board of administration; section 54-2106 of the North Dakota Revised Code of 1943, fixing the salary of the secretary of the board of administration; section 65-0202 of the North Dakota Revised Code of 1943, fixing the salary of the workmen's compensation commissioners; repealing all acts in conflict herewith.

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

§ 1. AMENDMENT.] That section 4-1707 of the North Dakota Revised Code of 1943 is hereby amended and re-enacted to read as follows:

4-1707. SALARIES OF DAIRY COMMISSIONER AND ASSISTANTS.] The dairy commissioner shall receive a salary not in excess of three thousand dollars per annum and the assistant dairy commissioners shall receive a salary not in excess of twenty-four hundred dollars per annum. The salaries to be fixed by the commissioner of agriculture and labor within the limits of the legislative appropriation therefor.

§ 2. AMENDMENT.] That Section 6-0116 of the North Dakota Revised Code of 1943 is hereby amended and re-enacted to read as follows:

6-0116. SALARIES OF STATE EXAMINER'S DEPUTIES.] The salary of the chief deputy examiner, for all services rendered in any capacity whatever, shall be, for each biennium, the amount appropriated therefor by the legislative assembly, but in no event shall the amount so appropriated therefor exceed thirty-six hundred dollars per year. The salary of each other deputy shall not be in excess of thirty-six hundred dollars per annum to be fixed by the state examiner within the limits of the legislative appropriation for such salaries. In addition to the amounts herein specified, each deputy shall be allowed his actual and necessary traveling expenses when engaged in the discharge of his duties. The salaries of all clerks, stenographers, and other assistants shall be fixed by the state examiner within the limits of the legislative appropriation therefor.

§ 3. AMENDMENT.] That section 12-5502 of the North Dakota Revised Code of 1943 is hereby amended and re-enacted to read as follows:

12-5502. COMPENSATION OF MEMBERS OF BOARD OF PARDONS.] The ex officio members of the board of pardons shall receive no additional compensation for their services upon such board. The

two qualified electors appointed on the board by the governor shall receive ten dollars for each day necessarily employed in attendance upon the sessions of the board and mileage for each mile actually and necessarily traveled in connection with such duties. Such compensation and mileage shall be paid upon the presentation of the proper voucher containing an itemized statement of the number of day's attendance and the number of miles actually and necessarily traveled in connection with such duties, duly verified by the oath of the member of the board making the claim and approved by the president or secretary of the board. All such claims shall be audited and separate warrants shall be drawn upon the state treasurer for the amount allowed to be paid out of the state treasury.

§ 4. AMENDMENT.] That section 15-1110 of the North Dakota Revised Code of 1943 is hereby amended and re-enacted to read as follows:

15-1110. SALARY OF STATE GEOLOGIST AND DEPUTY STATE GEOLOGIST.] The salary of the state geologist and the deputy state geologists, for services rendered in that capacity, shall be in the sum of ten dollars a day for each day employed.

§ 5. AMENDMENT.] That section 18-0101 of the North Dakota Revised Code of 1943 is hereby amended and re-enacted to read as follows:

18-0101. COMMISSIONER OF INSURANCE IS EX OFFICIO FIRE MARSHAL: APPOINTMENT AND SALARY OF DEPUTIES: EMPLOYMENT OF ASSISTANTS.] The commissioner of insurance shall be ex officio state fire marshal, shall have the management, control, and supervision of the fire marshal department, and shall perform the duties imposed on the state fire marshal by the provisions of this chapter. He shall appoint one or more deputies whose salaries shall be within the limits of legislative appropriations made from time to time therefor, but the salary of a deputy shall not exceed twenty-four hundred dollars per annum. Before entering upon his duties, each deputy appointed under this section shall give a bond to the state of North Dakota in the penal sum of five thousand dollars conditioned for the faithful discharge of his duties and shall take and subscribe the constitutional oath of office and file the same in the office of the secretary of state. With the approval of the commissioner of insurance and within the limits of the legislative appropriations, such deputies may employ any help necessary to maintain the fire marshal department.

§ 6. AMENDMENT.] That section 20-0203 of the North Dakota Revised Code of 1943 is hereby amended and re-enacted to read as follows:

20-0203. COMPENSATION AND EXPENSES OF COMMISSIONER; AUDIT AND PAYMENT.] The salary of the commissioner for all

services performed in any capacity whatever shall be, for each biennium, the amount appropriated therefor by the legislative assembly but not exceeding the sum of three thousand dollars per year, together with the actual and necessary expenses incurred by him in the performance of the duties of his office. His salary and expenses shall be paid out of the game and fish fund and shall be audited and paid in the same manner as the salary and expenses of other state officers.

§ 7. AMENDMENT.] That section 20-0207 of the North Dakota Revised Code of 1943 is hereby amended and re-enacted to read as follows:

20-0207. COMPENSATION AND EXPENSES OF DEPUTY COMMISSIONER; AUDIT AND PAYMENT.] The salary of the deputy commissioner for all services performed in any capacity whatever shall be, for each biennium, the amount appropriated therefor by the legislative assembly but not exceeding the sum of twenty-five hundred dollars per year, together with the actual and necessary expenses incurred by him in the performance of the duties of his office. His salary and expenses shall be audited and paid in the same manner as the salary and expenses of state officers.

§ 8. AMENDMENT.] That section 20-0209 of the North Dakota Revised Code of 1943 is hereby amended and re-enacted to read as follows:

20-0209. COMPENSATION AND EXPENSES OF CHIEF GAME WARDEN.] The salary of the chief game warden for all services performed in any capacity whatever shall be, for each biennium, the amount appropriated therefor by the legislative assembly but not exceeding the sum of twenty-five hundred dollars per year, together with the actual and necessary expenses incurred by him in the performance of the duties of his office.

§ 9. AMENDMENT.] That section 20-0212 of the North Dakota Revised Code of 1943 is hereby amended and re-enacted to read as follows:

20-0212. COMPENSATION AND EXPENSES OF DISTRICT DEPUTY GAME WARDENS.] The salary of each regular district deputy game warden for all services performed in any capacity whatever shall be, for each biennium, the amount appropriated therefor by the legislative assembly but not exceeding the sum of seventeen hundred fifty dollars per year, together with the actual traveling expenses incurred by each in the performance of his duties.

§ 10. AMENDMENT.] That section 24-0206 of the North Dakota Revised Code of 1943 is hereby amended and re-enacted to read as follows:

24-0206. SALARY OF HIGHWAY COMMISSIONER.] The com-

missioner shall receive a salary in such sum as shall be appropriated, from time to time, by the legislative assembly but not exceeding the sum of five thousand dollars per year. He also shall receive his expenses actually and necessarily incurred in the performance of the duties of his office.

§ 11. AMENDMENT.] That section 25-0205 of the North Dakota Revised Code of 1943 is hereby amended and re-enacted to read as follows:

25-0205. SUPERINTENDENT TO POSSESS CERTAIN QUALIFICATIONS: ASSISTANT SUPERINTENDENT AND ASSISTANT PHYSICIAN: SALARIES.] The superintendent of the state hospital must be a graduate of a reputable medical college and a physician of acknowledged skill and ability. He shall appoint an assistant superintendent and one or more assistant physicians each of whom must possess the qualifications required of the superintendent. The superintendent, assistant superintendent, and assistant physician or physicians shall be styled the resident officers of the state hospital, shall reside therein, and shall be governed by the laws and by-laws of the institution. The salaries of such resident officers shall be fixed by the board, but the salary of the superintendent shall not exceed five thousand dollars per annum and the salary of the assistant superintendent shall not exceed thirty-six hundred dollars per annum.

§ 12. AMENDMENT.] That section 27-0303 of the North Dakota Revised Code of 1943 is hereby amended and re-enacted to read as follows:

27-0303. SALARY OF CLERK OF SUPREME COURT: AMOUNT.] The salary of the clerk of the supreme court shall be, for each biennium, the amount appropriated therefor by the legislative assembly, but in no event shall his salary exceed the sum of twenty-five hundred dollars per year.

§ 13. AMENDMENT.] That section 36-0104 of the North Dakota Revised Code of 1943 is hereby amended and re-enacted to read as follows:

36-0104. COMPENSATION AND EXPENSES OF MEMBERS OF BOARD.] Each member of the state livestock sanitary board shall receive as compensation for his services the sum of ten dollars per day for each day employed, and his actual expenses incurred in attending the meetings of the board. Such sum shall be paid out of the state treasury upon vouchers of the board duly certified by the president and secretary thereof.

§ 14. AMENDMENT.] That section 36-0203 of the North Dakota Revised Code of 1943 is hereby amended and re-enacted to read as follows:

36-0203. COMPENSATION AND EXPENSES OF MEMBERS OF

BOARD.] Each member of the board shall receive the sum of ten dollars for each day actually engaged in attending meetings of the board, and all necessary traveling expenses actually incurred in attending such meetings. The secretary of the board also shall receive the sum of ten dollars for each day actually engaged as a witness in cases of prosecution that originate under any provision of this chapter.

§ 15. AMENDMENT.] That section 38-0304 of the North Dakota Revised Code of 1943 is hereby amended and re-enacted to read as follows:

38-0304. SALARY OF INSPECTOR.] The salary of the coal mine inspector shall not exceed twenty-seven hundred fifty dollars per annum. He shall be allowed, in addition thereto, his necessary and actual expenses incurred in the discharge of his official duties.

§ 16. AMENDMENT.] That section 39-0202 of the North Dakota Revised Code of 1943 is hereby amended and re-enacted to read as follows:

39-0202. SALARY AND EXPENSES OF REGISTRAR.] The salary of the registrar for all services rendered in any capacity whatever shall be, for each biennium, the amount appropriated therefor by the legislative assembly, but in no event shall it exceed three thousand dollars per year. He shall be allowed in addition thereto his necessary and actual expenses incurred in the discharge of his official duties.

§ 17. AMENDMENT.] That section 54-1503 of the North Dakota Revised Code of 1943 is hereby amended and re-enacted to read as follows:

54-1503. COMPENSATION AND MILEAGE OF MEMBERS OF BUDGET BOARD.] The members of the state budget board shall receive the travel expenses provided by law for state officials and in addition thereto the said chairman of the appropriations committees of the senate and the house of representatives, or such other member as may be appointed by the governor to fill a vacancy, each shall receive ten dollars per day for each day of actual service. A member of the state budget board who is not a member of the succeeding legislative assembly shall receive for his services during the legislative session the same compensation as that paid to the members of the legislative assembly.

§ 18. AMENDMENT.] That section 54-2104 of the North Dakota Revised Code of 1943 is hereby amended and re-enacted to read as follows:

54-2104. SALARY, MILEAGE, AND TRAVEL EXPENSE OF MEMBERS OF THE BOARD OF ADMINISTRATION.] The salary of each appointive member of the board shall be in such amount, not in excess

of three thousand three hundred dollars per annum, as is appropriated therefor from time to time by the legislative assembly. Each appointive member and each officer and employee of the board in the performance of official duties shall receive the same mileage and expenses as are allowed to other state officers. No travel expense shall be allowed for travel outside of the state unless authority therefor first has been granted by a resolution of the board stating the reasons and purposes of such trip. The resolution shall have endorsed on it the approval of the governor.

§ 19. AMENDMENT.] That section 54-2106 of the North Dakota Revised Code of 1943 is hereby amended and re-enacted to read as follows:

54-2106. SECRETARY AND EMPLOYEES OF BOARD; COMPENSATION; REMOVAL.] The board may employ a secretary. His salary shall be in such amount, not in excess of three thousand dollars per annum, as is appropriated therefor from time to time by the legislative assembly. It may employ such other administrative assistants, officers, business managers, accountants, and employees as may be necessary, and fix the compensation of the same within the appropriation made for such purpose. The board may remove any such employee when, in its judgment, the public service demands it.

§ 20. AMENDMENT.] That section 65-0202 of the North Dakota Revised Code of 1943 is hereby amended and re-enacted to read as follows:

65-0202. OATH OF OFFICE; SALARY.] Before commencing to perform his duties, each commissioner shall file an oath of office in the usual form and shall be bonded by the state bonding department in the sum of five thousand dollars for the faithful discharge of his duties as such commissioner and the proper accounting for all moneys received by him as such officer. Each commissioner shall receive a salary of three thousand dollars per year.

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

Approved March 14, 1945.

CHAPTER 265

S. B. No. 45

Introduced by Senator Wog

VACANCIES PUBLIC OFFICE HOW FILLED WHEN
CAUSED BY MILITARY SERVICE

An Act For an Act to amend and re-enact Section 44-0210 of the North Dakota Revised Code of 1943 relating to filling vacancies in public office caused by military service, making it retroactive, validating appointments, and declaring an emergency.

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

AMENDMENT.] That Section 44-0210 of the North Dakota Revised Code of 1943 is hereby amended and re-enacted to read as follows:

§ 1. HOW OFFICE IS FILLED.] When the incumbent of any elective office in this state is unable to discharge the duties of his office by reason of his service in the Army, Navy or Marine Corps of the United States, an Acting Official who shall have the powers of the incumbent shall be appointed in the same manner that an appointment would be made in case of a vacancy in office, the appointment being made from a list of three names which shall be submitted by the incumbent to the appointing body or officer within thirty days after leaving for the service. Provided, however, in the office of State's Attorney the names of practicing attorneys residing in adjoining counties may be included where there are less than three practicing attorneys residing in such county in which the appointment is to be made. Where the incumbent has already entered the Military Service he shall within ten days after the passage and approval of this act file his list of three names with the appointing body or officer. If the incumbent fails to submit his list of names, the appointing body or officer shall make the appointment of the Acting Official without regard to the incumbent's wishes, provided, however, that in the filling of such vacancy in the office of State's Attorney, a practicing attorney from an adjoining county may be named to fill such vacancy where there are less than three practicing attorneys residing in the county where such vacancy is to be filled. Provided, further, the Acting Official shall serve, and his tenure of office shall be terminated immediately upon the incumbent filing a "Notice of His Return" with the Secretary of State in instances where it is a state official, or with the County Auditor when the incumbent is an official of the county or any of its subdivisions.

§ 2. MAKING THIS ACT RETROACTIVE AND VALIDATING APPOINTMENTS.] This act is hereby declared to be retroactive and all appointments to vacancies heretofore made in the manner herein provided are hereby validated.

§ 3. EMERGENCY.] This act is hereby declared to be an emergency measure, and shall be in full force and effect from and after its passage and approval.

Approved February 8, 1945.

PRINTING LAWS

CHAPTER 266

H. B. No. 144

Introduced by Rules Committee

BILLS AND RESOLUTIONS, NUMBER, HOW PRINTED

An Act To amend and re-enact Section 46-0305 of the North Dakota Revised Code of 1943 providing for the printing of bills and resolutions.

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

§ 1. AMENDMENT.] That Section 46-0305 of the North Dakota Revised Code of 1943 is hereby amended and re-enacted to read as follows:

§ 46-0305. BILLS AND RESOLUTIONS; NUMBER; HOW PRINTED.] Five hundred copies of each bill or concurrent resolution introduced in either house of the legislative assembly 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 shall be printed on first class white print paper of the basis of twenty-four by thirty-six inches, weighing thirty-five pounds to the ream, in ten point Roman type, with a single ten point space between lines, the printed pages to be thirty picas wide and fifty picas long. The numbering and the lines in the printed bill shall correspond to the numbering and the lines of the typewritten copy.

If the bill amends a present statute, the portion thereof constituting the amendment or amendments shall be set in italic type and shall be indicated for the guidance of the printer by underscoring in the typewritten copy delivered to him. Any matter contained in the present statute but deleted in the proposed amended statute shall be contained in the printed bill, but shall be set off by bold face brackets from the remainder of the text, and shall also be so indicated in the typewritten copy furnished the printer.

Approved March 13, 1945.